

# AGENDA



## CITY OF HOPEWELL

Hopewell, Virginia 23860

### AGENDA

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### CITY COUNCIL

Jackie M. Shornak, Mayor, Ward #7  
Jasmine E. Gore, Vice Mayor, Ward #4  
Christina J. Luman-Bailey, Councilor, Ward #1  
Arlene Holloway, Councilor, Ward #2  
Anthony J. Zevgolis, Councilor, Ward #3  
Janice Denton, Councilor, Ward #5  
Brenda S. Pelham, Councilor, Ward #6

John M. Altman, Jr., City Manager  
Stefan M. Calos, City Attorney  
Ronnieye L. Arrington, City Clerk

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Date: April 24, 2018

MUNICIPAL BUILDING

Closed Meeting: 6:30 p.m.  
Regular Meeting: 7:30 p.m.

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### OPEN MEETING

6:30 p.m. Call to order, roll call, and welcome to visitors

**MOTION:** To go into closed meeting for (1) discussion, consideration, and interviews of prospective candidates for employment (city attorney); (2) discussion of performance of specific employee of council (city clerk); (3) discussion of appointment of specific appointees of city council (HRHA, CVWMA); (4) discussion of performance of specific appointees of city council (EDA); (5) discussion of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of city council (water renewal, cemetery, stormwater); and (6) consultation with legal counsel employed or retained by city council related thereto and regarding specific legal matters requiring the provision of legal advice by such counsel, in accordance with Virginia Code § 2.2-3711 (A) (1) [four items], (3), and (8), respectively.

Roll Call

### CLOSED MEETING

### RECONVENE OPEN MEETING

**CERTIFICATION PURSUANT TO VIRGINIA CODE § 2.2-3712 (D):** *Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?*

Roll Call

**MOTION:** To amend/adopt agenda

Roll Call

## REGULAR MEETING

**7:30 p.m.** Call to order, roll call, and welcome to visitors

Prayer by Chaplain Ronnie Brown of John Randolph Pastoral Care, followed by the Pledge of Allegiance to the Flag of the United States of America led by Councilor Denton.

### Consent Agenda

*All matters listed under the Consent Agenda are considered routine by Council and will be approved or received by one motion in the form listed. Items may be removed from the Consent Agenda for discussion under the regular agenda at the request of any Councilor.*

- C-1 Minutes:**
- C-2 Pending List:**
- C-3 Routine Approval of Work Sessions:**
- C-4 Personnel Change Report & Financial Report: Attached**
- C-5 Ordinances on Second & Final Reading:**
- C-6 Routine Grant Approval:**
- C-7 Public Hearing Announcement: Budget: May 1, 2018 and May 8, 2018**
- C-8 Information for Council Review: Minutes: HRHA 2-12-18; CPMT 4-16-18; Agenda CPMT 4-16-18**
- C-9 Resolutions/Proclamations/Presentations: Proclamations: Building Safety Month; Month of the Military Child; Administrative Professionals Week**
- C-10 Additional Announcements: Economic development announcements; Beerfest; Hopewell Police Department grant**

### Public Hearings

**CITY CLERK:** *All persons addressing Council shall approach the microphone, give name and, if they reside in Hopewell, their ward number, and limit comments to **five minutes**. No person shall be permitted to address Council a second time until all others have been heard, and no one may speak more than twice on any subject in any one meeting. All remarks shall be addressed to Council as a body, any questions must be asked through the mayor only, and there shall be no discussion without permission of the mayor. Any person who makes personal, impertinent, abusive, or slanderous statements, or incites disorderly conduct in Council Chambers may be barred by the mayor from further audience before Council, and removed, subject to appeal to a majority of Council. (See Rules 405 and 406)*

#### **PH-1 Condemnation Proceedings for 710 S. 6<sup>th</sup> Street**

**ISSUE:** The gravity sewer that crosses Carter Woodson Middle School property and the ravine between the school and Twin Rivers Apartments needs repair. To relocate the sewer line, the easement on 710 S. 6<sup>th</sup> Street must be modified. The owners of the property have refused to grant an easement.

**RECOMMENDATION:** Staff recommends that Council **adopt a resolution to acquire by condemnation approximately 2,757 square feet, or 0.063 acres, on property owned by Hopewell Property, LLC and HW Industrial LLC located at 710 S. 6<sup>th</sup>**

**Street, to be used as a 30-foot permanent utility easement, and to authorize the City Manager to execute all documents related thereto.**

**MOTION:** \_\_\_\_\_

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**Roll Call**

**PH-2 Hopewell 2028 Draft Comprehensive Plan**

**ISSUE:** Council and the citizens have had several public meetings to review and discuss the proposed 2028 Draft Comprehensive Plan. The Plan has been amended per comments received from citizens and Council.

**RECOMMENDATION:** Staff recommends that Council **approve and adopt the 2028 City of Hopewell Draft Comprehensive Plan as amended.**

**MOTION:** \_\_\_\_\_

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**Roll Call**

**PH-3 Amendment to Article XV-A, Chesapeake Bay Preservation Area Overlay District**

**ISSUE:** Article XV-A, Chesapeake Bay Preservation Area Overlay District has been updated in conjunction with the re-write of the City's Comprehensive Plan. This amendment updates the ordinance to incorporate changes required by the Virginia Department of Environmental Quality – Chesapeake Bay Division.

**RECOMMENDATION:** Staff recommends that City Council consider citizen comments regarding the amendments and **approve the amendment to Article XV-A, Chesapeake Bay Preservation Area Overlay District.**

**MOTION:** \_\_\_\_\_

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**Roll Call**

**PH-4 Amendment to Article XVI, Site Plan Regulations**

**ISSUE:** Article XVI, Site Plan Regulations, has been updated in conjunction with the re-write of the City's Comprehensive Plan. This amendment updates the ordinance to incorporate changes required by the Virginia Department of Environmental Quality – Chesapeake Bay Division.

**RECOMMENDATION:** Staff recommends that City Council consider citizen comments regarding the amendments and **approve the amendment to Article XVI, Site Plan Regulations.**

**MOTION:** \_\_\_\_\_

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**Roll Call**

**Communications from Citizens**

**CITY CLERK:** *A Communications from Citizens period, limited in total time to 30 minutes, is part of the Order of Business at each regular Council meeting. All persons addressing Council shall approach the microphone, give name and, if they reside in Hopewell, their ward number, and limit comments to **three minutes**. No one is permitted to speak on any item scheduled for consideration on the regular agenda of the meeting. All remarks shall be addressed to Council as a body, any questions must be asked through the mayor only, and there shall be no discussion without permission of the mayor. Any person who makes personal, impertinent, abusive, or slanderous statements, or incites disorderly conduct in Council Chambers, may be barred by the mayor from further audience before Council, and removed, subject to appeal to a majority of Council. (See Rules 405 and 406.)*

**Regular Business**

**Reports of City Manager:**

**R-1 Approval of 2018 Tax Rate**

**ISSUE:** A tax rate needs to be established before tax bills can be sent out and before the school's budget can be approved. Staff is not seeking a tax increase this year, but Council still needs to approve the rate.

**RECOMMENDATIONS:** Staff recommends that Council **approve and adopt a tax at the rate of \$1.13 per One Hundred Dollars (\$100.00) of assessed valuation on real estate; a tax at the rate of \$3.05 per One Hundred Dollars (\$100.00) of assessed valuation on machinery and tools; a tax at the rate of \$0.10 per One Hundred Dollars (\$100.00) of assessed valuation on one (1) motor vehicle used in the performance of his/her duties as a bona fide member of the Hopewell Emergency Crew; a tax at the rate of \$3.50 per One Hundred Dollars (\$100.00) of assessed valuation on tangible personal property, except that real and tangible personal property of Public Service Corporations shall be taxed in accordance with Chapter 26, Title 58.1, of the Code of Virginia, 1950, as amended.**

**MOTION:** \_\_\_\_\_

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**Roll Call**

**R-2 Architectural Review Board Presentation**

**ISSUE:** The ARB will be providing City Council with an overview of last year’s activities and a preview of upcoming activities.

**No action is required of Council**

**R-3 Grant from Virginia Department of Historic Resources (DHR)**

**ISSUE:** The Department of Development, in cooperation with the ARB, applied for a grant from DHR, who awarded the City \$9,750 with the proviso that the City provide the remaining project cost of \$10,250. Although this amount will be included in the FY2019 budget, the documents awarding the grant must be signed immediately.

**RECOMMENDATIONS:** Staff recommends that Council **authorize the City Manager to sign the agreement between the City of Hopewell and the Virginia DHR to approve and appropriate grant funds in the amount of \$10,250.**

**MOTION:** \_\_\_\_\_

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**Roll Call**

**Reports of the City Attorney:**

**Reports of the City Clerk:**

**Reports of City Council:**

**Committees**

**Individual Councilors**

**Gore** Request City Council to create an Ad-hoc Committee or Task Force to discuss joining other Virginia localities to become an ACT Work Ready Community. The Committee would be required to attend the Work Ready Communities two-day Training Sessions. Following ACT’s Model, the Ad-hoc Committee will consist of a representative from the Chamber of Commerce, EDA, Crater Workforce Investment Board, Community Colleges, Public Schools, City Elected Officials, and Business/Civic Leaders.

**Motion: To approve the creation of a City Council Work Ready Community Ad-hoc Committee**

**Roll Call**

**Citizen/Councilor Requests**

**Other Council Communications**

**Adjournment**

# **REGULAR MEETING**

# **CONSENT AGENDA**

**PERSONNEL  
CHANGE  
REPORT**

**DATE:** April 20, 2018  
**TO:** The Honorable City Council  
**FROM:** Michelle Ingram, Human Resources Specialist  
**SUBJECT:** Personnel Change Report – March 2018

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**ADDITIONS (Regular FT and PT positions only)**

NAME	DEPARTMENT	POSITION	DATE
BYERLY, JERRY	WATER RENEWAL	DIRECTOR	03/26/2018
FREGEOLLE, RONALD	POLICE	POL OFF	03/28/2018
GRUBBS, JORDAN	CIRCUIT COURT	LAW INTERN	03/12/2018
HINES, SARAH	RECREATION	P/T LIFEGUARD	03/15/2018
IRVING, BRITNEY	RECREATION	P/T RESP LEADER	03/28/2018
MARSHALL, NATHANIEL	POLICE	POL OFF	03/28/2018
MARTIN, WILLIAM	POLICE	POL OFF	03/28/2018
MOORE, DINA	HDSS	BEN PRG SP IV	03/28/2018
MULLINS, LILY	FIRE	FIRE FIGHTER	03/14/2018
RIGNEY, JANET	RECREATION	P/T SPEC	03/16/2018
RIVERA, PABLO	RECREATION	P/T VAN DRIVER	03/28/2018
THACKER, DEREK	POLICE	POL OFF	03/28/2018
WARD, CHRISTOPHER	DEVELOPMENT	SENIOR PLANNER	03/14/2018

**PROMOTIONS**

PHIPPS, SAMMY	DEVELOPMENT	COMBO BLDG INS III	03/28/2018
REID, DONALD	POLICE	LIEUTENANT	03/28/2018
RICHARDSON, SHEA	POLICE	SERGEANT	03/28/2018

**SEPARATIONS**

NAME	DEPARTMENT	POSITION	DATE
ABSHER, WILLIAM	POLICE	SERGEANT	03/01/2018
CLARK, PAMALA	VOTER REGISTRATION	REGISTRAR	03/01/2018
HOWARD, KENNETH	POLICE	POL OFF IV	03/01/2018
KNIGHT, JOHN	POLICE	POL OFF	03/01/2018
LAMBERT-MOLETE, FRANCINE	POLICE	VICTIM WIT COORD	03/01/2018

CC: March Altman, City Manager  
Charles Dane, Assistant City Manager  
Renia Coles, HR Director  
Debbie Pershing, Senior Executive Assistant  
Michael Terry, Finance Director  
Dipo Muritala, Assistant Finance Director  
Kim Hunter, Payroll

Concetta Manker, IT Director  
Jay Rezin, IT  
Dave Harless, Risk/Safety Coordinator  
Carol Scarbrough, Parks & Recreation

# **FINANCIAL REPORT**

**City of Hopewell, VA**  
**Finance Department Turnover Assessment**  
**Implementation Plan**  
**Progress Report**  
**04.24.2018**

**Implementation Plan**

- **External Reporting**
  - **CAFR (FY16, FY17, FY18)**
  - **Closing, Reporting and Audit Workflow**
  - **Other (New – FY16, FY17, FY18)**
  - **APA, DEQ, Single Audit, FAC (FY15)**
  
- **Budget Development FY19**
  
- **Internal Reporting (reporting for the period of 01.03.2018 – 04.24.2018 is deferred due to priority action given to External Reporting and Budget Development FY19 Implementation Plan)**

**City of Hopewell, VA  
Finance Department Turnover Assessment  
Implementation Plan  
Progress Report  
04.24.2018**

- **External Reporting**
  - **CAFR (FY16, FY17, FY18)**
  - **Closing, Reporting and Audit Workflow**
  - **Other (New – FY16, FY17, FY18)**
  - **APA, DEQ, Single Audit, FAC (FY15)**



<b>FY 2017</b>				
<b>Implementation Plan Activities</b>	<b>Date Start</b>	<b>Date Due</b>	<b>% Completion Status</b>	<b>Comment(s)</b>
<b>FY 2017 Audit &amp; CAFR Preparation</b>	<b>04.01.18</b>	<b>07.31.18</b>		
<b>FY 2017 Audit</b>	<b>08.01.18</b>	<b>08.31.18</b>		
<b>FY 2017 CAFR Audited &amp; Issued</b>				
<b>FY 2017 APA Report(s) Issued</b>				
<b>FY 2017 Single Audit Issued</b>				
<b>FY 2018</b>				
<b>Implementation Plan Activities</b>	<b>Date Start</b>	<b>Date Due</b>	<b>% Completion Status</b>	<b>Comment(s)</b>
<b>FY 2018 Audit &amp; CAFR Preparation</b>	<b>08.01.18</b>	<b>10.31.18</b>		
<b>FY 2018 Audit</b>	<b>11.01.18</b>	<b>11.30.18</b>		
<b>FY 2018 CAFR Audited &amp; Issued</b>				
<b>FY 2018 APA Report(s) Issued</b>				
<b>FY 2018 Single Audit Issued</b>				



City of Hopewell, VA April 24, 2018 Other FY 16, FY17 & FY18				
	Date Start	Date Due	% Completion Status	Comment(s)
<b>Perform Assessment &amp; Planning Requirements</b>	12.01.17	12.31.17	100%	
<b>Anticipated and Prep for:</b>				
W2s Issuance and Reporting				
1099s Issuance and Reporting				
1094s & 1095s Issuance and Reporting				
<b>Notification &amp; Requests for Reporting</b>	01.03.18	03.31.18	90%	Overall estimated % of completion as of <b>4.24.18</b>
<b>Not Anticipated:</b>				
State Compensation Board Reimbursement -- SCB (Dec 2017 & Jan 2018)			100%	Actual completion date 02.13.18
(Feb 2018)			100%	Actual completion date 03.15.18
(Mar 2018)			100%	Actual completion date <b>04.10.18</b>
Department of Criminal Justice System -- DCJS (FY18 2nd Quarter)			100%	Actual completion date 02.15.18
Healthy Families Grant ( FY18 2nd Quarter)			100%	Actual completion date 02.15.18
Community Based Child Abuse Program (CBCAP) Grant ( FY18 2nd Quarter)			100%	Actual completion date 03.06.18
Electronic Municipal Market Access -- EMMA (Escrow Deposit Agreement for 2015 Refunding)			100%	Actual completion date 01.23.18
VDOT/Weldon Cooper Center 2017 Highway Finance Survey (Due 03.15.18)			10%	Inquiry of City submission in process
VDOT/Weldon Cooper Center 2016 Highway Finance Survey (Due 03.15.17)			10%	Inquiry of City submission in process
APA 01.31.18 requirement to submit the reason(s) for the City's non submission of the FY17 comparative transmittal on 11.30.17			100%	Actual completion date 01.30.18
FOIA Request (City Attorney & City Clerk Confidential)			100%	Actual completion date 02.26.18
Healthy Families Grant Compliance Monitoring Site Visit (Postpone FY16 & FY17 ---Required to occur by 03.31.18)			100%	Actual completion date <b>03.29.18</b>
Rating Agency Monitoring Call ( 02.23.18)			100%	Actual completion date 02.23.18
Residential Sewer Rates Cost of Service Study				Task work in process

City of Hopewell, VA April 24, 2018				
External Reporting - APA, DEQ, Single Audit & FAC Issuance and/or Completion FY 2015				
	Date Start	Date Due	% Completion Status	Comment(s)
Perform Assessment & Contact Prior Auditor -- Cherry Bekaert (CBH); for Issuance and/or Completion Status of	12.01.17	12.31.17	100%	
APA Reports (Comparative Transmittal, Sheriff's Report)				
DEQ (Landfill Financial Assurance Report)				
Single Audit Report				
Federal Audit ClearingHouse (FAC) Reporting				
Other				
Implementation Plan:				
Obtain from CBH Confirmation of Issuance and/or Completion Status	01.03.18	01.31.18		
<u>APA Reports</u>				
FY15 Comparative Transmittal			100%	Actual completion date 01.24.18
FY15 Sheriff Report			NA	The City is required to request its auditor to conduct APA agreed upon procedures and issue a Sheriff report. CBH advised as of 01.31.18 the City had not made such request for FY15 or FY14.  The City requested on 02.01.18 CBH and APA to consider the impact on the City's current CAFRs implementation Plans (FY16, FY17 & FY18)  APA advised on 02.05.18 it will not pursue requesting the FY15 Sheriff's internal controls attesting report for FY15.
DEQ (Landfill Financial Assurance Letter)	01.03.18	01.31.18	NA	The City requested on 02.01.18 DEQ to advise on the City delinquent reporting (agreed upon procedures) related to the Financial Landfill Letter for FY15, FY16 & FY17.  DEQ advised on 02.02.18 since the City has recently put a standby trust deposit in place to satisfy DEQ requirements. The City should take measures to ensure the DEQ Letter going forward for the fiscal year ending 6.30.2018 (FY18) is submitted on a current basis (12.31.18)
Single Audit Report	01.03.18	01.31.18	85%	CBH provided the City with a draft FY15 report on 03.30.18.
FAC Reporting				Finalization & issuance of the report is pending City review of the draft and discussions with the City's current auditors (PB Mares LLP). CBH issuance of the FY15 single audit & corresponding FAC Reporting is reset for 05.31.18

**City of Hopewell, VA  
Finance Department Turnover Assessment  
Implementation Plan  
Progress Report  
04.24.2018**

- **Budget Development FY19**

City of Hopewell, VA April 24, 2018 Budget Development FY 2018 - 2019				
	Date Start	Date Due	% Completion Status	Comment(s)
Perform Assessment & Planning Requirements for FY 2018 - 2019 Budget Development:	12.01.17	12.31.17	100%	
Annual Operating				
Capital Project				
Capital Improvement Plan (CIP)				
Draft Proposed City Budget Calendar for FY 2018 - 2019 (Received input from Key Stake Holders)	01.03.18	01.31.18	100%	Actual completion date 02.21.18
City Manager				Lapse in achieving due date:
City Attorney				City closings -- Inclement weather, holidays.
City Administration & Staff				Calendar availability of stake holders
School Administration & Staff				& essential participants (prescheduled commitments).
City Council				
School Board				
				The City received notification from APA regarding the required submission due date of 01.31.18 pertaining to the reason for non submission of the FY17 comparative transmittal on 11.30.17. (Note: On 01.31.18 APA confirmed receiving the City response.)
				Transition, orientation and prioritization joint discussion with the new City and the former Interim City Manager.
Communicate Draft to Stake Holders:	02.15.18	02.23.18	100%	Task completion 100% 02.23.18
Finalize City Budget Calendar for FY 2018 - 2019	02.23.18	02.28.18	100%	Task completion 100% 03.27.18
Implement City Budget Calendar for FY 2018 - 2019	03.01.18	05.31.18	60%	Task work in process (04.24.18)

**City of Hopewell, VA  
Finance Department Turnover Assessment  
Implementation Plan  
Progress Report  
04.24.2018**

- **Internal Reporting (reporting for the period of 01.03.2018 – 04.24.2018 is deferred due to priority action given to External Reporting and Budget Development FY19 Implementation Plan)**

# **PUBLIC HEARING ANNOUNCEMENTS**

Public Hearings on the Budget:

May 1, 2018 and May 8, 2018

**INFORMATION  
FOR COUNCIL  
REVIEW**

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HOPEWELL REDEVELOPMENT AND HOUSING AUTHORITY  
350 East Poythress Street  
Hopewell, VA 23860

REGULAR MEETING OF February 12, 2018

\*\*\* MINUTES \*\*\*

Minutes of Regular Meeting of the Board of Commissioners of the Hopewell Redevelopment and Housing Authority of the City of Hopewell, Virginia, held Monday, February 12, 2018 at 5:15 p.m.

The meeting was called to order by the Chairman. Roll call, those present and absent were as follows:

Present: Sheila Flowers, Vice-Chairman  
Johnny Jones, Commissioner  
Sherman Cross, Commissioner  
Patrick Plourde, Commissioner  
Rogers Henry, Commissioner – arrived at 5:20 p.m.  
Ruth Johnson, Commissioner

Absent: None

Also Present: Steve Benham, Executive Director  
Sherry Henderson, Executive Secretary  
Madelyn Peay, Deputy Executive Director  
Michelle Coleman, Director of Finance and Administration  
Tarvaris McCoy, Community Revitalization Director  
Aretha Jackson, Housing Manager  
Craig Wise, Housing Manager  
Culle Leslie, Administrative Assistant  
Anissa Delapara, Concerned Resident

CONSENT AGENDA

C-1 & C-2: Upon motion made by Commissioner Plourde and seconded by Commissioner Johnson with all Commissioners present responding, the Consent Agenda was approved.

Upon roll call, the vote resulted:

Vice-Chairman Flowers	- Yes
Commissioner Jones	- Yes
Commissioner Plourde	- Yes
Commissioner Cross	- Yes
Commissioner Henry	- Yes
Commissioner Johnson	- Yes

6 Yes; Motion Passed

COMMUNICATIONS FROM CITIZENS: Anissa Delapara, Piper Square resident, communicated with the Board of Commissioners regarding: policies and procedures not being followed. Her complaints were: FOIA and hardship request not processed; four different amounts for an itemized billing statement, filed a grievance on August 28, 2017 and it was not recognized until the end of September, after unlawful detainee was filed, work orders given to the Assistant Housing Manager and they were not processed for a tub that was overflowing. It was a month and a half before the tub draining issue was repaired.

Mr. Benham – we did make note of your conversation on this day and we will follow-up on the items. It is not a process that is completed during the meeting. You are welcome to stay for the duration of the meeting.

REGULAR AGENDA

R-1 Election of Chair and Vice-Chair for the February 13, 2018 – February 11, 2019 term.

This matter was tabled until the Executive Session.

001  
R-2 Introduction of new employees: Aretha Jackson, Housing Manager, Craig Wise, Housing Manager and Culle Leslie, Administrative Assistant.

Madelyn Peay introduced new employees: Aretha Jackson, Housing Manager, Craig Wise, Housing Manager, and Culle Leslie, Administrative Assistant, to the Board of Commissioners.

R-3 Other matters.

Mr. Benham informed the Board of Commissioners that HRHA received the letter from the U.S. Department of HUD acknowledging the Audit submission for the FY ending 3/31/17. There were no findings.

R-4 Retreat discussion

Steve Benham, Madelyn Peay, Michelle Coleman and Tarvaris McCoy presented the Board of Commissioners with an overview of major areas for the upcoming year.

Upon motion made by Commissioner Plourde and seconded by Commissioner Cross with all Commissioners present responding, the Board of Commissioners approved the proposed organizational chart to be in effect February 19, 2018.

Upon roll call, the vote resulted:

Vice-Chairman Flowers	- Yes
Commissioner Jones	- Not in attendance, had to leave.
Commissioner Plourde	- Yes
Commissioner Cross	- Yes
Commissioner Henry	- Yes
Commissioner Johnson	- Yes

5 Yes; Motion Passed

#### EXECUTIVE SESSION

E-1 The Board of Commissioners adjourned into Executive Session at 9:17 p.m. for the purpose of discussing personnel and other matters in accordance with 2.2-3711 (A) (1) (3) (4) (7) of the Code of Virginia as amended.

#### RETURN TO REGULAR SESSION

Upon return from Executive Session at 9:40 p.m., the following motion was made by Commissioner Plourde and seconded by Commissioner Cross with all Commissioners present responding affirmatively:

WHEREAS, the Board of Commissioners has convened an executive session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and

WHEREAS, Section 2.2-3711(B) of the Code of Virginia of 1950, as amended, requires a certification by the Board of Commissioners that such executive meeting was conducted in conformity with Virginia law:

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners hereby certifies that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and only such public business as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Commissioners.

Upon nomination made by Commissioner Plourde and seconded by Commissioner Johnson with all Commissioners present responding, the Board of Commissioners nominated Mrs. Sheila Flowers as Chairman.

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Upon roll call, the vote resulted:

- Vice-Chairman Flowers
  - Commissioner Jones
  - Commissioner Plourde
  - Commissioner Cross
  - Commissioner Johnson
  - Commissioner Henry
- Yes
  - Not in attendance during this vote.
  - Yes
  - Yes
  - Yes
  - Yes

5 Yes; Nomination Passed

Upon nomination made by Vice-Chairman Flowers and seconded by Commissioner Johnson with all Commissioners present responding, Mr. Patrick Plourde was nominated as Vice-Chairman.

Upon nomination made by Sherman Cross and seconded by Commissioner Rogers Henry with all Commissioners present responding, Mr. Johnny Jones was nominated as Vice-Chairman.

Upon roll call, the vote resulted:

- Commissioner
  - Vice-Chairman Flowers
  - Commissioner Jones
  - Commissioner Plourde
  - Commissioner Cross
  - Commissioner Johnson
  - Commissioner Henry
- Voted for Vice-Chairman
  - Patrick Plourde
  - Not in attendance during this vote.
  - Patrick Plourde
  - Johnny Jones
  - Patrick Plourde
  - Johnny Jones

3 votes for Patrick Plourde/2 votes for Johnny Jones – Patrick Plourde is elected as the Vice-Chairman.

**ADJOURNMENT**

Upon motion made Commissioner Plourde seconded by Commissioner Johnson with all Commissioners present responding affirmatively, the meeting was adjourned at 9:55 p.m.

Sheila Flowers  
Sheila Flowers, Vice-Chairman

Madeline Lay Acting  
Steven A. Benham, Secretary-Treasurer



## **Hopewell Community Policy And Management Team Meeting**

**April 16, 2018  
2:00 p.m.**

### **Agenda**

- I. Approval of the Minutes  
March 26, 2018
- II. Financial Report
- III. Old Business
  - A. Policy and Procedures
- IV. New Business
  - A. Council Appointments to CPMT
- V. Closed Meeting
  - A. Approval of Purchase Order Requests
- VI. Items of Interest
- VII. Next meeting is scheduled for May 21, 2018



***Hopewell Community Policy & Management Team***  
***Minutes of the Meeting***  
**March 26, 2018**

**Present:** Dr. Sheila Bailey Vice Chair, Hopewell Schools; Diana Barnes, Chair, District 19; Lauren Hovis, Private Provider; Raymond Spicer, Social Services Director

**Absent:** Woodrow Harris Court Service; Brenda Pelham City Council

**Others Present:** Wanda Brown, CSA Coordinator;

CPMT Chair Diana Barnes called the meeting to order at 2:03 p.m.

**I. Approval of Minutes** – A motion was made by Lauren Hovis and seconded by Dr. Sheila Bailey to approve March 26, 2018 minutes, as submitted. The motion was passed unanimously.

**II. Financial Report** –Wanda Brown submitted the CSA Pool Reimbursement report for February which showed that \$258,773.50 was spent for services which utilized 8.4% of the CSA budget. The year-to-date budget utilized for CSA services is \$1,624,163.55 which is 56.7% of the total allocation for CSA services. Motion was made by Diana Barnes and seconded by Lauren Hovis to accept the financial report. The motion was passed unanimously.

**III. Old Business**

**A. Policies and Procedures**--The CPMT reviewed pages 1-11 of the current policies and procedures. The next pages to be edited will be 12-28. The updated policy will go into effect on July 1, 2018.

**IV. New Business**

**A. Change to FAPT/CPMT Schedule**---Wanda Brown discussed changing the FAPT meetings from the first and second Wednesday to the first and third Wednesday of the month. July 1, 2018 would be the beginning of all changes pertaining to FAPT/CPMT meetings. Any change would mean that CPMT would have to change its date from the current third Monday to fourth Monday or fourth Tuesday. After thorough discussion due to conflicting schedules, there can be no changes made regarding changing the weeks of FAPT and CPMT meeting date.

**CPMT Minutes**  
**March 26, 2018**

Beginning July 1, 2018, all FAPT meetings will start at 9:30 a.m. and end at 3:00 or 3:30 if needed. The meeting will now be thirty minutes in length to capture all the necessary information on IFSP to better service children and families and completion of documentation for auditing purposes.

- B. CSA State Coordinator's Meeting**—Wanda Brown discussed topics about State meeting held on March 9, 2018 at Henrico County Training Center. Scott Reiner spoke with group about the “Electronic Meeting Chatter”. According to Scott electronic email meetings do not meet requirement for the Open Meeting rule set forth by Commonwealth of Va. It was made very clear that any electronic approval of funding should not be completed in place of a CPMT meeting. In the event that CPMT cannot meet, it was suggested that the CPMT Chair approves the funding until the next meeting takes place.

Commonwealth Center for Adolescents— There had been issues where this facility had threatened to drop off children to local DSS office due to loss of Medicaid funding. Localities were informed that no children would be driven to the local DSS office and abandoned by this facility.

Cumberland Hospital— Magellan will not pay for any services at hospital facility. The facility has refused to unbundle their services to receive Medicaid funding. CSA is allowed to place children in the Cumberland group and residential facility, the do not place only affect the actual hospital. Scott Reiner suggested calling OCS before placing a child in the hospital for alternative placements. If a child is placed in the Cumberland Hospital the funding will be local money only no CSA reimbursement.

- C. System of Care Update**-Wanda Brown attended SOC conference in Charlottesville on March 19, 2018. DBHDS provided update about the SOC grant and how Virginia is utilizing that grant to expand Intensive Care Coordination in the state. Pam Fisher is insisting that all ICC providers be licensed by DBHDS, already any ICC providers must be trained through High Fidelity Wraparound Model. A drawback to being a licensed program is that Medicaid might then pay for the services however; the rate may be so low that no vendors are willing to provide the service. Region Ten CSB very concerned that Medicaid reimbursement will change how the service is provided.

- V. Closed Meeting** – A motion was made by Diana Barnes and seconded by Ray Spicer to enter into a Closed Meeting at 3:18p.m., pursuant to §2.2-3711(A) of the Code of Virginia for the purpose of discussing or considering child-specific purchase order requests, which is authorized by §2.2-3711(A)(4) of the Code of Virginia. The motion was passed unanimously.

Upon a motion by Diana Barnes and seconded by Sheila Bailey, the open session was reconvened at 4:18 p.m.

**Certification of Closed Meeting**

Pursuant to §2.2-3712(D) of the Code of Virginia, the Community Policy and Management Team certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempt from open meeting requirements under the Virginia Freedom of Information Act, and (ii) only such business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed, or considered. Sheila Bailey, Diana Barnes, Wanda Brown, Ray Spicer, "yes."

**A. Approval of Purchase Order Requests**

A motion was made by Ray Spicer, and seconded by Sheila Bailey to approve funding in the amount of \$322,261.11. A wraparound case was not approved for \$1200.00 psychological but was approved for \$1200.00 for ICC. The parental co-pays for this case were waived by CPMT. The SOC grant will pay for first two months of ICC then CSA funds will be utilized for third month of services.

**VI. Items of Interest**

Ray Spicer informed CPMT team that DSS will soon be utilizing Thomas Brother's system and then CSA will be included to pay invoices with the Thomas Brothers system. Thomas Brothers will be another checks and balance for CSA and CPMT.

**VII.** Upon a motion by Diana Barnes and seconded by Lauren Hovis, the meeting was adjourned at 4:33 p.m.

The next meeting is scheduled for **April 16, 2018 at 2:00 p.m.**

**PROCLAMATIONS**

§

**RESOLUTIONS**

§

**PRESENTATIONS**

# Proclamation

OFFICE OF MAYOR JACKIE M. SHORNAK

*City of Hopewell, Virginia*



## *Administrative Professionals Week*

*Whereas,* *Administrative professionals play an essential role in coordinating the office operations of businesses, government, educational institutions, and other organizations; and*

*Whereas,* *the work of administrative professionals today requires advanced knowledge and expertise in communications, computer software, office technology, project management, organization, customer service and other vital office management responsibilities; and*

*Whereas,* *Administrative Professionals Week is observed annually in workplaces around the world to recognize the important contributions of administrative support staff and is sponsored by the International Association of Administrative Professionals; and*

*Whereas,* *the Administrative Support Personnel for the City of Hopewell are advancing their careers and the profession as a whole through a purposeful commitment to and a passion for their careers through improving and expanding their skills.*

***NOW, THEREFORE,*** *I, Jackie M. Shornak, the Mayor of the City of Hopewell, proclaim Wednesday April 25th as Administrative Professionals Day, saluting the valuable contributions of administrative professionals in the workplace. Further, I call on all employers to support continued training and development for administrative staff, recognizing that a well-trained workforce is essential for success in today's business world.*

***I*** ***N WITNESS WHEREOF,*** *I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this \_\_\_ day of April, 2018.*

---

*Jackie M. Shornak*  
*Mayor of the City of Hopewell*

# Proclamation

OFFICE OF MAYOR JACKIE M. SHORNAK

*City of Hopewell, Virginia*



## Month of the Military Child

*Whereas,* thousands of brave Americans have demonstrated their courage and commitment to freedom by serving the Armed Forces of the United States of America in active duty posts in Afghanistan, Iraq and around the world; and

*Whereas,* each day, military children experience unique challenges, which they face with resilience and dignity beyond their years; and

*Whereas,* these children and youth are a source of pride and honor to us all and it is only fitting that we take time to recognize their contributions, celebrate their spirit and let our men and women in uniform know that while they are taking care of us we are taking care of their children and youth; and

*Whereas,* the recognition of Month of the Military Child will allow us to pay tribute to military children and youth for their commitment, their struggles and their unconditional support of our troops because when parents serve in the military their kids are heroes too; and

*Whereas,* a month-long salute to military children and youth will encourage the local community to provide direct support to military children and families.

*Whereas,* 2018 marks the 32<sup>nd</sup> year that the Month of the Military Child has been celebrated nationally;

**NOW, THEREFORE, I, Jackie M. Shornak, the Mayor of the City of Hopewell, do hereby proclaim the month of April 2018 as the MONTH OF THE MILITARY CHILD, and urge all citizens, business and government leaders to join the Nation in recognizing the important contributions and sacrifices our military children make as we honor them throughout the month of.**

**I**N WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 24<sup>th</sup> day of April, 2018.

---

*Jackie M. Shornak  
Mayor of the City of Hopewell*

# Proclamation

OFFICE OF MAYOR JACKIE M. SHORNAK

*City of Hopewell, Virginia*

INTERNATIONAL CODE COUNCIL



Building Safety Month

*Whereas,* our City of Hopewell is committed to recognizing our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster, and

*Whereas,* our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

*Whereas,* these guardians are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, worship, play, and;

*Whereas,* our nation benefits economically and technologically from using the International Codes® that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the nation; these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; and

*Whereas,* Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to keep America great; and

*Whereas,* “Building Codes Save Lives” the theme for Building Safety Month 2018, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2018 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies; and,

*Whereas,* each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

**NOW, THEREFORE,** I, Jackie M. Shornak, the Mayor of the City of Hopewell, do hereby proclaim the month of May 2018 as Building Safety Month. Accordingly, I encourage our citizens to join with their communities in participation in Building Safety Month activities.

**I**N WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 24<sup>th</sup> day of April, 2018.

---

Jackie M. Shornak  
Mayor of the City of Hopewell

SATURDAY, APRIL 28TH | 12PM-6PM

Wonder  
City



CRAFT BEER  
FESTIVAL

HOPEWELL, VIRGINIA

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**OVER 30 CRAFT BEERS**  
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# **PUBLIC HEARINGS**

**PH-1**

April 9, 2018

Ms. Kim Kidd  
Kidd Properties  
3051 Eastbury Lance  
Charles City, VA 23030

Re: 710 6<sup>th</sup> Avenue, Hopewell, VA 23860

Dear Ms. Kidd:

I am writing on behalf of the City of Hopewell regarding a request for an easement of 2757 square feet or 0.063 acres of your property, Parcel # 061-0336, located at 710 6<sup>th</sup> Avenue, Hopewell, VA 23860 for use as a 30 foot permanent utility easement. Attached is a plat of the requested easement.

As we have discussed/communicated with you on several occasions, the City needs this area on your property in order to relocate a failing sewer line. The City does not want to inconvenience anyone or take anyone's property; however, as you have been informed, the City does not want this sewer line to fail causing untreated domestic waste to flow across Carter Woodson Middle School property and ultimately into the James River.

We have offered to pay \$14,500 for the necessary property rights to establish this easement which is a modification of the current 60 foot utility easement currently on the subject property. You have rejected this offer. The offered amount is more than the calculated square foot rate based on the City's 2017 assessed value of \$1.75 per square foot.

The City remains willing to negotiate to purchase the easement; however, we must proceed with our work. If we cannot agree on a purchase price of the easement, the City will take the property by eminent domain. If you decide to accept our offer, please contact either me or Ms. Jeanie Grandstaff with Hopewell Water Renewal, 804-541-2210.

The City has scheduled a public hearing on April 24 at 7:30 p.m. in City Council Chambers for the purpose of receiving public comment regarding the acquisition of this property for public use by condemnation or other means.

CERTIFICATION OF PUBLIC USE

REPORT OF TITLE TO PROPERTY

Sincerely,  
Jeffrey Hamilton Geiger



CITY OF HOPEWELL
CITY COUNCIL ACTION FORM

- Strategic Operating Plan Vision Theme: Civic Engagement, Culture & Recreation, Economic Development, Education, Housing, Safe & Healthy Environment, None (Does not apply)
Order of Business: Consent Agenda, Public Hearing, Presentation-Boards/Commissions, Unfinished Business, Citizen/Councilor Request, Regular Business, Reports of Council Committees
Action: Approve and File, Take Appropriate Action, Receive & File (no motion required), Approve Ordinance 1st Reading, Approve Ordinance 2nd Reading, Set a Public Hearing, Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Public Hearing and Resolution prior to initiating condemnation proceedings for the acquisition of property for public use for the installation of a sanitary sewer line on property owned by Hopewell Property, LLC and HW Industrial LLC at 710 S. 6th Street.

ISSUE: The gravity sewer that crosses Carter Woodson Middle School property and crosses the ravine between the school and Twin Rivers Apartments is in need of repair. Its stability is being jeopardized by storm water discharges into the ravine. In order to relocate the sewer line away from the ravine, the sewer line easement on 710 S. 6th Street must be modified. Hopewell Property, LLC and HW Industrial LLC, owners of the property, have refused to grant an easement.

RECOMMENDATION: The City Administration recommends City Council adopt a resolution to condemn the 2757 sq. ft on the Hopewell Property, LLC and HW Industrial LLC property at 710 S. 6th Street as outlined on the attached drawing.

TIMING: The contract for the construction of the relocated sewer line has been awarded and the contractor has begun preliminary work. In order to prevent a delay in construction and to chance a sewer line break, approval of the relocated easement must be obtained.

BACKGROUND: In accordance with VA Code §15.2-1903, City Council must hold a public hearing prior to initiating condemnation proceedings and must adopt a resolution or ordinance approving the proposed public use and directing the acquisition of property for the public use by condemnation or other means. Since June 2017, staff has been in periodic contact with Hopewell Property, LLC to try and negotiate a 2757 square foot easement. In February 2018, the property owners requested \$100,000 for the easement. After a subsequent meeting, their compensation request was reduced to \$25,000. However, when staff countered with a \$14,500 compensation, the owners stated that they did not want an additional easement on their property. In staff's opinion, the proposed 2757 sq. ft. easement will not affect development opportunities because of the small amount of property requested and the fact that the easement is located on a slop close to Winston Churchill Drive. Therefore, staff has scheduled this public hearing to obtain Council's approval of a resolution to condemn 2757 square feet on Hopewell Property, LLC and HW Industrial LLC property at 710 S. 6th Street as outlined on the attached drawing.

SUMMARY: Table with columns Y and N for Mayor Jackie Shormak, Councilors Christina J. Luman-Bailey, Arlene Holloway, Janice Denton, Vice Mayor Jasmine E. Gore, Councilors Brenda Pelham, and Tony Zevgolis.

April 24, 2018

**FISCAL IMPACT:** Without the easement, the City will be required to pay damages to the contractor and re-design another route for the deteriorating sewer line. Other routes previously evaluated would require trenching across Winston Churchill Drive and closing a part of the busy street. This is estimated to cost significantly more than the current design. Rerouting the sewer line on the Hopewell Property LLC and HW Industrial LLC property allows the sewer line crossing of Winston Churchill Drive to be directionally drilled. The current contract is for approximately \$817,000.

**ENCLOSED DOCUMENTS:** Draft Hopewell Property, LLC. Easement and map

**STAFF:** Jerry Byerly, Director, Hopewell Water Renewal

---

**SUMMARY:**

- | <b>Y</b>                 | <b>N</b>                 |  | <b>Y</b>                 | <b>N</b>                 |                                    |
|--------------------------|--------------------------|--|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor, Jackie Shornak, Ward #7               | <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine E. Gore Ward #4 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Christina J. Luman-Bailey, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6   |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2           | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Tony Zevgolis, Ward #3   |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5             |                          |                          |                                    |

April 24, 2018

Prepared by and return to:  
Sands Anderson PC  
1111 E. Main Street, 24<sup>th</sup> Floor  
Richmond, Virginia 23219  
Attn: Stefan M. Calos, VSB #27405 (Va. Code § 17.1-223, *Duty of clerk to record writing*)

Parcel ID No.: 061-0336 (Va. Code § 17.1-252, *Indexing by tax map reference number*)

THIS DOCUMENT IS EXEMPT FROM RECORDATION TAXES [PARAGRAPH A(3) OF VA. CODE § 58.1-811(*Exemptions*)]

### DEED OF EASEMENT

This Deed of Easement, made and entered into this \_\_\_\_ day of March, 2018, by and between HOPEWELL PROPERTY, LLC, a Virginia limited liability company, Grantor, and the CITY OF HOPEWELL, a Virginia municipal corporation, Grantee;

Witnesseth: Grantor doth hereby grant and convey unto Grantee, its successors and assigns, an exclusive, permanent easement of right-of-way, 30 feet in width, upon property located in Hopewell, Virginia identified as Parcel ID No. 061-0336, as more particularly shown on Exhibit A, "Plat Showing 30' Permanent Utility Easement Hereby Conveyed to City of Hopewell from Hopewell Property, LLC," by Rouse-Sirine Associates, Ltd., dated September 2, 2016, and attached hereto.

Grantor will retain the use and enjoyment of the easement property, including, but not limited to, the right to build roads, and lay electrical, steam, water, sewer, and other lines across the easement, so long as Grantor's use does not interfere with Grantee's proposed sewer line and operation and maintenance activities on, or other use of, the easement property. All construction and other activities by Grantee contemplated by this deed of easement shall be at Grantee's sole expense, and Grantee shall be responsible for any damages to the easement property.

Once the proposed sewer line is constructed, Grantor will be allowed to discharge wastewater into the sewer line from a maximum two-inch water meter service connection,

provided that Grantor obtains the necessary federal, state, and City permits, and if otherwise provided by law. Grantee would ordinarily charge a fee based on the applicable rate for a service connection, but will not charge Grantor for a connection if it is as set forth herein.

Upon completion of the construction contemplated by this deed of easement, Grantee will restore the easement property to as good or better condition than immediately prior to construction.

The easement granted herein is for the use and enjoyment of Grantee and its invitees, and Grantee may maintain and make improvements upon the easement.

Witness the following signatures and seals:

**HOPEWELL PROPERTY, LLC**

By: \_\_\_\_\_ (SEAL)

Printed name: \_\_\_\_\_

Title: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF \_\_\_\_\_

The foregoing Deed of Easement to the City of Hopewell was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_, as \_\_\_\_\_ of HOPEWELL PROPERTY, LLC, a Virginia limited liability company.

\_\_\_\_\_  
Notary Public

My commission Expires: \_\_\_\_\_

Notary Registration No.: \_\_\_\_\_

[City execution page follows]

**CITY OF HOPEWELL**

By: \_\_\_\_\_ (SEAL)  
John M. Altman, Jr., City Manager

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF \_\_\_\_\_

The foregoing Deed of Easement from Hopewell Property, LLC was acknowledged before me this \_\_\_\_\_ day of March, 2018, by John M. Altman, Jr., City Manager, on behalf of the City of Hopewell.

\_\_\_\_\_  
Notary Public

My commission Expires: \_\_\_\_\_

Notary Registration No.: \_\_\_\_\_

Approved as to Form:

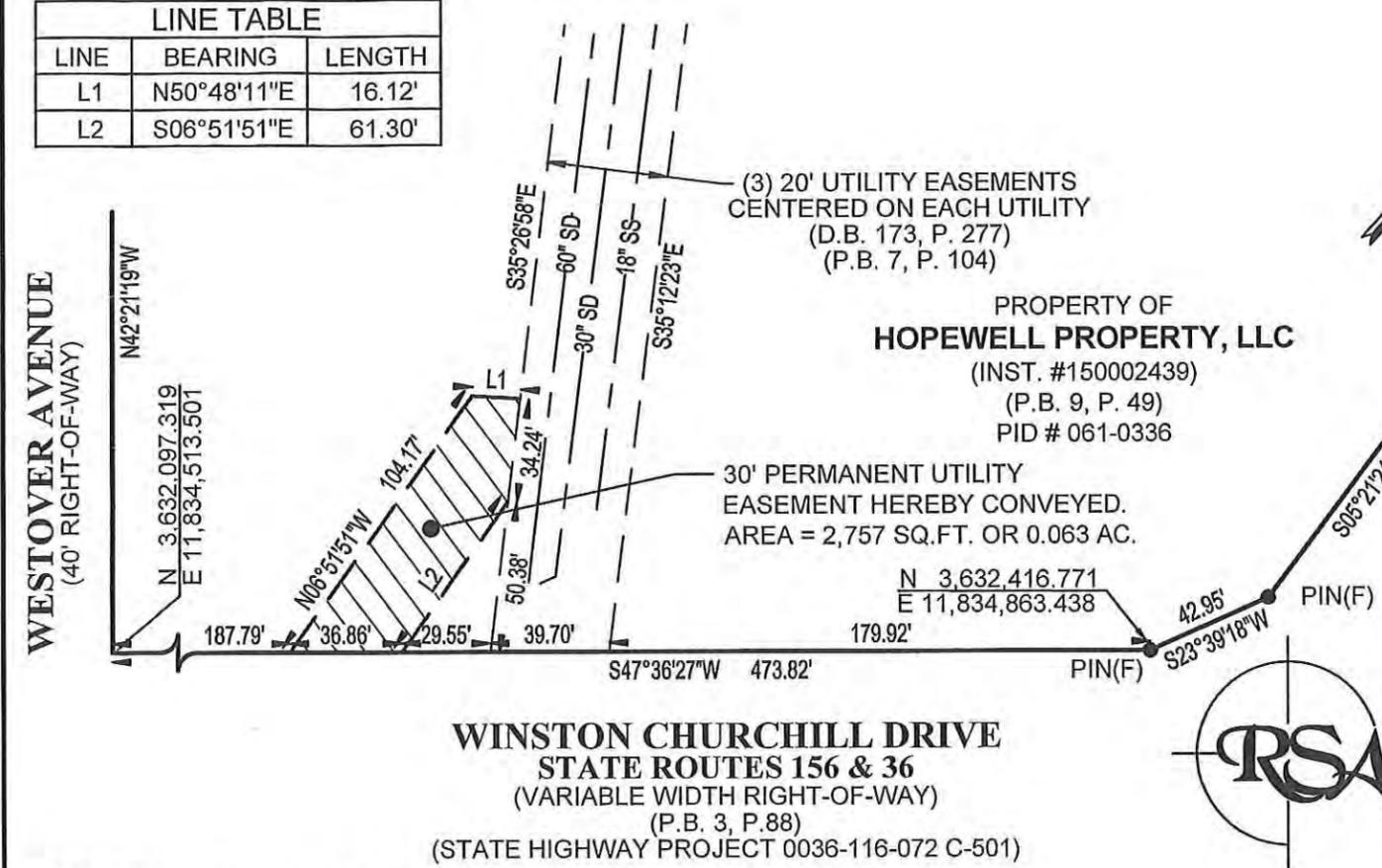
\_\_\_\_\_  
Stefan M. Calos  
Sands Anderson PC  
City Attorney  
Date: \_\_\_\_\_

**SURVEY NOTES:**

1. MERIDIAN SOURCE BASED ON VIRGINIA STATE PLANE COORDINATE SYSTEM OF 1983 (SOUTH ZONE) (1993 ADJ.), UTILIZING CITY OF HOPEWELL, VIRGINIA GEODETIC MONUMENT CONTROL #9, #12 & #16. COORDINATE VALUES ARE SHOWN IN U.S. SURVEY FEET.
2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT SHOW ALL EASEMENTS OR REFERENCES AFFECTING THIS PROPERTY.
3. PARCEL AREAS SHOWN ARE BASED ON CITY ASSESSOR RECORDS AND ARE APPROXIMATE IN NATURE.
4. THIS PLAT DOES NOT CONSTITUTE A BOUNDARY SURVEY OR SUBDIVISION OF LAND.

AREA TABLE		
SUBJECT AREA	SQ.FT.	ACRES
PID 061-0336	216,750	4.980
30' PERMANENT UTILITY EASEMENT	2,757	0.063

LINE TABLE		
LINE	BEARING	LENGTH
L1	N50°48'11"E	16.12'
L2	S06°51'51"E	61.30'



PLAT SHOWING  
30' PERMANENT UTILITY EASEMENT  
HEREBY CONVEYED TO  
CITY OF HOPEWELL  
FROM  
**HOPEWELL PROPERTY, LLC**  
(INST. # 15002439)  
SCALE: 1" = 60' SEPTEMBER 2, 2016

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TEL:(757)903-4695 FAX:(757)903-4469



DENOTES 30' PERMANENT UTILITY EASEMENT HEREBY CONVEYED.

**CITY OF HOPEWELL  
RESOLUTION AUTHORIZING AND DIRECTING  
THE ACQUISITION, BY CONDEMNATION OR OTHER MEANS,  
OF PROPERTY LOCATED AT  
710 South 6<sup>TH</sup> Street, HOPEWELL, VA 23860**

**WHEREAS**, the City of Hopewell, Virginia is responsible for providing wastewater collection and treatment in the City of Hopewell; and

**WHEREAS**, an existing sewer line runs through the property at 710 S. 6<sup>th</sup> Street in Hopewell through a 60 foot utility easement as recorded in Deed Book 173, page 277 and P.B. 7, P. 104; and

**WHEREAS**, the existing sewer line located on 710 S. 6<sup>th</sup> Street exits the property, crosses under Winston Churchill Drive, and parallels Carter Woodson Middle School property line before making an above ground crossing of a storm water ravine onto the school property; and

**WHEREAS**, the sewer line that parallels the school property and the sewer line supporting structure is being undermined by storm water erosion in the ravine; and

**WHEREAS**, the City has evaluated the situation and the likelihood that the sewer line could collapse causing the discharge of untreated wastewater on the school property and into a tributary of the James River; and

**WHEREAS**, results of this evaluation found that the most feasible action to prevent the sewer line failure is to move the entire sewer line section away from the ravine and onto the school property; and

**WHEREAS**, in order to meet the requirements for gravity flow of the wastewater in the replacement section of the sewer line, the easement on the property located at 710 S. 6<sup>th</sup> Street, Hopewell needs to be modified and expanded; and

**WHEREAS**, the modified easement needs to be expanded by 2757 square feet or 0.063 acres in order to change the direction of the sewer line under Winston Churchill Drive and to relocate the sewer line onto the Carter Woodson Middle School property; and

**WHEREAS**, the property located at 710 S. 6<sup>th</sup> Street, Hopewell, is owned by Hopewell Property, LLC and HW Industrial LLC; and

**WHEREAS**, Hopewell Property, LLC was contacted in June 2017 regarding acquisition of the additional 2757 square feet; and

**WHEREAS**, based on the City's assessed value of \$1.75 per square foot for the property, the City calculated an acquisition value of \$4,824.75 for the 2,757 square feet for the additional easement; and

**WHEREAS**, after discussions with Hopewell Property, LLC, the City offered \$14,500 for acquisition of the 2757 square foot easement; and

**WHEREAS**, on March 27, 2018, Hopewell Property, LLC declined the \$14,500 offer and stated that it did not want any additional easement on the property; and

**WHEREAS**, the City of Hopewell staff, have attempted in good faith to negotiate the acquisition of this property from the owner, but so far, have been unsuccessful in reaching an agreement with the owner on mutually acceptable terms; and

**WHEREAS**, the City of Hopewell may acquire land and easements through the exercise of the power of eminent domain pursuant to Va. Code Ann. §§ 15.2-1900 *et seq.*, as amended; and

**WHEREAS**, prior to initiating condemnation proceedings, the City of Hopewell is required to conduct a public hearing pursuant to Va. Code Ann. § 15.2-1903, as amended; and

**WHEREAS**, the City of Hopewell scheduled a public hearing for April 24, 2018 to consider the acquisition of 2757 square feet of property located at 710 S. 6<sup>th</sup> Street, Hopewell by condemnation or other means and published notice of this public hearing on April 10, 2018 through the City of Hopewell City Clerk's emailing list and on April 16, 2018 in the Progress-Index, and also provided written notice of such public hearing to Hopewell Property, LLC and HW Industrial, LLC as well as owners of abutting properties and properties immediately across the street from the property; and [UG1]

**WHEREAS**, the City of Hopewell held a public hearing on this matter at the City Hall on April 24, 2018, at which all interested members of the public requesting to do so were permitted to speak; and

**WHEREAS**, at the public hearing, the City of Hopewell Council heard and considered comments from the public as well as information provided by the City of Hopewell staff, including publication of notice of the public hearing, as well as appraisal data of the property; and

**WHEREAS**, the City of Hopewell, upon consideration of all the foregoing determines and is of the conclusion that it is in the best interest of the City of Hopewell and the public to acquire the 2757 square feet of property located at 710 S. 6<sup>th</sup> Street, Hopewell to construct a relocated sanitary sewer line, either by negotiation or by exercise of the City of Hopewell's power of eminent domain if efforts to obtain the property by other means continue to be unsuccessful.

**NOW THEREFORE, IT IS, ON THIS 24<sup>TH</sup> DAY OF APRIL 2018, HEREBY RESOLVED**, that the construction, operation and maintenance of the sewer line relocation at 710 S. 6<sup>th</sup> Street, Hopewell, is approved as a critical public use necessary to ensure relief from potential failure of the existing sewer line, for the health, safety and welfare of the members of the public served by the City of Hopewell; and be it

**FURTHER RESOLVED**, that the acquisition of the 2757 square feet located at 710 S. 6<sup>th</sup> Street, Hopewell by condemnation or other means, free and clear of any and all liens, judgments, deeds of

trust, leases or other conflicting encumbrances, is approved, such acquisition being necessary for the relocation of the sanitary sewer line located on the property; and be it

**FURTHER RESOLVED**, that the property will be used for facilities to be operated by the City of Hopewell in furtherance of its public and governmental functions pursuant to the Virginia Code Annotated, and that the acquisition of the 2757 square feet of property located at 710 S. 6<sup>th</sup> Street, Hopewell for that public use: (i) is no more property than is necessary to meet the City of Hopewell's needs and public purposes and uses stated herein; (ii) will serve only public interests which dominate any private gain; (iii) is sought for the primary purpose of serving public interests and not private financial gain, private benefit, an increase in tax revenues, or an increase in employment; and (iv) otherwise complies with Va. Code Ann. § 1-219.1; and be it

**FURTHER RESOLVED**, that the City of Hopewell has made bona fide efforts to acquire the 2757 square feet located at 710 S. 6<sup>th</sup> Street, Hopewell, from the landowner, but, to date, those efforts have been ineffectual; and be it

**FURTHER RESOLVED**, that the City of Hopewell does hereby authorize its City Manager and Counsel, respectively, to take all actions for and on behalf of the City of Hopewell which are or may be appropriate or necessary for the City of Hopewell to acquire the 2757 square feet of property located at 710 S. 6<sup>th</sup> Street, Hopewell, through the exercise of its power of eminent domain, including but not limited to, the filing of any papers or pleadings with the Circuit Court of Hopewell, Virginia and other actions related to the initiation of any legal proceedings necessary or appropriate to acquire the property by eminent domain, *provided, however*, that nothing in this Resolution shall be construed as preventing the continued negotiation by the City Manager and/or Counsel for the City of Hopewell for the acquisition by other means of the property before the initiation of any such eminent domain proceedings; and be it

**FURTHER RESOLVED**, that all the actions taken by the City Manager and Counsel in connection with this matter are hereby ratified and confirmed; and be it

**FINALLY RESOLVED**, that a copy of this Resolution be filed with the papers of this meeting.

The preceding Resolution was adopted at the April 24, 2018 Regular Meeting of the City of Hopewell City Council by a vote of \_\_\_ ayes and \_\_\_ nays.

\_\_\_\_\_  
Mayor, City of Hopewell

\_\_\_\_\_  
Clerk, City of Hopewell

TITLE REPORT

Property: 710 South 6<sup>th</sup> Street  
Hopewell, Virginia  
Parcel #061-0336  
4.975 acres

Pursuant to subsection D of Virginia Code § 25.1-204 (*Effort to purchase required; prerequisite to effort to purchase or filing certificate*), the City of Hopewell has conducted an examination of title to the above-referenced property in order to ascertain the identity of each owner of such property and to determine the nature and extent of such owner's interests in the property. As a result of the examination, the City has ascertained the following owners of and their respective interests in the property, based on items indexed in the clerk's office of the Hopewell Circuit Court as of 2:30 p.m. on April 11, 2018:

Hopewell Property, LLC  
A Virginia Limited Liability Company

Principal Office Address: 3051 Eastbury Lane  
Charles City, Virginia 23030

Registered Agent: Carrie E. Coyner, Esquire  
9910 Wagners Way  
Chesterfield, VA 23832

Nature and Extent of Interests: Tenant in common with HW Industrial LLC

HW Industrial LLC  
A Florida Limited Liability Company Registered in Virginia

Principal Office Address: 6000 Greatwater Drive  
Windermere, FL 34706

Registered Agent: Carrie E. Coyner, Esquire  
9910 Wagners Way  
Chesterfield, VA 23832

Nature and Extent of Interests: Tenant in common with Hopewell Property, LLC\*

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\*The deed of bargain and sale by Hopewell Property, LLC recorded on November 3, 2017 in Hopewell Circuit Court as Instrument #170002460 purports to convey "an undivided one-half percent (50%) interest" in the property to HW Industrial LLC. Therefore, Hopewell Property, LLC owns 99.5 percent or 50 percent of the property, and HW Industrial LLC owns .5 percent or 50 percent of the property. Regardless, compensation will be payable to both owners on one check.

**PH-2**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE: Public Hearing to consider citizen comments regarding the City of Hopewell 2028 Draft Comprehensive Plan.**

**ISSUE:** In accordance with the Code of Virginia, any locality that is revising or creating a Comprehensive Plan must have a public hearing to consider citizen comments prior to the adoption of the plan.

**RECOMMENDATION:** The City Administration recommends the City Council consider citizen comments regarding the 2028 City of Hopewell Draft Comprehensive Plan. Development Staff is requesting the City Council approve the Plan with amendments as listed on the attached document.

If the City Council chooses not to vote on the entire Plan tonight. As previously discussed, Staff is requesting approval of Chapter XI, The Environment and the Chesapeake Bay, to fulfill a requirement of the Virginia Department of Environmental Quality (DEQ) and to meet the requirement for the Chesapeake Bay Implementation Grant received from DEQ, and approved by City Council on April 4, 2017.

**TIMING:** A public hearing will be held on Tuesday, April 24, 2018.

**BACKGROUND:** The Planning Commission has completed their update of the City's Comprehensive Plan. A joint work session of City Council and the Commission to review the main principles of the plan was held on January 18, 2018. Citizen public review meetings were held on March 12 and 22, and April 12. Staff and the Planning Commission Chair also spoke at the Ward 4 meeting held on April 16<sup>th</sup>. The public review period ended on Wednesday, April 4, 2018.

The Commission voted to recommend approval of the Plan at the March 27, 2018 joint public hearing. Staff is requesting that City Council vote on the Plan on April 24, 2018.

**FISCAL IMPACT:** Economic/Community Development

**SUMMARY:**

- | <b>Y</b>                 | <b>N</b>                 |  | <b>Y</b>                 | <b>N</b>                 |                                    |
|--------------------------|--------------------------|--|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Christina J. Luman-Bailey, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor K. Wayne Walton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2           | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6   |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Anthony J. Zevgolis, Ward #3       | <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jackie M. Shornak, Ward #7   |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine E. Gore, Ward #4          |                          |                          |                                    |

**ENCLOSED DOCUMENTS:**

- Citizen Comments and Planning Commission and Staff responses
- Recommended amendments to the Plan
- The draft plan was provided to City Council on February 13, 2018. PLEASE BRING THE PLAN TO THE MEETING. ADDITIONAL COPIES WILL NOT BE PROVIDED.

**STAFF:** Tevya W. Griffin, Director of the Department of Development

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**SUMMARY:**

**Y N**

- Councilor Christina J. Luman-Bailey, Ward #1
- Councilor Arlene Holloway, Ward #2
- Councilor Anthony J. Zevgolis, Ward #3
- Vice Mayor Jasmine E. Gore, Ward #4

**Y N**

- Councilor K. Wayne Walton, Ward #5
- Councilor Brenda Pelham, Ward #6
- Mayor Jackie M. Shornak, Ward #7

## COMMENTS COLLECTED DURING PUBLIC REVIEW PERIOD

### Comments from January 18, 2018 joint work session with Planning Commission and City Council:

1. (Vice Mayor Gore) Cavalier Square –Priority Planning Area #5, clearly define what we are referring to when we say the redevelopment of this area will require public private partnerships. This reference refers to capital improvement projects that must be funded by to the City to upgrade and improve intersections, and vehicular access. City sponsored improvements would also create pedestrian and bike improvements, and create way-finding. Refer to Chapter VI: Cavalier Square- Priority Planning Area 4 page 6.
2. (Vice Mayor Gore) Do we mention the establishment of various zones allowed by the Commonwealth of VA that provides incentives to business owners/ developers. For example: technology zones, tourism zones. Chapter II, Vision and Goals for Hopewell's, Goal #9 suggest the City should evaluate economic incentive programs to in business recruitment efforts.
3. (Herbert Bragg) The plan should touch on the rich history of the City and the importance of capitalizing on that history. For example civilization goes back to 1600, At one time over 13 languages were spoken in the City, over 3100 artifacts of the City are stored at William and Mary because there is no place to add them in the City. The amended plans includes references to the Cultural Resources Management Plan.
4. ( Councilor Zevgolis) What order would development occur? Thinks there should be an order. Wherever we can generate traffic is where entrepreneurs want to go. Pick a project-get the bank for your buck.
5. ( Mayor Shornak) Implementation will be key. The Planning Commission has been asked to hold the City Council responsible for implementation. The plan should include dates of start and completion. Provide time tables. Chapter XII, Implementation includes dates of start and completion with estimated cost.
6. ( Debbie Randolph) Does the plan discuss food deserts – as this City has several. Yes food desert is mentioned in Chapter VIII, Community Health and Character

### March 1, 2018 comments received from citizen

Katherine Podlewski- Complimented the wording in introduction of Comprehensive Plan appreciated the acknowledgement of difficulties and time it takes to get things done. While she understands the City's view of the neighborhood it is difficult to read that her neighborhood is on its last leg and should be demolished. Ms. Podlewski attended the March 12, 2018 Public Review meeting. The Planning Commission and Staff reviewed each of her questions. In regards to this question the discussion stemmed around the need to provide expansion opportunity to the City's #1 private employer. The Planning Commission also mentioned that this would be a market driven process not a revitalization effort spearheaded by the City.

Her take on the Tubize houses- would love to have them renovated. They need to be raised with higher foundations. Only have 6 inch crawl spaces with rehab can raise and fix plumbing. Have to dig trench to get to utilities. She loves the compact nature of Tubize houses.

Relocate people from Davisville/ Bland court immediately. They should have never been subjected to hazardous chemicals, kepone, debris, etc. It is shame for the City to continue to allow people to live in these conditions. Unfortunately, they are usually poor and minorities. Chapter IX of the Plan, Housing, provides eleven strategies to improve housing in the City. Strategy 5 is to "Continue to phase out housing

that is adjacent to environmental undesirable locations, located in non-residential zoning districts...” Chapter IX, page 10.

### **Comments recorded during public review period**

1. The City Point Historic District is highlighted in the Plan, as well it should be, however, we must not neglect the A Village and other neighborhoods around City Point. (Deborah Randolph) Chapter X recognizes the A Village as an important aspect of the City that should be recognized and preserved. Page 2.

### **March 12, 2018 Public Meeting**

1. Concern with the environment and development in environmentally sensitive areas. The Plan contradicts itself with Chapter XI to protect the Bay but showing development on the river in Chapter VI: Planning Priority Areas #1 Downtown. The Planning Commission and Staff discussed this issue with the citizen. Explained that there are three concept maps shown in this chapter each with increasing density. This provided the City with options on the City Park (i.e. Patrick Copeland site).
2. Concerned about image references in the Health Care District that removes houses along Eppes Street.  
Feels this neighborhood has been in several plans for redevelopment.  
While she understands the potential need it is difficult to see her neighborhood in this light.
3. The Schools Strategic Plan should be incorporated into the Plan. (Joan Gosier) The School’s Strategic Plan included goals and strategies to improve educational programs, teacher recruitment, parent involvement and advanced learning programs. There is discussion regarding the replacement, or rehabilitation of the Woodlawn Learning Center. This will be included as a goal in Chapter 2. Vision and Goals for Hopewell, Goal #5 Education, Culture, Arts, and History.

### **March 22, 2018 public meeting**

1. The Schools Strategic Plan should be incorporated into the Plan. (Joan Gosier) The School’s Strategic Plan included goals and strategies to improve educational programs, teacher recruitment, and parent involvement and advanced learning programs. There is discussion regarding the replacement, or rehabilitation of the Woodlawn Learning Center. This will be included as a goal in Chapter 2. Vision and Goals for Hopewell, Goal #5 Education, Culture, Arts, and History.

### **April 12, 2018 – Public Meeting (6:30-7:00) – Library, 2<sup>nd</sup> Floor Conference Room**

Councilor Christina Lumen-Bailey commented that the Cultural Resources Plan (CRP) should be referenced in and dovetailed into the Comp Plan. The Plan now includes references to the CRP. See Chapter II, Visions and Goals for Hopewell, #5. Also included in Chapter X, Historic Resources.

Councilor Tony Zevgolis stated that he did not see one thing in the plan that he didn’t like. It is the best plan he’s seen.

Councilor Lumen-Bailey and Mr. Butterworth agreed that Hopewell needs to appeal to the private sector to spur change and economic growth. Councilor Luman- Bailey stated that a ‘living plan’ is needed to account for changing circumstances.

Councilor Zevgolis stated that the Copeland site redevelopment must happen.

**Comments from meeting with Planning Commission, Department of Development Staff and Councilor Lumen-Bailey April 11, 2018**

Councilor Luman-Bailey - The riverfront development cross-section rendering should be removed since it's not a viable development scenario. **This cross section has been removed from Chapter VI. Planning Area 1, page 15.**

1. Request was made to reference the Cultural Resources Plan that was completed in November 2009. **The Cultural Resources Management Plan has been incorporated into Chapter 2, Vision and Goals and Chapter X Historic Resources.**
2. Regarding the proposed Healthcare District, Councilor Luman- Bailey suggested one of three options:
  - a. Revise the map to show mixed uses throughout the proposed district.
  - b. Change the name of the district.
  - c. Remove the chapter from the plan.  
**The Planning and Commission and Staff did not agree with suggestions a-c and recommend the HealthCare District, Priority Planning Area 3, remain in the Comprehensive Plan for reasons stated within the document.**

**Ward 4 Meeting April 16, 2018**

Local realtor reviewed the plan and stated that she thought it was a great plan although she didn't agree with 100% of it.

## **PROPOSED AMENDMENTS**

### **1. CHAPTER II: VISION AND GOALS FOR HOPEWELL**

Chapter 2, Page 16 -17

The Pathway:

1. **Recognize and incorporate aspects of the Hopewell Cultural Resources Management Plan into future planning and revitalization projects.**
2. **Determine and implement best strategies to promote, protect and preserve the rich archeological resources identified in the Cultural Resources Management Plan.**
3. **Continue to implement the City Point Historic District Plan for Development endorsed by City Council in 2015. Incorporate capital projects within the City's Capital Improvement Plan.**
4. **Work collaboratively with City officials, departments, and citizens to draw a balance for economic development and the preservation of cultural resources as small area plans and redevelopment efforts are proposed.**
5. **Include rehabilitation and/or replacement of the Woodlawn Learning Center in the Capital Improvement Plan Budget.**

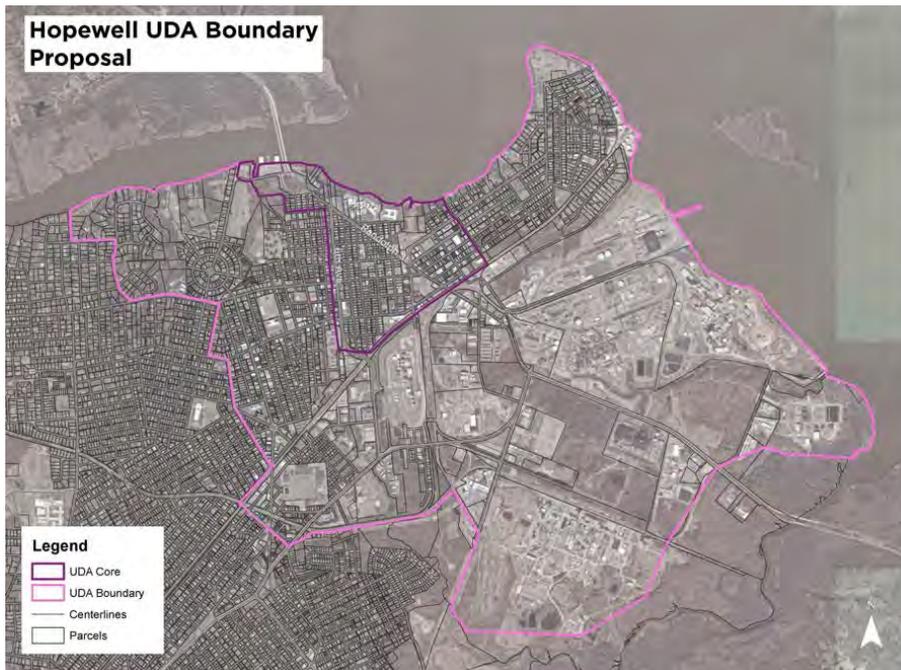
### **2. CHAPTER VI: DOWNTOWN HOPEWELL- PRIORITY PLANNING AREA 1**

Chapter VI, page 15

Remove image shown on this page of the Copeland Tract.

### 3. CHAPTER V. FUTURE LAND USE MAP –The Urban Development Area (UDA)

The Planning Commission discussed adopting the entire City as an Urban Development Area or the adoption of a smaller boundary with a UDA Core. Page 7 of Chapter V, The Future Land Use Plan shows the entire City as a UDA Staff is revising to use the Smaller Boundary. The smaller UDA Boundary was presented to City Council during an update. The smaller boundary is more in keeping with the purpose and requirements of the UDA designation.



The following text would be added in this chapter.

#### **Hopewell UDA** **Comprehensive Plan Chapter Outline and Basic Supporting Text**

##### **1) Introduction**

- a. **In November 2015, the City of Hopewell received approval from the Virginia Office of Intermodal Planning and Investment (OIP) for the provision of technical planning services to the City of Hopewell focused on the designation of one or more Urban Development Areas (UDA) in that City. Based on this award, the City of Hopewell,**

working with a consultant team from the Virginia firm of Rhodeside & Harwell, analyzed existing conditions based on earlier and current planning efforts, stakeholder interviews and site visits, to determine a UDA boundary. Within this boundary, the City and consultant team devised a conceptual framework aimed at accommodating a minimum of 10 years of projected growth using a model that minimizes the need for new transportation infrastructure while encouraging the establishment of a strong multimodal transportation network through the use of Traditional Neighborhood Development (TND) design principles.

- b. In developing the Hopewell UDA concept, Rhodeside and Harwell coordinated with both the City's planning staff and the consultant team tasked with updating the City's Comprehensive Plan, the Cox Group, to ensure that the UDA plan would fit within the framework of the town's most recent plan update.

2) What is an Urban Development Area (UDA)?

As defined by OIPI, Urban Development Areas:

- a. Are areas that may be appropriate for development at a per acre density (on the developable acreage) of, at least, four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.4 per acre for commercial development, any proportional combination thereof, or any other combination or arrangement that is adopted by a locality in meeting the intent of this section.
- b. May be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not more than 20 years, which may include phasing of development within these areas.
- c. Shall be reexamined and, if necessary, revised every five years in conjunction with the review of the comprehensive plan and in accordance with the most recent available population growth estimates and projections.
- d. Shall incorporate principles of Traditional Neighborhood Design (see description of TND below) which may include but need not be limited to: (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distributions of future residential growth, (vi) reduction of front and side yard building setbacks, and (vii) reduction of subdivision street widths and turning radii at subdivision street intersections.

The boundaries of each urban development area are to be identified as part of the planning process and must be shown on all future land use maps contained in Hopewell's comprehensive plan.

The Virginia General Assembly has directed that transportation improvements to support UDAs be considered in both the needs assessment contained in the Commonwealth's long-range plan (known as VTrans), as well as in the HB2 statewide prioritization process for project selection. VTrans focuses on a multifaceted strategy that recognizes the importance

of the Corridors of Statewide Significance, Regional Networks, and Urban Development Areas to help maximize the Commonwealth's public transportation investments.

3) Traditional Neighborhood Development embodies all of the classic characteristics that have been successful communities throughout the world, such as:

- a. Walkable neighborhood centers
- b. Interconnected streets and blocks
- c. A diversity of land uses
- d. Easy access to jobs, housing and recreation by a variety of travel options (auto, bus, walk, bike, etc.)

4) Hopewell's UDA Boundary and Context

- a. Within the City of Hopewell, the UDA encompasses a land area that extends from the City's eastern border along the Appomattox River to Cavalier Square Shopping Center. It includes Downtown Hopewell, City Point, the John Randolph Medical Center, the marina, and residential housing around the Appomattox Cemetery. In total, the UDA area encompasses about 2,526 acres or 3.95 square miles.
- b. While the overall UDA boundary has been defined to accommodate a mix of growth opportunities in Hopewell over the next one-to-two decades, a "core area" has been identified within this boundary. This "core" represents an area with the greatest likelihood for change within the next decade, and encompasses the City's Downtown and surrounding land uses extending down to the river. The "core area" comprises three specific focus areas:
  - a. The Copeland Development Site in the heart of Downtown
  - b. The Healthcare Expansion Zone on the northwestern edge of Downtown
  - c. The Marina Zone and Riverwalk, along the river

While development within the larger UDA boundary will need to conform to all critical UDA requirements as noted below, the UDA planning process has defined more specific visions and development goals for the three focus areas. These are described in greater detail below.

5) Hopewell's UDA in terms of DRPT's Multimodal Design Guidelines

- a. The Commonwealth's Department of Rail and Public Transportation has developed statewide guidelines for multimodal planning and design. This guideline system provides jurisdictions with a process of identifying centers of activity and developing connected networks for multiple modes of travel. OIPI has asked that these guidelines be applied where possible in developing UDA's for Virginia's cities and towns of varying sizes and densities.

6) Overall UDA Urban Design Framework

All development within the overall UDA boundary must, as a minimum, meet the Commonwealth's mandated requirements for Urban Development Areas. These include:

- a. Densities per acre on the developable acreage of at least four single-family residences, six townhouses, or 12 apartment/condominium units
- b. A Floor Area Ratio (FAR) of at least 0.4 per acre for commercial development
- c. A mix of uses within the context of a Traditional Neighborhood Design concept, to include:
  - a. Road, street and building locations that create walkable neighborhood centers
  - b. Interconnected local streets and roads, both existing and new, in order to form a walkable/bikeable street network
  - c. A diversity of land uses as a mixed use concept
  - d. Facilities that allow for, and encourage, multimodal access (public transit, biking, walking, jogging) to work, home, shops, and recreation

7) Urban Design Framework for the Core UDA

The urban design framework for the "core" UDA includes the following recommendations:

- a. Improve connections between an expanded hospital, the Downtown, and the riverside trails.
  1. Expand the John Randolph Medical Center "campus" and include an opportunity for new private medical office space adjacent to it. At the same time, strengthen the pedestrian connections between this facility and Downtown Hopewell.
  2. Connect the Medical campus to the riverfront through the implementation of a new riverfront trail network (see c.1. below)
  3. Improve Randolph Road so that it can appropriately serve as the major route to the Downtown, through the consolidation of intersections (see diagram X for intersections identified for future consolidation), the creation of an entry roundabout, and the development of a network of comfortable, attractive sidewalks.
- b. Strengthen the Downtown connections to surrounding neighborhoods and the riverside trails.
  1. Expand and enhance the Downtown sidewalk network in order to facilitate connections between adjacent residential areas and Downtown destinations.
- c. Shape the riverfront to become a valuable and accessible community asset with trails, boat launches and other recreational uses.
  1. Create a new riverfront trail network from City Point to the marina that can be accessed by pedestrians and bicyclists, and can accommodate wheelchairs, strollers, and other special needs. (Note: A more detailed design study will be needed to determine the paving surface, trail widths, and plantings, lighting, and other design elements.)

2. Connect the riverfront trail network to adjacent residential communities, as well as to City Point, the Downtown, the Copeland site, the Medical campus, and the marina.
- d. Develop the Copeland Site to become an active mixed use center, and a key link between the Downtown and the riverfront for both commercial, residential and leisure activities.
- e. Develop a Downtown Development Code that will maximize walkability and on-street activity in Downtown by pulling buildings up to street-facing lot lines, providing comfortable and beautifully landscaped sidewalks, safe and well-marked intersections, and a mix of uses.
- f. Create a strong gateway sequence to Downtown along Route 10 at the motel and Copeland sites.
- g. Designate Route 10 as a true multimodal gateway and designate and enforce the 6<sup>th</sup> Avenue Bypass as the City's truck route.

8) **UDA Focus Area Visions**

The UDA Focus Areas offer a “procession” of areas that successfully bring people into the Downtown Core of Hopewell by passing through a series of interesting, active, pedestrian-focused and green areas.

a. **The Marina Area**

1. This opportunity site will include boating docks, restaurants, hotels, and water-related uses.
2. The Marina will be the first gateway site for those entering Hopewell from the North.
  - a. The proposed art installation at the entrance to the City (along Route 10) will act as the aesthetic introduction to Hopewell and its core/Downtown/Riverfront areas.

b. **Healthcare Expansion Area**

1. The Healthcare Expansion District comprises the John Randolph Medical Center and includes the blocks north of Davis Street, and east of 6<sup>th</sup> Street, and it continues east to the proposed Copeland Development Site. The HEZ is located on both sides of Randolph Street.
2. The development will support the needs of the expanding John Randolph Medical Center and will provide space adjacent to the current facility for additional office space that can attract and support related private medical uses.
3. These expansion goals are accomplished through the reconfiguration of several smaller, triangular blocks in order to allow space for additional development while, at the same time, providing better pedestrian circulation.
4. The proposed layout, and its accompanying street patterns, provide a strong connection to, and view of, the Appomattox River, thus offering patients a view of nature from the adjacent medical facilities.

**Commented [MP1]:** This might be a good place to talk about the reconfiguration of some small triangular blocks to allow for better circulation as well as more developable parcels

- a. Medical facilities across the country, such as hospices and extended-care facilities, have found that these types of views have a strong palliative effect on patients (see the Beacon Hospice in Charlestown, MA as an example).
  - 5. While Randolph Street will bisect the healthcare expansion area, pedestrian-prioritized crossings will be included to ensure safe crossing in this area.
- c. Downtown and the Copeland Development Site
  - 1. The urban design strategy for Downtown Hopewell is focused on providing an urban design structure that will create additional mixed use density to, and increase vitality and economic energy in, this area. This includes a variety of infill opportunities, creating walkable and visually interesting streets, and connecting the Downtown to both its surrounding neighborhoods and the river.
  - 2. The Copeland Development Site comprises the northern-most portion of the UDA area and contains most of the undeveloped land north of Downtown Hopewell to the Appomattox River.
  - 3. The steep slopes of the Copeland Site provide an open space opportunity that can accommodate much-needed gathering space for community events in the Downtown area.
- d. Riverwalk
  - 1. The Riverwalk is the pedestrian connection that runs along the shoreline of Hopewell from City Point to the Marina. It is intended to serve as both a functional corridor – allowing people to experience the waterfront on foot – as well as a pleasant recreational destination.

**Commented [MP2]:** I would loop in the urban design strategies for downtown here too. For example, maybe talk about the goals of infill development, the types of buildings that are envisioned here. Also- What might Randolph Road look like here – and the civic square. Perhaps refer to renderings for guidance.

**Commented [MP3]:** Oops.. Just noticed you had this here. I'd still had some more text on it. Up to you.

**Commented [MP4R3]:** This also reminds me- I think we need to talk more about Randolph Road and its treatment- consolidation of intersections (where), introduction of new roundabout – the re-emphasized truck route as a bypass of downtown – This might be its own section (like riverside trail) –

Additionally, we could also include more details about the re-alignment of Randolph as it crosses the bridge into the City... Or this could be simply written in the Marina portion

#### 4. CHAPTER XI, The Environment and the Chesapeake Bay

**Per the request of staff from the Department of Environmental Quality**

**On Page 42 of Chapter XI, Label the areas of erosion along the bank on the image.**

Include the following language in Chapter XI regarding commercial fisheries, aquatic resources and recreational fisheries.

The City of Hopewell has no commercial fisheries or aquatic resources. The City does boast several places to fish recreationally, to include the Hopewell Marina, the City Point Boardwalk and beach and Anchor Point Marina. The Hopewell Marina is located along Route 10 near the convergence of the James and Appomattox River. The City Point Boardwalk and beach are located within the City Point Historic District along the James River. Lastly, the Anchor Point Marina is located in western portion of the City and is a private marina situated on the Appomattox River.

-

**PH-3**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE: Hold a public hearing to consider citizen comments regarding an amendment to Article XV-A, Chesapeake Bay Preservation Area Overlay District.**

**ISSUE:** Article XV-A, Chesapeake Bay Preservation Area Overlay District has been updated in conjunction with the re-write of the City’s Comprehensive Plan. This amendment updates the ordinance to incorporate changes required by the Virginia Department of Environmental Quality – Chesapeake Bay Division. Any amendment to the Zoning Ordinance requires a public hearing before the Planning Commission and City Council.

**RECOMMENDATION:** City Staff recommends City Council consider citizen comments regarding the amendments to the above referenced articles and vote to approve the ordinance amendment.

**TIMING:** City Council will hold the public hearing on Tuesday, April 24, 2018.

**BACKGROUND:** The City of Hopewell received a grant from the Virginia Department of Environmental Quality to update a portion of the Comprehensive Plan and Zoning Ordinance to meet current regulations in the Chesapeake Bay Preservation Area Act. City Staff is requesting the approval of Article XV-A to meet requirements of the Virginia Department of Environmental Quality (DEQ) and to meet deadline of the grant received by DEQ, approved by Council on April 4, 2017.

**FISCAL IMPACT:** N/A

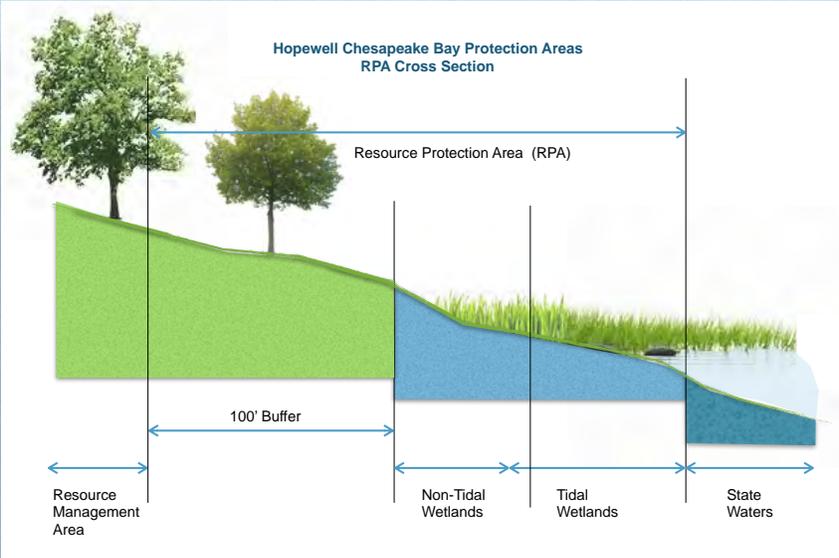
**ENCLOSED DOCUMENTS:** Proposed Article XV-A, Chesapeake Bay Preservation Area Overlay District  
Current Article XV-A, Chesapeake Bay Preservation Area Overlay District  
Excerpt from April 4, 2 017 City Council meeting minutes

**STAFF:** Tevy W. Griffin, Director of the Department of Development

**SUMMARY:**

- | <b>Y</b>                 | <b>N</b>                 |  | <b>Y</b>                 | <b>N</b>                 |                                    |
|--------------------------|--------------------------|--|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Christina J. Luman-Bailey, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor K. Wayne Walton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2           | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6   |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Anthony J. Zevgolis, Ward #3       | <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jackie M. Shornak, Ward #7   |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine E. Gore, Ward #4          |                          |                          |                                    |

Article XV-A: CBPA-O District  
Chesapeake Bay Preservation Area Overlay District



# Article XV–A: Chesapeake Bay Preservation Area Overlay District (CBPA-O)

## Article XV-A: Table of Contents

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## Chesapeake Bay Preservation Area Overlay District (CBPA-O)

### A. Purpose and Intent

#### 1. Title and Background

This Article XV-A is known and referenced as the **Chesapeake Bay Preservation Area Overlay District** of the City of Hopewell (*abbreviated CBPA-O*). This Article is adopted in order to revise and replace the prior zoning ordinance Article XV-A (July 1, 2009) as well as to implement the requirements and stated purposes of The Chesapeake Bay Preservation Act (Title 62.1-44.15:75 of the Code of Virginia) and the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC 25-830-10 et seq.).

The Chesapeake Bay and its tributaries are one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of City of Hopewell and the Commonwealth of Virginia. The health of the Bay is vital to maintaining Hopewell's economy and the welfare of its citizens. The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development.

Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to the shoreline have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations Protected from disturbance; they offer significant ecological benefits by providing water quality maintenance and pollution control as well as flood and shoreline erosion control.

These lands together, designated by the Hopewell City Council as Chesapeake Bay Preservation Areas (including Resource Protection Areas, Resource Management Areas, and Intensely Developed Areas), must to be protected from destruction and damage in order to protect the quality of water in the Chesapeake Bay and the quality of life in the City of Hopewell and the Commonwealth of Virginia.

#### 2. General Purpose and Intent

The Chesapeake Bay Preservation Overlay District (CBPA-O) is a City zoning district that is adopted and implemented in order to:

- a. Protect sensitive environmental lands within the City;
- b. Safeguard and restore the quality of State waters, including the Chesapeake Bay and the James and Appomattox Rivers;
- c. Reduce existing pollution and prevent any increase in pollution of State waters;

- d. Promote water resource conservation for the health, safety, and welfare of all present and future citizens of the City;
- e. Establish local water resource conservation practices in order to provide for the health, safety, and welfare of the present and future citizens of the City of Hopewell; and
- f. Implement enhanced land development and environmental design practices that expand, coordinate, and unify the CBPA-O review process with the City's site plan regulations and review process (Article XVI of the Zoning Ordinance.)

### 3. CBPA-O District Overlay Designation and Application

- a. This Article shall only apply to the City's designated Chesapeake Bay Preservation Areas. The CBPA-O District is adopted by the City Council of Hopewell as an overlay zoning district applicable to these areas. The overlay district shall apply to all lands identified and officially designated on the CBPA-O zoning map(s) as Resource Protection Areas (RPA), Resource Management Areas (RMA), and Intensely Developed Areas (IDA). The maps depicting the general location of these areas, together with all explanatory matter thereon, are hereby adopted by reference as a part of this Article.
- b. The CBPA-O District maps are intended to show the general location of preservation areas and should serve as initial guidance and instruction to persons contemplating activities within the City prior to engaging in a regulated development or land disturbance activity. If the boundaries of a designated preservation area include a portion of a lot, parcel or development project, the entire lot, parcel or development project shall comply with the requirements of the CBPA-O District. Refer to Section D of this Article for further mapping guidance and requirements.
- c. No site plan or subdivision plat on preservation area properties shall be approved prior to complete conformance with this Article.
- d. The Director of Development, upon the submittal of an environmental site assessment prepared in accordance with this Article, may determine that the portion of property, if any, outside the designated and mapped preservation area is not subject to the provisions of this Article.
- e. The CBPA-O District Maps and other City map exhibits delineate the general location of Resource Protection Areas (RPA) serving as guidance for subsequent detailed analysis and mapping. The site-specific boundaries of the RPA, as defined herein, shall be provided by the applicant for approval by the Director of Development in accordance with the provisions of Section D of this Article and other applicable City zoning and subdivision regulations. Intensely Developed Areas (IDA) require site-specific, case-by-case, mapping prior to designation and approval by the City Council. No Intensely Developed Areas (IDA) are designated as of the date of adoption of this ordinance. Prior to the subsequent designation of any site-specific Intensely Developed Areas (IDA), a DEQ program amendment shall be required and approved by DEQ prior to recognition of any specific IDA. All land which that is not contained within the boundaries of a designated RPA or IDA is designated as Resource Management Areas (RMA).
- f. The CBPA-O map for the Resource Protection Areas (RPA) and the site-specific IDA maps may be amended only upon recommendation by the Planning Commission and approval by the City Council.

#### 4. Land Use Regulations and Companion Ordinances

- a. Permitted uses, special permits uses, accessory uses, and special requirements for land use activities within a CBPA-O District shall be as established by the underlying zoning district.
- b. The CBPA-O District and CBPA-O Maps are an integral component of the City of Hopewell's overall growth management program that includes adopted ordinances, regulations, plans, and guidelines. These include the Comprehensive Plan, the Zoning Ordinance, the Official Zoning Maps, the Subdivision Ordinance, the Stormwater Management Ordinance, the Erosion and Sediment Control Ordinance, and the Development Standards. These ordinances are supported by additional State and Federal regulations and standards as well as other City site design guidelines, environmental design guidelines, and construction standards that are maintained by the Director of Development, the City Engineer, the City Public Works Director, and other City agencies.
- c. In cases where City regulations or standards are conflicting, the Director of Development, upon input from applicable City agencies, shall determine which City regulation or standard shall apply. If City regulations and standards are in conflict with a State or Federal regulation, the more restrictive regulation or standard shall apply.

## B. Definitions

The following words and terms used in this Article shall have the following meanings, unless the context clearly indicates otherwise.

### **Accessory structure.**

Any structure located on a lot or parcel not identified as a principal structure as defined herein and as otherwise defined by the Zoning Ordinance.

### **Agricultural Lands.**

Lands used for the planting and harvesting of crops or plant growth of any kind in the open, tilling of soil, pasture, horticulture, dairy farming, floriculture, or the raising of poultry or livestock.

### **Applicant.**

Any person submitting any application required or permitted pursuant to any of the provisions of this Article or any designated person on whose behalf such an application is submitted.

### **Best Management Practice.**

A practice, or a combination of practices, determined to be the most effective practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. Best management practices require the design and certification of a licensed design professional.

### **Board.**

The Chesapeake Bay Preservation Area Board.

**Buffer Area.**

An area of existing or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

**Caliper.**

The diameter of a tree measured six (6) inches above existing grade.

**Chesapeake Bay Preservation Area.**

Any land designated as such on the Chesapeake Bay Preservation Area Map adopted by the City Council, subject to the determination of the Director of Development on a site-specific basis. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area (RPA) and a Resource Management Area (RMA). Intensely Developed Areas (IDAs) may be designated and included within the Chesapeake Bay Preservation Area. (See accompanying Exhibit for illustrative cross-sectional graphic.)

**Daylighted Stream.**

A stream that has been previously diverted into an underground drainage system, has been redirected into an aboveground channel using natural channel design concepts as defined in Section 62.1-44.15:51 of the Code of Virginia, and would meet the criteria for being designated as a Resource Protection Area as defined by this Article.

**Director of Development.**

The Director of Development (Director) or such other person or persons as may be designated to perform the duties, or to exercise the authority, of the City Council pursuant to the provisions of this Article.

**Construction Footprint.**

The area of all impervious surface created by development or redevelopment of land, including, but not limited to, buildings, roads, drives, parking areas and sidewalks, and any other land disturbed for the construction of such improvements.

**Development.**

The construction or installation of any improvement upon a parcel of land, or any land disturbance associated therewith. For floodplain management purposes, development means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of manufactured homes, streets, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, or the subdivision of land.

**Development review process.**

The process for site plan or subdivision review and building permit review to ensure compliance with Code of Virginia, Section 10.2-2109, and the Hopewell City Code, prior to any clearing or grading of a site or the issuance of a building permit.

**Diameter at breast height or DBH.**

The diameter of a tree measured outside the bark at a point four and one-half feet above ground.

**Diameter at Breast Height (DBH).**

The diameter of a tree measured at a point four and one-half (4-1/2) feet above the existing grade, also referred to as “diameter at breast height” and abbreviated (DBH).

**Drip Line**

An imaginary perpendicular line extending downward from the outermost tips of the branches of a tree to the ground.

**Highly erodible soils.**

Those soils on slopes seaward of the point at which the slope of the ground changes from less than six (6) percent to greater than six (6) percent and the toe of the slope is located within one hundred (100) feet of tidal wetlands, nontidal wetlands, or tidal shores. The top of bank shall be the landward limit of highly erodible soils. These soils are further characterized by an Erodibility Index (EI) from sheet and rill erosion equal to or greater than eight. (The Erodibility Index for soil is defined as the product of the formula  $R D L S / T$ , where K is the soil susceptibility to water erosion in the surface layer, R is rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.)

**Highly permeable soils.**

Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups “rapid” and “very rapid”) as found in the “National Soil Survey Handbook” of November 1996 in the “Field Office Technical Guide” of the U.S. Department of Agriculture National Resources Conservation Service.

**Impervious cover.**

A surface composed of any material which significantly impedes or prevents natural infiltration of water into the soil, including, but not limited to, buildings and other structures and the components thereof, concrete, asphalt, or compacted gravel surface.

**Intensely Developed Areas (IDA)**

A portion of a Resource Protection Area or a Resource Management Area designated by the City Council where development is currently concentrated or was previously concentrated and where little of the natural environment remains. The designation of Intensely Developed Areas will require site-specific, case-by-case mapping and DEQ program modifications at such time the City Council formally designates and approves the IDA.

**Land Disturbing Activity (also Land Disturbance).**

Any activity upon land which causes, contributes to, or results in the destruction, removal or covering of the vegetation upon such land, including, but not limited to, clearing, dredging, filling, grading or excavating. The term shall not include minor activities such as home gardening, individual home landscaping and home maintenance. A Regulated Land Disturbing Activity is that which disturbs 2500 square feet or better.

**Lot Coverage**

The impervious area of any lot or parcel including, but not limited to buildings, drives, parking areas, sidewalks, patios, decks.

**Nonpoint Source Pollution.**

Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

**Nontidal Wetlands.**

Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions identified in the City's Soil Survey and as otherwise defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R. 328.3b.

**Noxious Weeds.**

Plants such as Johnson grass, kudzu, and multiflora rose.

**Person.**

An individual, fiduciary, corporation, firm, partnership, association, organization, or any other entity or combination thereof.

**Principal Structure.**

A structure that encloses or houses any principal use.

**Plan of Development.**

The "plan of development" (or "POD") is the term employed by the Code of Virginia that means the special process of site plan or subdivision plat review to ensure compliance with this ordinance and the Chesapeake Bay Preservation Area regulations. The term "plan of development" for the purposes of implementing the requirements of this Article is synonymous with the term "site plan", incorporating enhanced standards, criteria, administration and regulatory processes for a qualifying land disturbing activities within a designated RPA, RMA or IDA. Further, any land use activity in a preservation area that requires a "plan of development" under the Chesapeake Bay Preservation Area regulations shall also require a site plan as required by other sections of the Hopewell zoning ordinance.

**Public Road.**

A publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to:

- (a) the Erosion and Sediment Control Law (Section 10.1-560 et seq. of the Code of Virginia), and
- (b) the Virginia Stormwater Management Act (Section 10.1-603.1 et seq. of the Code of Virginia). This definition includes those roads where either the City or the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where roads are constructed or maintained, or both, by the City in accordance with Hopewell's development standards and specifications.

**Redevelopment.**

The construction, substantial alteration or installation of any improvement upon a lot or parcel of land, that is or has been previously developed.

**Resource Management Area (RMA).**

That component of a designated Hopewell Chesapeake Bay Preservation Area not classified as a Resource Protection Area (RPA) or an Intensely Developed Area (IDA). Resource Management Areas characterize land types located outside of the RPA or IDA that, if improperly disturbed, used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of a Resource Protection Area. In Hopewell, the Resource Management Area includes all that is not designated as Resource Protection Areas (RPA) or Intensely Developed Areas (IDA).

**Resource Protection Area (RPA).**

That component of a Chesapeake Bay Preservation Area comprised of lands adjacent to waterbodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of State waters.

**State Waters**

State waters refers to all waters, on the surface or underground, wholly or partially within or bordering the commonwealth or within its jurisdictions, as defined in Code of Virginia, § 10.1-560.

**Subdivision.**

The division of any parcel of land into two (2) or more lots or parcels. The term shall include all changes in lot lines, the creation of new lots involving any division of an existing lot or lots and, if a new street is involved in such division, any division of a parcel of land. When appropriate to the context, the term shall also include the process of subdividing and the territory subdivided.

**Substantial Alteration.**

The expansion or modification of a building or development that would result in a disturbance of land exceeding an area of two thousand five hundred (2,500) square feet in the Resource Management Protection Area only.

**Tidal Shore.**

The area between the mean low water and mean high water levels of tidal waters.

**Tidal Wetlands.**

Vegetated and non-vegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.

**Water Body with Perennial Flow**

Water body with perennial flow means a body of water that flows in a natural or manmade channel year-round during a year of normal precipitation. This includes, but is not limited to streams, estuaries, and tidal bays and may include drainage ditches or channels constructed in wetlands or from former natural drainageways, which convey perennial flow. Lakes and ponds, into, out of, or through which a perennial stream flows, are a part of the perennial stream. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow.

**Water-Dependent Facility.**

A development of land which cannot exist outside of a Resource Protection Area and which must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to, ports, the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, storm sewers, marinas and other boat docking structures, beaches and other public water-oriented recreation areas, fisheries or other marine resources facilities, fisheries, and shoreline protection measures as authorized under the provisions of the City Zoning Ordinance.

**Wetlands.**

Wetlands refers to both tidal and non-tidal wetlands.

**C. CBPA-O District : Criteria for Areas of Applicability**

The City's Chesapeake Bay Preservation Areas shall consist of certain designated areas for purposes of determining applicable development restrictions: (1) a Resource Protection Area and (2) a Resource Management Area. A third category, the Intensely Developed Areas may be a component of each area subject to DEQ review and approval of a program amendment prior to designation of the IDA. These areas are defined and established as follows:

**1. Resource Protection Areas (RPA)****a. RPA: Application of District**

Resource Protection Areas (RPA) shall consist of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may cause significant degradation to the quality of State waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments nutrients and potentially harmful or toxic substances in runoff entering the bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources.

**b. RPA Components for Site Plan Delineation**

Subject to detailed delineation on an exhibit submitted with the site plan ("plan of development"), the specific mapping components to be identified and mapped shall include:

- (1) Tidal wetlands;
- (2) Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
- (3) Tidal shores;
- (4) Drinking water reservoirs from the water's edge;

- (5) A vegetated buffer area not less than one hundred (100) feet in width located adjacent to and landward of the components listed in (1) through (4) above, and along both sides of any water body with perennial flow; and
- (6) Such other lands determined by the City Council to meet the provisions of this Article and to be necessary to protect the quality of State waters.

**c. RPA Development Criteria**

- (1) Land development may be allowed in the Resource Protection Area when it is approved by the Director of Development and only under the following circumstances if it is:
  - (a) water dependent;
  - (b) constitutes redevelopment;
  - (c) development or redevelopment within a designated intensely developed area;
  - (d) a new use established pursuant to this Article;
  - (e) a road or driveway crossing satisfying the conditions set forth in this Section;
  - (f) a flood control or stormwater management facility satisfying applicable City, state and federal design and permit requirements;
- (2) A water quality impact assessment (WQIA) in accordance with this Article shall be required for any proposed land disturbance or development activity.
- (3) A new or expanded water-dependent facility may be allowed provided that the following criteria are met:
  - (a) it does not conflict with the Comprehensive Plan or adopted Small Area Plan;
  - (b) it complies with the performance criteria set forth in this Article;
  - (c) any nonwater-dependent component is located outside of Resource Protection Areas; and
  - (d) access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.
- (4) Redevelopment outside any DEQ approved and City designated Intensely Developed Areas (IDA) shall be permitted in the Resource Protection Area (RPA) only if there is no net increase in the amount of impervious cover and no further encroachment within the Resource Protection Area, and it shall conform to applicable erosion and sediment control and stormwater management criteria set forth in this Article as well as all applicable stormwater management requirements of City, State and Federal agencies.

- (5) Roads and driveways that are not exempt under this Article and which, therefore, must comply with the provisions of this Article, may be constructed within or across Resource Protection Areas provided that each of the following conditions is met:
- (a) No reasonable alternatives exist to aligning the road or driveway in or across the Resource Protection Area;
  - (b) The alignment and design of the road are optimized, consistent with other applicable requirements, to minimize (1) encroachment in the Resource Protection Area and (2) adverse effects on water quality;
  - (c) The design and construction of the road or driveway satisfy all applicable criteria of this chapter, including submission of a water quality impact assessment;
  - (d) The road or driveway proposed in or across the Resource Protection Area receives site plan, subdivision or plan or development approvals; and
  - (e) the road meets all other City ordinance requirements, including those of the site plan regulations and the subdivision ordinance.
- (6) Flood control and stormwater management facilities that drain, convey, or treat water from multiple development projects or from a significant portion of a watershed may be allowed in Resource Protection Areas, provided that:
- (a) the City has conclusively established that location of the facility within the Resource Protection Area is the optimum location to serve the intended purpose;
  - (b) the size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both;
  - (c) the facility must be consistent with a stormwater management program that has been approved by the Chesapeake Bay Local Assistance Board, the Planning Commission, and the City Council;
  - (d) all applicable permits for construction in State or Federal waters must be obtained from the appropriate state and federal agencies, such as the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality and the Virginia Marine Resources Commission;
  - (e) all site plan approvals must be received from the City prior to construction; and
  - (f) routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed. It is not the intent of this subsection to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within a Resource Protection Area.

- (7) If at least twenty-five (25) percent of a lot is situated within the boundaries of a designated RPA, the entire lot (or development project) shall comply with the requirements of this Article.
- (8) Subject to review and approval by the Director of Development of individual site plan (plan of development) applications, it may be determined that a RPA (as defined in this Article) adjacent to a day-lighted stream shall not require designation, provided that a water quality impact assessment (WQIA) has verified that the development of properties adjacent to the day-lighted stream does not result in the degradation of the stream.

The water quality impact assessment shall (a) identify the impacts of the proposed development on water quality, (b) provide specific measures for the mitigation of those impacts, and (c) meet the WQIA requirements of this Article to ensure necessary and sufficient practices for retarding runoff, preventing erosion, and filtering nonpoint source pollution.

- (9) All sites for which development activities in a RPA are proposed shall be subject to the requirements detailed in the Site Plan Regulations (Article XVI of the Hopewell Zoning Ordinance.)
- (10) All sites for which any form of land disturbance or site development activities in an RPA is proposed shall submit a water quality impact assessment prepared in accordance with this Article.

## 2. Resource Management Areas (RMA)

### a. RMA Defined

The Resource Management Area (RMA) is all land within the City that is contiguous to and lying outside of the Resource Protection Area. The RMA is the component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area (RPA) or Intensely Developed Area (IDA).

### b. RMA Components for Site Plan Delineation

Subject to detailed delineation on an exhibit submitted with the site plan (“plan of development”), the RMA specific mapping components to be field identified and mapped shall include:

- (1) 100-year flood plains,
- (2) highly erodible soils associated with slopes greater than or equal to fifteen percent (15%),
- (3) highly permeable soils,
- (4) non-tidal wetlands outside of the RPA and not connected by surface flow to tidal wetlands, water bodies with perennial flow or other tidal waters; or

- (5) other additional land and terrain characteristics that are deemed necessary to protect water quality as identified and communicated to the applicant by the Director of Development at the Site Plan Pre-Application Conference.

**c. RMA Development Criteria**

- (1) All sites for which development activities are proposed shall be subject to the requirements and provisions contained herein and coordinated with other City, State and Federal regulations and ordinances.
- (2) When forests or developed woodlands exist on the site and proposed development requires the cutting or clearing of trees, areas proposed for clearing shall be identified on the proposed site plan (plan of development). These plans shall be submitted as part of the site plan and development review process. A grading permit will be required prior to any clearing or cutting associated with proposed development.
- (3) Land disturbance shall be limited to the area necessary to provide for the desired use or development.
- (4) In accordance with an approved site plan (plan of development), the limits of land disturbance, including clearing or grading, shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site prior to issuance of a site plan approval. The field marking of the limits of clearing shall be maintained during the life of the land disturbing activity.
- (5) Ingress and egress during construction shall be limited to one access point unless otherwise approved by the Director of Development; construction entrances should be designed with wheel wash appurtenances where water supply is available.
- (6) Indigenous vegetation shall be preserved to the maximum extent possible, consistent with the use and development permitted.
- (7) Land development shall minimize impervious cover consistent with the use or development permitted.
- (8) All sites for which development activities in a RPA are proposed shall be subject to the requirements detailed in the Site Plan Regulations, including a requirement for the retrofit of redevelopment sites or expansion of existing development with best management practices and low impact development improvements.
- (9) A Minor Water Quality Impact Assessment (WQIA) shall be required for any proposed land disturbance, development activity, or redevelopment within the Resource Management Areas (RMA) where, at the sole discretion of the Director of Development, the Minor Water Quality Impact Assessment is warranted due to unique physiographic, geological, soils, location, or other characteristics of the site or intensity of development.

The minor WQIA may be waived, in part or in whole, by the Director of Development when such disturbance is directly related to the expansion or redevelopment of an existing residential dwelling for residential purposes that causes no more than 1,500 square feet of land disturbance.

### **3. Intensely Developed Areas (IDA)**

#### **a. IDA Defined**

An Intensely Developed Area (IDA) is defined as those specific areas designated by the City as an overlay of Chesapeake Bay Preservation Areas within the City's jurisdiction. As of the date of adoption of this Article, the City has not designated and mapped any specific IDA but reserves the right to do so upon satisfaction of state and federal requirements.

IDA areas shall require a DEQ program amendment prior to designation and mapping on the City's CBPA-O District maps. Intensely Developed Areas, upon City Council designation and mapping, shall serve as redevelopment areas in which development is concentrated or was previously concentrated as of the original program adoption date and where little of the natural environment remains.

#### **b. IDA Designation Standards**

The general location and designation of an IDA, subject to City designation and DEQ program amendments, shall be depicted on the City's CBPA-O District Map. The specific IDA location shall be established by the City or the applicant with mapping performed by a certified land surveyor in conjunction with a site plan application.

The criteria for the designation of an IDA shall be subject to one of the following conditions exists:

- (1) development has severely altered the natural state of the area such that it has or previously had more than fifty (50) percent impervious cover;
- (2) public sewer and water was constructed as of September 1, 1990 and currently serves the area, provided that this condition does not include areas planned or anticipated for public sewer and water; or
- (3) residential housing density (including single family, attached, and multifamily) is or was equal to or greater than four (4) dwelling units per acre.

#### **c. IDA Development Standards**

- (1) Prior to proposed new development or redevelopment activity within an IDA, the City shall require the preparation of a Small Area Plan for the land under consideration. The Small Area Plan may be prepared by either by the City or by an applicant in conjunction with a comprehensive plan and zoning map amendment application. The Small Area Plan shall be:
  - (a) consistent with the Comprehensive Plan,

- (b) incorporate a conceptual site plan approach for pollutant reduction and environmental to ensure compliance with Chesapeake Bay Preservation Area goals and objectives, and
  - (c) reviewed and, if approved by the City, shall constitute an update of the Comprehensive Plan for the subject lot(s).
- (2) The development standards for the IDA are the same as the standards of the RMA or RPA and consistent with this Section.
- (3) Site plan review emphasis shall be placed on the design of a water quality protection system (i.e. enhanced landscaping, enhanced BMP/LID measures, integrated SWM and erosion and sediment control improvements) with the redevelopment. This shall include the applicant’s plan to establish the implementation of a phased vegetative buffer over time. Refer to the City’s Environmental Practices Guidelines.

## D. Interpretation of District Boundaries

### 1. Delineation by the Applicant

#### a. Hopewell’s CBPA-O Map:

The CBPA-O District Zoning Map represents only the approximate RPA boundaries. This map may be used by an applicant to:

- (a) identify the general location of the RPA on an applicant’s concept plan, and
- (b) guide the in the preparation of the detailed mapping by the applicant’s professionals. Designated land and otherwise qualifying land outside of the RPA and IDA as determined by the Director of Development is classified as RMA.

#### b. Site Specific RPA Mapping:

The site-specific boundaries of the RPA or IDA shall be conducted by the applicant’s certified land surveyor, professional engineer, and certified environmental professionals. These professionals shall undertake the mapping, land surveying, resource inventories, environmental analyses, site assessments, soils studies, and other delineations as may be necessary to perform the designation. Site inventories and analysis shall include site-specific evaluation to determine whether water bodies on or adjacent to the development site have perennial flow.

#### c. Approval of Final RPA Boundary:

The applicant’s detailed delineation of the RPA boundary shall be subject to approval by the Director of Development. In cases where the applicant has provided a site-specific delineation of the RPA, the Director of Development shall verify the accuracy of the boundary delineation. In determining the site-specific RPA and IDA boundaries the

Director of Development may impose adjustments to the applicant's delineation, in accordance with the criteria for the applicable preservation area.

d. **CBPA-O Map Amendment upon Site Plan Approval:**

Upon all required approvals of a detailed RPA delineation or IDA delineation, the City's CBPA-O Zoning District Map shall be amended and incorporate the revised boundary.

**2. Delineation Option by the City of Hopewell**

The Director of Development, at its sole discretion and when requested by the applicant that proposes to construct a new single family residence on a lot previously of record prior to the adoption of this Article, may waive the requirement for an environmental site assessment and perform the delineation employing City resources. The Director of Development may use hydrology, soils, plant species, and other data, and consult with other appropriate resources as needed to perform the delineation.

**3. Where Conflict Arises Over Delineation**

Where the applicant has provided a site-specific delineation of the RPA, the Director of Development shall assess the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Director of Development may require an adjustment to the applicant's delineation. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of this Article.

## E. Performance Standards

**1. Purpose and Intent**

The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Keeping impervious cover to a minimum enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The goal of the performance standards is to introduce pollutant reduction standards for site improvements and best management practices that control stormwater runoff consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (9VAC25-870 et. seq.) that achieve the following:

a. **New Development**

For new development, the post-development non-point-source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for the Virginia Chesapeake Bay Watershed with an average total phosphorous

loading of 0.45 pound/acre/year and an equivalent impervious cover of sixteen (16) percent.

**b. Redevelopment**

For redevelopment sites, the existing non-point-source pollution load shall be reduced by at least ten (10) percent. The Director of Development may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided, however, that in no case may the post-development non-point-source pollution runoff load exceed the predevelopment load.

**2. General Performance Standards**

- a. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
- (1) In accordance with an approved site plan (“plan of development”), the limits of clearing or grading shall be strictly defined by the construction footprint and limits of clearing as depicted on the approved site plan. The Director of Development shall review and approve the construction footprint and site plan through the site plan review process. These limits shall be clearly shown on submitted plans and physically marked in the development site.
  - (2) The construction footprint shall not exceed the limits for such as designated by the zoning district of the lot or parcel.
  - (3) Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Director of Development.
  - (4) The limits of clearing as approved on the site plan shall be accurately staked by the applicant’s surveyor prior to commencement of construction.
- b. Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the proposed use or development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.
- (1) Existing trees over six (6) inches in diameter at breast height (DBH) shall be preserved outside the approved construction footprint. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed, when approved by the Director of Development in conjunction with the approval of the site plan. Other woody vegetation on site shall also be preserved outside the approved construction footprint.
  - (2) Site clearing for construction activities shall be allowed as approved by the Director of Development through the site review process outlined under Section F of this Article.

- (3) Prior to clearing, grading and/or filling suitable protective barriers, like safety fencing, shall be erected five (5) feet outside the drip-line of any tree or stand of trees to be preserved. Erected protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- c. Land development, in general, and parking lot design, in particular, shall minimize impervious cover consistent with the proposed use or development and, where feasible, integrate best management practices and low impact development improvements.
- (1) Parking lot design shall incorporate LID, infiltration measures, integrated SWM facilities, and other appropriate best management practices. Preparation of the Landscape and Tree Management Plan shall be coordinated with the applicant's landscape design and selection of plant materials to include properly spaced planting islands and medians that provide tree and plant material cover that is consistent with sound landscape design practices.
  - (2) Impervious coverage on any lot or parcel shall be limited to the lot coverage permitted under the zoning district requirements of said lot or parcel as computed and specified on the site plan. Where there is no impervious coverage requirement in a given underlying zoning district, the Director of Development shall approve the maximum impervious coverage in conjunction with the site plan review process.
  - (3) Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, all development, redevelopment, or other land disturbing activities exceeding two thousand five hundred (2,500) square feet within an RPA or RMA, including construction of single-family houses, shall comply with all requirements of all City of Hopewell ordinances and regulations as well as all State and Federal regulations and permit requirements.
  - (4) Notwithstanding c.(3) herein above, the provisions of this Article may be waived, in part or in whole, by the Director of Development when such disturbance occurs on property within in a Resource Management Area (RMA) is directly related to the expansion or redevelopment of an existing single family residential dwelling for residential purposes that causes no more than one thousand five hundred (1,500) square feet of land disturbance.
  - (5) A statement of compliance to such requirements shall be documented on the site plan and certified by the applicant's professional engineer prior to site plan approval.
- f. All on-site sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be pumped out at least once every five years, in accordance with the provisions of City of Hopewell Health Code. In lieu of such systems, the owner shall be required to submit documentation of proof of pump out. Documentation shall be prepared by an operator or on-site soil evaluator licensed or certified under the provisions of Chapter 23 of Title 54.1 of the Code of Virginia.
- g. On-site septic systems are not permitted for new construction where public sewer can be provided. For new construction on lots for which the Director of Development has

determined, upon input from the City Engineer, public sewer is not feasible, a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with the City of Hopewell Health Code. When public sewer becomes available to the lot, the applicant shall be required to connect to the public sewer system and abandon the on-site system.

This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 and such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building or the construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.

- h. For any land use or development, stormwater runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20-10 et seq.), the Stormwater Management Ordinance, the Stormwater Management Ordinance, and related City design guidelines.
  - (1) For new development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for Tidewater, which has been established as the amount of runoff that produces 0.45 pounds of phosphate per acre per year;
  - (2) For sites within Intensively Developed Areas (IDA) or other redevelopment sites within the Resource Management Areas (RMA), the nonpoint source pollution load shall be reduced by at least ten (10) percent. The Director of Development may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:
    - (a) In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;
    - (b) Runoff pollution loads must have been calculated and submitted with the site plan and the BMPs selected for the expressed purpose of controlling nonpoint source pollution; and
    - (c) Where structural best management practices are already in place, evidence shall be provided that facilities are currently in good working order and performing at the rated design levels of service. The Director of Development may require a analysis by the applicant's engineer of both the original structure's design and maintenance plan to verify this provision. A new maintenance agreement may be required by the Director of Development to ensure compliance with this Article.
- i. Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by Federal, State, and City laws and regulations shall be

obtained and evidence of such submitted to the Director of Development with the site plan application.

### 3. Buffer Area Requirements

#### a. Characteristics of Buffer Area:

- (1) Width of Buffer: To minimize the adverse effects of human activities on the other components of Resource Protection Areas, State waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be (a) retained if present and (b) established where it does not exist.
- (2) Location of Buffer: The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The 100-foot full buffer area shall be provided and designated as the landward component of the Resource Protection Area, in accordance with the provisions of this Article.
- (3) Sediment and Nutrient Reduction Targets: The 100-foot buffer area shall be deemed to achieve a seventy-five (75) percent reduction of sediments and a 40 percent reduction of nutrients.

#### b. Permitted Modifications in the Buffer Area:

- (1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed, subject to review and approval by the Director of Development, to provide for reasonable sight lines, access paths, general landscape management, and best management practices, including those that prevent upland erosion and concentrated flows of stormwater, as follows:
  - (a) Trees be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff;
  - (b) Any path shall be constructed and surfaced so as to effectively control erosion;
  - (c) Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu and multiflora rose) may be removed and thinning of trees allowed as permitted by the Director of Development pursuant to sound horticultural practices; and
  - (d) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation re-established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements as approved on the site plan.

**c. Permitted Encroachments in the Buffer Area:**

- (1) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Director of Development, at its discretion, may permit encroachments into the buffer area in accordance with the provisions of this Article, and the following criteria:
  - (a) Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
  - (b) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel;
  - (c) The encroachment may not extend into the seaward 50 feet of the buffer area; and
  - (d) The encroachment is consistent with the City's adopted Comprehensive Plan or Small Area Plans for the subject property.
- (2) When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and March 1, 2002, the Director of Development, at its discretion, may permit encroachments into the buffer area in accordance with the provisions of this Article and the following criteria:
  - (a) The lot or parcel was created as a result of a legal process conducted in conformity with the city's subdivision regulations;
  - (b) Conditions or mitigation measures imposed through a previously approved exception shall be met;
  - (c) If the use of a best management practice (BMP) was previously required, the BMP shall be inspected and evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
  - (d) The criteria in subsection (1) above shall be met.

**d. Buffer Requirements in IDAs.**

In an Intensely Developed Area (IDA), the Director of Development may, after consulting with the City Engineer or other professionals, exercise discretion regarding whether to require the establishment of vegetation in the 100-foot-wide buffer area. However, while the immediate establishment of vegetation in the buffer area may be impractical, consideration to implementing measures that would establish vegetation in the buffer in

these areas over time shall be considered in order to maximize water quality protection, pollutant removal and water resource conservation.

In cases where buffer requirements are proposed to be modified, the applicant's engineer shall demonstrate that site improvements include erosion and sediment control improvements, best management practices, and low impact development measures to achieve the pollutant reduction standards as established in the Article.

**e. Lot Sizes**

The size of lots within the CBPA-O District shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient area outside the Resource Protection Area (RPA) to accommodate an intended development, in accordance with the performance standards in this Article, when such development is not otherwise allowed within the RPA.

## **F. Coordinated CBPA-O Site Plan Process**

To assure compliance with all applicable requirements of this Article, any development or redevelopment exceeding 2500 square feet of land disturbance in a Chesapeake Bay Preservation Area shall be accomplished through the City's site plan and subdivision plat review and approval process, including the enhanced site plan ("plan of development") requirements of this Article and all other related City, State and Federal regulations and requirements.

**1. Required Information.**

In addition to the requirements of Article XVI, Site Plan Regulations, of the Zoning Ordinance or the requirements of the City of Hopewell Subdivision Ordinance, the RPA, RMA, and IDA site review process shall consist of the additional plans and studies as identified in this Article. These required plans and studies shall be coordinated or coordinated as determined by the Director of Development.

Subject to the scope and characteristics of a site plan application, the applicant may request a waiver to the requirements herein below as well as other site plan submission requirements. Such request shall be initially submitted at the Pre-Application Conference and included on the applicant's concept plan. The Director of Development shall determine which items, if any, may be eliminated. The following plans or studies shall be submitted, unless otherwise provided for:

- a. A Site Plan in accord with the current City Site Plan Regulations.**
- b. A Subdivision Plat (and Public Improvements Plan), where applicable, in accord with the current City Subdivision Ordinance.**
- c. An Environmental Site Assessment (EIS).**
- d. A Landscape and Tree Management Plan.**

- e. **A Stormwater Management Plan.**
- f. **An Erosion and Sediment Control Plan in accord with the current City Erosion and Sediment Control Ordinance.**
- g. **A Residential Lot Development Plan (for single family lots or parcels.)**
- h. **A Water Quality Impact Statement (see Section G.)**

**2. City Administrative Review Responsibility.**

Administration of the CBPA-O process shall be in accordance with the applicable regulations of this Article, Article XVI, Site Plan Regulations of the Zoning Ordinance and the Subdivision Ordinance. The Director of Development shall act to either:

- a. approve,
- b. approve subject to conditions, or
- c. disapprove the application plans in accordance with the reviewing agency and authority recommendations.

The Director of Development shall return notification of plan review results to the applicant, including recommended conditions or modifications in accord with Article XVI, Site Plan Regulations. In the event that the results and/or recommended conditions or modifications are acceptable to the Director of Development, the site plan and companion application requirements shall be so modified, if required, and approved by the Director of Development.

**3. Environmental Site Assessment.**

An EIS in accord with the following requirements shall be submitted as a separate document and map exhibit in conjunction with the site plan application:

- a. The EIS shall be drawn to scale and accurately delineate the following environmental features:
  - (1) Tidal wetlands;
  - (2) Tidal shores;
  - (3) Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
  - (4) A 100 foot buffer located adjacent to and landward of the components listed in subsections 1 through 3 above, and along both sides of any water body with perennial flow; and
  - (5) Other existing sensitive terrain, soils, slope, geologic, and related environmental features as may be otherwise addressed herein above or additionally determined and required by the Director of Development.

- b. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987.
- c. The EIS shall delineate the geographic extent of the Resource Protection Area on the specific site or lot;
- d. The EIS shall be prepared at the same scale as the site plan, and shall be certified as complete and accurate by a professional engineer or certified land surveyor.

#### **4. Landscape Plan and Tree Management Plan.**

A landscape and tree management plan shall be submitted in conjunction with site plan review and approval or as part of subdivision plat approval. No clearing or grading of any lot or parcel will be permitted without an approved landscaping plan. Landscape plans shall be prepared or certified by a design professional practicing within their areas of competence as prescribed by the Code of Virginia.

##### **a. Contents of the Landscape and Tree Management Plan**

- (1) The landscape and tree management plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site six (6) inches or greater in diameter at breast height (DBH) shall be located on the plan. Where there are groups of trees, said stands may be outlined instead. The specific number of trees six (6) inches or greater DBH to be preserved outside of the building envelope shall be indicated on the plan. Trees and other woody vegetation proposed for removal to create the desired construction footprint shall be clearly delineated on the landscaping plan.
- (2) Any required RPA buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Article, shall be shown on the landscaping plan.
- (3) Within the buffer area, trees and other woody vegetation to be removed for sight lines, vistas, access paths, and best management practices shall be shown on the plan. Vegetation required by this Article to replace any existing trees or permanently damaged or dead plant material within the buffer area shall be also be depicted on the landscaping plan.
- (4) Trees and other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this Article shall be shown on the plan.
- (5) The plan shall depict grade changes or other work adjacent to trees, which would affect them adversely. In coordination with the Erosion and Sediment Control Ordinance, specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.
- (6) In coordination with the Erosion and Sediment Control Ordinance, the plan will include specifications for the protection of existing trees and other vegetation during clearing, grading, and all phases of construction.

- (7) If the proposed development is a change in use from a agricultural or silvicultural use to some other use, the plan must demonstrate the re-establishment of vegetation in the buffer area.
- (8) Conformance with other City landscape design requirements.

**b. Plant Specifications**

- (1) All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.
- (2) All supplementary or replacement plant materials shall be living and in a healthy condition. American Nursery and Landscape Association ("ANLA") (formerly the American Association of Nurserymen), The American Standard For Nursery Stock, (1996), which document is hereby incorporated by reference as if set forth in its entirety herein.
- (3) For nutrient management, whenever nutrient management plans are developed, the operator or landowner must provide soil test information, consistent with the Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15-10 et seq.).
- (4) For pest chemical control, referrals shall be made to the local cooperative extension agent or an integrated pest management specialist of the Virginia Cooperative Extension Service, Recommendations shall include copies of applicable information from the "Virginia Pest Management Guide" or other extension materials related to pest control.
- (5) Where areas to be preserved, as designated on an approved landscaping plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of three (3) planted trees to one (1) removed. Replacement trees shall be a minimum one and one-half (1½) inches DBH at the time of planting.
- (6) Use of native or indigenous species.

**c. Maintenance**

- (1) The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this Article.
- (2) In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this Article.

**5. Stormwater Management Plan.**

A stormwater management plan shall be submitted as part of the RPA, RMA, and IDA review process required by this Article and the Stormwater Management Ordinance. The plan shall be reviewed in conjunction with site plan or subdivision plan approval.

**a. Contents of the Stormwater Management Plan**

The stormwater management plan shall be consistent with the State Stormwater Management Handbook and shall contain maps, calculations, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this Article and the Site Plan Regulations.

Where not otherwise required or eligible for modification by the Site Plan Regulations and the Stormwater Management Ordinance, the stormwater management plan must contain the following:

- (1) Location and design of all planned stormwater control devices;
- (2) Procedures for implementing non-structural stormwater control practices and techniques;
- (3) Pre- and post-development non-point source pollutant loadings with supporting documentation of all utilized coefficients and calculations;
- (4) For facilities, verification of structural soundness of structural facilities, to be certified by the applicant's Professional Engineer.

b. Site specific facilities shall be designed for the ultimate development of the contributing watershed subject to City plans, capital improvements programs, pro-rate share plans, special assessment districts, supplemental agreements, or private contracts, where applicable.

c. All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Virginia Stormwater Management Handbook.

d. The plan shall establish schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the City of Hopewell, then a maintenance agreement shall be executed between the responsible party and the City of Hopewell.

**6. Erosion and Sediment Control Plan**

An erosion and sediment control plan shall be submitted that satisfies the requirements of this Article and in accordance with the City's Erosion & Sediment control requirements, in conjunction with site plan or subdivision plan approval.

**7. CBPA-O Site Plans and Plats**

Where applicable, site plan and plat requirements for property within an RPA or IDA shall include:

- (1) subdivision plats for land to be subdivided,
- (2) easement plats for public utilities and infrastructure,
- (3) delineation plats for the RPA and IDA, and
- (4) a site plan for land not to be subdivided and as otherwise required by the Site Plan Regulations of the Zoning Ordinance. All application maps shall be prepared at the same scale as required for site plans as required by Article XVI.

**a. Plats and Plans**

Final plats and plans for all lands within the CBPA-O District shall include the following additional information:

- (1) The delineation of the Resource Protection Area boundary, including the 100-foot buffer component as well as other RPA components.
- (2) Wetlands shall be delineated by a wetlands delineator licensed or certified to practice in the State of Virginia.
- (3) RPA boundary delineation shall be accompanied by a jurisdictional determination or a verification letter from the Army Corps of Engineers for all Waters of the U.S.
- (4) Plat or plan note stating that no land disturbance is allowed in the buffer area without review and approval by the Director of Development;
- (5) Copy of all wetlands permits required by law;
- (6) A maintenance agreement as deemed necessary and appropriate by the Director of Development to ensure proper maintenance of best management practices and other environmental improvements in order to continue their functions.

**b. Installation and Bonding Requirements**

- (1) Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant material or facilities is completed in accordance with the approved site plan.
- (2) When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to the City of Hopewell a form of surety satisfactory to the City Attorney in an amount equal to the remaining plant materials, related materials, or installation costs of the

required landscaping or facilities and/or maintenance costs for any required stormwater management facilities.

- (3) All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the City of Hopewell.
- (4) All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to City of Hopewell. The City of Hopewell may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
- (5) After all required actions of the approved site plan have been completed; the applicant must submit a written request for final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Director of Development, such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following receipt of the applicant's request for final inspection.
- (6) The Director of Development may require a certificate of substantial completion from a Professional Engineer or Class III B Surveyor before making a final inspection.

## G. Water Quality Impact Assessments – Major and Minor WQIAs

### 1. Purpose and Intent

The purpose of the water quality impact assessment is to:

- a. identify the impacts of proposed land disturbance, development or redevelopment on water quality and lands in the RPA, RMA, and other environmentally sensitive lands;
- b. ensure that, where land disturbance, development or redevelopment does take place within the RPA, RMA, and other sensitive lands, it will occur on those portions of a site and in a manner that will be least disruptive to the natural functions of RPA, RMA, and other sensitive lands;
- c. to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage;
- d. provide for administrative relief from terms of this Article when warranted and in accordance with the requirements contained herein; and

- e. specify necessary and sufficient mitigation procedures, measures, facilities, and techniques that will address water quality protection.

## 2. Applicability

A water quality impact assessment shall be required:

- a. for any proposed land disturbance, development or redevelopment activity within a Resource Protection Area (RPA) as permitted consistent with this Article;
- b. any buffer encroachment as provided for in this Article;
- c. for any other development in Resource Management Areas (RMAs) or other qualifying areas as deemed necessary by the Director of Development due to the unique site characteristics or intensity of the proposed use or development.

There shall be two levels of water quality impact assessments addressed in this section: a Minor Water Quality Assessment and a Major Water Quality Assessment.

## 3. Minor Water Quality Impact Assessment (Minor-WQIA)

### a. Requirement for Minor WQIA:

A minor water quality impact assessment shall be required and submitted for any land disturbance, development activity, or redevelopment activity within the RPA and RMA subject to the following:

**RPA.** The Minor WQIA is required with a RPA site plan when such activity causes no more than 5,000 square feet of land disturbance and/or that proposes to encroach into the landward 50 feet of the 100 foot buffer area as permitted under this Article or as otherwise determined by the Director of Development. Land disturbance activities not consistent with the above shall require a Major WQIA.

**RMA.** The Minor WQIA is required with an RMA site plan when deemed necessary by the Director of Development if a given land disturbance activity incorporates land as defined in Section C.2.b. of this Article, provided that the Minor WQIA or individual requirements as outlined in Section G.3.c herein below, may be waived by the Director of Development when such disturbance is directly related to the expansion or redevelopment of an existing single family residential dwelling for residential purposes that causes no more than 1,500 square feet of land disturbance.

### b. Minor WQIA to Demonstrate:

A minor WQIA shall provide plan exhibits and documentation that demonstrate that the proposed undisturbed buffer area, enhanced vegetative plantings, and planned best management improvements (BMPs) and low impact development (LIDs) practices will result in:

- (1) the removal of no less than seventy-five (75) percent of sediments and forty (40) percent of nutrients from post-development stormwater runoff,
- (2) retarding stormwater runoff consistent with City stormwater management regulations,
- (3) the prevention of erosion, and
- (4) the filtering nonpoint source pollution from land disturbance activities that is equivalent what would be otherwise obtained in the full undisturbed 100-foot buffer area.

**c. Minor WQIA to include:**

A minor assessment shall include a site drawing(s) to scale consistent with the scale of any required site plan (plan or development) which shows the following:

1. Location of the components of the Resource Protection Area, including the 100 foot buffer area and the location of any water body with perennial flow;
2. Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;
3. Type and location of proposed best management practices to mitigate the proposed encroachment;
4. Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and
5. Where a RPA encroachment or disturbance is proposed, a narrative prepared by the applicant's professionals shall address the rationale for the encroachment. The narrative shall also describe other alternatives to the encroachment that have been explored and present the reasons the alternatives are not practicable.

**4. Major Water Quality Impact Assessment**

A major water quality impact assessment shall be required for any development, redevelopment, or land disturbance which:

- a. exceeds 5,000 square feet of land disturbance within a RPA or RMA and proposes to encroach into the landward 50 feet of the 100 foot buffer area;
- b. proposes to disturb any portion of the seaward 50 feet of the 100 foot buffer area or any other component of an RPA; or
- c. is deemed necessary by the Director of Development.

**5. Major WQIA Submission Requirements**

The following represents the information required for a Major Water Quality Impact Assessment, provided that the Director of Development may determine that some of the required elements are unnecessary due to the scope and nature of the proposed use and development of land.

In addition to the requirements of the Minor Water Quality Impact Assessment, the City's zoning ordinance and other applicable land development regulations, the following application elements shall be included in the preparation and submission of a Major Water Quality Impact Assessment:

**a. Hydro-Geological Study: Submission of a hydro-geological element, to include:**

- (1) Provides analysis, mapping and documentation for the existing topography, soils, and hydrology of the site and adjacent lands. At the discretion of the Director of Development, the hydrology analysis and inventory may require a Perennial Flow Determination study.
- (2) Provides evaluation and engineering responses to address the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.
- (3) Indicates the following:
  - (a) Disturbance or removal of wetlands and justification for such action;
  - (b) Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers or other water bodies;
  - (c) Disruptions to existing hydrology including wetland and stream circulation patterns;
  - (d) Source location of and description of proposed fill material;
  - (e) Location of dredging and location of dumping area for such dredged material;
  - (f) Estimation of pre- and post development pollutant loads in runoff;
  - (g) Estimation of percent increase in impervious surface on site, type(s) of surfacing material used;
  - (h) Percent of site to be cleared for project;
  - (i) Perennial flow analysis, if required;
  - (j) Anticipated duration and phasing schedule of construction project; and
  - (k) Listing of all requisite permits from all applicable agencies necessary to develop project.
- (4) Describes the proposed mitigation measures for the potential hydro-geological impacts. Potential mitigation measures include:
  - (a) Additional proposed erosion and sediment control concepts beyond those normally required under Section K.2.d. of this Article; these additional concepts may include the following: minimizing the extent of cleared area; perimeter controls; reduction of runoff velocities;

measures to stabilize disturbed areas; schedule and personnel for site inspection;

- (b) Proposed stormwater management system for nonpoint source quality and quantity control.

**b. Vegetative Element, to include:**

- (1) Identifies and delineates the location of all woody plant material on site, including all trees on site two (2) inches or greater in diameter at breast height or, where there are groups of trees, said stands may be outlined.
- (2) Describes the impacts the development or use will have on the existing vegetation. Information to include:
  - (a) General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;
  - (b) Clear delineation of all trees and other woody vegetation which will be removed;
  - (c) Description of all plant species to be disturbed or removed.
- (3) Describes the proposed measures for mitigation. Possible mitigation measures include:
  - (a) Proposed design plan and replanting schedule for trees and other woody vegetation removed for construction, including a list of proposed plants and trees to be used;
  - (b) Demonstration that the re-vegetation plan supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control;
  - (c) Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overload flow benefits from such vegetation; and
  - (d) Demonstration that indigenous plants are to be used to greatest extent possible.

**5. Submission and Review Requirements.**

- a. Six (6) copies of all site drawings and other applicable information as required by this Article shall be submitted to the Director of Development for review.
- b. All information required in this section shall be certified as complete and accurate by a professional engineer or certified land surveyor.
- c. A Minor Water Quality Impact Assessment shall be prepared and submitted to and reviewed by the Director of Development in conjunction with Section M, Plan of Development Process, of this Article.

- d. A Major Water Quality Impact Assessment shall be prepared and submitted to and reviewed by the Director of Development in conjunction with a request for rezoning, special use permit, or in conjunction with Section M, Plan of Development Process, of this Article, as deemed necessary by the Director of Development.
- e. As part of any major water quality impact assessment submittal, the Director of Development may require review by the Chesapeake Bay Local Assistance Department (CBLAD). Upon receipt of a major water quality impact assessment, the Director of Development will determine if such review is warranted and may request CBLAD to review the assessment and respond with written comments. Any comments by CBLAD will be incorporated into the final review by the Director of Development, provided that such comments are provided by CBLAD within 90 days of the request.

#### 6. WQIA Evaluation Procedure.

- a. **Minor Water Quality Impact Assessment:** Upon the completed review of a minor water quality impact assessment, the Director of Development will determine if any proposed encroachment into the buffer area is consistent with the provisions of this Article and make a finding based upon the following criteria:
  - (1) The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
  - (2) Impervious surface is minimized;
  - (3) Proposed mitigation measures, including the re-vegetation plan and site design, result in minimal disturbance to all components of the RPA, including the 100 foot buffer area;
  - (4) Proposed mitigation measures will work to retain all buffer area functions: pollutant removal, erosion and runoff control;
  - (5) Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
  - (6) The development, as proposed is consistent with the spirit and intent of this Article; and
  - (7) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- b. **Major Water Quality Impact Assessment:** Upon the completed review of a major water quality impact assessment, the Director of Development will determine whether or not the proposed development is consistent with the spirit and intent of this Article and make a finding based upon the following criteria:
  - (1) Within any RPA, the proposed development is to be a water-dependent or redevelopment activity;
  - (2) The percentage of existing wetlands disturbed by the development and the number of square feet to be disturbed;

- (3) The development will not result in significant disruption of the hydrology of the site;
  - (4) The development will not result in unnecessary destruction of plant materials on site;
  - (5) Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
  - (6) Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve “no net increase” in pollutant loadings;
  - (7) Proposed re-vegetation of disturbed areas will provide optimum erosion and sediment control benefits, as well as runoff control and pollutant removal equivalent of the full 100-foot undisturbed buffer area;
  - (8) The design and location of any proposed drainfield will be in accordance with the requirements of the Performance Standards of this Article; and
  - (9) The development is consistent with the spirit and intent of the CBPA-O District and the Comprehensive Plan.
- c. Additional Mitigation:** The Director of Development shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Director of Development based on the criteria listed above and in subsections 6.a and 6.b herein above.
- d. Inconsistent Mitigation:** The Director of Development shall find the proposal to be inconsistent with the purpose and intent of this Article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Director of Development based on the criteria listed in subsections (a) and (b).

## H. Non-Conforming Uses and Non-Complying Structures

The lawful use of a building or structure which existed on September 6, 1990, or any amendments to this Article, and which is not in conformity with the provisions of the Overlay District may be continued in accordance with the nonconforming use provisions of the Zoning Ordinance. No change or expansion of use shall be allowed provided that:

### 1. Nonconforming Use or Structures:

The Director of Development may grant a nonconforming use and/or waiver for existing structures on legal nonconforming lots or parcels to provide for remodeling and alterations to such nonconforming structures provided that:

- a. There will be no increase in nonpoint source pollution load; and

- b. Any development or land disturbance exceeding an area of 2500 square feet complies with all erosion and sediment control requirement of this Article.

**2. Application for Waiver:**

An application for a nonconforming use and/or waiver shall be made to and upon forms furnished by the Director of Development. The application or waiver be submitted with the Concept Plan at the Pre-Application Conference. In addition to the provisions of the Site Plan Regulations, the applicant's materials shall include the following information:

- a. Name and address of applicant, property owner and applicant's engineer and surveyor;
- b. Legal description of the property and type of proposed use and development;
- c. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area; and
- d. Location and description of any existing private water supply or sewage system.

**3. Waiver Expiration Conditions:**

A nonconforming use and development waiver shall become null and void twelve (12) months from the date issued if no substantial work has commenced.

**4. Administrative Process Provisions:**

An application for the expansion of a nonconforming principal structure may be approved by the Director of Development through an administrative review process provided that the following findings are made:

- a. The request for the waiver is the minimum necessary to afford relief;
- b. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Article to other property owners in similar situations;
- c. The waiver is in harmony with the purpose and intent of this Article and does not result in water quality degradation;
- d. The waiver is not based on conditions or circumstances that are self-created or self-imposed;
- e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;
- f. Other findings, as appropriate and required by City of Hopewell are met; and
- g. In no case shall this provision apply to accessory structures.

## I. Exemptions

### 1. Prerequisites for Commencement of Site Improvement Activities:

#### a. Exemptions for Major Public Utilities, Railroads, Public Roads, and Facilities.

Construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with:

- (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and the Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia),
- (ii) an erosion and sediment control plan, and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or
- (iii) local water quality protection criteria at least as stringent as the above state requirements are deemed to comply with this Article.

The exemption of public roads is further conditioned on the following:

1. The road alignment and design has been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the Resource Protection Area and to minimize the adverse effects on water quality.

#### b. Exemptions for Other Public Infrastructure.

Construction, installation, and maintenance of water, sewer, natural gas, underground telecommunications and cable television lines owned, permitted or both, by the City of Hopewell or regional service authority shall be exempt from the Overlay District provided that:

1. To the degree possible, the location of such utilities and facilities should be outside Resource Protection Areas (RPAs);
2. No more land shall be disturbed than is necessary to provide for the proposed utility installation;
3. All such construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and
4. Any land disturbance exceeding an area of 2,500 square feet complies with all City of Hopewell erosion and sediment control requirements.

**c. Exemptions for Silvicultural Activities.**

Silvicultural activities are exempt from the requirements of this Article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the January 1997 edition of “Forestry Best Management Practices for Water Quality” [Technical Guide].

**d. Exemptions for Land Disturbances in Resource Protection Areas.**

The following land disturbances in Resource Protection Areas may be exempt from the Overlay District provided that they comply with the requirements listed below in subsections 1-4 herein below: (i) water wells. (ii) passive recreation facilities such as boardwalks, trails, and pathways, and (iii) historic preservation and archaeological activities:

1. Any required permits, except those to which this exemption specifically applies, shall have been issued;
2. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
3. The intended use does not conflict with nearby planned or approved uses; and
4. Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control and landscape requirements.

## J. Special Exceptions

1. **Submission:** A request for an exception to the development standards and performance criteria requirements of this Article shall be made in writing to the Board of Zoning Appeals (BZA). It shall identify the impacts of the proposed exception on water quality and on lands within the Resource Protection Area (RPA) through the performance of a water quality impact assessment which complies with the provisions of the Water Quality Impact Assessment (WQIA).
2. **Public Hearing Required:** The City of Hopewell shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with §15.2-2204 of the Code of Virginia, except that only one hearing shall be required.
3. **Review:** The Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Board of Zoning Appeals finds:
  - a. Granting the exception will not confer upon the applicant any special privileges denied by this Article to other property owners in the CBPA-O District;

- b. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
  - c. The exception request is the minimum necessary to afford relief;
  - d. The exception request will be in harmony with the purpose and intent of the Overly District, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and
  - e. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
4. **Action by BZA:** If the Board of Zoning Appeals cannot make the required findings or refuses to grant the exception, the Board shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.
5. **Exception Request:** A request for an exception to the requirements of provisions of this Article other than Section C (CBPA-O: Criteria for Areas of Application) and Section E (Performance Standards) shall be submitted in writing to the Director of Development. The Director of Development may grant these exceptions provided that:
- a. Exceptions to the requirements are the minimum necessary to afford relief; and
  - b. Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purposed and intent of this Article is preserved.
  - c. Exceptions to Section F. may be made, provided that the findings noted this Section are made.

# CURRENT ORDINANCE ADOPTED - JULY 1, 2009

## ARTICLE XV-A CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT

### A. TITLE

This ordinance may be known and referenced as the "Chesapeake Bay Preservation Area Overlay District" of the City of Hopewell and also referred to herein as the "Overlay District".

### B. FINDINGS OF FACT

The Chesapeake Bay and its tributaries are one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of City of Hopewell and the Commonwealth of Virginia. The health of the Bay is vital to maintaining Hopewell's economy and the welfare of its citizens.

The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to the shoreline have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations Protected from disturbance; they offer significant ecological benefits by providing water quality maintenance and pollution control as well as flood and shoreline erosion control. These lands together, designated by the City Council as Chesapeake Bay Preservation Areas (hereinafter "CBPAs", or more specifically RPAs or RMAs), need to be protected from destruction and damage in order to protect the quality of water in the Bay and consequently the quality of life in the City of Hopewell and the Commonwealth of Virginia.

### C. PURPOSE AND INTENT

1. Purpose of Enactment: This ordinance is enacted to implement the requirements of Section 10.1-2100 et seq., of the Code of Virginia, (the Chesapeake Bay Preservation Act), and amends the Zoning Ordinance of the City of Hopewell. The intent of the City Council and the purpose of the Overlay District is to: (1) protect existing high quality state waters; (2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, which might reasonably be expected to inhabit them; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in pollution; and (5) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the City of Hopewell.
2. Overlay Zone: This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. Unless otherwise stated in this Article, the review and approval procedures provided for in other applicable ordinances shall be

followed in reviewing and approving development, redevelopment, and uses governed by this Article.

3. Authority: This Article is enacted under the authority of Section 10.1-2100 et seq. (the Chesapeake Bay Preservation Act) and Section 15.2-2283 of the Code of Virginia. Section 15.2-2283 states that zoning ordinances may "also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Section 62.1-255."

#### **D. DEFINITIONS**

The following words and terms used in this Article have the following meanings, unless the context clearly indicates otherwise. Words and terms not defined in this Article but defined elsewhere in this Ordinance shall be given the meanings set forth therein.

In the event words and terms defined below are in conflict with words and terms defined elsewhere in the Zoning Ordinance, the definitions below shall control, but shall apply to this Article only.

1. "Agricultural lands": means those lands used for the tilling of the soil; the growing of crops or plant growth of any kind in the open, including forestry; pastureage; horticulture; dairying; floriculture; or raising of poultry and/or livestock.
2. "Best Management Practices" (BMP's): means a practice, or a combination of practices, that are determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.
3. "Buffer area": means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.
4. "Chesapeake Bay Preservation Area" (CBPA): means any land designated by the City Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-et seq., and Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.
5. "Construction footprint": means the area of all impervious surface, including, but not limited to, buildings, roads and drives, parking areas, sidewalks and the area necessary for construction of such improvements.
6. "Development": means the construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.
7. "Diameter at breast height" (DBH): means the diameter of a tree measured outside the bark at a point 4.5 feet above the ground.
8. "Dripline": means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.
9. "Highly erodible soils": means soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for soil is defined as the product of the formula  $RKLS/T$ , where K is the soil susceptibility to water

erosion in the surface layer, R is rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

10. "Highly permeable soils": means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture National Resources Conservation Service.
11. "Impervious cover": means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.
12. "Intensely Developed Areas" (IDA): means a portion of a Resource Protection Area or a Resource Management Area designated by the City Council where development is currently concentrated and where little of the natural environment remains.
13. "Lot coverage": means the impervious area of any lot or parcel including, but not limited to buildings, drives, parking areas, sidewalks, patios, decks, etc.
14. "Nonpoint source pollution": means pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agricultural and urban land development and use.
15. "Nontidal wetlands": mean those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R. 328.3b.
16. "Noxious Weeds": means weeds such as Johnson Grass, Kudzu, and multi-flora rose.
17. "Plan of Development": means the process for site plan or subdivision plat review to ensure compliance with Section 10.1-2109 of the Code of Virginia and this Article, prior to any clearing and grading of a site and the issuance of a building permit.
18. "Public Road": means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (10.1-603.1 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed and maintained, or both, by City of Hopewell in accordance with the standards of City of Hopewell.
19. "Substantial alteration": means expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.
20. "Redevelopment": means the process of developing land that is or has been previously developed.
21. "Resource Management Area (RMA)": means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include

land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

22. "Resource Protection Area (RPA)": means that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.
23. "Silvicultural activities": means forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.
24. "Tidal shore" or "shore": means land contiguous to a tidal body of water between the mean low water level and the mean high water level.
25. "Tidal wetlands": means vegetated and non-vegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.
26. "Water-dependent facility": means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.
27. "Wetlands": means tidal and nontidal wetlands.

#### **E. AREAS OF APPLICABILITY**

1. Application of District: The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as either the Resource Protection Area (RPA) or the Resource Management Area (RMA) as designated by the City Council and as shown on the Zoning District Map or such other supplementary maps as may be included by reference as part of the Zoning District Map. The map showing the RPA and RMA Districts, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Article.
  - a. The Resource Protection Area (RPA) includes:
    - (1) Tidal wetlands;
    - (2) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
    - (3) Tidal shores;
    - (4) A vegetated buffer area not less than 100 feet in width located adjacent to and landward of the components listed in subsections (1) through (3) above, and along both sides of any water body with perennial flow.

- b. The Resource Management Area is composed of the following concentrations of (one or more of) land categories: floodplains; highly erodible soils, steep slopes (those greater than 15%); highly permeable soils; and nontidal wetlands not included in the Resource Protection Area. The RMA shall encompass a land area large enough to provide significant water quality protection through the employment of the criteria in Section K and the City of Hopewell Comprehensive Land Use Plan.
2. Delineation of District: The Zoning District Map (or the referenced overlay map) shows only the general location of CBPAs, and should be consulted by persons contemplating activities within the City of Hopewell prior to engaging in a regulated activity. The specific location of RPAs on a lot or parcel shall be delineated on each site or parcel as required under Section J, Interpretation of Resource Protection Area Boundaries, of this Article through the review and approval of the plan of development process or as required under Section L, Water Quality Impact Assessment, through the review and approval of a water quality impact assessment.
3. Redevelopment Areas: Portions of Resource Protection Areas and Resource Management Areas designated by the City Council as Intensely Developed Areas shall serve as redevelopment areas. Areas so designated shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in Section K, Performance Standards.
4. Interpretation of District Boundary: If the boundaries of a RPA or RMA Area include only a portion of a lot, parcel, or development project, the entire lot, parcel, or development project shall comply with the requirements of the Overlay District. The division of property shall not constitute an exemption from this requirement.

## **F. USE REGULATIONS**

Permitted uses, special permit uses, accessory uses and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

## **G. DEVELOPMENT CRITERIA FOR RESOURCE PROTECTION AREA**

1. Land development in Resource Protection Areas may be allowed only when permitted by the Director of Development and if it (i) is water-dependent; (ii) constitutes redevelopment; (iii) constitutes development or redevelopment within a designated Intensely Developed Area; (iv) is a new use subject to the provisions of Section K.3.b(2) of this Article; (v) is a road or driveway crossing satisfying the conditions set forth in Section G.1.c. below or (vi) is a flood control or stormwater management facility as noted in Water Q.
  - a. A new or expanded water dependent facility may be allowed provided that the following criteria are met:
    - (1) It does not conflict with the comprehensive plan;
    - (2) It complies with the performance criteria set forth in Section K of this Article;
    - (3) Any nonwater-dependent component is located outside of the RPA; and

- (4) Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.
  - b. Redevelopment on isolated redevelopment sites outside of locally designated intensely Developed Areas sites shall be permitted only if there is no increase in the amount of impervious cover and no further encroachment within the RPA and it shall conform to the stormwater management requirements outlined under Section K.2.h and the erosion and sediment control requirements outlined under Section K.2.d of this Article.
  - c. Roads and driveways not exempt under Section O and which, therefore, must comply with the provisions of this Article, may be constructed in or across RPAs if each of the following conditions are met:
    - (1) The Director of Development makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the RPA;
    - (2) The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on water quality;
    - (3) The design and construction of the road or driveway satisfy all applicable criteria of this Article;
    - (4) The Director of Development reviews the plan for the road or driveway proposed in or across the RPA in coordination with the plan of development requirements as required under Section M or subdivision plan.
  - d. Flood control and stormwater management facilities that drain or treat water from multiple developments projects or from a significant portion of a watershed may be allowed in the RPA provided that the following conditions are met:
    - (1) The City of Hopewell has conclusively established that the location of the facility within the RPA is the optimum location;
    - (2) The size of the facility is the minimum necessary to provide necessary flood control, stormwater management, or both;
    - (3) The facility is consistent with the City of Hopewell's stormwater management program that has been approved by the Board as a Phase I modification to the local government's program;
    - (4) All applicable permits for construction have been obtained from the appropriate state and federal agencies;
    - (5) The City of Hopewell has approved the project prior to construction; and
    - (6) Routine maintenance will be performed to assure that these facilities continue to perform as designed.
2. A water quality impact assessment as outlined in Section L, Water Quality Impact Assessment of this Article shall be required for any proposed land disturbance, development or redevelopment within Resource Protection Areas (RPAs) and for any other development within Resource Management Areas (RMAs) when required by the Director of Development due to the unique characteristics of the site or intensity of

development, in accordance with the provisions of Section L, Water Quality Impact Assessment, of this Article.

**H. LOT SIZE**

Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient area outside the Resource Protection Area (RPA) to accommodate an intended development, in accordance with the performance standards in Section K, Performance Standards, when such development is not otherwise allowed in the Resource Protection Area (RPA).

**I. CONFLICT WITH OTHER REGULATIONS**

In any case where the requirements of this Article conflict with any other provision of the City of Hopewell Code or existing state and federal regulations, whichever imposes the more stringent restrictions shall apply.

**J. INTERPRETATION OF RESOURCE PROTECTION AREA BOUNDARIES**

1. Delineation by the Applicant.

The site-specific boundaries of the Resource Protection Area shall be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Director of Development and in accordance with Section M, Plan of Development Process, of this Article, or Section L, Water Quality Impact Assessment, of this Article. The Official Zoning Map, or an overlay thereto, showing the approximate RPA and RMA boundaries, may be used as a guide to the general location of Resource Protection Areas.

2. Delineation by the City of Hopewell.

The Director of Development, when requested by the applicant wishing to construct a single family residence, may waive the requirement for an environmental site assessment and perform the delineation. The Director of Development may use hydrology, soils, plant species, and other data, and consult with other appropriate resources as needed to perform the delineation.

3. Where Conflict Arises Over Delineation.

Where the applicant has provided a site-specific delineation of the Resource Protection Area (RPA), the Director of Development shall verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Director of Development may render adjustments to the applicant's boundary delineation, in accordance with Section M, Plan of Development Process, of this Article. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of Section M, Subsection 8, Denial of Plan, Appeal of Conditions or Modifications.

**K. PERFORMANCE STANDARDS**

1. Purpose and Intent.

The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Keeping impervious cover to a minimum enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The purpose and intent of these requirements is also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a 10% reduction in nonpoint source pollution from redevelopment; and achieve a 40% reduction in nonpoint source pollution from agricultural uses.

2. General Performance Standards for Development and Redevelopment.

- a. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
  - (1) In accordance with an approved site plan, the limits of clearing or grading shall be strictly defined by the construction footprint. The Director of Development shall review and approve the construction footprint through the plan of development process. These limits shall be clearly shown on submitted plans and physically marked in the development site.
  - (2) The construction footprint shall not exceed the limits for such as designated by the zoning district of the lot or parcel.
  - (3) Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Director of Development.
- b. Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the proposed use or development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.
  - (1) Existing trees over two (2) inches in diameter at breast height (DBH) shall be preserved outside the approved construction footprint. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed, when approved by the Director of Development. Other woody vegetation on site shall also be preserved outside the approved construction footprint.
  - (2) Site clearing for construction activities shall be allowed as approved by the Director of Development through the plan of development review process outlined under Section M, Plan of Development Process, of this Article.
  - (3) Prior to clearing, grading and/or filling suitable protective barriers, like safety fencing, shall be erected five (5) feet outside the dripline of any tree or stand of trees to be preserved. Erected protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- c. Land development shall minimize impervious cover consistent with the proposed use or development.

- (1) Grid and modular pavement shall be used for any required parking area, alley, or other low traffic driveway, unless otherwise approved by the Director of Development.
  - (2) Parking space size shall be 162 square feet. Parking space width shall be 9 feet; parking space length shall be 18 feet. Two-way drives shall be a minimum of 22 feet.
  - (3) Impervious coverage on any lot or parcel shall be limited to the lot coverage permitted under the zoning district requirements of said lot or parcel as noted on the approved plan of development [site plan, plot plan, other approved plan].
- d. Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, shall comply with the requirements of City of Hopewell Erosion & Sediment Control Ordinance.
  - e. All development and redevelopment within RMAs and RPAs that exceeds 2,500 square feet of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provisions of the Zoning Ordinance; or a subdivision plan in accordance with the Subdivision Ordinance; or a Water Quality Impact Assessment in accordance with Section L, Water Quality Impact Assessment of this Article.
  - f. All on-site sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be pumped out at least once every five years, in accordance with the provisions of City of Hopewell Health Code.
  - g. For new construction, a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with the City of Hopewell Health Code. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 and such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building or the construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.
  - h. For any use or development, stormwater runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20-10 et seq.).
    - (1) For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for Tidewater, which has been established as the amount of runoff that produces 0.45 pounds of phosphate per acre per year;
    - (2) For sites within Intensively Developed Areas (IDAs) or other isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Director of Development may waive or modify this requirement for redevelopment sites that originally

incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:

- (a) In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;
- (b) Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution; and
- (c) Where structural best management practices are already in place, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Director of Development may require a review of both the original structure's design and maintenance plan to verify this provision. A new maintenance agreement may be required to ensure compliance with this Article.

- i. Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Director of Development, in accordance with Section M, Plan of Development Process, of this Article.

### 3. Buffer Area Requirements.

To minimize the adverse effects of human activities on the other components of Resource Protection Areas, state waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.

The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The 100-foot full buffer area shall be designated as the landward component of the Resource Protection Area, in accordance with Sections E, Areas of Applicability and Section M, Plan of Development Process, of this Article. Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in Section G, and this section, the 100-foot buffer area is not reduced in width.

The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.

- a. Permitted modifications to the buffer area.
  - (1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only, subject to approval by the Director of Development, to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, including those that prevent upland erosion and concentrated flows of stormwater, as follows:
    - (a) Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff;

- (b) Any path shall be constructed and surfaced so as to effectively control erosion;
  - (c) Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu and multiflora rose) may be removed and thinning of trees allowed as permitted by the Director of Development pursuant to sound horticultural practices; and
  - (d) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.
- b. Permitted encroachments into the buffer area.
- (1) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Director of Development may, through an administrative process, permit encroachments into the buffer area in accordance with Section M, Plan of Development Process of this Article, and the following criteria:
    - (a) Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
    - (b) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and
    - (c) The encroachment may not extend into the seaward 50 feet of the buffer area.
  - (2) When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and March 1, 2002, the Director of Development may permit encroachments into the buffer area in accordance with Section M, Plan of Development Process and the following criteria:
    - (a) The lot or parcel was created as a result of a legal process conducted in conformity with the city's subdivision regulations;
    - (b) Conditions or mitigation measures imposed through a previously approved exception shall be met;
    - (c) If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
    - (d) The criteria in subsection (1) above shall be met.

## **L. WATER QUALITY IMPACT ASSESSMENT**

### **1. Purpose and Intent**

The purpose of the water quality impact assessment is to: (i) identify the impacts of proposed land disturbance, development or redevelopment on water quality and lands in RPAs and other environmentally sensitive lands; (ii) ensure that, where land disturbance, development or redevelopment does take place within RPAs and other sensitive lands, it will occur on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands; (iii) to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; (iv) provide for administrative relief from terms of this Article when warranted and in accordance with the requirements contained herein; and (v) specify mitigation which will address water quality protection.

### **2. Applicability**

A water quality impact assessment shall be required (i) for any proposed land disturbance, development or redevelopment activity within a Resource Protection Area (RPA) as permitted consistent with Section G. 1 of this Article; (ii) any buffer encroachment as provided for in Section K. 3.b. of this Article; (iii) for any other development in Resource Management Areas (RMAs) as deemed necessary by the Director of Development due to the unique site characteristics or intensity of the proposed use or development. There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.

### **3. Minor Water Quality Impact Assessment**

A minor water quality impact assessment pertains only to land disturbance, development or redevelopment activity within a CBPA which causes no more than 5,000 square feet of land disturbance and /or which proposes to encroach into the landward 50 feet of the 100 foot buffer area as permitted under Section K. 3.b. of this Article. A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings and any required best management practices will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff and that will retard runoff, prevent erosion, and filter nonpoint source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site drawing to scale which shows the following:

- a. Location of the components of the Resource Protection Area, including the 100 foot buffer area and the location of any water body with perennial flow;
- b. Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;
- c. Type and location of proposed best management practices to mitigate the proposed encroachment;
- d. Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and
- e. Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.

4. Major Water Quality Impact Assessment

A major water quality impact assessment shall be required for any development, redevelopment, or land disturbance which (i) exceeds 5,000 square feet of land disturbance within a RPA or RMA and proposes to encroach into the landward 50 feet of the 100 foot buffer area; (ii) proposes to disturb any portion of the seaward 50 feet of the 100 foot buffer area or any other component of an RPA; or (iii) is located solely in a RMA when deemed necessary by the Director of Development. The information required in this section shall be considered a minimum, unless the Director of Development determines that some of the elements are unnecessary due the scope and nature of the proposed use and development of land.

The following elements shall be included in the preparation and submission of a Major Water Quality Impact Assessment:

- a. All of the information required in a minor water quality impact assessment, as specified in Section L.3.;
- b. A hydrogeological element that:
  - (1) Describes the existing topography, soils, and hydrology of the site and adjacent lands.
  - (2) Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.
  - (3) Indicates the following:
    - (a) Disturbance or removal of wetlands and justification for such action;
    - (b) Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers or other water bodies;
    - (c) Disruptions to existing hydrology including wetland and stream circulation patterns;
    - (d) Source location of and description of proposed fill material;
    - (e) Location of dredging and location of dumping area for such dredged material;
    - (f) Estimation of pre- and post development pollutant loads in runoff;
    - (g) Estimation of percent increase in impervious surface on site, type(s) of surfacing material used;
    - (h) Percent of site to be cleared for project;
    - (i) Anticipated duration and phasing schedule of construction project; and
    - (j) Listing of all requisite permits from all applicable agencies necessary to develop project.
  - (4) Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigative measures include:

- (a) Additional proposed erosion and sediment control concepts beyond those normally required under Section K.2.d. of this Article; these additional concepts may include the following: minimizing the extent of cleared area; perimeter controls; reduction of runoff velocities; measures to stabilize disturbed areas; schedule and personnel for site inspection;
    - (b) Proposed stormwater management system for nonpoint source quality and quantity control;
  - c. A vegetative element that:
    - (1) Identifies and delineates the location of all woody plant material on site, including all trees on site two (2) inches or greater in diameter at breast height or, where there are groups of trees, said stands may be outlined.
    - (2) Describes the impacts the development or use will have on the existing vegetation. Information should include:
      - (a) General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;
      - (b) Clear delineation of all trees and other woody vegetation which will be removed;
      - (c) Description of all plant species to be disturbed or removed.
    - (3) Describes the proposed measures for mitigation. Possible mitigation measures include:
      - (a) Proposed design plan and replanting schedule for trees and other woody vegetation removed for construction, including a list of proposed plants and trees to be used;
      - (b) Demonstration that the re-vegetation plan supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control;
      - (c) Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overload flow benefits from such vegetation; and
      - (d) Demonstration that indigenous plants are to be used to greatest extent possible.

5. Submission and Review Requirements

- a. Six (6) copies of all site drawings and other applicable information as required by Subsections L.3 and L.4 above shall be submitted to the Director of Development for review.
- b. All information required in this section shall be certified as complete and accurate by a professional engineer or certified land surveyor.
- c. A Minor Water Quality Impact Assessment shall be prepared and submitted to and reviewed by the Director of Development in conjunction with Section M, Plan of Development Process, of this Article.

- d. A Major Water Quality Impact Assessment shall be prepared and submitted to and reviewed by the Director of Development in conjunction with a request for rezoning, special use permit, or in conjunction with Section M, Plan of Development Process, of this Article, as deemed necessary by the Director of Development.
  - e. As part of any major water quality impact assessment submittal, the Director of Development may require review by the Chesapeake Bay Local Assistance Department (CBLAD). Upon receipt of a major water quality impact assessment, the Director of Development will determine if such review is warranted and may request CBLAD to review the assessment and respond with written comments. Any comments by CBLAD will be incorporated into the final review by the Director of Development, provided that such comments are provided by CBLAD within 90 days of the request.
6. Evaluation Procedure
- a. Upon the completed review of a minor water quality impact assessment, the Director of Development will determine if any proposed encroachment into the buffer area is consistent with the provisions of this Article and make a finding based upon the following criteria:
    - (1) The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
    - (2) Impervious surface is minimized;
    - (3) Proposed mitigation measures, including the revegetation plan and site design, result in minimal disturbance to all components of the RPA, including the 100-foot buffer area;
    - (4) Proposed mitigation measures will work to retain all buffer area functions: pollutant removal, erosion and runoff control;
    - (5) Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
    - (6) The development, as proposed is consistent with the spirit and intent of this Article; and
    - (7) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
  - b. Upon the completed review of a major water quality impact assessment, the Director of Development will determine whether or not the proposed development is consistent with the spirit and intent of this Article and make a finding based upon the following criteria:
    - (1) Within any RPA, the proposed development is water-dependent or redevelopment;
    - (2) The percentage of existing wetlands disturbed by the development. The number of square feet or acres to be disturbed.
    - (3) The development will not result in significant disruption of the hydrology of the site;

- (4) The development will not result in unnecessary destruction of plant materials on site;
  - (5) Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
  - (6) Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve “no net increase” in pollutant loadings;
  - (7) Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits, as well as runoff control and pollutant removal equivalent of the full 100-foot undisturbed buffer area;
  - (8) The design and location of any proposed drainfield will be in accordance with the requirements of Section K, Performance Standards; and
  - (9) The development is consistent with the spirit and intent of the Overlay District.
- c. The Director of Development shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Director of Development based on the criteria listed above and in subsections (a) and (b).
  - d. The Director of Development shall find the proposal to be inconsistent with the purpose and intent of this Article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Director of Development based on the criteria listed in subsections (a) and (b).

**M. PLAN OF DEVELOPMENT PROCESS**

Any development or redevelopment exceeding 2500 square feet of land disturbance shall be accomplished through a plan of development process prior to any development preparation activities onsite, such as clearing and grading of the site and the issuance of any building permit, to assure compliance of all applicable requirements of this Article.

1. Required Information.

In addition to the requirements of Article XVI, Site Plan Requirements, of the Zoning Ordinance or the requirements of the City of Hopewell Subdivision Ordinance, the plan of development process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the Director of Development. The Director of Development may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

The following plans or studies shall be submitted, unless otherwise provided for:

- a. A site plan in accordance with the provisions of Article XVI, Site Plan requirements, of the Zoning Ordinance or subdivision plat in accordance with the provisions of Article 6 of the City of Hopewell’s Subdivision Ordinance;
- b. An environmental site assessment.
- c. A landscaping plan;
- d. A stormwater management plan;

- e An erosion and sediment control plan in accordance with the provisions of the City's Erosion & Sediment Control Ordinance of the City Code.

2. Environmental Site Assessment.

An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval.

- a. The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:
  - (1) Tidal wetlands;
  - (2) Tidal shores;
  - (3) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
  - (4) A 100 foot buffer located adjacent to and landward of the components listed in subsections 1 through 3 above, and along both sides of any water body with perennial flow;
  - (5) Other sensitive environmental features as determined by the Director of Development.
- b. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987.
- c. The environmental site assessment shall delineate the geographic extent of the Resource Protection Area (RPA) on the specific site or parcel as required under Section E.2 and J of this Article;
- d. The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat, and shall be certified as complete and accurate by a professional engineer or a certified land surveyor. This certification requirement may be waived by the Director of Development when the proposed use or development would result in less than 5,000 square feet of disturbed area.

3. Landscaping Plan.

A landscaping plan shall be submitted in conjunction with site plan review and approval or as part of subdivision plat approval. No clearing or grading of any lot or parcel will be permitted without an approved landscaping plan.

Landscaping plans shall be prepared and/or certified by a design professional practicing within their areas of competence as prescribed by the Code of Virginia.

- a. Contents of the Plan.
  - (1) The landscaping plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site two (2) inches or greater in diameter at breast height (DBH) shall be shown on the landscaping plan. Where there are groups of trees, said stands may be outlined instead. The specific number of trees two (2) inches or greater DBH to be preserved outside of the building envelope shall be indicated on the plan. Trees and other woody vegetation proposed to be removed to create the desired construction footprint shall be clearly delineated on the landscaping plan.

- (2) Any required RPA buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Article, shall be shown on the landscaping plan.
- (3) Within the buffer area, trees and other woody vegetation to be removed for sight lines, vistas, access paths, and best management practices, as provided for in Section K.3.a(1) of this Article, shall be shown on the plan. Vegetation required by this Article to replace any existing trees within the buffer area shall be also be depicted on the landscaping plan.
- (4) Trees and other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this Article shall be shown on the landscaping plan.
- (5) The plan shall depict grade changes or other work adjacent to trees, which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.
- (6) The landscaping plan will include specifications for the protection of existing trees and other vegetation during clearing, grading, and all phases of construction.
- (7) If the proposed development is a change in use from agricultural or silvicultural to some other use, the plan must demonstrate the re-establishment of vegetation in the buffer area.

b. Plant Specifications.

- (1) All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.
- (2) All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.
- (3) Where areas to be preserved, as designated on an approved landscaping plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of three (3) planted trees to one (1) removed. Replacement trees shall be a minimum one and one-half (1 ½) inches DBH at the time of planting.
- (4) Use of native or indigenous species.

c. Maintenance.

- (1) The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this Article.
- (2) In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this Article.

4. Stormwater Management Plan.

A stormwater management plan shall be submitted as part of the plan of development process required by this Article and in conjunction with site plan or subdivision plan approval.

a. Contents of the Plan.

The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this Article. At a minimum, the stormwater management plan must contain the following:

- (1) Location and design of all planned stormwater control devices;
- (2) Procedures for implementing non-structural stormwater control practices and techniques;
- (3) Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations;
- (4) For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification;

b. Site specific facilities shall be designed for the ultimate development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.

c. All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Virginia Stormwater Management Handbook.

d. The plan shall establish schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the City of Hopewell, then a maintenance agreement shall be executed between the responsible party and the City of Hopewell.

5. Erosion and Sediment Control Plan.

An erosion and sediment control plan shall be submitted that satisfies the requirements of this Article and in accordance with the City's Erosion & Sediment control requirements, in conjunction with site plan or subdivision plan approval.

6. Final Plan.

Final plans for property within an RPA or RMA shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in Site Plan Requirements of the Zoning Ordinance.

a. Final plans for all lands within CBPAs shall include the following additional information:

- (1) The delineation of the Resource Protection Area boundary, including the 100-foot buffer component;
- (2) Plat or plan note stating that no land disturbance is allowed in the buffer area without review and approval by the Director of Development;
- (3) All wetlands permits required by law;

- (4) A maintenance agreement as deemed necessary and appropriate by the Director of Development to ensure proper maintenance of best management practices in order to continue their functions.

b. Installation and Bonding Requirements.

- (1) Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant material or facilities is completed in accordance with the approved site plan.
- (2) When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to the City of Hopewell a form of surety satisfactory to the City Attorney in an amount equal to the remaining plant materials, related materials, or installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities.
- (3) All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the City of Hopewell.
- (4) All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to City of Hopewell. The City of Hopewell may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
- (5) After all required actions of the approved site plan have been completed; the applicant must submit a written request for final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Director of Development, such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following receipt of the applicant's request for final inspection. The Director of Development may require a certificate of substantial completion from a Professional Engineer or Class III B Surveyor before making a final inspection.

7. Administrative Responsibility.

Administration of the plan of development process shall be in accordance with Article XVI, Site Plan Requirements, of the Zoning Ordinance and/or Article 4 of the City of Hopewell Subdivision Ordinance. The Director of Development shall approve, approve subject to conditions, or disapprove the plans in accordance with the reviewing authorities' recommendations. The Director of Development shall return notification of plan review results to the applicant, including recommended conditions or modifications. In the event that the results and/or recommended conditions or modifications are acceptable to the applicant, the plan shall be so modified, if required, and approved by the Director of Development.

8. Denial of Plan, Appeal of Conditions or Modifications.

In the event the final plan or any component of the plan of development process is disapproved or recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Board of Zoning Appeals as provided elsewhere in this Zoning Ordinance. In granting or denying an appeal, the Board of Zoning Appeals must find such plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of the performance standards in this Article. If the Board of Zoning Appeals finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan.

#### **N. NONCONFORMING USES AND NONCOMPLYING STRUCTURES**

The lawful use of a building or structure which existed on September 6, 1990, or any amendments to this Article, and which is not in conformity with the provisions of the Overlay District may be continued in accordance with the nonconforming use provisions of the Zoning Ordinance.

No change or expansion of use shall be allowed with the exception that:

1. The Director of Development may grant a nonconforming use and/or waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations to such nonconforming structures provided that:
  - a. There will be no increase in nonpoint source pollution load; and
  - b. Any development or land disturbance exceeding an area of 2500 square feet complies with all erosion and sediment control requirement of this Article.
2. An application for a nonconforming use and/or waiver shall be made to and upon forms furnished by the Director of Development and shall include for the purpose of proper enforcement of this Article, the following information:
  - a. Name and address of applicant and property owner;
  - b. Legal description of the property and type of proposed use and development;
  - c. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area; and
  - d. Location and description of any existing private water supply or sewage system.
3. A nonconforming use and development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.
4. An application for the expansion of a nonconforming principal structure may be approved by the Director of Development through an administrative review process provided that the following findings are made:
  - a. The request for the waiver is the minimum necessary to afford relief;
  - b. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Article to other property owners in similar situations;
  - c. The waiver is in harmony with the purpose and intent of this Article and does not result in water quality degradation;

- d. The waiver is not based on conditions or circumstances that are self-created or self-imposed;
- e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;
- f. Other findings, as appropriate and required by City of Hopewell are met; and
- g. In no case shall this provision apply to accessory structures.

**O. EXEMPTIONS**

1. Exemptions for Public Utilities, Railroads, Public Roads, and Facilities.

Construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and the Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (iii) local water quality protection criteria at least as stringent as the above state requirements are deemed to comply with this Article. The exemption of public roads is further conditioned on the following:

- a. The road alignment and design has been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the Resource Protection Area and to minimize the adverse effects on water quality.

2. Exemptions for Local Utilities and other service lines.

Construction, installation, and maintenance of water, sewer, natural gas, underground telecommunications and cable television lines owned, permitted or both, by the City of Hopewell or regional service authority shall be exempt from the Overlay District provided that:

- a. To the degree possible, the location of such utilities and facilities should be outside Resource Protection Areas (RPAs);
- b. No more land shall be disturbed than is necessary to provide for the proposed utility installation;
- c. All such construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and
- d. Any land disturbance exceeding an area of 2,500 square feet complies with all City of Hopewell erosion and sediment control requirements.

3. Exemptions for Silvicultural Activities.

Silvicultural activities are exempt from the requirements of this Article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the January 1997 edition of “Forestry Best Management Practices for Water Quality” [Technical Guide].

4. Exemptions in Resource Protection Areas.

The following land disturbances in Resource Protection Areas may be exempt from the Overlay District provided that they comply with the requirements listed below in subdivisions a. through d. below: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities:

- a. Any required permits, except those to which this exemption specifically applies, shall have been issued;
- b. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
- c. The intended use does not conflict with nearby planned or approved uses; and
- d. Any land disturbance exceeding an area of 2,500 square feet shall comply with all City of Hopewell erosion and sediment control requirements.

**P. SPECIAL EXCEPTIONS**

1. Submission: A request for an exception to the requirements of Sections G and K.3 of this Article shall be made in writing to the Board of Zoning Appeals. It shall identify the impacts of the proposed exception on water quality and on lands within the Resource Protection Area (RPA) through the performance of a water quality impact assessment which complies with the provisions of Section L, Water Quality Impact Assessment.
2. The City of Hopewell shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with §15.2-2204 of the Code of Virginia, except that only one hearing shall be required.
3. Review: The Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Board of Zoning Appeals finds:
  - a. Granting the exception will not confer upon the applicant any special privileges denied by this Article to other property owners in the Overlay District;
  - b. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
  - c. The exception request is the minimum necessary to afford relief;
  - d. The exception request will be in harmony with the purpose and intent of the Overlay District, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and
  - e. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
4. If the Board of Zoning Appeals cannot make the required findings or refuses to grant the exception, the Board shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.
5. A request for an exception to the requirements of provisions of this Article other than Sections G and K.3 shall be made in writing to the Director of Development. The Director of Development may grant these exceptions provided that:

- a. Exceptions to the requirements are the minimum necessary to afford relief; and
- b. Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purposed and intent of this Article is preserved.
- c. Exceptions to Section K.2 may be made, provided that the findings noted in Section P.3 are made.

**ARTICLE XV-A**  
**~~CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT~~**

**~~A. TITLE~~**

~~This ordinance may be known and referenced as the "Chesapeake Bay Preservation Area Overlay District" of the City of Hopewell and also referred to herein as the "Overlay District".~~

**~~B. FINDINGS OF FACT~~**

~~The Chesapeake Bay and its tributaries are one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of City of Hopewell and the Commonwealth of Virginia. The health of the Bay is vital to maintaining Hopewell's economy and the welfare of its citizens.~~

~~The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to the shoreline have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. Protected from disturbance, they offer significant ecological benefits by providing water quality maintenance and pollution control as well as flood and shoreline erosion control. These lands together, designated by the City Council as Chesapeake Bay Preservation Areas (hereinafter "CBPAs", or more specifically RPAs or RMAs), need to be protected from destruction and damage in order to protect the quality of water in the Bay and consequently the quality of life in the City of Hopewell and the Commonwealth of Virginia.~~

**~~C. PURPOSE AND INTENT~~**

- ~~1. Purpose of Enactment: This ordinance is enacted to implement the requirements of Section 10.1-2100 et seq., of the Code of Virginia, (the Chesapeake Bay Preservation Act), and amends the Zoning Ordinance of the City of Hopewell. The intent of the City Council and the purpose of the Overlay District is to: (1) protect existing high quality state waters; (2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, which might reasonably be expected to inhabit them; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in pollution; and (5) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the City of Hopewell.~~
- ~~2. Overlay Zone: This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. Unless otherwise stated in this Article, the review and approval procedures provided for in other applicable ordinances shall be followed in reviewing and approving development, redevelopment, and uses governed by this Article.~~
- ~~3. Authority: This Article is enacted under the authority of Section 10.1-2100 et seq. (the Chesapeake Bay Preservation Act) and Section 15.2-2283 of the Code of Virginia.~~

Section 15.2-2283 states that zoning ordinances may "also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Section 62.1-255."

#### ~~D. DEFINITIONS~~

~~The following words and terms used in this Article have the following meanings, unless the context clearly indicates otherwise. Words and terms not defined in this Article but defined elsewhere in this Ordinance shall be given the meanings set forth therein.~~

~~In the event words and terms defined below are in conflict with words and terms defined elsewhere in the Zoning Ordinance, the definitions below shall control, but shall apply to this Article only.~~

- ~~1. "Agricultural lands": means those lands used for the tilling of the soil; the growing of crops or plant growth of any kind in the open, including forestry; pastureage; horticulture; dairying; floriculture; or raising of poultry and/or livestock.~~
- ~~2. "Best Management Practices" (BMP's): means a practice, or a combination of practices, that are determined by a state or designated area wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.~~
- ~~3. "Buffer area": means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.~~
- ~~4. "Chesapeake Bay Preservation Area" (CBPA): means any land designated by the City Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20 et seq., and Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.~~
- ~~5. "Construction footprint": means the area of all impervious surface, including, but not limited to, buildings, roads and drives, parking areas, sidewalks and the area necessary for construction of such improvements.~~
- ~~6. "Development": means the construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.~~
- ~~7. "Diameter at breast height" (DBH): means the diameter of a tree measured outside the bark at a point 4.5 feet above the ground.~~
- ~~8. "Dripline": means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.~~
- ~~9. "Highly erodible soils": means soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for soil is defined as the product of the formula  $R D L S / T$ , where K is the soil susceptibility to water erosion in the surface layer, R is rainfall and runoff, LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.~~
- ~~10. "Highly permeable soils": means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil~~

profile to a depth of 72 inches (permeability groups “rapid” and “very rapid”) as found in the “National Soil Survey Handbook” of November 1996 in the “Field Office Technical Guide” of the U.S. Department of Agriculture National Resources Conservation Service.

11. ~~“Impervious cover”~~: means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.
12. ~~“Intensely Developed Areas” (IDA)~~: means a portion of a Resource Protection Area or a Resource Management Area designated by the City Council where development is currently concentrated and where little of the natural environment remains.
13. ~~“Lot coverage”~~: means the impervious area of any lot or parcel including, but not limited to buildings, drives, parking areas, sidewalks, patios, decks, etc.
14. ~~“Nonpoint source pollution”~~: means pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agricultural and urban land development and use.
15. ~~“Nontidal wetlands”~~: mean those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R. 328.3b.
16. ~~“Noxious Weeds”~~: means weeds such as Johnson Grass, Kudzu, and multi flora rose.
17. ~~“Plan of Development”~~: means the process for site plan or subdivision plat review to ensure compliance with Section 10.1 2109 of the Code of Virginia and this Article, prior to any clearing and grading of a site and the issuance of a building permit.
18. ~~“Public Road”~~: means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (10.1 603.1 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed and maintained, or both, by City of Hopewell in accordance with the standards of City of Hopewell.
19. ~~“Substantial alteration”~~: means expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.
20. ~~“Redevelopment”~~: means the process of developing land that is or has been previously developed.
21. ~~“Resource Management Area (RMA)”~~: means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.
22. ~~“Resource Protection Area (RPA)”~~: means that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that

have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

23. ~~“Silvicultural activities”: means forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.~~
24. ~~"Tidal shore" or "shore": means land contiguous to a tidal body of water between the mean low water level and the mean high water level.~~
25. ~~"Tidal wetlands": means vegetated and non-vegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.~~
26. ~~"Water dependent facility": means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water oriented recreation areas; and (v) fisheries or other marine resources facilities.~~
27. ~~"Wetlands": means tidal and nontidal wetlands.~~

#### **E. AREAS OF APPLICABILITY**

1. ~~Application of District: The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as either the Resource Protection Area (RPA) or the Resource Management Area (RMA) as designated by the City Council and as shown on the Zoning District Map or such other supplementary maps as may be included by reference as part of the Zoning District Map. The map showing the RPA and RMA Districts, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Article.~~
  - a. ~~The Resource Protection Area (RPA) includes:~~
    - (1) ~~Tidal wetlands;~~
    - (2) ~~Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;~~
    - (3) ~~Tidal shores;~~
    - (4) ~~A vegetated buffer area not less than 100 feet in width located adjacent to and landward of the components listed in subsections (1) through (3) above, and along both sides of any water body with perennial flow.~~
  - b. ~~The Resource Management Area is composed of the following concentrations of (one or more of) land categories: floodplains; highly erodible soils, steep slopes (those greater than 15%); highly permeable soils; and nontidal wetlands not included in the Resource Protection Area. The RMA shall encompass a land area large enough to provide significant water quality protection through the~~

~~employment of the criteria in Section K and the City of Hopewell Comprehensive Land Use Plan.~~

- ~~2. Delineation of District: The Zoning District Map (or the referenced overlay map) shows only the general location of CBPAs, and should be consulted by persons contemplating activities within the City of Hopewell prior to engaging in a regulated activity. The specific location of RPAs on a lot or parcel shall be delineated on each site or parcel as required under Section J, Interpretation of Resource Protection Area Boundaries, of this Article through the review and approval of the plan of development process or as required under Section L, Water Quality Impact Assessment, through the review and approval of a water quality impact assessment.~~
- ~~3. Redevelopment Areas: Portions of Resource Protection Areas and Resource Management Areas designated by the City Council as Intensely Developed Areas shall serve as redevelopment areas. Areas so designated shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in Section K, Performance Standards.~~
- ~~4. Interpretation of District Boundary: If the boundaries of a RPA or RMA Area include only a portion of a lot, parcel, or development project, the entire lot, parcel, or development project shall comply with the requirements of the Overlay District. The division of property shall not constitute an exemption from this requirement.~~

**F. ~~USE REGULATIONS~~**

~~Permitted uses, special permit uses, accessory uses and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.~~

**G. ~~DEVELOPMENT CRITERIA FOR RESOURCE PROTECTION AREA~~**

- ~~1. Land development in Resource Protection Areas may be allowed only when permitted by the Director of Development and if it (i) is water dependent; (ii) constitutes redevelopment; (iii) constitutes development or redevelopment within a designated Intensely Developed Area; (iv) is a new use subject to the provisions of Section K.3.b(2) of this Article; (v) is a road or driveway crossing satisfying the conditions set forth in Section G.1.c. below or (vi) is a flood control or stormwater management facility as noted in Water Q.~~
  - ~~a. A new or expanded water dependent facility may be allowed provided that the following criteria are met:
    - ~~(1) It does not conflict with the comprehensive plan;~~
    - ~~(2) It complies with the performance criteria set forth in Section K of this Article;~~
    - ~~(3) Any nonwater dependent component is located outside of the RPA; and~~
    - ~~(4) Access to the water dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.~~~~
  - ~~b. Redevelopment on isolated redevelopment sites outside of locally designated Intensely Developed Areas sites shall be permitted only if there is no increase in the~~

~~amount of impervious cover and no further encroachment within the RPA and it shall conform to the stormwater management requirements outlined under Section K.2.h and the erosion and sediment control requirements outlined under Section K.2.d of this Article.~~

- ~~c. Roads and driveways not exempt under Section O and which, therefore, must comply with the provisions of this Article, may be constructed in or across RPAs if each of the following conditions are met:
  - ~~(1) The Director of Development makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the RPA;~~
  - ~~(2) The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on water quality;~~
  - ~~(3) The design and construction of the road or driveway satisfy all applicable criteria of this Article;~~
  - ~~(4) The Director of Development reviews the plan for the road or driveway proposed in or across the RPA in coordination with the plan of development requirements as required under Section M or subdivision plan.~~~~
- ~~d. Flood control and stormwater management facilities that drain or treat water from multiple developments projects or from a significant portion of a watershed may be allowed in the RPA provided that the following conditions are met:
  - ~~(1) The City of Hopewell has conclusively established that the location of the facility within the RPA is the optimum location;~~
  - ~~(2) The size of the facility is the minimum necessary to provide necessary flood control, stormwater management, or both;~~
  - ~~(3) The facility is consistent with the City of Hopewell's stormwater management program that has been approved by the Board as a Phase I modification to the local government's program;~~
  - ~~(4) All applicable permits for construction have been obtained from the appropriate state and federal agencies;~~
  - ~~(5) The City of Hopewell has approved the project prior to construction; and~~
  - ~~(6) Routine maintenance will be performed to assure that these facilities continue to perform as designed.~~~~
- ~~2. A water quality impact assessment as outlined in Section L, Water Quality Impact Assessment of this Article shall be required for any proposed land disturbance, development or redevelopment within Resource Protection Areas (RPAs) and for any other development within Resource Management Areas (RMAs) when required by the Director of Development due to the unique characteristics of the site or intensity of development, in accordance with the provisions of Section L, Water Quality Impact Assessment, of this Article.~~

**H. LOT SIZE**

Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any

~~lot shall have sufficient area outside the Resource Protection Area (RPA) to accommodate an intended development, in accordance with the performance standards in Section K, Performance Standards, when such development is not otherwise allowed in the Resource Protection Area (RPA).~~

~~**I. CONFLICT WITH OTHER REGULATIONS**~~

~~In any case where the requirements of this Article conflict with any other provision of the City of Hopewell Code or existing state and federal regulations, whichever imposes the more stringent restrictions shall apply.~~

~~**J. INTERPRETATION OF RESOURCE PROTECTION AREA BOUNDARIES**~~

~~1. Delineation by the Applicant.~~

~~The site specific boundaries of the Resource Protection Area shall be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Director of Development and in accordance with Section M, Plan of Development Process, of this Article, or Section L, Water Quality Impact Assessment, of this Article. The Official Zoning Map, or an overlay thereto, showing the approximate RPA and RMA boundaries, may be used as a guide to the general location of Resource Protection Areas.~~

~~2. Delineation by the City of Hopewell.~~

~~The Director of Development, when requested by the applicant wishing to construct a single family residence, may waive the requirement for an environmental site assessment and perform the delineation. The Director of Development may use hydrology, soils, plant species, and other data, and consult with other appropriate resources as needed to perform the delineation.~~

~~3. Where Conflict Arises Over Delineation.~~

~~Where the applicant has provided a site specific delineation of the Resource Protection Area (RPA), the Director of Development shall verify the accuracy of the boundary delineation. In determining the site specific RPA boundary, the Director of Development may render adjustments to the applicant's boundary delineation, in accordance with Section M, Plan of Development Process, of this Article. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of Section M, Subsection 8, Denial of Plan, Appeal of Conditions or Modifications.~~

~~**K. PERFORMANCE STANDARDS**~~

~~1. Purpose and Intent.~~

~~The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Keeping impervious cover to a minimum enhances rainwater infiltration and effectively reduces stormwater runoff potential.~~

~~The purpose and intent of these requirements is also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a 10% reduction in nonpoint source pollution from redevelopment; and achieve a 40% reduction in nonpoint source pollution from agricultural uses.~~

~~2. General Performance Standards for Development and Redevelopment.~~

~~a. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.~~

~~(1) In accordance with an approved site plan, the limits of clearing or grading shall be strictly defined by the construction footprint. The Director of Development shall review and approve the construction footprint through the plan of development process. These limits shall be clearly shown on submitted plans and physically marked in the development site.~~

~~(2) The construction footprint shall not exceed the limits for such as designated by the zoning district of the lot or parcel.~~

~~(3) Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Director of Development.~~

~~b. Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the proposed use or development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.~~

~~(1) Existing trees over two (2) inches in diameter at breast height (DBH) shall be preserved outside the approved construction footprint. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed, when approved by the Director of Development. Other woody vegetation on site shall also be preserved outside the approved construction footprint.~~

~~(2) Site clearing for construction activities shall be allowed as approved by the Director of Development through the plan of development review process outlined under Section M, Plan of Development Process, of this Article.~~

~~(3) Prior to clearing, grading and/or filling suitable protective barriers, like safety fencing, shall be erected five (5) feet outside the dripline of any tree or stand of trees to be preserved. Erected protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.~~

~~c. Land development shall minimize impervious cover consistent with the proposed use or development.~~

~~(1) Grid and modular pavement shall be used for any required parking area, alley, or other low traffic driveway, unless otherwise approved by the Director of Development.~~

~~(2) Parking space size shall be 162 square feet. Parking space width shall be 9 feet; parking space length shall be 18 feet. Two way drives shall be a minimum of 22 feet.~~

~~(3) Impervious coverage on any lot or parcel shall be limited to the lot coverage permitted under the zoning district requirements of said lot or~~

~~parcel as noted on the approved plan of development [site plan, plot plan, other approved plan].~~

- ~~d. Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single family houses, shall comply with the requirements of City of Hopewell Erosion & Sediment Control Ordinance.~~
- ~~e. All development and redevelopment within RMAs and RPAs that exceeds 2,500 square feet of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provisions of the Zoning Ordinance; or a subdivision plan in accordance with the Subdivision Ordinance; or a Water Quality Impact Assessment in accordance with Section L, Water Quality Impact Assessment of this Article.~~
- ~~f. All on-site sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be pumped out at least once every five years, in accordance with the provisions of City of Hopewell Health Code.~~
- ~~g. For new construction, a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with the City of Hopewell Health Code. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 and such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building or the construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.~~
- ~~h. For any use or development, stormwater runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20-10 et seq.).~~
  - ~~(1) For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for Tidewater, which has been established as the amount of runoff that produces 0.45 pounds of phosphate per acre per year;~~
  - ~~(2) For sites within Intensively Developed Areas (IDAs) or other isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Director of Development may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:~~
    - ~~(a) In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;~~
    - ~~(b) Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution; and~~
    - ~~(c) Where structural best management practices are already in place, evidence shall be provided that facilities are currently in good~~

~~working order and performing at the design levels of service. The Director of Development may require a review of both the original structure's design and maintenance plan to verify this provision. A new maintenance agreement may be required to ensure compliance with this Article.~~

- ~~i. Prior to initiating grading or other on site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Director of Development, in accordance with Section M, Plan of Development Process, of this Article.~~

~~3. Buffer Area Requirements.~~

~~To minimize the adverse effects of human activities on the other components of Resource Protection Areas, state waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.~~

~~The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The 100-foot full buffer area shall be designated as the landward component of the Resource Protection Area, in accordance with Sections E, Areas of Applicability and Section M, Plan of Development Process, of this Article. Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in Section G, and this section, the 100-foot buffer area is not reduced in width.~~

~~The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.~~

~~a. Permitted modifications to the buffer area.~~

- ~~(1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only, subject to approval by the Director of Development, to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, including those that prevent upland erosion and concentrated flows of stormwater, as follows:~~

- ~~(a) Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff;~~

- ~~(b) Any path shall be constructed and surfaced so as to effectively control erosion;~~

- ~~(c) Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu and multiflora rose) may be removed and thinning of trees allowed as permitted by the Director of Development pursuant to sound horticultural practices; and~~

- ~~(d) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available~~

~~technical advice and applicable permit conditions or requirements.~~

~~b. Permitted encroachments into the buffer area:~~

~~(1) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Director of Development may, through an administrative process, permit encroachments into the buffer area in accordance with Section M, Plan of Development Process of this Article, and the following criteria:~~

~~(a) Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;~~

~~(b) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and~~

~~(c) The encroachment may not extend into the seaward 50 feet of the buffer area.~~

~~(2) When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and March 1, 2002, the Director of Development may permit encroachments into the buffer area in accordance with Section M, Plan of Development Process and the following criteria:~~

~~(a) The lot or parcel was created as a result of a legal process conducted in conformity with the city's subdivision regulations;~~

~~(b) Conditions or mitigation measures imposed through a previously approved exception shall be met;~~

~~(c) If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and~~

~~(d) The criteria in subsection (1) above shall be met.~~

~~**L. WATER QUALITY IMPACT ASSESSMENT**~~

~~1. Purpose and Intent~~

~~The purpose of the water quality impact assessment is to: (i) identify the impacts of proposed land disturbance, development or redevelopment on water quality and lands in RPAs and other environmentally sensitive lands; (ii) ensure that, where land disturbance, development or redevelopment does take place within RPAs and other sensitive lands, it will occur on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands; (iii) to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; (iv) provide for administrative relief from terms of this Article when warranted~~

and in accordance with the requirements contained herein; and (v) specify mitigation which will address water quality protection.

~~2. Applicability~~

~~A water quality impact assessment shall be required (i) for any proposed land disturbance, development or redevelopment activity within a Resource Protection Area (RPA) as permitted consistent with Section G. 1 of this Article; (ii) any buffer encroachment as provided for in Section K. 3.b. of this Article; (iii) for any other development in Resource Management Areas (RMAs) as deemed necessary by the Director of Development due to the unique site characteristics or intensity of the proposed use or development. There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.~~

~~3. Minor Water Quality Impact Assessment~~

~~A minor water quality impact assessment pertains only to land disturbance, development or redevelopment activity within a CBPA which causes no more than 5,000 square feet of land disturbance and /or which proposes to encroach into the landward 50 feet of the 100 foot buffer area as permitted under Section K. 3.b. of this Article. A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings and any required best management practices will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post development stormwater runoff and that will retard runoff, prevent erosion, and filter nonpoint source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site drawing to scale which shows the following:~~

- ~~a. Location of the components of the Resource Protection Area, including the 100 foot buffer area and the location of any water body with perennial flow;~~
- ~~b. Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;~~
- ~~c. Type and location of proposed best management practices to mitigate the proposed encroachment;~~
- ~~d. Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and~~
- ~~e. Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.~~

~~4. Major Water Quality Impact Assessment~~

~~A major water quality impact assessment shall be required for any development, redevelopment, or land disturbance which (i) exceeds 5,000 square feet of land disturbance within a RPA or RMA and proposes to encroach into the landward 50 feet of the 100 foot buffer area; (ii) proposes to disturb any portion of the seaward 50 feet of the 100 foot buffer area or any other component of an RPA; or (iii) is located solely in a RMA when deemed necessary by the Director of Development. The information required in this section shall be considered a minimum, unless the Director of Development determines that some of the elements are unnecessary due the scope and nature of the proposed use and development of land.~~

The following elements shall be included in the preparation and submission of a Major Water Quality Impact Assessment: \_\_\_\_\_

- ~~a. All of the information required in a minor water quality impact assessment, as specified in Section L.3.;~~ \_\_\_\_\_
- ~~b. A hydrogeological element that:~~
  - ~~(1) Describes the existing topography, soils, and hydrology of the site and adjacent lands.~~ \_\_\_\_\_
  - ~~(2) Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.~~ \_\_\_\_\_
  - ~~(3) Indicates the following:~~ \_\_\_\_\_
    - ~~(a) Disturbance or removal of wetlands and justification for such action;~~ \_\_\_\_\_
    - ~~(b) Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers or other water bodies;~~ \_\_\_\_\_
    - ~~(c) Disruptions to existing hydrology including wetland and stream circulation patterns;~~ \_\_\_\_\_
    - ~~(d) Source location of and description of proposed fill material;~~ \_\_\_\_\_
    - ~~(e) Location of dredging and location of dumping area for such dredged material;~~ \_\_\_\_\_
    - ~~(f) Estimation of pre and post development pollutant loads in runoff;~~ \_\_\_\_\_
    - ~~(g) Estimation of percent increase in impervious surface on site, type(s) of surfacing material used;~~ \_\_\_\_\_
    - ~~(h) Percent of site to be cleared for project;~~ \_\_\_\_\_
    - ~~(i) Anticipated duration and phasing schedule of construction project; and~~ \_\_\_\_\_
    - ~~(j) Listing of all requisite permits from all applicable agencies necessary to develop project.~~ \_\_\_\_\_
  - ~~(4) Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigative measures include:~~
    - ~~(a) Additional proposed erosion and sediment control concepts beyond those normally required under Section K.2.d. of this Article; these additional concepts may include the following: minimizing the extent of cleared area; perimeter controls; reduction of runoff velocities; measures to stabilize disturbed areas; schedule and personnel for site inspection;~~ \_\_\_\_\_
    - ~~(b) Proposed stormwater management system for nonpoint source quality and quantity control;~~ \_\_\_\_\_
- ~~c. A vegetative element that:~~ \_\_\_\_\_

- ~~(1) Identifies and delineates the location of all woody plant material on site, including all trees on site two (2) inches or greater in diameter at breast height or, where there are groups of trees, said stands may be outlined.~~
- ~~(2) Describes the impacts the development or use will have on the existing vegetation. Information should include:
 
  - ~~(a) General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;~~
  - ~~(b) Clear delineation of all trees and other woody vegetation which will be removed;~~
  - ~~(c) Description of all plant species to be disturbed or removed.~~~~
- ~~(3) Describes the proposed measures for mitigation. Possible mitigation measures include:
 
  - ~~(a) Proposed design plan and replanting schedule for trees and other woody vegetation removed for construction, including a list of proposed plants and trees to be used;~~
  - ~~(b) Demonstration that the re-vegetation plan supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control;~~
  - ~~(c) Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overload flow benefits from such vegetation; and~~
  - ~~(d) Demonstration that indigenous plants are to be used to greatest extent possible.~~~~

~~5. Submission and Review Requirements~~

- ~~a. Six (6) copies of all site drawings and other applicable information as required by Subsections L.3 and L.4 above shall be submitted to the Director of Development for review.~~
- ~~b. All information required in this section shall be certified as complete and accurate by a professional engineer or certified land surveyor.~~
- ~~c. A Minor Water Quality Impact Assessment shall be prepared and submitted to and reviewed by the Director of Development in conjunction with Section M, Plan of Development Process, of this Article.~~
- ~~d. A Major Water Quality Impact Assessment shall be prepared and submitted to and reviewed by the Director of Development in conjunction with a request for rezoning, special use permit, or in conjunction with Section M, Plan of Development Process, of this Article, as deemed necessary by the Director of Development.~~
- ~~e. As part of any major water quality impact assessment submittal, the Director of Development may require review by the Chesapeake Bay Local Assistance Department (CBLAD). Upon receipt of a major water quality impact assessment, the Director of Development will determine if such review is warranted and may request CBLAD to review the assessment and respond with written comments. Any comments by CBLAD will be incorporated into the final~~

~~review by the Director of Development, provided that such comments are provided by CBLAD within 90 days of the request.~~

~~6. Evaluation Procedure~~

~~a. Upon the completed review of a minor water quality impact assessment, the Director of Development will determine if any proposed encroachment into the buffer area is consistent with the provisions of this Article and make a finding based upon the following criteria:~~

- ~~(1) The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;~~
- ~~(2) Impervious surface is minimized;~~
- ~~(3) Proposed mitigation measures, including the revegetation plan and site design, result in minimal disturbance to all components of the RPA, including the 100-foot buffer area;~~
- ~~(4) Proposed mitigation measures will work to retain all buffer area functions: pollutant removal, erosion and runoff control;~~
- ~~(5) Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;~~
- ~~(6) The development, as proposed is consistent with the spirit and intent of this Article; and~~
- ~~(7) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.~~

~~b. Upon the completed review of a major water quality impact assessment, the Director of Development will determine whether or not the proposed development is consistent with the spirit and intent of this Article and make a finding based upon the following criteria:~~

- ~~(1) Within any RPA, the proposed development is water dependent or redevelopment;~~
- ~~(2) The percentage of existing wetlands disturbed by the development. The number of square feet or acres to be disturbed.~~
- ~~(3) The development will not result in significant disruption of the hydrology of the site;~~
- ~~(4) The development will not result in unnecessary destruction of plant materials on site;~~
- ~~(5) Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;~~
- ~~(6) Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve "no net increase" in pollutant loadings;~~
- ~~(7) Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits, as well as runoff control and pollutant removal equivalent of the full 100-foot undisturbed buffer area;~~

- ~~\_\_\_\_\_ (8) The design and location of any proposed drainfield will be in accordance with the requirements of Section K, Performance Standards; and~~
- ~~\_\_\_\_\_ (9) The development is consistent with the spirit and intent of the Overlay District.~~
- ~~\_\_\_\_\_ c. The Director of Development shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Director of Development based on the criteria listed above and in subsections (a) and (b).~~
- ~~\_\_\_\_\_ d. The Director of Development shall find the proposal to be inconsistent with the purpose and intent of this Article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Director of Development based on the criteria listed in subsections (a) and (b).~~

~~**M. PLAN OF DEVELOPMENT PROCESS**~~

~~Any development or redevelopment exceeding 2500 square feet of land disturbance shall be accomplished through a plan of development process prior to any development preparation activities onsite, such as clearing and grading of the site and the issuance of any building permit, to assure compliance of all applicable requirements of this Article.~~

~~\_\_\_\_\_ 1. Required Information.~~

~~In addition to the requirements of Article XVI, Site Plan Requirements, of the Zoning Ordinance or the requirements of the City of Hopewell Subdivision Ordinance, the plan of development process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the Director of Development. The Director of Development may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.~~

~~\_\_\_\_\_ The following plans or studies shall be submitted, unless otherwise provided for:~~

- ~~\_\_\_\_\_ a. A site plan in accordance with the provisions of Article XVI, Site Plan requirements, of the Zoning Ordinance or subdivision plat in accordance with the provisions of Article 6 of the City of Hopewell's Subdivision Ordinance;~~
- ~~\_\_\_\_\_ b. An environmental site assessment.~~
- ~~\_\_\_\_\_ c. A landscaping plan;~~
- ~~\_\_\_\_\_ d. A stormwater management plan;~~
- ~~\_\_\_\_\_ e. An erosion and sediment control plan in accordance with the provisions of the \_\_\_\_\_ City's Erosion & Sediment Control Ordinance of the City Code.~~

~~\_\_\_\_\_ 2. Environmental Site Assessment.~~

~~\_\_\_\_\_ An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval.~~

- ~~\_\_\_\_\_ a. The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:~~
  - ~~\_\_\_\_\_ (1) Tidal wetlands;~~
  - ~~\_\_\_\_\_ (2) Tidal shores;~~

- ~~————— (3) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;~~
- ~~————— (4) A 100-foot buffer located adjacent to and landward of the components listed in subsections 1 through 3 above, and along both sides of any water body with perennial flow;~~
- ~~————— (5) Other sensitive environmental features as determined by the Director of Development.~~
- ~~————— b. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987.~~
- ~~————— c. The environmental site assessment shall delineate the geographic extent of the Resource Protection Area (RPA) on the specific site or parcel as required under Section E.2 and J of this Article;~~
- ~~————— d. The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat, and shall be certified as complete and accurate by a professional engineer or a certified land surveyor. This certification requirement may be waived by the Director of Development when the proposed use or development would result in less than 5,000 square feet of disturbed area.~~

~~————— 3. Landscaping Plan.~~

~~A landscaping plan shall be submitted in conjunction with site plan review and approval or as part of subdivision plat approval. No clearing or grading of any lot or parcel will be permitted without an approved landscaping plan.~~

~~Landscaping plans shall be prepared and/or certified by a design professional practicing within their areas of competence as prescribed by the Code of Virginia.~~

~~————— a. Contents of the Plan.~~

- ~~————— (1) The landscaping plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site two (2) inches or greater in diameter at breast height (DBH) shall be shown on the landscaping plan. Where there are groups of trees, said stands may be outlined instead. The specific number of trees two (2) inches or greater DBH to be preserved outside of the building envelope shall be indicated on the plan. Trees and other woody vegetation proposed to be removed to create the desired construction footprint shall be clearly delineated on the landscaping plan.~~
- ~~————— (2) Any required RPA buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Article, shall be shown on the landscaping plan.~~
- ~~————— (3) Within the buffer area, trees and other woody vegetation to be removed for sight lines, vistas, access paths, and best management practices, as provided for in Section K.3.a(1) of this Article, shall be shown on the plan. Vegetation required by this Article to replace any existing trees within the buffer area shall be also be depicted on the landscaping plan.~~
- ~~————— (4) Trees and other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this Article shall be shown on the landscaping plan.~~

- ~~(5) The plan shall depict grade changes or other work adjacent to trees, which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.~~
- ~~(6) The landscaping plan will include specifications for the protection of existing trees and other vegetation during clearing, grading, and all phases of construction.~~
- ~~(7) If the proposed development is a change in use from agricultural or silvicultural to some other use, the plan must demonstrate the re-establishment of vegetation in the buffer area.~~

~~b. Plant Specifications.~~

- ~~(1) All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.~~
- ~~(2) All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.~~
- ~~(3) Where areas to be preserved, as designated on an approved landscaping plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of three (3) planted trees to one (1) removed. Replacement trees shall be a minimum one and one half (1 ½) inches DBH at the time of planting.~~
- ~~(4) Use of native or indigenous species.~~

~~c. Maintenance.~~

- ~~(1) The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this Article.~~
- ~~(2) In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this Article.~~

~~4. Stormwater Management Plan.~~

~~A stormwater management plan shall be submitted as part of the plan of development process required by this Article and in conjunction with site plan or subdivision plan approval.~~

~~a. Contents of the Plan.~~

~~The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this Article. At a minimum, the stormwater management plan must contain the following:~~

- ~~(1) Location and design of all planned stormwater control devices;~~

- ~~(2) Procedures for implementing non structural stormwater control practices and techniques;~~
- ~~(3) Pre and post development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations;~~
- ~~(4) For facilities, verification of structural soundness, including a Professional Engineer or Class IIB Surveyor Certification;~~
- ~~b. Site specific facilities shall be designed for the ultimate development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.~~
- ~~c. All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Virginia Stormwater Management Handbook.~~
- ~~d. The plan shall establish schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the City of Hopewell, then a maintenance agreement shall be executed between the responsible party and the City of Hopewell.~~

~~5. Erosion and Sediment Control Plan.~~

~~An erosion and sediment control plan shall be submitted that satisfies the requirements of this Article and in accordance with the City's Erosion & Sediment control requirements, in conjunction with site plan or subdivision plan approval.~~

~~6. Final Plan.~~

~~Final plans for property within an RPA or RMA shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in Site Plan Requirements of the Zoning Ordinance.~~

- ~~a. Final plans for all lands within CBPAs shall include the following additional information:
 
  - ~~(1) The delineation of the Resource Protection Area boundary, including the 100 foot buffer component;~~
  - ~~(2) Plat or plan note stating that no land disturbance is allowed in the buffer area without review and approval by the Director of Development;~~
  - ~~(3) All wetlands permits required by law;~~
  - ~~(4) A maintenance agreement as deemed necessary and appropriate by the Director of Development to ensure proper maintenance of best management practices in order to continue their functions.~~~~
- ~~b. Installation and Bonding Requirements.
 
  - ~~(1) Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant material or facilities is completed in accordance with the approved site plan.~~
  - ~~(2) When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be~~~~

~~issued only if the applicant provides to the City of Hopewell a form of surety satisfactory to the City Attorney in an amount equal to the remaining plant materials, related materials, or installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities.~~

~~(3) All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the City of Hopewell.~~

~~(4) All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to City of Hopewell. The City of Hopewell may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.~~

~~(5) After all required actions of the approved site plan have been completed; the applicant must submit a written request for final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Director of Development, such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following receipt of the applicant's request for final inspection. The Director of Development may require a certificate of substantial completion from a Professional Engineer or Class III B Surveyor before making a final inspection.~~

~~7. Administrative Responsibility.~~

~~Administration of the plan of development process shall be in accordance with Article XVI, Site Plan Requirements, of the Zoning Ordinance and/or Article 4 of the City of Hopewell Subdivision Ordinance. The Director of Development shall approve, approve subject to conditions, or disapprove the plans in accordance with the reviewing authorities' recommendations. The Director of Development shall return notification of plan review results to the applicant, including recommended conditions or modifications. In the event that the results and/or recommended conditions or modifications are acceptable to the applicant, the plan shall be so modified, if required, and approved by the Director of Development.~~

~~8. Denial of Plan, Appeal of Conditions or Modifications.~~

~~In the event the final plan or any component of the plan of development process is disapproved or recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Board of Zoning Appeals as provided elsewhere in this Zoning Ordinance. In granting or denying an appeal, the Board of Zoning Appeals must find such plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of the performance standards in this Article. If the Board of Zoning Appeals finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan.~~

~~N. NONCONFORMING USES AND NONCOMPLYING STRUCTURES~~

~~The lawful use of a building or structure which existed on September 6, 1990, or any amendments to this Article, and which is not in conformity with the provisions of the Overlay District may be continued in accordance with the nonconforming use provisions of the Zoning Ordinance.~~

~~No change or expansion of use shall be allowed with the exception that:~~

- ~~1. The Director of Development may grant a nonconforming use and/or waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations to such nonconforming structures provided that:
  - ~~a. There will be no increase in nonpoint source pollution load; and~~
  - ~~b. Any development or land disturbance exceeding an area of 2500 square feet complies with all erosion and sediment control requirement of this Article.~~~~
- ~~2. An application for a nonconforming use and/or waiver shall be made to and upon forms furnished by the Director of Development and shall include for the purpose of proper enforcement of this Article, the following information:
  - ~~a. Name and address of applicant and property owner;~~
  - ~~b. Legal description of the property and type of proposed use and development;~~
  - ~~c. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area; and~~
  - ~~d. Location and description of any existing private water supply or sewage system.~~~~
- ~~3. A nonconforming use and development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.~~
- ~~4. An application for the expansion of a nonconforming principal structure may be approved by the Director of Development through an administrative review process provided that the following findings are made:
  - ~~a. The request for the waiver is the minimum necessary to afford relief;~~
  - ~~b. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Article to other property owners in similar situations;~~
  - ~~c. The waiver is in harmony with the purpose and intent of this Article and does not result in water quality degradation;~~
  - ~~d. The waiver is not based on conditions or circumstances that are self-created or self-imposed;~~
  - ~~e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;~~
  - ~~f. Other findings, as appropriate and required by City of Hopewell are met; and~~
  - ~~g. In no case shall this provision apply to accessory structures.~~~~

~~O. EXEMPTIONS~~

- ~~1. Exemptions for Public Utilities, Railroads, Public Roads, and Facilities.  
Construction, installation, operation, and maintenance of electric, natural gas, fiber optic,~~

~~and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and the Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (iii) local water quality protection criteria at least as stringent as the above state requirements are deemed to comply with this Article. The exemption of public roads is further conditioned on the following:~~

- ~~a. The road alignment and design has been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the Resource Protection Area and to minimize the adverse effects on water quality.~~

~~2. Exemptions for Local Utilities and other service lines.~~

~~Construction, installation, and maintenance of water, sewer, natural gas, underground telecommunications and cable television lines owned, permitted or both, by the City of Hopewell or regional service authority shall be exempt from the Overlay District provided that:~~

- ~~a. To the degree possible, the location of such utilities and facilities should be outside Resource Protection Areas (RPAs);~~
- ~~b. No more land shall be disturbed than is necessary to provide for the proposed utility installation;~~
- ~~c. All such construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and~~
- ~~d. Any land disturbance exceeding an area of 2,500 square feet complies with all City of Hopewell erosion and sediment control requirements.~~

~~3. Exemptions for Silvicultural Activities.~~

~~Silvicultural activities are exempt from the requirements of this Article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the January 1997 edition of "Forestry Best Management Practices for Water Quality" [Technical Guide].~~

~~4. Exemptions in Resource Protection Areas.~~

~~The following land disturbances in Resource Protection Areas may be exempt from the Overlay District provided that they comply with the requirements listed below in subdivisions a. through d. below: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities:~~

- ~~a. Any required permits, except those to which this exemption specifically applies, shall have been issued;~~
- ~~b. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;~~
- ~~c. The intended use does not conflict with nearby planned or approved uses; and~~
- ~~d. Any land disturbance exceeding an area of 2,500 square feet shall comply with all City of Hopewell erosion and sediment control requirements.~~

**P. SPECIAL EXCEPTIONS**

- ~~1. Submission: A request for an exception to the requirements of Sections G and K.3 of this Article shall be made in writing to the Board of Zoning Appeals. It shall identify the impacts of the proposed exception on water quality and on lands within the Resource Protection Area (RPA) through the performance of a water quality impact assessment which complies with the provisions of Section L, Water Quality Impact Assessment.~~
- ~~2. The City of Hopewell shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with §15.2-2204 of the Code of Virginia, except that only one hearing shall be required.~~
- ~~3. Review: The Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Board of Zoning Appeals finds:
  - ~~a. Granting the exception will not confer upon the applicant any special privileges denied by this Article to other property owners in the Overlay District;~~
  - ~~b. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;~~
  - ~~c. The exception request is the minimum necessary to afford relief;~~
  - ~~d. The exception request will be in harmony with the purpose and intent of the Overlay District, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and~~
  - ~~e. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.~~~~
- ~~4. If the Board of Zoning Appeals cannot make the required findings or refuses to grant the exception, the Board shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.~~
- ~~5. A request for an exception to the requirements of provisions of this Article other than Sections G and K.3 shall be made in writing to the Director of Development. The Director of Development may grant these exceptions provided that:
  - ~~a. Exceptions to the requirements are the minimum necessary to afford relief; and~~
  - ~~b. Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this Article is preserved.~~
  - ~~c. Exceptions to Section K.2 may be made, provided that the findings noted in Section P.3 are made.~~~~

# PROPOSED ORDINANCE

## ARTICLE XV-A CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT

### A. TITLE AND BACKGROUND

This Article XV---A is known and referenced as the **Chesapeake Bay Preservation Area Overlay District** of the City of Hopewell (*abbreviated CBPA---O*). This Article is adopted in order to revise and replace the prior zoning ordinance Article XV---A (July 1, 2009) as well as to implement the requirements and stated purposes of The Chesapeake Bay Preservation Act (Title 62.1---44.15:75 of the Code of Virginia) and the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC 25---830 ---10 et seq.).

The Chesapeake Bay and its tributaries are one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of City of Hopewell and the Commonwealth of Virginia. The health of the Bay is vital to maintaining Hopewell's economy and the welfare of its citizens. The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development.

Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to the shoreline have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations Protected from disturbance; they offer significant ecological benefits by providing water quality maintenance and pollution control as well as flood and shoreline erosion control.

These lands together, designated by the Hopewell City Council as Chesapeake Bay Preservation Areas (including Resource Protection Areas, Resource Management Areas, and Intensely Developed Areas), must to be protected from destruction and damage in order to protect the quality of water in the Chesapeake Bay and the quality of life in the City of Hopewell and the Commonwealth of Virginia.

### B. GENERAL PURPOSE AND INTENT

The Chesapeake Bay Preservation Overlay District (CBPA---O) is a City zoning district that is adopted and implemented in order to:

- a. Protect sensitive environmental lands within the City;

- b. Safeguard and restore the quality of State waters, including the Chesapeake Bay and the James and Appomattox Rivers;
- c. Reduce existing pollution and prevent any increase in pollution of State waters
- d. Promote water resource conservation for the health, safety, and welfare of all present and future citizens of the City;
- e. Establish local water resource conservation practices in order to provide for the health, safety, and welfare of the present and future citizens of the City of Hopewell; and
- f. Implement enhanced land development and environmental design practices that expand, coordinate, and unify the CBPA---O review process with the City's site plan regulations and review process (Article XVI of the Zoning Ordinance.)

**C. CBPA---O District Overlay Designation and Application**

- 1. This Article shall only apply to the City's designated Chesapeake Bay Preservation Areas. The CBPA---O District is adopted by the City Council of Hopewell as an overlay zoning district applicable to these areas. The overlay district shall apply to all lands identified and officially designated on the CBPA---O zoning map(s) as Resource Protection Areas (RPA) and Resource Management Areas (RMA). The maps depicting the general location of these areas, together with all explanatory matter thereon, are hereby adopted by reference as a part of this Article.
- 2. The CBPA---O District maps are intended to show the general location of preservation areas and should serve as initial guidance and instruction to persons contemplating activities within the City prior to engaging in a regulated development or land disturbance activity. If the boundaries of a designated preservation area include a portion of a lot, parcel or development project, the entire lot, parcel or development project shall comply with the requirements of the CBPA---O District. Refer to Section D of this Article for further mapping guidance and requirements.
- 3. No site plan or subdivision plat on preservation area properties shall be approved prior to complete conformance with this Article.
- 4. The Director of Development, upon the submittal of an environmental site assessment prepared in accordance with this Article, may determine that the portion of property, if any, outside the designated and mapped preservation area is not subject to the provisions of this Article.

5. The CBPA---O District Maps and other City map exhibits delineate the general location of Resource Protection Areas (RPA) serving as guidance for subsequent detailed analysis and mapping. The site---specific boundaries of the RPA, as defined herein, shall be provided by the applicant for approval by the Director of Development in accordance with the provisions of Section D of this Article and other applicable City zoning and subdivision regulations.
6. The CBPA---O map for the Resource Protection Areas (RPA) may be amended only upon recommendation by the Planning Commission and approval by the City Council.

**D. Land Use Regulations and Companion Ordinances**

1. Permitted uses, special permits uses, accessory uses, and special requirements for land use activities within a CBPA---O District shall be as established by the underlying zoning district.
2. The CBPA---O District and CBPA---O Maps are an integral component of the City of Hopewell's overall growth management program that includes adopted ordinances, regulations, plans, and guidelines. These include the Comprehensive Plan, the Zoning Ordinance, the Official Zoning Maps, the Subdivision Ordinance, the Stormwater Management Ordinance, the Erosion and Sediment Control Ordinance, and the Development Standards. These ordinances are supported by additional State and Federal regulations and standards as well as other City site design guidelines, environmental design guidelines, and construction standards that are maintained by the Director of Development, the City Engineer, the City Public Works Director, and other City agencies.
3. In cases where City regulations or standards are conflicting, the Director of Development, upon input from applicable City agencies, shall determine which City regulation or standard shall apply. If City regulations and standards are in conflict with a State or Federal regulation, the more restrictive regulation or standard shall apply.

**E. DEFINITIONS**

The following words and terms used in this Article shall have the following meanings, unless the context clearly indicates otherwise.

**Accessory structure.**

Any structure located on a lot or parcel not identified as a principal structure as defined herein and as otherwise defined by the Zoning Ordinance.

**Agricultural Lands.**

Lands used for the planting and harvesting of crops or plant growth of any kind in the open, tilling of soil, pasture, horticulture, dairy farming, floriculture, or the raising of poultry or livestock.

**Applicant.**

Any person submitting any application required or permitted pursuant to any of the provisions of this Article or any designated person on whose behalf such an application is submitted.

**Best Management Practice.**

A practice, or a combination of practices, determined to be the most effective practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. Best management practices require the design and certification of a licensed design professional.

**Board.**

The Chesapeake Bay Preservation Area Board.

**Buffer Area.**

An area of existing or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

**Caliper.**

The diameter of a tree measured six (6) inches above existing grade.

**Chesapeake Bay Preservation Area.**

Any land designated as such on the Chesapeake Bay Preservation Area Map adopted by the City Council, subject to the determination of the Director of Development on a site-specific basis. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area (RPA) and a Resource Management Area (RMA). Intensely Developed Areas (IDAs) may be designated and included within the Chesapeake Bay Preservation Area. (See accompanying Exhibit for illustrative cross-sectional graphic.)

**Daylighted Stream.**

A stream that has been previously diverted into an underground drainage system, has been redirected into an aboveground channel using natural channel design concepts as defined in Section 62.1-44.15:51 of the Code of Virginia, and would meet the criteria for being designated as a Resource Protection Area as defined by this Article.

**Director of Development.**

The Director of Development (Director) or such other person or persons as may be designated to perform the duties, or to exercise the authority, of the City Council pursuant to the provisions of this Article.

**Construction Footprint.**

The area of all impervious surface created by development or redevelopment of land, including, but not limited to, buildings, roads, drives, parking areas and sidewalks, and any other land disturbed for the construction of such improvements.

**Development.**

The construction or installation of any improvement upon a parcel of land, or any land disturbance associated therewith. For floodplain management purposes, development means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of manufactured homes, streets, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, or the subdivision of land.

**Development review process.**

The process for site plan or subdivision review and building permit review to ensure compliance with Code of Virginia, Section 10.2-2109, and the Hopewell City Code, prior to any clearing or grading of a site or the issuance of a building permit.

**Diameter at breast height or DBH.**

The diameter of a tree measured outside the bark at a point four and one-half feet above ground.

**Diameter at Breast Height (DBH).**

The diameter of a tree measured at a point four and one-half (4-1/2) feet above the existing grade, also referred to as “diameter at breast height” and abbreviated (DBH).

**Drip Line**

An imaginary perpendicular line extending downward from the outermost tips of the branches of a tree to the ground.

**Highly erodible soils.**

Those soils on slopes seaward of the point at which the slope of the ground changes from less than six (6) percent to greater than six (6) percent and the toe of the slope is located within one hundred (100) feet of tidal wetlands, nontidal wetlands, or tidal shores. The top of bank shall be the landward limit of highly erodible soils. These soils are further characterized by an Erodibility Index (EI) from sheet and rill erosion equal to or greater than eight. (The Erodibility Index for soil is defined as the product of the formula  $R D L S / T$ , where K is the soil susceptibility to water erosion in the surface layer, R is rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.)

**Highly permeable soils.**

Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups “rapid” and “very rapid”) as found in the “National Soil Survey Handbook” of November 1996 in the “Field Office Technical Guide” of the U.S. Department of Agriculture National Resources Conservation Service.

**Impervious cover.**

A surface composed of any material which significantly impedes or prevents natural infiltration of water into the soil, including, but not limited to, buildings and other structures and the components thereof, concrete, asphalt, or compacted gravel surface.

**Intensely Developed Areas (IDA)**

A portion of a Resource Protection Area or a Resource Management Area designated by the City Council where development is currently concentrated or was previously concentrated and where little of the natural environment remains.

**Land Disturbing Activity (*also* Land Disturbance).**

Any activity upon land which causes, contributes to, or results in the destruction, removal or covering of the vegetation upon such land, including, but not limited to, clearing, dredging, filling, grading or excavating. The term shall not include minor activities such as home gardening, individual home landscaping and home maintenance. A Regulated Land Disturbing Activity is that which disturbs 2500 square feet or better.

**Lot Coverage**

The impervious area of any lot or parcel including, but not limited to buildings, drives, parking areas, sidewalks, patios, decks.

**Nonpoint Source Pollution.**

Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

**Nontidal Wetlands.**

Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions identified in the City’s Soil Survey and as otherwise defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R. 328.3b.

**Noxious Weeds.**

Plants such as Johnson grass, kudzu, and multiflora rose.

**Person.**

An individual, fiduciary, corporation, firm, partnership, association, organization, or any other entity or combination thereof.

**Principal Structure.**

A structure that encloses or houses any principal use.

**Plan of Development.**

The “plan of development” (or “POD”) is the term employed by the Code of Virginia that means the special process of site plan or subdivision plat review to ensure compliance with this ordinance and the Chesapeake Bay Preservation Area regulations. The term “plan of development” for the purposes of implementing the requirements of this Article is synonymous with the term “site plan”, incorporating enhanced standards, criteria, administration and regulatory processes for a qualifying land disturbing activities within a designated RPA or RMA. Further, any land use activity in a preservation area that requires a “plan of development” under the Chesapeake Bay Preservation Area regulations shall also require a site plan as required by other sections of the Hopewell zoning ordinance.

**Public Road.**

A publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to:

- (a) the Erosion and Sediment Control Law (Section 10.1---560 et seq. of the Code of Virginia), and
- (b) the Virginia Stormwater Management Act (Section 10.1---603.1 et seq. of the Code of Virginia). This definition includes those roads where either the City or the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where roads are constructed or maintained, or both, by the City in accordance with Hopewell’s development standards and specification

**Redevelopment.**

The construction, substantial alteration or installation of any improvement upon a lot or parcel of land, that is or has been previously developed.

**Resource Management Area (RMA).**

That component of a designated Hopewell Chesapeake Bay Preservation Area not classified as a Resource Protection Area (RPA) Resource Management Areas include land types that if improperly disturbed, used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of a Resource Protection Area.

**Resource Protection Area (RPA).**

That component of a Chesapeake Bay Preservation Area comprised of lands adjacent to waterbodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of State waters.

**State Waters**

State waters refers to all waters, on the surface or underground, wholly or partially within or bordering the commonwealth or within its jurisdictions, as defined in Code of Virginia, § 10.1-560.

**Subdivision.**

The division of any parcel of land into two (2) or more lots or parcels. The term shall include all changes in lot lines, the creation of new lots involving any division of an existing lot or lots and, if a new street is involved in such division, any division of a parcel of land. When appropriate to the context, the term shall also include the process of subdividing and the territory subdivided.

**Substantial Alteration.**

The expansion or modification of a building or development that would result in a disturbance of land exceeding an area of two thousand five hundred (2,500) square feet in the Resource Management Protection Area only.

**Tidal Shore.**

The area between the mean low water and mean high water levels of tidal waters.

**Tidal Wetlands.**

Vegetated and non-vegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.

**Water Body with Perennial Flow**

Water body with perennial flow means a body of water that flows in a natural or manmade channel year-round during a year of normal precipitation. This includes, but is not limited to streams, estuaries, and tidal bays and may include drainage ditches or channels constructed in wetlands or from former natural drainage ways, which convey perennial flow. Lakes and ponds, into, out of, or through which a perennial stream flows are a part of the perennial stream. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow.

**Water-Dependent Facility.**

A development of land which cannot exist outside of a Resource Protection Area and which must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to, ports, the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, storm sewers, marinas and other boat docking structures, beaches and other public water-oriented recreation areas, fisheries or other marine resources facilities, fisheries, and shoreline protection measures as authorized under the provisions of the City Zoning Ordinance.

**Wetlands.**

Wetlands refers to both tidal and non-tidal wetlands.

**F. CBPA-O DISTRICT: CRITERIA FOR AREAS OF APPLICABILITY**

The City’s Chesapeake Bay Preservation Areas shall consist of certain designated areas for purposes of determining applicable development restrictions: (1) a Resource Protection Area and (2) a Resource Management Area. A third category, the Intensely Developed Areas may be a component of each area subject to DEQ review and approval of a program amendment prior to designation of the IDA. The RPA and RMA areas are defined and established as follows:

**1. Resource Protection Areas (RPA)**

Resource Protection Areas (RPA) shall consist of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may cause significant degradation to the quality of State waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments nutrients and potentially harmful or toxic substances in runoff entering the bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources.

**a. RPA Components for Site Plan Delineation**

Subject to detailed delineation on an exhibit submitted with the site plan (“plan of development”), the specific mapping components to be identified and mapped shall include:

- (1) Tidal wetlands;
- (2) Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
- (3) Tidal shores;
- (4) Drinking water reservoirs from the water's edge;

- (5) A vegetated buffer area not less than one hundred (100) feet in width located adjacent to and landward of the components listed in (1) through (4) above, and along both sides of any water body with perennial flow; and
- (6) Such other lands determined by the City Council to meet the provisions of this Article and to be necessary to protect the quality of State waters.

**b. RPA Development Criteria**

- (1) Land development may be allowed in the Resource Protection Area when it is approved by the Director of Development and only under the following circumstances if it is:
  - (a) water dependent;
  - (b) constitutes redevelopment;
  - (c) development or redevelopment within a designated intensely developed area;
  - (d) a new use established pursuant to this Article;
  - (e) a road or driveway crossing satisfying the conditions set forth in this Section;
  - (f) a flood control or stormwater management facility satisfying applicable City, state and federal design and permit requirements;
- (2) A water quality impact assessment (WQIA) in accordance with this Article shall be required for any proposed land disturbance or development activity.
- (3) A new or expanded water---dependent facility may be allowed provided that the following criteria are met:
  - (a) it does not conflict with the Comprehensive Plan or adopted Small Area Plan;
  - (b) it complies with the performance criteria set forth in this Article;
  - (c) any nonwater---dependent component is located outside of Resource Protection Areas; and
  - (d) access to the water---dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.
- (4) Redevelopment outside any DEQ approved and City designated Intensely Developed Areas (IDA) shall be permitted in the Resource Protection Area (RPA) only if there is no net increase in the amount of impervious cover and no further encroachment within the Resource Protection Area, and it shall conform to applicable erosion and sediment control and stormwater management criteria set forth in this Article as well as all applicable stormwater management requirements of City, State and Federal agencies.

- (5) Roads and driveways that are not exempt under this Article and which, therefore, must comply with the provisions of this Article, may be constructed within or across Resource Protection Areas provided that each of the following conditions is met:
  - (a) No reasonable alternatives exist to aligning the road or driveway in or across the Resource Protection Area;
  - (b) The alignment and design of the road are optimized, consistent with other applicable requirements, to minimize (1) encroachment in the Resource Protection Area and (2) adverse effects on water quality;
  - (c) The design and construction of the road or driveway satisfy all applicable criteria of this chapter, including submission of a water quality impact assessment;
  - (d) The road or driveway proposed in or across the Resource Protection Area receives site plan, subdivision or plan or development approvals; and
  - (e) the road meets all other City ordinance requirements, including those of the site plan regulations and the subdivision ordinance.
  
- (6) Flood control and stormwater management facilities that drain, convey, or treat water from multiple development projects or from a significant portion of a watershed may be allowed in Resource Protection Areas, provided that:
  - (a) the City has conclusively established that location of the facility within the Resource Protection Area is the optimum location to serve the intended purpose;
  - (b) the size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both;
  - (c) the facility must be consistent with a stormwater management program that has been approved by the Chesapeake Bay Local Assistance Board, the Planning Commission, and the City Council;
  - (d) all applicable permits for construction in State or Federal waters must be obtained from the appropriate state and federal agencies, such as the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality and the Virginia Marine Resources Commission;
  - (e) all site plan approvals must be received from the City prior to construction; and
  - (f) routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed. It is not the intent of

this sub--- section to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within a Resource Protection Area.

- (7) If at least twenty---five (25) percent of a lot is situated within the boundaries of a designated RPA, the entire lot (or development project) shall comply with the requirements of this Article.
- (8) Subject to review and approval by the Director of Development of individual site plan (plan of development) applications, it may be determined that a RPA (as defined in this Article) adjacent to a day---lighted stream shall not require designation, provided that a water quality impact assessment (WQIA) has verified that the development of properties adjacent to the day---lighted stream does not result in the degradation of the stream.

The water quality impact assessment shall (a) identify the impacts of the proposed development on water quality, (b) provide specific measures for the mitigation of those impacts, and (c) meet the WQIA requirements of this Article to ensure necessary and sufficient practices for retarding runoff, preventing erosion, and filtering nonpoint source pollution.

- (9) All sites for which development activities in a RPA are proposed shall be subject to the requirements detailed in the Site Plan Regulations (Article XVI of the Hopewell Zoning Ordinance.)
- (10) All sites for which any form of land disturbance or site development activities in an RPA is proposed shall submit a water quality impact assessment prepared in accordance with this Article.

## **2. Resource Management Areas (RMA)**

### **a. RMA Defined**

The Resource Management Area (RMA) is all land within the City that is contiguous to and lying outside of the Resource Protection Area. The RMA is the component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area (RPA).

### **b. RMA Components for Site Plan Delineation**

Subject to detailed delineation on an exhibit submitted with the site plan (“plan of development”), the RMA specific mapping components to be field identified and mapped shall include:

- (1) 100---year flood plains,
- (2) highly erodible soils associated with slopes greater than or equal to fifteen percent (15%),
- (3) highly permeable soils,

(4) non-tidal wetlands outside of the RPA and not connected by surface flow to tidal wetlands, water bodies with perennial flow or other tidal waters; or

(5) other additional land and terrain characteristics that are deemed necessary to protect water quality as identified and communicated to the applicant by the Director of Development at the Site Plan Pre-Application Conference.

c. **RMA Development Criteria**

(1) All sites for which development activities are proposed shall be subject to the requirements and provisions contained herein and coordinated with other City, State and Federal regulations and ordinances.

(2) When forests or developed woodlands exist on the site and proposed development requires the cutting or clearing of trees, areas proposed for clearing shall be identified on the proposed site plan (plan of development). These plans shall be submitted as part of the site plan and development review process. A grading permit will be required prior to any clearing or cutting associated with proposed development.

(3) Land disturbance shall be limited to the area necessary to provide for the desired use or development.

(4) In accordance with an approved site plan (plan of development), the limits of land disturbance, including clearing or grading, shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site prior to issuance of a site plan approval. The field marking of the limits of clearing shall be maintained during the life of the land disturbing activity.

(5) Ingress and egress during construction shall be limited to one access point unless otherwise approved by the Director of Development; construction entrances should be designed with wheel wash appurtenances where water supply is available.

(6) Indigenous vegetation shall be preserved to the maximum extent possible, consistent with the use and development permitted.

(7) Land development shall minimize impervious cover consistent with the use or development permitted.

(8) All sites for which development activities in a RPA are proposed shall be subject to the requirements detailed in the Site Plan Regulations, including a requirement for the retrofit of redevelopment sites or expansion of existing development with best management practices and low impact development improvements.

(9) A Minor Water Quality Impact Assessment (WQIA) shall be required for

any proposed land disturbance, development activity, or redevelopment within the Resource Management Areas (RMA) where, at the sole discretion of the Director of Development, the Minor Water Quality Impact Assessment is warranted due to unique physiographic, geological, soils, location, or other characteristics of the site or intensity of development.

The minor WQIA may be waived, in part or in whole, by the Director of Development when such disturbance is directly related to the expansion or redevelopment of an existing residential dwelling for residential purposes that causes no more than 1,500 square feet of land disturbance.

## **G. INTERPRETATION OF DISTRICT BOUNDARIES**

### **1. Delineation by the Applicant**

#### **a. Hopewell's CBPA---O Map:**

The CBPA-O District Zoning Map represents only the approximate RPA boundaries. This map may be used by an applicant to:

- (a) identify the general location of the RPA on an applicant's concept plan, and
- (b) guide in the preparation of the detailed mapping by the applicant's professionals.

#### **b. Site Specific RPA Mapping:**

The site---specific boundaries of the RPA shall be conducted by the applicant's certified land surveyor, professional engineer, and certified environmental professionals. These professionals shall undertake the mapping, land surveying, resource inventories, environmental analyses, site assessments, soils studies, and other delineations as may be necessary to perform the designation. Site inventories and analysis shall include site---specific evaluation to determine whether water bodies on or adjacent to the development site have perennial flow.

#### **c. Approval of Final RPA Boundary:**

The applicant's detailed delineation of the RPA boundary shall be subject to approval by the Director of Development. In cases where the applicant has provided a site-specific delineation of the RPA, the Director of Development shall verify the accuracy of the boundary delineation. In determining the site---specific RPA, the Director of Development may impose adjustments to the applicant's delineation, in accordance with the criteria for the applicable preservation area.

d. CBPA---O Map Amendment upon Site Plan Approval:

Upon all required approvals of a detailed RPA delineation RMA delineation or IDA delineation, the City's CBPA---O Zoning District Map shall be amended and incorporate the revised boundary.

**2. Delineation Option by the City of Hopewell**

The Director of Development, at its sole discretion and when requested by the applicant that proposes to construct a new single family residence on a lot previously of record prior to the adoption of this Article, may waive the requirement for an environmental site assessment and perform the delineation employing City resources. The Director of Development may use hydrology, soils, plant species, and other data, and consult with other appropriate resources as needed to perform the delineation.

**3. Where Conflict Arises Over Delineation**

Where the applicant has provided a site-specific delineation of the RPA, the Director of Development shall assess the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Director of Development may require an adjustment to the applicant's delineation. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of this Article.

**H. PERFORMANCE STANDARDS**

**1. Purpose and Intent**

The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Keeping impervious cover to a minimum enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The goal of the performance standards is to introduce pollutant reduction standards for site improvements and best management practices that control stormwater runoff consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (9VAC25---870 et. seq.) that achieve the following:

**a. New Development**

For new development, the post---development non---point---source pollution runoff load shall not exceed the pre---development load, based on the calculated average land cover condition for the Virginia Chesapeake Bay Watershed with an average total phosphorous

loading of 0.45 pound/acre/year and an equivalent impervious cover of sixteen (16) percent.

**b. Redevelopment**

For redevelopment sites, the existing non---point ---source pollution load shall be reduced by at least ten (10) percent. The Director of Development may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided, however, that in no case may the post--- development non---point ---source pollution runoff load exceed the predevelopment load.

**2. General Performance Standards**

a. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.

- (1) In accordance with an approved site plan (“plan of development”), the limits of clearing or grading shall be strictly defined by the construction footprint and limits of clearing as depicted on the approved site plan. The Director of Development shall review and approve the construction footprint and site plan through the site plan review process. These limits shall be clearly shown on submitted plans and physically marked in the development site.
- (2) The construction footprint shall not exceed the limits for such as designated by the zoning district of the lot or parcel.
- (3) Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Director of Development.
- (4) The limits of clearing as approved on the site plan shall be accurately staked by the applicant’s surveyor prior to commencement of construction.

b. Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the proposed use or development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.

- (1) Existing trees over six (6) inches in diameter at breast height (DBH) shall be preserved outside the approved construction footprint. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed, when approved by the Director of Development in conjunction with the approval of the site plan. Other woody vegetation on site shall also be preserved outside the approved construction footprint.
- (2) Site clearing for construction activities shall be allowed as approved by the Director of Development through the site review

process outlined under Section F of this Article.

- (3) Prior to clearing, grading and/or filling suitable protective barriers, like safety fencing, shall be erected five (5) feet outside the drip--line of any tree or stand of trees to be preserved. Erected protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- c. Land development, in general, and parking lot design, in particular, shall minimize impervious cover consistent with the proposed use or development and, where feasible, integrate best management practices and low impact development improvements.
  - (1) Parking lot design shall incorporate LID, infiltration measures, integrated SWM facilities, and other appropriate best management practices. Preparation of the Landscape and Tree Management Plan shall be coordinated with the applicant's landscape design and selection of plant materials to include properly spaced planting islands and medians that provide tree and plant material cover that is consistent with sound landscape design practices.
  - (2) Impervious coverage on any lot or parcel shall be limited to the lot coverage permitted under the zoning district requirements of said lot or parcel as computed and specified on the site plan. Where there is no impervious coverage requirement in a given underlying zoning district, the Director of Development shall approve the maximum impervious coverage in conjunction with the site plan review process.
  - (3) Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, all development, redevelopment, or other land disturbing activities exceeding two thousand five hundred (2,500) square feet within an RPA or RMA, including construction of single--family houses, shall comply with all requirements of all City of Hopewell ordinances and regulations as well as all State and Federal regulations and permit requirements.
  - (4) Notwithstanding c. (3) herein above, the provisions of this Article may be waived, in part or in whole, by the Director of Development when such disturbance occurs on property within in a Resource Management Area (RMA) is directly related to the expansion or redevelopment of an existing single family residential dwelling for residential purposes that causes no more than one thousand five hundred (1,500) square feet of land disturbance.
  - (5) A statement of compliance to such requirements shall be documented on the site plan and certified by the applicant's professional engineer prior to site plan approval.
- f. All on---site sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be pumped out or

inspected at least once every five years, in accordance with the provisions of City of Hopewell Health Code. In lieu of such systems, the owner shall be required to submit documentation of proof of pump out. Documentation shall be prepared by an operator or on-site soil evaluator licensed or certified under the provisions of Chapter 23 of Title 54.1 of the Code of Virginia.

- g. On-site septic systems are not permitted for new construction where public sewer can be provided.
- h. For any land use or development, stormwater runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20-10 et seq.), the Stormwater Management Ordinance, the Stormwater Management Ordinance, and related City design guidelines.
  - (1) For new development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for Tidewater, which has been established as the amount of runoff that produces 0.45 pounds of phosphate per acre per year;
  - (2) For sites within Intensively Developed Areas (IDA) or other redevelopment sites within the Resource Management Areas (RMA), the nonpoint source pollution load shall be reduced by at least ten (10) percent. The Director of Development may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:
    - (a) In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;
    - (b) Runoff pollution loads must have been calculated and submitted with the site plan and the BMPs selected for the expressed purpose of controlling nonpoint source pollution; and
    - (c) Where structural best management practices are already in place, evidence shall be provided that facilities are currently in good working order and performing at the rated design levels of service. The Director of Development may require an analysis by the applicant's engineer of both the original structure's design and maintenance plan to verify this provision. A new maintenance agreement may be required by the Director of Development to ensure compliance with this Article.
    - (d) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by Federal, State, and City laws and regulations shall be obtained and evidence of such submitted to the Director of Development with the site plan application.

### 3. Buffer Area Requirements

#### a. Characteristics of Buffer Area:

- (1) Width of Buffer: To minimize the adverse effects of human activities on the other components of Resource Protection Areas, State waters, and aquatic life, a 100 foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be (a) retained if present and (b) established where it does not exist.
- (2) Location of Buffer: The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The 100-foot full buffer area shall be provided and designated as the landward component of the Resource Protection Area, in accordance with the provisions of this Article.
- (3) Sediment and Nutrient Reduction Targets: The 100 foot buffer area shall be deemed to achieve a seventy five (75) percent reduction of sediments and a 40 percent reduction of nutrients.

#### b. Permitted Modifications in the Buffer Area:

- (1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed, subject to review and approval by the Director of Development, to provide for reasonable sight lines, access paths, general landscape management, and best management practices, including those that prevent upland erosion and concentrated flows of stormwater, as follows:
  - (a) Trees be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff;
  - (b) Any path shall be constructed and surfaced so as to effectively control erosion;
  - (c) Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu and multiflora rose) may be removed and thinning of trees allowed as permitted by the Director of Development pursuant to sound horticultural practices; and
  - (d) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation re-established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements as approved on the site plan.

c. **Permitted Encroachments in the Buffer Area:**

- (1) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Director of Development, at its discretion, may permit encroachments into the buffer area in accordance the provisions of this Article, and the following criteria:
  - (a) Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
  - (b) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel;
  - (c) The encroachment may not extend into the seaward 50 feet of the buffer area; and
  - (d) The encroachment is consistent with the City's adopted Comprehensive Plan or Small Area Plans for the subject property.
  
- (2) When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and March 1, 2002, the Director of Development, at its discretion, may permit encroachments into the buffer area in accordance with the provisions of this Article and the following criteria:
  - (a) The lot or parcel was created as a result of a legal process conducted in conformity with the city's subdivision regulations;
  - (b) Conditions or mitigation measures imposed through a previously approved exception shall be met;
  - (c) If the use of a best management practice (BMP) was previously required, the BMP shall be inspected and evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
  - (d) The criteria in subsection (1) above shall be met.

d. **Lot Sizes**

The size of lots within the CBPA--O District shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient area outside the Resource Protection Area (RPA) to accommodate an intended development, in accordance with the performance standards in this Article, when such development is not otherwise allowed within the RPA.

## **I. COORDINATED CBPA-O SITE PLAN PROCESS**

To assure compliance with all applicable requirements of this Article, any development or redevelopment exceeding 2500 square feet of land disturbance in a Chesapeake Bay Preservation Area shall be accomplished through the City's site plan and subdivision plat review and approval process, including the enhanced site plan ("plan of development") requirements of this Article and all other related City, State and Federal regulations and requirements.

### **1. Required Information.**

In addition to the requirements of Article XVI, Site Plan Regulations, of the Zoning Ordinance and the requirements of the City of Hopewell Subdivision Ordinance, the RPA, and RMA site review process shall consist of the additional plans and studies as identified in this Article. These required plans and studies shall be coordinated.

Subject to the scope and characteristics of a site plan application, the applicant may request a waiver to the requirements herein below as well as other site plan submission requirements. Such request shall be initially submitted at the Pre-Application Conference and included on the applicant's concept plan. The Director of Development shall determine which items, if any, may be eliminated. The following plans or studies shall be submitted, unless otherwise provided for:

- a. A Site Plan in accord with the current City Site Plan Regulations.
- b. A Subdivision Plat (and Public Improvements Plan), where applicable, in accord with the current City Subdivision Ordinance.
- c. An Environmental Site Assessment (EIS).
- d. A Landscape and Tree Management Plan.
- e. A Stormwater Management Plan.
- f. An Erosion and Sediment Control Plan in accord with the current City Erosion and Sediment Control Ordinance.
- g. A Residential Lot Development Plan (for single family lots or parcels.)
- h. A Water Quality Impact Statement (see Section G.)

### **2. City Administrative Review Responsibility.**

Administration of the CBPA-O process shall be in accordance with the applicable regulations of this Article, Article XVI, Site Plan Regulations of the Zoning Ordinance and the Subdivision Ordinance. The Director of Development shall act to either:

- a. approve,
- b. approve subject to conditions, or
- c. disapprove the application plans in accordance with the reviewing agency and authority recommendations.

The Director of Development shall return notification of plan review results to the applicant, including recommended conditions or modifications in accord with Article XVI, Site Plan Regulations. In the event that the results and/or recommended conditions or modifications are acceptable to the Director of Development, the site plan and companion application requirements shall be so modified, if required, and approved by the Director of Development.

**3. Environmental Site Assessment.**

An EIS in accord with the following requirements shall be submitted as a separate document and map exhibit in conjunction with the site plan application:

- a. The EIS shall be drawn to scale and accurately delineate the following environmental features:
  - (1) Tidal wetlands;
  - (2) Tidal shores;
  - (3) Non---tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
  - (4) A 100 foot buffer located adjacent to and landward of the components listed in subsections 1 through 3 above, and along both sides of any water body with perennial flow; and
  - (5) Other existing sensitive terrain, soils, slope, geologic, and related environmental features as may be otherwise addressed herein above or additionally determined and required by the Director of Development.
- b. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987.
- c. The EIS shall delineate the geographic extent of the Resource Protection Area on the specific site or lot;
- d. The EIS shall be prepared at the same scale as the site plan, and shall be certified as complete and accurate by a professional engineer or certified land surveyor.

**4. Landscape Plan and Tree Management Plan.**

A landscape and tree management plan shall be submitted in conjunction with site plan review and approval or as part of subdivision plat approval. No clearing or grading of any lot or parcel will be permitted without an approved landscaping plan. Landscape plans shall be prepared or certified by a design professional practicing within their areas of competence as prescribed by the Code of Virginia.

**a. Contents of the Landscape and Tree Management Plan**

- (1) The landscape and tree management plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site six (6) inches or greater in diameter at breast height (DBH) shall be located on the plan. Where there are groups of trees, said stands may be outlined instead. The specific number of trees six (6) inches or greater DBH to be preserved outside of the building envelope shall be indicated on the plan. Trees and other woody vegetation proposed for removal to create the desired construction footprint shall be clearly delineated on the landscaping plan.
- (2) Any required RPA buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Article, shall be shown on the landscaping plan.
- (3) Within the buffer area, trees and other woody vegetation to be removed for sight lines, vistas, access paths, and best management practices shall be shown on the plan. Vegetation required by this Article to replace any existing trees or permanently damaged or dead plant material within the buffer area shall be also be depicted on the landscaping plan.
- (4) Trees and other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this Article shall be shown on the plan.
- (5) The plan shall depict grade changes or other work adjacent to trees, which would affect them adversely. In coordination with the Erosion and Sediment Control Ordinance, specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.
- (6) In coordination with the Erosion and Sediment Control Ordinance, the plan will include specifications for the protection of existing trees and other vegetation during clearing, grading, and all phases of construction.
- (7) If the proposed development is a change in use from an agricultural

or silvicultural use to some other use, the plan must demonstrate the re--- establishment of vegetation in the buffer area.

(8) Conformance with other City landscape design requirements.

**b. Plant Specifications**

- (1) All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.
- (2) All supplementary or replacement plant materials shall be living and in a healthy condition. American Nursery and Landscape Association ("ANLA") (formerly the American Association of Nurserymen), The American Standard For Nursery Stock, (1996), which document is hereby incorporated by reference as if set forth in its entirety herein.
- (3) For nutrient management, whenever nutrient management plans are developed, the operator or landowner must provide soil test information, consistent with the Virginia Nutrient Management Training and Certification Regulations (4 VAC 5---15 ---10 et seq.).
- (4) For pest chemical control, referrals shall be made to the local cooperative extension agent or an integrated pest management specialist of the Virginia Cooperative Extension Service, Recommendations shall include copies of applicable information from the "Virginia Pest Management Guide" or other extension materials related to pest control.
- (5) Where areas to be preserved, as designated on an approved landscaping plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of three (3) planted trees to one (1) removed. Replacement trees shall be a minimum one and one---half (1½) inches DBH at the time of planting.
- (6) Use of native or indigenous species.

**c. Maintenance**

- (1) The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this Article.
- (2) In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this Article.

**5. Stormwater Management Plan.**

A stormwater management plan shall be submitted as part of the RPA, and RMA review process required by this Article and the Stormwater Management Ordinance. The plan shall be reviewed in conjunction with site plan or subdivision plan approval.

**a. Contents of the Stormwater Management Plan**

The stormwater management plan shall be consistent with the State Stormwater Management Handbook and shall contain maps, calculations, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this Article and the Site Plan Regulations.

Where not otherwise required or eligible for modification by the Site Plan Regulations and the Stormwater Management Ordinance, the stormwater management plan must contain the following:

- (1) Location and design of all planned stormwater control devices;
- (2) Procedures for implementing non-structural stormwater control practices and techniques;
- (3) Pre- and post-development non-point source pollutant loadings with supporting documentation of all utilized coefficients and calculations;
- (4) For facilities, verification of structural soundness of structural facilities, to be certified by the applicant's Professional Engineer.

- b. Site specific facilities shall be designed for the ultimate development of the contributing watershed subject to City plans, capital improvements programs, pro-rate share plans, special assessment districts, supplemental agreements, or private contracts, where applicable.
- c. All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Virginia Stormwater Management Handbook.
- d. The plan shall establish schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the City of Hopewell, then a maintenance agreement shall be executed between the responsible party and the City of Hopewell.

6. **Erosion and Sediment Control Plan**

An erosion and sediment control plan shall be submitted that satisfies the requirements of this Article and in accordance with the City's Erosion & Sediment control requirements, in conjunction with site plan or subdivision plan approval.

7. **CBPA---O Site Plans and Plats**

Where applicable, site plan and plat requirements for property within an RPA shall include:

- (1) subdivision plats for land to be subdivided,
- (2) easement plats for public utilities and infrastructure,
- (3) delineation plats for the RPA , and
- (4) a site plan for land not to be subdivided and as otherwise required by the Site Plan Regulations of the Zoning Ordinance. All application maps shall be prepared at the same scale as required for site plans as required by Article XVI.

a. **Plats and Plans**

Final plats and plans for all lands within the CBPA---O District shall include the following additional information:

- (1) The delineation of the Resource Protection Area boundary, including the 100---foot buffer component as well as other RPA components.
- (2) Wetlands shall be delineated by a wetlands delineator licensed or certified to practice in the State of Virginia.
- (3) RPA boundary delineation shall be accompanied by a jurisdictional determination or a verification letter from the Army Corps of Engineers for all Waters of the U.S.
- (4) Plat or plan note stating that no land disturbance is allowed in the buffer area without review and approval by the Director of Development;
- (5) Copy of all wetlands permits required by law;
- (6) A maintenance agreement as deemed necessary and appropriate by the Director of Development to ensure proper maintenance of best management practices and other environmental improvements in order to continue their functions.

**b. Installation and Bonding Requirements**

- (1) Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant material or facilities is completed in accordance with the approved site plan.
- (2) When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to the City of Hopewell a form of surety satisfactory to the City Attorney in an amount equal to the remaining plant materials, related materials, or installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities.
- (3) All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the City of Hopewell.
- (4) All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to City of Hopewell. The City of Hopewell may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
- (5) After all required actions of the approved site plan have been completed; the applicant must submit a written request for final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Director of Development, such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following receipt of the applicant's request for final inspection.
- (6) The Director of Development may require a certificate of substantial completion from a Professional Engineer or Class III B Surveyor before making a final inspection.

## **J. WATER QUALITY IMPACT ASSESSMENTS – MAJOR AND MINOR WQIA’S**

### **1. Purpose and Intent**

The purpose of the water quality impact assessment is to:

- a. identify the impacts of proposed land disturbance, development or redevelopment on water quality and lands in the RPA, RMA, and other environmentally sensitive lands;
- b. ensure that, where land disturbance, development or redevelopment does take place within the RPA, RMA, and other sensitive lands, it will occur on those portions of a site and in a manner that will be least disruptive to the natural functions of RPA, RMA, and other sensitive lands;
- c. to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage;
- d. provide for administrative relief from terms of this Article when warranted and in accordance with the requirements contained herein; and
- e. specify necessary and sufficient mitigation procedures, measures, facilities, and techniques that will address water quality protection.

### **2. Applicability**

A water quality impact assessment shall be required:

- a. for any proposed land disturbance, development or redevelopment activity within a Resource Protection Area (RPA) as permitted consistent with this Article;
- b. any buffer encroachment as provided for in this Article;
- c. for any other development in Resource Management Areas (RMAs) or other qualifying areas as deemed necessary by the Director of Development due to the unique site characteristics or intensity of the proposed use or development.

There shall be two levels of water quality impact assessments addressed in this section: a Minor Water Quality Assessment and a Major Water Quality Assessment.

3. **Minor Water Quality Impact Assessment (Minor--W QIA)**

a. **Requirement for Minor WOIA:**

A minor water quality impact assessment shall be required and submitted for any land disturbance, development activity, or redevelopment activity within the RPA and RMA subject to the following:

**RPA.** The Minor WQIA is required with a RPA site plan when such activity causes no more than 5,000 square feet of land disturbance and/or that proposes to encroach into the landward 50 feet of the 100 foot buffer area as permitted under this Article or as otherwise determined by the Director of Development. Land disturbance activities not consistent with the above shall require a Major WQIA.

**RMA.** The Minor WQIA is required with an RMA site plan when deemed necessary by the Director of Development if a given land disturbance activity incorporates land as defined in Section C.2.b. of this Article, provided that the Minor WQIA or individual requirements as outlined in Section G.3.c herein below, may be waived by the Director of Development when such disturbance is directly related to the expansion or redevelopment of an existing single family residential dwelling for residential purposes that causes no more than 1,500 square feet of land disturbance.

b. **Minor WOIA to Demonstrate:**

A minor WQIA shall provide plan exhibits and documentation that demonstrate that the proposed undisturbed buffer area, enhanced vegetative plantings, and planned best management improvements (BMPs) and low impact development (LIDs) practices will result in:

- (1) the removal of no less than seventy-five (75) percent of sediments and forty (40) percent of nutrients from post-development stormwater runoff,
- (2) retarding stormwater runoff consistent with City stormwater management regulations,
- (3) the prevention of erosion, and
- (4) the filtering nonpoint source pollution from land disturbance activities that is equivalent what would be otherwise obtained in the full undisturbed 100-foot buffer area.

c. **Minor WOIA to include:**

A minor assessment shall include a site drawing(s) to scale consistent with the scale of any required site plan (plan or development) which shows the following:

1. Location of the components of the Resource Protection Area, including the 100 foot buffer area and the location of any water body with perennial flow;

2. Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;
3. Type and location of proposed best management practices to mitigate the proposed encroachment;
4. Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and
5. Where a RPA encroachment or disturbance is proposed, a narrative prepared by the applicant's professionals shall address the rationale for the encroachment. The narrative shall also describe other alternatives to the encroachment that have been explored and present the reasons the alternatives are not practicable.

**4. Major Water Quality Impact Assessment**

A major water quality impact assessment shall be required for any development, redevelopment, or land disturbance which:

- a. exceeds 5,000 square feet of land disturbance within a RPA or RMA and proposes to encroach into the landward 50 feet of the 100 foot buffer area;
- b. proposes to disturb any portion of the seaward 50 feet of the 100 foot buffer area or any other component of an RPA; or
- c. is deemed necessary by the Director of Development.

**5. Major WQIA Submission Requirements**

The following represents the information required for a Major Water Quality Impact Assessment, provided that the Director of Development may determine that some of the required elements are unnecessary due the scope and nature of the proposed use and development of land.

In addition to the requirements of the Minor Water Quality Impact Assessment, the City's zoning ordinance and other applicable land development regulations, the following application elements shall be included in the preparation and submission of a Major Water Quality Impact Assessment:

- a. **Hydro---Geological Study: Submission of a hydro---geological element, to include:**
  - (1) Provides analysis, mapping and documentation for the existing topography, soils, and hydrology of the site and adjacent lands. At the discretion of the Director of Development, the hydrology

analysis and inventory may require a Perennial Flow Determination study.

- (2) Provides evaluation and engineering responses to address the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.
- (3) Indicates the following:
  - (a) Disturbance or removal of wetlands and justification for such action;
  - (b) Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers or other water bodies;
  - (c) Disruptions to existing hydrology including wetland and stream circulation patterns;
  - (d) Source location of and description of proposed fill material;
  - (e) Location of dredging and location of dumping area for such dredged material;
  - (f) Estimation of pre- and post development pollutant loads in runoff;
  - (g) Estimation of percent increase in impervious surface on site, type(s) of surfacing material used;
  - (h) Percent of site to be cleared for project;
  - (i) Perennial flow analysis, if required;
  - (j) Anticipated duration and phasing schedule of construction project; and
  - (k) Listing of all requisite permits from all applicable agencies necessary to develop project.
- (4) Describes the proposed mitigation measures for the potential hydro-geological impacts. Potential mitigation measures include:
  - (a) Additional proposed erosion and sediment control concepts beyond those normally required under Section K.2.d. of this Article; these additional concepts may include the following: minimizing the extent of cleared area; perimeter controls; reduction of runoff velocities; measures to stabilize disturbed areas; schedule and personnel for site inspection;
  - (b) Proposed stormwater management system for nonpoint source quality and quantity control.

**b. Vegetative Element, to include:**

- (1) Identifies and delineates the location of all woody plant material on site, including all trees on site two (2) inches or greater in diameter at breast height or, where there are groups of trees, said stands may be outlined.
- (2) Describes the impacts the development or use will have on the existing vegetation. Information to include:
  - (a) General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;

- (b) Clear delineation of all trees and other woody vegetation which will be removed;
  - (c) Description of all plant species to be disturbed or removed.
- (3) Describes the proposed measures for mitigation. Possible mitigation measures include:
- (a) Proposed design plan and replanting schedule for trees and other woody vegetation removed for construction, including a list of proposed plants and trees to be used;
  - (b) Demonstration that the re-vegetation plan supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control;
  - (c) Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overload flow benefits from such vegetation; and
  - (d) Demonstration that indigenous plants are to be used to greatest extent possible.

**5. Submission and Review Requirements.**

- a. Six (6) copies of all site drawings and other applicable information as required by this Article shall be submitted to the Director of Development for review.
- b. All information required in this section shall be certified as complete and accurate by a professional engineer or certified land surveyor.
- c. A Minor Water Quality Impact Assessment shall be prepared and submitted to and reviewed by the Director of Development in conjunction with Section M, Plan of Development Process, of this Article.
- d. A Major Water Quality Impact Assessment shall be prepared and submitted to and reviewed by the Director of Development in conjunction with a request for rezoning, special use permit, or in conjunction with Section M, Plan of Development Process, of this Article, as deemed necessary by the Director of Development.
- e. As part of any major water quality impact assessment submittal, the Director of Development may require review by the Chesapeake Bay Local Assistance Department (CBLAD). Upon receipt of a major water quality impact assessment, the Director of Development will determine if such review is warranted and may request CBLAD to review the assessment and respond with written comments. Any comments by CBLAD will be incorporated into the final review by the Director of Development, provided that such comments are provided by CBLAD within 90 days of the request.

**6. WQIA Evaluation Procedure.**

- a. **Minor Water Quality Impact Assessment:** Upon the completed review of a minor water quality impact assessment, the Director of Development will determine if any proposed encroachment into the buffer area is consistent with the provisions of this Article and make a finding based upon the following criteria:
- (1) The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
  - (2) Impervious surface is minimized;
  - (3) Proposed mitigation measures, including the re-vegetation plan and site design, result in minimal disturbance to all components of the RPA, including the 100 foot buffer area;
  - (4) Proposed mitigation measures will work to retain all buffer area functions: pollutant removal, erosion and runoff control;
  - (5) Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
  - (6) The development, as proposed is consistent with the spirit and intent of this Article; and
  - (7) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- b. **Major Water Quality Impact Assessment:** Upon the completed review of a major water quality impact assessment, the Director of Development will determine whether or not the proposed development is consistent with the spirit and intent of this Article and make a finding based upon the following criteria:
- (1) Within any RPA, the proposed development is to be a water-dependent or redevelopment activity;
  - (2) The percentage of existing wetlands disturbed by the development and the number of square feet to be disturbed;
  - (3) The development will not result in significant disruption of the hydrology of the site;
  - (4) The development will not result in unnecessary destruction of plant materials on site;
  - (5) Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
  - (6) Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve “no net increase” in pollutant loadings;

- (7) Proposed re-vegetation of disturbed areas will provide optimum erosion and sediment control benefits, as well as runoff control and pollutant removal equivalent of the full 100-foot undisturbed buffer area;
  - (8) The design and location of any proposed drainfield will be in accordance with the requirements of the Performance Standards of this Article; and
  - (9) The development is consistent with the spirit and intent of the CBPA-O District and the Comprehensive Plan.
- c. **Additional Mitigation:** The Director of Development shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Director of Development based on the criteria listed above and in subsections 6.a and 6.b herein above.
  - d. **Inconsistent Mitigation:** The Director of Development shall find the proposal to be inconsistent with the purpose and intent of this Article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Director of Development based on the criteria listed in subsections (a) and (b).

## K. NON-CONFORMING USES AND NON COMPLYING STRUCTURES

The lawful use of a building or structure which existed on September 6, 1990, or any amendments to this Article, and which is not in conformity with the provisions of the Overlay District may be continued in accordance with the nonconforming use provisions of the Zoning Ordinance. No change or expansion of use shall be allowed provided that:

### 1. Nonconforming Use or Structures:

The Director of Development may grant a nonconforming use and/or waiver for existing structures on legal nonconforming lots or parcels to provide for remodeling and alterations to such nonconforming structures provided that:

- a. There will be no increase in nonpoint source pollution load; and
- b. Any development or land disturbance exceeding an area of 2500 square feet complies with all erosion and sediment control requirement of this Article.

### 2. Application for Waiver:

An application for a nonconforming use and/or waiver shall be made to and upon forms furnished by the Director of Development. The application or waiver be submitted with the Concept Plan at the Pre-Application Conference. In addition to the provisions of the Site Plan Regulations, the applicant's materials shall include the following information:

- a. Name and address of applicant, property owner and applicant's engineer and surveyor;

- b. Legal description of the property and type of proposed use and development;
- c. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area; and
- d. Location and description of any existing private water supply or sewage system.

**3. Waiver Expiration Conditions:**

A nonconforming use and development waiver shall become null and void twelve (12) months from the date issued if no substantial work has commenced.

**4. Administrative Process Provisions:**

An application for the expansion of a nonconforming principal structure may be approved by the Director of Development through an administrative review process provided that the following findings are made:

- a. The request for the waiver is the minimum necessary to afford relief;
- b. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Article to other property owners in similar situations;
- c. The waiver is in harmony with the purpose and intent of this Article and does not result in water quality degradation;
- d. The waiver is not based on conditions or circumstances that are self-created or self-imposed;
- e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;
- f. Other findings, as appropriate and required by City of Hopewell are met; and
- g. In no case shall this provision apply to accessory structures.

**L. EXEMPTIONS**

**1. Prerequisites for Commencement of Site Improvement Activities:**

**a. Exemptions for Major Public Utilities, Railroads, Public Roads, and Facilities.**

Construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with:

- (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and the Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia),

- (ii) an erosion and sediment control plan, and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or
- (iii) local water quality protection criteria at least as stringent as the above state requirements are deemed to comply with this Article.

The exemption of public roads is further conditioned on the following:

1. The road alignment and design has been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the Resource Protection Area and to minimize the adverse effects on water quality.

**b. Exemptions for Other Public Infrastructure.**

Construction, installation, and maintenance of water, sewer, natural gas, underground telecommunications and cable television lines owned, permitted or both, by the City of Hopewell or regional service authority shall be exempt from the Overlay District provided that:

1. To the degree possible, the location of such utilities and facilities should be outside Resource Protection Areas (RPAs);
2. No more land shall be disturbed than is necessary to provide for the proposed utility installation;
3. All such construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and
4. Any land disturbance exceeding an area of 2,500 square feet complies with all City of Hopewell erosion and sediment control requirements.

**c. Exemptions for Silvicultural Activities.**

Silvicultural activities are exempt from the requirements of this Article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the January 1997 edition of "Forestry Best Management Practices for Water Quality" [Technical Guide].

**d. Exemptions for Land Disturbances in Resource Protection Areas.**

The following land disturbances in Resource Protection Areas may be exempt from the Overlay District provided that they comply with the requirements listed below in sub--sections 1---4 herein below below: (i) water wells. (ii) passive recreation facilities such as boardwalks, trails, and pathways, and (iii) historic preservation and archaeological activities:

1. Any required permits, except those to which this exemption specifically applies, shall have been issued;
2. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
3. The intended use does not conflict with nearby planned or approved uses; and

4. Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control and landscape requirements.

**M. SPECIAL EXEMPTIONS, ENFORCEMENT AND PENALTIES**

1. **Submission:** A request for an exception to the development standards and performance criteria requirements of this Article shall be made in writing to the Board of Zoning Appeals (BZA). It shall identify the impacts of the proposed exception on water quality and on lands within the Resource Protection Area (RPA) through the performance of a water quality impact assessment which complies with the provisions of the Water Quality Impact Assessment (WQIA).
2. **Public Hearing Required:** The City of Hopewell shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with §15.2--2204 of the Code of Virginia, except that only one hearing shall be required.
3. **Review:** The Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Board of Zoning Appeals finds:
  - a. Granting the exception will not confer upon the applicant any special privileges denied by this Article to other property owners in the CBPA--O District;
  - b. The exception request is not based on conditions or circumstances that are self-- created or self---imposed, nor does the request arise from conditions or circumstances either permitted or non---conforming that are related to adjacent parcels;
  - c. The exception request is the minimum necessary to afford relief;
  - d. The exception request will be in harmony with the purpose and intent of the Overlay District, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and
  - e. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
4. **Action by BZA:** If the Board of Zoning Appeals cannot make the required findings or refuses to grant the exception, the Board shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.
5. **Exception Request:** A request for an exception to the requirements of provisions of this Article other than Section C (CBPA--O: Criteria for Areas of Application) and Section E (Performance Standards) shall be submitted in writing to the Director

of Development. The Director of Development may grant these exceptions provided that:

- a. Exceptions to the requirements are the minimum necessary to afford relief; and
- b. Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purposed and intent of this Article is preserved.

Exceptions to Section F. may be made, provided that the findings noted this Section are made.

## **N. SEPTIC PUMP OUT PROGRAM**

### **1. Purpose:**

The purpose of the septic pump-out program is to encourage proper maintenance and increase the functional life of on-site septic systems through regular pump-outs at least once every five (5) years.

### **2. Applicability:**

The program applies to those properties located in the Chesapeake Bay watershed in the City of Hopewell, Virginia that are served by private, on-site sewage treatment and disposal systems.

### **3. Exemptions:**

Situations exempt from the septic pump-out requirement include any inactive or abandoned on-site septic system.

To qualify for exemption, property owners must provide the county with appropriate, written verification. This could include a statement or other evidence acceptable to the county. The statement or must show the old septic system has been pumped out and destroyed, either with the tank being crushed in and backfilled in place or the tank filled with clean sand. There is no permit required to abandon a septic tank system. (5-15-08.)

### **4. General Procedures:**

- a. Septic systems located within the Chesapeake Bay watershed must be pumped out at least once every five (5) years. Property owners are responsible for the costs of pump-outs. The zoning administrator is responsible for the general administration and enforcement of the septic pump-out program.
- b. Affected property owners will be required to register their septic systems with the Department of Development. The City will notify property owners and provide the forms that need to be filled out to comply with the septic pump-out program.

- c. To support the septic pump-out program, the City will maintain a database to document all affected septic systems and to serve as a tracking mechanism. The database will be organized according to street address. The database will contain the following information: name of property owner, physical address, first pump-out date, next pump due date and last date of septic system pump-out.
- d. Septic effluent filters: The septic pump-out program allows the installation of septic effluent filters on all existing septic systems, where appropriate. The Virginia Department of Health has advised that some types of septic treatment systems do not have septic tanks and are not designed to include septic effluent filters (some aerobic sewage treatment units, for example, are not appropriate for installation of these effluent filters).
- e. If deemed appropriate by the local health department and subject to conditions the local health department may set, owners have the option, in lieu of pump-out, to install and maintain a plastic filter in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system. Please be aware of manufacturer specifications for effluent filters and any maintenance requirements associated with these filters.

5. Monitoring for Compliance:

The Department of Development will monitor the program through mailings to be forwarded, on each five-year anniversary of the last due date, to request documentation that the five-year pump-out has been completed. Documentation may be provided in the form of a receipt for pump-out by a licensed sewage handler, or in the form of an inspection report completed by an authorized inspector stating that no pump-out is required. Activities to be undertaken by the City will include the following:

- Notification to affected property owners.
  - Mailings of the program verification and compliance forms (once every five (5) years).
- a. The zoning administrator, or authorized designee, shall have the right to enter property where an individual or group septic system is located for the purpose of observation, inspection, monitoring and/or sampling the septic system, its drainfield and the surrounding land area.
  - b. Property owners who fail to provide information to the City when requested may be subject to civil penalties and/or court-ordered fines.
  - c. Written complaints about the septic pump-out program should first be directed to the zoning administrator, who can investigate and determine whether a complaint is valid. Any person or persons who continue to feel aggrieved by this program, or any decisions made by the zoning administrator, may appeal those decisions, in writing, to the City Council. Appeals to the City Council must be made within thirty (30) days of the date of the written decision by the zoning administrator, or such decision shall be final.

- d. Any decision by the City Council regarding the septic pump-out program may be appealed by petitioning the Circuit Court of the City of Hopewell within thirty (30) days after the final decision of the City Council, or such decision shall be final.

6. Enforcement and Penalties:

The zoning administrator, or authorized designee, holds the primary responsibility for administering the septic pump-out program. The zoning administrator shall seek criminal or civil enforcement for any provision of this program and take any action on behalf of the City to prevent or abate any violation or potential violation of this program.

- a. The zoning administrator, upon written request of an interested person whose property may be affected, shall render a decision, based on the facts presented, as to the applicability of this ordinance to particular situations that may arise under the septic pump-out program. See subsection Q(4)(c) regarding complaints and appeals.
- b. Penalties. Violators shall, upon finding by an appropriate circuit court, be assessed a penalty up to five thousand dollars (\$5,000.00) for each day of violation.
- c. As an alternative to a court-ordered penalty, violators may be offered the option of a onetime payment of civil charges for each violation in specific sums, not to exceed ten thousand dollars (\$10,000.00) for each violation, as determined by the Board of Zoning Appeals.

**O. ENFORCEMENT AND PENALTIES**

The zoning administrator, or authorized designee, holds the primary responsibility for administering this Article. The zoning administrator shall seek criminal or civil enforcement for any provision of this Act and take any action on behalf of the City to prevent or abate any violation or potential violation of this program.

- a. The zoning administrator, upon written request of an interested person whose property may be affected, shall render a decision, based on the facts presented, as to the applicability of this ordinance to particular situations regarding the Chesapeake Bay Preservation Area Ordinance.
- b. Penalties. Violators shall, upon finding by an appropriate circuit court, be assessed a penalty up to five thousand dollars (\$5,000.00) for each day of violation.
- c. As an alternative to a court-ordered penalty, violators may be offered the option of a onetime payment of civil charges for each violation in specific sums, not to exceed ten thousand dollars (\$10,000.00) for each violation, as determined by the Board of Zoning Appeals.

**PH-4**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE: Hold a public hearing to consider citizen comments regarding an amendment to Article XVI, Site Plan Regulations.**

**ISSUE:** Article XVI, Site Plan Regulations, has been updated in conjunction with the re-write of the City’s Comprehensive Plan. This amendment updates the ordinance to incorporate changes required by the Virginia Department of Environmental Quality – Chesapeake Bay Division. Any amendment to the Zoning Ordinance requires a public hearing before the Planning Commission and City Council.

**RECOMMENDATION:** City Staff recommends City Council consider citizen comments regarding the amendments to the above referenced articles and vote to approve.

**TIMING:** City Council will be hold the public hearing on Tuesday, April 24, 2018.

**BACKGROUND:** The City of Hopewell received a grant from the Virginia Department of Environmental Quality to update the Comprehensive Plan and Zoning Ordinance to meet current regulations in the Chesapeake Bay Preservation Area Act. City Staff is requesting the approval of the articles to meet requirements of the Virginia Department of Environmental Quality (DEQ) and to meet deadline of the grant received by DEQ, approved by Council on April 4, 2017.

**FISCAL IMPACT:** N/A

**ENCLOSED DOCUMENTS:**

- Proposed Article XVI, Site Plan Regulations
- Current Site Plan Regulations with strike through
- Excerpt from April 4, 2 017 City Council meeting minute

**STAFF:** Tevya W. Griffin, Director of the Department of Development

**SUMMARY:**

- |                          |                          |  |                          |                          |                                    |
|--------------------------|--------------------------|--|--------------------------|--------------------------|------------------------------------|
| <b>Y</b>                 | <b>N</b>                 |  | <b>Y</b>                 | <b>N</b>                 |                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Christina J. Luman-Bailey, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor K. Wayne Walton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2           | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6   |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Anthony J. Zevgolis, Ward #3       | <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jackie M. Shornak, Ward #7   |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine E. Gore, Ward #4          |                          |                          |                                    |

**ARTICLE XVI**  
**SITE PLAN REQUIREMENTS**

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**STATEMENT OF INTENT**

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The purpose of these requirements is to promote the orderly development of certain activities in the city and to insure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the site plan shall be used to review the project's compatibility with its environment; to review the ability of the project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians; to review the quantity, quality, utility and type of the project's required community and/or public facilities; and to review the location and adequacy of the project's provision for drainage and utilities.

**A. WHEN REQUIRED**

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1. The following uses require a site plan when they require a building permit or involve a land area greater than 1,000 square feet:

- a. Construction of any new or the enlargement of any non residential uses, including, but not limited to, churches, schools, hospitals, nursing homes, institutional buildings, public buildings, parks and playgrounds;
- b. Any land use or development in multifamily residential, mobile home park, office, business and industrial districts;
- e. Any non residential land use permitted by right in any district;
- d. Construction of any new parking area, expansion of an existing parking area by five (5) or more spaces, or any material alteration of the arrangement of any parking area, loading area, or related vehicle circulation or maneuvering area; and
- e. Any material change in the exterior of a building, landscaping, screening, signage, lighting, or any other feature specifically addressed by a previously approved site plan.

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2. The following uses shall be exempt from the site plan process:

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- a. Temporary construction trailers when located on construction sites and removed at the completion of construction;
- b. Temporary modular classrooms used by public or private schools for no longer than one (1) year. At the expiration of one (1) year from the date of initial occupancy, the owner shall either discontinue the use or the use shall no longer be exempt from the site plan process; and
- e. Temporary modular offices for no longer than one (1) year. At the expiration of one (1) year from the date initial occupancy, the owner shall either discontinue the use or the use shall no longer be exempt from the site plan process.

**B. WAIVER OF REQUIREMENTS**

~~1. Any requirement of this Article may be waived by the Director of Development where the waiver is not adverse to the intended purpose of this Article and the applicant establishes that in his specific case an undue hardship would result from a strict enforcement of this Article, or that the requirement is unreasonable.~~

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**C. PREPARATION AND SUBMISSION OF SITE PLANS**

~~1. Site plans, or any portion thereof, involving engineering, landscape architecture, architecture, or land surveying, shall be prepared or certified respectively by an engineer, landscape architect, architect, or land surveyor duly registered by the State of Virginia to practice as such.~~

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~~2. Requests for site plan review and approval shall be accompanied by the following:~~

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- a. ~~A completed application form;~~
- b. ~~Twelve (12) copies of all applicable plans;~~
- e. ~~Required fees (see Article XXII);~~
- d. ~~Copies, the number of which shall be determined by the Director of Development, of all commission's and board's minutes relating to zoning and development of the property.~~

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~~3. A site plan may be prepared in one or more sheets to show clearly the information required by this Article to facilitate review and approval of the plan. If prepared in more than one sheet, match lines shall clearly indicate where the sheets join and each sheet shall contain an overall sketch plan showing the relationship of improvements on each sheet.~~

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~~4. A master site plan shall be submitted for large areas to be developed in phases. Further changes, additions, or deletions may be submitted as site plans, wherein only that portion of the land or building affected need be shown.~~

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~~5. Clearly legible blue or blackline copies of a site plan prepared in accordance with the requirements of this Article are required to be submitted for approval as provided in this Article.~~

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~~6. Sheet size shall not exceed 24" x 32".~~

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**D. REQUIRED INFORMATION**

~~The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying, shall be prepared by qualified persons. Final site plans shall be certified by an architect, engineer, or land surveyor licensed to practice by the Commonwealth of Virginia within the limits of their respective licenses. Every site plan shall be prepared in the following manner and show the following information and location of land uses where necessary and applicable:~~

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1. ~~Proposed title and location of the development.~~
2. ~~The names, addresses, telephone numbers, and facsimile numbers of the owner or owners of record of the tract and the applicant.~~
3. ~~The name, address, telephone number, and facsimile number of the engineer, architect, designer, or landscape architect who prepared the plan.~~
4. ~~The owner's names, zoning, parcel number, deed and plat book reference, and present use of all contiguous and abutting property.~~
5. ~~Signature block for the Director of Development and the City Engineer.~~
6. ~~Date, scale, north arrow, and number of sheets.~~
7. ~~Scale shall be one inch equals 100 feet or larger, for all plan sheets showing buildings or building lots.~~
8. ~~Vicinity sketch.~~
9. ~~Existing zoning of the parcel and abutting parcels, and zoning district boundaries.~~
10. ~~Proposed zoning changes, if any.~~
11. ~~Boundary of entire tract by courses and distances, including two points connected to the City of Hopewell Geodetic Survey Monument Network, and total area of parcel.~~
12. ~~The location and dimensions of proposed recreation, open space, and required amenities and improvements, including details of disposition.~~
13. ~~All building and highway setback lines, utility easements, covenants, reservations, and existing, as well as ultimate, rights of way, as shown on the general plan.~~
14. ~~Existing and finished topography with a maximum of two (2) foot contour intervals with spot elevations where necessary. Plans depicting any off site drainage area shall show off site topography with a maximum of five (5) foot contour intervals.~~
15. ~~Storm drainage systems, and all natural, artificial and man-made watercourses.~~
16. ~~All existing improvements, including privately owned and underground utilities and the like.~~
17. ~~Limits of any established 100-year floodplains, potential backwater flood elevations and wetlands.~~
18. ~~All existing and proposed streets, sidewalks, alleys, and easements; their names and widths.~~
19. ~~Buildings and structures to include architectural elevations/renderings; location; distances between buildings; number of stories; area in gross square feet of each floor; number of dwelling units or guest rooms; building height; and location and size of required street address sign.~~
20. ~~Driveways, entrances, exits, parking areas, and on- and off-street loading spaces, to include number of parking spaces; number of handicapped parking spaces; and~~

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number of loading spaces and pavement design detail.

- ~~21. Public sanitary waste water system, to include the location, sizes, and inverts of the facilities and proposed extensions in and near the project. Calculations on new connection loads and incremental flow modeling may be required per the City Engineer.~~
- ~~22. Storm sewers systems, to include the location, sizes, and inverts of the facilities and proposed extensions in and near the project.~~
- ~~23. Water mains and fire hydrants, to include location and size in and near the project.~~
- ~~24. Culverts and other underground structures, and all utility lines, including electric, natural gas, CATV, telephone, and other lines, both underground and overhead, existing and planned, in or near the project.~~
- ~~25. Slopes, terraces, retaining walls, fencing and screening within the required yards and location of existing trees within yard or setback areas.~~
- ~~26. Plans for collecting and depositing storm water, (in accordance with the latest Virginia Erosion Control and Sedimentation Handbook) and method of treatment of natural, artificial and man-made watercourses, including a delineation of proposed limits of floodplains, if any, as created or enlarged by the proposed development.~~
- ~~27. Conceptual outdoor lighting provided detailed plans are submitted prior to installation. Illumination shall meet the minimum foot candle rating contain in this Ordinance.~~
- ~~28. Conceptual landscaping provided detailed plans are submitted prior to installation.~~
- ~~29. Graves, objects, or structures marking places of burial.~~
- ~~30. Location and number of solid waste storage areas, and detail of solid waste storage area pad and type of screening.~~
- ~~31. Location, size, height, and orientation of all existing and proposed signage.~~
- ~~32. Any other feature of the development which is required by the Zoning Ordinance to be shown on a site plan.~~
- ~~33. The limits of established drainage ditches, manmade open channels, floodplains, backwater flood elevations, preliminary wetland boundaries, conservation areas, the approximate location and surface area of BMP's, and the delineation of the Resource Protection Area (RPA) and the Resource Management Area (RMA) as required by the City's Chesapeake Bay Preservation Overlay District.~~
- ~~34. Show the provision of clearly marked permanent Resource Protection Area (RPA) signage to be located at every lot along the RPA. The site plan shall also include a RPA sign detail, clearly depicting the design, dimensions, and color of the sign.~~
- ~~35. The Director of Development may request additional information other than what is otherwise required by this Article when deemed necessary to protect the health, safety and general welfare of the citizens of the city.~~

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**C. IMPROVEMENTS AND STANDARDS**

~~The following improvements and minimum standards, as applicable, shall be required and provided for in a site development plan.~~

~~1. All street and highway construction standards and geometric design standards shall be in accord with those specified by the City of Hopewell, except that the City Engineer may modify street geometric design standards for local collector and minor loop streets provided that off street parking areas sufficient to accommodate the required parking ratio are provided to complement the street system.~~

~~2. The pavement of vehicular travel lanes, driveways, or alleys designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall be not less than twenty (20) feet in width for two-way traffic and sixteen (16) feet for one-way traffic, and in accordance with the design and construction standards adopted by the Department of Public Works.~~

~~3. Cul de sacs shall be designed and constructed in accordance with the street standards specified by the City of Hopewell, and may not be construed or employed as a parking area, and in accordance with the design and construction standards adopted by the Department of Public Works.~~

~~4. Widening or extension of the nearest abutting developed street shall be provided as required by the City Engineer to provide adequate access to and from the proposed development. Where the proposed development does not abut a developed public street, a plan of access shall be submitted for approval in conjunction with the site plan.~~

~~5. Combination curb and gutter shall be required to collect and convey surface runoff to a point of entry into the storm drainage system; to separate vehicular travel lanes and roadways from areas not intended for vehicular access; and to connect with existing curb and gutter on adjacent properties to insure harmonious and continuous development of abutting streets.~~

~~6. Curbing shall be required on site to delineate vehicular travel and parking areas and to prevent encroachment upon adjoining properties.~~

~~7. Traffic control devices such as signs and pavement markings shall be required. Electric traffic control signals shall be provided by the developer where the anticipated traffic from the proposed development meets established warrants at the point of connection with the City street system. Street identification signs shall be provided by the Developer, as required by the Director of Development or City Engineer.~~

~~8. Minimum utility easement width shall be twenty (20) feet unless specifically reduced as specified by the Director of Development. Where multiple structures or pipes are installed, the edge of the easement shall be five (5) feet clear of the outside pipes. Where easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five (5) feet from any building. The excavation limits within any utility easement shall not encroach into a foundation angle of repose.~~

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~~9. Sidewalks and pedestrian walkways shall be designed to enable patrons and tenants to walk safely and conveniently from one (1) building to another within the site and adjacent sites. Cross sections of sidewalks shall not exceed the slope standards as established by the City Engineer.~~

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~~10. All required screening shall be sufficiently dense or opaque to screen development effectively from the adjacent properties.~~

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~~11. In order to preserve the character and natural environment and to provide visual and noise buffering, the administrator may refuse to approve any site plan which proposes unnecessary destruction of trees and other natural features. The Director of Development may require assurance that the developer has made reasonable effort in light of the proposed development to preserve, replenish and protect trees of eight (8) inch diameter or larger at the DBH; ornamental trees of any size; trees within required setbacks or along boundaries unless necessary to remove for access, grading, circulation, utilities or drainage; and streams in their natural condition.~~

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**~~D. SITE PLAN REVIEW PROCEDURES~~**

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~~1. Authority for Review and Approval: The Director of Development or his agent shall be responsible for reviewing the site plans for general completeness and compliance with adopted plans and applicable requirements prior to forwarding copies thereof to other reviewing agencies or officials. Site plans may be approved administratively by the Director of Development, after first distributing the plan to the various city departments for written comments.~~

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~~2. Pre Application Conference: All applicants are encouraged to request a pre-application review conference. The purpose of the conference is to discuss the basic site plan, off street parking, signs and other city ordinance requirements, utilities and drainage, and to consider preliminary features of the proposed development as they relate to this Article.~~

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~~3. Review and Approval of Final Site Plan.~~

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~~a. Sufficient copies, as required by the Director of Development, of the final plat shall be submitted to the Director of Development. The Director of Development, or his agent, shall approve or disapprove site plans in accordance with the reviewing authorities' recommendations. He shall notify the applicant of his decision to approve or disapprove the site plan within sixty (60) days of the date of submission of the plan, if practicable. If the Director of Development fails to approve or disapprove the site plan within 60 days after it has been officially submitted for approval, the applicant, after ten (10) days' written notice to the Director of Development, may petition the Circuit Court to decide whether the site plan should or should not be approved. The court shall hear the matter and shall approve or disapprove the site plan in accordance with this Zoning Ordinance.~~

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~~b. An applicant may appeal the decision of the Director of Development within ten (10) days in writing to the Board of Zoning Appeals in accordance with Article XIX.~~

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~~**E. SITE PLAN TERMINATION OF EXTENSION**~~

~~1. An approved site plan shall become null and void if significant work is done or development is made within five (5) years from the date of final site plan approval.~~

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~~2. There shall be no clearing or grading of any site without approval of a grading and/or erosion control plan by the Director of Development and the City Engineer. Construction or development may begin upon approval of the site plan and issuance of the land disturbance permit by the Director of Development. No land disturbance permit shall be issued until a developer agreement prepared by City Engineer, and building permits by the Building Official are approved.~~

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~~3. The sub divider or developer may file for an extension prior to the expiration of final site plan approval. The Director of Development may grant one or more extensions of such approval for additional periods as the director may determine to be reasonable, taking into consideration the size and phasing of the proposed development and the laws, ordinances and regulations in effect at the time of the request.~~

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~~4. If the request for an extension is denied as provided herein and the subdivider or developer contends that such denial was not properly based on the ordinance applicable thereto, the foregoing consideration for granting an extension, or was arbitrary or capricious, he may appeal to the circuit court, provided that such appeal is filed with the circuit court within sixty (60) days of the written denial by the director.~~

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~~5. Deviation from an approved site plan without the written approval of the Director of Development shall void the plan and the Director of Development shall require the applicant to submit a new site plan for consideration.~~

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~~**F. AMENDMENTS TO APPROVED SITE PLAN**~~

~~If it becomes necessary for an approved site plan to be changed, the Director of Development shall, at the applicant's request, either administratively approve an amendment to the site plan or, if the change is major, require that a new site plan be drawn and submitted for review and action in accordance with this Article.~~

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~~**I. CONSTRUCTION TO BE IN ACCORDANCE WITH SITE PLAN; PRE-REQUISITE TO ISSUANCE OF PERMIT**~~

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~~1. It shall be unlawful for any person to construct, erect or structurally alter any building or structure or develop, change or improve land for which a site plan is required, except in accordance with the approved site plan.~~

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~~2. Inspections during the installation of the off site improvements and required on-site improvements shall be made by the department responsible for such improvements as required to certify compliance with the approved site plan and applicable city standards.~~

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~~3. The owner shall notify the City Engineer twenty four (24) hours prior to the beginning of all street or storm sewer, or other utility work shown to be constructed on the approved site plan.~~

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~~4. The owner shall have one set of approved plans, profiles and specifications available at the site at all times when work is being performed. A designated, responsible employee shall be available for contact by city inspectors.~~

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~~5. No building permit shall be issued to construct, erect or alter any building or structure, or to develop or improve any land, that is subject to the provisions of this Article, until a site plan has been submitted and approved.~~

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~~6. The applicant or developer shall submit to the Director of Development a set of as built drawings certified by an engineer, licensed by the Commonwealth of Virginia, acceptable to the Director of Development stating that all improvements have been installed as represented and function as designed.~~

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~~**G. COMPLIANCE WITH APPROVED SITE PLAN**~~

~~1. Inspections shall be made during the installation of off site and on site improvements by the City Engineer or his designated representative in their areas of responsibility to insure compliance with the approved site plan.~~

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~~2. The owner or developer shall provide adequate supervision at the site during installation of improvements required by the site development plan and shall make one (1) set of approved plans available at the site at all times that work is being performed.~~

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~~**K. CERTIFICATE OF OCCUPANCY**~~

~~A final occupancy permit may be issued for any appropriately completed building or part of building located in a part of the total area of an approved site plan, provided:~~

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~~1. The other on site construction and improvements included in the approved site plan for the section have been completed and have been inspected and accepted by the Director of Development, or his/her agents.~~

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~~2. The owner shall receive an approval from the Director of Development or City Engineer on the installation of all the required improvements upon the application. Such approval will authorize the release of any bond which may guarantee the satisfactory installation of such improvements or parts thereof. Inspections will be made within a reasonable time of the request, and the bond released as quickly as circumstances will permit.~~

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~~3. The installation of improvements as required in this Zoning Ordinance shall in no~~

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~~case serve to bind the City to accept such improvements for the maintenance, repair or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.~~

- ~~4. The off site improvements related to and necessary to service the section have been completed and have been inspected and accepted by the Director of Development, City Engineer, or their agents, or the developer has provided surety acceptable to the bonding requirements of the City.~~

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# PROPOSED ORDINANCE

## ARTICLE XVI SITE PLAN REQUIREMENTS

### A. PURPOSE AND INTENT

#### 1. Title and Application

Where applicable, the City of Hopewell (*hereinafter City*) shall require submission and approval of a site plan and a public improvements plan prior to the issuance of zoning permits and building permits or the approval of a final subdivision plat to ensure the compliance with regulations contained in the Zoning Ordinance (*hereinafter "Ordinance"*) and, specifically, this article, which shall be *hereinafter* referred to as the "**Article XVI: Site Plan Regulations**" (*hereinafter "Article"*) pursuant to Section 15.2-2286 of the Code of Virginia.

#### 2. Relationship to Other Plans and Ordinances

The site plan requirements shall be employed to facilitate and coordinate the implementation of the City's comprehensive plan, zoning ordinance, subdivision ordinance, erosion and sediment control ordinance, Chesapeake Bay Preservation Area ordinance, the stormwater management ordinance, and other applicable planning documents. Refer to the companion Development Standards (Article XVIII) for additional requirements that apply to all real estate development in the City, including standards and criteria for the subdivision of land, parking, landscaping and building occupancy.

For most qualifying projects and site development related activities, both a **Concept Plan** and a **Site Plan** shall be required. A **Pre-Application Conference** shall be required for the purpose of the clarifying and facilitating the application and review process. A **Site Plan Review Meeting** may be required for the purpose of coordinating department agency review input and disseminating timely information to the applicant and the general public.

Combined, the Concept Plan and Site Plan provide for a balanced development policy that accommodates and directs future growth in a manner sensitive to existing amenities, sensitive environmental areas, historic areas and significant cultural features. There is mutual responsibility between the City, the applicant, the applicant's engineer and design professionals, and the developer to develop land within Hopewell in an orderly manner in accord with the adopted Comprehensive Plan and this Article.

#### 3. General Purpose and Process

- a. The purpose of this Article is to facilitate the utilization of the most advantageous site improvement techniques in the development of land within the City. The site plan requirements promote contemporary standards in the location, design, landscaping, and implementation of site development to ensure that land is used in a manner which is efficient and harmonious with neighboring properties.
  - b. This Article also provides for a site plan review process by City staff and establishes requirements for residential lot development plans for single family detached dwellings, including additional regulations for single family lot development located within designated Chesapeake Bay Preservation Areas.
  - c. Site plans and public improvements plans, landscape plans, plats, design calculations, construction specifications, and architectural drawings, to be prepared and approved in accordance with the provisions of this Article and the City's Subdivision Ordinance (if applicable), shall be required by the City in the review of site development applications.
  - d. Applicants shall meet with the Director of Development or a designee to discuss the scope of the proposed development and its relationship to City requirements. A pre-application conference and concept plan shall be required prior to the submission of a site plan.
  - e. No work or site preparation may begin before the applicant for a project has written received approval of the site plan, erosion and sediment control plan, stormwater management plan, CBPA-O District plan, and subdivision plat (if required).
4. Non-Conforming Uses, Structures and Sites (General)
- A change or addition to any non-conforming use, structure, or site subject to a major or minor site plan shall require that the entire use, structure, or site (including both the non-conforming and conforming improvements) be brought into full conformance with all of the requirements of this Article and the zoning ordinance, provided that the Planning Commission, upon recommendation by the Director of Development, may waive a portion or all of the individual requirements for conformance.
5. Costs of Development
- The developer shall be responsible for all costs incurred in planning,

engineering, bonding, constructing, installing and testing of all public facilities and infrastructure as well as other necessary improvements required to complete the proposed project.

6. Fees

The developer shall pay all applicable plan review fees, including any applicable fees as may be related to the Chesapeake Bay Preservation Area Overlay District regulations (Article XV-A), at the time of submission of a site plan or plat. Fees shall bear a proportional relationship to the time and effort to undertake the review process, including the costs of obtaining outside professional review in cases where warranted. Fees shall also include pro-rata share fees for off-site improvements and cash proffers. Fees for site inspections and other aspects of the development process shall be due and payable in accord with the schedule of fees. A site development fee schedule, as may be amended from time to time, shall be made available by the Director of Development.

7. Coordination with Related Land Disturbance Regulations

This Article is implemented in coordination with other City, State, and Federal laws, ordinances and regulations. The City implements a consolidated Erosion and Sediment Control (ESC) and Stormwater Management (SWM) Program in accordance with the City Code. As related to land disturbing activities, the City Code incorporates, by reference, the following State laws and attendant regulations as the enabling authority and the technical and administrative basis for the program:

- a. Virginia ESC Law (§62.1-44.15:51 et. seq.) and Virginia ESC Regulations (9VAC25-840);
- b. Virginia SWM Law (§62.1-44. 15:24 et. seq.) and Virginia SWM Program (VSMP) Regulations (9VAC25-870);
- c. VPDES General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880; VAR10);
- d. ESC and SWM Certification Regulations (9VAC25-850); and the
- e. Chesapeake Bay Preservation Act (§62.1-44.15:67 et. seq.) and Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830). (Refer to Section Q of this Article and Article XV-A of the Zoning Ordinance.)

The relevant City codes can be found on the City website or in the office of the Director of Development. The tools and procedures for implementation of the City's Erosion and Sediment Control and Stormwater Management Programs are incorporated into the "Guidance for Land Disturbing Activities document (May, 2016, as amended.).

## **B. SITE PLAN ADMINISTRATION**

### **1. General**

The City Council designates the Director of Development to review and act to approve or disapprove site plans within its jurisdiction. In the performance of its duties, the Director of Development or its designee shall request and consider the review and comments of the City Engineer, Public Works Director, other pertinent City Staff, other public agencies and community stakeholders as may be deemed appropriate.

### **2. Authority to Review and Approve Site Plans**

The Director of Development shall administer, review and provide a recommendation concerning any site plan or public improvements plan submission. Subject to the scope and nature of the planned project, final approval of any given site plan may be granted by the Director of Development subject to input and recommendations from reviewing staff and agencies.

- a. The Director of Development shall be responsible for the receipt and processing of all site plan applications subject to the procedures as hereinafter provided.
- b. The Director of Development may establish, from time to time, such proper and reasonable administrative procedures, in addition to those provided herein, as shall be necessary for the proper administration of this Article.
- c. It shall be the responsibility of the applicant, owner or developer to notify the Director of Development or its designee when each stage of the development shall be ready for field inspection for compliance with the approved site development plan in accordance with testing and inspection schedules and regulations promulgated by this Article, ordinance and the City's adopted design and construction standards.
- d. City staff and other designated public officials responsible for the supervision, inspection, testing and enforcement of this Article shall have the right to enter upon any property subject to the provisions of this Article and ordinance at all reasonable times during the periods of plan review and construction for the purpose of ensuring compliance with this Article.
- e. Where there is a difference in the standards and requirements of this article with the Development

Standards (Article XVII) or other City Standards, the Director of Development in deliberation with the City Engineer shall determine the following: (1) the applicable standard or (2) alternative standard that serves an equal purpose.

**C. USES REQUIRING A SITE PLAN OR PUBLIC IMPROVEMENT PLAN**

A final site plan for land development activities is required for projects involving the following:

1. Uses in any commercial, business, or mixed-use zoning district
2. Uses in any economic development (industrial) zoning district
3. Non-residential uses within any residential or mobile home zoning district
4. Attached or multifamily residential uses within any zoning district
5. Uses requiring a special use permit in any district
6. Enlargement of a building which results in changes in onsite parking requirements, provided that such enlargement exceeds twenty-five percent (25%) of the gross floor area of the original building or a gross floor area of 2500 square feet, whichever is less
7. Uses and facilities which impact wetlands or designated streams and waterways
8. Installation, extension or change of a public water or sewer main or other public infrastructure requiring a public right of way or dedicated easement to the City of Hopewell.
9. Parking lots intended for either commercial or public use in a residential, commercial or economic development zoning district
10. Installation or change of a public water or sewer pump facility
11. Installation or change of a public water storage facility
12. Installation or change of a public water or sewer treatment facility or installation or change of a private sewer treatment or pretreatment facility.
13. Construction of a new street or extension of an existing street and related infrastructure
14. Development of a road or street lying within a previously platted public right of way or easement.
15. Construction of a private commercial or industrial road entrance or intersection with an existing or proposed public street
16. Construction of a retaining wall that abuts or is adjacent to a public right of way, private street, or alley.

17. Any disturbed land areas greater than 5,000 square feet in total land area, except single family detached dwellings and other uses not otherwise located within a designated Chesapeake Bay Preservation Area that are exempted by erosion and sediment control regulations.
18. Any disturbed land areas or land development activity greater than 2500 square feet in total land area located within a designated Chesapeake Bay Preservation Area, including single family detached dwellings.
19. Enlargement of a parking lot in a residential, commercial or economic development zoning district, increasing parking spaces by more than ten (10) spaces
20. Any development in a residential, commercial or economic development zoning district in which any required off-street parking space requiring more than ten (10) parking spaces which is to be used by more than one establishment.

**D. WAIVER OF REQUIREMENT FOR SITE PLAN**

A waiver for submission of a site plan may be granted by the Director of Development and the City’s Site Plan Review Team, under the following considerations:

1. Where it can be clearly established by the applicant that the use will not require the improvements subject to review in this Article.
2. Where it can be clearly demonstrated by the applicant that a waiver from the requirement to submit a site plan (or a portion thereof) will be in keeping with the intent of this Article, provided that the requirement for a Public Improvements Plan required by the Subdivision Ordinance may not be waived.
3. Where it can be clearly shown that the application for a site plan and building permit involves building and safety regulations which are not critical to the purpose and intent of this ordinance.
4. Where it can be clearly established by the applicant that such waiver will not have an adverse effect on (a) the public health, safety, welfare, and convenience, (b) the planning for and provision of adequate public facilities, utilities, drainage, environmental controls, and transportation facilities, (c) preservation of agricultural, forestry and conservation lands, and (d) other relevant considerations related to the Comprehensive Plan.
5. Where it can be shown that any change in, or expansion of, a use meets all of the following criteria:
  - a. Such change or expansion does not occasion additional parking as required by this ordinance.
  - b. No additional ingress/egress to a public street or

change in ingress/egress is required by the Director of Development based on intensification or use.

- c. No additional ingress/egress or alteration of existing ingress/ egress is proposed.
  - d. Disturbed area is less than 5000 square feet in area.
  - e. It has been verified in writing by the Director of Development that availability and connection to water and sewer are attainable.
  - f. All requirements of the subdivision ordinance have been met.
6. Notwithstanding the above, no site plan waiver shall be granted for any land disturbing or development activity located within a designated Chesapeake Bay Preservation Area. See companion the Chesapeake Bay Preservation Overlay District, the Stormwater Management Ordinance and the Comprehensive Plan for additional regulations and design guidelines.
  7. An applicant seeking a waiver from a requirement to submit a concept plan or a site plan (or any portion thereof) shall provide written documentation to the Director of Development addressing all of the applicable above conditions for waiver. Subject to the scope and impact of the requested waiver, the Director of Development and the City's Site Plan Review Team may either:
    - (a) act upon the waiver request, or
    - (b) refer the waiver request and applicant's supporting documentation to the Planning Commission for action at its next regularly scheduled meeting.
  8. The applicant shall be notified in writing by the Director of Development within ten (10) business days upon action by either the Director of Development or the Planning Commission.
  9. Notwithstanding any grant of waiver by the Director of Development or the Planning Commission, the applicant is required to show evidence of having obtained a building permit, erosion and sediment control permit, subdivision ordinance approval, other applicable State or Federal permits, and, upon completion of improvements, a certificate of occupancy.
  10. The following uses shall be exempt from the site plan process, provided that they are not located within a designated Chesapeake Bay Preservation Area:
    - (a) Temporary construction trailers when located on construction sites and removed at the completion of construction;
    - (b) Temporary modular classrooms used by public or private schools for no longer than one (1) year. At the expiration of

one (1) year from the date of initial occupancy, the owner shall either discontinue the use or the use shall no longer be exempt from the site plan process; and

- (c) Temporary modular offices for no longer than one (1) year. At the expiration of one (1) year from the date initial occupancy, the owner shall either discontinue the use or the use shall no longer be exempt from the site plan process.

**E. PRE-APPLICATION CONFERENCE AND CONCEPT PLAN**

**1. Requirement for Pre-Application Conference and Concept Plan:**

- a. A Pre-Application Conference and Concept Plan shall be submitted by the applicant prior to undertaking the formal application process for a site plan. The goal of the pre-application conference is to identify, understand and anticipate key planning issues and site-related design issues which may be deemed relevant by the City.
- b. The Pre-Application Conference and Concept provides the opportunity for the Director of Development and relevant City agencies to meet with the applicant assess the specific requirements for a subsequent site plan submission and to determine which, if any, of the requirements of this Article may be waived or amended
- c. A Pre-Application Conference does not negate the requirement for the submission of:  
a concept plan, (2) a final plat (or public improvements plan as may be required by the Subdivision Ordinance), (3) a site plan, (4) erosion and sediment control plan, (5) applicable State (including DCR/DEQ permit plans) and Federal permits, (6) any other applicable provisions of this ordinance and other City ordinances, (7) requirements of the City's Guidance for Land Disturbing Activities (May, 2016) and (7) site plan review fee and other related inspection or application fees, where applicable.

**2. Pre-Application Conference Objectives:**

The applicant shall contact the Director of Development to schedule a Pre-Application Conference. The purpose of this conference is to review and provide guidance on the applicant's concept plan and other aspects of the applicant's land use proposal with respect to the following considerations:

- a. Project location, type and mix of uses, lot configuration and setback, conceptual design, density, physical characteristics and phasing of proposed

development.

- b. Compatibility of the proposed development with the City's comprehensive plan, the zoning ordinance, the subdivision ordinance, the stormwater management ordinance, all adopted master facilities plans, the capital improvements program, and plans for development of neighboring properties.
- c. Coordination of transportation improvements with other existing and planned streets within the general area of the proposed development and otherwise in keeping with the provisions of the transportation element of the comprehensive plan and other adopted transportation plans.
- d. Reasonable regulations and provisions uniquely applicable to the proposed development as related to topography, soils, geology, public utility and facilities service, drainage and flood control, transportation, environmental and historic impact, economic development, and facilitation of the creation of a convenient, attractive and harmonious development.
- e. Coordination of proposed development with applicable ordinances, design guidelines and development criteria.
- f. Determine that adequate public utilities and infrastructure exists and is available to serve the demands of the project.
- g. Other matters related to review of a concept plan.

**3. Information Required on a Concept Plan:**

The concept plan is intended to graphically depict and communicate the primary elements of an applicant's proposed project. The concept plan is not intended to be a detailed engineering document and may be generalized in nature. It provides the opportunity for the applicant and the City to review and provide preliminary feedback on the key physical elements of a project that are of mutual interest and relevance to health, safety, and welfare.

The applicant, at its discretion, may meet with the Director of Development in advance of preparation of the concept plan to determine if any of the requirements herein below may be waived or modified. A pre-application checklist shall be employed for this purpose. Five (5) copies of the concept plan and any supporting documentation shall be submitted to the Director of Development ten (10) business days prior to the scheduled date of the Pre-Application Conference.

The concept plan and supporting documentation shall also be submitted in a digital format (PDF preferred).

The concept plan shall show the following:

- a. Name, address and telephone number of owner or developer.
- b. Map scale (to be one inch equal to not more than thirty (30) feet, with a maximum sheet size of 24" x 36", and date of plan preparation.
- c. Name, address and telephone number of preparer of concept plan.
- d. Vicinity map.
- e. Current boundary survey of the lot and a north arrow; preparer of survey
- f. The area of the lot and gross acreage or square footage of area to be developed.
- g. Public frontage improvements; the location of the proposed and existing right of way, proposed edge of pavement or curb line, and other public improvements along the frontage of the property.
- h. Size, location and use of existing and proposed buildings.
- i. Location of the proposed transportation and site improvements (including points of site access, utilities, drainage conveyance, building and site signage, buildings, streets, site lighting, driveways and parking areas, retaining walls), and distances from all property lines.
- j. The dimension, height, and use of the proposed building improvements.
- k. Limits of clearing and grading.
- l. Existing zoning district (including conditional zoning and proffer agreements) and, if a rezoning is required, the proposed zoning district (including overlay districts, where applicable).
- m. Existing topography and a preliminary grading plan depicting finished contours, with minimum contour intervals of five (5) feet or less.
- n. Proposed location, alignment, easements, and sizing of proposed utility service for potable water, fire protection and sanitary sewer.
- o. Certification in writing from the City that availability and connection to water and sewer are attainable.
- p. Approximate location of wetlands and impacts of the

proposed development thereon, with copies of State and Federal permit applications and permit approval related to any proposed disturbance to the wetlands.

- q. Approximate location of 100--year floodplain boundaries and impacts of the proposed development thereon, employing FEMA mapping where available and for areas where development may encroach upon areas which may be subject to periodic flooding, engineering calculations and mapping for 100--year floodplains which have not been mapped by FEMA.
- r. Approximate location of planned stormwater management (SWM) facilities and best management practices (BMP), with emphasis to be placed on low impact development improvements (LID) adhering to Virginia runoff reduction methods (VRRM).
- s. Approximate location of significant geological formations which could impact the proposed development, including significant rock outcrops
- t. Location of Chesapeake Bay Preservation Area Overlay District boundaries as depicted by City mapping resources, including Intensely Developed Areas (IDAs), based on City GIS mapping sources.
- u. Site plan construction phasing (or public improvements and subdivision phasing, if applicable) for the proposed development, if the project is to be developed in more than one phase, with a narrative explanation of how phasing and completion of project is to be accomplished.
- v. References to and location of survey datum, employing the State Plane Coordinate System (specifically indicate State Plane Zone and a NAD coordinate system) and National Mapping Standards accuracy for urban surveys.
- w. Proposals for alternative design and construction standards, including rights of way and utility easement configurations.
- x. Estimate of utility capacity demands for the proposed project (domestic water, sanitary sewer, etc.) and verification of either (1) the availability or (2) a plan to ensure availability of utilities necessary to serve the property.
- y. Information related to subdivision of the parcel, if applicable.

**F. MINIMUM SITE PLAN DESIGN AND CONSTRUCTION STANDARDS**

To assure the public safety and general welfare, no site plan shall be approved unless and until the City is assured that the following improvements and minimum design criteria will be implemented as required.

In addition to requirements outlined herein, all site improvements are to be provided in accord with the City's development standards, the stormwater management ordinance, subdivision ordinance, and the erosion and sediment control ordinance. In cases where the City has no published design and construction standards or reference to acceptable standards of another jurisdiction, it shall be the responsibility of the applicant's engineer to obtain relevant standards from the Director of Development, the City Engineer or Stormwater Manager.

**1. Street Construction and Design Standards:**

All street and highway construction and geometric design standards shall be in accord with the City's design and construction standards and any applicable VDOT design and construction standards that have been adopted by the City.

- a. All development in all zoning districts must have direct access to public dedicated streets or highways. Such developments are to be designed so that interior parcels or lots within a larger development will not have direct access to any existing arterial highway unless the physiography, shape or size of the tract would preclude other methods of providing access via secondary streets. A plan of access shall be presented at the Pre-Application Conference and shall guide the subsequent design of the project's public and private access improvements.
- b. Where traffic generated from any development exceeds 500 vehicle trips per day, or when a residential subdivision contains 50 or more dwelling units (whichever is less), such development or subdivision shall provide connectors to any existing public road at two locations. Where only one connection is physically achievable, the connecting portion of the entrance roadway to a public street must be of a divided standard extending into the development for a length of not less than 100 feet or as otherwise determined by the Director of Development. Lane design requirements shall be subject to review approval of the City Engineer. No internal vehicular connections shall be permitted to this entrance section.

- c. Streets and rights-of-way shall be provided and designed to permit access to adjoining acreage in conformance with the Comprehensive Plan and other transportation plans and to the satisfaction of the Director of Development and the Planning Commission.
- d. Curb and gutter shall be required for all new public and private streets in all developments and all zoning districts (refer to the Subdivision Ordinance and the City Development Standards for specific requirements).
- e. Where public or private streets are to be constructed in phases, such streets shall be terminated with a temporary cul-de-sac or other temporary turn-around acceptable to the Director of Development. Where temporary turnarounds are provided, adequate rights-of-way and/or temporary access and construction easements shall be designated on site plans and subdivision plats.
- f. Any grading or site improvement that could potentially impact safe intersectional sight distances with public or private streets shall provide for site distances consistent with current VDOT or City standards or as otherwise approved by the City Engineer. Such improvements may include, but not be limited to, landscape materials, fences, retaining walls, and signage.
- g. Traditional neighborhood development transportation principles are encouraged. The applicant shall present proposals for TND streets and access arrangements to the Director of Development at the time of the Pre-Application Conference.

**2. Parking, Loading and Site Access:**

- a. For all residential, institutional and commercial uses, other than single family homes, required off-street parking, access, and loading spaces shall be constructed of a permanent, stabilized, dust free surface such as concrete or asphalt, with curb and gutter, or of alternative design and materials as approved by both the Director of Development and City Engineer.
- b. For industrial uses, all employee and customer parking, as well as all entrances into parking areas, shall be constructed of an all-weather, stabilized, dust free surface which is clearly defined from adjoining onsite improvements and in accordance with the City's adopted design and construction standards.

- c. For industrial uses, surfacing may be waived only for areas used for heavy equipment parking and loading areas.
- d. Surfacing requirements may also be waived or modified for uses in the City's historic districts.
- e. Curb and gutter shall be required on all new private travelways, private streets, and travelways, loading areas and parking lots within a lot which serves 20 or more vehicles, provided that storm drainage can be adequately accommodated.
- f. Parking lots shall be adequately illuminated during non-daylight hours to provide use comfort and safety, unless otherwise waived by the Director of Development. Lighting shall be designed, shielded, and otherwise arranged to direct light and glare away from abutting properties and adjacent rights of way. Lighting fixtures in parking lots should be compatible with the architectural characteristics of the development. A lighting study may be required with the submission of a site plan.
- g. Dimensional requirements and design criteria for parking spaces, parking lots and loading areas shall be in accord with any City-adopted design and construction standards, with accepted industry standards.
- h. Refer to landscaping requirements of the Development for parking lot landscaping requirements.
- i. The design measures and facilities meeting the requirements of the Virginia Stormwater Management Regulations shall demonstrate sensitivity to the physical conditions of the property and its surrounding area. Low impact development improvements, runoff reduction methods and coordinated landscape improvements shall be employed in the design of private parking areas, travelways and other impervious site improvements. Consideration shall be given to the use of porous pavement and paver alternatives where traffic volume and loading conditions permit.

**3. Sidewalks and Pedestrian Walkways:**

- a. Sidewalks within public rights of way shall be required on all new public streets or other areas of a site where in keeping with the Comprehensive Plan and other City public improvements plans.

- b. Sidewalks shall be constructed of concrete and otherwise in accord with the City's adopted design and construction standards, except in cases where other materials, including brick, asphalt, or other materials, may be approved by the Planning Commission based on its suitability to its environs and natural setting.
  - c. Sidewalks and pedestrian walkways shall be designed to enable patrons and tenants to walk safely and conveniently from one (1) building to another within the site and adjacent sites. Cross-sections of sidewalks shall not exceed the slope standards as established by the City Engineer.
  - d. Bicycle lanes and facilities shall be provided in all areas where so designated by the comprehensive plan. When an individual lot which does not involve a public street is developed, additional right-of-way to provide for future bicycle facilities may be dedicated as recommended by the Director of Development.
4. Lots and Yards:  
Lot and yard sizes shall conform to applicable zoning district regulations.
5. Easements:
- a. Minimum easement width shall be established as required in the City's Development Standards and approved site design and construction standards, and, further, shall be subject to final approval by the City Engineer who reserves the right to review and approve alternative easement widths and related configurations.
  - b. Where multiple structures or pipes are installed, the edge of the easement should be five (5) feet clear of the outside pipes.
  - c. Where easements do not follow the established lot lines, the nearest edge of any easement should be a minimum of five (5) feet from any building.
  - d. The excavation limits within any utility easement shall not encroach into a foundation angle of repose unless otherwise field construction technique has been engineered and approved by the City Engineer.
  - e. An applicant's recommendation for reduced easement widths, design configurations or easements that combine the layout of different utilities shall be presented at the Pre-Application Conference.
6. Hydrologic and Hydraulic Analysis:

Engineering documentation shall be provided and certified for all storm drainage improvements, stormwater management facilities, and LID and BMP facilities. Floodplain studies may be required at the option of the Director of Development. Analysis and design recommendations shall take into consideration the impact of 2-, 10-, and 100-year storm intensities, both pre- and post-development.

**7. Storm Drainage Systems and Stormwater Management:**

The policies for drainage systems and stormwater management are to be in accord with the City's design and construction standards, the Stormwater Management Ordinance, the Chesapeake Bay Preservation Overlay District, and related DCR/DEQ permit requirements where applicable. Onsite storm drainage and stormwater management structures shall be constructed in concert with all site development activities and post-development runoff volumes and velocities shall not exceed pre-development levels.

Design emphasis shall be placed on runoff reduction techniques that integrate site landscaping, Low Impact Development, Best Management Practices, and Stormwater Management facilities. Redevelopment sites shall be retrofitted with appropriate pollutant reduction improvements.

Refer to the Chesapeake Bay Preservation Area Overlay District and the Stormwater Management Ordinance for additional criteria and design regulations.

**8. Water Systems:**

Water distribution systems shall be designed and constructed to adequately supply both peak load demands for domestic and commercial service and fire flow requirements for the intended development, and meet all requirements of the City's adopted design and construction standards.

**9. Sewer Systems:**

Sewer systems shall be designed and constructed on the basis of average daily per capita flows of not less than those set forth by sewerage regulations of the State Department of Health and the City's adopted design and construction standards.

**10. Street Lights, Site Lighting and Electrical Facilities:**

Provisions for street lights, parking lot lighting and other site lighting shall be shown on site plans, as required by the City's adopted design and construction standards. Locations of street and parking lot light poles, fixtures, conduits, transformers, wires and easements shall be coordinated with the City and shall be shown on the site plans. Conduits of a size and location satisfactory to the City shall be located

under street pavements at all proposed major intersections for the future installation of traffic control signals as required by the City.

**11. Erosion and Sedimentation Control Measures:**

Installation of adequate temporary and permanent erosion and sedimentation control measures, as required by the City's adopted design and construction standards and the erosion and sediment control ordinance.

**12. Retaining Walls and Other Structural Improvements:**

The design and construction standards for retaining walls shall be certified by a qualified design professional in conjunction with the site plan application process. The design and placement of retaining walls shall be evaluated based on the impact on sight distance at public and private street intersections, grading relative to adjoining properties, structural integrity, safety relative to the general public, and relationship to comprehensive plan recommendations for inter-parcel access.

Any proposed retaining wall that is proposed for a location on or in close proximity to an adjoining property line or right of way shall demonstrate that no better alternative is available. If retaining wall construction or future maintenance requires access to an adjoining property or right-of-way, the applicant shall provide the City with copies of construction access and maintenance agreements with the impacted property owner.

**13. Other Design Criteria:**

All other design criteria and construction standards shall be in accordance with the City's adopted design and construction standards and other applicable regional, state and federal requirements, including those of the VDOT, DCR/DEQ, COE or other public agency where such entities are referenced by the City. Where standards and criteria are not provided therein for a particular site development component, the Director of Development either shall provide the governing standards or shall approve a proposed standard as prepared by the applicant's engineer.

**14. Construction Standards, Inspection, and Supervision:**

- a. Unless otherwise specifically provided in this ordinance, the construction standards for all required onsite and off-site improvements shall conform to the provisions of this Article and the City's adopted design and construction standards. The Director of Development shall provide written approval of the plans, details, and

specifications for all required improvements prior to commencement of construction.

- b. Inspections during the installation of the required onsite improvements shall be made by the Director of Development or other City personnel, as applicable, as required to monitor compliance with the approved site plan and applicable City design and construction standards.
- c. The owner or developer shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman together with one set of approved plans, profiles and specifications available at the site at all times when work is being performed.
- d. The installation of improvements, as required by this Article, shall in no case serve to bind the City to accept such improvements for the maintenance, repair or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.
- e. The applicant's contractor shall be responsible for the location of all utilities and underground infrastructure in accord with MISS UTILITY practices prior to land disturbance.
- f. It shall be the responsibility of the applicant to determine and satisfy all additional requirements as may be imposed by the subdivision ordinance. Where both a site plan and subdivision plat are required, the application for and review of both plat and plan shall be undertaken concurrently.

**15. Construction Standards, Inspection, and Supervision:**

- a. Prior to issuance of an occupancy permit, a certified "as-built" survey shall be provided to the Building Official and the City Engineer upon completion of site improvements. Variations in the as-built conditions shall be noted.
- b. The survey shall include "as-built" invert and building corner information, as well as elevation data of any stormwater management facilities and BMP/LID improvements, including verification of design capacity where applicable.
- c. Survey information shall be provided in both hard copy and in digital format.

**G. SITE PLAN REVIEW AND APPROVAL PROCESS**

1. Site Plan Submittal, Fee and Compliance Procedures:
  - a. Site Plan submission requirements: Eight (8) copies of the site plan or public improvements plan and one digital copy of the site plan and public improvements plan shall be submitted to the Director of Development. The plan shall be accompanied by payment of fees for review and processing. The fee shall be based on a fee schedule as may be adopted and modified from time to time by the City Council.
  
2. Initial Site Plan Compliance Requirements:
  - a. An initial review of the applicant's site plan will be made by the Director of Development to determine the completeness and general compliance with the information requirements of this ordinance.
  - b. Site plans which contain information required by this Article, and which are consistent with the proceedings of the Pre-Application Conference, shall be deemed to be complete and shall be forwarded to all necessary reviewing agencies and staff within five (5) business days of submittal, at which time the applicant's submittal shall be deemed "substantially complete and accepted for review." The applicant shall be notified of this finding in writing.
  - c. Site plans and public improvements plans which lack any information required by this Article, the City adopted design and construction standards and the Site Plan Checklist, and which are not consistent with the proceedings of the Pre-Application Conference shall be deemed to be incomplete and shall be rejected by the Director of Development within five (5) business days of submittal, at which time the applicant's submittal shall be deemed "incomplete and rejected" and the reasons for rejection clearly provided. Further review of the submission shall be suspended. The applicant shall be notified of this finding in writing.
  - d. All features and elements of the site plan required by this Article shall in all respects conform to all applicable provisions and standards of the Code of Virginia (as amended) and the Code of the City of Hopewell and the Code of the City of Hopewell, including but not limited to the Erosion & Sediment

Control Ordinance; the Stormwater Management Ordinance, the Chesapeake Bay Preservation Area Overlay District, the Comprehensive Plan, and other applicable City State and Federal design guidelines.

3. Review Procedures for Site Plans:

a. Review process, general:

The site plan review process shall include participation by City staff and other reviewing agencies as determined by the Director of Development. Final approval of any site plan shall be granted by the Director of Development, the City Engineer and the Stormwater Program Manager by administrative action.

Notwithstanding the above, the approval process for a public improvements plan submitted with a final subdivision plat shall be reviewed in accord with the additional provisions of the City's subdivision ordinance.

b. Site plan review and notification process:

- (1) Distribution of the Site Plan for review: Within ten (10) business days after acceptance of a site plan which has been determined to be "substantially complete and accepted for review", the reviewing staff and agencies will be issued a copy of the site plan for review and comment on the technical compliance with this ordinance and all applicable standards, provided that the site plan has been found to be in initial compliance as hereinabove stated.
- (2) Administrative site plan review: All reviews and comments shall be completed within thirty (30) business days from the date of issuance of the site plan for review. Review comments shall be provided in writing to the Director of Development, who shall be responsible for preparing a site plan review report with recommendations for approval, approval with conditions, or disapproval within fourteen (14) business days after receipt of all staff and agency comments.
- (3) Site plan review meeting: Prior to notifying the applicant of review comments, the Director of Development, at its discretion, may determine the need for a site plan review meeting with

appropriate staff and agencies for the purpose of clarifying and coordinating site plan review comments. Such meeting shall be conducted within the thirty (30) day period above mentioned for administrative site review. If a meeting is to be held, the Director of Development shall be responsible for notifying the applicant and adjoining property owners of the time, date, and location of the meeting.

It shall be the responsibility of invited Staff and agency representatives to attend the site plan review meeting upon invitation by the Director of Development. Staff and agency representatives may be invited from amongst the following agencies and departments: City Manager's Office, City Attorney, Public Works, City Engineer, Economic Development, Building Official, Planning, GIS, Fire Marshall, Police Chief, and others deemed essential for the completion of the review and coordination process.

- (4) Notice to applicant: Upon receipt by the Director of Development, the applicant shall be provided with all review comments and recommendations.

In cases where site plan revisions, deletions, or additions are necessary, the applicant shall be so notified, in writing, within fourteen (14) business days after receipt of all staff and agency comments

In cases where no site plan revisions, deletions, or additions are necessary the applicant shall be so notified, in writing, of the terms and conditions of plan approval by the Director of Development within fourteen (14) business days.

- (5) Revisions by applicant: Upon receipt of comments, the site plan or public improvements plan shall be revised by the applicant to comply with all review comments and requirements. The applicant shall submit such revisions together with any required re-submittal fee. Where the revised site plan does not include all requested or required revisions,

the applicant will be notified that the site plan review process shall not proceed until the requested or required revisions are complete. Site plans requiring only minor revisions will be reviewed within fourteen (14) business days upon resubmission. Plans requiring substantial revisions will be reviewed on the time frame of a new submission. The Director of Development shall determine if a revision is minor or substantial.

- (6) Notification of site plan matters to the general public are as follows:

Ten (10) business days prior to the scheduled Site Plan Review Conference for any site plan, the Director of Development shall place a notice of the site plan application (i) on the property by placement of a sign with a reference number and contact information to the Department of Development. and (ii) on the City website.

- (7) Site Plan revisions: In consideration of site plan revisions to any site plan or public improvements plan, such revisions may be:

- (a) approved administratively by the Director of Development, City Engineer and Stormwater Program Manager.

4. Approval / Denial Process:

- a. A site plan will be approved by the Director of Development, City Engineer and the Stormwater Program Manager if: (1) it demonstrates substantial compliance with this ordinance, (2) adheres to site design criteria set forth in this Article and the City's approved design and construction standards, Development Standards (Article XVIII) and other ordinances, (3) provides evidence that all additional required local, state, and federal permits have been approved and obtained, and (4) the public facilities, utilities and site designs as designed will be able to function in a manner beneficial to the health, safety and general welfare of the public.
- b. Under certain conditions approval by other agencies not specifically referred to hereinabove shall be a prerequisite to approval by the City.

- c. In denying a site plan or public improvements plan, specific reasons shall be provided. Reasons for denial shall relate in general terms to such modifications or corrections as will permit approval of the site plan.
- 5. Expiration of Approval:

Final approval of any site plan (with the exception of erosion and sediment control plans) submitted under the provisions of this ordinance shall expire five (5) years after the date of such approval in accordance with the Code of Virginia, 1950, as amended, thereafter requiring re-submittal for approval. Erosion and sediment control plans expire in accordance with applicable sections of the City Code.
- 6. Fees:
  - a. Payment of Fee: The developer shall pay all fees to the City for the examination and review of a site plan submitted pursuant to this ordinance and other applicable City ordinances.
  - b. Site Development Fee Schedule: A schedule of fees for the examination of plans and the inspection of all required improvements in such plans shall be determined by a City Council resolution, which schedule may be changed from time to time. Before approval of any site plan, such fee shall be made payable to the Treasurer, City of Hopewell and deposited into the credit of the general fund.

## **H. SITE PLAN APPLICATION REQUIREMENTS**

- 1. Copies Required:

Eight (8) sets of all site plans (or public improvements plans) and supporting documents, plus one digital copy, shall be submitted in clearly legible blue or black line copies and shall contain the information outlined in this section. Site plans which lack information required by this ordinance, the Site Plan Checklist, and/or the City's adopted design and construction standards shall be deemed to be incomplete and shall be rejected. After the initial application submission, the Director of Development shall prescribe the number of plan sets to be submitted for subsequent reviews.
- 2. Site Plan Certification:

Site plans or any portion thereof involving engineering, architecture, geology, environmental science, or land surveying shall be certified by an engineer, architect, land surveyor, or landscape architect who is duly qualified to practice and whose professional practice is duly registered by the State of Virginia.

Unless otherwise approved by the Director of Development, no person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license. All sheets and calculations submitted with any site plan shall bear the seal and signature of the respective design professional(s).

**3. Information Required on Site Plan and Public Improvements Plan:**

This section outlines the required information on site plans and public improvements plans. The applicant shall employ as many sheets as necessary to incorporate the following minimum requirements:

- The sheet size shall be no larger than 24" x 36" in size, or other sheet size pursuant to the approval of the Director of Development prior to submission.
  - The minimum scale of any site plan shall be 1" = 30'.
  - All site plans shall be prepared on a current base map which depicts existing topography with contour intervals of two feet (2'), extending a minimum of twenty-five (25) feet minimum beyond property lines.
  - For development located within a Chesapeake Bay Preservation Area, all site plans shall be prepared with contour intervals of one foot (1') with spot elevations provided to accurately locate floodplains and wetlands.
  - Topographic mapping at a minimum of two (2) foot contour intervals for off-site mapping necessary to establish drainage divides. City GIS topographic mapping should be employed for drainage areas greater than 20 acres.
  - Topographic mapping shall be prepared by a Certified Land Surveyor and depict all natural and cultural features for the property, as well as supplemental existing spot elevations.
  - A north arrow shall be included on all plan sheets.
  - All sheets shall be bound into a single document, and each sheet shall include the seal and signature of the design professional.
  - A copy of the site plan checklist and the pre-application plan checklist, with documentation of waivers and modification to any requirements of this section.
- a. Project Cover Sheet - The application shall prepare a cover sheet which clearly depicts the following:
- (1) Title of project.
  - (2) Name, address, phone number and professional seal of preparer of (a) plan, (b) boundary

survey, and (c) topographic mapping.

- (3) Name, address and phone number of owner of property.
- (4) Tax map number, parcel number, and deed book reference for parcel or parcels subject to development.
- (5) Zoning classification (both existing and proposed, if changing)
- (6) Description of planned land use, along with projected number of employees or amount of public or private investment (for non-residential land uses) and other information related to the activities to be conducted on the property.
- (7) Date of plan and mapping preparation.
- (8) Vicinity map and location of zoning district boundaries.
- (9) Gross acreage (or square footage) of property.
- (10) Net developable area of property and supporting calculations.
- (11) Calculations of proposed impervious surfaces and lot coverage (type: building, sidewalk, travelways, etc.); compliance with lot coverage regulations.
- (12) Calculation of required and provided parking spaces; statement of justification for any variations in the number of required parking spaces; size of parking spaces.
- (13) Copy of rezoning conditions or proffers, special use permit conditions, and waivers or variances granted.
- (13) Evidenced of satisfactory approval of all additional required state, local, and federal permits for the proposed project.
- (14) A blank space, sized approximately 4" x 4", for City review and approval notations

b. **Boundary Survey Information:** A current certified boundary survey of the property prepared to National Mapping Standards accuracy shall be submitted with the site plan in both paper and digital form and shall include the following:

- (1) Title, title source, and name of owner of lot and subdivision names and/or lot owners for surrounding lots.

- (2) Metes and bounds of property. Statement of boundary survey closure accuracy and compliance with National Mapping Standards.
- (3) Location and metes and bounds of all existing property lines, rights of way and easements.
- (4) Names of existing streets in and adjoining the development.
- (5) Setback and yard lines in accord with zoning requirements.
- (6) Location of 100-year floodplain boundaries, employing FIRM mapping boundaries or engineered boundaries in absence of accurate and current FIRM information.
- (7) Site-specific delineation of limits of established drainage ditches, manmade open channels, floodplains, backwater flood elevations, wetland boundaries, conservation areas, the approximate location and surface area of BMPs, and the delineation of the Resource Protection Area (RPA) and the Resource Management Area (RMA) as required by the City's Chesapeake Bay Preservation Area Overlay District. Location of RPA, RMA and IDA boundaries based on the Hopewell Chesapeake Bay Preservation Area maps and other data required to meet current Chesapeake Bay Preservation Area District requirements, where applicable.
- (8) Tax map number, parcel number, deed book reference and zoning designation for parcel or parcels subject to development.
- (9) Tax map number, parcel number, deed book reference and zoning designation for adjacent parcels.
- (10) Reference to survey datum. Horizontal control shall be based on referenced to the Virginia State Plane Coordinate System in the most current North American Datum coordinate system. State Plane coordinates shall be provided on two property corners or perimeter irons.
- (11) Location and identification of burial site and historic or cultural landmarks.
- (12) Regulatory building area delineation (a dimensioned "limits of building envelop") based on zoning district requirements for lots,

setbacks and easements.

- (13) Any required septic notations (e.g. provision of reserve drainfield, pump out inspection notation, limits of clearing, grading and land disturbance.)
- (14) All digital survey data must be contained in a format acceptable to the City, and the submission of the digital file must contain a list providing the name and a brief description of each layer in the file.

c. Minimum Information to be included in a Site Plan and Public Improvements Plan:

- (1) Location, dimensions, design sections and construction specifications of all site improvements, including, but not limited to, existing and proposed streets, travelways, alleys, driveways, curb and gutter, sidewalk, utilities, street lights, site lighting, traffic control devices and signage, retaining walls, storm drainage, stormwater management, best management practices, erosion and sediment control measures. Information shall also include proposed street names.
- (2) Location of existing and proposed buildings and structures, including land area coverage and floor elevations of proposed use(s). Buildings and structures to include architectural elevations/renderings; location; distances between buildings; number of stories; area in gross square feet of each floor; number of dwelling units or guest rooms; building height; and location and size of required street address sign
- (3) Location of existing utilities within and adjacent to the development including size and elevation. Provide elevation profile where grading is proposed above existing and proposed utilities or within easement limits.
- (4) Plans and design profiles of proposed transportation improvements, including street improvements located within existing or proposed public right of way or private streets and travelways, depicting:

- (a) street stations at appropriate station intervals.
  - (b) percent of longitudinal grades.
- (c) elevations at 50-foot stations in vertical tangent sections and on 25-foot stations in vertical curves.
  - (d) finished grades and finished grading contours (on site plans).
  - (e) spot elevations for all non-typical sections.
  - (f) locations of entrances, taper design and any necessary structures and roadway appurtenances.
  - (g) horizontal and vertical curve data, including definition of curve control points (i.e. PI, PC, PT, PVI, etc.), or other data necessary and sufficient for construction and monument layout.
  - (h) sight distances for all crest and sag vertical curves.
  - (i) sight distances (horizontal and vertical) at all street intersections and road entrances other than single family driveways, unless warranted by unique topographical conditions and subject to waiver of requirement.
  - (j) street intersections showing spot elevations along curb radii and in pavement area to define surface drainage patterns.
  - (k) super-elevation tables shall be provided where roads and streets require super-elevation.
  - (i) typical pavement detail shown for design and cross slope.
  - (j) pavement design calculations, if required.
- (5) Site plan location and design specifications and standards for off-street parking, travelways, parking lots, sidewalks, and loading areas, including:
- (a) area of coverage by use category.
  - (b) site access plan for internal traffic and pedestrian circulation, including handicap access.
  - (c) size of parking spaces, angle of stalls, width of aisles.
  - (d) travelway and parking lot pavement sections.
  - (e) pavement design calculations.
  - (f) parking calculations, including ADA requirements.
  - (g) provisions for emergency access / fire protection.

- (h) location and marking of permanent fire lanes, if required.
  - (i) pavement striping and marking.
  - (j) finished grades and spot elevations at critical design points.
- (6) Location, size, design profiles and design calculations (including projected demand analysis) for proposed domestic water service and sanitary sewer mains and laterals. Invert and cover elevations shall be shown to the nearest 0.01' accuracy. Water system details shall include location and design of valves and hardware, water meters, water meter vaults, and fire hydrants. Location of gas, telephone, electric and other utility lines and other underground or overhead structures in or affecting the project. Plans shall include detail of utility appurtenances and construction procedures. If irrigation wells are proposed, well locations are to be designated.
- (7) Site plans for projects which incorporate improvements for utility pumping storage or treatment facilities shall be supported by appropriate structural, hydraulic, electrical and mechanical plans and construction specifications.
- (8) Detailed site grading plan depicting finished contours, to be prepared at a minimum two (2) foot contour interval, with spot elevations, as required, at key locations of paving, sidewalks, curb and gutter, signage, retaining walls, and other proposed surface improvements.
- (9) Storm drainage and stormwater management:

Site plans and engineering design profiles shall be provided for all stormwater drainage improvements related to on-site water quantity and water quality. These shall include conveyance structures, stormwater management (SWM) facilities, Best Management Practices (BMP), Low Impact Development (LID) measures, and other similar improvements, including detailed plan and section views of retention/detention ponds, underground storage structures, runoff reduction measures, and other facilities.

Design documentation shall be provided demonstrating adherence to and compliance with Virginia Stormwater Management Regulations, the Chesapeake Bay Preservation Area Overlay District (CBPA-O), and other City, State and Federal permit requirements in effect at the time of site plan application.

Site plan exhibits shall include the locations of existing and proposed stormwater drainage conveyance pipes, culverts,

channels and drop inlets, indicating size, type and grade of all proposed improvements. Typical sections and linings for all channels shall be included. Invert elevations and other design details for all drainage improvements shall be shown to the nearest 0.01' accuracy. Energy grade lines shall be shown on profiles.

Stormwater management improvements for water quantity shall adhere to the following design principle: The post-development stormwater runoff rate of flow and characteristics shall replicate, as nearly as practicable the existing pre-development runoff characteristics and site hydrology of the development site. The basic design criteria for stormwater management facilities employs the ten-year frequency, two-hour duration storm to determine pre- and post-development flows. Required storage shall be computed using unit hydrograph methods, employing commonly accepted hydraulic and hydrologic software.

A storm drainage and stormwater management engineering report shall be submitted to include:

- (a) A drainage delineation map shall include drainage divides and areas of contributing pre-development runoff patterns and planned post-development runoff to proposed improvements. The drainage delineation map shall be prepared at the same scale as the site plan unless an alternative scale is approved by the Director of Development.
- (b) hydrologic calculations and hydraulic modeling of the contributing drainage basin.
- (c) energy grade line calculations for all enclosed pipe systems.
- (d) storm runoff for pre-development and post-development characteristics, based the Modified Rational Formula, TR-55 methodology or other appropriate modeling techniques as approved by the City Engineer.
- (e) analysis and verification of receiving channel capacity and adequacy to accommodate runoff generated by proposed project.
- (f) stormwater management pond or retention/detention/BMP structure routing calculations and hydraulic performance analysis of the proposed facility. Elevations for the calculated 2-, 10-, and 100-year pre- and post-development water surface elevations shall be shown.
- (g) storm culvert, pipe, and inlet (street and yard) design loading and sizing calculations.

- (h) information and mapping applicable to the Chesapeake Bay Preservation Area Overlay District and DEQ/DCR permit requirements, including, but not limited to: (1) a statement required RPA notations (to address retention of undisturbed 100' RPA and land development within the RPA is limited to water dependent facilities and redevelopment), (2) a Water Quality Impact Assessment), and (3) location of existing vegetation, and (4) the method of protection vegetation to be preserved.
- (10) Location, width and purpose of all existing and proposed utility right-of-ways and easements.
- (11) Location and boundaries of existing water courses, the existing 100-year flood plain and floodways employing either FIRM mapping or engineering floodplain studies and mapping using HEC I and II procedures where FIRM information does not exist. In areas where development may encroach upon floodplains or floodways, the Director of Development may require both a pre-development and post-development floodplain study.
- (12) Plan for accommodation of significant geologic characteristics, such as sinkholes and significant rock outcrops.
- (13) Erosion and sediment control plan, specifications, design standards, and narrative report. Plans for erosion control and drainage facilities shall be designed and displayed independently for each construction phase.
- (14) Site plan location and design criteria for the following:
  - (a) recreation areas (including playgrounds, courts, fields, pedestrian walkways, bike paths, etc.)
  - (b) open space, including required land area calculations.
  - (c) site amenities.
  - (d) retaining walls (to include structural calculations).
  - (e) site and building signage, including street and advertising signs.
  - (f) site lighting (exterior and building mounted), including height, illumination intensity, foot-candle distributions, and fixture type and shielding, as required). A lumen plan for site lighting addressing City site lighting standards may be required.
  - (g) provisions and location for private or public trash pick-up.

- (h) refuse collection and dumpster locations, including access and screening.
  - (i) locations and design for traffic control devices and signalization.
  - (j) signs, including design, details, dimensions, sections and locations.
  - (k) RPA delineation signage (to be located at every lot along the RPA, including details provide in (j) hereinabove.
- (15) Landscape and screening plan, in accord with the City's landscape plan requirements.
  - (16) A site slope map identifying slopes that exceed 15%, to be prepared employing the applicant's two foot (or better) contour intervals.
  - (17) Geotechnical and soils report for proposed buildings, structures, streets, pavements, foundations, and other infrastructure; identification of soils with poor structural qualities (such as those soils with (a) high shrink/swell characteristics, (b) erodibility factors, and (c) known sources of pollution and contaminants.
  - (18) A phasing plan, if the development is to be constructed in more than one phase. The phasing plan shall indicate by phase lines, notes or other methods which facilities are to be constructed under each phase. Plans shall indicate locations of contour tie-ins for each phase and specific measures for phased termination of all water, sewer, storm drainage, streets and other public improvements.
  - (19) Articles of incorporation, covenants and property maintenance documents related to the ownership, management, and maintenance functions for any development that includes the creation of common ownership agreements.
  - (20) Statement of facility and land use operations and activities, including hours of operation, number of employees, and number of work shifts.
  - (21) Additional requirements under the City's Guidance for Land Disturbing Activities (May, 2016 and as amended).
  - (22) Site plan checklist, certified by the preparer of the plan.
- d. Provisional information on site plans: The Director of Development may require one or more of the following additional submissions as well as any other materials as may be deemed necessary to facilitate the City's site plan review.

- (1) Statement of estimated construction time.
- (2) Subdivision of easement plats, if applicable.
- (3) Site design drawings, showing building configuration, topography and relationship to site improvements, color and building materials.
- (4) Architectural drawings showing plan and elevations of new planned construction or renovations (including drawings of the original building).
- (5) Traffic impact assessment.
- (6) The approval of the Architectural Review Board.
- (7) Water Quality Impact Assessment (mandatory for projects in the CBPA-O District).

## **I. BONDING AND CONSTRUCTION PERMITS**

### **1. Prerequisites for Commencement of Site Improvement Activities:**

No site improvement activities may occur unless the following requirements are met:

- a. Completion of Pre-Application Conference.
- b. Approval of site plan, public improvements plan, and subdivision plat, as may be required.
- c. Approval of stormwater management and erosion and sediment control plan, if required.
- d. Approval of stormwater management and erosion and sediment control bond, if applicable.
- e. Installation of first phase of approved erosion and sediment control measures in accord with the plan.
- f. Approval of a performance bond or other surety to ensure the completion of public infrastructure facilities within a specified timeframe.
- g. Issuance of a land disturbance permit (for projects with greater than 5,000 square feet of disturbed land area or 2,500 square feet if in a CBPA-O District.)
- h. Approval of availability and adequate capacity of all necessary utilities or, in the absence therefore, approval of plan and bonding for applicant to provide adequate public facilities.

### **2. Improvements Costs:**

All improvements required by this ordinance shall be installed at the cost

of the applicant, except where cost sharing or reimbursement agreements between the City of Hopewell and the applicant are appropriate, the same to be recognized by formal written agreement prior to site development plan approval.

**3. Acceptance of Site Improvements:**

The approval of a site development plan or the installation of the improvements, as required by this ordinance or the subdivision ordinance, shall not obligate the City to accept the improvements for maintenance, repair or operation. Acceptance shall be subject to City regulations, standards and criteria, where applicable, concerning the acceptance of each type of improvement.

**4. Bonding of Improvements:**

a. Performance (surety) bond required for improvements:

(1) A bond shall be required by the City Engineer prior to commencement of construction to guarantee the successful completion, function, and operation of certain improvements which are to be accepted for dedication, maintenance and/or operation by the City and as otherwise required by this ordinance and the subdivision ordinance (where applicable).

(2) The owner or his designated agent shall submit a bond or other surety acceptable to the City Engineer to ensure that measures could be taken by the City at the owner's expense should owner fail to complete the public utilities, infrastructure, facilities and erosion control measures required for the project within the specified time frame.

This bond or surety must be submitted prior to any issuance of a land disturbance permit, and it must be in place in order for the Director of Development to consider the site plan for approval.

(3) The period of the initial bond (surety) agreement shall be not less than twelve (12) months from its effective date. The bond shall be of a form which automatically renews itself unless and until the issuing guarantor shall give ninety (90) calendar days prior written notice to the City of its intent to terminate the bond.

(4) Appropriate personnel and agencies of the City may make inspections of the improvements subject to bonding at any time during the progress of the work. The owner or developer shall be required to notify the City of progress on a periodic basis in accord with the City's published inspection timeframes and procedures.

- (5) A decision by the City to draw upon the bond to ensure compliance with bonding requirements may be made at any point during the life of the bond at the sole discretion of the City.
- b. Bond cost estimate required by applicant:
    - (1) The developer or his agent shall submit a detailed, itemized cost estimate of (a) public utilities, infrastructure and/or facilities, (b) erosion control and public facilities, and (c) other bondable improvements related to the public health, safety and general welfare as determined and required by the City Engineer for the proposed project.
    - (2) A cost estimate for improvements to be covered by bonding shall be submitted for approval prior to site plan approval, with said estimate based upon standard unit prices within the region and shall be prepared by a registered professional engineer or licensed general contractor qualified to perform the work subject to the bond.
    - (3) The City Attorney with recommendation from the City Engineer shall employ the original bond cost estimate in setting the bondable amount for any project.
  - c. Notification of expiration and extension of bond:
    - (1) If prior to sixty (60) calendar days from the expiration date of the bond the applicant has not taken steps to gain approval of improvements, release of the bond, and/or extension of the bond, the applicant and surety will be notified by the City by mail within forty-five (45) calendar days prior to the expiration date that a bond extension or new bond will be required.
    - (2) If an extension or new bond is not received by the City Engineer within twenty-five (25) calendar days of the original bond's expiration date, action will be taken to draw upon the original to allow the City to complete the installation of public improvements, other site improvements and erosion control and public works facilities. At that time, all construction permits will be revoked and continued work at the project will place the developer, the contractor, and/or other associated parties in violation of this ordinance.
  - d. Forms of bond and surety guarantees:

Forms of surety guarantees, all of which shall be subject to the approval of the City, shall be limited to the following:

    - (1) Corporate surety bond from an insurance corporation licensed in Virginia

- (2) Cash escrows and set---asides from an insured lending institution
  - (3) Irrevocable letters of credit from an insured lending institution
  - (4) Cashier's check
  - (5) Other surety as approved by the City Attorney
  - (6) The bond may be released by the City in full or in part only upon the satisfactory completion of applicable improvements and the permanent stabilization of the site against erosion and sedimentation
- e. Maintenance (defect) bonds:
- (1) Prior to the release of the performance bond and the acceptance of public facilities by the City, the owner shall submit a maintenance (defect) bond for any improvement to be accepted for dedication, maintenance, and/or operation by the City.
  - (2) The maintenance (defect) shall be in an amount and form satisfactory to the City Attorney but in no instance shall be less than ten (10) percent of the total construction cost of the improvements subject to the bond.
  - (3) The maintenance bond may be released at the end of two (2) years from the date of City acceptance of responsibility. Such bond shall be released in full if no defects have been found to exist, or if defects are found to exist, they have been corrected by the owner or development to the satisfaction of the City. If defects found to exist have been corrected by action of the City, the costs of such action shall be deducted from the amount of the maintenance bond.
- f. As-built construction drawings:
- As-built construction drawings for all improvements subject to bonding shall be provided to the City prior to the release of any bond amounts. The as-built drawings shall fully document the accuracy of improvements and update all information shown on the original site plan.

**5. Foundation Survey:**

No work on a new building or addition that is required to have a site plan and is located within five (5) feet of any required setback shall be approved to proceed above the foundation or slab until the building inspections office has received a survey prepared by a certified land surveyor licensed to practice in Virginia, showing that the foundation or slab, as constructed, is located in accordance with the approved site plan and other applicable ordinances. This requirement is supplemental to, and does not negate the requirement for, submission of application for building permits prior to commencing any construction activity.

**6. Phase 1 & 2 Environmental Assessments and Remediation:**

The Director of Development may require a Phase I environmental site assessment based on the anticipated use of the property proposed for the site plan that meets generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the City Engineer or Director of Development deem such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials.

A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

The City may require the owner or developer to make full disclosure and establish provisions for remediation of contamination and other adverse environmental conditions of the property prior to approval of the site plan.

**J. REQUESTS FOR WAIVERS, VARIATIONS AND SUBSTITUTIONS**

**1. Waiver, Variation or Substitution**

An applicant or owner may request a waiver, variation or substitution pursuant to (a) the requirements for physical improvements, (b) the requirements for site development processes and activities, (c) the requirements for specific designs, plans and documentation to be submitted with the site plan application, and (d) other requirements related to the application of this Article.

The specific provisions for the waiver of the requirement for preparation and submission of a site plan are addressed in this Article. A written request for a waiver, variation or substitution shall state the rationale and justification for such request together with such alternatives proposed by the applicant or owner.

**2. Applicant to Initiate**

Such request shall be submitted in writing to the Director of Development with the filing of a site plan or public improvements plan accompanied by a statement from the applicant as to the public purpose served by such waiver, variation, or substitution as related to the purpose and intent of this Article.

**3. Application Process**

The Director of Development, in deliberation with Site Plan Review Team, may accept the request for waiver, variation or substitution for any requirement in a particular case upon a finding that the waiver, variation or subdivision of such requirement would advance the purposes of this ordinance and otherwise serve the public interest in a manner equal to or exceeding the desired effects of the requirements of the ordinance.

Alternately, the Director of Development, in deliberation with Site Plan Review Team, may recommend a conditional modification to the request, or deny the request. The applicant may appeal the decision of the Director of Development to the Board of Zoning Appeals (BZA) in accord with the provisions in Section H, herein below.

#### 4. Criteria for Approval

No such waiver, variation, or substitution shall be detrimental to the public health, safety or welfare, orderly development of the area, or in conflict with sound engineering practice. The Director of Development, in deliberation on the request, may require the submission of a professional engineering report or other related technical documentation and plan exhibits to support the applicant's request for waiver, variation, or substitution.

### **K. REVISIONS TO APPROVED SITE PLANS**

1. Any revision or deviation from approved plans and specifications must be submitted in writing with related site plan documentation to the Director of Development.
2. The Director of Development shall determine which staff and agencies are required to review the requested modifications and will oversee the implementation of this process.
3. The Director of Development, City Engineer, and Stormwater Program Manager may grant approval of site plan revisions, provided that no such revision shall be detrimental to the public health, safety or welfare, orderly development of the area, or in conflict with sound engineering practice. The Director of Development, in deliberation on the request, may require the submission of a professional engineering report or other related technical documentation and plan exhibits to support the applicant's request for waiver, variation, or substitution.

### **L. SINGLE FAMILY RESIDENTIAL LOT PLANS**

The intent of the single family residential lot plan is to ensure that proposed single family uses and certain related single family lot development activities are compatible with approved subdivision plats, proposed subdivision plan applications, and other land disturbing activities as well as to ensure consistency with the zoning regulations and other City ordinances and development guidelines.

## 1. Requirement for a Single Family Residential Lot Plan

A single family residential lot plan for each subdivision lot is required to ensure that single family uses and certain related lot development activities are compatible with approved subdivision plats, new subdivision plats, and public improvements plans as well as to ensure consistency with the zoning regulations. Plans are required for the following land use activities:

- a. Any single family residential use or any land disturbing activity in a designated Chesapeake Bay Preservation Area related to a single family residential use;
- b. single family detached residences in any zoning district on lots or parcels less than 30,000 square feet in area;
- c. accessory buildings or apartments, accessory uses on a single family lot;
- d. private detached garages on a single family lot; and
- e. lots with terrain, utility or locational characteristics that, at the discretion of the Development Director, require lot plan review.

## 2. Purpose

The plan is intended to provide necessary and sufficient information to the City to ensure the following:

- a. the lot and the siting and use of the intended structure(s) are in conformance with the approved subdivision plat and public improvements plans for the subdivision in which the lot(s) is located;
- b. site grading, stormwater drainage improvements and storm runoff patterns for the subject lot meet or exceed contemporary requirements for residential lot development and do not adversely impact adjoining lots and properties,
- c. all existing easements and rights of way have been identified and respected,
- d. yard and setback requirements and other zoning requirements are identified and respected,
- e. appropriate site planning initiatives are incorporated into the lot development plan,
- f. the development of the lot and as well as the physical siting and use of the intended structure(s) on the lot will not adversely impact or encroach upon adjoining properties,
- g. adequate erosion and sediment controls are provided to protect adjoining properties and public rights of way,
- h. lot access and driveway arrangements that connect to a public or private street meet City standards,

- i. CBPA-O District requirements, where applicable, are fully coordinated with any proposed single family dwelling.

### 3. Process

The residential lot plan shall be submitted either in advance of or concurrently with the application for a zoning or building permit:

- a. The residential lot plan shall be submitted to, reviewed by, and acted upon by the Development Director within ten (10) business days upon receipt and application for a zoning permit and building permit, provided that if the residential lot plan is submitted concurrently with the building permit application, the Development Director shall notify the Building Official of action taken on the residential lot plan not later than the Building Official's mandatory building permit review timeframe but not less than five (5) business days from the date of concurrent application.
- b. The Development Director may request the input of the City Engineer, Building Official or other City Staff in the review of the residential lot plan.
- c. In the event of denial of the residential lot plan by the Development Director, the Development Director shall notify the Building Official of action taken.
- d. If the residential lot plan is denied by the Development Director, the applicant may either (a) revise and resubmit the plan, or (b) petition the matter to be heard by the Planning Commission at their next regularly scheduled meeting.
- e. The applicant shall submit copies (8) copies of the residential lot plan on a sheet not to exceed 11" x 17", unless otherwise approved by the Development Director.
- f. The lot development plan shall be prepared by a certified engineer, surveyor, architect, or landscape architect qualified to do such plans unless otherwise waived by the Development Director.

### 4. Information Required

The contents of the residential lot plan shall include the following:

- a. Address and tax map reference number of lot, deeded name of subdivision plat in which the lot is located, and deed reference for the subject lot.
- b. North arrow; dimensions of the lot drawn to scale of 1" = 20' or greater, with metes and bounds of lot and yard, and yard setback lines for front, rear and side yards established by zoning district.
- c. Location, dimensions, and lot coverage calculation of existing

- structure(s) and impervious surfaces, and (2) proposed structure(s) and impervious surfaces.
- d. Allowable building perimeter in accord with applicable geometric requirements of the zoning district in which the lot is located.
  - e. Geotechnical evaluation and certified engineering design for building foundation for lots that contain shrink/swell soils, highly erodible soils, or other geological attribute(s) that could impact construction.
  - f. Dimensional setbacks from property lines to any structure or improvement, including porches, decks, stairwells, garages, swimming pools, accessory uses, etc.
  - g. Square footage of lot per recorded subdivision plat; calculation and depiction of impervious surfaces.
  - h. Easements contained within the lot or physical improvements that impact the lot or contiguous lots.
  - i. Existing topography and lot improvements, if any, and proposed finished lot grading shown with two foot (2') contour intervals and spot elevations.
  - j. Certification of public domestic water and sewer availability and capacity.
  - k. Location, design, material type, and coverage of all required off-street parking, parking access, street entrances, and driveways, where applicable.
  - l. Location of all existing natural or man---made drainage channels and storm sewer facilities, as well as location of proposed drainage improvements, to ensure the adequate conveyance of stormwater on and through the property.
  - m. Location and boundaries of any existing stormwater management improvements, water features and 100-year floodplain limits that impacts the subject lot(s). In the absence of existing or proposed stormwater management improvements within the subdivision, the lot developer shall address alternative Low Impact Development (LID) measures.
  - n. Location of utility service connections to public water and sewer, including meter placement for domestic water.
  - o. Location and design of driveway improvements, including provisions for shared driveways, alleys, and lanes, where approved for construction.
  - p. Location of temporary construction entrance, if required.
  - q. Limits of clearing and lot disturbance.
  - r. Location and design of retaining walls.
  - s. Location and design of any erosion and sediment practices that may be required to protect adjoining properties, public rights of way,

- and utility infrastructure during the construction period.
- t. Location of any existing septic field and reserve drainfield location.
- u. Site-specific determination of RPA and RMA boundaries as represented on the City's CBPA map (to be conducted in accord with the requirements of the CBPA-O District.)
- v. Any applicable Resource Protection Areas (RPA) notations as may be related to: (1) retention of an undisturbed, vegetated 100' RPA, and (2) land development within the RPA is to be limited to water dependent facilities or redevelopment.
- w. Evidence of approved Water Quality Impact Assessment, if required.
- x. Location of existing and proposed vegetation.
- y. Evidence of wetlands permits.
- z. Name, address and telephone number of plan preparer and lot owner.
- aa. Certification of the residential lot plan by a professional engineer, surveyor, architect or landscape architect licensed in the State of Virginia.

**M. ACCEPTANCE OF PUBLIC FACILITIES**

Within thirty (30) business days following satisfactory completion, inspection and approval of the installation of all required improvements, and upon the satisfactory compliance with the provisions of this ordinance and the City's adopted design and construction standards, a "Certificate of Substantial Completion". The City will accept ownership of maintenance responsibilities for such facilities on the effective date of said letter.

**N. APPEALS**

1. Any person aggrieved or any officer, agency, department, board, commission or authority of the City affected by any decision (a) of the Director of Planning or (b) by any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Article and the Zoning Ordinance may appeal such decision to the Board of Zoning Appeals (BZA).
2. Appeals shall be filed within thirty (30) days from the date of the decision being appealed with the Director of Development and the BZA.
3. The BZA may affirm or reverse, wholly or partly, or may modify the order, requirement, decision or determination subject to the appeal.
4. The concurring vote of a majority of the membership of the BZA shall be required to reverse any order, requirement, decision or determination

of the Director of Development or any other administrative officer under this Article.

5. The BZA shall render a decision on all applications for appeal within ninety (90) days from the date of acceptance of the application, unless an extended period is mutually agreed to by the applicant and the BZA.
6. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Development Director certifies to the BZA, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the BZA, on application and on notice to the Development Director and for good cause shown.
7. In the filing of an appeal, the applicant shall provide all copies of all documentation as submitted with the final site plan application and other additional materials as may be requested by the BZA. In addition, the applicant shall submit the BZA review fee as established by the Director of Development for the appeals process.
8. An application for appeal may be withdrawn at any time by the appellant or his agent by giving written notice to the Director of Development. No fee or part thereof will be refunded for a withdrawn application.
9. Decisions of the Board of Zoning Appeals may be appealed to the Hopewell Circuit Court.

#### **O. VIOLATIONS AND PENALTIES**

1. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or uses any building or uses any land in violation of any detailed or proffered statement or plan submitted by him and approved under the provisions of this ordinance shall be guilty of a Class I misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law. Each day that a violation continues shall be deemed a separate offense.
2. Any building erected or improvements constructed contrary to any of the provisions of this ordinance or to the approved plans, and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance shall be, and the same is hereby declared to be, unlawful.
3. The City may initiate injunction, mandamus, or any other action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this Ordinance.
4. Upon becoming aware of any violation of a provision of this ordinance, the

Director of Development or City Attorney may serve notice of such violation on the person committing or permitting the same. If such violation has not ceased within a reasonable time as specified in the notice, action as may be necessary to terminate the violation shall be initiated.

5. The remedies provided for in this Article are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

#### **P. HARSHIPS**

1. As provided by Section 15.2-2286 of the Code of Virginia, in consideration of hardships which may arise from the strict application of this ordinance, the Director of Development may consider an applicant's request for and grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements.
2. The modification may be granted upon a determination by the Director of Development that: (1) the strict application of the ordinance would produce undue hardship; (2) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; (3) the authorization of the modification will not be of substantial detriment to adjacent property; and (4) the character of the zoning district will not be changed by the granting of the modification.
3. Prior to the granting of a hardship modification, the Director of Development shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 calendar days of the date of the notice.
4. Prior to granting a hardship modification, the Director of Development may distribute the hardship request for input from qualified reviews among City staff and other necessary agencies.
5. Prior to the granting of a hardship modification, the Director of Development may schedule the request to be reviewed by the Planning Commission.
6. The Director of Development shall respond within ninety (90) calendar days of a request for a decision or determination on such zoning matters related to hardship and further within the scope of the authority of the unless the applicant has agreed to a longer period.
7. The Director of Development shall make a decision on the application for hardship modification and shall issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph.

**Q. COORDINATION OF SITE PLAN WITH THE CBPA-O DISTRICT REQUIREMENTS**

**1. Chesapeake Bay Preservation Area Overlay District (CBPA-O)**

The intent of the **Chesapeake Bay Preservation Area Overlay District (Article XV-A)** is to provide special regulatory protection for the land and water resources located within designated Chesapeake Bay Preservation Areas in the City. In addition to the standards and requirements contained in the Site Plan Regulations contained herein, enhanced standards and regulations are provided in the separate Chesapeake Bay Preservation Area Overlay District (CBPA-O).

**2. Integration of Ordinances**

The requirements of the CBPA-O District (Article XV-A) are an element of the City's coordinated land development codes, including the Zoning Ordinance, the Subdivision Ordinance, the Stormwater Management Ordinance, the Erosion and Sediment Control Ordinance, the Guidance for Land Disturbing Activities (the consolidated E&S and SWM document) and other adopted City, State and Federal environmental regulations and design guidelines. It imposes specific regulations for development and other land use within the Preservation Area. In the event of inconsistency between the provisions of the Site Plan Regulations and the provisions established in the CBPA-O District (or other applicable ordinances), the Director of Development the more restrictive or stringent provisions shall apply.

**3. Statutory Authority for CBPA-O District**

The CBPA-O District derives is enacted under the authority of Section 62.1-44.15:67 et seq. (the Chesapeake Bay Preservation Act) and Section 15.2-2283 of the Code of Virginia. The CBPA-O District implements Hopewell's Chesapeake Bay Preservation Program.

**4. Coordination of CBPA-O with Site Plan Applications**

In addition to the requirements of the Site Plan Regulations, the engineer for any applicant seeking site plan approval shall be responsible to determine the limits of the Chesapeake Bay Preservation Areas (RMA, RPA, IDA) contained on the property subject to the application. The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified on the Hopewell Chesapeake Bay Preservation Area District Maps.

**5. Separate Application Requirement**

A separate CBPA-O District application and application checklist shall be submitted at the time of the initial site plan application.

**COMMUNICATIONS  
FROM CITIZENS**

# **REGULAR BUSINESS**

**R-1**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE:** Approval of 2018 Tax Rates

**ISSUE:** Adoption of the Tax Rate Structure to support the Fiscal Year 2018-2019 Operating and Capital Improvement Budgets

**RECOMMENDATION:** Staff recommends Approval

**TIMING:** Action is requested on April 24, 2018 to allow for the preparation of tax bills in a timely manner.

**BACKGROUND:** The adoption of an ordinance establishing the annual tax levy on various classes of real estate and personal property is required of City Council each year. The ordinance establishes the following tax rates: \$1.13/\$100 for real estate; \$3.50/\$100 for tangible personal property; \$0.10/\$100 for personal property (one vehicle) for volunteers of the Hopewell Emergency Crew in good standing; and \$3.05/\$100 for machinery and tools. The attached budget ordinance proposed no change to the current tax rate structure established with the adoption of the Fiscal Year 2017-2018 Operating Budget.

**FISCAL IMPACT:** Maintaining the current tax structure will generate approximately \$52 million in revenue to support City operations during Fiscal Year 2018-2019.

**ENCLOSED DOCUMENTS:** Attachment 1: Tax Rate Ordinance

**STAFF:** March Altman, City Manager  
Michael Terry, Director of Finance

**SUMMARY:**

- | Y                        | N                        |  | Y                        | N                        |                                  |
|--------------------------|--------------------------|--|--------------------------|--------------------------|----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Christina J. Luman-Bailey, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2           | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Anthony J. Zevgolis, Ward #3       | <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jackie M. Shornak, Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine E. Gore, Ward #4          |                          |                          |                                  |

**TAX RATE ORDINANCE**

**ORDINANCE # 2018-\_\_\_\_\_**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOPEWELL**, that there is hereby levied on the tax year beginning on January 1, 2018, a tax at the rate of \$1.13 per One Hundred Dollars (\$100.00) of assessed valuation on real estate, and vehicles without motor power used, or designated to be used, as mobile homes or offices within the entire City of Hopewell as it now exists; and there is hereby levied for the tax year of 2018 a tax at the rate of \$3.05 per One Hundred Dollars (\$100.00) of assessed valuation on machinery and tools; a tax at the rate of \$0.10 per One Hundred Dollars (\$100.00) of assessed valuation on one (1) motor vehicle used in the performance of his/her duties as a bona fide member of the Hopewell Emergency Crew as assessed by the Commissioner of the Revenue as a tangible personal property and certified by said organization that said member was in good standing on January 1, 2018 and duly authorized to represent said organization; a tax at the rate of \$3.50 per One Hundred Dollars (\$100.00) of assessed valuation on tangible personal property, except such items of household goods and personal effects as itemized under §58.1-3504 of the Code of Virginia, which are hereby excluded, but including the property separately classified by §58.1-3506 of the Code of Virginia, having to do with boats and watercraft, and all other property not herein specifically described, subject to taxation by the City of Hopewell, except that real and tangible personal property of Public Service Corporations shall be taxed in accordance with Chapter 26, Title 58.1, of the Code of Virginia, 1950, as amended.

Given under my hand and the Corporate Seal of the City of Hopewell, Virginia this 24<sup>th</sup> day of April 2018.

---

Ronnieye L. Arrington  
City Clerk

**R-2**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE: Architectural Review Board Annual Presentation.**

**ISSUE:** The ARB will be providing City Council with an overview of last year's activities and a preview of upcoming activities.

**RECOMMENDATION:** No action required.

**TIMING:** None

**BACKGROUND:** The ARB provides an update on activities to City Council each year.

**FISCAL IMPACT:** None

**ENCLOSED DOCUMENTS:**

- ARB presentation (Powerpoint converted to PDF)

**STAFF:** Chris Ward, Senior Planner, Department of Development

**SUMMARY:****Y N**

- Councilor Christina J. Luman-Bailey, Ward #1
- Councilor Arlene Holloway, Ward #2
- Councilor Anthony J. Zevgolis, Ward #3
- Vice Mayor Jasmine E. Gore, Ward #4

**Y N**

- Councilor K. Wayne Walton, Ward #5
- Councilor Brenda Pelham, Ward #6
- Mayor Jackie M. Shornak, Ward #7



# CITY OF HOPEWELL

April 24, 2018

**Architectural Review Board Annual Report**



# Mission Statement

The purpose of the Hopewell Architectural Review Board (ARB) is to protect and maintain the historic character of the City Point Historic District.



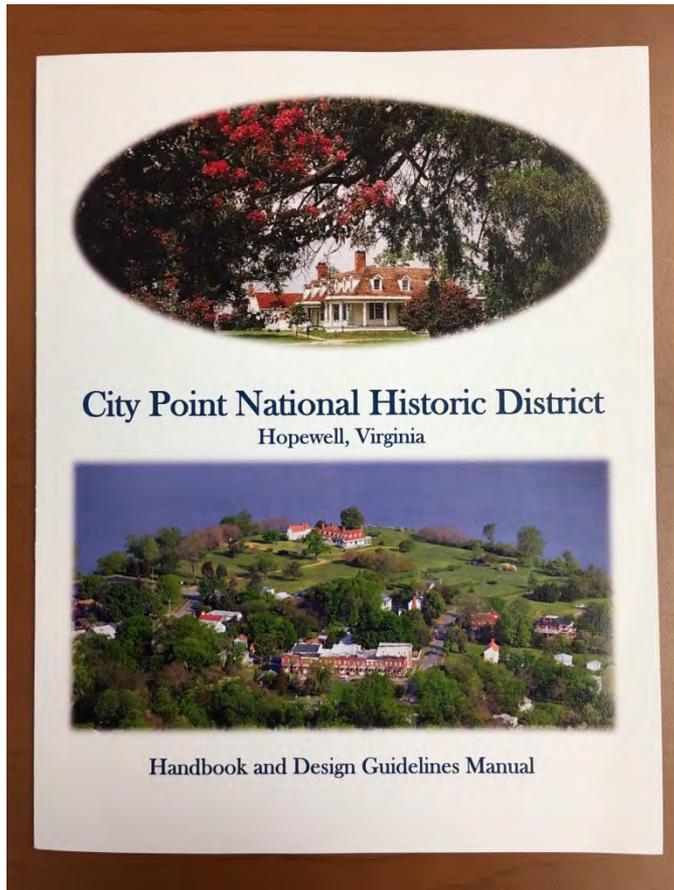
# The Year in Review

- ❑ The National Park Service reports 200,000 visitors to the ‘open air museum’ of City Point for 2017.
- ❑ The ARB reviewed & approved six (6) COAs.
- ❑ Cameron Foundation awarded a grant to preserve historic cedar trees along Cedar Lane.
- ❑ Discussions with Dept. of Historic Resources to update the historic district.
- ❑ VDOT awarded a grant to make improvements to Prince Henry Avenue.
- ❑ ARB provided plaques to historic properties.



# Certificates of Appropriateness

## □ Handbook and Design Guidelines Manual



City of Hopewell  
DOWNTOWN DESIGN REVIEW COMMITTEE  
CERTIFICATE OF APPROPRIATENESS

Name of the Property Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_

Mailing Address (if different than street address): \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Description of Work:

<input type="checkbox"/>	Replace with the same	Signage
<input type="checkbox"/>	Rehabilitation	Facade
<input type="checkbox"/>	New Construction	Other

Check all that apply

Applying for Façade Grant Program Funds:  Yes  No

Approximate cost of the Work: \$ \_\_\_\_\_

Please provide a brief Description of the Work:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I (We) \_\_\_\_\_ of \_\_\_\_\_ respectfully request that a review be made by the Downtown Design Review Committee in accordance with Article IX of the Zoning Ordinance to determine if the following proposal is acceptable for the granting of a Certificate of Appropriateness.

Please Remember to Attach Pictures and/or sketches of the Proposed Improvements

Print Name of Applicant \_\_\_\_\_

Date \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

APPROVED

DENIED

Department of Development \_\_\_\_\_

Date \_\_\_\_\_



# Certificates of Appropriateness

- 603 Brown Avenue  
Total Renovation





# Certificates of Appropriateness

- 611 Cedar Lane  
New roof





# Certificates of Appropriateness

□ 506 Cedar Lane  
Addition





# Certificates of Appropriateness

- 449 Prince Henry  
Siding





# Certificates of Appropriateness

- 1006 Pecan Avenue  
Painted Roof





# Certificates of Appropriateness

- 599 Prince Henry Avenue  
Porch repair





# Historic Cedar Tree Preservation Project



- ❑ Funded through Cameron Foundation.
- ❑ Selective crown cleaning & removal of dead wood.
- ❑ Provide clearance for cars & pedestrians.
- ❑ Planting of one new cedar.
- ❑ Mid-May timeframe.



# Update of Historic District

- Upon securing total project funding, the ARB will have properties in the City Point Historic District res-surveyed.
- Additional properties have ‘matured’ since the original survey in 1978 and may be eligible for the National Register.



# Street Improvements



- ❑ Pea gravel surfacing on Brown and Maplewood Avenues.
- ❑ Mixed results – improved appearance but traction issues.





# Historic Plaques



- ARB produced 17 plaques for owners of historic properties.
- Plaques support the ‘open air museum’ concept and provide context to visitors.



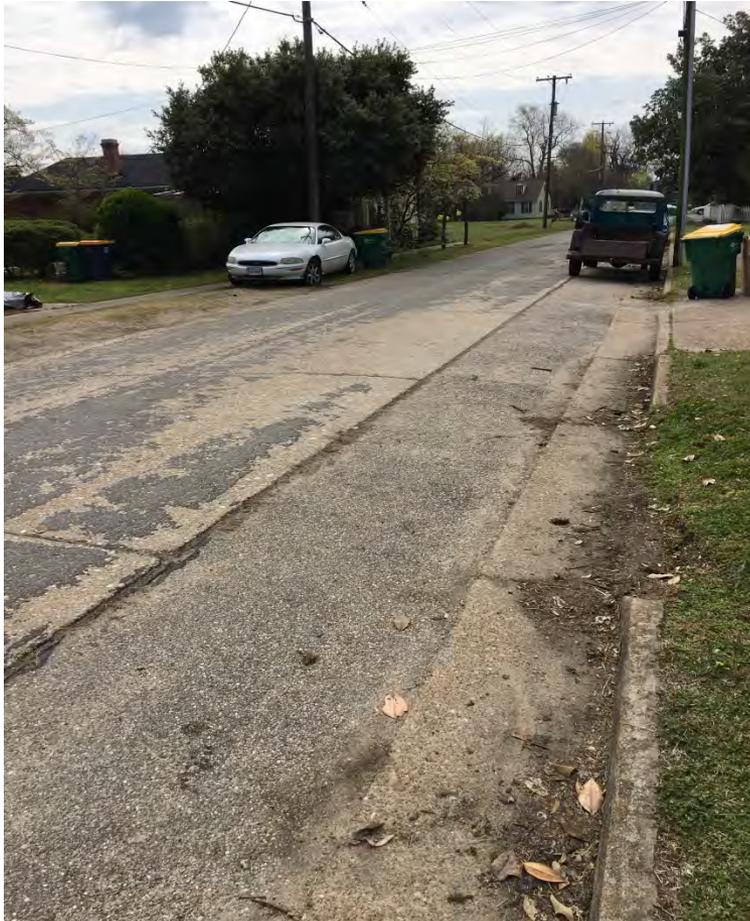
# Moving Forward

- ❑ Completion of Cedar Tree project.
- ❑ Vacant Structures project.
- ❑ Certified Local Government status.
- ❑ Improved cooperation with NPS.
- ❑ Historic Preservation Workshop.
- ❑ Signage.
- ❑ Implementation of aspects of the VCU – City Point Plan for Development.





# Moving Forward



- ## Prince Henry Ave. Project
- ❑ Funded through VDOT.
  - ❑ Improvements to road surface, curb and gutter.
  - ❑ Improved alignment and drainage.
  - ❑ Summer of 2019 timeframe.



# Moving Forward



## HOPEWELL HISTORIC WALK

PRINCE HENRY AVE. CONCEPT SECTION RENDERING





# Conclusion

The ARB continues to maintain, protect and enhance historic City Point and will support and lead those projects that pursue these objectives.

**R-3**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

**Order of Business:**

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

**Action:**

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE:** Authorize the City Manager to sign the agreement between the City of Hopewell and the Virginia Department of Historic Resources (DHR) to approve and appropriate grant funds in the amount of \$10,250 to complete a reconnaissance survey that updates the City Point Historic District.

**ISSUE:** The Department of Development, in cooperation with the ARB, applied and was awarded a grant by the Virginia Department of Historic Resources (DHR) for \$10,250 to complete an update of the City Point Historic District. DHR awarded the City \$9,750 for the project with the requirement that the City provide the remaining project cost of \$10,250. The purpose of this project is to conduct a reconnaissance-level survey and prepare National Register of Historic Places nomination form in support of a historic district update for the City Point Historic District. See Grant Application for additional information.

**RECOMMENDATION:** The City Administration recommends City Council authorize the signature of the City Manager for this agreement and appropriate funds from the FY19-20 operating budget in the amount of \$10,250 to the project.

**TIMING:** City Council action is requested on April 24, 2018.

**BACKGROUND:** None

**FISCAL IMPACT:** \$10,250 - included in Department FY19-20 operating budget.

**ENCLOSED DOCUMENTS:** Award notification email, Draft Agreement

**STAFF:** Tevya W. Griffin, Director, Development

**SUMMARY:**

- | Y                        | N                        |  | Y                        | N                        |                                    |
|--------------------------|--------------------------|--|--------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Christina J. Luman-Bailey, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor K. Wayne Walton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2           | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6   |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Anthony J. Zevgolis, Ward #3       | <input type="checkbox"/> | <input type="checkbox"/> | Mayor Jackie M. Shornak, Ward #7   |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine E. Gore, Ward #4          |                          |                          |                                    |

## Christopher Ward

---

**From:** Tevya Griffin  
**Sent:** Thursday, April 12, 2018 1:08 PM  
**To:** pmcalos@verizon.net; ltjoyner2@comcast.net; Christopher Ward; EDITH HOLSOPPLE; KATHLEEN VINCENT; 'Joseph Bailey'; John M. Altman  
**Subject:** Fwd: City of Hopewell Cost Share Application

Look at our good news!! Fantastic job Mrs. Joyner.

Begin forwarded message:

**From:** "McDonald, Blake" <[blake.mcdonald@dhr.virginia.gov](mailto:blake.mcdonald@dhr.virginia.gov)>  
**Date:** April 12, 2018 at 12:48:18 PM EDT  
**To:** Tevya Griffin <[Tgriffin@hopewellva.gov](mailto:Tgriffin@hopewellva.gov)>  
**Cc:** "Wagner, Marc (DHR)" <[marc.wagner@dhr.virginia.gov](mailto:marc.wagner@dhr.virginia.gov)>, Elizabeth Lipford <[elizabeth.lipford@dhr.virginia.gov](mailto:elizabeth.lipford@dhr.virginia.gov)>, <[ltjoyner2@comcast.net](mailto:ltjoyner2@comcast.net)>  
**Subject:** City of Hopewell Cost Share Application

Hi Tevya,

I'm writing to inform you that the City of Hopewell's request for matching funds to survey and update the nomination for the City Point Historic District was approved by agency director Julie Langan this morning. We will be able to provide \$9,750 of your request for \$10,250. DHR's survey team members feel that this amount, plus the locality match, is adequate to complete the project. In the coming week I will issue a contract outlining the terms of the agreement between the locality and DHR. Once that document is signed and returned to me, DHR will prepare the project scope, issue the request for proposals, and begin the process of selecting a project contractor. Only once a contractor is selected will DHR invoice the locality for their share of the project budget.

Please refrain from issuing any public notice or press release about this project until the locality agreement has been signed by both the locality and DHR.

Congratulations on submitting a successful application! I look forward to working with you on this exciting project.

Thank you,

Blake

--

*Blake McDonald, Architectural Survey and Cost Share Program Manager*

*Division of Survey and Register*

*Department of Historic Resources*

*2801 Kensington Avenue, Richmond, VA 23221*

*Phone: (804) 482-6086*



# COMMONWEALTH of VIRGINIA

## Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Matt Strickler  
*Secretary of Natural Resources*

Julie V. Langan  
*Director*

Tel: (804) 367-2323  
Fax: (804) 367-2391  
[www.dhr.virginia.gov](http://www.dhr.virginia.gov)

April 17, 2018

Ms. Tevya Griffin  
Director of Planning and Development  
300 N. Main Street, Suite #321  
Hopewell, VA 23860

RE: 2018-2019 Cost Share Grant Locality Agreement

Dear Ms. Griffin:

Attached please find the locality agreement for your 2018-2019 Cost Share Grant for \$9,750. This project will include reconnaissance-level survey of the City Point Historic District and the preparation of a National Register of Historic Places nomination update for the district. It is the Department of Historic Resources understanding that the City of Hopewell will be able to provide \$10,250 in locality matching funds towards this project.

If you have any questions, you are welcome to contact Blake McDonald, Architectural Survey and Cost Share Program Manager at [blake.mcdonald@dhr.virginia.gov](mailto:blake.mcdonald@dhr.virginia.gov) or (804) 482-6086.

We look forward to working with you on this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Hare".

Jim Hare  
Director, Division of Survey and Register  
Virginia Department of Historic Resources

Eastern Region Office  
2801 Kensington Avenue  
Richmond, VA 23221  
Tel: (804) 367-2323  
Fax: (804) 367-2391

Western Region Office  
962 Kime Lane  
Salem, VA 24153  
Tel: (540) 387-5443  
Fax: (540) 387-5446

Northern Region Office  
5357 Main Street  
PO Box 519  
Stephens City, VA 22655  
Tel: (540) 868-7029  
Fax: (540) 868-7033

**VIRGINIA DEPARTMENT OF HISTORIC RESOURCES  
COST SHARE SURVEY AND PLANNING FUNDS AGREEMENT  
CITY OF HOPEWELL  
FISCAL YEAR 2018-2019**

This agreement is entered into this day April 17, 2018, by the City of Hopewell (the City) and the Virginia Department of Historic Resources (DHR), to fund reconnaissance-level survey of the City Point Historic District and the preparation of a National Register of Historic Places nomination update for the district. It is the mutual hope and expectation of the City and DHR that this project will result in increased awareness about the location and significance of historic properties and will support the City's long term planning, education and development goals for this important place.

Witness that the City of Hopewell and DHR, in consideration of mutual covenants, promises and agreements herein contained, agree as follows:

Scope of Agreement: With this agreement, DHR shall provide funding in the amount of \$9,750 for the project and the City of Hopewell agrees that it will provide local matching funds in the amount of \$10,250.

DHR will serve as fiscal agent for the project and will assume administrative responsibility for hiring a qualified consultant, paying all bills, monitoring the progress of the project and ensuring final delivery of a satisfactory product by the scheduled deadlines. The City of Hopewell will be invited to participate in developing the project scope of work and selecting the project consultant.

The City of Hopewell will assume responsibility for notifying local residents and property owners about the project and arranging any necessary community meetings at the beginning of the project. The City of Hopewell will receive copies of the interim submittals from the project consultant, and will be given the opportunity to review the materials, and provide additional guidance and feedback.

If the preferred consultant's cost for the project exceeds \$20,000, negotiations to reduce the scope of services will be explored. If the project cost exceeds \$20,000 after this negotiation and the City of Hopewell decides not to pursue the project on account of additional cost, DHR will not invoice the City of Hopewell \$10,250 for the amount of its contribution. If the project costs are less than \$20,000 DHR, in consultation with the locality, will explore the possibility of additional work to support the project. If no additional work is warranted, DHR will reduce the amount invoiced for the locality portion of the project by the saving amount.

Period of Performance: DHR Cost Share Program funds for this project are available until June 1, 2019, at which time all work on the project will be completed.

Funding Contingency: DHR Cost Share program funding is contingent upon budgetary considerations. It is understood and agreed among the parties herein that DHR shall be bound hereunder only to the extent of the funds available or which may hereafter become available for the purpose of this agreement. Should funding limitations curtail the project, any remaining funding provided by the City shall be returned by DHR within 30 days of project termination.

This agreement shall consist of:

1. This signed form
2. Any negotiated modifications to this Agreement agreed to by both parties in writing; and
3. DHR's contract documents with the consultant selected to carry out this project, all of which documents shall be incorporated herein

In witness whereof, the parties have caused this Agreement to be duly executed intending to be bound thereby.

**APPLICANT:**  
**THE CITY OF HOPEWELL**

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**SOLICITOR:**  
**DEPARTMENT OF HISTORIC RESOURCES**

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**REPORTS  
OF THE  
CITY  
ATTORNEY**

**REPORTS  
OF THE  
CITY CLERK**

# **REPORTS OF THE CITY COUNCIL**

- **COMMITTEES**
- **INDIVIDUAL REQUEST**
- **ANY OTHER COUNCILOR**



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## About ACT® Work Ready Communities

We all have a stake in making our country more competitive and closing the skills gap that threatens to paralyze our economy. Change starts at the grassroots level, by providing a community-based framework that:

- Links workforce development to education
- Aligns with the economic development needs of communities, regions and states
- Matches individuals to jobs based on skill levels

The foundation of a community's certification is based on individuals at the county level across the current, transitioning and emerging workforce earning a **ACT® WorkKeys® National Career Readiness Certificate®** (ACT® WorkKeys® NCRC®) and **employers recognizing** the ACT® WorkKeys® NCRC®. The ACT® WorkKeys® NCRC® is a portable, industry-recognized credential that clearly identifies an individual's WorkKeys® skills in workplace documents, applied math and graphic literacy - skills required for 77 percent of jobs based on ACT JobPro database.

Certification through the ACT® Work Ready Communities initiative is based on all participating states and counties adopting the **ACT Common Criteria**.

By participating in ACT's® Work Ready Communities initiative, counties, regions and states are helping:

- Business and industry know exactly what foundational skills they need for a productive workforce - and to easily communicate their needs
- Individuals understand what skills are required by employers - and how to prepare themselves for success
- Policy makers consistently measure the skills gap in a timely manner at the national, state and local levels
- Educators close the skills gap, via tools integrated into career pathways with stackable industry-recognized credentials
- Economic developers use an on-demand reporting tool to market the quality of their workforce

Please visit the links to the right for more information about WRC or to sign up. And feel free to **contact us** any time.

### About WRC

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Overview

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For counties

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Boot Camp

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Staff

## How To Sign Up

[SIGN UP NOW](#) ▶

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## ACT Work Ready Communities Boot Camp

The ACT® Work Ready Communities initiative is a core element in the effort to build a truly national system for work readiness. At the core of this aspiration sit ACT WorkKeys National Career Readiness Certificates (ACT WorkKeys NCRCs) that focus on certifying three essential skills - applied math, workplace documents, and graphic literacy. The ACT WorkKeys NCRC is an evidence-based credential that has been proven to accurately predict work readiness and job performance. And, this predictive power applies to all three key groups of people: new workers, transitioning workers and individuals who already have jobs.

These Certificates - and the skills they verify - help assure employers that the people hired and/or advanced will succeed. The Certificates also act like passports - regardless of where an individual lives or moves, the Certificates testify to work readiness. And, because the Certificates are a win/win for employers and employees alike, counties that have sustainable, ongoing certification efforts are far more attractive. In effect, counties that are Work Ready Communities have a built in economic development advantage in the eyes of existing employers as well as those contemplating relocations.

ACT's Work Ready Communities Boot Camp is for leaders who want to move aggressively forward into this 21st century approach to work readiness and economic development. The Boot Camp is a performance-driven program WRC leadership teams use to initiate, deploy and drive carefully tailored county and regional efforts that grow the number of counties certified as work ready. **The goal is clear: 'on board' and certify your counties.**

WRC leadership teams shape a goal-oriented strategy that builds on deploying ACT's testing infrastructure and data gathering. However, the strategy must go beyond these two elements - and the ACT WRC initiative helps leadership teams do that by shaping what we call a 'challenge' that makes the most sense for each community's unique circumstances, including - critically - of work readiness. Successful teams are those willing to invest the team time and focus needed to shape and succeed against this challenge-centric approach.

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### **APPROACHES AND TOPICS COVERED INCLUDE:**

THE BASICS: ACT is providing process, tools and data to support building a common platform at the county level for measuring and closing the skills gap based upon the ACT WorkKeys NCRC. The model is built upon partnerships at the national, state and local levels and a Boot Camp approach to provide structure to the start-up and successful launch.

- **WHY COUNTIES?** The LINK, ALIGN and MATCHING of the workforce is implemented at the local level. Having a process in place for county leaders to work together to match people to jobs, align workforce goals to economic development and link education and workforce together to improve the skill level is what county-level Work Ready Communities do.
- **THE PLAYERS:** Employers, individuals (new to workforce, transitioning, already employed), state leaders, educators, economic development, chambers, workforce professionals, community leaders, families, media and more.
- **THE CHALLENGE:** Assist WRC community teams develop a vision statement that serves as the focal point in developing and launching initiative.
- **LEADERSHIP:** We help WRC teams figure out who needs to be at the table and how they can assist to make sure success happens.

### **LEADERSHIP TEAMS SHOULD CONSIST OF:**

- Chambers of commerce
- Economic development organization
- Workforce organization
- Community or technical colleges
- K-12 representative
- County and municipal leaders
- Businesses and leaders
- Civic organizations

Upon completion of the ACT WRC Boot Camp and implementation of the WRC framework, teams will have successfully established a sustainable, county-based Work Ready Community effort. Successful communities will enjoy established performance metrics and documented return on investment that can be leveraged to integrate and connect current workforce development efforts and to jump start new initiatives.

Counties who successfully launch WRC programs aligned with the ACT WRC Common Criteria will receive continued long-term support from ACT to sustain their initiatives post-WRC Boot Camp.

## HOW TO GET INVOLVED

ACT offers a county-level program that allows individual counties to join the ACT WRC initiative. ACT WRC accepts applications for WRC Boot Camps year-round.

Click [here](#) for a schedule of upcoming WRC Boot Camps

## About WRC

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[Overview](#)

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[For counties](#)

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[Boot Camp](#)

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## Upcoming WRC Boot Camps

Boot Camp 11 – 2, two day sessions

Session 1 - August 1-2, 2018

Session 2 - October 1-2, 2018.

Boot Camp 11 will be held in Nashville, Tennessee

### HOW TO PARTICIPATE IN ACT® WORK READY COMMUNITIES

To participate in the ACT® Work Ready Communities initiative, counties complete an application to engage in Work Ready Communities through the **ACT® Work Ready Communities Boot Camp** (formerly Work Ready Communities Academy). Email completed applications or questions to [wrc@act.org](mailto:wrc@act.org).

Participation in the Work Ready Communities academies includes attending two two day sessions. We accept applications year-round.

A local WRC leadership team should have representatives from local government, economic development, community/technical colleges, K-12 system, and business/industry. Best practice models have shown a local team comprised of these leaders is most successful in the county becoming a certified ACT® Work Ready Community. A minimum of two team members participate in the ACT® Work Ready Communities Boot Camp; however, more members may attend if helpful. For more information, please download the **ACT® Work Ready Communities for Counties overview**.

### COUNTY APPLICATION ►

### PARTICIPATING COUNTIES RECEIVE:

1. Acceptance to ACT's **WRC Boot Camp**
2. Process to build a framework to certify counties
3. Common fundamental criteria to establish baseline goals for county certification
4. Communication tools to help message initiative to key stakeholders
5. Monthly data updates via this website to track progress against goals
6. A process for building a sustainable workforce development approach

### About WRC

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