

Zoning and Subdivision Ordinance Update Methodology

Introduction

Following adoption of the 2009 Comprehensive Plan in late 2009, staff has moved into the implementation phase. One significant component of the Comprehensive Plan implementation process is updating the Zoning Ordinance and Subdivision Ordinance and related policies. Partial or complete updates of the ordinances were undertaken shortly after adoption of two of the last three Comprehensive Plans (1991, 1997). However, the ordinances were not updated in a comprehensive fashion after the most recent previous Comprehensive Plan update in 2003. Please note that this methodology focuses on Zoning and Subdivision ordinance implementation actions to be achieved during approximately the next two fiscal years – work on additional implementation actions would continue beyond the two years. Ordinance update processes also provide an opportunity, as appropriate, to coordinate ordinances with amendments to State code, changes in related County documents, or evolutions in development-related technologies, techniques, or best practices.

Groundwork

This methodology was shaped by a number of factors. In terms of the scope of issues to be looked at during this update, much of the groundwork was laid through the extensive public comment and technical analysis that resulted in the 2009 Comprehensive Plan’s implementation actions (see “Scope of Work” below). In terms of process, staff analyzed past James City County ordinance update processes, talked with other Virginia localities about processes they have used, and consulted professional publications. Staff used the information gained through this research to help draft the methodology, which is presented for input and guidance from, and subsequent endorsement by, the Policy Committee, the Planning Commission, and the Board of Supervisors.

Goals

Having an overall set of goals for the updated ordinance can help make sure expectations are met and inform the challenging decisions that will need to be made both about policy directions, and about the language of the ordinance text. Staff offers the following five goals for enhancing the updated ordinances:

- Reflect the Comprehensive Plan and community input (for example, address actions listed in the Plan’s goals, strategies, and actions);
- Organize in a logical and understandable manner (for example, consider consolidating all process language in one section, rather than in each district);
- Incorporate clear standards (for example, adding graphics if possible);
- Use best practices (for example, looking at a form based code for Toano); and

- Provide linkages with other relevant codes and ordinances (for example, referencing the building permit process where relevant).

Scope of Work

The scope of work for a project details the range of topics to be investigated and potentially incorporated. The draft scope of work in Attachment 2 for this ordinance update is drawn primarily from the 2009 Comprehensive Plan implementation guide. In particular, effort was made to include items identified as high priority and in the 0 – 5 year timeframe in the implementation guide. The final scope of work is based on projected resources (consultant funds, using existing staff levels, etc.), expectations about timeframe and process, and priority guidance from the Planning Commission and Board of Supervisors. While many of the Comprehensive Plan actions are addressed by this scope, not every relevant action item could be accommodated during this update process. Should the Policy Committee or Planning Commission require additional time to be comfortable with certain amended ordinances, the timeframe might need to expand or items might need to be dropped from the scope of work.

The scope of work includes several elements: major research items to be completed by consultants and/or staff, smaller-scale technical review items compiled by staff (for example, looking at appropriate commercial uses in Rural Lands), and drafting and finalizing of the actual ordinance language. The research items are an essential part of the process, as they will allow analysis of different options and assessments of feasibility before the detailed work of creating ordinance language starts.

The list of major research items in this scope of work includes:

- Review of sustainability and green building best practices for overall ordinance;
- Accommodation of new wireless technologies/section update;
- Affordable housing provisions;
- Cluster overlay update;
- Infill housing provisions;
- Review of rural lands narrative ordinance and update;
- Investigation of transfer of development rights;
- Form-based code analysis for Toano;
- Amendment of mixed use district or creation of new district for Economic Opportunity designation;
- Business Climate Task Force items;
- Sidewalk/trail inventory/ master plan/text update;
- Development of new submittal requirements for traffic impact analyses using VDOT regulations, and for environmental and fiscal impact analyses;
- Initial database work for cumulative impact modeling; and
- Review of subdivision ordinance amendments required for alternative onsite sewage systems.

More information about each of the major research items listed above can be found in Attachment #1, Explanation of Research Items, and these items are also shown in Attachment #2, Scope of Work.

Completing the proposed research items and comprehensive ordinance drafting is an ambitious scope of work for the timeframe. Staff has suggested that the Policy Committee, Planning Commission, and Board of Supervisors identify a smaller number of priority items that would be the focus of the overall effort and could potentially move through the process in advance of other items, or at least continue on track if other items prove to be more difficult to work through in the allotted timeframes. Based on feedback received, those priority items/groups of ordinances would be:

- Cumulative Impact Database Set-up
- Sustainability Audit
- Development Standards - with Sign Ordinance
- Commercial/Business Districts
- Economic Opportunity District

In addition, feedback was received indicating that a goal should be established that these five priorities be completed/adopted prior to the end of 2011.

Process Components

The Zoning Ordinance update process is divided into three stages: (1) identification of issues and evaluation of options, (2) preparation and revision of ordinances, and (3) adoption. These stages are described below, and are also shown in Attachment #3 Process and Timeframe. This process uses a mixture of consultant and staff work and is anticipated to take approximately twenty months. The process is designed to be undertaken primarily by staff and the Policy Committee, with periodic Planning Commission and Board of Supervisors check-in points.

Stage 1: Identification of Issues and Evaluation of Options

The first stage of the process will last approximately eight months. During this time, staff will retain and subsequently work with consultants on a variety of the research items. Staff will also work on non-consultant research items and will conduct a general technical review of the ordinance to catalogue known issues and identify any additional issues. The goal of this work is to come up with a list of possible needed amendments and to develop options for how those amendments could be accomplished. These options would then be brought forward to the Policy Committee, Planning Commission, and Board of Supervisors for decisions and guidance before moving into the next stage, preparation of draft ordinance language.

This first stage will include significant opportunities for early community input and Planning Commission and Board guidance. In terms of community input, this stage will include opportunities at two Planning Commission forums at the very beginning of the process to assist in identifying issues (within the scope of work items). The primary purpose of these two forums would be to collect the input of groups

(similar to the Community Participation Team Forums during the Comprehensive Plan), and these forums are planned to be televised. There would also be subsequent opportunities for the community to learn about and comment on the possible amendment options at additional Policy Committee meetings, a Planning Commission work session, and a Board work session. These same meetings will be opportunities for the Committee, Commission, and Board to evaluate, guide, and make decisions. In order to organize the presentation of options, it is anticipated that options will be grouped in five categories as much as reasonably possible: (a) Commercial/Industrial/Rural Lands-Commercial/Mixed Use, (b) Residential/Subdivision Ordinance, (c) Development Standards, (d) Submittal Requirements/Process Regulations, and (e) Rural Lands.

Stage 2: Preparation and Revision of Ordinances

The second stage of the process will last approximately nine months. During this time, staff and consultants will take forward the guidance from the first stage and use it to develop a set of draft ordinances. These draft ordinances will then be brought forward to the Policy Committee for a series of 8 – 12 meetings. These meetings will allow for Policy Committee review to make sure that the Stage 1 guidance is adequately reflected in the draft ordinances and to consider and make decisions about any specific policy questions that have come to light during the drafting process. Should additional Policy Committee meetings be needed, the timeframe for the process would likely need to be adjusted. After Policy Committee review, the draft ordinances will then be brought forward to the Planning Commission and Board of Supervisors. After this vetting, staff and consultants will work to finalize the ordinance language. During this time, the ordinances will also be carefully reviewed by the Zoning Administrator and County Attorney's Office to ensure that the ordinances are legal and enforceable. In the end, these final draft ordinances will be considered at two Policy Committee meetings to resolve any remaining issues. Opportunities for community input will be available at all of the Committee and Commission meetings listed above.

For both Stage 1 and Stage 2, while the attached Process and Timeframe spreadsheet shows periods of staff and consultant work prior to formal commencement of the sets of Policy Committee meetings, if research items or draft or final ordinances are ready prior to the end of those periods, staff could bring them forward for consideration. This would be particularly the case for any items designated as priorities (see "Scope of Work" above).

Stage 3: Adoption

The final stage of the process is anticipated to take approximately four months. This time will concentrate on conducting any necessary advertising and written notifications and preparing final materials for Planning Commission and Board consideration and adoption. Community input opportunities will be available at each of the public hearings.

Other Community Information Resources

As outlined above, the process includes many opportunities for community involvement and input. Staff anticipates that the Planning Commission and Planning Commission/Board work sessions will be televised, that the Policy Committee meetings will be open for public comment, and that meeting agendas and meeting materials will be posted on the webpage. Staff can undertake notification of potentially interested parties to make them aware of the upcoming ordinance process, and in consultation with the Policy Committee, could invite additional community input at meetings.

In addition, staff is in the process of outlining a communications plan that would include use of the *FYI* Newsletter, press releases, and the video center. Other avenues of publicity may include flyers, articles, editorials, direct mailings, and email subscription lists. In particular, staff anticipates that a significant amount of information will be posted on the Internet, which is a feature that was not present in past ordinance update processes.

Staff's Role in the Process

Staff will participate in this process in several ways. Staff will draft option explanations and ordinances, provide advice on best practices, and make recommendations to the Policy Committee, Planning Commission and Board of Supervisors. Overall, staff will work to assist the Planning Commission in developing a product that the Commission can recommend approval of to the Board of Supervisors.

Access to the Updated Text and Map

Once the Board has approved the amendments, the updated text will be posted on the Internet. Hard copies of the text will also be available for purchase upon request. Any amended Board policies or other associated guidance documents will also be posted on the Internet. The Zoning map will continue be available on the internet through the County's Property Information System or in hard copy through the County's Mapping Division.

Attachments:

1. Explanation of Research Items
2. Scope of Work Spreadsheet
3. Process and Timeframe Spreadsheet