

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

ARTICLE II. ZONING PERMITS AND PROCEDURES

DIVISION 1. ZONING AMENDMENTS

Sec. 34-X.-Zoning amendment procedure

(a) The provisions of this division shall govern the review and approval of zoning amendments. For purposes of this division, the term “zoning amendment” includes, without limitation: petitions seeking to change the zoning district classification of land; petitions seeking amendments or variations of proffered development conditions; petitions to establish or to amend a planned unit development; petitions seeking approval of a special use permit or exceptions to the general regulations of a zoning district; and motions or resolutions initiating zoning text or zoning map amendments.

(b) The zoning administrator shall establish and maintain appropriate application forms for zoning amendments. Upon receipt of an application, the zoning administrator shall within ten (10) business days review the application for completeness. Incomplete applications shall be rejected and shall not proceed for review or decision, and the applicant shall be notified in writing of the rejection and the reasons therefor. Petitions for zoning amendments shall be considered complete, only when they include all of the following:

- (1) A written petition (“application”), on a form provided by the city, signed by all landowner(s) (individually and collectively: “applicant”);
- (2) Verification of the applicant's attendance at a pre-application meeting with a city planner, at which the applicant was provided a list of the application materials, including required supplemental information, required for an application;
- (3) Written certification of compliance with the following provisions:

¹(i) An applicant for a zoning amendment shall make complete disclosure of the equitable ownership (i.e., the real parties in interest) of the real estate to be affected. The applicant shall provide the names and addresses of all of the real parties in interest, including, without limitation: each of the stockholders, officers and directors of a corporate entity (corporations, professional corporations, limited liability companies, professional limited liability companies, etc.). However, the requirement of listing names of stockholders shall not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

Comment [RL1]: Reference definition of “owner” and “landowner”, which [by definition] include agents and contract purchasers.

¹ Va. Code 15.2-2289

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

²(ii) All zoning amendments initiated by petition shall contain a certification as to: (i) whether or not any member of the planning commission, or the member's immediate family, has any personal interest in the land or transaction that is the subject of the application; and (ii) whether or not any member of the city council, or the member's immediate family, has any such interest. A personal interest arises when a financial benefit or liability may accrue to a member of the planning commission or city council, or an immediate family member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, Code of Virginia, § 2.2-3101, and may refer to an interest accruing to a person individually, or as a result of business or professional relationships;

(4) The required application fee, as set forth within the most recent fee schedule adopted by city council;

(5) All of the following:

(i) *Graphics*. Graphic materials illustrating the applicant's plans for development of the land, and providing context in relation to existing patterns of development on adjacent land.

(ii) *Proposed development plan*. For any zoning amendment seeking to amend the zoning district classification of a lot, or seeking approval of a special use permit, if the applicant proposes a specific use or density a preliminary site plan shall be provided with the application materials, see sec. 34-XXX.

(iii) *Proposed proffers to address impacts*, consisting of a written statement of conditions, limitations, restrictions or amenities that the landowner offers as a means of mitigating impacts of a project or enhancing the public benefits of a project. **See Sec. X.**

(6) For each application for a zoning amendment, the NDS Director may require supplemental information to be submitted along with the application. In determining what supplemental information must be submitted, the NDS Director shall consider the proposed use, the proposed density, the proposed zoning district classification, and other considerations the NDS Director determines to be relevant according to sound zoning practices. Required supplemental information may consist of any or all of the following:

(i) *Project proposal narrative*, consisting of a detailed written statement of a specific development proposal, its public need or benefit, and of how the development will satisfy the purpose, intent or objectives of the applicable zoning district classification.

² Va. Code 15.2-2287

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

(ii) *Comprehensive plan analysis*, consisting of a detailed written statement of how a proposed development and/or a proposed zoning district classification may further the objectives of the Land Use chapter of the comprehensive plan, and of how goals of other chapter(s) may be promoted by a specific proposed development.

(iii) *Impacts on public facilities and infrastructure*. A detailed narrative statement detailing the impact of a proposed development on public facilities and infrastructure, including, without limitation: sidewalks and other pedestrian facilities; bicycle, public transit and motor vehicle transportation facilities; storm sewers; existing platted rights-of-way which have not previously been improved or accepted by the city for maintenance, etc.

(iv) *Maps*. One or more maps or other graphic representations, showing the proposed development in context of the surrounding neighborhood(s); existing natural and man-made conditions and existing topography. If the proposal is to amend an existing planned unit development district, and the proposed amendment would affect less area than the entire district, the applicant shall submit a map showing the entire existing PUD and identifying any area to be added to or deleted from the district, or identifying the area to which the amended PUD plan or any amended proffers, would apply. If an application seeks a special use permit, and the land area proposed to be subject to the special use permit is less than an entire lot (or less than an entire PUD, if applicable) a map shall be provided delineating the the specific land area proposed to be subject to the special use permit, along with a legal description of the boundaries of such area.

(v) *Impacts on environmental features*. A narrative of environmental features of the land that would be affected by a proposed development, including, without limitation: trees, existing pervious surfaces, steep slopes, streams, etc. Photographs shall be provided of features described in the narrative.

(vi) *Other information*, including, without limitation, special studies or documentation, identified by the NDS Director as being necessary for a full and complete review of a proposed zoning amendment, consistent with good zoning practice.

(c) Following receipt of a complete application for a zoning amendment:

(1) Either the city council or the NDS Director may request work sessions or other public presentations to be scheduled before the city council, the planning commission, the board of architectural review (if land is within an historic district), or other public bodies, as the NDS Director determines to be appropriate, taking into consideration the nature of the approval requested, the acreage affected, potential impacts of an approved application, applicable legal requirements, and any other factors consistent with good zoning practices. The purpose of a work session or other public presentation is to allow an applicant to present a proposed project, to allow NDS to present a preliminary scoping of major issues, to seek directions as

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

to the board's or commission's expectations in addressing those issues, and to allow the board or commission to receive public comments. The applicant's consent to a work session is required, if the work session would extend the time for action by the board or commission beyond applicable deadlines established by law.

- (2) The applicant shall hold a community meeting for the application. The purposes of a community meeting are to provide citizens an opportunity to receive information about a proposed project, about applicable zoning processes and procedures, about applicable policies of the comprehensive plan and city ordinances or regulations that may apply to the project, and to give citizens an opportunity to ask questions about the project. The NDS Director is authorized to establish written guidelines pertaining to which applications should have community meetings, when in the process such meetings should be conducted, the manner in which the meeting should be conducted, and how (and to whom) notice of the community meeting should be given. The applicant's consent to a community meeting is required, if the community meeting cannot, due to no fault of the applicant, be scheduled in sufficient time to allow action by the board or planning commission within applicable deadlines established by law. The NDS Director may waive the requirement for a community meeting, in accordance with the approved zoning regulations for community meetings, upon a determination that the meeting is not likely to achieve the public purposes intended to be served, after consideration of the following: (i) the nature of the approval requested, the acreage affected, the proposed density, the proposed scale, and potential impacts, (ii) any other factors deemed relevant upon applying sound zoning principles, (iii) whether other public work sessions or meetings have already been held regarding the application, so as to make a community meeting unreasonably duplicative.
- (3) Unless otherwise directed by city council, upon the NDS Director's receipt of proof by the applicant that a community meeting has been held in accordance with applicable policies and procedures, the NDS Director is authorized to refer the matter to the planning commission for public hearing and review in accordance with Va. Code §15.2-2285, by written notice given to the planning commission chair.

Sec. 34-X. Proffered development conditions

(a) All proffered development conditions ("proffers") must be submitted in a written format, which may include narrative written statements, development plans containing schematic representations of land and/or building profiles and elevations, or other documents depicting, describing, or otherwise pertaining to a proposed development. The NDS Director may establish specific forms for use by persons who wish to submit proffered development conditions, if such forms are approved in advance by the city attorney.

(b) During a joint public hearing, proffers may be modified by a petitioner, orally or in writing, if they do not materially affect the overall proposal; however, where proffers are substantially modified by a petitioner at the public hearing, consideration of the petition shall be continued by the planning

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

commission to allow for review by neighborhood development services and other city departments, and to allow an opportunity for public comment on such modifications.

(c) If the planning commission takes final action on a zoning petition that includes proffered conditions, then the NDS Director shall transmit the proffers that were acted upon by the commission to city council for consideration along with the other components of the petition.

(d) Once accepted as part of a zoning amendment, proffers shall constitute zoning regulations in addition to the regulations provided for the applicable zoning district, and such proffers shall continue in effect as provided within Virginia Code Sec. 15.2-2303.

(e) A landowner may petition city council for amendments to or variations of proffers, in accordance with Virginia Code sec. 15.2-2302.

(f) Upon adoption, the existence of proffers shall be noted by an appropriate symbol on the city's zoning map, and the zoning administrator shall comply with the record-keeping requirements of Virginia Code Sec. 15.2-2300. ³ The zoning administrator shall keep and make available for public inspection a conditional zoning index, in accordance with Va. Code §15.2-2300. The zoning administrator shall have all necessary authority on behalf of city council to administer and enforce proffered development conditions, consistent with Virginia Code Sec. 15.2-2299.

(g) So long as any proffers remain in effect no city employee or official shall grant any permit or approval, except in accordance with all proffers applicable to the land and improvements which are the subject of the requested permit or approval.

(h) Nothing in this section shall be construed to affect or impair the authority of city council to:

- (1) Accept proffers which include provisions for timing or phasing of dedications, payments or improvements, consistent with Virginia Code §§ 15.2-2303.1:1 through 15.2-2303.4; or
- (2) Accept or impose reasonable conditions when granting any special exception.

Sec. 34-X.-Special Use Permits

(a) Whenever this chapter specifies that the use or development of any land is allowed with a special use permit, the city council may, by resolution, approve such permit. City council may condition the approval of a special use permit upon compliance with suitable regulations and safeguards, which shall be set forth within the resolution. As part of its approval of a special use permit, city council may expand, modify, reduce or otherwise grant variations or exceptions to zoning regulations establishing: building stepbacks, building setbacks, residential density requirements, or parking standards. Any such regulations, safeguards, variations or exceptions shall be set forth within the resolution approving the special use permit.

³ Va. Code 15.2-2300

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

(b) The procedure for filing and consideration of a petition for approval of a special use permit, or a petition seeking amendment of a special use permit, shall be the same as that required by section 34-X for an owner-initiated petition for a zoning amendment.

- (1) A landowner may petition for a special use permit, by submitting an application form to the City, along with the required application fee and all required application materials, or
- (2) In order to avoid producing undue hardship on a landowner, the planning commission or city council may, by motion or resolution, respectively, initiate a special use permit application when all of the following conditions are met:
 - a. The hardship is not a result of actions of the present or any past landowner in violation of any zoning ordinance;
 - b. The proposed use was established prior to adoption of the current zoning ordinance and was in conformity with the immediately preceding zoning ordinance; and
 - c. The proposed use is allowed pursuant to a special use permit within the current zoning district.

When a special use permit is initiated by the planning commission or city council, the petition and application requirements set forth in sec. 34-X, and in paragraph (c), following below, shall not apply.

(c) *Required application materials*—each application for a special use permit shall be accompanied by the following:

- (1) Information and materials required by Sec. 34-X (X) and (X)
 - (2) A preliminary site plan, if the application seeks approval of a specific density or land use;
 - (3) When a proposed use or development will involve a change in the size, height, area, bulk or location of an existing building, or the construction of one (1) or more new buildings, the application shall include a building massing diagram and architectural elevations;
 - (4) Information and data identifying how many, if any, existing dwelling units on the development site meet the city's definition of an "affordable dwelling unit" and whether any such existing units, or equivalent affordable units, will remain following the development; and
 - (5) Information and data addressing the factors referenced in paragraph (d), following below.
- (d) The NDS Director shall review every proposed special use permit and shall provide written analysis and recommendations to the planning commission and city council. Analysis and recommendations provided by the NDS Director shall address the following factors:

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

- (1) Whether the proposed use or development is consistent with the comprehensive plan;
- (2) Whether the proposed use or development is consistent with the purposes of the specific zoning district in which it will be placed;
- (3) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;
- (4) Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:
 - a. Traffic or parking congestion;
 - b. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
 - c. Displacement of existing residents or businesses;
 - d. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
 - e. Undue density of population or intensity of use in relation to the existing or future expected capacity of transportation, water, sewer, schools or other public services or facilities;
 - f. Reduction in the number of existing housing units within the neighborhood;
 - g. Impact upon conservation or historic districts—each special use permit application shall be referred to the BAR or ERB, as may be applicable, to give such board(s) the opportunity to identify potential impacts of a proposed use or development; if potential adverse impacts are articulated, the board may recommend reasonable conditions which, if imposed, would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council;
 - i. Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and,
 - j. Massing and scale of project;
 - k. The advisability or effect of modifications or exceptions authorized by Sec. 34-X

(5) Whether the preliminary site plan has received the NDS Director's tentative approval in accordance with Virginia Code sec. 15.2-2260 and if not, a written list of the corrections or

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

modifications that will allow tentative approval to be granted; any such approval shall expressly be contingent upon city council's approval of the zoning amendment or SUP.

(e) The planning commission shall review and make recommendations to city council in the same manner as provided within **Section 34-X** for an owner-initiated petition for a zoning amendment. The city council shall act upon a preliminary site plan submitted with a special use permit in accordance with the provisions of Virginia Code 15.2-2259.

(f) In considering a proposed special use permit, the city council may consider the analysis and recommendation(s) of the NDS Director and the recommendation(s) of the planning commission, and city council may consider any other matters it deems relevant.

DIVISION 2. EXCEPTIONS, VARIANCES

Sec. 34-X. –Generally

⁴(a) **SUPs**—as part of its approval of a special use permit (SUP), city council may approve exceptions or variations to the general regulations of a zoning district, **see sec. 34-XXX(a)**. The resolution adopted by city council to grant any special use permit shall set forth any variations or exceptions which have been approved.

(b) **PUDs**—as part of its approval of a planned unit development (PUD), city council may modify parking or landscaping standards set forth within Article **X**.

⁵(c) **Critical slopes waivers**—a landowner may request city council to modify or waive the critical slopes requirements of **Sec. X**. Any such request shall be presented in writing and shall address how the proposed modification or waiver will satisfy the provisions of this section. All modification or waiver requests shall be submitted to NDS, to be reviewed by the planning commission prior to action by city council. Critical slope waiver requests pertaining to a land use or development requiring an SUP or PUD approval shall be submitted and acted upon as part of the SUP or PUD application process.

- (1) The NDS Director shall post on the city website notice of the date, time and place that a request for a modification or waiver of the requirements of these critical slopes provisions will be reviewed and cause written notice to be sent to the applicant or his agent and the owner or agent for the owner of each property located within five hundred (500) feet of the property subject to the waiver. Notice sent by first class mail to the last known address of such owner or agent as shown on the current real estate tax assessment books, postmarked not less than five (5) days before the meeting, shall be deemed adequate. A representative of NDS shall make affidavit that such mailing

⁴ Currently 34-162

⁵ Currently 34-1120

Comment [CM2]: This seems to be close to repeating paragraph (a) at the bottom of page 5

Comment [CM3]: Not sure if the spelled out and abbreviation are in the same location in the text yet.

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

has been made and file the affidavit with the papers related to the site plan application.

- (2) In considering a requested modification or waiver the planning commission shall consider the recommendation of the NDS Director. The NDS Director, in formulating a recommendation, shall consult with the city engineer, the city's environmental manager, and other appropriate city officials. The NDS Director shall provide the planning commission with an evaluation of the proposed modification or waiver that considers the potential for soil erosion, sedimentation and water pollution in accordance with current provisions of the Commonwealth of Virginia Erosion and Sediment Control Handbook and the Virginia State Water Control Board best management practices, and, where applicable, the provisions of [Chapter 10](#) of the City Code. The NDS Director may also consider other negative impacts of disturbance as defined in these critical slope provisions.
- (3) The planning commission shall make a recommendation to city council in accordance with the criteria set forth in this section, and city council may thereafter grant a modification or waiver upon making one of the following findings:
 - (i) That the public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope; or
 - (ii) Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.
- (4) No modification or waiver granted shall be detrimental to the public health, safety or welfare, detrimental to the orderly development of the area or adjacent properties, or contrary to sound engineering practices.
- (5) In granting a modification or waiver, city council may allow the disturbance of a portion of the slope, but may determine that there are some features or areas that cannot be disturbed, for example (and without limitation): large stands of trees, rock outcroppings, slopes greater than 60%.
- (6) City council shall consider the potential negative impacts of the disturbance and regrading of critical slopes, and of resulting new slopes and/or retaining walls. City council may impose conditions as it deems necessary to protect the public health, safety or welfare and to insure that development will be consistent with the purpose and intent of these critical slopes provisions. Conditions shall clearly specify the

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

negative impacts that they will mitigate. Conditions may include, but are not limited to:

- (i) Compliance with the "Low Impact Development Standards" found in the City Standards and Design Manual.
- (ii) A limitation on retaining wall height, length, or use;
- (iii) Replacement of trees removed at up to three-to-one ratio;
- (iv) Habitat redevelopment;
- (v) An increase in storm water detention of up to 10% greater than that required by city development standards;
- (vi) Detailed site engineering plans to achieve increased slope stability, ground water recharge, and/or decrease in stormwater surface flow velocity;
- (vii) Limitation of the period of construction disturbance to a specific number of consecutive days;
- (viii) Requirement that reseeding occur in a specified number of days.

Sec. 34-X. – Variances by board of zoning appeals

(a) The city's board of zoning appeals (BZA) may, upon application, authorize a deviation from the provisions of zoning district regulations specifying requirements for (i) the shape, size, or area of a lot or parcel of land, or (ii) the size, height, area, bulk, or location of a building or structure. Such applications shall be reviewed and acted upon by the BZA in accordance with Virginia Code Sec. 15.2-2309(2) and 15.2-2310.

(b) The BZA may, upon application, authorize a variance from the regulations of the flood hazard protection overlay district, Article X, Sec. X of this chapter. All such applications shall be reviewed and acted upon by the BZA in accordance with Virginia Code Sec. 15.2-2309(6).

Sec. 34-X. – Modification of certain yard requirements, by zoning administrator

⁶(a) Upon application by a landowner, the zoning administrator may grant a modification of any provision(s) within a zoning district specifying required yards/ building setbacks, if the zoning administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.

Comment [CM4]: This section and a number below switch to the term zoning administrator. Realizing that the terms are interchangeable, just wondering if there is a legal reason for the change?

⁶ See, e.g., current City Code 34-1145(a); Va. Code 15.2-2286(A)(4)

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

⁷(b) Prior to the granting of a modification pursuant to paragraph (a), the zoning administrator shall give, or require the landowner to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the landowner and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The zoning administrator's written decision may be appealed to the board of zoning appeals in accordance with Virginia Code §15.2-2311.

DIVISION 3. ZONING PERMITS AND APPROVALS

Sec. 34-X. – Certificates of appropriateness

(a) A certificate of appropriateness is required for the following:

- (1) For a protected property, listed in Sec. 34-X, when a landowner proposes (i) to construct, reconstruct, alter or restore any building or structure, or (ii) demolition of a protected property, see article X, sec. X;
- (2) For land within a major design control district, identified in Sec. 34-X, when a landowner proposes (i) to construct, reconstruct, alter or restore any building or structure, or (ii) to demolish a contributing structure, see article X, sec. X;
- (3) For land within an historic conservation district, identified in Sec. 34-X, when a landowner proposes to (i) construct a building, or structure, or an addition to such building or structure, or (ii) demolish, raze or remove a contributing structure, see article X, sec. X; and
- (4) For land within an entrance corridor district, identified in Sec. 34-X, when a landowner proposes to construct or install certain buildings or structures, or architectural features, see article X, sec. X; and

(b) Applications seeking approval of a certificate of appropriateness shall be reviewed and acted upon by city council or its designated review board, in accordance with article X.

(c) Application and submission requirements for certificates of appropriateness are set forth within article X.

State law reference: Virginia Code § 15.2-2306 (preservation of historical sites and architectural areas)

Sec. 34-X. – Provisional use permits

(a) Certain uses are allowed by this chapter, as set forth within the use regulations for each zoning district, subject to verification of compliance with regulations designed to mitigate impacts reasonably to be anticipated from such uses ("provisional uses").

⁷ Va. Code 15.2-2286(A)(4)

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

(b) The zoning administrator may, upon application, issue a zoning permit to authorize a permitted provisional use, at a location permitted by this chapter. No provisional use shall be established or operated prior to issuance of the required zoning permit.

(c) Prior to issuance of a provisional use permit, the zoning administrator shall verify that the proposed use complies with applicable provisions of **article X**. The zoning administrator shall have no authority to vary, modify, or waive any of the provisions of **X**. The zoning administrator may waive application submission requirements, but only to the extent such requirements do not apply in a given situation.

(d) An application for a provisional use permit may be made by a landowner, or by a tenant or contract purchaser with the written consent of the landowner. The application shall be filed with the zoning administrator on forms provided by the city. All information required by the forms shall be supplied, and no application shall be deemed filed until all such information has been received.

(e) The zoning administrator shall approve or disapprove an application for a provisional use permit within forty-five (45) days of filing. Approval of a provisional use permit shall be conditioned upon the applicant's consent to inspections by the zoning administrator to determine compliance with applicable requirements of this chapter, and a right of entry for such purpose.

(f) A provisional use permit may be revoked by the zoning administrator at any time, due to the failure of the permittee to comply with any applicable provision of this chapter. Such revocation shall be made in writing.

(g) A provisional use permit shall automatically expire, without any action by the zoning administrator, if the use authorized therein:

- (1) Has been abandoned;
- (2) Has ceased for a period of twelve (12) months; or
- (3) Has not commenced within twelve (12) months of approval.

Sec. 34-X. – Temporary use permits

(a) Certain uses of land are transient in nature, but may be both desirable and reasonably necessary to be accommodated.

(b) The zoning administrator may issue a zoning permit to allow the temporary use of land, buildings or structures, after determining that such temporary use is compatible with the established uses on adjacent land.

(c) Certain temporary uses are subject to regulations designed to protect the general welfare or convenience of the public from impacts reasonably to be anticipated from such uses. See **Sec. X**. The

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

zoning administrator shall have no authority to vary, modify, or waive any of the regulations prescribed within **Sec. X**.

(d) An application for a temporary use permit may be made by a landowner, or by a tenant **with the** written consent of the landowner. The application shall be filed with the zoning administrator on forms provided by the city, and shall be accompanied by a drawing showing the location of all activities, signs, structures, outdoor furniture, parking, equipment and lighting to be utilized for or in connection with the proposed use. All information required by this paragraph and the city's application forms shall be supplied, and no application shall be deemed filed until all such information has been received.

Comment [CM5]: Or contract purchaser as noted in (d) above?

(e) The zoning administrator may require a bond or other suitable guarantee sufficient: (i) to ensure that signs, trash, temporary structures and debris will be removed from the site and from the immediate vicinity of the site; (ii) that the activity will not remain for longer than a temporary period; and (iii) to ensure compliance with applicable provisions of city ordinances. Such bond or guarantee shall be not less than one hundred dollars (\$100.00) nor more than one hundred thousand dollars (\$100,000.00), depending on the nature and extent of the proposed use.

- (1) The bond or other guarantee shall be forfeited to the city if the site is not adequately cleared of all trash, debris, signs and temporary structures.
- (2) The bond or guarantee shall be forfeited to the city if the activity remains on the site after expiration of the permit.
- (3) The bond shall be forfeited to the city if violations of any applicable city ordinances are established.
- (f) Not more than five (5) temporary use permits shall be issued for the same lot in any calendar year. No permit shall be granted for any temporary use, unless and until at least twenty-one (21) days have elapsed since the expiration of any previously-issued temporary use permit.
- (g) No lot shall be used for more than one temporary use, at any given time.
- (h) Erection, use and occupancy of buildings and structures shall be in compliance with all applicable building code regulations. All activities that are part of any temporary use, and all structures, signs, tables, goods and other features appurtenant to the activities of a temporary use, must be set back at least twenty (20) feet from all adjacent rights-of-way. All activities that are part of any temporary use shall be conducted in compliance with (i) the standards set forth within Sec. X, as applicable; and (ii) the requirements of applicable city ordinances, permits and approvals, including, without limitation: permits required by the USBC, peddler's licenses, sign permits, BAR certificates of appropriateness, etc.

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

DIVISION X. –ZONING VERIFICATIONS

Sec. 34-X. Generally

(a) No land shall be used; no tree having a caliper of 15 inches or more shall be removed from any land; no building or structure shall be erected, constructed, reconstructed, altered, used, demolished or removed; and no other construction shall be commenced, unless and until the zoning administrator verifies that such activity will comply with applicable provisions of this chapter.

(b) Neither the building code official, the VESCP administrator, the VSMP administrator, the zoning administrator, nor any other administrative officer of the city shall grant any permit or other approval allowing the erection, construction, reconstruction, alteration, occupancy, demolition or other removal of any building, structure, or improvement, or authorizing any land disturbing activity, unless and until such officer has verified that the requirements of this chapter have been satisfied.

Sec. 34-X. Zoning verification procedure

(a) In addition to any information or materials submitted to a city as part of an application for a permit or approval referenced in sec. 34-X(b), above, a landowner shall, upon request, provide information, documents and/or materials as may be necessary for the zoning administrator to verify that the subdivision and development of land, and the buildings, structures and land uses for which the permit or approval is sought comply with this chapter. Such additional information, documents and/or materials may include, without limitation:

- (1) A valid final site plan;
- (2) A valid certificate of appropriateness;
- (3) Copies of recorded subdivision plats and utility easements;
- (4) Demolition plans;
- (5) Utility plans; plans for construction of streets, sidewalks or other required public facilities;
- (6) Floor plans showing the gross floor area proposed to be occupied by proposed use(s); floor plans showing the number of bedrooms within a building; floor plans or other plans showing the number, location and configuration of entrances and exits to and from a building; plumbing layout plans, depicting the number and location(s) of sinks and toilets within a building;
- (7) Scaled drawings, certified by an architect or engineer, illustrating: the size, height, area, and bulk of the proposed building(s) and structure(s); the area(s) and dimensions of land, water and air space to be occupied by buildings, structures and uses, and of open spaces to be left unoccupied by uses and structures;

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

- (8) Parking layout and surface parking pavement plans;
 - (9) Other information, documents or materials reasonably necessary to establish how the following will be satisfied: this chapter; requirements of City Code chapters 10 (water protection), 12 (fire prevention), and 31 (utilities); specifications and standards set forth within the Standards and Design Manual referenced in sec. X.; and applicable provisions of Virginia Code, title 15.2, chapter 22.
- (b) Upon request, the zoning administrator will meet with a landowner, prior to submission of an application or request referenced in paragraph (a) of this section, to establish the information and materials that will be necessary to obtain a zoning verification for a specific proposed use or activity; thereafter, the zoning administrator may request a landowner to provide supplemental information and materials, as necessary to obtain all facts necessary for a proper zoning verification.
- (c) In the event that the zoning administrator determines that a proposed building, structure, improvement or use of land does not meet applicable requirements of this chapter, the zoning administrator will notify the landowner in writing of the reasons for such determination, with reference to specific provisions of this chapter. The landowner or other person(s) authorized by Virginia Code Sec. 15.2-2311(A) may appeal the determination to the board of zoning appeals. Appeals shall be filed and decided in accordance with Virginia Code Sec. 15.2-2309(1), 15.2-2311 and 15.2-2312.

DIVISION X. - SITE PLANS

Sec. 34-X. –Site plans, when required

- (a) A site plan shall be required for the following developments:
- (1) Land to be developed to contain three or more residential dwelling units;
 - (2) Land to be developed to be used for any business or industrial purpose, or to be used for any purpose other than residential occupancy; and
 - (3) Land to be developed to contain or be used for any combination of dwelling units and uses referenced in (1) or (2), above.
- (b) A site plan shall not be required for the following activities:
- (1) Construction of buildings or structures on a lot, to be used accessory to the residential occupancy of a single- or two-family dwelling on the same lot, subject to zoning verification pursuant to division X, above;
 - (2) Alteration, repair, or improvement of the interior of an existing building or structure in order to accommodate a change in use, if a zoning verification establishes that the zoning requirements applicable to the new use do not require changes to any portion of the site

Comment [RL6]: The terms "Site plan" and "development" are specifically defined in Va. Code 15.2-2201

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

outside such building or structure (e.g., ingress/egress to the site; surface parking space(s); layout of new utilities/ relocation of existing utilities; landscaping; open space; etc.).

Sec. 34-X. –Preliminary site plans

(a) A preliminary site plan shall be submitted to the City for approval as part of any application for a rezoning or special use permit that proposes a specific use or density.

(b) A preliminary site plan for a specific development may be submitted to the City's agent for approval pursuant to Virginia Code sec. 15.2-2260, for a development for which there is no prior significant affirmative governmental approval that remains in effect⁸ authorizing that specific development.

(c) Applications seeking approval of a preliminary site plan shall be submitted on forms provided by the NDS Director, along with the required application fee. An application shall be deemed officially submitted on the date when all required application materials have been received.

(d) A preliminary site plan shall present a schematic design layout for a specific development, with information and details sufficient to establish how applicable requirements of this chapter will be satisfied and which, at a minimum, shall include:

(i) a boundary survey plat showing the boundaries of all lots included as part of the development site, and a physical survey identifying the location of: existing buildings and structures, existing trees having a caliper of 8 inches or more, and delineating the specific location of any stream buffer required by chapter 10 of the city code;

(ii) a layout of proposed streets, illustrating how streets and sidewalks within and contiguous to the subdivision or other development will be coordinated with other existing or planned streets and sidewalks within the general area, as to location, widths, grades and drainage; the street layout shall also include a description of the character and extent of new streets and sidewalks, and shall indicate the general or approximate location(s) of bicycle and pedestrian paths and trails to be provided;

(iii) a stormwater "layout", as that term is defined within the Virginia Administrative Code, at 9VAC25-870-10;

(iv) the general location, character and extent of any parks and other public area(s), common area(s), and any public buildings or structures to be provided;

⁸ I.e., if City Council previously approved a PUD (which requires a specific plan of development and/or proffers) or an SUP, then the landowner has already received a significant affirmative governmental act, per Va. Code §15.2-2307, and there's no need for a PSP to protect against subsequent changes in the zoning ordinance. However, PSPs do have significant value to landowners who wish to pursue by-right developments, as the PSP approval is, itself, listed in 15.2-2307 as a "significant affirmative governmental act," and for those by-right developments, there would exist no prior affirmative governmental approval.

Comment [RL7]: The ZO currently has several conflicting provisions specifying the caliper of trees: 8 inches gets referenced slightly more times than other calipers....

Site plans are required for removal of 15-inch trees (34-802(a)); PSPs are to show 6-inch trees (34-827(d)(5)); PUD Plans are supposed to show 8-inch trees (34-517(a)(3)(h.)); developers are supposed to preserve 8 inch trees (34-866(a)); developers receive credit for 8-inch trees, against required landscaping/ screening (34-867(4)); tree canopy bonus is offered for 8-inch trees (34-869(c));

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

(v) a utility layout (public water, sewer and gas facilities) showing location and size of existing water, sanitary sewer and municipal storm sewer facilities and easements, as well as the layout for proposed new utility facilities and easements;

(vi) topographical survey, shown at intervals of five (5) feet or less, and labeled to identify: all slopes in excess of 25% and all rivers, streams and other bodies of water;

(vii) a lot layout, depicting the general or approximate boundaries of new lot(s) to be created, the minimum and maximum total number of new lots to be created, and information as to the minimum and maximum area of proposed new lots;

(viii) an inventory setting forth the tax map parcel number, street address, zoning district classification, and existing use(s) of all lots within 500 feet of the outer boundary (perimeter) of the development site;

(ix) a delineation of sections, in cases where construction of required public facilities is proposed to be performed in phases;

(x) a list of the various proposed land use(s), and identification of the general or approximate location(s) of such uses, a list of each of the building type(s) included within the development, and specification of the minimum and maximum height for each building type; and

(xi) Written statement from the director of the city's Public Works Utilities Division stating either (a) that adequate water and sewer infrastructure capacity exists for the proposed land use(s), or (b) the limit of available capacity in relation to the proposed land use(s); and a written statement from the fire marshal stating either (a) that adequate fire flow service exists for the proposed land use(s), or (b) the limit of available capacity in relation to the proposed land use(s).

(xii) a landscape layout, indicating: the general nature and function of landscaping to be used within the development site; a list of the screening/ buffering treatments proposed between proposed land uses and the various uses/zoning district classifications of adjacent property; an inventory of existing trees of eight-inch caliper or greater; and a plan for preserving, protecting, utilizing or incorporating existing trees of eight-inch caliper or greater into the design and function of the development.

(d) A preliminary site plan may be prepared by a land planner, an architect, a landscape architect or an engineer.

(e) The City's site plan agent shall act upon a proposed preliminary site plan in accordance with the provisions of Virginia Code § 15.2-2260. A preliminary site plan approval shall be and remain valid for the time period specified within Virginia Code §15.2-2260, and may be revoked by the City's site

Comment [RL8]: Authorized by Va. Code 15.2-2262

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

plan agent in accordance with the provisions of Virginia Code § 15.2-2260(F). Appeals from a decision of the city's site plan agent may be taken pursuant to Virginia Code § 15.2-2260(D) or (E).

(f) Approval of a preliminary site plan is a tentative (preliminary) approval of a site design, layout and land uses proposed for a specific development; neither the approval nor the deemed approval of any matter(s) depicted within a preliminary site plan shall be considered, treated or deemed as an approval of any building, structure, land use, activity, condition or other matter that would violate a city ordinance or standard, any mandatory engineering or safety requirement, or any state or federal law or regulation.

Sec. 34-8XX. - Administration.

(a) The city council hereby designates the planning commission and the NDS Director as its agents for approval of site plans and preliminary site plans submitted to the city for approval (each, individually, "site plan agent"). Each site plan agent shall have the duties and authority set forth within this article.

(b) The planning commission shall be the agent for approval of the following:

- (1) Preliminary site plans for major subdivisions (by right): approved or proposed planned unit developments;
- (2) Amendment of previously-approved final site plans for: major subdivisions, a PUDs, and a development for which a specific land use or density has been authorized by an SUP; Site plans for uses that are the subject of any approved or proposed special use permit;
- (3) Site plans referred to the planning commission by the NDS Director;
- ~~(4) Other site plans, upon request of any two (2) members of the planning commission;~~
- ~~(4 5)~~ Site plans proposing to disturb any critical slope, when the applicant requests a variation or exception pursuant to sec. X, except when the variation or exception is part of an application for a zoning amendment or SUP.

As part of its review and action on a proposed site plan, the planning commission may vary or allow exceptions to the provisions of sec. X, in cases of unusual situations or when strict adherence to the general regulations of Sec. X would result in substantial injustice or hardship.

(c) With the exception of the preliminary site plans and site plans listed in (b)(1)-(5), above, the NDS Director shall be responsible for approval of site plans. The NDS Director shall have the following duties and authority:

Comment [RL9]: For these, it is proposed that the site plan submitted with the rezoning/SUP petition serve as the approved PSP. Both the PC and Council will view/ review the proposed PSP during the zoning approval process.

This will eliminate an unnecessarily duplicative step that currently follows rezoning/SUP approval

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

- (1) To establish forms and procedures necessary for the proper administration of this article;
- (2) To interpret the provisions of this article relative to a specific development or subdivision;
- (3) To make written delegation(s) of his or her duties and authority to one or more city employee(s) under his or her supervision; thereafter, any action taken by such employee shall be deemed an action of the NDS Director himself or herself;
- (4) To act on a proposed site plan, as authorized by paragraph (d), below, or to refer any such site plan to the planning commission for action, at the request of an applicant or in other circumstances, at the NDS Director's discretion;
- (5) To enter upon the land within a development or subdivision during construction of public facilities and other facilities required to be installed for or in connection with the development or subdivision, from time to time, for inspection of such facilities, until construction of such facilities has been completed;
- (6) To make periodic partial and final release of any bond, escrow, letter of credit or other performance guarantee required by this chapter, in accordance with the provisions of Virginia Code 15.2-2245.
- (7) To act upon requested extensions of final site plan approvals, in accordance with Virginia Code § 15.2-2261.
- (8) To revoke preliminary site plan approvals, in accordance with Virginia Code § 15.2-2260(F).

The NDS Director may not vary or allow exceptions to the general regulations of **sec. X (Improvements Required for Developments)**. If an application seeking approval of a site plan includes a request for any such variation or exception, the application it shall be referred to the planning commission for review and action.

(d) Applications seeking approval of a site plan shall be submitted on forms provided by the NDS Director, along with the required application fee. An application shall be deemed officially submitted on the date when all required application materials have been received.

(e) The city's site plan agent shall act on a proposed site plan in accordance with the process and time periods specified within Virginia Code § 15.2-2259. The calculation of the period of review shall include only the time that plans are actually under review by the city's site plan agent and shall not include such time(s) as may be required for the applicant to complete revisions or modifications in order to comply with lawful requirements set forth in applicable ordinances and regulations.

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

(g) Appeals from a final decision of the site plan agent may be filed with the Charlottesville circuit court in accordance with the provisions of Virginia Code § 15.2-2259(C) or (D).

State law reference—Va. Code §§ 15.2-2255, 15.2-2259

Sec. 34-804. – Mandatory pre-application conference.

(a) No application seeking approval of a site plan for land proposed to be developed for any commercial or industrial purpose, or to contain six (6) or more dwelling units, shall be accepted for review, unless and until the applicant has participated in a pre-application conference and has held a community meeting in accordance with guidelines established by the NDS Director in accordance with section 34-X. Any application that fails to demonstrate compliance with these requirements shall be rejected as incomplete. The NDS Director may waive the requirement for a community meeting, if a community meeting was previously held for the same development at the time of city council's consideration of an application for approval of a special use permit or a rezoning.

(b) The purpose of a pre-application conference is to discuss a site plan, its contents, and the various city requirements pertaining to zoning, erosion and sedimentation control, building code regulations, and to consider features of a proposed development site. At a pre-application conference, or promptly thereafter, the NDS Director will verify what information and application materials must be included to satisfy the requirements of sec. 34-XX and 34-XX. As part of the pre-application conference the applicant shall confer with the NDS Director to determine if the site plan should include provision for the reservation and/or dedication of suitable areas for parks, open space and other public facilities, utilities and uses as recommended in the comprehensive plan. The applicant shall also confer with the NDS director and/or other appropriate public officials of the city, to ascertain if, and when, and in what manner, any such areas should be reserved for acquisition by the city. Nothing in this provision shall be construed to preclude the dedication of land or any interest therein for a public use or facility that is not included in the comprehensive plan, provided such land or interest is acceptable to the city and the public use or facility has been reviewed in accordance with Virginia Code §15.2-2232.

Sec. 34-X. Site plan details

⁹(a) Each site plan shall set forth the specific proposal for a development or subdivision, including all covenants, grants or easements and other conditions relating to the use, location and bulk of buildings, density of development, common open space, public facilities and such other information as may be required by the city's subdivision ordinance.

(b) A landowner shall include within its site plan sufficient information to demonstrate how the requirements of the following will be achieved (as applicable):

⁹ Va. Code 15.2-2201 (definition of site plan)

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

- (1) This chapter 34 (Zoning);
 - (2) The provisions of Virginia Code, title 15.2, chapter 22;
 - (3) Chapters 10 (Water protection), 12 (Fire Prevention Code), 29 (Subdivisions) and 31 (Utilities) of the Charlottesville City Code; and
 - (4) Engineering and safety requirements set forth within the City of Charlottesville's Standards and Design Manual; and
 - (5) Other applicable laws, ordinances, regulations or policies;
- (c) At minimum, each final site plan shall include the information and details specified in **Table X**, below. The NDS Director may determine that specific item(s) of information do not apply with respect to a particular application.

Table X: Minimum final site plan details

Comment [RL10]: Reference the current provisions of ZO Sections 34-827 and 34-828.

Information:	Reference code provisions:
(a) Application form and required application fee(s)	34-X
(b) Written requests for exceptions, waivers or variations	34-X
(c) Cover sheet—containing only: name of person(s) who prepared the site plan; signature and seal of person(s) who prepared the site plan; date of original submission, and of each revision; name of proposed development or subdivision; vicinity map; table of contents;	
(d) Ten (10) clearly legible blue or black line copies; copies no larger than thirty-six (36) inches by forty-two (42) inches in size	
(e) Numbered Plan sheets (each sheet shall contain a sheet number and reference the total number of sheets); match lines, indicating places where sheets join; engineering scale (1:20 unless otherwise specified by director); north point; one (1) datum reference for elevation (where a flood hazard overlay district is involved, U.S. Geological Survey vertical datum shall be shown and/or correlated to plan topography); legend showing all symbols and abbreviations used on the plan sheet; notes specific to matters depicted on each plan sheet;	
(f) Location of any grave, and of any object or structure marking a place of burial	Va. Code §15.2-2258
(g) Existing Lot information--for each existing lot within the proposed development or subdivision: name(s) of all landowner(s); tax map and parcel number; zoning district classification(s); boundary survey and source of survey data;	

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

departing lot lines; area (given by square feet and by acreage)	
(h) Adjacent Lots—for each lot adjacent to the proposed development or subdivision: name(s) of all landowner(s); tax map and parcel number; zoning district classification(s); existing use(s); building setback(s);	
(i) New Lots or any New Street(s): plat showing boundaries of lots and public rights-of-way, based on current land survey data	
(j) Existing buildings, structures and improvements: location and dimensions, established by physical survey of existing buildings and structures; building setbacks; location and dimensions of existing telecommunications facilities;	
(k) Demolition plan for removal of specified buildings, structures and improvements	
(l)	
(m) Proposed buildings, structures and improvements: required building site(s); building setbacks; required yards; building separations; floodproofing of buildings and structures; parking area(s); driveways; maximum height of each building and structure, in relation to the finished grade of adjacent public sidewalks; layout showing location and maximum area of pavement and other impervious surfaces (square feet and acreage); paving material(s) and types; fences; walls; trash containers; outdoor lighting; recreational facilities; location and dimension of exterior mechanical equipment and equipment shelters to be used for or in connection with a proposed building or structure;	<p>Sec. 34-X (building site) Sec. 34-X (driveways) Sec. 34-X (parking locations) Sec. 34-X (paving materials) Sec. 34-X (outdoor lighting) Sec. 34-X (recreation fac.) Sec. 34-X (mechanical eqp.)</p> <p>Building envelope standards (see specific zoning district)</p>
(n) Three-dimensional drawing or computer model, depicting (i) proposed buildings and structures, (ii) existing buildings and structures on the site, that will be included as part of the development or subdivision, and (iii) existing off-site buildings and structures, adjacent to the proposed development or subdivision	
(o) Proposed uses, generally: identification of each use; general location and maximum square footage of each use; schedule of parking and loading spaces for each use (number of required spaces and number of spaces provided); maximum lot coverage; For all parking and loading areas, indicate: size, angle of stalls; width of aisles and specific number of spaces required and provided, and method of computation	<p>Sec. 34-X and 34-X (Use Matrices) Sec. 34-X (Parking req'ts)</p>
(p) Proposed residential uses: identify manner of compliance with affordable housing requirement(s); total number and type(s) of dwelling units per building and within the development as a whole; maximum number of bedrooms per building and within the development as a whole; dwelling	<p>Sec. §34-12 (affordable housing requirements)</p>

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

units per acre;	
(q) Open spaces: the nature, location and dimensions of all areas to be left unoccupied by any buildings and structures; existing and proposed stream buffers;	Open space requirements (see specific zoning district) Stream buffer req'ts—see chapter 10 city code
(r) Flood hazard areas: location and category of each area of special flood hazard; limits of floodway areas; base flood elevation data;	See 34-X (flood hazard overlay district)
(s) Grading plan, max. 2 ft. contours; topographical survey, 5-foot contours, max.; off-site topography within 50 feet from the boundary of the development site; proposed grading (maximum two-foot contours), supplemented where necessary by spot elevations; location and dimensions of all critical slopes, steep slopes, natural streams, natural drainage areas, and other topographic features on-site and off-site, within 50 feet of the boundary of the development site; name and location of all watercourses, waterways, wetlands and other bodies of water within and adjacent to the development site	Sec. 34-X (landscape requirements) Sec. 34-X Sec. 29-X (subdivision requirements)
(t) Dam break inundation zone—if land is within a dam break inundation zone and would change the spillway design flood standards of an impounding structure, an engineering study shall be provided in accordance with the requirements of Va. Code §15.2-2243.1(A)	Va. Code §15.2-2243.1
(u) Drainage: location, type and size of existing and proposed drainage channels; identification of the drainage district(s) in which the development site is situated; the limits of any dam break inundation zone(s) in which the development site is situated; profiles of all ditches and channels, whether proposed or existing, with existing and proposed grades; invert of ditches, cross pipes or utilities; typical channel cross sections for new construction; and actual cross sections for existing channels intended to remain; profiles of all storm drainage systems showing existing and proposed grades; plan view of all drainage systems with all structures, pipes and channels numbered or lettered on the plan and profile views. Show sufficient dimensions and bench marks to allow field stake out of all proposed work from the boundary lines; drainage summary table for culverts, storm drainage facilities and channels;	Va. Code §15.2-2258 Chapter 10 City Code Chapter 29 (Subdivisions), Sec. 29-XXX
(v) Stormwater management plan prepared by a professional engineer or landscape architect, detailing: specific design concept(s); identification of specific stormwater management facilities, treatments, BMPs, LID techniques,	Chapter 10 City Code Chapter 29-XXX (Subdivisions)

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

etc. shall be provided, with an indication of whether each is to be owned and maintained by individual lot owner(s) or as common improvements to be maintained by an association; calculations of pre- and post-development stormwater quantity and quality; stormwater management facility long-term maintenance agreement;	
(w) Phasing plan, depicting the order in which various sections or areas of the development or subdivision will be constructed, in relation to the completion of public streets, utilities, and other required improvements; Development Agreement;	See Va. Code 15.2-2241.1
(x) Existing utilities: Location and size of existing water, sanitary and storm sewer utility facilities and easements; location and size of other existing utilities and utility easements; reference to easements of record; identification of existing facilities and easements proposed to be relocated and/or abandoned;	
(y) Proposed utilities: survey plat showing the boundaries of proposed new utility easements (public or private); proposed deed(s) of easement for new easements;	SDM; City Code Chapter 31;
(z) Proposed utilities, construction details: including, without limitation: specifications for new utility lines, connections, and facilities; all pipe sizes, types and grades; proposed connections; profiles and cross sections of all water and sewer lines including clearance where lines cross; all water main locations and sizes; valves and fire hydrant locations; all sanitary sewer appurtenances by type and number; the station on the plan to conform to the station shown on the profile, and indicate the top and invert elevation of each structure	SDM, Chapter XXX See Subdivision Ordinance (Sec. 29-XXX) See Chapter 31 City Code (Utilities)
(aa) Location and dimension of common or shared easements to: franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas telephone and electric service to the proposed development;	Va. Code §15.2-2241(A)(6);
(bb) Existing public rights-of-way: location and dimensions of easements and rights-of-way for existing public streets, alleys, sidewalks curb and gutter, bicycle paths, trails, and similar facilities; limits of existing pavement; materials of existing pavement; location and dimension of all existing ingress to and egress from the development site; location, type and dimensions of existing street lights, street trees and other existing installations or facilities;	
(cc) Proposed public rights-of-way and easements: a plat showing the location and dimensions of proposed easements	

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

and rights-of-way to be dedicated to public use for public streets, alleys, sidewalks curb and gutter, bicycle paths, trails and similar facilities, identified by data provided by a land survey; limits of pavement; deeds of easement; long term maintenance agreements; location and dimension of all proposed ingress to and egress from the development site, showing the distance to the centerline of the nearest existing street intersection; location, type and dimensions of proposed street lights, street trees and other existing installations or facilities	
(dd) Proposed public streets and other public facilities, construction details, including, without limitation: materials of pavement; Typical street sections together with specific street sections where street cut or fill is five (5) feet or greater; centerline curve data; radius of curb returns or edge of pavement; location, type and size of proposed ingress to and egress from the site; together with culvert size; symmetrical transition of pavement at intersection with existing street; the edge of street surface or face of curb for full-length of proposed street; when proposed streets intersect with or adjoin existing streets or travel-ways, both edges of existing pavement or travelway together with curb and gutter indicated for a minimum of one hundred (100) feet or the length of connection, whichever is the greater distance; all other information necessary to demonstrate compliance with the Standards and Design Manual.	
(ee) Traffic impact analysis for the proposed development or subdivision;	
(ff) Schedule of signs-- location, type, size, height and orientation of proposed signs; building elevations drawn to scale, showing signs proposed to be placed on exterior walls of buildings or structures;	Z.O. § 34-1020 et seq.
(gg) Landscaping plan--	Sec. 34-XXX
(hh) Unified control—if the development site is not under single ownership, documents establishing the nature and identity of the person that has unified control over the development site for the duration of development activities, and responsibility for bonding and completion of all required public facilities and improvements	
(ii) Post-development management and control—covenants, grants, conditions, and easements relating to the use, control and maintenance of a development or subdivision, addressing: long-term responsibility for maintenance and operation of: stormwater management facilities, open space, recreational areas and facilities, common areas, and other shared amenities and spaces; identification of the person(s)	

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

who will have the authority to amend proffered development conditions, PUD development plans, stormwater management plans, site plans, and other development approvals;	
(jj) Public improvement bonds	Sec. 34-XXX
(kk) Signature panel for city's site plan agent	

Sec. 34-803. - Improvements—Construction and bonding.

(a) Landowner(s) shall be responsible for construction and final completion of all improvements required by **Article X (Improvements Required for Developments)** for or in connection with a subdivision or other development. Except as provided within paragraph (b), below, all required improvements shall be installed at the cost of the landowner(s). The provisions of City Code section 29-260 shall apply to all site plan approvals, *mutatis mutandis*. The financial commitment of a person provided in accordance with City Code sec. 29-260 shall continue until such time as the city's site plan agent releases the financial commitment in accordance with Virginia Code §15.2-2241(A)(11), and shall not be affected by any sale or other transfer of ownership of land within the subdivision or other development.

(b) The city council may enter into a cost sharing or reimbursement agreement relating to the construction of public improvements within or adjacent to a subdivision or other development. Cost-sharing agreements must be set forth within a written agreement approved by city council, and signed by an authorized officer, official or employee of the city, prior to site plan approval.

(c) The approval of a site plan or the installation of required improvements depicted within a site plan shall not obligate the city to accept any improvements for maintenance, repair or operation. Acceptance shall be subject to applicable city and/or state regulations concerning the acceptance of each type of improvement.

State law reference—Va. Code § 15.2-2241(A)(5)

Sec. 34-824. – Signature of city agent.

(a) Each final site plan must be signed by the city's site plan agent, prior to approval or issuance of a permit authorizing any demolition, construction or land disturbing activity on or within the land that is the subject of the site plan. The city's agent shall not sign an approved site plan unless and until the provisions of City Code §§ 10-9(a) and 29-260 have been satisfied.

(b) When a site plan is ready for signature, the full-sized master drawing and a transparency copy of the master drawing shall be submitted by the landowner to the city's site plan agent. After the required signature is affixed to the master drawing and transparency copy, then the signed master and transparency shall be returned to the applicant. The applicant shall then submit ten (10) print copies of the fully-signed master drawing to the director, and one electronic copy.

Comment [RL11]: This does not reflect current practice. Staff to provide appropriate wording necessary to reflect the current practice.

This document is proposed by the City Attorney's Office as a repeal and replacement of the current Article II. The document contains provisions incorporated from various places within the existing Zoning Ordinance, including: Article I (Administration) and Article VII (Site Plans)

Sec. 34-825. - Validity of final site plans.

A final site plan shall be valid for the time period(s) specified within Virginia Code § 15.2-2261.

Sec. 34-826. – Amendment of a site plan.

A valid, approved final site plan may be amended, subject to the provisions of Virginia Code §15.2-2261(D). The procedures within this article shall apply to the submission and review of an application seeking approval of an amended final site plan.