



**PUBLIC NOTICE
WILLIAMSBURG CITY COUNCIL**

The Williamsburg City Council will hold a public hearing on Thursday, March 10, 2011, 2:00 p.m. in the Stryker Building, 412 North Boundary Street, to consider the following:

PCR #11-002: Amend the text of the Zoning Ordinance, Article VII. Site Plans, to revise provisions relating to Chesapeake Bay preservation for minor site plan submittal requirements (Sec. 21-779), information required on site plans (Sec. 21-781), and required landscaping (Sec. 21-784).

Rental Inspection Program – Village of Woodshire: Adding the Village of Woodshire, 159-195 Merrimac Trail, as a property subject to the City of Williamsburg's Rental Inspection Program, in accordance with Section 5-242(f) of the City Code.

Additional information is available at www.williamsburgva.gov/Index.aspx?page=483 or at the Planning Department [(757) 220-6130], 401 Lafayette Street. Interested citizens are invited to attend this hearing and present their comments to the Council.

If you are disabled and need accommodation in order to participate in the public hearing, please call the City Manager's office at (757) 220-6100, (TTY) 220-6108, no later than 12:00 noon, Thursday, March 3, 2011.

Donna F. Scott
City Council Clerk



CITY OF WILLIAMSBURG
MEMORANDUM

DATE: February 18, 2011

SUBJECT: PCR #11-002
Amend the text of the Zoning Ordinance to revise provisions relating to Chesapeake Bay preservation for site plans

The City is subject to the *Chesapeake Bay Preservation Area Designation and Management Regulations*, and has been since 1990.

- Phase I of the program required mapping of Chesapeake Bay Preservation Areas and the adoption of performance criteria in local ordinances – this was initially done in 1990, and with major revisions in 2003.
- Phase II required the inclusion of specific water quality elements in the comprehensive plan – this was included in our 1998 and 2006 Comprehensive Plans.
- Phase III requires that local land development ordinances such as zoning and subdivision codes be reviewed, and if necessary, revised to ensure that they adequately address the protection of the quality of state waters.

Planning staff initially met with representatives from the Chesapeake Bay Local Assistance Division (CBLAD) in December 2009 to review the City's ordinances. Based on this initial meeting and a review of our ordinances, several recommendations were made for changes to our site plan regulations to better meet the state Chesapeake Bay Preservation requirements. These are all minor revisions to our regulations, and the proposed changes are acceptable to the CBLAD staff.

These changes deal with minor site plan submittal requirements (location of building setback lines and RPA/RMA limits, landscape plan requirements, and notation that the RPA area is to remain undisturbed), and regular site plan submittal requirements (location of RPA/RMA limits, notation that the RPA area is to remain undisturbed, and landscape plan requirements). These changes are indicated on the attached ordinance, and are self-explanatory.

STAFF RECOMMENDATION

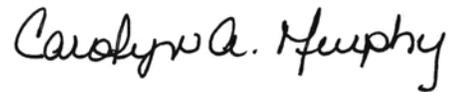
Staff recommends that Planning Commission recommend to City Council that the proposed changes, as detailed in Proposed Ordinance No. 11-04, be approved.

PLANNING COMMISSION RECOMMENDATION

Planning Commission held a public hearing on February 16. No citizens spoke at the public hearing. Planning Commission recommended to City Council, by a vote of 5-0, that the proposed changes to the text of the Zoning Ordinance, as detailed in Proposed Ordinance #11-04, be approved.

CITY COUNCIL PUBLIC HEARING

The City Council public hearing is scheduled for March 10 at 2:00 p.m. in the Council Chamber at the Stryker Building, 412 North Boundary Street.



Carolyn A. Murphy, AICP
Deputy Planning Director

ORDINANCE # 11-__
PROPOSED ORDINANCE # 11-04

**AN ORDINANCE AMENDING CHAPTER 21, ZONING,
ARTICLE VII, SITE PLANS, SECS. 21-779, 21-781 AND 21-784,
PERTAINING TO SITE PLAN REQUIREMENTS
(PCR #11-002)**

These revisions to Chapter 21, Zoning, are intended to promote the health, safety and general welfare of the public and to carry out the purpose and intent of Chapter 21 as stated in Sec. 21-1.

BE IT ORDAINED that Chapter 21, Zoning, of the Code of the City of Williamsburg, Virginia is hereby amended by revising or adding Article VII. Site Plans, Sec. 21-779(b)(2)c.1., h.1., and j. (Minor site plans), Sec. 21-781(e)(3.1) (Information required on site plans), and Sec. 21-784(h)(2)a. (Required landscaping), which shall be revised to read as follows:

ARTICLE VII. SITE PLANS

Sec. 21-779. Minor site plans.

(b) *Minor site plan submittal requirements.*

(2) Minor site plans shall include the following information:

- a. The boundaries of the lot by bearings and distances, and a north arrow.
- b. The area of the lot.
- c. The location of the edge of pavement or curblin along the frontage of the property.
- c.1. Building restriction lines and required setbacks including the limits of resource protection areas (RPAs) and resource management areas (RMAs), as specified by article VIII, Chesapeake Bay Preservation.
- d. Size, location and use of existing buildings.
- e. Location of the proposed improvements (including buildings, driveways and parking areas) and distances from all property lines.
- f. The dimension, height and use of the proposed improvements.
- g. Limits of clearing and grading.
- h. Landscape plan:
 - 1. For single-family and duplex dwellings, a landscape plan showing the canopy, dimensions and location of any existing and proposed trees and other woody vegetation located in a resource protection area (RPA). Where there are groups of five or more trees, such groups may be outlined at the perimeter canopy line instead. ~~All existing trees on the site of 12 inches or greater diameter at breast height (DBH) shall be shown, but where there are groups of trees, such groups~~

~~may be outlined at the canopy line.~~ Trees that must be removed to accommodate the proposed development shall be clearly shown on the plan. Measures for the protection of existing trees during clearing, grading and all phases of construction shall also be shown, and shall conform to specifications contained in the Virginia Erosion and Sediment Control Handbook, latest edition.

2. For all other uses requiring a minor site plan, a landscape plan in accordance with section 21-784 shall be submitted.
 - i. Erosion and sedimentation control measures in accordance with chapter 7, article II, Erosion and Sedimentation Control.
 - j. ~~Location of resource protection areas (RPAs), as specified by article VIII, Chesapeake Bay Preservation, and Measures to be taken for the protection of the~~ resource protections areas (RPAs) during clearing, grading and all phases of construction. The following notation shall be included: "All existing vegetation within the RPA shall remain in its undisturbed natural state, except as allowed by Article VIII, Chesapeake Bay Preservation, Sec. 21-821(d)(5) of the Williamsburg Zoning Ordinance."
 - k. Location of any proposed buffer area, with any plant material to be added to establish or supplement the buffer area.
 - l. Evidence of the issuance of, or application for, any required wetlands permits, in accordance with chapter 7, article III, Wetlands.
 - m. Existing topography and proposed grading, with contour intervals of two feet or less, when deemed necessary by the zoning administrator.

Sec. 21-781. Information required on site plans

(e) *Existing features. Information on existing features shall be provided as follows:*

- (1) The location, height, floor area and use of all existing buildings and structures, and their distance from all property lines and from each other.
- (2) All existing streets, utilities, easements and watercourses, and their names and widths.
- (3) Existing natural land features, trees, water features and all proposed changes to these features shall be indicated on a landscape plan (see section 21-784). Water features shall include ponds, lakes, streams, wetlands, floodplains, drainage areas and stormwater retention areas.

(3.1) Location of resource protection areas (RPAs) and resource management areas (RMAs), as specified by article VIII, Chesapeake Bay Preservation, and measures to be taken for the protection of the RPAs during clearing, grading and all phases of construction. The following notation shall be included: "All existing vegetation within the RPA shall remain in its undisturbed natural state, except as allowed by Article VIII, Chesapeake

Bay Preservation, Sec. 21-821(d)(5) of the Williamsburg Zoning Ordinance.”

- (4) Gross acreages of the following physical land units shall be tabulated and computed by accurate planimetric methods at the site plan scale:
- a. Slopes less than ten percent.
 - b. Slopes from ten percent but less than 20 percent.
 - c. Slopes from 20 percent but less than 30 percent.
 - d. Slopes 30 percent or greater.
 - e. 100-year floodplains.
 - f. Wetlands.
 - g. Existing water features (bodies of water, drainage channels, streams, etc.).
 - h. Aboveground electric transmission line easements.
 - i. Resource protection areas and resource management areas as specified by article VIII, Chesapeake Bay Preservation.
- These areas shall also be graphically identified on the site plan.

Sec. 21-784. Required landscaping.

- (h) Landscape plan requirements.
- (1) The landscape plan shall be indicated on the site plan. When necessary for clarity, this information shall be indicated on a separate sheet or sheets.
 - (2) The landscape plan shall include:
 - a. Canopy dimensions, location, size, description and botanical name of all existing trees on the site of 12 inches or greater diameter at breast height (DBH). Where there are groups of five or more trees, such groups may be outlined at the perimeter canopy line instead. The location of other trees, shrubs, ground covers and planting beds shall also be shown.
 - 1. For land located in a resource protection area (RPA), the canopy, dimensions and location of any existing and proposed trees and other woody vegetation shall be shown. Where there are groups of five or more trees, such groups may be outlined at the perimeter canopy line instead.
 - b. Canopy dimensions, location, size, description and the botanical name of proposed trees, landscape materials, ground covers and planting beds.
 - c. Accurate location and botanical name of all existing landscape materials proposed to be removed during the site development process, including the location and botanical name of any diseased trees which should be removed during site development.
 - d. Accurate location and botanical name of all existing landscape materials to be retained during the site development process as well as tree protection measures to be implemented during the site construction process, in accordance with specifications contained in

- the Virginia Erosion and Sedimentation Control Handbook, latest edition.
- e. Planting specifications and installation details, including a schedule of recommended planting times for trees, shrubs and ground covers.
 - f. Limits of grading and site-disturbing activities.
 - g. Delineation of required setbacks.
 - h. Acreage and location of proposed landscape and buffer areas, tabulated and computed by accurate planimetric methods at the site plan scale.
 - i. Location of total site tree canopy cover at ten-year maturity, tabulated and computed by accurate planimetric methods at the site plan scale.

This ordinance shall become effective on the tenth day following its passage.

Adopted: March 10, 2011

Clyde Haulman, Mayor

Donna Scott, City Council Clerk



CITY OF WILLIAMSBURG
MEMORANDUM

DATE: February 18, 2011

SUBJECT: Adding the Village of Woodshire Apartments to the Rental Inspection Program, *Proposed Ordinance No. 11-05*

Chapter 5, Article VII of the City Code established the City's Rental Inspection Program in 2004. The regulations apply in the four rental inspection districts that are specified by the regulations, and the following criteria were used by City Council in creating these Rental Inspection Districts:

- (i) there is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the designated rental inspection districts;
- (ii) the residential rental dwelling units within the designated rental inspection districts are either (a) blighted or in the process of deteriorating, or (b) the residential rental dwelling units are in the need of inspection by the code compliance administrator to prevent deterioration, taking into account the number, age and condition of residential dwelling rental units inside said rental inspection districts, and
- (iii) the inspection of residential rental dwelling units inside the rental inspection districts is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in the rental inspection districts.

In addition, the regulations allow rental dwelling units located outside of a Rental Inspection District to be subject to these regulations if City Council makes a separate finding that (i) there is a need to protect the public health, welfare and safety of the occupants of that individual residential rental dwelling unit; (ii) the individual residential rental dwelling unit is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of violations of the building code that affect the safe, decent and sanitary living conditions for occupants of such individual residential rental dwelling unit. Upon such a finding by City Council, the residential dwelling units shall be subject to the Rental Inspection District regulations, even if it is located outside the designated Rental Inspection Districts.

The Village of Woodshire, a 288 unit apartment complex built in 1975, is located outside of the existing rental inspection districts. There have been a steadily increasing number of complaints and inspections from 2006 through 2010, with complaints increasing from 11 in 2006 to 70 in 2010; and inspections increasing from 28 in 2006 to 199 in 2010. These complaints have included, and inspections have revealed, roof leaks, sewer back-ups, non-functioning heating units, non-functioning air conditioning units, gas leaks and flooding. Based on the criteria contained in Chapter 5, Article VII of the Code of the

Village of Woodshire Apartments

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City of Williamsburg, the significantly increasing number of complaints and inspections at the property have raised serious health and safety concerns.

Codes Compliance staff feels that in order to protect the public health, safety and welfare of the occupants, the entire Village of Woodshire complex should be made subject to the City's Rental Inspection Program. This will require an initial inspection of 10 percent of the dwelling units (29 units). If these units have no disqualifying violations, a 48-month certificate of compliance will be issued to the complex. If violations are found, a certificate of compliance cannot be issued until the violations are corrected, at which time a one year certificate of compliance will be issued. While the program provides for only 10 percent of the units to be inspected initially, if the Codes Compliance Administrator finds that there are one or more violations of the Virginia Uniform Statewide Building Code that affect the safe, decent and sanitary living conditions for the tenants of the complex, the Codes Compliance Administrator may inspect as many dwelling units as he deems reasonably necessary to assure compliance with the building code. If a 48-month certificate of compliance is issued, and subsequent violations of the USBC are discovered during the certificate period, the certificate may be revoked and the complex would be required to schedule annual inspections.

CITY COUNCIL PUBLIC HEARING

The City Council public hearing on adding the Village of Woodshire Apartments to the Rental Inspection Program (Proposed Ordinance No. 11-05), is scheduled for March 10 at 2:00 p.m. in the Council Chamber at the Stryker Building, 412 North Boundary Street.



Reed T. Nester
Planning Director

ORDINANCE NO. 11-__
PROPOSED ORDINANCE NO. 11-05

**AN ORDINANCE ADDING
THE VILLAGE OF WOODSHIRE, 159-195 MERRIMAC TRAIL,
TO THE RENTAL INSPECTION PROGRAM**

WHEREAS, the City of Williamsburg has adopted a program for the identification and inspection of rental dwelling units for the purpose of protecting public health, safety and welfare for residential rental dwelling units in designated rental inspection districts; and

WHEREAS, this program is incorporated as Chapter 5, Article VII, of the Williamsburg City Code; and

WHEREAS, Sec. 5-242(f) allows a building or structure meeting the definition of a residential rental dwelling unit but located outside of a rental inspection district to be made subject to the terms of Chapter 5, Article VII, if City Council makes a separate finding regarding said individual residential rental dwelling unit(s) per the criteria contained in Sec. 5-242(f); and

WHEREAS, The residential rental units known collectively as “The Village of Woodshire”, and currently owned by Woodshire LLLP, meet the definition of a residential rental dwelling unit as detailed in Sec. 5-222; and

WHEREAS, The Village of Woodshire is a 288 unit apartment complex built in 1975. Although is located outside of the existing rental inspection districts, there have been a steadily increasing number of complaints and inspections from 2006 through 2010, with complaints increasing from 11 in 2006 to 70 in 2010; and inspections increasing from 28 in 2006 to 199 in 2010; and

WHEREAS, these complaints have included, and inspections have revealed, roof leaks, sewer back-ups, non-functioning heating units, non-functioning air conditioning units, gas leaks and flooding; and

WHEREAS, based on the criteria contained in Chapter 5, Article VII of the Code of the City of Williamsburg, the significantly increasing number of complaints and inspections at the property have raised serious health and safety concerns.

NOW, THEREFORE, BE IT ORDAINED that the City Council finds that (i) there is a need to protect the public health, welfare and safety of the occupants of The Village of Woodshire, (ii) The Village of Woodshire is in the process of deteriorating, and (iii) there is evidence of violations of the building code that affect the safe, decent and sanitary living conditions for occupants of The Village of Woodshire.

BE IT FURTHER ORDAINED that the apartment complex known as “The Village of Woodshire”, and owned by Woodshire LLLP, or any successor in interest thereto, which includes all residential rental units located at 159-195 Merrimac Trail, Williamsburg Tax Map No. 409-01-00-A, are hereby subject to the provisions of Chapter 5, Buildings, Article VII, Identification and Inspection of Rental Dwelling Units.

This ordinance shall become effective on the tenth day following its passage.

Adopted: _____

Donna Scott, City Council Clerk

Clyde Haulman, Mayor