



Rezoning Application

Date: _____ Z: _____ Receipt No.: _____

Please complete all sections of the application. Call 757-253-6685 if you have any questions, or go online to <http://jamescitycountyva.gov/414/Development-Procedures>

Please note that before accepting this application, County staff will verify that all real estate taxes owed for the subject properties have been paid in full in accordance with Section 24-24. If you are unsure if your payments are up-to-date, please contact the County Treasurer at 757-253-6705.

To the Planning Commission and Board of Supervisors of James City County, Virginia:

I (We), the undersigned do hereby respectfully make application and petition the Governing Body of James City County, Virginia, for master plan as hereinafter requested, and in support of this application, the following facts are shown:

1. Project Information

The property is located at: _____

The property is owned by: _____

As evidenced by deed from: _____

Recorded in book: _____, page: _____. Registry of James City County, Virginia

Tax map and parcel ID: _____

Is the property in a FEMA Flood Zone? Yes No

Current Zoning: _____ Proposed Zoning: _____

Does the site receive public sewer? Yes No

Does site receive public water? Yes No

If yes, does site receive public water from the City of Newport News? Yes No

It is proposed that the property would be put to the following use:

The rezoning will apply to _____ acres out of _____ total acres.

2. Applicant/Contact Information

Name: _____

Company: _____ Phone: _____

Address: _____ Fax: _____

Does applicant want to receive updates via CaseTrak? Yes No

If yes, please provide an email address: _____

3. Property Owner Information

Name: _____
Company: _____ Phone: _____
Address: _____ Fax: _____
Email: _____

4. Does the project require a VDOT 527 Traffic Study? Yes No

Please see: virginiadot.org/projects/chapter527/default.asp for more information, or call: 757-925-2500, VDOT, Hampton Roads District Office.

If yes, did you include a separate check for the fee? Yes No

5. Are all applicable submittal requirements attached? (See attached letter for submittal details) Yes No

6. Are proffers for non-residential requests attached? (See attached letter for submittal details) Yes No
Please note that proffers will not be accepted for residential rezonings; if submitted, they will be returned to the applicant.

7. Are there restrictive covenants that apply to this property that explicitly prohibit the proposed use? At least one of the two boxes below must be checked:

Yes (e.g., Staff receives an application for an Ice Cream Shop and the covenants state that “No Ice Cream Shop shall be established on the property”)

No (The applicant affirms that they have verified that there are no covenants on the property that prohibit the use sought.)

The property owner must sign this application or it will not be processed.

Applicant Signature: _____ Date: _____

Property Owner Signature: _____ Date: _____

FEE SCHEDULE

JAMES CITY COUNTY – PLANNING DIVISION 101A Mounts Bay Road - P. O. Box 8784, Williamsburg, VA 23187-8784

Make checks payable to: James City County Treasurer

DATE: _____

RECEIPT NO.: _____

RECEIVED FROM: _____

PROJECT NAME: _____

When listed, Planning and JCSA fees apply for every application.

	PLANNING REVIEW		JCSA (543-0000)	TOTAL
Conceptual Plan	\$25			
REZONING* (3340)				
5 acres or less	\$1,200 plus \$75 per acre _____	+	\$100 _____	
More than 5, but no more than 10 acres	\$1,200 plus \$75 per acre _____	+	\$150 _____	
More than 10 acres	\$1,200 plus \$75 per acre _____	+	\$200 _____	
Proffer Amend	\$200 _____			
* Not to exceed \$15,000/proffer amendments pay base fee only				
SPECIAL USE PERMIT (3340)				
General (General Special Use Permits processed with a rezoning shall pay a rezoning fee only)	\$1,000 plus \$30 per acre** _____	+	\$200 _____	
Manufactured Home	\$100 _____		N/A	
Family Subdivision under Section 24-214	\$100 _____	+	\$50 _____	
Amendment/Renewal to a Special Use Permit	\$400 _____	+	\$50 _____	
Communication Facilities under Division 6	\$1,500 _____		N/A	
** Not to exceed \$5,000				
MASTER PLAN (3340)				
Initial Review – residential cluster, mixed use or a PUD with less than 400 acres (PUDs more than 400 acres shall pay a rezoning fee only)	\$200 _____	+	\$600 _____	
<u>Revision of Approved Plan:</u>				
Residential Cluster	\$75 _____	+	\$600 _____	
R-4, PUD, Mixed Use	\$150 _____	+	\$600 _____	
Public Hearing Applicant Deferral Request	\$350 per request _____			
SITE PLAN (3340)				
<u>Administrative Review:</u>				
Residential structures or improvements	\$600 plus \$60 per unit \$ _____	+	\$200 plus \$5 per unit \$ _____	
Nonresidential structures or improvements	\$600 plus \$0.024 per sq. ft. of building area \$ _____	+	\$200 plus \$0.004 per sq. ft. of building area \$ _____	
Mixed Use structures or improvements	\$600 plus \$60 per unit plus \$0.024 per sq. ft. of nonresidential building area \$ _____	+	\$200 plus \$5 per residential unit plus \$0.004 per sq. ft. of nonresidential building area \$ _____	
<u>Planning Commission and/or DRC Review:</u>				
Residential structures or improvements	\$1,800 plus \$60 per unit \$ _____	+	\$200 plus \$5 per unit \$ _____	
Nonresidential structures or improvements	\$1,800 plus \$0.024 per sq. ft. of building area \$ _____	+	\$200 plus \$0.004 per sq. ft. of building area \$ _____	
Mixed Use structures or improvements	\$1,800 plus \$60 per residential unit plus \$0.024 per sq. ft. of nonresidential building area \$ _____	+	\$200 plus \$45 per residential unit plus \$0.004 per sq. ft. of nonresidential building area \$ _____	
<u>Amendment to an Approved Plan:</u>				
Residential structures or improvements	\$100 plus \$10 per residential unit \$ _____	+	\$50 plus \$2 per residential unit \$ _____	
Nonresidential structures or improvements	\$100 plus \$0.004 per sq. ft. of building area \$ _____	+	\$50 plus \$0.001 per sq. ft. of building area \$ _____	
Mixed Use structures or improvements	\$100 plus \$10 per residential unit plus \$0.004 sq. ft. of nonresidential building area \$ _____	+	\$50 plus \$2 per residential unit plus \$0.001 per sq. ft. of nonresidential building area \$ _____	
<u>Other:</u>				
Residential or nonresidential structures or improvements where number of dwelling units, building area, pavement or open space is not changed more than 15%	\$100 _____	+	\$25 _____	
Zoning/Fire Dept. review only _____	\$20 _____		N/A	
Utility Facility Review	N/A		\$1,500 per Wastewater or Well Facility \$ _____	
Each additional review after second resubmission	\$250 _____		N/A	
EROSION & SEDIMENT CONTROL (3375)				
Residential Subdivisions:	\$70 per lot \$ _____		N/A	
All other land disturbing activities (residential site plan)	\$840 per acre for the first 15 acres plus \$560 for each additional acre over 15 acres \$ _____		N/A	
All other land disturbing activities (non-residential site plan)	\$600 per acre for the first 15 acres plus \$400 for each additional acre over 15 acres \$ _____		N/A	
TOTAL AMOUNT				

CHECK NO.: _____ CASH: CREDIT CARD + 2.95% convenience fee= _____

PREPARED BY: _____

RESOLUTION

A RESOLUTION TO TAKE ACTION IN RESPONSE TO CHAPTER 322 OF THE

2016 VIRGINIA ACTS OF ASSEMBLY RELATING TO CONDITIONAL ZONING

FOR RESIDENTIAL REZONINGS AND PROFFER AMENDMENTS

- WHEREAS, James City County, Virginia (the “County”) currently allows applicants to voluntarily proffer reasonable conditions for all rezonings and zoning map amendments pursuant to Section 15.2-2303 of the Code of Virginia and Section 24-16 of the County Code; and
- WHEREAS, SB 549, which was passed by the General Assembly, approved by the Governor, and incorporated as Chapter 322 of the 2016 Virginia Acts of Assembly (“Chapter 322”), added Section 15.2-2303.4 to the Code of Virginia which fundamentally changes the conditional zoning law in the Commonwealth; and
- WHEREAS, the Board of Supervisors (the “Board”) strongly opposed SB 549 (and its companion bill HB 770) due to its significant negative impacts on the County and other localities; and
- WHEREAS, Chapter 322 becomes effective on July 1, 2016, is prospective only and will only apply to any residential rezoning and proffer amendment applications filed on or after July 1, 2016; and
- WHEREAS, Chapter 322 imposes significant liabilities upon localities that continue to accept voluntarily-proffered conditions associated with residential rezonings, including a new cause of action against localities for requiring, requesting, accepting or even *suggesting* an “unreasonable proffer” as defined by Chapter 322; and
- WHEREAS, the Board has adopted various policies and guidelines to assist developers with the creation of voluntary proffers, including: the Route 5 Road Improvement Proffer Policy, adopted on May 28, 1996, to provide guidance for rezonings in the Route 5 corridor; the Natural Resources Policy adopted on July 27, 1999, to provide a guideline for protecting habitats for rare species and natural communities in special use permit and rezoning cases; the Cash Proffer Policy for Schools adopted on July 24, 2007, to provide guidelines for proportionate contributions to reduce impacts to schools; the Residential Redevelopment Policy adopted on November 27, 2012, to provide guidelines for the proffer of conditions for residential redevelopment projects and the Housing Opportunities Policy adopted on November 27, 2012, to provide guidelines for the creation of affordable and workforce housing in rezoning cases; and
- WHEREAS, all of the above-mentioned policies and guidelines, in whole or in part, could now be determined to be inconsistent with Section 15.2-2303.4 of the Virginia Code; and

WHEREAS, in order to reduce potential liability to the County, the Board desires to cease its acceptance of all proffered conditions associated with a new residential rezoning or zoning map amendment, or any new residential component of a multi-use district rezoning or zoning map amendment filed after July 1, 2016; and

WHEREAS, in accordance with Chapter 322, the County will process all applications for amendments to previously-approved residential rezoning or zoning map amendment, or any residential component of a multi-use district rezoning or zoning map amendment in accordance with the laws in existence prior to July 1, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, hereby will no longer accept any voluntarily proffered conditions pursuant to Virginia Code Section 15.2-2303 as part of any new application for residential rezoning or zoning map amendment, or any residential component of a multi-use district rezoning or zoning map amendment; provided, however, that the County will process all applications for amendments to previously-approved residential rezoning or zoning map amendments, or any previously-approved residential component of a multi-use district rezoning or zoning map amendment, in accordance with the laws in existence prior to July 1, 2016.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby repeals the following policies as they apply to new applications for residential rezonings filed on or after July 1, 2016: the Route 5 Road Improvement Proffer Policy adopted on May 28, 1996; the Natural Resources Policy; adopted on July 27, 1999; the Cash Proffer Policy for Schools adopted on July 24, 2007; the Residential Redevelopment Policy adopted on November 27, 2012; the Housing Opportunities Policy adopted on November 27, 2012 and the Outstanding Specimen Tree Option Guidelines adopted on November 22, 2011.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby initiates amendments to Section 24-16 of the County Code to explicitly state that the County will only accept voluntarily proffered conditions associated with non-residential rezonings and zoning map amendments, and further directs staff to have such amendments brought before the Planning Commission at its first meeting in August, to be forwarded to the Board of Supervisors for adoption at its first meeting in September.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby directs staff to study the ability to incorporate the following policies into the James City County Code and bring back recommendations for the Board's consideration at a work session in September: the Archaeological Policy adopted on September 22, 1998; the Community Character Corridor Buffer Treatment Guidelines adopted on November 22, 2011; the Design Guidelines for the Toano Community Character Area adopted on February 14, 2006; the Economic Opportunity District Construction Phasing Guidelines adopted on September 13, 2011; the Environmental Constraints Analysis for Legislative Cases adopted on June 12, 2012; the Multiple Use Districts and Mixed Use Construction Phasing Policy adopted on September 11, 2012; the Outstanding Specimen Tree Option Guidelines adopted on November 22, 2011.



Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:



Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	✓	—	—
LARSON	✓	—	—
ONIZUK	✓	—	—
SADLER	✓	—	—
HIPPLE	✓	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of June, 2016.

SB549ProfferChngs-res