

## Chapter 24

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## Chapter 24

### ARTICLE III. SITE PLAN

#### Sec. 24-142. Statement of intent.

(a) The purpose of this article is to encourage sound and innovative design and to ensure that land is used in a manner that is efficient, in harmony with neighboring property and the environment, and in accordance with the Comprehensive Plan and provisions of this chapter or other parts of the James City County Code.

(b) Nothing herein shall require the approval of any development, use or plan, or any feature thereof, which shall be found by the commission or the zoning administrator to constitute a danger to the public health, safety or general welfare, or which shall be determined to be a violation of federal, state or county laws or regulations.

(Ord. No. 31A-132, 10-14-91)

#### Sec. 24-143. When site plans required.

Site plans shall be required for the following major uses and additions and expansions thereto:

- (1) Multiple-family dwellings; except for the addition of individual private decks and fences accessory thereto.
- (2) Townhouses or condominiums; except for the addition of individual private decks and fences accessory thereto.
- (3) Churches, temples, synagogues or cemeteries;
- (4) Docks, marinas, wharves, piers, bulkheads and the like or any overwater structures, except private overwater piers and boat houses accessory to single-family dwelling;
- (5) Business, commercial or industrial buildings or developments;
- (6) Manufactured home parks;
- (7) Campgrounds;
- (8) Public parks or recreation facilities;
- (9) Public utilities, public service or transportation uses, transmission mains, buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange, transformer or substations, or power transmission lines;
- (10) Schools or public buildings;
- (11) Hospitals or nursing homes;
- (12) Towers;

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- (13) Two or more two-family dwellings on the same parcel;
  - (14) Three or more single-family dwellings on the same parcel; or
  - (15) Off-street parking areas or any additions to existing off-street parking areas except for single-family residences.
- (Ord. No. 31A-132, 10-14-91; Ord. No. 31A-160, 5-1-95)

**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 director of planning, 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 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. Submittal of a site plan that does not incorporate the conditions set forth during the conceptual plan review period, shall be reviewed by the commission under the requirements of section 24-148. Unless required by the planning director, a resubmittal of conceptual plans shall not be necessary.

- (d) Conceptual plans shall, at a minimum, show:
- (1) Property lines;
  - (2) Building locations and orientation;
  - (3) Building locations on adjacent properties;
  - (4) Location of parking area(s);
  - (5) Landscape areas/buffers;
  - (6) Entrances/exits/access to the site (vehicular, pedestrian, greenway, etc.);
  - (7) Greenway connections (on-site and those adjacent to the subject property);
  - (8) Proposed use of site;
  - (9) Building/landscape setbacks per James City County ordinance;
  - (10) Site zoning and zoning of surrounding properties;

- (11) Location of stormwater management facilities;
  - (12) Graphic scale;
  - (13) Easements (conservation, utility, etc.);
  - (14) Unique natural/visual features (viewsheds, water features, wetlands, RPA buffer, known archaeological sites, etc.);
  - (15) Unique natural/visual features to be preserved (mature trees, etc.);
  - (16) List of currently binding proffers or SUP conditions;
  - (17) Location of entry signs; and
  - (18) Topography of site.
- (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.  
(Ord. No. 31A-132, 10-14-91; Ord. No. 31A-192, 5-11-99)

**Sec. 24-145. Site plan submittal requirements.**

- (a) Site plans shall at a minimum contain:
  - (1) Title of project;
  - (2) Name of engineer, architect, landscape architect, planner and/or licensed surveyor;
  - (3) Location of site by an inset map at a scale no less than one inch equals 2,000 feet;
  - (4) Indication of the scale, north arrow, zoning, parcel number and such information as the names and numbers of adjacent roads, streams and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;
  - (5) Boundary survey of site;
  - (6) All existing and proposed streets and easements, their names, numbers and width; existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;
  - (7) Location, type and size of all entrances to the site;
  - (8) Existing topography and proposed finished contours.
  - (9) A landscaped plan showing woodline before site preparation with species and average diameter of trees indicated with location and diameter of single trees in open areas; areas to be screened, fenced, walled

and/or landscaped, with approximate arrangements, plant types and sizes; and size and type of trees to be removed having a minimum diameter breast height of 12 inches;

- (10) Provisions for off-street parking, loading spaces and pedestrian walkways including existing and proposed sidewalks, calculations indicating the number of parking spaces required and the number provided;
  - (11) Number of floors, floor area, height and location of each building;
  - (12) For a multifamily residential development, the number, size and type of dwelling units and the location, type and percentage of total acreage of recreation facilities;
  - (13) Detailed utility layout including water and sanitary sewer plan with profiles; location of electrical transmission lines, gas pipelines, streetlights and fire hydrants; and showing the locations of garbage and trash disposal facilities;
  - (14) Provisions for the adequate control of stormwater drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures;
  - (15) Computation notations to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multifamily residential developments;
  - (16) Bylaws of homeowner association where applicable;
  - (17) Copies of notification to adjacent property owners; and.
  - (18) Copy of conceptual plan reviewed under the requirements of section 24-144.
- (b) If the zoning administrator determines that one or more of the above submittal requirements is not applicable to the proposed project, the zoning administrator may waive those requirements.
- (c) The submittal of a site plan with insufficient information shall result in the return of the plans to the applicant without review; such deficiencies shall be noted in written form.
- (d) If the submitted site plan does not have an approved conceptual plan, as set forth in section 24-144, then the site plan shall be reviewed by the commission under the requirements of section 24-148. (Ord. No. 31A-132, 10-14-91; Ord. No. 31A-192, 5-11-99)

**Sec. 24-146. Public access to site plan.**

(a) It shall be the responsibility of the applicant for site plan approval to notify all adjoining property owners, advising them of the submission of plans to the county and that plans are on file and available for review in the planning division. No site plan shall be reviewed until the applicant presents evidence to the satisfaction of the planning director, or his designee, that all property owners contiguous to and sharing a common property line with such applicants or whose property lies directly across from the proposed development have been notified in writing prior to the time the site plan is reviewed. Evidence that such notice was sent by mail to the last-known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance.

(b) All site plans shall be kept on file in the planning division and will be available for review by all interested persons during normal business hours for no less than five working days prior to receiving preliminary approval. This five-day period shall begin at the time the applicant has submitted sufficient evidence to the planning director that all adjacent property owners have been notified as required in this article. (Ord. No. 31A-132, 10-14-91)

**Sec. 24-147. Criteria for review.**

(a) Upon application and review, the development review committee (DRC) and the commission, or the commission's designee(s), shall consider site plans if any of the following conditions are present:

(1) The site plan proposes:

- a. a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet or a multifamily unit development of 50 or more units, whichever is less; or
- b. two entrances on the same road; or
- c. a fast food restaurant; or
- d. a shopping center; or

(2) There are unresolved problems between the applicant, adjacent property owners or any departmental reviewing agency.

(b) Site plans which 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 which the development manager determines, creates or significantly expands a use which 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. (Ord. No. 31A-132, 10-14-91; Ord. No. 31A-136, 1-6-92; Ord. No. 31A-157, 11-12-94; Ord. No. 31A-191, 4-13-99)

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

(a) The applicant shall submit to the planning director, or his designee, ten copies of the site plan and pay the appropriate application fee. Site plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for site plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such site 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, the 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 requirements by other agencies. The DRC shall consider the composite report and the 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 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.  
(Ord. No. 31A-132, 10-14-91)

**Sec. 24-149. Procedure for review of site plans by the commission's designee(s).**

(a) The applicant shall submit to the planning director, or his designee, ten copies of the site plan and pay the appropriate application fee.

(b) Upon meeting all submittal requirements, the 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 requirements by other agencies and submit the report to the Commission's designees for consideration.

(c) The Commission's designees shall consider the planning division's report and either grant preliminary approval, defer, disapprove or refer the site plan back to the development review committee and full Commission. 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 provide written notice to the applicant of the Commission's designee's decision. 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.

(Ord. No. 31A-136, 1-6-92)

**Sec. 24-150. Procedures for administrative review of site plans.**

(a) The applicant shall submit to the planning director, or designee, ten copies of the site plan and pay the appropriate application fee. Upon meeting all submittal requirements, the 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 transmit county staff comments to the applicant within 30 days of submittal of plans meeting all applicable submittal criteria. No plan shall be approved until all staff and other agency comments are satisfied.

(b) The site plan may be granted preliminary approval by the planning division or deferred. It may also be approved or disapproved by the zoning administrator. 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 any action taken on the site plan within ten working days of such action. 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 denial.

(Ord. No. 31A-132, 10-14-91)

**Sec. 24-151. Review criteria generally.**

The planning commission, its designee(s), the planning director and the zoning administrator shall examine and consider site plans with respect to:

- (1) Intensity of land use including developable acreage, density and adequate provisions for open space and recreational facilities as appropriate to the site usage and to the Comprehensive Plan;
- (2) Design and layout of the site including buildings, signs, recreation facilities, garbage and trash disposal facilities, sedimentation and erosion controls, storm drainage, stormwater management, sanitary

sewage disposal, and water supply exit and entrance points on the site including line sizes, areas to be landscaped with approximate arrangement and plant types and sizes indicated, and provisions for pedestrian and vehicular traffic movements within and adjacent to the site. Particular emphasis shall be placed upon the review of on-site aesthetics; public safety features; environmental, historic and vegetative preservation; efficient layout of buildings, parking areas, off-street loading and unloading; and movement of people, goods and vehicles (including emergency vehicles) from access roads, within the site, between buildings and vehicles. Vehicular access to the site shall be designed to aid overall traffic flow and to permit vehicles a safe ingress and egress;

- (3) Design standards contained in this chapter as they relate to traffic circulation, parking, performance standards, location of structures, setbacks, yards, bulk, height and building coverage shall apply, where applicable, to site plan approval. The design criteria established in the county subdivision ordinance and applicable standards of the State Department of Transportation shall apply where appropriate to site plan approval.

(Ord. No. 31A-132, 10-14-91; Ord. No. 31A-136, 1-6-92)

**Sec. 24-152. Term of validity for preliminary approval.**

Preliminary approval of a site plan shall be valid for a period of one year. A revised site plan must be presented and properly filed with the planning director, or his designee, and receive final approval from the zoning administrator prior to the termination date of the preliminary approval.

(Ord. No. 31A-132, 10-14-91)

**Sec. 24-153. Submittal of revised site plan generally.**

Ten copies of a revised site plan shall be submitted to the planning director or his designee who shall within 60 days review the plans for compliance with applicable county regulations, the requirements for final approval and any conditions of the preliminary approval. The planning director shall provide a set of all submittals to relevant agencies or departments for their review and written comments. The revised site plan shall be submitted on separate sheets or overlays as appropriate for accurate representation of the project. Insufficient submittals may be returned to the applicant with written notification of deficiencies from the planning director or his designee. The revised site plan shall at a minimum contain those items set forth in subsection 24-145(a)(1) through (17).

(Ord. No. 31A-132, 10-14-91)

**Sec. 24-154. Reserved.**

**Sec. 24-155. Action upon completion of review of revised site plan.**

Upon final approval of the site plan by the zoning administrator, the planning director or his designee shall transmit two approved sets of plans to the developer, owner or authorized project agent and one copy of any correspondence and plans is to be retained by the planning director or his designee.

(Ord. No. 31A-132, 10-14-91)

**Sec. 24-156. Term of validity of final approval.**

(a) Final approval of a site plan submitted under the terms of this article shall expire five years after the date of such approval. During that period all building permits shall be obtained or the development shall be put into use. When building permits have been issued, the site plan approval shall run concurrently with the building permit term of validity for only those buildings and improvements covered by a permit.

(b) The approved final site plan shall be valid for a period of five years from the date of approval. For so long as the final site plan remains valid in accordance with the provisions of this section, no change or amendment to any county ordinance, map, resolution, policy or plan adopted subsequent to the date of approval of the final site plan shall adversely affect the right of the developer or successor in interest to commence and complete an approved development in accordance with the lawful terms of the site plan unless there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.

(c) Application for minor modifications to approved site plans made during the five-year term of validity shall not constitute a waiver of provisions of this section nor shall the approval of such minor modifications extend the period of validity. Any minor modification shall be made in accordance with section 24-157.

(d) The provisions of this section shall not be construed to affect any litigation nonsuited and thereafter refiled; the authority of the governing body to impose valid conditions upon approval of any special use permit, conditional use permit or special exception; the application to parcels of land subject to final site plans, to the greatest extent possible, of the provisions of the county's Chesapeake Bay Preservation ordinance, or any county ordinance adopted to comply with the requirements of the federal Clean Water Act Section 402(p) Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency. (Ord. No. 31A-132, 10-14-91; Ord. No. 31A-147, 11-2-92)

**Sec. 24-157. Amendment of approved site plans.**

(a) Upon application, an approved site plan may be amended with the approval of the zoning administrator, provided that such proposed amendment does not:

- (1) Alter a recorded plat;
- (2) Conflict with the specific requirements of this article;
- (3) Change the general character or content of an approved development plan or use;
- (4) Have an appreciable affect on adjoining or surrounding property;
- (5) Result in any substantial change of major external access points;
- (6) Increase the approved number of dwelling units or height of buildings; or
- (7) Decrease the specified yards and open spaces or specified parking and loading spaces.

(b) Amendments not in accordance with subsections (a)(1) through (7) of this section shall be considered as new site plans and resubmitted for approval. Approval of an amendment under this section shall not extend the term of validity of the original approved site plan.

(Ord. No. 31A-132, 10-14-91)

**Sec. 24-158. Final "as-built" plans required.**

For all projects subject to site plan review in accordance with section 24-143, a copy of final "as-built" plans and specifications for all water and sewer facilities and fire hydrants shall be submitted to the James City Service Authority prior to the issuance of any permanent certificate of occupancy.

(Ord. No. 31A-132, 10-14-91)

**Sec. 24-159. Compliance with site plan required.**

(a) *Inspection and supervision during development:*

- (1) Unless otherwise specifically provided in this chapter, the construction standards for all off-site and on-site improvements required by this chapter, the site plan or other documents approved by the county shall conform to county design and construction standards. The director of code compliance or his agents shall, after approval of the plan and specifications, inspect construction of all improvement and land disturbances to assure conformity with the approved plans to the maximum extent possible.
- (2) The owner or agent shall notify the director of code compliance in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.
- (3) The owner or agent shall provide adequate supervision on the site during installation of all required improvements and have a responsible superintendent or foreman, together with one set of the approved plans, profiles and specifications available at the site at all times when the work is being performed.

(b) *Sanctions, penalties and relief.* Any person, firm or corporation, whether as principal, agent, owner, lessee, employee or similar position, who violates or fails to comply with any provision of this article, permits such violation or erects any structure or uses any land or structure prior to preliminary approval or contrary to a site plan shall be subject to criminal sanctions, civil penalties and/or injunctive relief as provided in section 24-22.

(Ord. No. 31A-132, 10-14-91)

**Sec. 24-160. Administrative review fees.**

Submittal of a site plan and subsequent revisions proposed by the applicant shall be accompanied by a fee as specified in section 24-7.

(Ord. No. 31A-130, 5-6-91)

**Secs. 24-161 - 24-170. Reserved.**