AGENDA

CITY OF HOPEWELL

Hopewell, Virginia 23860

AGENDA

PHONE: 541-2249
FAX: 541-2248

e-mail: info@hopewellva.gov
www.hopewellva.gov
rarrington@hopewellva.gov

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

Date: May 22, 2018 | **MUNICIPAL BUILDING** | **Closed Meeting: 6:00 p.m.**
Regular Meeting: 7:30 p.m.

OPEN MEETING

6:00 p.m. Call to order, roll call, and welcome to visitors

MOTION: To go into closed meeting for (1) discussion and consideration of prospective candidates for employment (city attorney), in accordance with Virginia Code § 2.2-3711 (A) (1).

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 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 Luman-Bailey.

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**: Personnel Report attached
C-5 **Ordinances on Second & Final Reading**:
C-6 **Routine Grant Approval**:
C-7 **Public Hearing Announcement**: June 12, 2018 – School Board appointments; B-1 Zoning amendment request; Capital Improvement Plan review
C-8 **Information for Council Review**: Minutes: Water Renewal 4-17-18; Appomattox Regional Library System Board Report 5-15-18; HRHA minutes 3-12-18;
C-9 **Resolutions/Proclamations/Presentations**: Run for the Wall Event Proclamation; National Public Works Week
C-10 **Additional Announcements**: VDOT Transportation Alternatives Program Announcement; Gateway Project Update; Introduction of new General Registrar

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)*

NONE

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 Fiscal Year 2019 School Board Operating Budget

ISSUE: Council is requested to approve and adopt the Fiscal Year 2019 School Board Budget

RECOMMENDATIONS: Staff recommends that Council **resolve to approve and adopt the FY 2019 School Board Budget**

MOTION:_____

_____

Roll Call

R-2 Healthcare Cost Increase and 2% COLA

ISSUE: Request to cover the entire healthcare cost increase and provide a 2% Cost of Living Adjustment (COLA) for City Employees

RECOMMENDATIONS: Staff recommends that Council **resolve to approve the City's payment of the entire healthcare cost increase, and provide City Employees with a 2% Cost of Living Adjustment.**

MOTION:_____

_____

Roll Call

R-3 ShotSpotter and HUD Emergency Safety and Security Grant

ISSUE: Staff was directed by Council to research services provided by ShotSpotter. ShotSpotter uses gunfire specific acoustic-sensing technology to triangulate gunfire to improve public safety officials' response time to gunfire events. ShotSpotter costs the City of $250,000 for installation and additional annual operating expenses of $190,000. Grant funding in the form of the Department of Housing and Urban Development's Emergency Safety and Security Grant could cover installation costs, but would not cover annual operating expenses.

RECOMMENDATIONS: Staff seeks direction from Council and has no recommendation for this item.

MOTION:_____

_____

Roll Call

R-4 Proposed 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 **resolve to approve the amendment to Article XV-A, Chesapeake Bay Preservation Area Overlay District**.

MOTION:_____

_____

Roll Call

R-5 Proposed 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 Council **resolve to approve the amendment to Article XVI, Site Plan Regulations.**

MOTION:_____

_____

Roll Call

R-6 Spot Blight

ISSUE: City staff has reviewed several properties that qualify for demolition, rehabilitation, and/or acquisition through the Spot Blight ordinance.

RECOMMENDATION: Staff recommends that Council **resolve to approve the proposed demolition of the selected properties through the Spot Blight ordinance.**

MOTION:_____

_____

Roll Call

Reports of the City Attorney: City council rules update

Reports of the City Clerk:

Reports of City Council:

Committees

Individual Councilors

Citizen/Councilor Requests

CCR-1	Gore	Request update about Beacon LLC options
CCR-2	Gore	Request update about CSA policies and audit compliance
CCR-3	Gore	Request Budget Resolution FY18 for Council to approve and vote on since only Section 1 was approved last year

Other Council Communications

Adjournment

REGULAR MEETING

CONSENT AGENDA

PERSONNEL CHANGE REPORT

DATE: May 15, 2018

TO: The Honorable City Council

FROM: Michelle Ingram, Human Resources Specialist

SUBJECT: Personnel Change Report – April 2018

ADDITIONS (Regular FT and PT positions only)

NAME	DEPARTMENT	POSITION	DATE
ATKINS, KEEBA	SOCIAL SERVICES	FAM SERV SPC I	04/25/2018
COLLINS, KEVIN	POLICE	POLICE OFFICER	04/11/2018
GARY, KEBRINA	POLICE	SR ADMIN ASST	04/30/2018
HAMPTON, FRAZELLE	CITY CLERK	ASST CITY CLERK	04/23/2018
HEATH, JORDAN	PUBLIC WORKS	PW MAINT SPEC	04/25/2018
RONEY, SHAQUITA	SOCIAL SERVICES	BEN PROG SPC I	04/25/2018

SEPARATIONS

NAME	DEPARTMENT	POSITION	DATE
BORSHCH, ROMAN	POLICE	POLICE OFFICER	04/12/2018
CARTER, IMARI	SOCIAL SERVICES	BEN PROG SPC I	04/04/2018
HERETICK, JOHN	PUBLIC WORKS	PW MAINT SPEC	04/27/2018
MOGEL, TYLER	FIRE	FIRE FIGHTER	04/25/2018
MORRIS, JOHN	WATER RENEWAL	ENVIR COMPL COORD	04/30/2018
RICHESON, ALLAN	VOTER REGISTRAR	REGISTRAR	04/30/2018

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

PUBLIC HEARING ANNOUNCEMENTS

Hearings for June 12, 2018:

- School Board appointments
- B-1 Zoning Amendment Request
- B-1 Zoning Amendment Request

INFORMATION FOR COUNCIL REVIEW

Hopewell Water Renewal Commission
Quarterly Meeting
April 17, 2018

Minutes

Members Present	Members Absent
Christina Luman-Bailey, Chair	Stefan Calos, City Attorney (March Altman, Proxy)
March Altman, City Manager	
Brian Johnson, Ashland	
Fred Harry, AdvanSix	
Christian Volk, Virginia American Water	
Dan Rowland, WestRock	

Others Present	
Jeanie Grandstaff, H20 Renewal	Andrew Parker, AdvanSix
Jerry Byerly, H20 Renewal	James Osborne, WestRock
Shayna Johnson, H20 Renewal	
Harold Walker, H20 Renewal	

1. **Call to Order**.. Chair Christina Luman-Bailey called the meeting to order at 1:38 pm on April 17, 2018. Chair Luman-Bailey welcomed March Altman, City Manager, as a member of the Commission and Jerry Byerly as the new Hopewell Water Renewal Director.

2. **Presentation to Departing Commissioner Paul Tuck**. Chair Luman-Bailey presented Paul Tuck with a plaque recognizing his years of service to Hopewell Water Renewal, along with a framed Ed Hatch print entitled "Nature and Business in Harmony."

3. **Employee of the Year.** Jeanie Grandstaff explained that approximately 8 nominations were received for employee of the year. Because of a tie between 2 individuals, the H2O Renewal managers decided to award the employee of the year to 2 individuals – Arthur Carrier and Herbert Talbott – both of which nominated each other. Arthur and Herbert are relatively new employees that brought many mechanical skills to the plant which were previously outsourced. With their combined mechanical experience, they rebuilt the gravity tank rake arms, the pump station grinders, the IFP and twin screws, as well as repairs to the pump station internal pumps and the oxygen and instrument air pipeline.

4. **Review for Approval: Minutes from January 16, 2018.** After a motion from Commissioner Harry, seconded by Commissioner Johnson, the Commission unanimously approved the minutes from the January meeting.

5. **Citizens Communication.** No citizens were present.

6. **Staff Reports.**
   a. **Safety and Compliance.** Jeanie Grandstaff stated that there was 1 loss time accident since the beginning of the year. A member of the sewer crew was working on a collection system report in an alley whén a dog that was tied near the alley jumped on him, knocking him down, and breaking his ankle. He had to have surgery and will be out of work for at least 6 weeks.

      Since the beginning of the year, Hopewell Water Renewal has been in compliance with all permitted parameters.

   b. **Regulatory and Enforcement.** Jeanie Grandstaff reviewed the April 17, 2018 Regulatory Affairs Report, which is attached as a part of these minutes. She reported that the 2018 amount of total nitrogen discharged is 0.79 million pounds compared to the permit limit of 1.83 million pounds. The annual average concentration is 9.4 mg/l for the year. As required by the nutrient credit agreement between Hopewell Water Renewal and AdvanSix, H2O Renewal purchased 205,154 pounds of nitrogen from AdvanSix for a total cost of $384,663.75.

   c. **Business Report.** Shayna Johnson, reported that Hopewell Water Renewal was at 100.0% of budget for the third quarter of FY 18 and 92.6% for the year. The budget status report is attached as a part of these minutes. Miscellaneous revenue through March 2018 totals $805,023.

   d. **Maintenance Projects Status.** Harold Walker reported that the installation of the 3rd centrifuge is underway, the centrifuge has been delivered and installation has begun with completion expected by May 2018. As a part of the centrifuge installation, the polymer system equipment has been ordered but completion of this upgrade is not expected until the last quarter of 2018.

7. **FY 2019 Budget.** Shayna Johnson presented the FY 2019 proposed budget. A copy of her presentation is attached to these minutes. The total proposed budget is $12,540,345 which is a 1.9% increase over the previous year's budget. The capital budget was proposed at $4,800,000. Commission members were concerned about the amount of capital budget and asked if any projects could be delayed. After discussion, an estimated $1M was postponed/moved from the FY 19 capital budget to FY 20 budget: Primary sludge wet well rehab, SNR wet well rehab, Gravity thickener gear boxes and ½ of the cost for the UNOX mixer replacement. Jeanie Grandstaff suggested that it might be possible that miscellaneous revenue ($2,367,082) from FY 17 could be transferred to FY 19 capital budget and used to cover part of the cost of capital improvements in FY 19. Commissioner Harry stated that he needed to have his finance staff review their books to be sure that the Company had not taken credits for the miscellaneous revenues during FY 17. Commissioner Rowland requested staff to provide a breakdown of capital costs/industry. After a motion from Commissioner Johnson, seconded by Commissioner Volk, the FY 2018-2019 operational and maintenance budget was approved unanimously. In order to consider the capital budget, the Commission decided to hold a special meeting on May 8, 2018 at 1:30.

8. **Third Supplement Agreement -- O&M Cost Allocation.** Jeanie Grandstaff explained that she had talked with the City attorney and with Hopewell Water Renewal's bond attorney at Hunton and Williams regarding the third supplement agreement which has only been signed by AdvanSix. The legal opinion received was that since the Commission had approved the new billing methodology at its January 30, 2017 meeting and the minutes of that meeting were approved at its April 3, 2017

meeting and City Council received and approved these minutes, then the new billing methodology is in effect whether or not the agreement is signed. Ms. Grandstaff stated that since July 1, 2017, the new billing methodology is being implemented.

9. **Hydrogen Sulfide Treatment Solution.** Jeanie Grandstaff stated that staff had USP preform jar test on chemicals used for hydrogen sulfide control. The chemicals tested were sodium permanganate, sodium chlorite, sodium hypochlorite, and hydrogen peroxide. The results of the test showed that all of the chemicals would work to reduce the hydrogen sulfide, but the side effects caused either problems with the incinerator, polymer usage or significant increase in chemical costs. Based on the costs of the chemicals, it would be more cost effective to install higher stacks and larger fans to remove the hydrogen from the plant atmosphere. The installation of the stacks and fan can be included as a part of the ongoing centrifuge project. Harold Walker will provide a cost breakdown of the project at the special meeting on May 8.

10. **Adjourn.** There being no further business, the meeting was adjourned at 3:55 p.m.

Next Meeting: May 8, 2018 Special Meeting

Minutes approved at the May 8, 2018 Meeting

Hopewell Water Renewal Commission
Quarterly Meeting
April 17, 2018, 1:30 p.m.
Gravelly Run Training Center

AGENDA

1. Call to Order	Christina Luman-Bailey, Chair
2. Welcome to new Commissioner March Altman, City Manager	Christina Luman-Bailey, Chair
3. Welcome to new Director, Jerry Byerly	Christina Luman-Bailey, Chair
4. Presentation to Departing Commissioner Paul Tuck	Christina Luman-Bailey, Chair
5. Employee of the Year	Christina Luman-Bailey, Chair
6. Review for Approval: Minutes from January 16, 2017 meeting	Christina Luman-Bailey, Chair
7. Citizens Communication	Five Minutes Each
8. Staff Reports	
a) Safety and Compliance	Jeanie Grandstaff
b) Regulatory and Enforcement	Jeanie Grandstaff
c) Business Report	Shayna Johnson
d) Upcoming Maintenance Projects	Harold Walker
9. FY 2019 Budget	Shayna Johnson
10. Third Supplement Agreement -- O&M Cost Allocation	Jeanie Grandstaff
11. Hydrogen Sulfide Treatment Solution	Harold Walker
12. Other Discussion	
13. Adjourn	

Next Meeting: July 17, 2018 at 1:30

Hopewell Water Renewal Commission
Quarterly Meeting
January 16, 2018

Minutes

Members Present	Members Absent
Christina Luman-Bailey, Chair	Fred Harry, AdvanSix
Charles Dane, City Manager	
Brian Johnson, Ashland	
Stefan Calos, City Attorney	
Christian Volk, Virginia American Water	
Dan Rowland, WestRock	

Others Present	
Jeanie Grandstaff, H20 Renewal	Andrew Parker, AdvanSix
Matt Ellinghaus, H20 Renewal	
Shayna Johnson, H20 Renewal	
Harold Walker, H20 Renewal	

1. **Call to Order**. Chair Christina Luman-Bailey called the meeting to order at 1:40 pm on January 16, 2018. Chair Luman-Bailey introduced Brian Johnson who is representing Ashland and replacing Paul Tuck as Commissioner. She also reported that Matt Ellinghaus had accepted another position with Hanover County and would be leaving Hopewell in mid-February.

2. **Review for Approval: Minutes from October 17, 2017.** After a motion from Commissioner Calos, seconded by Commissioner Rowland, the Commission unanimously approved the minutes from the October meeting.

3. **Citizens Communication.** No citizens were present.

4. **Staff Reports.**
   a. **Safety and Compliance.** Jeanie Grandstaff stated that there had been no accidents since the beginning of the year. Except for one chlorine violation in October, the plant was compliant for the year. Matt Ellinghaus explained that the chlorine violation was due to a leak in the underground chlorine feed line which was repaired immediately.

   b. **Regulatory and Enforcement.** Matt Ellinghaus reviewed the January 16, 2018 Regulatory Affairs Report, which is attached as a part of these minutes. He reported that the 2017 amount of total nitrogen discharged is 1.39 million pounds compared to the permit limit of 1.83 million pounds. Since start-up of the nitrogen reduction process, total nitrogen concentrations have dropped to 10.6 mg/l. However, the Nutrient General Permit issued in January 2017 reduced the phosphorus allocation from 76,139 lbs/year to 61,749 lbs/year. Total phosphorus discharged in 2017 was 63,626 pounds which is 1,877 pounds above the permitted allocation. HWR anticipates having to purchase approximately $15,000 of credits.

c. **Business Report.** Shayna Johnson, reported that Hopewell Water Renewal was at 89.6% of budget for the second quarter of FY 18 and 57.1% for the year. The budget status report is attached as a part of these minutes. Miscellaneous revenue through December 2017 totals $543,532.

d. **Maintenance Projects Status.** Harold Walker reported that the installation of the 3rd centrifuge is underway and expected to be completed by May 2018.

   Mr. Walker also reported that the UNOX MCC and electrical work for installation of new UNOX mixers is nearing completion. Completion of the MCC will provide the plant with the electrical ability to replace the 40 year old mixers one train/year as scheduled in the 5 Year capital plan.

5. **O&M Cost Allocation Agreement.** Jeanie Grandstaff requested a status of when signatures would be received from Ashland, VAWCO and WestRock on the Third Supplement Agreement to the 1995 Facility Agreement. Commissioner Rowland said that he was not sure if WestRock would sign the agreement or not since they did not approve the new billing methodology. He asked what would happen if the company didn't sign. Commissioner Calos stated that he was not sure an agreement was necessary since the Commission had approved the method. However, Commissioner Calos and Jeanie Grandstaff agreed to discuss the issue with the City's attorney at Hunton and Williams and report back to the Commission at the April meeting. Ms. Grandstaff stated that since July 1, 2017, the new billing methodology is being implemented.

6. **Phase 2 Start-up Information.** Matt Ellinghaus explained that the nitrogen reduction facility performance test started on October 16 and was successfully completed on November 14. DEQ conducted the final inspection on November 15 and the Certificate to Operate was issued on December 1, 2017. The new permit limits became effective on January 1, 2018.

7. **Hydrogen Sulfide Study and Treatment.** Matt Ellinghaus explained that a final hydrogen sulfide elimination study report was completed last fall. Individual hydrogen sulfide meters have been purchased for staff as protection. A solution to control the hydrogen sulfide will be added to the FY 2019 capital budget.

8. **Other Discussion.** Commissioner Dane reported that the Hopewell Water Renewal Director's position was being advertised and interviews will be held in the next few weeks.

9. **Adjourn.** There being no further business, the meeting was adjourned at 2:55 p.m.

Hopewell Water Renewal Commission Meeting
April 17, 2018

Regulatory Affairs / Technical Services

Quarterly Summary

- Title V Permit
  - 2018 Title V Permit Modification. In accordance with the EPA 2016 Administrative Order (AO), which is now complete, Hopewell Water Renewal applied for a modification to its Title V Permit to include the MACT standards that were developed and approved by EPA as a part of the AO requirements. A draft permit was developed by DEQ, but EPA objected to the language and methodology of applying the standards even though it was approved as a part of the AO. In February, HWR met with DEQ to present documentation supporting the methodology that was in the AO and that should be included in the Title V permit. DEQ agreed with HWR and amended the permit appropriately on April 2, 2018.
  - Renewal of Title V Permit. The current permit expires in October 2019. A permit renewal application will be submitted no later than September 2018. Submittal of the application by this date will satisfy the requirement to submit a timely Title V permit renewal application and will also meet the requirement under 9 VAC 5-80-80 to include the new nitrogen reduction process in the Title V permit.
- VPDES Permit
  - Violations. The plant experienced 0 violations during the first quarter of 2018.
  - VPDES Permit. The ammonia permit limit is 25.8 mg/l Daily Maximum and 17.2 mg/l Monthly Average and a Total Nitrogen annual average of 15.0 mg/l became effective on January 1, 2018 after completion and start-up of the phase 2 nitrogen reduction project.
  - Section 308 Request from EPA. During the past quarter, H2O Renewal has received no further requests from EPA for information. The 2017 annual pretreatment report was submitted to EPA as required.
- Storm Water Permit. The July 2014 industrial storm water general permit requires sampling at each outfall for total nitrogen, total phosphorus and total suspended solids, as well as pH. To lessen the sampling burden and improve sampling locations, Hazen designed a method to combine existing outfalls and install storm water controls. This will reduced the number of outfalls to 4 or 5. Money for construction of the new outfalls is in the FY 18 capital budget. Cooper and Claiborne, our sewer line contractor, will conduct the construction.
- Environmental Management System (EMS). H2O Renewal was designated an E3 facility in October 2017. The annual report was submitted to DEQ on April 1, 2018, as required.
- Nutrient Issues
  - Nutrient General Permit. The total nitrogen discharged for 2018 was 0.74 million pounds, which is below the permit limit of 1.83 million pounds/year. The annual average concentration was 9.4 mg/l. In the new Nutrient General Permit, James River dischargers' phosphorus allocations have been reduced by approximately 19%. H2O Renewal's phosphorus limitation was reduced from 76,139 pounds/year to 61,749 pounds/year. Total phosphorous discharged in 2018 was 8,770 pounds.
  - Water Quality Improvement Fund Grant Agreement for Denitrification. This grant agreement was superseded by the Phase 2 Nitrogen Reduction Agreement. Under the new phase 2 nitrogen reduction grant agreement H2O Renewal is required to meet an effluent Total Nitrogen annual average concentration of 15 mg/l and allows for a 10% exceedance to 16.5 mg/L. As stated above, the 2018 average total nitrogen discharged is 9.4 mg/l.

- The Nutrient Exchange Association. Beginning in 2011, H2O Renewal and AdvanSix signed a nutrient credit agreement which requires H2O Renewal to purchase nitrogen credits from Honeywell at one-half The Exchange credit price. For 2017, we agreed to purchase 205,154 credits at a cost of $1.875/credit or a total cost of $384,663.75 which was submitted to AdvanSix in February.

- Chesapeake Bay and James River TMDL. H2O Renewal was invited to participate on DEQ's Regulatory Advisory Panel (RAP) to comment and assist with the development of the chlorophyll a standard for the James River. Several meetings have been held. The primary focus to date has been review of the modeling results and determination of where Chl-a levels should be set.

- New Ammonia Criteria Standards. DEQ proposes to adopt the new federal ammonia criteria during 2018. Because the new criteria are expected to require treatment plants to cut their ammonia discharges by half, legislation passed the 2018 General Assembly which postpones the implementation of the criteria in Virginia until other states in the region have adopted the ammonia criteria and funding is provided for future treatment plant upgrades. H2O Renewal sent a letter supporting the legislation to Senator Dance.

- Nitrogen Reduction Alternatives Evaluation and Segregated Treatment. Phase 2. Operation of the new nitrogen reduction facility is exceeding permitted expectation. One warranty issue arose with the aerator blower motors. The motor manufacturer used incorrect bearings which resulted in motor failure and damage to the blower bearings. This affected 2 blowers. A different motor was provided by the manufacturer and installed in one of the failed blowers while the second motor is being rebuilt. The lead time on rebuilding the motor is approximately 12 weeks. The third blower which is still in operation is from a different manufacturer.

- Water Quality Improvement Fund Grant Agreement for Phase 2 Nitrogen Reduction. The grant funding has been satisfied under this agreement. The agreement requiring compliance with grant limitations and reporting requirements is in effect. The grant agreement requirements supersedes the Denitrification grant agreement discussed above.

- Pretreatment. All industries are operating in compliance with current pretreatment permits.

- Sanitary Sewer System. Regular sewer point repairs and lining work continues. CCTV work is being scheduled for FY 2018 in unevaluated sub-basins and future rehab plans will be developed based on the CCTV work. The sewer line stabilization at Carter Woodson Elementary School has started, but a necessary easement with an effected landowner is requiring condemnation and is being handled by the City Attorney's office.

- Lab Certification. Annual lab recertification is due June 2018.

HOPEWELL WATER RENEWAL
BUDGET PERFORMANCE REPORT

FY 2017-2018	Jan 1 to Mar 31 3rd Qtr			YTD FY 17-18			Total Budget
CATEGORY	**Actual**	**Budget**	**%**	**YTD FY 17-18**	**Budget**	**%**	**BUDGET**
Salaries	817,900	831,961		2,259,213	2,396,841		3,129,761
Benefits	294,795	376,024		836,372	1,070,964		1,393,009
TOTAL LABOR	**1,112,695**	**1,207,985**	**92.1%**	3,095,585	3,467,805	**89.3%**	**4,522,770**
Power	585,605	562,750		1,496,198	1,500,667		2,251,000
Fuel	91,306	75,000		169,951	200,000		300,000
TOTAL ENERGY	**676,910**	**637,750**	**106.1%**	1,666,148	1,700,667	**98.0%**	**2,551,000**
OTC	74,505	185,001		116,533	493,336		740,000
Hypochlorite	47,436	99,999		299,475	270,834		400,000
Lime	0	0		0	0		
Polymer	110,880	128,000		293,370	316,000		420,000
Defoamer	6,106	5,000		11,396	10,000		20,000
Phosphoric	13,188	17,500		45,639	46,667		70,000
TOTAL CHEMICALS	**252,115**	**435,500**	**57.9%**	766,412	1,136,837	**67.4%**	**1,650,000**
Maintenance Supply	224,814	153,000		785,991	428,000		632,000
Contract Maintenance	43,374	189,875		276,424	541,333		794,500
Interceptor Maintenance	687	3,750		14,672	10,000		15,000
TOTAL MAINTENANCE	**268,875**	**346,625**	**77.6%**	1,077,088	979,333	**110.0%**	**1,441,500**
Utilities	56,034	30,775		134,372	82,983		123,000
Other Supplies	77,230	79,375		220,362	222,167		327,500
Consulting	484,241	212,360		680,403	566,293		849,439
Administration	15,332	41,625		132,902	289,167		329,000
Residual Disposal	63,035	43,750		129,641	116,667		175,000
Legal Services	35,969	6,250		37,994	16,667		25,000
TOTAL MISCELLANEOUS	**731,840**	**414,135**	**176.7%**	1,335,673	1,293,943	**103.2%**	**1,828,939**
GRAND TOTAL	**3,042,435**	**3,041,995**	**100.0%**	7,940,907	8,578,584	**92.6%**	**11,994,209**

H2O RENEWAL OUTSIDE TREATMENT REVENUES

User	July 17-Sept 17 1st Qtr	Oct 17-Dec 17 2nd Qtr	Jan 18-Mar 18 3rd Qtr	April 18-June 18 4th Qtr	YTD FY 17-18
Atlantic Waste Disposal	$235,515	$174,070	$0	$0	$409,585
Dupont	$31,879	$26,117	$54,209	$0	$112,206
Other Haulers	$29,856	$46,095	$207,281	$0	$283,232
TOTALS	**$297,250**	**$246,281**	**$261,491**	**$0**	**$805,023**

Fiscal Year	Revenue Amounts
2016-2017	$2,367,082
2015-2016	$1,656,045
2014-2015	$951,148
2013-2014	$2,780,658
2012-2013	$594,319
2011-2012	$760,118
2010-2011	$681,781
2009-2010	$395,940

Updated
4/16/2018

HRWTF FY 18-19 Operating Budget

Category	*Budget Amount*	
Salaries	3,024,077	
Over-Time	200,500	
Part Time	45,000	
Bonuses/Licenses	180	
Tool Allowance	1,275	
Benefits	1,447,538	
TOTAL LABOR		**4,718,570**
Power	2,253,000	
Fuel	300,000	
TOTAL ENERGY		**2,553,000**
OTC	200,000	
Hypochlorite	300,000	
Sodium Hydroxide	700,000	
Polymer	450,000	
Defoamer	30,000	
Phosphoric	70,000	
TOTAL CHEMICALS		**1,750,000**
Contract Maintenance	770,000	
Maintenance Supplies	792,000	
Interceptor	15,000	
TOTAL MAINTENANCE		**1,577,000**
Utilities	213,000	
Other Supplies	338,500	
Outside Contractual Services	528,775	
Administration	327,500	
Ash Disposal	175,000	
Legal Services	25,000	
TOTAL MISCELLANEOUS		**1,607,775**
LEVY IN LIEU OF TAXES		**334,000**
TOTAL		***12,540,345***

03.19.18

HRWTF FY 18-19 OPERATING BUDGET

DESCRIPTION	TOTAL	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Salaries	3,024,077	242,122	295,301	243,506	243,506	243,506	243,506	295,100	243,506	243,506	243,506	243,506	243,506
Over-Time	200,500	15,423	15,423	15,423	23,135	15,423	15,423	15,423	15,423	15,423	23,135	15,423	15,423
Part Time	45,000	3,462	3,462	3,462	5,192	3,462	3,462	3,462	3,462	3,462	5,192	3,462	3,462
Bonuses/Licenses	180	0	0	0	0	0	0	0	180	0	0	0	0
Tool Allowance	1,275			413						862			
Benefits	1,447,538	113,310	163,691	111,872	111,872	111,872	111,872	163,689	111,872	111,872	111,872	111,872	111,872
TOTAL	**4,718,570**	**374,317**	**477,877**	**374,676**	**383,705**	**374,263**	**374,263**	**477,674**	**374,443**	**375,125**	**383,705**	**374,263**	**374,263**
Electricity	2,253,000		187,750	187,750	187,750	187,750	187,750	187,750	187,750	187,750	187,750	187,750	375,500
Fuels	300,000		25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	50,000
Total Energy	**2,553,000**	**0**	**212,750**	**212,750**	**212,750**	**212,750**	**212,750**	**212,750**	**212,750**	**212,750**	**212,750**	**212,750**	**425,500**
OTC	200,000		25,750	16,500	16,500	16,500	16,500	16,500	16,500	16,500	16,500	16,500	25,750
Hypochlorite	300,000	0	35,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	40,000
Sodium Hydroxide	700,000		90,000	55,000	55,000	55,000	55,000	55,000	55,000	55,000	55,000	55,000	115,000
Polymer	450,000		65,000	64,000	0	64,000	0	64,000	0	64,000	0	64,000	65,000
Defoamer	30,000		5,000	0	7,500	0	0	7,500	0	0	0	10,000	0
Phosphoric	70,000		5,833	5,833	5,833	5,833	5,833	5,833	5,833	5,833	5,833	5,833	11,667
Total Chemicals	**1,750,000**	**0**	**226,583**	**166,333**	**109,833**	**166,333**	**102,333**	**173,833**	**102,333**	**166,333**	**102,333**	**176,333**	**257,417**
Testing	279,775		23,315	23,315	23,315	23,315	23,315	23,315	23,315	23,315	23,315	23,315	46,629
Consulting Services	215,000		17,917	17,917	17,917	17,917	17,917	17,917	17,917	17,917	17,917	17,917	35,833
Total Conslt	**494,775**	**0**	**41,231**	**41,231**	**41,231**	**41,231**	**41,231**	**41,231**	**41,231**	**41,231**	**41,231**	**41,231**	**82,463**
Contractual Maintenance	770,000	35,000	61,250	61,250	61,250	61,250	61,250	61,250	61,250	61,250	61,250	61,250	122,500
Maintenance Supply	792,000	20,000	64,333	64,333	64,333	64,333	64,333	64,333	64,333	64,333	64,333	64,333	128,667
Total Maint	**1,562,000**	**55,000**	**125,583**	**125,583**	**125,583**	**125,583**	**125,583**	**125,583**	**125,583**	**125,583**	**125,583**	**125,583**	**251,167**
Interceptor	15,000	0	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	2,500
Water	200,000		16,667	16,667	16,667	16,667	16,667	16,667	16,667	16,667	16,667	16,667	33,333
Dumpster	5,000	0	575	425	425	425	425	425	425	425	425	425	600
Telephone	8,000	600	700	700	700	700	700	700	700	600	600	600	700
Total Utilities	**213,000**	**600**	**17,942**	**17,792**	**17,792**	**17,792**	**17,792**	**17,792**	**17,792**	**17,692**	**17,692**	**17,692**	**34,633**
Misc Expense	7,500	0	625	625	625	625	625	625	625	625	625	625	1,250
Office Supplies	4,500	0	417	417	417	417	417	417	417	417	417	417	333
Scientific Supply	225,000	6,000	18,250	18,250	18,250	18,250	18,250	18,250	18,250	18,250	18,250	18,250	36,500

HRWTF FY 18-19 OPERATING BUDGET

DESCRIPTION	TOTAL	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Janitorial Supply	7,500	500	583	583	583	583	583	583	583	583	583	583	1,167
Vehicle Supplies	40,000	4,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	6,000
Wearing Apparrel	26,500	0	2,208	2,208	2,208	2,208	2,208	2,208	2,208	2,208	2,208	2,208	4,417
Misc. Operating Supplies	0	0	0	0	0	0	0	0	0	0	0	0	0
Safety Supply	10,000	0	833	833	833	833	833	833	833	833	833	833	1,667
Non-Capital Equip	25,000	0	2,083	2,083	2,083	2,083	2,083	2,083	2,083	2,083	2,083	2,083	4,167
Total Supplies	**346,000**	**10,500**	**28,000**	**28,000**	**28,000**	**28,000**	**28,000**	**28,000**	**28,000**	**28,000**	**28,000**	**28,000**	**55,500**
Auditing	20,000	6,000			6,000	3,000			3,000				2,000
Legal Services	25,000	0	2,083	2,083	2,083	2,083	2,083	2,083	2,083	2,083	2,083	2,083	4,167
Misc Contracts	14,000	2,500	958	958	958	958	958	958	958	958	958	958	1,917
Custodial Services	0	0	0	0	0	0	0	0	0	0	0	0	0
Advertising	1,500	0	125	125	125	125	125	125	125	125	125	125	250
DP	5,000	0	417	417	417	417	417	417	417	417	417	417	833
Property Insurance	120,000	120,000	0	0	0	0	0	0	0	0	0	0	0
Travel	11,500	0	2,500	4,000	2,500	500	500	500	500	0	0	0	500
Training	67,000	3,000	5,333	5,333	5,333	5,333	5,333	5,333	5,333	5,333	5,333	5,333	10,667
Memberships	55,000	12,500	12,000	500	4,500	500	500	500	500	15,000	0	0	8,500
Freight	30,000	500	2,458	2,458	2,458	2,458	2,458	2,458	2,458	2,458	2,458	2,458	4,917
Permit Fees	30,000		15,000	15,000									
Total Admin	**379,000**	**144,500**	**40,875**	**30,875**	**24,375**	**15,375**	**12,375**	**12,375**	**15,375**	**26,375**	**11,375**	**11,375**	**33,750**
Ash Removal	175,000		14,583	14,583	14,583	14,583	14,583	14,583	14,583	14,583	14,583	14,583	29,167
Total before Levy	**12,206,345**	**584,917**	**1,186,675**	**1,013,074**	**959,103**	**997,161**	**930,161**	**1,105,072**	**933,341**	**1,008,923**	**938,503**	**1,003,061**	**1,546,358**
Levy in Lieu of Tax	334,000						167,000						167,000
GRAND TOTAL	**12,540,345**						**1,097,161**						**1,713,358**
													3/19/2018

CITY OF
HOPEWELL
WATER RENEWAL

PROPOSED OPERATING BUDGET
FY 2018-2019

FY 18-19 Proposed O&M Budget

Category	Actual FY 16-17 (unaudited)	Budget FY 17-18	Proposed FY 18-19	% Change
Labor	4,137,717	4,502,095	4,718,570	4.8%
Energy	1,810,930	2,551,000	2,553,000	1%
Chemicals	1,237,922	1,650,000	1,750,000	6%
Maintenance	1,602,474	1,441,500	1,577,000	9%
Miscellaneous	1,932,619	1,828,939	1,607,775	-12%
Levy in Lieu of Taxes	334,000	334,000	334,000	0%
Total	11,055,662	12,307,534	12,540,345	1.9%

Labor

Category	Actual FY 16-17 (unaudited)	Budget FY 17-18	Proposed FY 18-19	% Change
Salaries	2,712,883	2,861,085	3,024,077	5.7%
Over-Time	252,699	203,000	200,500	-1.2%
Part Time	66,366	45,000	45,000	0%
Bonuses/Licenses	650	2680	180	-93%
Tool Allowance	1,050	1275	1,275	0%
Benefits	1,069,878	1,389,055	1,447,538	4.2%
Total	4,103,526	4,502,095	4,718,570	4.8%

Labor

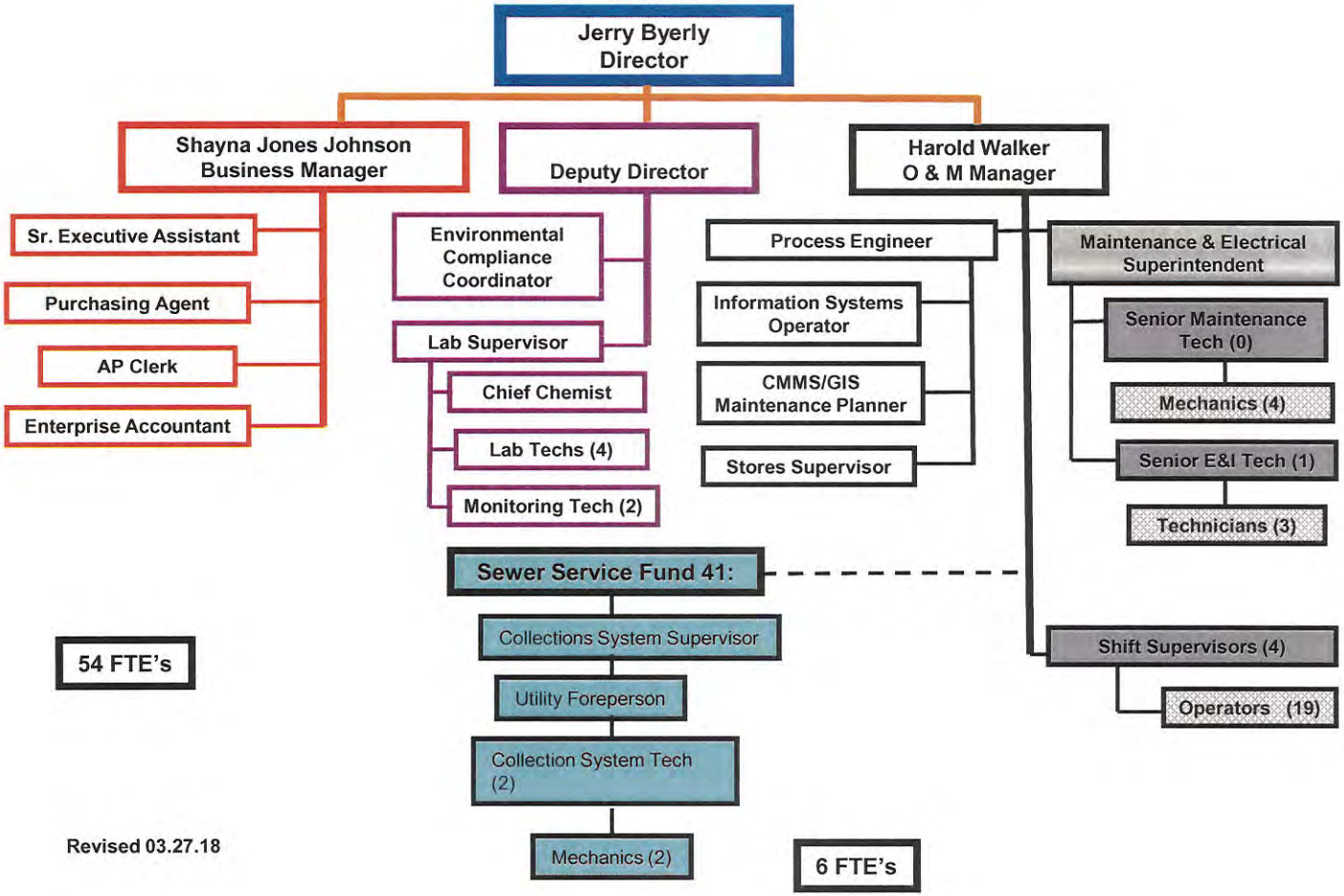
- FY 18-19 Budget supports 54.00 FTE's.

- Fringe Benefit Rates are subject to change via action by the General Assembly or 3rd party benefit providers.
  - The City currently anticipates a 4.3% increase in health insurance rates.

- Labor costs represent approximately 40% of the total budget for the facility.
  - There has been a proposal for a 2% COLA, pending Council approval.

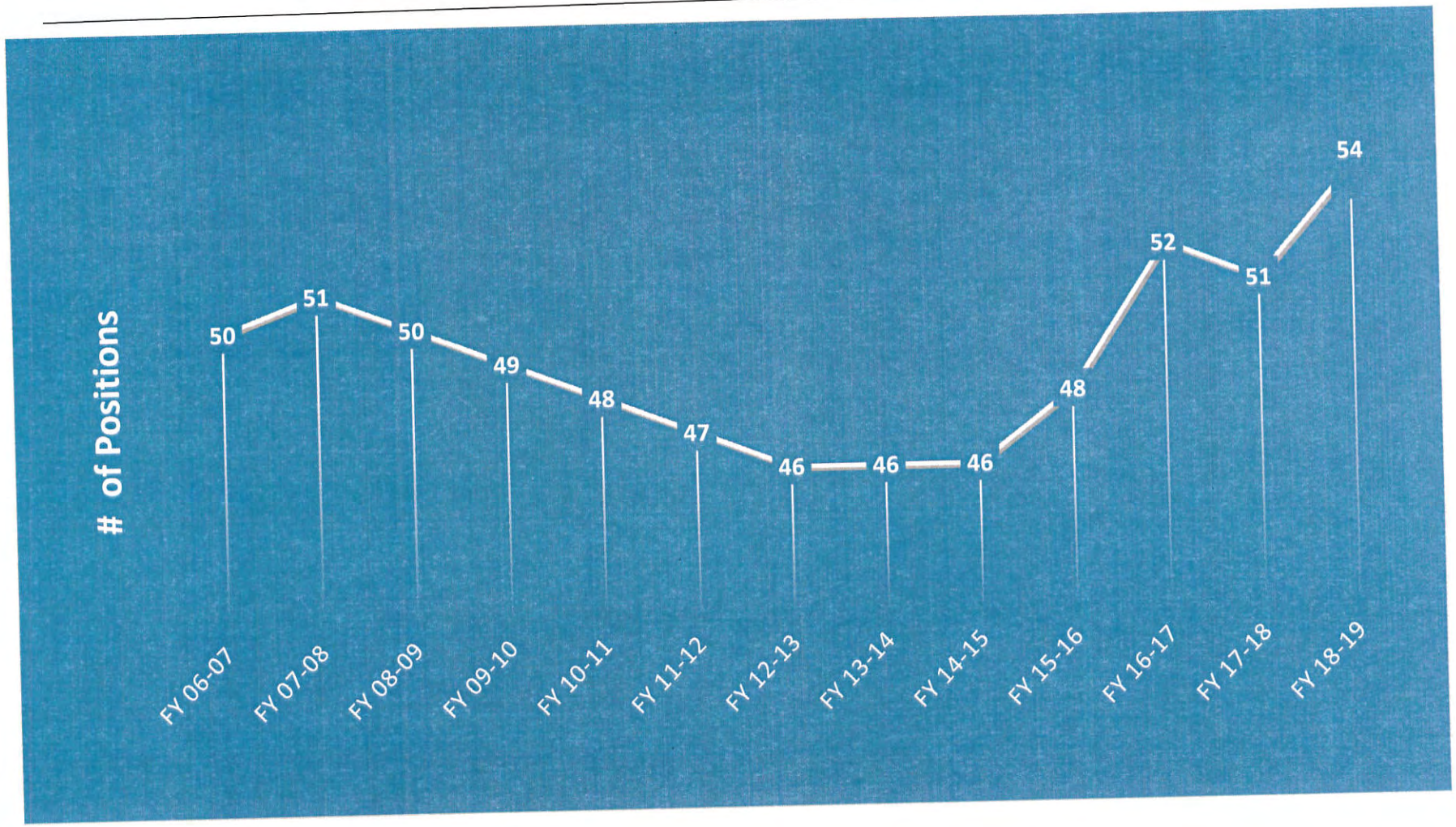
Hopewell Water Renewal

Fund 32



Revised 03.27.18

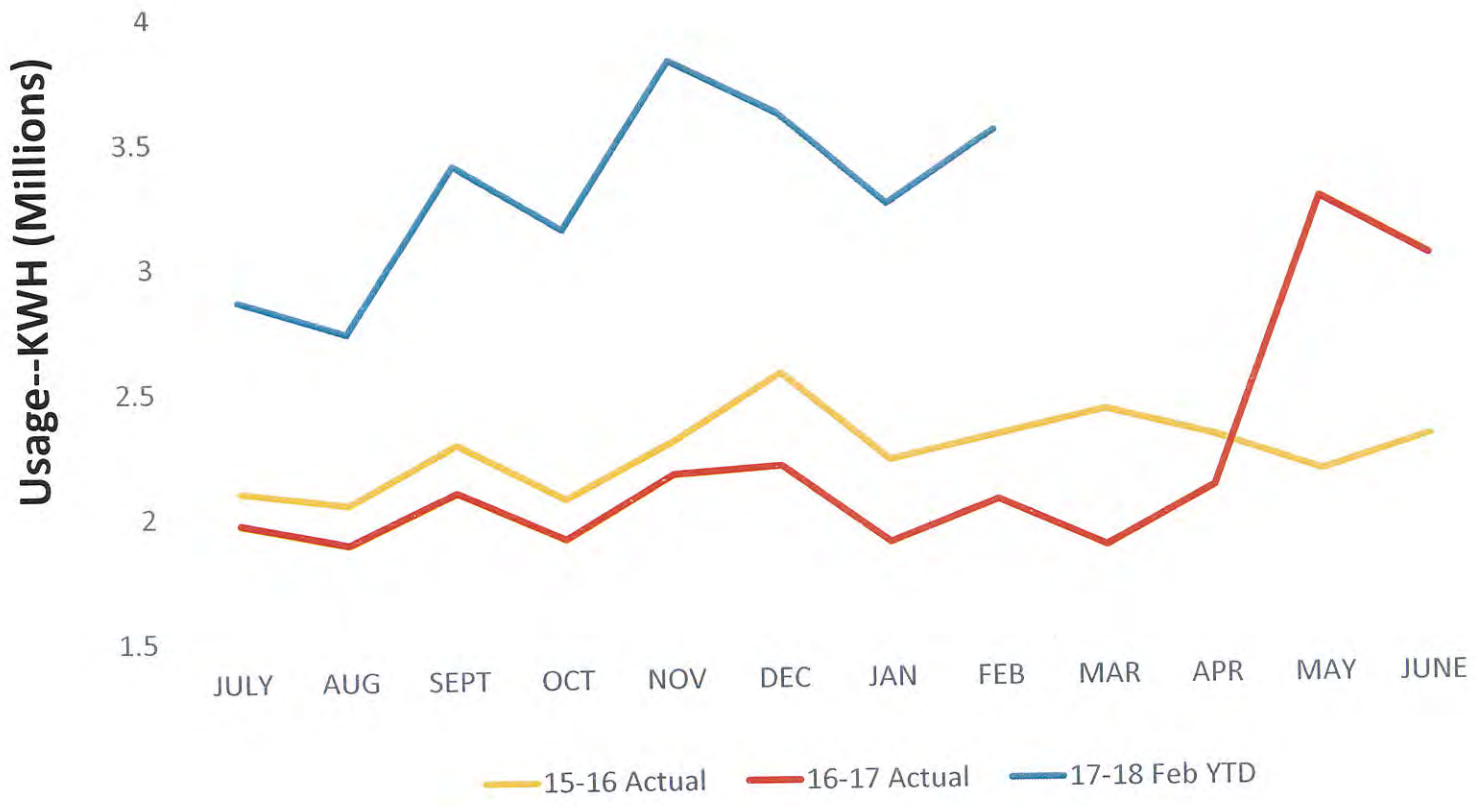
Full Time Employee Positions



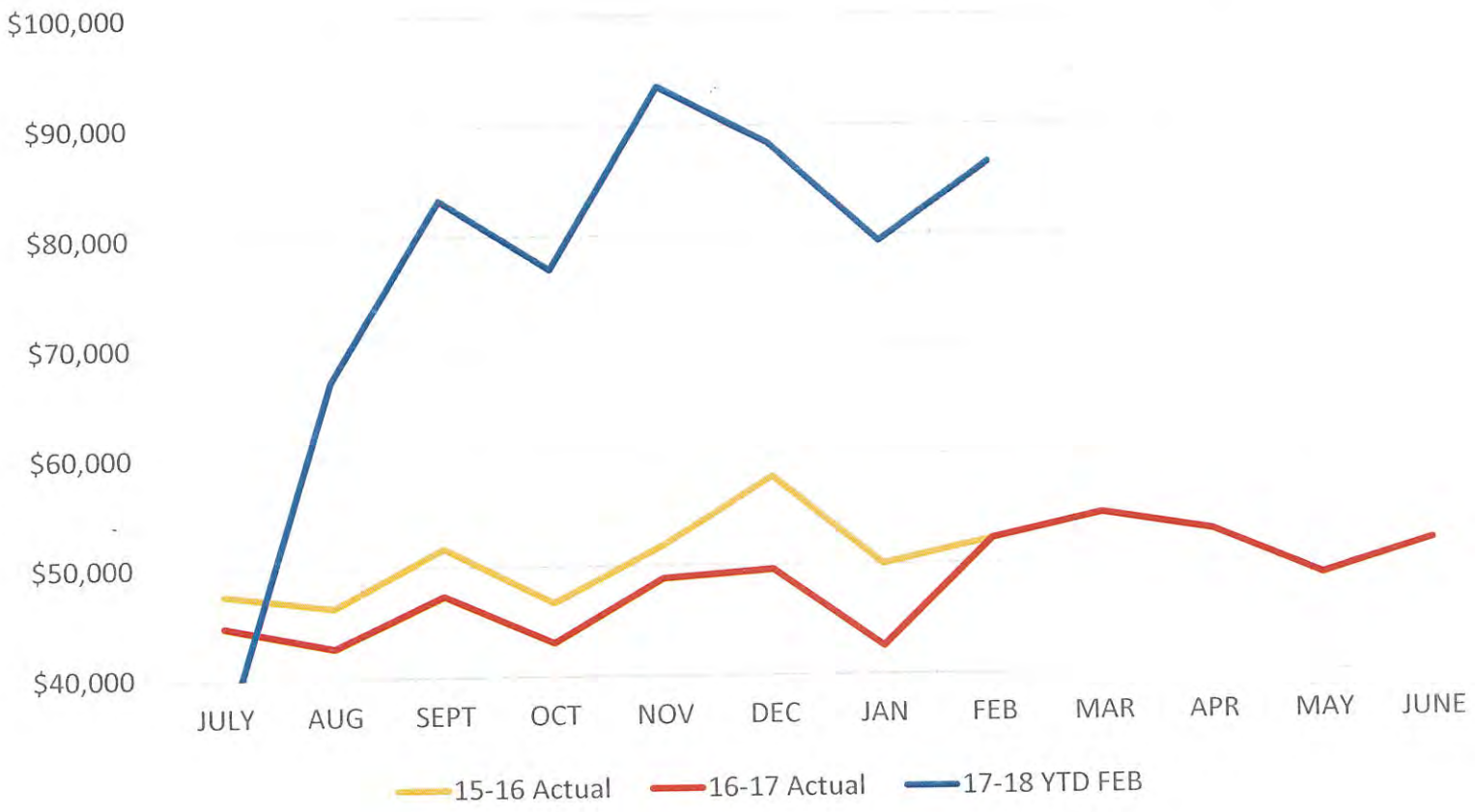
Energy

Category	Actual FY 16-17 (unaudited)	Budget FY 17-18	Proposed FY 18-19	% Change
Power	1,544, 027	2,251,000	2,253,000	1%
Fuel	266,904	300,000	300,000	0%
Total	1,810,931	2,551,000	2,553,000	1%

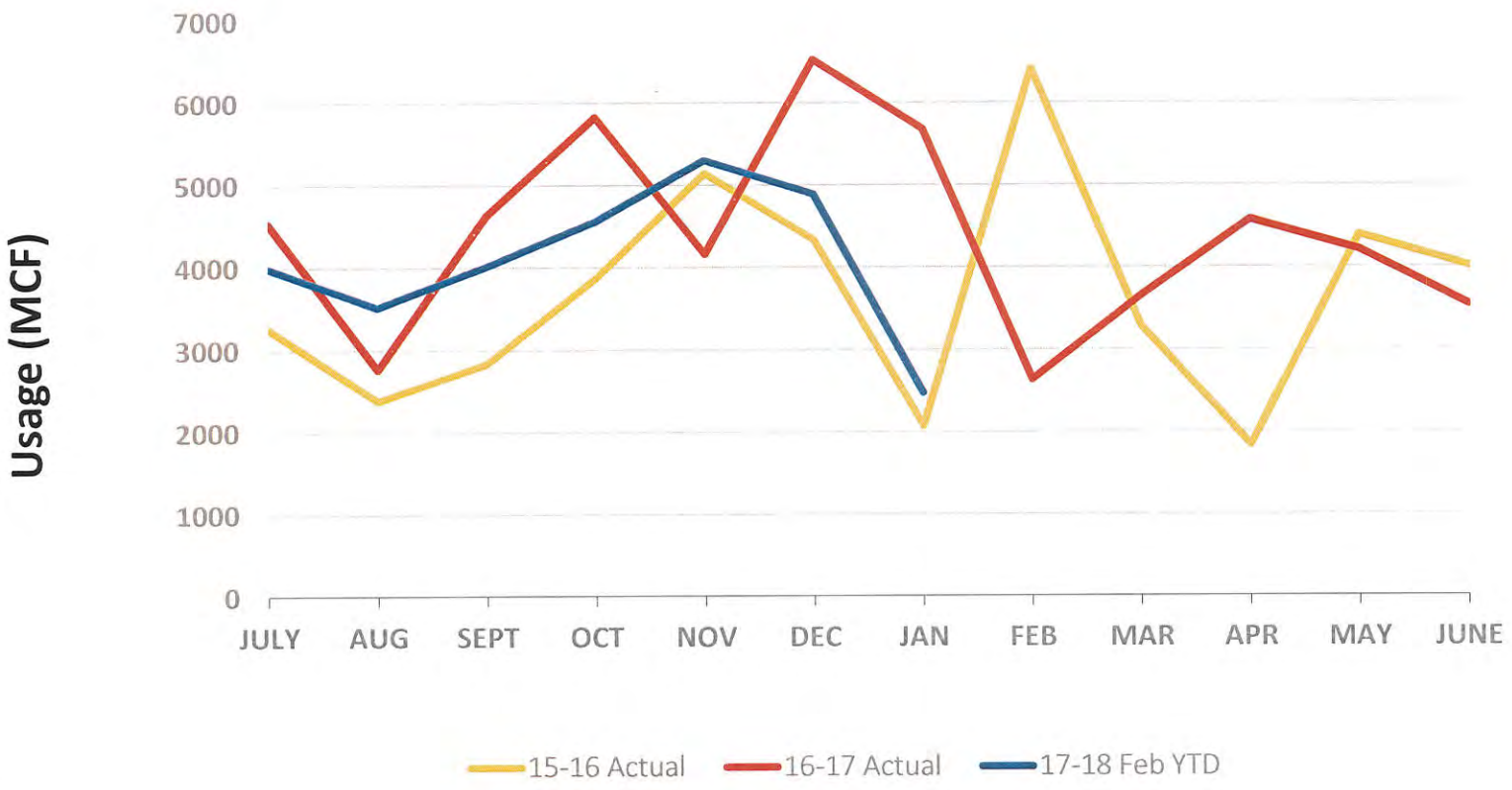
Electricity Usage



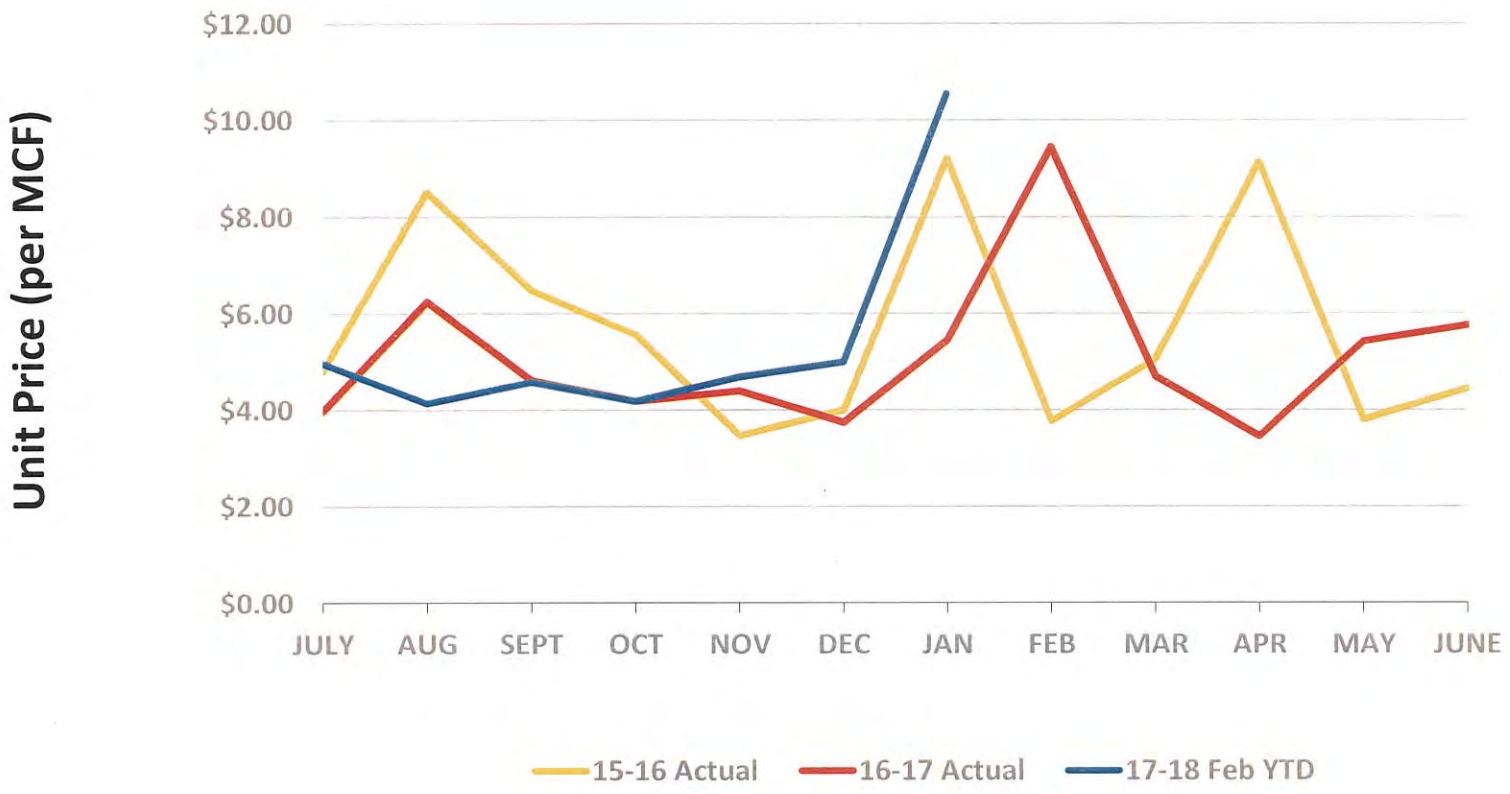
Electricity
Fuel Surcharge



Natural Gas Usage



Natural Gas Unit Cost



Energy

- Electrical costs trending higher than usual for the current fiscal year due to increased usage and increased fuel surcharges.
- Anticipate electricity usage to remain steady as a result of the Nitrogen Reduction Facility being online.
- Natural Gas usage trending lower this year – sludge more volatile.

Chemicals

Category	Actual FY 16-17 (unaudited)	Budget FY 17-18	Proposed FY 18-19	% Change
OTC	36,968	740,000 *Included Sodium Hydroxide	200,000 *Separate line item created for Sodium Hydroxide	-73%
Hypochlorite	774,420	400,000	300,000	-25%
Sodium Hydroxide*	0	0	700,000	New
Polymer	360,639	420,000	450,000	7%
Defoamer	17,815	20,000	30,000	50%
Phosphoric	48,080	70,000	70,000	0%
Total	1,237,922	1,650,000	1,750,000	6%

Chemicals

- New chemical to the treatment process
  - Sodium hydroxide, for alkalinity control.
  - Cost continues to rise
  - Currently reviewing cooperative procurement with Fairfax County
- Other Treatment Chemicals includes liquid oxygen for O2 Plant and permanganate/peroxide.
- Anticipate decrease in Hypochlorite usage due to change in the treatment process – will now be chlorinating after secondary treatment.
- Anticipate increase in Polymer usage because of DAFs associated with MBBR.
- 9.6% increase in defoamer cost from $2645/tote to $2900/tote

Maintenance

Category	FY 16-17 (unaudited)	Budget FY 17-18	Proposed FY 18-19	% Change
Contract Maintenance	371,256	794,500	770,000	-3%
Maintenance Supplies	1,223,743	632,000	792,000	25%
Interceptor	7,475	15,000	15,000	0%
Total	1,602,474	1,441,500	1,577,000	9%

Maintenance

FY 18-19 Projects:

- Domestic Fine Screen Rebuild
- Cake Pump Cylinder Replacement (2 per pump)
- Incinerator Hearth Replacement X 2

Contractual Maintenance

Category	Actual FY 16-17 (unaudited)	Budget FY 17-18	Proposed FY 18-19	% Change
Tech Services	33,930	42,000	42,000	0%
Process Support	9,077	30,000	30,000	0%
Support Services	78,338	110,000	110,000	0%
Sludge Thickening	7,149	10,000	10,000	0%
Dewatering	274,704	125,000	50,000	-60%
Preliminary Treatment	0	182,000	140,000	-23%
Secondary Clarification	0	40,000	120,000	200%
Incineration	170,053	75,000	140,000	87%
Biological Treatment	46,679	175,000	75,000	-57%
Miscellaneous*	16,923	5,500	*53,000 Includes Contractual MBBR	*New
Total	636,853	794,500	770,000	-3%

Maintenance Supplies

Category	Actual FY 16-17 (unaudited)	Budget FY 17-18	Proposed FY 18-19	% Change
Tech Services	65,321	57,000	57,000	0%
Process Support	101,085	50,000	75,000	50%
Support Services	123,207	70,000	100,000	42%
Sludge Thickening	36,183	30,000	30,000	0%
Dewatering	428,553	125,000	175,000	40%
Secondary Clarification	30,995	75,000	75,000	0%
Incineration	119,644	50,000	75,000	50%
Biological Treatment	139,847	125,000	75,000	-40%
Miscellaneous*	58,810	50,000	130,000 *Includes MBBR Supplies	*New
Total	1,103,645	632,000	792,000	25%

Miscellaneous

Category	Actual FY 16-17 (unaudited)	Budget FY 17-18	Proposed FY 18-19	% Change
Utilities	158,637	123,000	213,000	73%
Other Supplies	312,022	323,500	338,500	4.6%
Outside Contractual Services	881,403	883,439	528,775	-40%
Administration	148,286	299,000	327,500	9.5%
Ash Disposal	221,395	175,000	175,000	0%
Legal Services	23,034	25,000	25,000	0%
Total	1,744,777	1,828,939	1,607,775	-12%

Utilities

Category	Actual FY 16-17 (unaudited)	Budget FY 17-18	Proposed FY 18-19	% Change
Water	152,752	110,000	200,000	81.8%
Telephone	4,444	8,000	8,000	0%
Dumpster	1,440	5,000	5,000	0%
Total	158,636	123,000	213,000	73%

Other Supplies

Category	Actual FY 16-17 (unaudited)	Budget FY 17-18	Proposed FY 18-19	% Change
Office Supplies	5,879	4,500	4,500	0%
Scientific Supplies	206,766	200,000	225,000	12.5%
Janitorial Supplies	7,391	7,500	7,500	0%
Vehicle Supplies	36,121	50,000	40,000	-20%
Wearing Apparel	23,155	26,500	26,500	0%
Safety Supplies	11,126	10,000	10,000	0%
Non-Capital Equipment	12,789	25,000	25,000	0%
Total	303,227	323,500	338,500	4.6%

Outside Contractual Services

Category	Actual FY16-17 (unaudited)	Budget FY17-18	Proposed FY 18-19	% Change
Auditing Costs	5,415	20,000	20,000	0%
Consulting/Nutrient Credits/Special Initiatives	464,888	449,664	85,000	-81%
Title V Permit Compliance	109,025	80,000	80,000	0%
Engineering	39,350	50,000	50,000	0%
Air Monitoring	265,024	269,775	279,775	3.7%
Misc. Contracts	4,267	10,500	10,800	0%
Bottled Water	1,831	2,000	2,000	0%
Walk Off Mats	1,122	1,200	1,200	0%
Total	890,922	883,139	528,775	-40%

Outside Contractual Services

- Audit costs have not yet been expensed for FY 15-16 or FY 16-17, which are currently in progress.

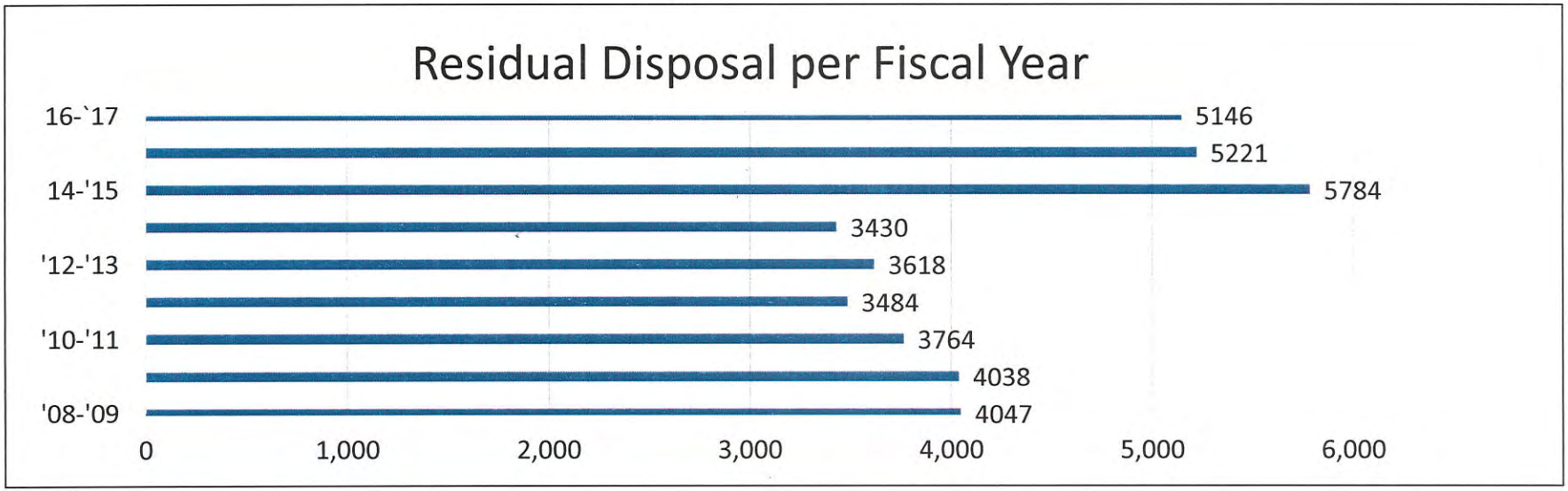
- Nutrient Credits have decreased in cost in the exchange.

Administration

Category	Actual FY16-17 (unaudited)	Budget FY17-18	Proposed FY 18-19	% Change
Advertising	345	1,500	1,500	0%
Data Processing	10,525	5,000	5,000	0%
Property Insurance	120,000	120,000	120,000	0%
Travel	8,886	11,500	11,500	0%
Education and Training	21,954	52,000	67,000	28.8%
Miscellaneous Expenses	8,637	4,000	7,500	87.5%
Membership/Dues	32,428	55,000	55,000	0%
Freight Charges	34,296	20,000	30,000	50%
Permit Fees	27,218	30,000	30,000	0%
Total	264,289	299,000	327,500	9.5%

Ash Disposal

Category	Actual FY 16-17 (unaudited)	Budget FY17-18	Proposed FY 18-19	% Change
Ash Disposal	221,395	175,000	175,000	0%



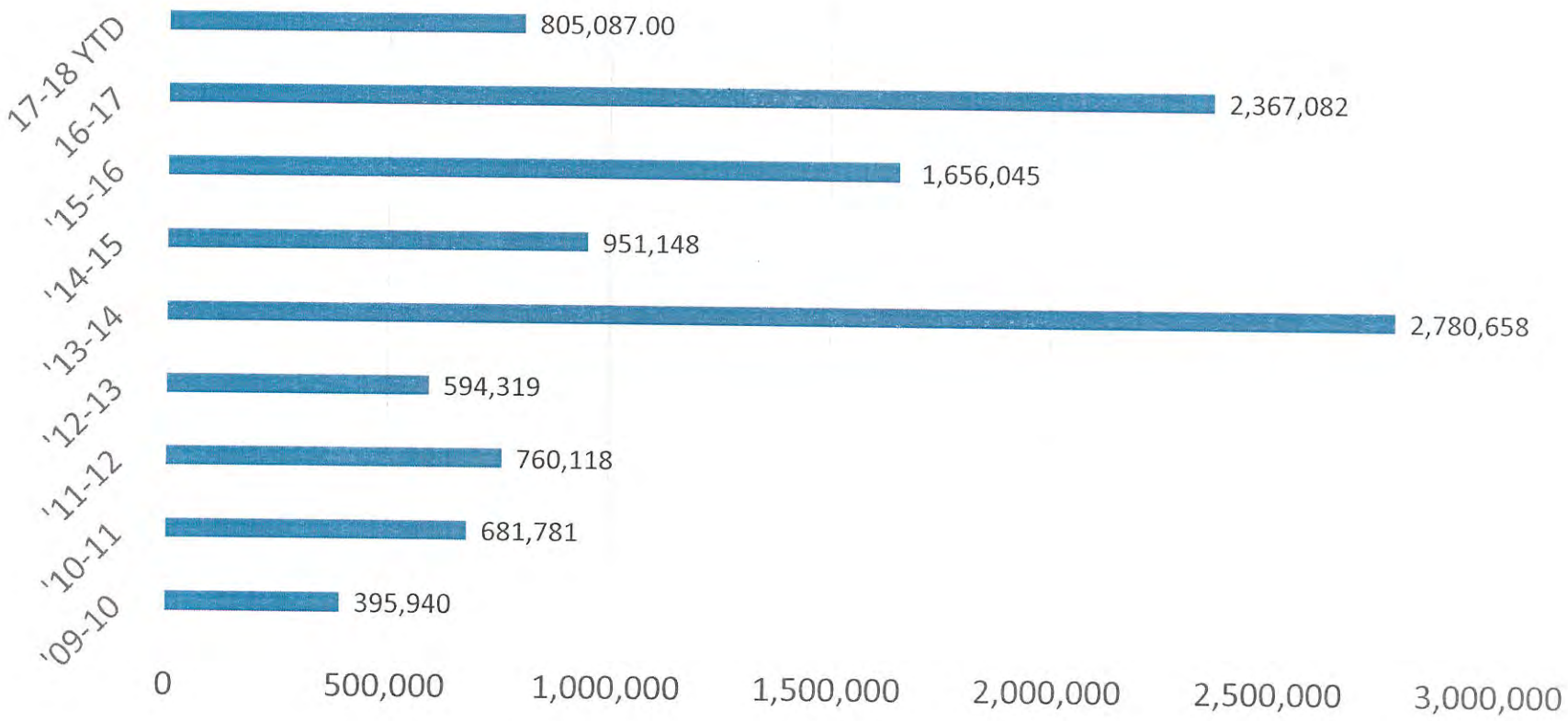
Per Tonnage

Levy in Lieu of Taxes and Legal

Category	Actual FY 16-17 (unaudited)	Budget FY 17-18	Proposed FY 18-19	% Change
Levy in Lieu of Taxes	334,000	334,000	334,000	0%
Legal	23,034	25,000	25,000	0%
Total	357,034	359,000	359,000	0%

- Levy in Lieu of Taxes are approved by City Council.
- Currently being reassessed due to the new construction (Phase 2) – this number will likely increase.
- No change in Legal costs; negotiations complete for NOV

HRWTF Outside Treatment Revenues



Proposed 5 Year Capital Projects

HOPEWELL WATER RENEWAL

FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN

FY 17-18 THRU FY 22-23

				Current						
ITEM NO.	PROJECT	REPL/ ADD	TOTALS	FY17-18	FY18-19	FY19-20	FY20-21	FY 21-22	FY22-23	PROJECT DESCRIPTION
1	Energy Recovery	A	5,000,000				~~5,000,000~~		50,000,000	To use heat energy from incinerator to offset a portion of utility expense. Return on investment at 2013 loadings is 13 years.
2	Primary Sludge Wet Well Rehab	R	100,000		100,000					To repair concrete structure damage from hydrogen sulfide.
3	Oxygen Plant Instrumentation Conversion	A	1,000,000					1,000,000		To replace the existing pneumatic controllers with electronic controllers . The existing controllers are obsolete and we cannot get repair parts. This will also upgrade the control system to a PLC system to be compatible with existing plant.
4	SNR Wet Well Rehab	R	100,000		100,000					To repair concrete structure damage from hydrogen sulfide.
5	Pilot Study (Nitrogen Reduction)	A	500,000			500,000				Further study to determine technology needed to meet lower nitrogen limits.
6	Plant Switchgear	R	1,300,000			1,300,000				Replacement: Increase liability; existing equipment is 40 yrs. Old
7	Storm Water Facility Improvements	A	500,000	500,000						To reduce the number of outfalls by combining outfalls and improving access for sampling safety.
8	Hydrogen Sulfide Control	A	500,000		500,000					To reduce effects of hydrogen sulfide corrosion.
9	9th Secondary Clarifier - Engineering	A	250,000				250,000			To improve solids removal and increase hydraulic capacity of plant.
10	UNOX Mixer Replacement	R	4,250,000	250,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	Replace over four years through FY20-21 for a total of $4M --current mixers are obsolete; parts are not available and have to be machined -- currently 40 year old equipment with high energy demand.
11	Polymer System Upgrade	R	420,000	420,000						Existing system 20+ years old -- needs to upgrade to meet needs of thrid centrifuge.
12	RAS Pipeline	R	1,200,000		1,200,000					Repair/replace due to deterioration -- pipe failing
13	Industrial Fine Screen	A	600,000			600,000				
14	Holding Tank Roof (2)	R	1,000,000		1,000,000					2-Estimated at $500K each; H2S Deterioration; Aluminum
15	Gravity Thickener Gear Boxes-Top end replacement	R	300,000		300,000					Replacing mechanical equipment and gear boxes
16	Cake Pump Electrical Panel Upgrade	R	600,000		600,000					3-Estimated at $200K each
17	Flue Gas Recirculation for Incinerator	A	750,000				750,000			To lower burning temps; Estimated $750K-$1 million
	GRAND TOTAL		**18,370,000**	**1,170,000**	**4,800,000**	**3,400,000**	**7,000,000**	**2,000,000**	**0**	

Bio filter

1,000,000
2,800,000
600,000
3,2 00,000

1.2M

Unit Cost Allocation – Volumetric Rates

Cost Per MG	FY 17-18	Proposed FY 18-19
City of Hopewell	1075.82	1034.76
Advansix	986.79	941.23
Ashland	3267.16	3167.40
WestRock	1144.26	1182.50
VAWCO	1774.33	1774.20

Q & A
COMMENTS

****

EMPLOYEE OF THE YEAR AWARD BALLOT - 2017

I, the undersigned, nominate Arthur Carrier / Herbert Talbott

for the 2017 HWR Employee of the Year Award for the following reasons:

I am recommending the tag team of Arthur Carrier and Herbert Talbott. They have brought many skills here that have been missing and we have had to contract to outside companies. They had worked together at their previous job and have jumped right in here tackling some big jobs together. They have a strong work ethic and

12/7/17 — Date

Brad Fitel — Signature

are always ready for the next job assignment. Here are some of the big jobs they have done together in house saving us from spending big money to contract out:

- complete rebuild of the gravity tank rake arms
- complete rebuilds of the pump stations grinders
- Pump station internal pump repairs that would have been sent out for repair
- Oxygen and instrument air pipeline repair
- IFP and twin screw rebuilds

Jeanie Grandstaff

From: Calos, Stefan M. <scalos@sandsanderson.com>
Sent: Tuesday, April 10, 2018 7:53 PM
To: Jeanie Grandstaff; Christina Bailey; John M. Altman
Cc: Jerry Byerly; Allen, Kathy
Subject: RE: April 17, 2018 Hopewell Water Renewal Commission Meeting Agenda

Jeanie, thanks. This confirms that I will not be able to attend the meeting, because I will be traveling back from Boston then. I hereby designate City Manager March Altman my proxy, if he is willing and able. Thank you all,

Stefan M. Calos
Attorney
Sands Anderson PC
1111 East Main Street, Suite 2400 | P.O. Box 1998 | Richmond, VA 23218-1998
(804) 783-7215 Direct | (804) 648-1636 Main | (804) 783-7291 Fax
www.SandsAnderson.com | scalos@sandsanderson.com | Bio | vCard

NOTICE from Sands Anderson PC: This message and its attachments are confidential and may be protected by the attorney/client privilege. If you are not the named addressee or if this message has been addressed to you in error, you are directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Please notify the sender immediately by e-mail and delete and destroy this message and its attachments.

From: Jeanie Grandstaff [mailto:jgrandstaff@hopewellva.gov]
Sent: Tuesday, April 10, 2018 11:04 AM
To: bjohnson@ashland.com; Christian Volk; Christina Bailey; Daniel Rowland (daniel.rowland@westrock.com); Harry, Fred; Keefe, Jennifer F.; John M. Altman; Calos, Stefan M.
Cc: Jerry Byerly; Bret Llaneza (Bret.Llaneza@Honeywell.com); John Sheridan (john.sheridan@honeywell.com); Julianne Hamlet (juli.hamlet@evonik.com); Kelly.Ryan@amwater.com; Parker, Andrew; Steve Spence (sgspence@ashland.com); Timothy Paasch
Subject: April 17, 2018 Hopewell Water Renewal Commission Meeting Agenda

Attached is the agenda for the meeting next week on April 17, 2018 at 1:30. Please let me know if you have any additions or changes. This is an important meeting where we will present the budget for FY 19 and ask for your approval. Also attached are the minutes from the January meeting. See you next week.

Jeanie Grandstaff, Director
Hopewell Water Renewal
P.O. Box 969, 231 Hummel Ross Road
Hopewell, VA 23860
Phone: 804-541-2210
Cell: 804-347-9616
Fax: 804-541-2441
Email: jgrandstaff@hopewellva.gov

CITY OF HOPEWELL WATER RENEWAL

APPOMATTOX REGIONAL LIBRARY SYSTEM

BOARD OF TRUSTEES

May 15, 2018

Hopewell Library
1:00 p.m.

ARLS Board of Trustees - Minutes of April 17, 2018
McKenney Library

The ARLS regular monthly meeting was called to order by Vice Chairman Mrs. Bertha Judge on April 17, 2018 at 1:00 PM at the McKenney Library.

Trustees present: Mrs. Lillian Boyd, Mrs. Fran Halupka,, Mrs. Ann Williams and Ms. Carly Winfield, Mrs. Bertha Judge, and Mrs. Martha Sykes

Trustees absent: Mrs. Libbie Dragoo and Mrs. Mary Benjamin

Trustee positions vacant: One position for Prince George

Staff present: Brian Manning and Nicole Coleman

Approval of Agenda: Mrs. Lillian Boyd moved to approve the agenda. Mrs. Ann Williams seconded the motion, and the motion passed unanimously.

Consent Agenda: After review of the documents, Mrs. Fran Halupka moved to approve the consent agenda. Mrs. Williams seconded the motion and the motion passed unanimously.

Communications:

- John Randolph Foundation--$20, 910.38 will be received for FY19-20 year for the endowment. Brian will pick up the check on Thursday, July 19.
- John Randolph Foundation--Linda Crow gave money in memory of Ms. Brenda Pleasant, who served in the school system.

Citizen Comment: None.

Report of the Library Director:

R1. Staff Update. The Volunteer Coordinator position was filled by Ms. Megan Kitchen, who will start officially in May. Ms. Kitchen will shadow Ms. Rowley. The new Youth Services Manager, Ms. Sara Finch, has started, and one part-time circulation assistant at Prince George is out on maternity leave. As of right now, we are fully staffed.

R2. Tech Services Report. Tech Services is still on track to spend the book budget. There is the possibility that Tech Services will be able to shift some of the funds not used for fixes into collection development.

R3. Hopewell Adult Area. Brian has met with the furniture company and finalized the new furnishings for the space. The plan is to start with the cafe, where the bench/booth seating will be reupholstered. We are also looking at improving seating around computer area with more couch-style seating. The Octagon space has been completed and the Board will meet in that space for the May meeting.

R4. Vacancies on the Board--Prince George County. Mr. William Thomas was approved for his interim appointment. He will finish Mrs. Doris Gallup's term and will then receive a letter asking if he would like continue to serve on the board. Because he is serving the remainder of Mrs. Gallup's term, Mr. Thomas will be able to finish Mrs. Gallup's term and then serve two, four year terms, if he so chooses.

R5. Public Library Association Conference. Brian attended and it was wonderful. He attended a variety of sessions related to reference, STEM, and STEAM.

R6. VRS Resolution on library's contribution to retirement. The Board has to select a new rate retirement contribution rate. We currently contribute 5.71%, and Mrs. Judge suggested we stay at the higher rate.

R7. Dinwiddie County Proposal on minors in the recreation centers. Parks & Recreation is proposing that children under 8 must be accompanied by an adult. Children 8-12 must be left unattended but adult must be somewhere in the building. If children are behaving, we will leave them be. If a child is misbehaving, Library staff will go contact parks & rec desk to locate the adult.

R8. Proposed meeting room policy. Everyone will be taking home a draft of the proposed meeting room policy. The Board will discuss the policy at the June or July meeting.

Committee Reports:

- The Personnel Committee will be meeting on Monday, April 23 at 2pm.

New Business:

- Mrs. Judge suggested that the Board go back to meeting at one central location, Hopewell.
- A resolution was made on the VRS contribution percentage by ARLS. Mrs. Judge motioned to approve the contribution percentage be the maximum allowed percentage, 5.27%. Mrs. Lillian Boyd motioned to approve, and Mrs. Fran Halupka seconded it. The motion was unanimously approved.

Unfinished Business:

- Mr. Manning is finalizing the Board Member Handbooks will bring them to the May meeting.

Announcements: The next ARLS Board of Trustees Meeting will be at the Hopewell Library on Tuesday, May 15, 2018 beginning at 1 PM.

Adjournment: 1:24 PM

Appomattox Regional Library System
Revenue and Expenses
July 1, 2017 - June 30, 2018

fund#	Revenue 04/30/18	FY2018 Proposed	Prev. Total Receipts	Monthly Receipts	Total Receipts	Percentage Received	Balance Due
100	Carry Over	$20,000	$0	$0	$0	0.0%	$20,000
101	Reserve	$100,000	$0	$0	$0	0.0%	$100,000
102	Hopewell	$600,261	$600,261	$0	$600,261	100.0%	$0
103	Dinwiddie	$273,595	$205,197	$68,399	$273,596	100.0%	($1)
104	Prince George	$592,224	$444,168	$148,056	$592,224	100.0%	$0
105	State Funds	$380,000	$290,204	$96,735	$386,939	101.8%	($6,939)
106	Fines/Fees/Lost	$22,600	$12,929	$1,282	$12,929	57.2%	$9,671
107	Copying Receipts	$20,121	$16,101	$1,992	$18,093	89.9%	$2,028
108	Endowment Funds	$20,499	$0	$0	$0	0.0%	$20,499
109	E-Rate Refunds	$24,000	$24,416	$0	$24,416	101.7%	($416)
110	Gifts/Donations	$7,000	$5,740	$250	$5,990	85.6%	$1,010
111	Grants	$5,000	$0	$0	$0	0.0%	$5,000
112	Other	$24,000	$17,897	$2,151	$20,048	83.5%	$3,952
	TOTALS	$2,089,300	$1,616,913	$318,865	$1,935,778	92.7%	$153,522

Fund#	EXPENSES 04/30/18	FY18 Projected Expenditures	TOTAL SPENT TO PREVIOUS MONTH	MONTHLY EXPENSES - 04/30/18	TOTAL EXPENSES	PERCENTAGE SPENT	BALANCE
	Personnel						
200	MLS Salaries & Wages	$458,648	$313,335	$32,321	$345,656	75.4%	$112,992
201	Non-MLS Salary & Wages	$576,368	$427,687	$42,519	$470,206	81.6%	$106,162
202	Benefits for Staff/Retirees	$270,512	$188,498	$20,659	$209,157	77.3%	$61,355
	Total Personnel	$1,305,528	$929,520	$95,500	$1,025,020	78.5%	$280,508
	Books & Materials						$0
300	Books	$70,000	$50,433	$9,357	$59,790	85.4%	$10,210
301	Leased Materials	$27,000	$0	$0	$0	0.0%	$27,000
302	Standing Order Books	$36,000	$23,193	$3,045	$26,238	72.9%	$9,762
303	Print News & Periodicals	$12,276	$3,812	$328	$4,140	33.7%	$8,136
304	Audiovisual Materials	$25,000	$16,539	$4,108	$20,647	82.6%	$4,353
305	Electronic Materials	$4,500	$4,457	$0	$4,457	99.0%	$43
306	Microforms	$1,133	$0	$0	$0	0.0%	$1,133
307	Binding/Repair	$500	$500	$0	$500	100.0%	$0
308	Restricted - Donation/Grant	$1,250	$488	$92	$580	46.4%	$670
309	Family Resource Books	$1,000	$577	$65	$642	64.2%	$358
310	Econtent	$29,700	$29,700	$0	$29,700	100.0%	$0
	Total Books & Materials	$208,359	$129,699	$16,995	$146,694	70.4%	$61,665
	Capital Expenditures						
400	Library Non-Computer Equip.	$11,750	$1,982	$634	$2,616	22.3%	$9,134
401	Computer Hardware	$12,000	$21,804	$2,830	$24,634	205.3%	($12,634)
	Total Capital Expenditures	$23,750	$23,786	$3,465	$27,251	114.7%	($3,501)
	Contractual						
500	Lyrasis ILL Services	$2,000	$2,995	$0	$2,995	149.8%	($995)
501	Software Licensing Contracts	$16,500	$28,135	$1,926	$30,061	182.2%	($13,561)
502	Audit	$20,000	$12,261	$0	$12,261	61.3%	$7,739
503	Cataloging MARC Records	$3,605	$1,602	$179	$1,781	49.4%	$1,824
504	Unique Management	$9,000	$4,476	$349	$4,825	53.6%	$4,175
505	Computer Support Service Calls	$17,500	$26,330	$3,020	$29,350	167.7%	($11,850)

506	Other Computer Software Serv.	$10,000	$2,438	$271	$2,709	27.1%	$7,291
507	Telecomm Internet Line Charges	$22,000	$16,734	$1,935	$18,669	84.9%	$3,331
508	Printing and Publications	$9,500	$9,927	$0	$9,927	104.5%	($427)
509	Security Guard Service	$26,500	$20,577	$2,260	$22,837	86.2%	$3,663
	Total Contractual	**$136,605**	**$125,475**	**$9,940**	**$135,415**	**99.1%**	**$1,190**
	Facilities/Maint./Operations						
600	Equip. Repair & Maintenance	$5,000	$4,880	$2,170	$7,050	141.0%	($2,050)
601	TLC Maintenance Contract	$19,500	$0	($1,643)	($1,643)	-8.4%	$21,143
602	Facilities and Rent	$76,650	$56,700	$6,300	$63,000	82.2%	$13,650
603	Supplies	$32,000	$14,251	$1,370	$15,621	48.8%	$16,379
604	Travel / Workshops /Conf. Fees	$8,500	$8,336	$824	$9,160	107.8%	($660)
605	Training / Education	$4,500	$535	$350	$885	19.7%	$3,615
606	Utilities	$6,000	$3,009	$524	$3,533	58.9%	$2,467
607	Telephone (Voice)	$13,000	$10,503	$1,113	$11,616	89.4%	$1,384
608	Insurance	$12,937	$0	$0	$0	0.0%	$12,937
609	Vehicle Maintenance & Fuel	$4,500	$4,219	$221	$4,440	98.7%	$60
610	Job & Contracting Advertising	$2,500	$1,438	$513	$1,951	78.0%	$550
611	Promotional Advertising	$2,000	$824	$0	$824	41.2%	$1,176
612	Organization/Association Dues	$3,500	$2,629	$0	$2,629	75.1%	$871
613	Postage	$4,500	$3,061	$350	$3,411	75.8%	$1,089
614	Janitorial	$64,500	$45,290	$4,877	$50,167	77.8%	$14,333
615	Other Building Maintenance	$12,500	$5,178	$4,025	$9,203	73.6%	$3,297
	Total Facilities/Maint./Operations	**$277,087**	**$160,353**	**$20,921**	**$181,274**	**65.4%**	**$95,813**
	Programs/Activites/Other						$0
700	YS Summer Reading Program	$6,500	$463	$0	$463	7.1%	$6,037
701	YS Programming & Supplies	$4,191	$1,123	$228	$1,351	32.2%	$2,840
702	Adult Programming	$2,600	$3,298	$551	$3,849	148.0%	($1,249)
703	Endowment	$3,500	$0	$0	$0	0.0%	$3,500
704	Funds for Local History Collection	$5,000	$4,292	$0	$4,292	85.8%	$708
705	Reserve	$5,500	$0	$0	$0	0.0%	$5,500
706	McKenny Library	$0	$0	$0	$0	0.0%	$0

707	Hopewell Project	$50,000	$698	$0	$698	1.4%	$49,302
708	Prince George Project	$50,000	$38,677	$1,000	$39,677	79.4%	$10,323
707	Misc. Professional Serv. & Other	$15,759	$8,508	$651	$9,159	58.1%	$6,600
	Total Programs/Activ./Other	**$143,050**	**$57,059**	**$2,431**	**$59,490**	**41.6%**	**$83,560**
	GRAND TOTALS	**$2,089,379**	**$1,426,392**	**$149,324**	**$1,575,715**	**75.4%**	**$513,664**

RESOLUTION

Be it hereby RESOLVED, that John M. Altman, Jr., as City Manager, is appointed to any and all boards, committees and/or commissions to which the city manager would be appointed. Mr. Altman will serve until his successor has been appointed, or he resigns, or he is removed from office, or is otherwise disqualified from serving. Such boards, commissions and committees include, but are not limited to the following:

Crater Criminal Justice Training Academy
Crater Planning District Commission
Hopewell Water Renewal Commission
Investment Policy Committee
John Randolph Medical Center Board
Petersburg Area Regional Tourism Corporation (PART)
Riverside Community Corrections Board
Riverside Regional Jail Authority
Virginia First Cities Coalition

Mr. Altman's service shall include attendance at meetings, voting and otherwise representing the interests of the City of Hopewell.

Be it further RESOLVED, that Mr. Altman is hereby authorized to do and perform any and all such acts, including execution of any and all documents and certificates, as deemed necessary or advisable, to carry out the purposes and intent of the foregoing boards, committees and/or commissions.

CERTIFICATE

I, Ronnieye L. Arrington, Clerk of the City of Hopewell, Virginia, certify that on February 13, 2018, at a lawfully organized meeting, City Council agreed to the information as set forth in the above resolution. Given under my hand and seal of the Clerk of the City of Hopewell this 15th day of February, 2018.

Ronnieye L. Arrington
Clerk

823

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

REGULAR MEETING OF March 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, March 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, Chairman
Patrick Plourde, Vice-Chairman
Johnny Jones, Commissioner
Sherman Cross, Commissioner
Rogers Henry, Commissioner
Ruth Johnson, Commissioner

Absent: None

Also Present: Steve Benham, Executive Director
Sherry Henderson, Executive Secretary
Madelyn Peay, Deputy Executive Director
Tarvaris McCoy, Community Revitalization Director

CONSENT AGENDA

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

Upon roll call, the vote resulted:

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

6 Yes; Motion Passed

COMMUNICATIONS FROM CITIZENS: None

REGULAR AGENDA

R-1 Request approval of Resolution No. 836, establishing a Business Activities entity for the purpose of segregating and accounting for Community Development related activities and funds.

Upon motion made by Commissioner Jones and seconded by Vice-Chairman Plourde with all

Commissioners present responding, the Board of Commissioners approved Resolution No. 836, establishing a Business Activities entity for the purpose of segregating and accounting for Community Development related activities and funds.

Upon roll call, the vote resulted:

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

6 Yes; Motion Passed

R-2 Request to approve Resolution No. 837, Revision to the Personnel Manual changing the job description and salary range of the Executive Secretary position.

Upon motion made by Vice-Chairman Plourde and seconded by Commissioner Henry with all Commissioners present responding, there was a request to revise Resolution No. 837 adding the title be changed from Executive Secretary to Assistant to the Executive Director.

Upon roll call, the vote resulted:

Chairman Flowers	- No
Vice-Chairman Plourde	- Yes
Commissioner Jones	- No
Commissioner Henry	- Yes
Commissioner Cross	- Yes
Commissioner Johnson	- No

3 Yes; 3 No; Motion Defeated

Upon motion made by Commissioner Jones and seconded by Commissioner Cross with all Commissioners present responding, the Board of Commissioners approved Resolution No. 837 Revision to the Personnel Manual changing the job description and salary range of the Executive Secretary position.

Upon roll call, the vote resulted:

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

6 Yes; Motion Passed

R-3 Discussion on Executive Director's Salary Comparison Survey.

The Board of Commissioners were presented with Resolution No. 838 approving comparative analysis of Executive Director's compensation. A discussion was held and the Board finds the compensation of the Executive Director to be at a level within the range provided to comparative Executive Directors in our area.

Upon motion made by Commissioner Jones and seconded by Commissioner Cross with all Commissioners present responding, the Board of Commissioners approved Resolution No. 838, comparative analysis of Executive Director's compensation.

Upon roll call, the vote resulted:

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

6 Yes; Motion Passed

R-4 Other matters.

Mr. Benham provided the Board of Commissioners with three weekly crime reports from the Hopewell Police Department.

ADJOURNMENT

Upon motion made Commissioner Jones and seconded by Vice-Chairman Plourde, with all Commissioners present responding affirmatively, the meeting was adjourned at 7:15 p.m.

Sheila Flowers

Sheila Flowers, Chairman

Steve A. Benham

Steven A. Benham, Secretary-Treasurer

PROCLAMATIONS

§

RESOLUTIONS

§

PRESENTATIONS

Proclamation

OFFICE OF MAYOR JACKIE M. SHORNAK

City of Hopewell, Virginia

WE RIDE FOR THOSE WHO CAN'T

Run for the Wall Day

Whereas, *over 83,300 American Troops are currently listed as Prisoners of War or Missing in Action since World War II; and*

Whereas, *the City of Hopewell is situated alongside our neighbor, Fort Lee. Beyond Fort Lee's primary mission of training sustainment Soldiers, Fort Lee is a community, a workplace and a home to hundreds of military families; and*

Whereas, *Run for the Wall is currently undertaking its 30thth ride across the country in honor of all American Troops considered Prisoners of War or Missing in Action; and*

Whereas, *Run for the Wall has participants from all over the country partake in its 10-day ride which includes a stop in Hopewell; where the riders will be welcomed by many different groups to honor and welcome these men and women who have ridden across this country; and*

Whereas, *Since 1989, Run for the Wall has been dedicated to promoting healing among all veterans, their families, and friends, calling for an accounting of all Prisoners of War and those Missing in Action, honoring the number of those Killed in Action, and supporting our military personnel all over the world; and*

Whereas, *the City of Hopewell recognizes and appreciates the dedication and commitment of the Run for the Wall organization and participants in honoring and remembering all members of the United States Armed Forces;*

NOW, THEREFORE BE IT PROCLAIMED ***by Mayor Jackie M. Shornak and the Hopewell City Council that May 24, 2018 is Run for the Wall Day in Hopewell, and we encourage all citizens to join in supporting this memorable event and its cause.***

IN 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 22nd day of May, 2018.

_____

Jackie M. Shornak
Mayor of the City of Hopewell

Proclamation

OFFICE OF MAYOR JACKIE M. SHORNAK

City of Hopewell, Virginia

National Public Works Week

Whereas, ***Public Works infrastructure, facilities and services are of vital importance to the health, safety, and well-being of the people of this community; and***

Whereas, ***the support of an understanding community is vital to the efficient operation of public works programs such as maintenance of streets, stormwater, streetlights, walkways, public buildings and grounds, solid waste recycling, collection and disposal, land development services and building construction; and***

Whereas, ***the quality and effectiveness of these facilities, as well as their planning, design and construction, is vitally dependent upon the efforts and skills of Public Works personnel; and***

Whereas, ***the efficiency of the qualified and dedicated personnel who staff public works departments and offices is materially influenced by the people's attitude and understanding of the importance of the work they perform, and***

Whereas, ***this year's theme "The Power of Public Works" celebrates the vital role Public Works plays in our community every day by advancing the quality of life for all of our citizens. The year 2018 marks the 58th annual National Public Works Week sponsored by the American Public Works Association.***

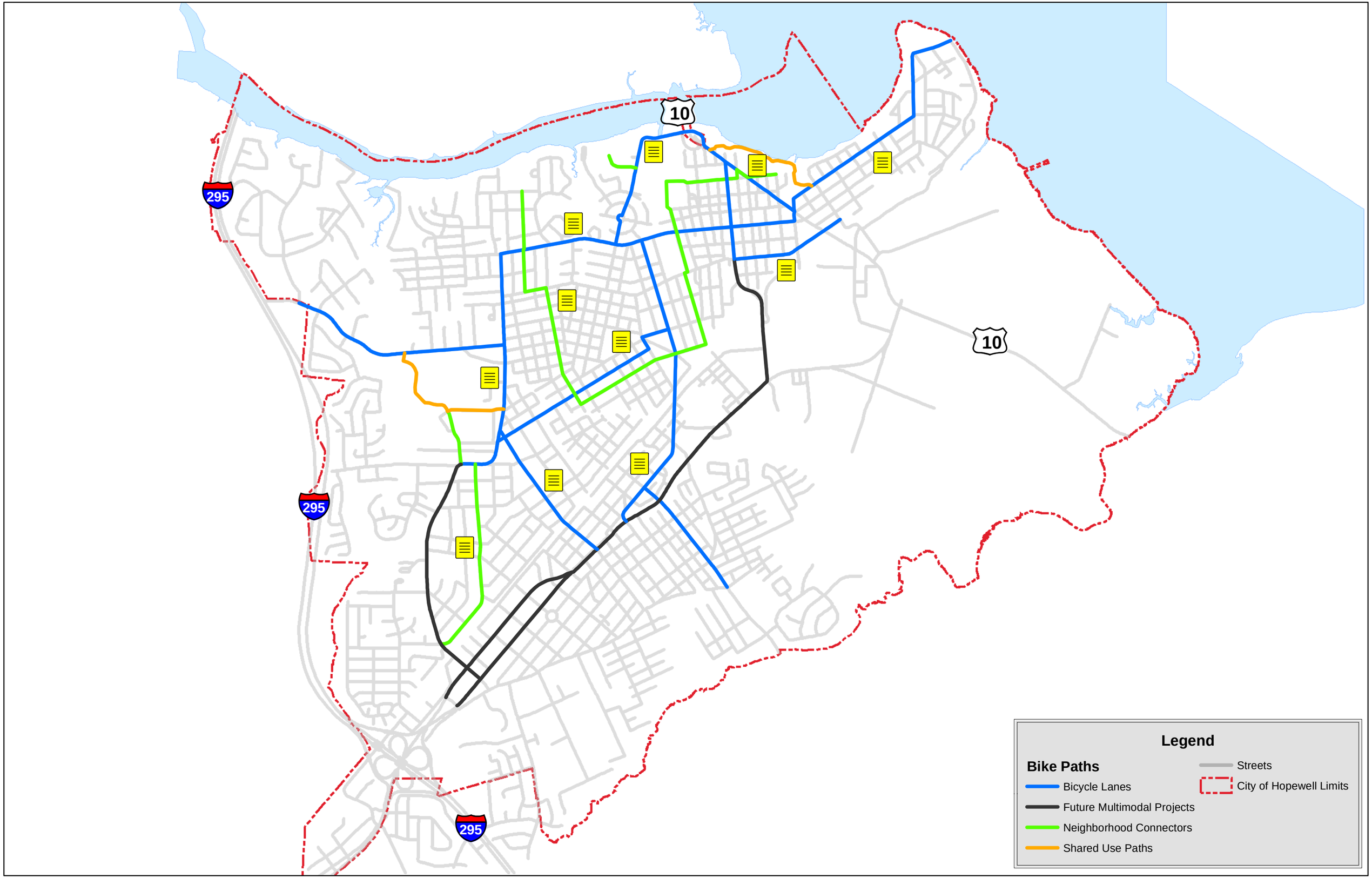
NOW, THEREFORE BE IT PROCLAIMED ***by the Hopewell City Council that the week of May 20 – May 26, 2018 is National Public Works Week, and we call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works, and to recognize the contributions which public works professionals make every day to protect our health, safety, welfare and quality of life.***

IN 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 22nd day of May, 2018.

_____

Jackie M. Shornak
Mayor of the City of Hopewell

ADDITIONAL ANNOUNCEMENTS


10
295
10
295
295
Legend
Bike Paths
Bicycle Lanes
Future Multimodal Projects
Neighborhood Connectors
Shared Use Paths
Streets
City of Hopewell Limits

PUBLIC HEARINGS

NONE

COMMUNICATIONS FROM CITIZENS

REGULAR BUSINESS

REPORTS OF THE CITY MANAGER

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 1st Reading
- ☐ Approve Ordinance 2nd Reading
- ☐ Set a Public Hearing
- ☐ Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Fiscal Year 2019 School Board Operating Budget

ISSUE: Council is requested to approve and adopt the Fiscal Year 2019 School Board Budget

RECOMMENDATION: Conduct Staff recommends adoption of the FY 2019 School Board Budget

TIMING: Adoption of the budget will allow the School Board to move forward with issuing contract to teachers for the 2018-2019 school year

BACKGROUND: A public hearing was held to consider the adoption of the FY 19 Operating Budget at the May 8, 2019 City Council. The advertised budget was inclusive of the Hopewell Public Schools budget request. After conducting the public hearing to solicit citizen input on the proposed budget, City Council debated the budget request and determined to move forward with the adoption of the School Board budget request with the understanding that once the Virginia General Assembly adopts the State budget that staff will request an amendment to the School Board budget to reflect the adopted State budget.

FISCAL IMPACT: The Proposed FY 19 Operating Budget appropriates a total of approximately $48,119,129. The Proposed School Board Budget request of the City is $14,264,679.

SUMMARY:

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

May 22, 2019

ENCLOSED DOCUMENTS: Proposed FY 19 School Board Budget Resolution

STAFF: March Altman, City Manager
Michael Terry, Director of Finance

Council Action Form 2017

SUMMARY:

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

May 22, 2019

BUDGET AMENDMENT RESOLUTION
FISCAL YEAR 2018-2019

WHEREAS, at the meeting of the City Council of the City of Hopewell held on May 22, 2018, a public hearing was conducted to discuss a budget of the estimated revenues and expenditures for the fiscal year beginning July 1, 2018, and ending June 30, 2019, showing the expenditures of the preceding year, the amount appropriated for the current year, and the proposed expenditures for the ensuing twelve months was introduced in its completed form; of which $130,222,024 is estimated to be received from sources other than property tax levies, leaving a balance to be raised by levies on property segregated to the City for local taxes of $34,242,081 and,

WHEREAS, a tax rate sufficient to raise the last mentioned sum has been levied by ordinance of the City Council of the City of Hopewell; and

WHEREAS, an estimate of the revenues and expenditures of Hopewell School Board for the fiscal year was included in the public hearing; and that,

WHEREAS, in the School Board budget approved by City Council, there are estimates of revenues used for appropriated expenditures to pay for said school services, and when said estimated revenues are projected by the City Manager to be less than the amount of appropriated expenditures, the City Manager shall initiate action to adjust appropriated expenditures to agree with revised estimated revenues. The City Manager is directed to advise City Council at the next scheduled meeting of the adjustments made, and City Council may amend said adjustments or offer alternatives as the appropriating body; and,

NOW THEREFORE BE IT, HEREBY, RESOLVED by the Council of the City of Hopewell that the following funds and accounts shall be appropriated from the generated revenues to operate the Hopewell School Board services:

School Operating Fund-014:

Estimated Revenues:

From State Sources……..	28,250,669
From Federal Sources……..	4,396,443
Other Revenues……...	1,207,338
Transfer from General Fund 0-11……...	14,264,679
Total Revenues	$48,119,129

Appropriations:

Non-Categorical……	48,119,129
Total School Operating Fund …….	$48,119,129

School Textbook Fund-056:

Estimated Revenues:

From State Sources……..	650,000
Total Revenues	$650,000

Appropriations:

Text Book Purchases…….	650,000
Total School Textbook Fund ……	$650,000

School Cafeteria Fund-057:

Estimated Revenues:

From Federal Sources……..	3,142,912
Total Revenues	$3,142,912

Appropriations:

Operating Expenses...…….	3,142,912
Total School Cafeteria Fund …….	$3,142,912

School Bldg./Bus Replacement Fund-063:

Estimated Revenues:

Transfer from School Operating Fund-014……	1,354,679
Total Revenues	$1,354,679

Appropriations:

Appropriations……...…….	1,354,679
Total School Bldg./Bus Replacement Fund …….	$1,354,679

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 1st Reading
- ☐ Approve Ordinance 2nd Reading
- ☐ Set a Public Hearing
- ☐ Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Healthcare Cost Increase and 2% COLA

ISSUE: Request to cover the entire healthcare cost increase and provide a 2% Cost of Living Adjustment (COLA) for City Employees

RECOMMENDATION: Conduct Staff recommends approval of the request.

TIMING: Action is requested to provide for adequate time for Human Resources and Payroll to input the information in our payroll system. Healthcare deductions are taken out of an employee's check a month in advance. The healthcare cost for the first pay period of the fiscal year will be deducted beginning with the June 6, 2018 pay period. Similarly, for the COLA to be effective with the first pay period of the new fiscal year, the information needs to be entered into the payroll system by June 20, 2018.

BACKGROUND: A public hearing was held to consider the adoption of the FY 19 Operating Budget at the May 8, 2018 City Council. The City Manager's Proposed Budget includes the City absorbing the full cost of the healthcare increase and a 2% COLA for all City employees. After conducting the public hearing to solicit citizen input on the proposed budget, City Council debated the budget request and determined to move forward with the adoption of the School Board budget but not the City Budget. This decision will impact the City's Payroll Office and Human Resources Department as it relates to the timing for deductions for employee benefits and the potential COLA for the upcoming fiscal year.

SUMMARY:

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

May 22, 2019

FISCAL IMPACT: The Cost of Living Adjustment (COLA) is $402,378, and the cost for the City to absorb the entire increase in healthcare is $150,000. Both of these costs are included in the balanced budget submitted by the City Manager.

ENCLOSED DOCUMENTS:

STAFF: March Altman, City Manager
Michael Terry, Director of Finance

Council Action Form 2017

SUMMARY:

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

May 22, 2019

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 1st Reading
- ☐ Approve Ordinance 2nd Reading
- ☐ Set a Public Hearing
- ☐ Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: ShotSpotter & HUD Emergency Safety and Security Grant

BACKGROUND:
City staff was directed by Council to research services provided by ShotSpotter. ShotSpotter uses gunfire specific acoustic-sensing technology in 90 cities across the country to triangulate gunfire in hopes to improve public safety officials' response time to gunfire events.

ISSUE:
ShotSpotter presents a significant cost to the City of $250,000 for installation and additional annual operating expenses of $190,000. Grant funding in the form of the Department of Housing and Urban Development's Emergency Safety and Security Grant could cover installation costs, but would not cover annual operating expenses.

RECOMMENDATION:
City staff is seeking direction from Council on whether or not to pursue the Department of Housing and Urban Development's Emergency Safety and Security Grant to fund the installation of ShotSpotter.

FISCAL IMPACT:
The cost of installation of the hi-tech sensors and starting a network is estimated to cost $250,000. This cost can be offset by the Department of Housing and Urban Development's Emergency Safety and Security Grant (maximum of $250,000). However, there is an annual operating expense estimate of $190,000.

ENCLOSED DOCUMENTS:
ShotSpotter Presentation

STAFF:
Jake Elder, Economic Development Specialist

Council action form 11-21-2017

SUMMARY:

Y	N		Y	N	
☐	☐	Councilor Christina J. Luman-Bailey, Ward #1	☐	☐	Councilor Janice Denton, Ward #5
☐	☐	Councilor Arlene Holloway, Ward #2	☐	☐	Councilor Brenda S. Pelham, Ward #6
☐	☐	Councilor Tony Zevgolis, Ward #3	☐	☐	Councilor Jackie M. Shornak, Ward #7
☐	☐	Councilor Jasmine Gore, Ward #4			

05-08-2018

ShotSpotter Information

CITY COUNCIL REGULAR MEETING

MAY 22ND, 2018

ShotSpotter

What is ShotSpotter?

- ShotSpotter uses gunfire specific acoustic sensing technology
- Sensors placed on buildings or lampposts
- Triangulates gunfire

Source: ShotSpotter

Who uses ShotSpotter?

- About 90 cities use ShotSpotter in the United States
- Average Population of those cities is 601,795
- Only two cities with a population less than 50,000 use ShotSpotter

Birmingham	AL	Gladeview	FL	New Bedford	MA	Brentwood	NY
Montgomery	AL	Gould (Miami Dade County)	FL	Pittsfield	MA	Elmont (Nassau County)	NY
Glendale	AZ	Hillsborough	FL	Revere	MA	Freeport (Nassau County)	NY
Bakersfield	CA	Jacksonville	FL	Somerville	MA	Hempstead	NY
East Palo Alto	CA	Miami	FL	Springfield	MA	Huntington Station	NY
Fresno	CA	Miami Gardens	FL	Worcester	MA	Long Beach	NY
Oakland	CA	Palm Beach County	FL	Minneapolis	MN	Newburgh	NY
Redwood City	CA	Riviera Beach	FL	Kansas City	MO	New York City	NY
Richmond	CA	West Perrine (Miami Dade County)	FL	St. Louis	MO	North Bellport	NY
Sacramento County	CA	Savannah	GA	St. Louis County	MO	Rochester	NY
Sacramento	CA	Calumet City	IL	Goldsboro	NC	Syracuse	NY
Salinas	CA	Chicago	IL	Rocky Mount	NC	Roosevelt	NY
San Diego	CA	Peoria	IL	Wilmington	NC	Uniondale	NY
San Francisco	CA	Rockford	IL	Omaha	NE	Wyandanch	NY
San Mateo County	CA	East Chicago	IN	Atlantic City	NJ	Canton	OH
San Pablo	CA	South Bend	IN	Camden	NJ	Cincinnati	OH
Stockton	CA	Louisville	KY	East Orange	NJ	Youngstown	OH
Denver	CO	Baton Rouge	LA	Newark	NJ	Pittsburgh	PA
Hartford	CT	Boston	MA	Paterson	NJ	Cape Town	South Africa
New Haven	CT	Brockton	MA	Plainfield	NJ	Milwaukee	WI
Washington DC	DC	Cambridge	MA	Trenton	NJ		
Wilmington	DE	Chelsea	MA	Las Vegas	NV		
Belle Glade	FL	Everett	MA	Amityville	NY		

Source: ShotSpotter

Source: ShotSpotter

How much does ShotSpotter cost?

- $250,000 for installation and network setup
  - HUD Emergency Safety and Security Grant could cover this cost (due June 4th)
- $190,000 annual operating expenses

Source: ShotSpotter

R-4

CITY OF HOPEWELL
CITY COUNCIL ACTION FORM

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

COUNCIL AGENDA ITEM TITLE: Approve ordinance for Article XV-A, Chesapeake Bay Preservation Area Overlay District on 2nd reading.

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. The public hearing before City Council was held on April 24, 2018.

RECOMMENDATION: City Staff recommends City Council approve the ordinance on 2nd and final reading.

TIMING: City Council 2nd reading is requested on May 22, 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. The ordinance was approved on 1st reading on April 24, 2018. Revisions have been made since the 1st reading after further discussions with DEQ. Those changes have been reflected in the final document with underline and bold for additions and strikethrough's for deletions.

FISCAL IMPACT: N/A

ENCLOSED DOCUMENTS: Proposed Article XV-A, Chesapeake Bay Preservation Area Overlay District (provided for April 24, 2018 meeting)
Final Article XV-A, Chesapeake Bay Preservation Area Overlay District

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

SUMMARY:

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

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 d3evelopment 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 RDLS/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 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) 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 of 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. <u>CBPA-O Map Amendment upon Site Plan Approval:</u>

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 of 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. <u>Characteristics of Buffer Area:</u>

(1) <u>Width of Buffer</u>: 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. <u>Lot Sizes</u>

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. **<u>Contents of the Landscape and Tree Management Plan</u>**

(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-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 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 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.

   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.

REDLINED 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. Designation and Mapping

1. **The CBPA District is adopted by the City Council of Hopewell as an overlay zone. The overlay district shall apply to all lands identified as on the Official Hopewell Preservation Area District Maps and shall include those areas designated as Resource Protection Areas (RPA), Resource Management Areas (RMA), and Intensely Developed Areas (IDA). The maps together with all explanatory matter thereon, are hereby adopted by reference as a part of this Article.**
2. **This Article shall only apply to the City's designated Chesapeake Bay Preservation Areas. The maps 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 District. However, 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 outside the designated and mapped preservation area is not subject to the provisions of this Article.**
3. **The CBPA District Maps delineate the general location of (1) Resource Protection Areas (RPA) and Resource Management Areas (RMA). Site specific boundaries of the RPA and RMA shall be accurately delineated by the applicant's certified land surveyor during the site plan and development review process. Any proposed change in the delineation to the preservation area boundaries by the applicant shall be documented by a qualified professional and shall be subject to final approval by the Director of Development.**
4. **At its sole discretion, the Director of Development when requested by an applicant that proposes to construct a single--- family residence or accessory structure may waive the requirement for an environmental site assessment and perform the delineation employing City resources.**

~~**D. 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 d3evelopment 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.~~

E. 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. **All sites or which development activities in a Chesapeake Bay Preservation Area are propose shall be subject to the requirements in the Site Plan Regulations (Article XVI of the Hopewell Zoning Ordinance). All site plan approvals must be received from the City prior to construction.**

3. 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.

4. 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.

5. **All sites for which development activities are proposed shall be subject to the requirements detailed contained herein and coordinated with all other applicable City, State and Federal regulations and ordinances.**

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 RDLS/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 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) ~~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 **two** ~~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; **The full buffer area shall be designated as the landward component of the Resource Protection Area notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing in compliance with Section I of this Article.** And

Designation of the components listed in sub-sections b 1-4 above shall not be subject to modification unless based on reliable, site – specific information as provided for in Section J of this Article and the WQIA requirements of Section G of this Article.

~~(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) **In addition to the performance criteria set forth in Section E of the Article,** 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~~ **standards** 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 **the compent of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area and defined by the sub-components below. Resource Management Areas 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 a Resource Protection Area. ~~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:~~

The Resource Management Area shall encompass a land area large enough to provide significant water quality protection through the employment of the general performance criteria in this Article and shall be provided contiguous to the entire inland boundary of the Resource Protection Areas. Resource Management Areas consistent of one or more of the following land types as delineated in conjunction with a site plan ("plan of development"):

(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 lands in the City that have been deemed necessary to protect water quality as may be identified by the Director of Development at the Site Plan Pre-Application Conference.

(6) If not of the features listed above are contiguous to the RPA, or if the features are less than a total of one hundred (100) feet in width, the RMA shall consistent of an area one hundred (100) feet in width located contiguous to and landward of the RPA.

~~(7) 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 of 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

The CBPA District Zoning Map showing the approximate CBPA boundaries may be used to (a) to indicate the general location of the RPA on an applicant's concept plan, and (b) to guide the preparation of the detailed mapping. Designated and otherwise qualifying land outside of the RPA and IDA as determined by the Director of Development is classified as RMA. Detailed boundaries shall be established in conjunction with the site plan ("plan of development") application requirements.

The detailed mapping and field location of the site-specific boundaries of the RMA or RPA shall be determined by the applicant's certified land surveyor or other environmental professional with the necessary education, training, and experience required to perform an environmental site assessment, Water Quality Impact Assessment, and other requirements of this Article as well as Article XVI, Site Plan Regulations. Survey is to be field run and plotted, platted, and sealed by a surveyor certified in the state of Virginia.

Site--- specific evaluation shall be conducted to determine whether water bodies on or adjacent to the development site have perennial flow, and resource protection area boundaries are adjusted, as necessary, on the site, based on this evaluation of the site.

The applicant's detailed delineation of the RPA boundary shall be subject to approval by the Director of Development. Upon approval of the detailed RMA or RPA delineation, the City's CBPA Zoning District Map shall be amended and incorporate the revised boundary.

~~**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 **implelment the following objectives:** ~~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. **prevent a net increase in nonpoint source pollution from new development and development on previously developed land where the runoff was treated by a water quality protection BMP; and**

b. achieve a 10% reduction in nonpoint source pollution from redevelopment and development on previously developed land where the runoff was treated by a water quality protection BMP.

~~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.

d. 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. **Enforcement for noncompliance with the erosion and**

sediment control requirements referenced in this criterion shall be conducted under the provisions of the Erosion and Sediment Control Law and attendant regulations. 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.

(3) ~~Notwithstanding c. (3) herein above, the provisions of this Article may be waived, in part of 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~~.

~~(4) 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.~~ **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. **Any Chesapeake Bay Preservation Act land-disturbing activity as defined in Section 62.1-44.15:24 of the Code of Virginia shall comply with the requirements of 9VAC25-870-51 and 9VAC25-870-103.**

~~i. 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.~~

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.

j. 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.

k. Ingress and egress during construction shall be limited to one access point unless otherwise approved by the Planning Director; construction entrances should be designed with wheel wash appurtenances where water supply is available.

3. Buffer Area Requirements

a. <u>Characteristics of Buffer Area:</u>

(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. <u>Lot Sizes</u>

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. <u>Erosion and Sediment Control Plan</u>

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. <u>CBPA-O Site Plans and Plats</u>

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 shall be conducted as per Section D, Interpretation of District Boundaries of this Article.

(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;~~ **Plat or plan note requiring the retention of an undisturbed and vegetated one hundred (100) foot buffer as specified by this Article and that no land disturbance is allowed in the buffer area without review and approval by the Director of Development;**

(5) Plat or plan note regarding the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the one hundred **(100) foot wide buffer area.**

(6) Copy of all wetlands permits required by **law prior to authorizing any grading or other onsite activities to begin;**

(7) **(7)Location and detail of the RPA signage that identifies the limited of the RPA**

(8) 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 ASSESSMENT ~~S – 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 **consistent with the goals and objectives of this Article and to determine specific measures for mitigation of those impacts;**

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 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 which proposes to encroach into the landward 50 feet of the 100 foot buffer area as permitted under 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 seventy-five (75) percent of sediments and forty (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, nature and quantification of the proposed encroachment into the RPA, including: type of paving material proposed to be used for access paths; areas of

clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;

c. Justifcation of the proposed encroachment;

d. Location and density of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the RPA buffer area to accommodate the encroachment or modification.

e. Re--- vegetation plan that that includes the replacement of vegetation that is proposed for removal from the RPA buffer area and will maximize water quality protection, mitigate the effect of the proposed buffer encroachment, and is equal to the area of encroachment into the buffer, where practicable. The type, quantity, and location of proposed vegetation shall be effective in retarding runoff, presenting erosion, and filtering nonpoint source pollution from runoff.

f. Type and proposed location of any best management practices or measures.

4. Major Water Quality Impact Assessment (M-WQIA)

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 located entirely in a RMA when deemed necessary by the Director of Development because of the unique characteristics of the site or intensity of the proposed use or 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) Analysis, mapping and documentation for the existing topography, soils, and

4. Major Water Quality Impact Assessment (M-WQIA)

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 located entirely in a RMA when deemed necessary by the Director of Development because of the unique characteristics of the site or intensity of the proposed use or 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) 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) 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) Anticipated duration and phasing schedule of construction project; and

(j) Listing of all requisite permits from all applicable agencies necessary to develop project.

(4) Proposed mitigation measures for 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;

a. Vegetative Element, to include:

(1) Location of all woody plant material on site, including all trees two (2) inches or greater in diameter at breast height or, where there are groups of trees, said stands may be outlined.

(2) 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) Proposed mitigation measures. 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 Department of Environmental Quality (DEQ), Local Government Assistance Program staff. Upon receipt of a Major Water Quality Impact Assessment, the Director of Development will determine if such review is warranted and may request DEQ to review the assessment and respond with written comments. Any comments by DEQ will be incorporated into the final review by the Director of Development, provided that such comments are provided by DEQ within 90 days of the request.

6. WQIA 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 land disturbance in the RPA;

(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 are sufficient 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;

(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 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 or result in the degradation of aquatic vegetation of life;

(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 the required performance standard for pollutant control;

(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 District and the Comprehensive Plan.**

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 6.a.

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 6.a.

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 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.~~

~~c. 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.~~ **62.1- 44.15:51 et seq** of the Code of Virginia) and the Stormwater Management Act (§ ~~10.1-603.1 et seq~~. **62.1-44.15:24 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 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.

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.~~ **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, as required in accordance with Section E.2.f of this Article.**

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~~ **City of Hopewell**. 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~~: **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 properly licensed sewage handler. In lieu of requiring proof of septic tank pump-out every five years, local governments may allow owners of onsite sewage treatment systems to submit documentation every five years, certified by an operator or onsite soil evaluator licensed or certified under Chapter 23 (Section 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia as being qualified to operate, maintain or design onsite sewage systems, that the septic system has been inspected, is functioning properly, and the tank does not need to have the effluent pumped out of it. 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.

FINAL 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. Designation and Mapping

1. The CBPA District is adopted by the City Council of Hopewell as an overlay zone. The overlay district shall apply to all lands identified as on the Official Hopewell Preservation Area District Maps and shall include those areas designated as Resource Protection Areas (RPA), Resource Management Areas (RMA), and Intensely Developed Areas (IDA). The maps together with all explanatory matter thereon, are hereby adopted by reference as a part of this Article.
2. This Article shall only apply to the City's designated Chesapeake Bay Preservation Areas. The maps 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 District. However, 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 outside the designated and mapped preservation area is not subject to the provisions of this Article.
3. The CBPA District Maps delineate the general location of (1) Resource Protection Areas (RPA) and Resource Management Areas (RMA). Site specific boundaries of the RPA and RMA shall be accurately delineated by the applicant's certified land surveyor during the site plan and development review process. Any proposed change in the delineation to the preservation area boundaries by the applicant shall be documented by a qualified professional and shall be subject to final approval by the Director of Development.
4. At its sole discretion, the Director of Development when requested by an applicant that proposes to construct a single---family residence or accessory structure may waive the requirement for an environmental site assessment and perform the delineation employing City resources.

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. All sites or which development activities in a Chesapeake Bay Preservation Area are propose shall be subject to the requirements in the Site Plan Regulations (Article XVI of the Hopewell Zoning Ordinance). All site plan approvals must be received from the City prior to construction.

3. 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.

4. 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.

5. All sites for which development activities are proposed shall be subject to the requirements detailed contained herein and coordinated with all other applicable City, State and Federal regulations and ordinances.

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.

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 (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 RDLS/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.

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)

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 two designated areas for purposes of determining applicable development restrictions: (1) a Resource Protection Area and (2) a Resource Management Area. 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; The full buffer area shall be designated as the landward component of the Resource Protection Area notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing in compliance with Section I of this Article.

Designation of the components listed in sub-sections b 1-4 above shall not be subject to modification unless based on reliable, site – specific information as provided for in Section J of this Article and the WQIA requirements of Section G of this Article.

b. RPA Development Criteria

(1) In addition to the performance criteria set forth in Section E of the Article, 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 standards 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.

2. Resource Management Areas (RMA)

a. RMA Defined

The Resource Management Area (RMA) is the component of the Chesapeake

Bay Preservation Area that is not classified as the Resource Protection Area and defined by the sub-components below. Resource Management Areas 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 a Resource Protection Area.

b. RMA Components for Site Plan Delineation

The Resource Management Area shall encompass a land area large enough to provide significant water quality protection through the employment of the general performance criteria in this Article and shall be provided contiguous to the entire inland boundary of the Resource Protection Areas. Resource Management Areas consistent of one or more of the following land types as delineated in conjunction with a site plan ("plan of development"):

(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 lands in the City that have been deemed necessary to protect water quality as may be identified by the Director of Development at the Site Plan Pre-Application Conference.

(6) If not of the features listed above are contiguous to the RPA, or if the features are less than a total of one hundred (100) feet in width, the RMA shall consistent of an area one hundred (100) feet in width located contiguous to and landward of the RPA.

G. INTERPRETATION OF DISTRICT BOUNDARIES

1. Delineation by the Applicant

The CBPA District Zoning Map showing the approximate CBPA boundaries may be used to (a) to indicate the general location of the RPA on an applicant's concept plan, and (b) to guide the preparation of the detailed mapping. Designated and otherwise qualifying land outside of the RPA and IDA as determined by the Director of Development is classified as RMA. Detailed boundaries shall be established in conjunction with the site plan ("plan of development") application requirements.

The detailed mapping and field location of the site-specific boundaries of the RMA or RPA shall be determined by the applicant's certified land surveyor or other environmental professional with the necessary education, training, and experience required to perform an environmental site assessment, Water Quality Impact Assessment, and other requirements of this Article as well as Article XVI, Site Plan Regulations. Survey is to be field run and plotted, platted, and sealed by a

surveyor certified in the state of Virginia.

Site---specific evaluation shall be conducted to determine whether water bodies on or adjacent to the development site have perennial flow, and resource protection area boundaries are adjusted, as necessary, on the site, based on this evaluation of the site.

The applicant's detailed delineation of the RPA boundary shall be subject to approval by the Director of Development. Upon approval of the detailed RMA or RPA delineation, the City's CBPA 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 implement the following objectives:

a. prevent a net increase in nonpoint source pollution from new development and development on previously developed land where the runoff was treated by a water quality protection BMP; and

b. achieve a 10% reduction in nonpoint source pollution from redevelopment and development on previously developed land where the runoff was treated by a water quality

protection BMP.

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.

d. 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. Enforcement for noncompliance with the erosion and sediment control requirements referenced in this criterion shall be conducted under the provisions of the Erosion and Sediment Control Law and attendant regulations. 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. 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. Any Chesapeake Bay Preservation Act land-disturbing activity as defined in Section 62.1-44.15:24 of the Code of Virginia shall comply with the requirements of 9VAC25-870-51 and 9VAC25-870-103.

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.

j. 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.

k. Ingress and egress during construction shall be limited to one access point unless otherwise approved by the Planning Director; construction entrances should be designed with wheel wash appurtenances where water supply is available.

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. <u>Contents of the Landscape and Tree Management Plan</u>

(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. <u>Plant Specifications</u>

(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 shall be conducted as per Section D, Interpretation of District Boundaries of this Article.

(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 requiring the retention of an undisturbed and vegetated one hundred (100) foot buffer as specified by this Article and that no land disturbance is allowed in the buffer area without review and approval by the Director of Development;

(5) Plat or plan note regarding the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the one hundred (100) foot wide buffer area.

(6) Copy of all wetlands permits required by law prior to authorizing any grading or other onsite activities to begin;

(7) Location and detail of the RPA signage that identifies the limited of the RPA

(8) 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. <u>Installation and Bonding Requirements</u>

(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 ASSESSMENT

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 consistent with the goals and objectives of this Article and to determine specific measures for mitigation of those impacts;

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 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 which proposes to encroach into the landward 50 feet of the 100 foot buffer area as permitted under 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 seventy-five (75) percent of sediments and forty (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, nature and quantification of the proposed encroachment into the RPA, including: type of paving material proposed to be used for access paths; areas of

clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;

c. Justification of the proposed encroachment;

d. Location and density of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the RPA buffer area to accommodate the encroachment or modification.

e. Re---vegetation plan that that includes the replacement of vegetation that is proposed for removal from the RPA buffer area and will maximize water quality protection, mitigate the effect of the proposed buffer encroachment, and is equal to the area of encroachment into the buffer, where practicable. The type, quantity, and location of proposed vegetation shall be effective in retarding runoff, presenting erosion, and filtering nonpoint source pollution from runoff.

f. Type and proposed location of any best management practices or measures.

4. Major Water Quality Impact Assessment (M-WQIA)

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 located entirely in a RMA when deemed necessary by the Director of Development because of the unique characteristics of the site or intensity of the proposed use or 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) Analysis, mapping and documentation for the existing topography, soils, and

4. Major Water Quality Impact Assessment (M-WQIA)

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 located entirely in a RMA when deemed necessary by the Director of Development because of the unique characteristics of the site or intensity of the proposed use or 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) 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) 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) Anticipated duration and phasing schedule of construction project; and

(j) Listing of all requisite permits from all applicable agencies necessary to develop project.

(4) Proposed mitigation measures for 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;

a. Vegetative Element, to include:

(1) Location of all woody plant material on site, including all trees two (2) inches or greater in diameter at breast height or, where there are groups of trees, said stands may be outlined.

(2) 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) Proposed mitigation measures. 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 Department of Environmental Quality (DEQ), Local Government Assistance Program staff. Upon receipt of a Major Water Quality Impact Assessment, the Director of Development will determine if such review is warranted and may request DEQ to review the assessment and respond with written comments. Any comments by DEQ will be incorporated into the final review by the Director of Development, provided that such comments are provided by DEQ within 90 days of the request.

6. WQIA 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 land disturbance in the RPA;

(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 are sufficient 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;

(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 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 or result in the degradation of aquatic vegetation of life;

(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 the required performance standard for pollutant control;

(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 District and the Comprehensive Plan.

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 6.a.

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 6.a.

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 (§62.144.15:51 *et seq* of the Code of Virginia) and the Stormwater Management Act (§ 62.1-44.15:24 *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: (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 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.

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, as required in accordance with Section E.2.f of this Article.

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 City of Hopewell. 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.

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 properly licensed sewage handler. In lieu of requiring proof of septic tank pump-out every five years, local governments may allow owners of onsite sewage treatment systems to submit documentation every five years, certified by an operator or onsite soil evaluator licensed or certified under Chapter 23 (Section 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia as being qualified to operate, maintain or design onsite sewage systems, that the septic system has been inspected, is functioning properly, and the tank does not need to have the effluent pumped out of it. 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.

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.

R-5

CITY OF HOPEWELL
CITY COUNCIL ACTION FORM

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

COUNCIL AGENDA ITEM TITLE: Approve ordinance for Article XVI, Site Plan Regulations District on 2nd reading.

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. The public hearing before City Council was held on April 24, 2018.

RECOMMENDATION: City Staff recommends City Council approve the ordinance on 2nd and final reading.

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. The ordinance was approved on 1st reading on April 24, 2018. Revisions have been made since the 1st reading after further discussions with DEQ. Those changes have been reflected in the final document with underline and bold for additions and strikethrough's for deletions.

FISCAL IMPACT: N/A

ENCLOSED DOCUMENTS: Proposed Article XVI, Site Plan Regulations (provided for the April 24, 2018 meeting)
Final Article XVI, Site Plan Regulations

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

SUMMARY:

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

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 propose 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 waiver 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 in 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. HARDSHIPS

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.

REDLINED 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, **sidewalks,** 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 propose 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 waiver 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 mainten*ance* 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) **and impervious surfaces**. 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, **and pavement material.**

(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, **and pavement material.**

(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, **including mitigation of proposed RPA buffer modifications and encroachments.**

(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 in 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 **(1)** 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 **, and environmental constraints**.

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. HARDSHIPS

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.

FINAL 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, sidewalks, 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 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 propose 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 waiver 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 mainten*ance* 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 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) and impervious surfaces. 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, and pavement material.

(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, and pavement material.

(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, including mitigation of proposed RPA buffer modifications and encroachments.

(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 in 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 (1) 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, and environmental constraints.

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 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. HARDSHIPS

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.

R-6

CITY OF HOPEWELL
CITY COUNCIL ACTION FORM

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

COUNCIL AGENDA ITEM TITLE: Spot Blight Program

ISSUE: City Staff has reviewed nine properties that qualify for demolition, rehabilitation, and/or acquisition through the Spot Blight Ordinance.

RECOMMENDATION: Administration recommends review of the nine structures on the spot blight list and request Council hold a public hearing in June 2018 to consider citizen comments. An ordinance would need to be passed by City Council in order for any action to be taken.

TIMING: None

BACKGROUND: The Spot Blight Ordinance was adopted September 9, 2014. The approval of the Spot Blight Ordinance was an action identified in the City Council's Strategic Plan. The proposed list was gathered through past derelict building inventory, the vacant building registry, and routine inspections.

FISCAL IMPACT: Improve property values in immediate neighborhood by removing blighted properties.

ENCLOSED DOCUMENTS: Pictures of each property
Property scoring spread sheet

STAFF: Tevya W. Griffin, Director, Department of Development
Todd Hawkes, Building Official

SUMMARY:

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

SUMMARY:

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

Spot Blight Structures

May 22, 2018

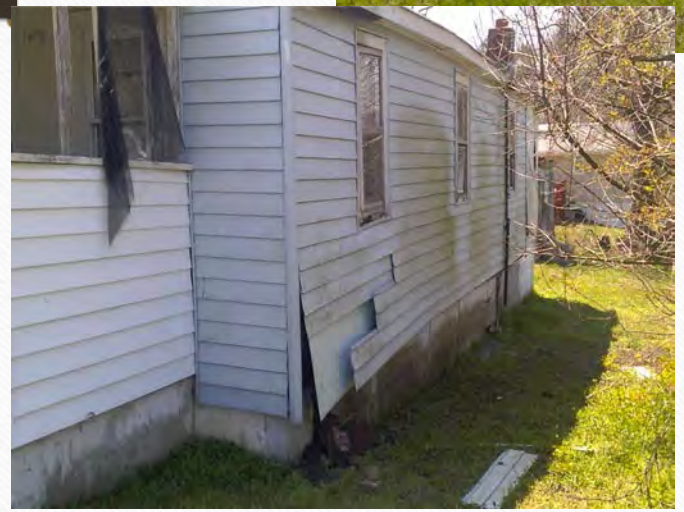
City Council Meeting

110 N 3RD ST.

2110 FREEMAN ST

401 W CAWSON

2002 STEWART AVE



2115 TRENTON ST

2304 BOSTON ST

2904 WINSTON CHURCHILL DR

108 NORTH 3RD ST

REPORTS OF THE CITY ATTORNEY

REPORTS OF THE CITY COUNCIL

- **COMMITTEES**
- **INDIVIDUAL REQUEST**
- **ANY OTHER COUNCILOR**

CITIZEN/ COUNCILOR REQUEST

ADJOURN