



# CITY OF COLONIAL HEIGHTS

P.O. Box 3401  
COLONIAL HEIGHTS, VA 23834-9001  
[www.colonial-heights.com](http://www.colonial-heights.com)

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## Office of the City Manager

September 16, 2010

The Honorable Mayor and Members of City Council  
Colonial Heights, Virginia

Ladies and Gentlemen:

As you know, the City has adopted established policies that deal with the cutting or removal of vegetation. With the City's revision of what was included as applicable vegetation, the entire possess was examined. Currently, when a violation is known, we send out a letter that notifies the landowner that they are in violation and have 10 days to be in compliance. If it is not corrected in that period, a second letter is given with a 5 day period to be in compliance. By the second letter most of the complaints are corrected. We are now experiencing an increased number of homes in foreclosure and properties where the owner cannot be readily found. We will institute the following revised policy that focuses on getting the grass cut in a more timely fashion:

1. Once violation is known, same violation letter giving 10 days to correct.
2. If not corrected within 10 days, a card will be placed on the door with a 48 hour notice. (replaces 5 day letter)
3. If not corrected within 48 hours, the City would order the grass to be cut with a contractor or City forces. We would then bill the landowner with at least 30 days to pay before collection procedures are started.

A minor but increasing portion of calls are foreclosures, and will require additional notifications as determined by the City Attorney.

If any additional information or assistance is needed prior to the meeting, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "William E. Johnson".

William E. Johnson  
Acting City Manager

The Honorable Mayor and Members of City Council  
September 16, 2010  
Page 2

WEJ: eg

Attachment

cc: Hugh P. Fisher, III, City Attorney  
George W. Schanzenbacher, Director of Planning & Community Development



## Department of Planning and Community Development

### MEMORANDUM

TO: William E. Johnson, Acting City Manager

FROM: George W. Schanzenbacher, AICP, Director

DATE: September 14, 2010

### **SUBJECT: 244-7 Cutting or Removal of Vegetation- Change in Enforcement Policy**

With proposed changes in section 244-7 Cutting or Removal of Vegetation staff has reexamined our current enforcement policy. Currently we spend a disproportionate amount of time trying to find the current owners of properties that are in foreclosure or where the current ownership is not readily known. The revised policy focuses on getting the grass cut in a more timely fashion. This would be accomplished by carrying out the following enforcement policy.

1. Once a violation is known, we would continue to send out a 10 day letter. If the property appears to be vacant and or in foreclosure the letter will be sent via certified mail.
2. If the violation has not been taken care within 10 days a card would be placed on the door with a **48 hour** notice and the certified letter will be posted. (This replaces the current 5 day letter).
3. If the violation has still not been taken care of within 48 hours the city would order the grass to be cut. The cost of cutting the grass would be based on the direct charge of having the work contracted out (normally \$45-75 for a standard size residential lot). We currently have in place a contract with a local vendor, that would actually perform this work. The bill would be sent to the owner of record by the Finance Dept. If the bill is not paid within 30 days it would be given to the Treasurer for collection and a lien would be placed on the property if payment is not received.
4. In addition a criminal penalty could be imposed if the violation was not resolved.

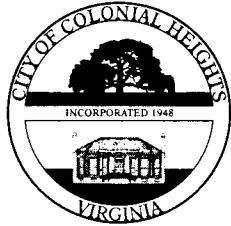
## **2010 History**

Through August of 2010 we have had 337 tall grass inspections, leading to 208 violations. We have only had to have an outside contractor cut the grass 6 times. In all cases this was because the property was in foreclosure.

All other violations have been resolved, perhaps not as timely as all would like, but they have been resolved.

The actual cost of cutting grass was between \$45-75 per property.

Cc: H. Fisher, C Kifer, B. Murrell



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## Office of the City Manager

September 16, 2010

The Honorable Mayor and Members of City Council  
Colonial Heights, Virginia

Ladies and Gentlemen:

The City's Planning Department is responsible for the City's community enforcement functions which include property maintenance, tall grass, inoperable motor vehicles, zoning and building complaints. I have attached the midyear summary for your review and information. Tall grass consisted of 43% of the calls and showed an increase of 54% over the same period last year.

As you know, the City added a Phase 2 of the Rental Inspection Program that covered the Toll House and Westover-Snead neighborhoods. Phase 2 was recently completed and a recap of this phase is attached along with the data from Phase 1 that covered the Violet Bank-Flora Hill and Shepherd Stadium areas.

If you desire to add additional areas, it is staff's recommendation that the Oak Hill, Lakeview and Ellerslie districts be added to the program. These areas all have rental units and some apartment complexes and would be logical additions. Attached are recaps of these recommended areas, and if you wish to proceed with these areas, an ordinance will be drafted for your consideration.

If any additional information or assistance is needed prior to the meeting, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "William E. Johnson".

William E. Johnson  
Acting City Manager

WEJ: eg

Attachment

The Honorable Mayor and Members of City Council

September 16, 2010

Page 2

cc: Hugh P. Fisher, III, City Attorney

George W. Schanzenbacher, Director of Planning & Community Development



## **Department of Planning and Community Development**

### **MEMORANDUM**

TO: William E. Johnson, Acting City Manager  
FROM: George W. Schanzenbacher, AICP, Director  
DATE: August 5, 2010

**SUBJECT: Property Maintenance Mid-Year and Rental Inspection Program Reports**

Attached please find the following:

1. Property Maintenance Mid-Year progress report
2. Final Rental Inspection program report and recommendations for possible future phases

The attached property maintenance mid year report shows that tall grass complaints have risen over 54% from last year at this time. In addition, the number of homes in foreclosure and properties where the owner cannot readily be found has also dramatically increased. These two factors and the revised city ordinance have led to a reevaluation of our current policy on tall grass enforcement. We are working with the City Attorney to develop a revised policy. Our goal is to spend considerably less time tracking ownership of property and focusing our efforts on seeing that the grass is cut in a timely manner.

The final rental inspection program report is also enclosed which summarizes our work in the 4 designated rental inspection districts. The report also includes recommended future rental inspection districts for the program, if Council so determines.

Please advise if you have any questions on the reports.



## **Department of Planning and Community Development**

### **MEMORANDUM**

TO: William E. Johnson, Acting City Manager

FROM: George W. Schanzenbacher, Director

DATE: July 30, 2010

### **SUBJECT: Property Maintenance –Summary Report First Half 2009 (January 1-June 30, 2010)**

This report summarizes eight (8) community enforcement functions including property maintenance, tall grass, inoperative motor vehicles, zoning and building complaints activity in the first half of 2010. Total activity is up approximately 9% in the first half of the year. Please also note the very high total compliance rate (98%) for the various functions and the large increase in tall grass complaints.

#### **Section 1: TOTAL property maintenance, inoperable motor vehicles, zoning, building, tall grass, signs, house numbering and other investigations**

**Total Investigations: 511**

**Examined-no violation: 127 (25%)**

**Complaints still under investigation: 0 (0 %)**

**Violations Cited: 384 (75%)**

**Violations Resolved: 374 (97%)**

**Repairs currently under way: 0 (0%)**

**No Resolution: 10(3%)**

**Summons Issued: 1**

In regards to the various types of investigations undertaken:

1. Property Maintenance:	72 (14%)
2. Inoperable Motor Vehicles:	89 (18%)
3. Building Code:	0 (0%)
4. Zoning Ordinance:	37 (7%)
5. Sign Ordinance:	51 (10%)
6. Tall Grass:	222 (43%)
7. House Numbering	14 (3%)
8. Other:	26 (5%)

### Mid Year Comparison 2010-2005 -Types of Investigations

	2010	%change	2009	2008	2007	2006	2005
Property Maint	72	-30	113	131	120	192	143
Zoning	21	-61	54	46	26	31	53
Inoper. Motor Veh.	89	53	58	57	106	318	51
Building Code	0		1	0	7	31	53
Tall Grass	222	54	144	136	156	0	0
Sign Ordinance	51	168	19	25			
House Numbering	14	-58	33				
Other	26	-40	43	0	18	31	35
<b>TOTAL</b>	<b>511</b>	<b>10%</b>	<b>465</b>	<b>395</b>	<b>433</b>	<b>596</b>	<b>338</b>

## Section 2: Property Maintenance

<b>Investigated</b>	<b>72</b>
<b>Violations Identified</b>	<b>54 (75%)</b>
<b>Violations Resolved</b>	<b>53 (98%)</b>

## Section 3: Zoning

<b>Investigated</b>	<b>37</b>
<b>Violations Identified</b>	<b>31 (84%)</b>
<b>Violations Resolved</b>	<b>31 (100%)</b>

## Section 4: Building Code

<b>Investigated</b>	<b>0</b>
<b>Violations Identified</b>	<b>0 (0%)</b>
<b>Violations Resolved</b>	<b>0 (0%)</b>

## Section 5: Other

<b>Investigated</b>	<b>26</b>
<b>Violations Identified</b>	<b>14 (54%)</b>
<b>Violations Resolved</b>	<b>14 (100%)</b>

## Section 6: Inoperative Motor Vehicles

<b>Investigated</b>	<b>89</b>
<b>Violations Identified</b>	<b>72 (81%)</b>
<b>Violations Resolved</b>	<b>72 (100%)</b>

## Section 7: Tall Grass Complaints

<b>Investigated</b>	<b>222</b>
<b>Violations Identified</b>	<b>153 (69%)</b>
<b>Violations Resolved</b>	<b>151 (99%)</b>

## Section 8: Sign Ordinance Violations

<b>Investigated</b>	<b>51</b>
<b>Violations Identified</b>	<b>50 (98%)</b>
<b>Violations Resolved</b>	<b>43 (86%)</b>

## Section 9 House Numbering

<b>Investigated</b>	<b>14</b>
<b>Violations Identified</b>	<b>10 (100%)</b>
<b>Violations Resolved</b>	<b>10 (100%)</b>



## Department of Planning and Community Development

### MEMORANDUM

TO: William E. Johnson, Acting City Manager  
FROM: George W. Schanzenbacher, AICP, Director  
DATE: July 30, 2010

### **SUBJECT: Rental Inspection Program -Final Report**

#### **Rental Inspection Program-Phase 2 Completed (January 1, 2009-June 30, 2010)**

Phase 2 of the rental inspection program was carried out in the Toll House and Westover-Snead neighborhoods. The actual inspection effort has taken approximately 1 ½ years to fully implement, beginning in January 2009.

There were 525 units registered in the two areas, of which 230 were to be inspected. Staff actually inspected 273 units, of which 176 failed the first inspection. That is 65% of the units failed! Second inspections resulted in all but 2 units passing. In summary, the program identified minor code violations, most of which were easily fixable and were so done by the property owners. Please see Table 1 for a statistical breakdown of the inspection process. Typical minor code violations included:

- *Pipe water heater pressure relief valves*
- *Label panel boxes*
- *Protective treatment to exposed wood*
- *Repair fences/sheds*
- *Repair main sewer lines under two apartment buildings in Colonial Courts Apts.*
- *Windows painted shut*
- *Repair broken glass*
- *Fix water supply lines.*

The program is now complete for the initial target inspection areas. Staff has concluded that the program achieved the desired result of insuring that rental housing in the City meets the minimum code standards. As many of the violations were of a minor nature that also indicates that the general condition of the housing stock in these areas is sound and can remain sound with a minimal amount of oversight. Many of the corrections made while minor in nature are important in that they will help insure that the housing stock will remain sound over time.

## Summary of Program to date (Phases 1 and 2)

Phase 1 of the program included the Violet-Bank-Flora Hill and Shepard Stadium areas. These areas were completed in 2007-2008. With the completion phase 2 which was the Westover-Snead and Toll House Districts almost 1200 units were registered and 768 were inspected. Staff has made over 1200 inspections.

Highlights of the program are summarized below:

- 1196 units registered
  - 574 single family
  - 624 multi-family and apartments
- 1274 inspections made
- 1047 Four year certificates issued

Details can be found in Table 1.

## The Future

As you may recall the certificates that are issued are good for 4 years, unless there are changes made to the property. It's hard to believe, but in 2011 the first of the four year certificates will be up and the units will need to be reinspected. Staff has a detailed inventory of the initial inspections and will proceed with re-inspections as the 4-year anniversary arrives.

Looking ahead, City Council may wish to consider the creation of additional rental inspection districts, as there are still other sections of the City with areas of rental housing, which are beginning to age. Code issues similar to those found in the initial target areas would be anticipated and which if identified now could and should be corrected before they become a larger problem.

If the Council decides to continue the program into new areas staff recommends that the Oak Hill, Lakeview and Ellerslie districts be included. Attached is a map of our recommendations for the next neighborhood areas that we believe would be logical candidates for this program and the districts already in the program. All three districts have rental units and some apartment complexes in them. Table 2 summarizes the apartment complexes in each of the districts. There are also rental units in each of the districts. Conducting the program in these three areas would also complete the older areas of the City.

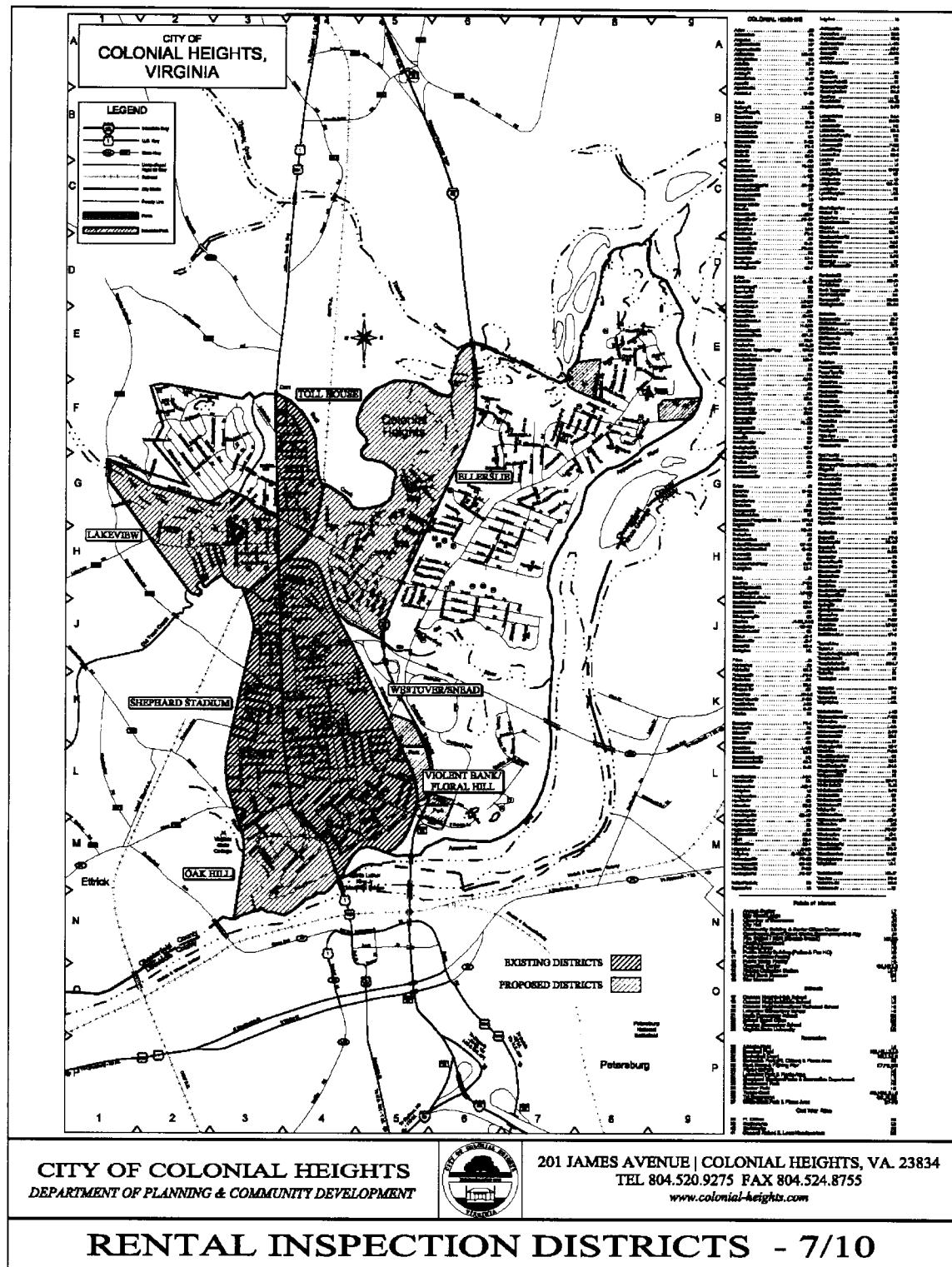
**Table 1**  
**Summary of Rental Inspection**  
**program**

	Phase 1	Phase 2	TOTAL
<b>Total # of Units Registered</b>	<b>671</b>	<b>525</b>	<b>1196</b>
Single family	408	166	574
Multi-family	109	36	145
Apartment Units	154	325	479
<b>Total Units to be Inspected</b>	<b>538</b>	<b>230</b>	<b>768</b>
Single family	396	165	561
Multi-family	109	36	145
Apartment Units	33	33	66
<b>First Inspections made</b>	<b>553</b>	<b>273</b>	<b>826</b>
Passed	115	97	212
Failed	438	176	614
<b>Second inspection made</b>	<b>247</b>	<b>196</b>	<b>443</b>
passed	238	194	432
Failed	9	2	11
<b>Third inspection</b>	<b>5</b>	<b>0</b>	<b>5</b>
Passed	4	0	4
Failed	1	0	1
<b>Additional Inspections</b>	<b>1</b>	<b>33</b>	<b>34</b>
Passed	1		1
Failed		33	33
<b>Failure to schedule by owners</b>	<b>9</b>	<b>0</b>	<b>9</b>
<b>Four(4) year Certificates Issued</b>	<b>571</b>	<b>476</b>	<b>1047</b>
Dwellings	316	158	474
Apartment Complexes (units)	155	318	473

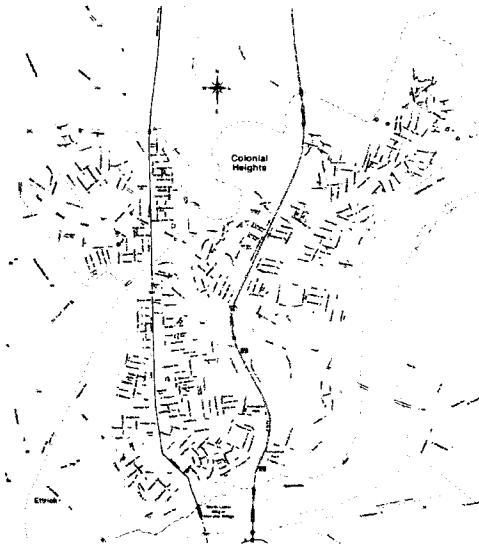
## Table 2

### Apartment Complexes

Address	# of units
<b>Oak Hill District</b>	
205 Archer Ave	88
Total	88
<b>Lakeview District</b>	
141 Lakeview Park Rd	139
161 Lakeview Park Rd	4
200 Lakeview Park Rd	62
919 Lakeview Ave	17
921 Lakeview Ave	12
1100 Lakeview Ave	24
Total	258
<b>Ellerslie District</b>	
100 Clearfield Circle	144
101 Old Oak Lane	144
Total	288



## OAK HILL DISTRICT



**Oak Hill Census 2000**

Population 640 (3.8% of all CH Residents)

Households 225

Homeownership Rate 68.6%

Poverty 1.6%

Median HH Income \$51,530

13.3% Residents Aged 65+

55% Residents Aged 25 – 64

Vacancy Rate 3.8%

Workers (Over 16) 300

Workers with Disability 10%

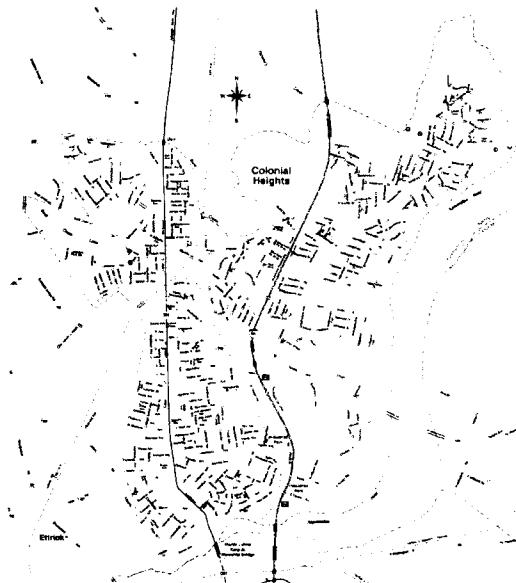
The Oak Hill Neighborhood District takes its name from Oak Hill, the most popular name for this area. The area is also widely known as Archer's Hill. Oak Hill is also the name of a private residence (built c. 1825) on Carroll Avenue which is on the National Register of Historic Places. The Oak Hill District is bounded on the north by Dupuy and Bradsher Avenues, on the south by the Appomattox River, on the west by the Chesterfield County Line, and on the east by the Boulevard. The bordering properties with a Bradsher Avenue, Dupuy Avenue and Boulevard addresses are included in this district.

City Assessment records show that aside from the property known as Oak Hill (built c. 1825), this area was developed from 1910 onwards.

Issues brought out by citizen complaints, Colonial Heights Neighborhood Survey (August 2004) and personal observations:

- Aging infrastructure: broken-up streets and sidewalks
- Drainage problems leading to flooding at Dupuy Ave. & Battery Place
- Future use of current building and site of Colonial Heights Baptist Church
- Condition & future use of old rail line on Chesterfield Avenue

## LAKEVIEW DISTRICT



### Lakeview Census 2000

Population 1,195 (7.1% of all CH Residents)

Households 555

Homeownership Rate 36.9%

Poverty 7.9%

Median HH Income \$32,000 to \$36,540

8.7% Residents Aged 65+

50.5% Residents Aged 25 – 64

Vacancy Rate 4.2%

Workers (Over 16) 585

Workers with Disability 10.9%



### Lakeview

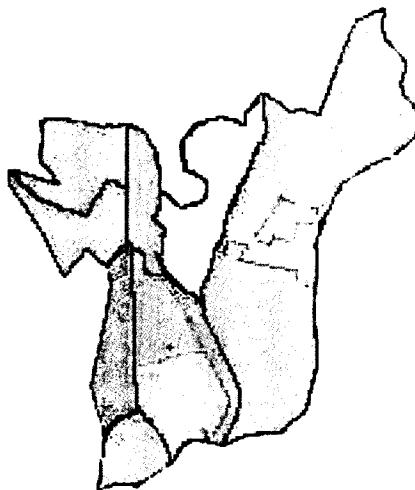
The Lakeview Neighborhood District takes its name from Lakeview Avenue which runs across it from east to west. The neighborhood is popularly known as Lakeview. The Lakeview Neighborhood District is bounded on the north by Swift Creek Lake and Sherwood Drive, on the south by the CSXT Railroad Right of Way, on the west by the Chesterfield County Line, and on the east by the Boulevard. Boulevard addresses are included in this district. Sherwood Drive addresses are not included.

City Assessment records show that most of this area was developed between 1950 and 1960. The southeastern section of this district also experienced new residential single-family development (Cedar Trace Subdivision) from 2000 to 2004.

Issues brought out by citizen complaints, Colonial Heights Neighborhood Survey (August 2004), Windshield Survey (July 2004), and personal observations:

- Property Maintenance Concerns
- Flooding at Cabel & Lakeview due to storm sewer & Sadler Ave. & Lundy when Creek Floods
- Higher than average poverty

## ELLERSLIE DISTRICT



### **Ellerslie Census 2000**

Population 1,865 (11% of all CH Residents)  
Households 720  
Workers (Over 16) 735  
Workers with Disability 7.5%  
Homeownership Rate 62.5%  
Poverty 4.2%  
Median HH Income \$32,900 to \$40,850  
27.3% Residents Aged 65+  
43.4% Residents Aged 25 – 64  
Vacancy Rate 4.7%

#### **Ellerslie**

The Ellerslie Neighborhood District is bounded on the north by Swift Creek, on the south by Old Town River, on the east by Interstate 95, and on the west by the CSXT Rail Road Right of Way.

City Assessment records show that the northern part of this district (Dunlop Farms PUD) was developed from 1982-2003. The southern portion was developed in sections from 1956 to 1983. The northernmost section (the last large undeveloped area in the City) is slated for development.

Issues brought out by citizen complaints, Colonial Heights Neighborhood Survey (August 2004), Windshield Survey (July 2004), and personal observations:

- High number of senior citizens.
- Dunlop Farms Homeowner Association difficulty with standards enforcement
- Open space maintenance and use concerns in Dunlop Farms area
- Complaints of cut-through traffic on Longhorn Drive
- Lack of neighborhood parks on both sides of Ellerslie Avenue



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## Office of the City Manager

September 16, 2010

The Honorable Mayor and Members of City Council  
Colonial Heights, Virginia

Ladies and Gentlemen:

As you know, the Draft Zoning Ordinance has been completed and recommended for approval by the Planning Commission and was presented to City Council in June for their review. I have included George's summary of the proposed ordinance. For your additional information, we have attached the April 2010 letter to all property owners, the May 2010 Community Summary, the notice of the Planning Commission's public hearing, and the top ten list of Ordinance Changes

Staff stands ready to help and assist you in your review of this massive document. If any additional information or assistance is needed at this point, please do not hesitate to contact me.

Sincerely,

William E. Johnson  
Acting City Manager

WEJ: eg

Attachment

cc: Hugh P. Fisher, III, City Attorney  
George W. Schanzenbacher, Director of Planning & Community Development



## **Department of Planning and Community Development**

### **MEMORANDUM**

TO: William E. Johnson, Acting City manager

FROM: George W. Schanzenbacher, AICP, Director

DATE: September 13, 2010

**SUBJECT: Proposed Zoning Ordinance**

**For the Council Work Session attached please find the following:**

- 1. June 2010 memo: Comparing the old ordinance and the proposed document**
- 2. April 2010 letter to all property owners and May 2010 Community Summary of proposed ordinance**
- 3. Public notice of Planning Commission Public hearing**
- 4. Top 10 list of Ordinance Changes**

**Maps of all Zoning Districts and overlay areas are also available**



## **Department of Planning and Community Development**

### **MEMORANDUM**

TO: William E. Johnson, Acting City Manager  
FROM: George W. Schanzenbacher, AICP, Director  
DATE: June 10, 2010

### **SUBJECT: Proposed Zoning Ordinance**

As a follow up to the City Council meeting of June 8<sup>th</sup>, attached please find a summary of the proposed zoning ordinance focusing on comparing the existing ordinance vs. the new where ever it is possible. As the new proposed ordinance is organized differently in some cases a direct comparison is not possible and/or meaningful. The focus of the comparison has been on the overall organization and major sections, not on individual sections or specific items.

Please note that in addition to the proposed ordinance, included in the materials are the proposed zoning maps, a summary of the major changes, the public hearing notice and letter sent to all property owners and the Planning Commission resolution recommending approval.

It should be kept in mind that the process for developing the ordinance was very deliberate in that each section of the ordinance was drafted by the consultant, reviewed and edited and revised by the City Attorney and City Planner, and then presented to the Planning Commission and eventually other City staff.

Information was then sent out to all City Property owners, two community workshops were held, and then a public hearing held prior to the Planning Commission recommending approval.

## Review of Proposed Zoning Ordinance

1. **General provisions-** Provides the basic framework for zoning. Similar provisions are in the existing ordinance.
2. **Definitions and Use Types-**
  - a. Definitions are greatly expanded from what is in the current code.
  - b. There are no Use types in the existing ordinance.
3. **District regulations**
  - a. The number of principal zoning districts has been reduced from 13 to 7 as follows:
    - i. Residential Districts
      1. R-1 and R-2 are now RL
      2. R-3 and RTH are now RM
      3. R-4 is now RH
    - ii. Residential- Office Districts  
R-PO and P-BO are now RO
    - iii. Commercial Districts  
B-1, B-2 and B-3 on the Boulevard are now BB  
B-3 elsewhere is now GB
    - iv. Industrial Districts  
M-L, M-1 and M-2 are now IN
  - b. Planned Unit Development  
PUD is still PUD
  - c. Overlay Districts –were in existing ordinance and are included in the proposed ordinance  
Historic Resources  
Floodplain  
Wetlands  
Architectural Character  
Chesapeake Bay  
Boulevard
4. **Use and Design Standards-**There is no comparable section in the existing ordinance; however, there may be specific standards in each of the Use Districts in the existing ordinance.
5. **Development Standards**
  - a. Accessory Uses and Structures- included in Use Districts in existing ordinance

- b. Site Plan Review- called Plan of Development Review in existing ordinance.
- c. Buffer Yards, Screening and Landscaping- called Landscaping Requirements for Plans of Development in existing ordinance
- d. Off-Street Parking Requirements- similar in existing ordinance
- e. Signs- similar in existing ordinance
- f. Miscellaneous Provisions-similar to Regulations Applicable To All Districts in existing ordinance.

**6. Administration-** similar provisions in existing ordinance

**Miscellaneous items of Interest**

1. **The Community Summary–Proposed Zoning Ordinance** sent to all residents identifies the major proposed changes.
2. We also have prepared 125 zoning map sections that would become the official Zoning Map for the City and replace the existing map book. Eventually these will become GIS maps.
3. The recent \$7,000 grant we received from the Chesapeake Bay program will allow us to develop recommendations that will align the zoning ordinance and other city codes with changes in the Chesapeake Bay regulations. This work should be completed by spring 2011.



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## Department of Planning and Community Development

April 12, 2010

Dear Property Owner:

The City of Colonial Heights has been working on a new zoning ordinance to update and replace existing zoning regulations first adopted in 1968. The City Planning Commission will be holding a public hearing on the new ordinance on Tuesday, May 4<sup>th</sup>, 2010 in the City Council Chambers, 201 James Avenue beginning at 7:00 p.m. The Planning Commission will finalize its recommendations sometime after this public hearing and submit them to the Colonial Heights City Council. The City Council is expected to have a lengthy review process with additional public involvement.

You may be interested in the Community Participation Workshops on Thursday, April 22, 2010 from 5:30 to 8:00 p.m. at the Senior Citizen Center, 157 Roanoke Avenue and on Tuesday, April 27, 2010 from 4:30 to 7:00 p.m. at the Library, 1000 Yacht Basin Drive. These workshops will provide property owners an opportunity to meet with staff and the City's Planning Consultant to discuss zoning questions, review the revised zoning maps and offer comment on the new zoning ordinance.

In addition to the enclosed Notice of Public Hearing, there is also a summary of the proposed ordinance's major changes. If you have any questions, comments or concerns, please feel free to contact me, George W. Schanzenbacher, Director of Planning & Community Development at 520-9275 or [schanzenbacher@colonial-heights.com](mailto:schanzenbacher@colonial-heights.com) and/or plan on attending a workshop or public hearing.

Sincerely,

George W. Schanzenbacher, AICP  
Director of Planning & Community Development  
Zoning Administrator

Attachments



**May 2010**

## **Community Summary- Proposed Zoning Ordinance- City of Colonial Heights, VA**

The City's current Zoning ordinance was written in 1968. While it has been amended over the years many of its standards and requirements have become dated and many new features have not been incorporated. In 2008 the City Council agreed to rewrite the entire code to address these issues.

This report is a summary of the proposed new ordinance's content and highlights the major changes. While there is much that is updated, the basic principles remain the same. For all uses and activates that were legally installed and/or used, the new ordinance will have no impact on them. It will impact, however, future uses and/or activities.

### **Major Changes:**

1. Zoning Districts have been consolidated, reducing the number to 7 from the original 13.

**ALL PROPERTIES ORIGINALLY ZONED SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL ARE STILL SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL. ALL COMERCIALLY ZONED PROPERTIES ARE STILL COMMERCIAL AND ALL INDUSTRIAL PROPERTIES ARE STILL INDUSTRIAL.**

2. Clarifies and documents permitted uses and allowed activities within all Districts. Definitions for uses and activities are greatly expanded and Design standards for specific uses expanded.

**THE TYPES OF PERMITTED USES ALLOWED IN EACH ZONING DISTRICT AND THEIR DEFINITIONS HAVE BEEN GREATLY EXPANDED. IN ADDITION, SPECIFIC USE STANDARDS HAVE BEEN INCLUDED FOR ADDITIONAL ITEMS.**

3. Allows for Accessory Apartments for family members only in Single-Family zoned areas, subject to certain conditions being met.

**ACCESSORY APARTMENTS WOULD BE ALLOWED, SUBJECT TO CERTAIN STANDARDS. ACCESSORY APARTMENTS WOULD BE FOR FAMILY MEMBERS ONLY, NO SEPARATE OUTSIDE ENTRANCE AND NOT MORE THAN 50% OF THE EXISTING DWELLING AREA COULD BE USED. SEPARATE KITCHENS WOULD BE ALLOWED.**

4. New Landscaping, Buffering and Screening Standards, more options

**PROVIDES FOR SEVERAL OPTIONAL LANDSCAPING BUFFERS  
DEPENDING ON THE TYPE OF USE AND SETBACK PROVISIONS**

5. Permitted Home Occupations would be based on neighborhood impact, not just limited uses.

**PROVIDES SPECIFIC DEVELOPMENT STANDARDS TO ALLOW  
HOME OCCUPATIONS IN THE LR LOW DENSITY RESIDENTIAL  
DISTRICT. SPECIFIC IMPACT FINDINGS WOULD BE APPLICABLE  
TO ALL HOME OCCUPATIONS, INCLUDING: TRAFFIC IMPACT,  
NOISE AND VISUAL IMPACT.**

6. Zoning permits and certificates of zoning compliance to be issued for uses and activities

**AS PART OF THE BUILDING PERMIT AND CERTIFICATE OF  
OCCUPANCY PROCESSES, ALL APPLICATIONS WILL HAVE  
ZONING PERMITS ISSUED.**

7. Updates all zoning maps to be in compliance with new ordinance and use districts.

**ALL BASE MAPS HAVE BEEN UPDATED TO CORRESPOND WITH  
THE TEXT AND USE DISTRICTS.**

The entire proposed ordinance and a summary zoning map are available on line at [www.colonial-heights.com](http://www.colonial-heights.com). The detailed base maps are available at the Dept of Planning and Community Development.

For more information please contact: George W. Schanzenbacher, Director, Department of Planning and Community Development, City Hall 201 James Ave. 804 520-9275; E-mail: Schanzenbacherg @colonial-heights.com.

Revised 6/10/10

**NOTICE OF PUBLIC HEARING**

**CITY OF COLONIAL HEIGHTS PLANNING COMMISSION**

Notice is hereby given to all persons affected or interested that the Colonial Heights Planning Commission has fixed its Regular Meeting, Tuesday, May 4, 2010 at 7:00 P.M., in Council Chambers of City Hall, 201 James Avenue, Colonial Heights, Virginia, as the time and place to hold a public hearing to accept comments on the following:

**An Ordinance to amend and reordain Chapter 286, Zoning, and the official Zoning Map, of the Colonial Heights City Code. The Ordinance and Map completely rewrite Chapter 286, including consolidating and reorganizing zoning use districts, updating terms and definitions, and adding new development and use standards for the City's various Zoning Districts. The changes to Chapter 286 constitute the first general revision to the entire Zoning Ordinance since 1968.**

A copy of the proposed Ordinance is on file for public examination during regular business hours in the City Department of Planning and Community Development in City Hall, 201 James Avenue, Colonial Heights, Virginia or by calling (804) 520-9275. It is also posted on the city web page at [www.colonial-heights.com](http://www.colonial-heights.com) and is available for public examination at the City Library, located at 1000 Yacht Basin Drive.

On Thursday April 22, from 5:30-8:00 PM at the City's Sr. Citizen Center, located at 157 Roanoke Avenue, and on Tuesday April 27, from 4:30-7:00 PM at the City of Colonial Heights Library 1000 Yacht Basin Drive, the Planning Department will hold community open houses to allow citizens the opportunity to discuss with staff and the City's Planning Consultant the proposed Ordinance and the official Zoning Map.

All persons affected or interested are invited to be present at the public hearing of the Planning Commission, to be held at the time and place stated above, when an opportunity will be given for them to be heard.

George W. Schanzenbacher  
Director of Planning and Community Development

Any interested party whose participation in this meeting would require reasonable accommodation of a handicap should contact the City Manager's Office at 520-9265 at least six days in advance.

## **Top Ten Zoning Ordinance Changes**

1. Reduces the number of Zoning Districts (from 13 to 7)
2. Clarifies and documents permitted uses and allowed activities within Districts
3. New Landscaping, Buffering and Screening Standards, more options
4. ~~Site plan review becomes an administrative process~~
5. Home Occupations are based on neighborhood impact, not just limited uses
6. Zoning permits and certificates of zoning compliance to be issued for uses and activities
7. Definitions for uses and activities greatly expanded
8. Standards for off- Street Loading included in off-street parking regulations
9. Use and design standards greatly increased and defined
- 10.Updates all zoning maps to be in compliance with new ordinance and use districts



# CITY OF COLONIAL HEIGHTS

P.O. Box 3401  
COLONIAL HEIGHTS, VA 23834-9001  
[www.colonial-heights.com](http://www.colonial-heights.com)

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## Office of the City Manager

September 16, 2010

The Honorable Mayor and Members of City Council  
Colonial Heights, Virginia

Ladies and Gentlemen:

As you know, the City qualified over the past three years for Federal Safe Routes to School Grants. The design and construction of these walkway improvements are subject to approval by the Federal Highway Administration and Virginia Department of Transportation.

At the May work session, you were given a project update and detailed citizen input concerning one intersection that was sited as being particularly unsafe. These comments and the Council discussion in May were used to modify the recommendation of the original consultant. Staff will give a project update and answer any questions, so we can get your consensus on the completed design of this project.

If any additional information or assistance is needed at this point, please do not hesitate to contact me.

Sincerely,

William E. Johnson  
Acting City Manager

WEJ: eg

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Henley, Director of Public Works & City Engineer



# CITY OF COLONIAL HEIGHTS

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## Department of Public Works Staff Report

Date of Council Meeting: September 21, 2010

Date of Report: September 15, 2010

Item Title: 

- Status review of Safe Routes to Schools Projects, VDOT UPCs 87217 and 93211 and request for concurrence on final design

Attachments: Yes

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### Summary:

Staff has made changes to the design of the subject projects that were reviewed with City Council on May 18, 2010. The changes incorporate the input and feedback of several Councilors and that of the owners of property at 501 Cameron Avenue who expressed concern with the Department's preferred design for improving pedestrian safety at the intersection of Cameron, Colonial, Washington and Bristol Avenues. After meeting with staff, the owners have indicated their approval of the revised plan. See attached drawings.

With Council's concurrence on the final design, staff will make final the construction plans and the bid documents so that a construction contract can be let as early as Q3 FY 2010-2011.

### Background:

By Resolution 09-3, adopted January 13, 2009, City Council authorized the department of planning and community development to submit two applications for a Safe Routes to School Program of projects within the City. Safe Routes to Schools is a federal-aid program which provides funding for enabling students to walk and ride bicycles safely to and from schools.

By Resolutions No. 08-46 and 09-25, adopted October 14, 2008 and July 14, 2009, respectively, City Council provided signatory authority to the City Manager to execute Standard Project Administrative Agreements with the Virginia Department of Transportation for development and delivery of the projects. The Standard Agreements stipulate the responsibilities and requirements for financing and administration of the projects.

The Department of Public Works is developing the projects concurrently. Staff held a design review meeting on May 3, 2010 for both projects at the Colonial Heights Middle School, for which 12 citizens attended. Subsequently, property owners at 501 Cameron advised City Council about several concerns they had with the proposed traffic control changes at the intersection of Cameron/Colonial/Washington/Bristol Avenues including the loss of parking in the public right of way along their frontage.

Staff developed a design alternate and met one-on-one with three property owners to review the revised design. Based on favorable comments received at the design review meeting and at

the meetings with individual property owners, there is no known opposition to the revised design or other elements of the projects.

Fiscal Impact:

The standard agreement provides that VDOT will reimburse the City for 100% of its eligible costs for the design and construction of the project. The local funding match is 0%. The engineer's estimate for the cost of construction is approximately \$167,000, which is less than the total Maximum Reimbursement Amount provided in the standard agreements. It is important to emphasize that the standard agreement stipulates that the project must be completed and the federal-aid allocation expended before October 1, 2011.

Policy Implications:

The project is consistent with five of Council's nine stated policy priorities and commitments to the community's well being.

**Neighborhoods** - The sidewalks and traffic control changes included in this project would help revitalize and improve the neighborhood

**Small town feeling** – Sidewalks installed with this project would connect neighborhoods and contribute to a small-town feeling

**Infrastructure** - This project would not only infill sidewalk but also repair deteriorated existing sidewalk thereby preserving pedestrian infrastructure

**Safety** – Sidewalks built with this project would provide a dedicated, separate way for pedestrians to enhance their sense of well-being

**Services for Citizens** – This project would provide facilities that would facilitate use by the mobility impaired and comply with the Americans with Disability Act

# Safe Routes to Schools Projects

## (

### Status review and request for

### concurrence on final design

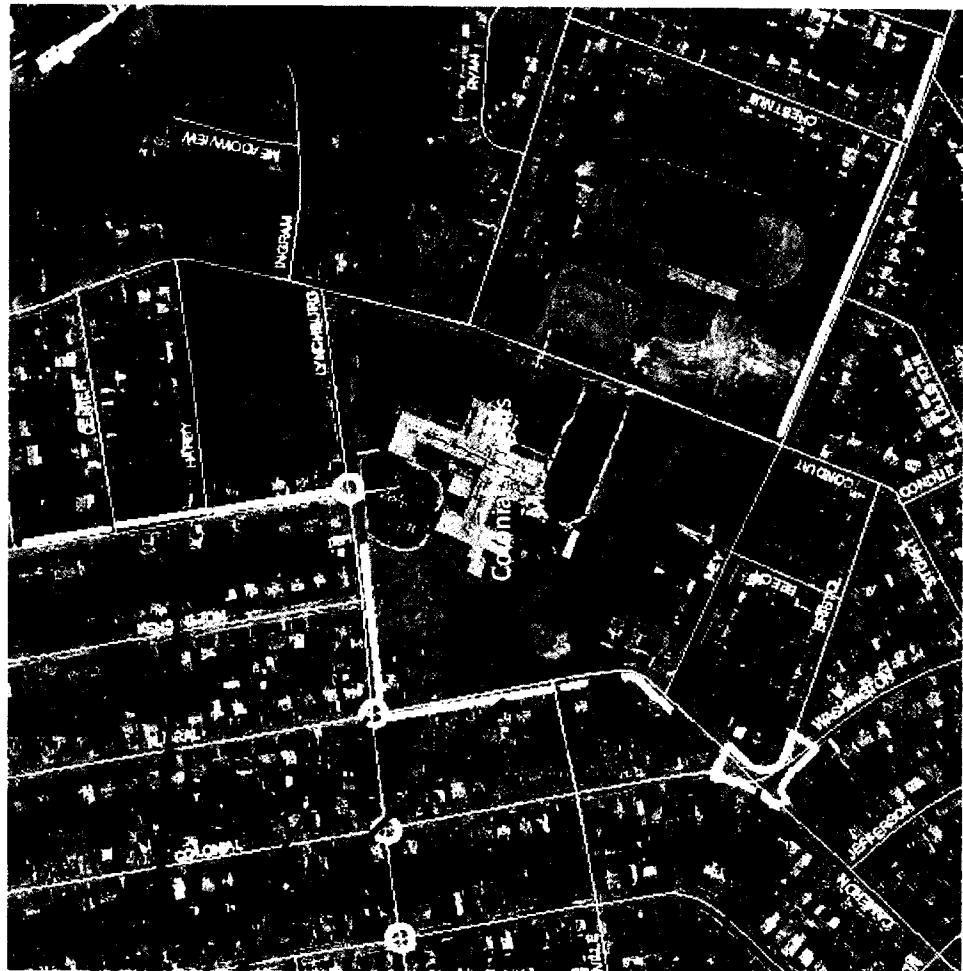
Council Special Meeting

September 21, 2010



Department of Public Works

# Project Location



UPC 87217

UPC 93211

Safe Routes to Schools Projects



Department of Public Works

# Original Design Cameron/Washington/Colonial/Bristol



Department of Public Works



# Revised Design

## Cameron/Washington/Colonial/Bristol



Department of Public Works



# CITY OF COLONIAL HEIGHTS

P.O. Box 3401  
COLONIAL HEIGHTS, VA 23834-9001  
[www.colonial-heights.com](http://www.colonial-heights.com)

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## Office of the City Manager

September 16, 2010

The Honorable Mayor and Members of City Council  
Colonial Heights, Virginia

Ladies and Gentlemen:

As you know, the City has two major Boulevard projects currently under development. Staff will give you updates on the Boulevard Enhancement Project that deals with the Government Center proposed streetscape design. The City had limited success in obtaining maintenance agreements with property owners, and has modified the original design.

In addition, staff will bring you up to-date on the design of Boulevard Modernization Project. This will include the terms and conditions of an agreement with the Department of Historical Resources, and citizen input and feedback from property owners regarding location and size of driveways and parking.

If any additional information or assistance is needed at this point, please do not hesitate to contact me.

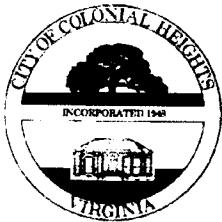
Sincerely,

William E. Johnson  
Acting City Manager

WEJ: eg

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Henley, Director of Public Works & City Engineer



# CITY OF COLONIAL HEIGHTS

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COLONIAL HEIGHTS, VA 23834-9001  
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## Department of Public Works Staff Report

Date of Council Meeting: September 21, 2010

Date of Report: September 15, 2010

Item Title:

- Status review of the Boulevard Enhancement Project, VDOT UPC 78222 and request for concurrence on proposed streetscape design
- Status review of the Boulevard Modernization Projects, UPCs 3945, 52434 and 90374; concurrence with proposed streetscape design; and request for concurrence to move forward with right of way acquisition

Attachments: Yes

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### Summary:

Staff has made changes to the design of the subject projects that were previously reviewed with City Council on February 16, 2010 and requests concurrence to move forward with both projects.

### **Government Center Enhancement**

The design of the Enhancement project has been revised to conform to the limited amount of public right of way on the east side of the Boulevard. Staff sought maintenance agreements with property owners abutting the east side with the objective of landscaping private property. Only one agreement was secured. However, it is staff's opinion that the project must move forward to preserve federal funding. See attached streetscape plan. With Council's concurrence, staff will make final the construction plans and the bid documents so that a construction contract can be let as early as Q3 FY 2010-2011.

### **Boulevard Modernization**

The design of the Boulevard Modernization project has been revised to include:

- (1) The terms and conditions of a Memorandum of Agreement between the project sponsors and the Department of Historic Resources (VDHR) to avoid adverse effect to three properties deemed by the Commonwealth to be historically significant, the properties being located south of Dupuy Avenue; and
- (2) Input and feedback from seven property owners regarding the details of changes to the location and size of driveways and parking.

Department of Public Works Staff Report – Boulevard Projects  
September 21, 2010 Work Session/Page 2

See attached drawings of streetscape/property frontages. With Council's concurrence, staff will make final the right of way plans and so that acquisition of property interests can begin as early as Q2 FY 2010-2011.

**Background:**

**Government Center Enhancement**

By Resolution 06-30, adopted July 8, 2008, City Council authorized the City Manager to enter into an amended Appendix A to the Standard Project Administration agreement with the Virginia Department of Transportation for the Government Center Enhancement project, which was executed June 15, 2006.

Staff spent a significant amount of time reviewing and causing modifications to the original design in an attempt to conciliate some property owners. In addition, while staff was able to obtain landscape maintenance agreements with several property owners abutting the project corridor, staff was unable was unable to obtain agreements with the majority of property owners. One property owner was inaccessible despite repeated attempts by staff. Staff considers the latest design to be the best possible given the property, time and funding constraints.

**Boulevard Modernization**

By Resolution No. 09-13, adopted April 14, 2009, City Council provided signatory authority to the City Manager to execute a Project Agreement Transition and Urban System Construction Program Administration Agreement with the Virginia Department of Transportation for the Boulevard and Dupuy Avenue Intersection Improvements, which has been executed. In addition, City Council had previously adopted multiple agreements for financing and administering this and two other projects on the Boulevard that provide for widening and streetscaping the Boulevard to Westover Avenue. The agreements stipulate the responsibilities and requirements for financing and administration of the projects. The Department of Public Works is developing the projects concurrently.

The Department has held at least four public forums to review the design of the project. The last and final was a public hearing for the Boulevard Modernization project on August 12, 2010. This was the fourth opportunity for the public to review the project. On August 12, 2010, staff held a final public hearing to review the preferred design for the Boulevard Modernization project. A total of 15 people attended the August 12, 2010 Design Public Hearing held in the Council Chambers at City Hall in Colonial Heights. By the end of the 10-day comment period, the City had received a total of seven (7) comments in the form of emails, letter, comment sheet and transcribed oral comments recorded by a court reporter.

In addition, staff has caused the creation of a project website, <http://www.colonial-heights.com/PWindex.htm>, where information is being maintained and added when available.

Staff developed design alternates for five property frontages and met one-on-one with property owners to review and discuss. Based on favorable comments received at the public meetings and at the meetings with individual property owners, there are no known significant objections to the revised design or other elements of the projects.

Staff considers the latest design to be the best possible given the property, time and funding constraints.

**Fiscal Impact:**

**Government Center Enhancement**

The standard agreement provides that VDOT will reimburse the City for 80% of its eligible costs for the project up to a maximum of \$125,000. The local funding match is 20%. The City has made available approximately \$150,000 in local funding to pay the local match and to

supplement project funds. The engineer's estimate for the cost of construction is approximately \$340,000, which is not within budget. The scope must be downsized or additional funding secured. Appendix A to the agreement indicates that the project must be completed and the federal-aid amount fully expended by July 27, 2010. Staff has contacted VDOT to request a time extension.

### **Boulevard Modernization**

The projects have funding from multiple state and federal programs. Below is a breakdown of current funding (in thousands) made available by local, state and federal sources:

UPC	Federal	State	Local (City)	Subtotal
3945	1,523	3,824	1,948	7,295
52434	1,981	491	4	2,476
90374	885	221	147	1,253
<b>Subtotal</b>	<b>4,389</b>	<b>4,536</b>	<b>2,099</b>	<b>11,024</b>

The current total cost estimate for all projects is approximately \$9.7 Million, which is well within budget.

#### Policy Implications:

All the projects are consistent with six of Council's nine stated policy priorities and commitments to meeting the community's needs.

**Small town feeling** – Boulevard could be considered the City's "Main Street" and the facilities and infrastructure provided in these projects will reduce the barrier between neighborhoods and better connect them to the Main Street

**Infrastructure** - These projects will not only install new facilities and infrastructure but also replace deteriorated infrastructure

**Safety** – Sidewalks, crosswalks and additional lanes built with these projects would provide improved walkways for pedestrians to enhance their sense of well-being. Additional turn lanes will provide drivers with a dedicated space to safely turn into adjacent driveways.

**Economic Base** - As the City's "Main Street" the Boulevard provides economic opportunities for businesses, creates jobs and facilitates patrons' access to the retail market.

**Services for Citizens** – These projects would provide facilities that would facilitate use by the mobility impaired and comply with the Americans with Disability Act

**Aesthetics** - These projects include streetscaping of the sidewalk zone on both sides of the Boulevard roadway. Streetscaping will provide a more appealing and aesthetically pleasing environment for pedestrians and enhance private property frontages.

# Boulevard Enhancement Project

## (

### Status Review and Request for

### Concurrency on Proposed Streetscape

### Design

## )

Council Special Meeting

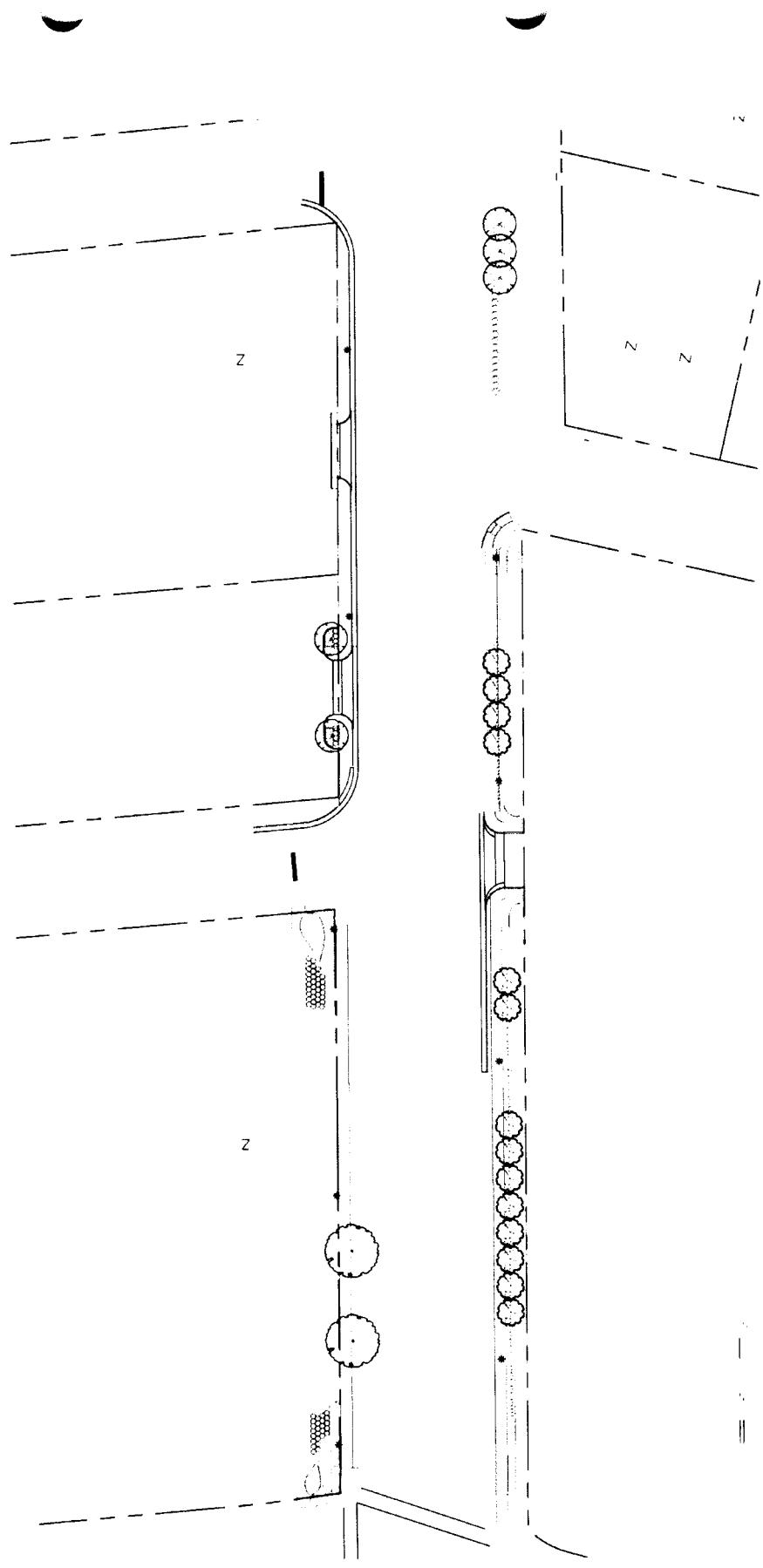
September 21, 2010



Department of Public Works

# Boulevard Enhancement Project

## Proposed Streetscape Design

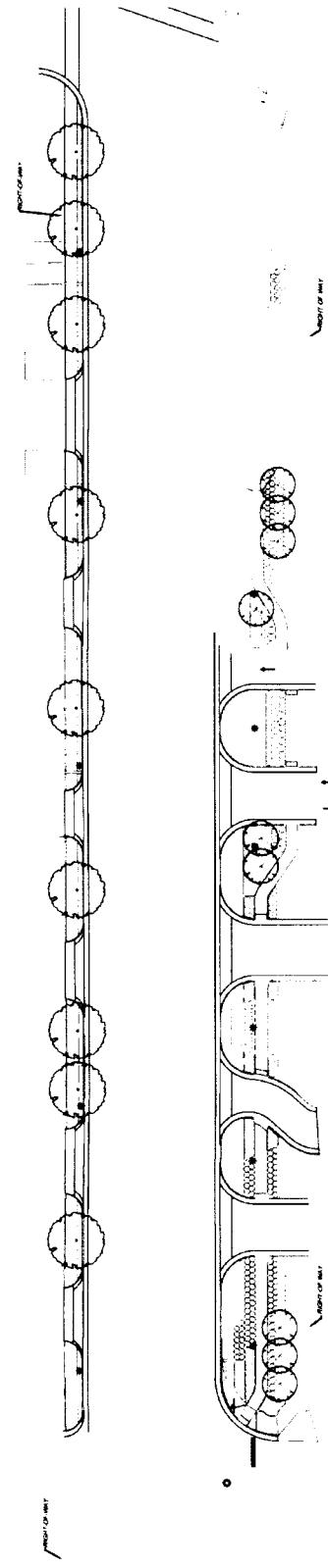


The City of  
**Colonial Heights, Virginia**

Department of Public Works

# Boulevard Enhancement Project

## Proposed Streetscape Design



Department of Public Works

# Boulevard Modernization Projects

## Status Review

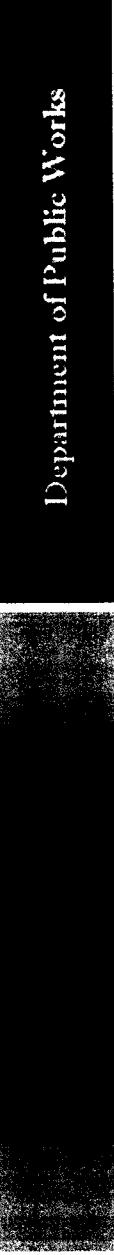
Request for Concurrence on Streetscape  
Design and to Begin Right of Way Acquisition

Council Special Meeting

September 21, 2010



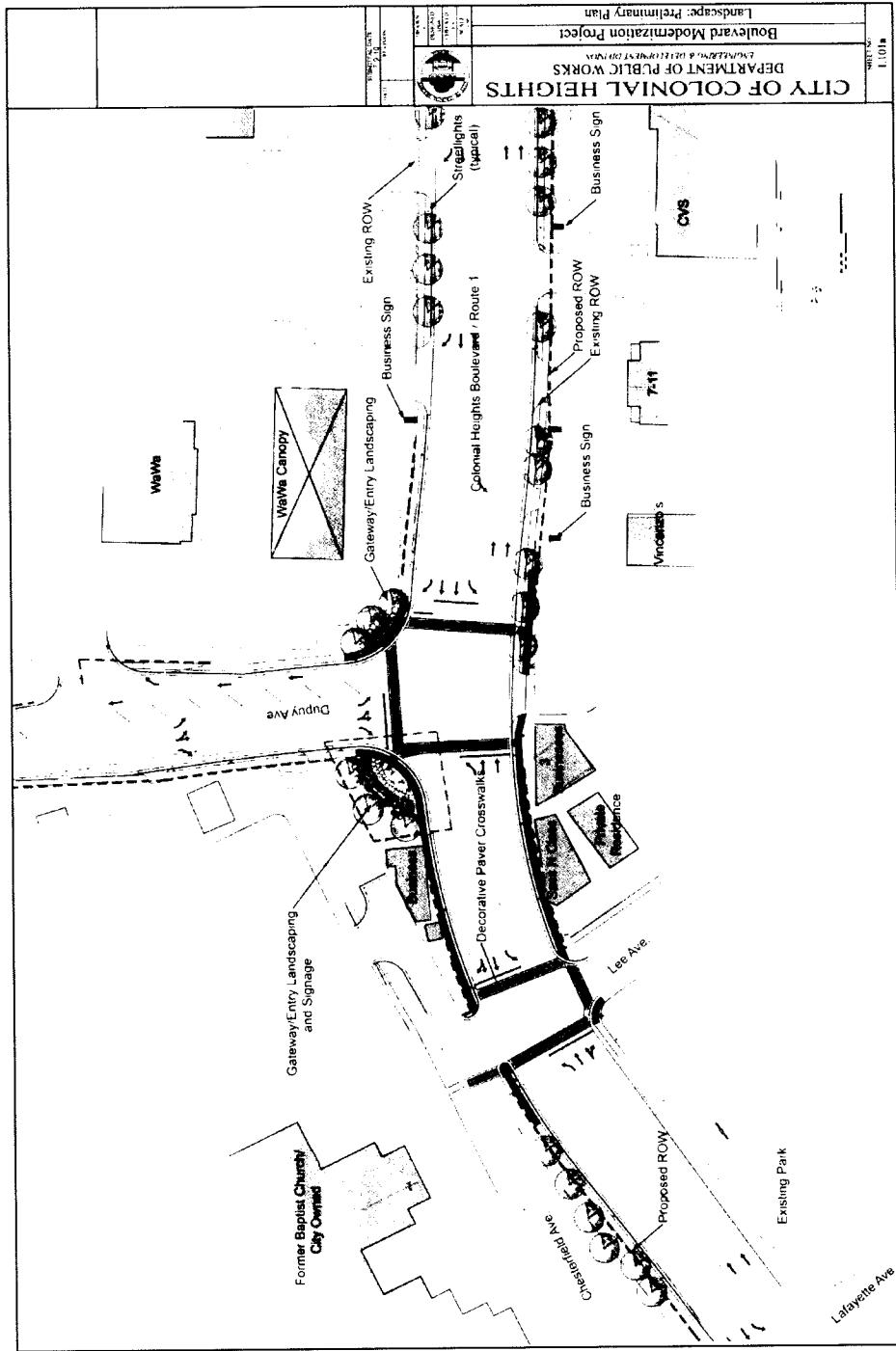
The City of  
**Colonial Heights, Virginia**



Department of Public Works

# Boulevard Modernization Projects

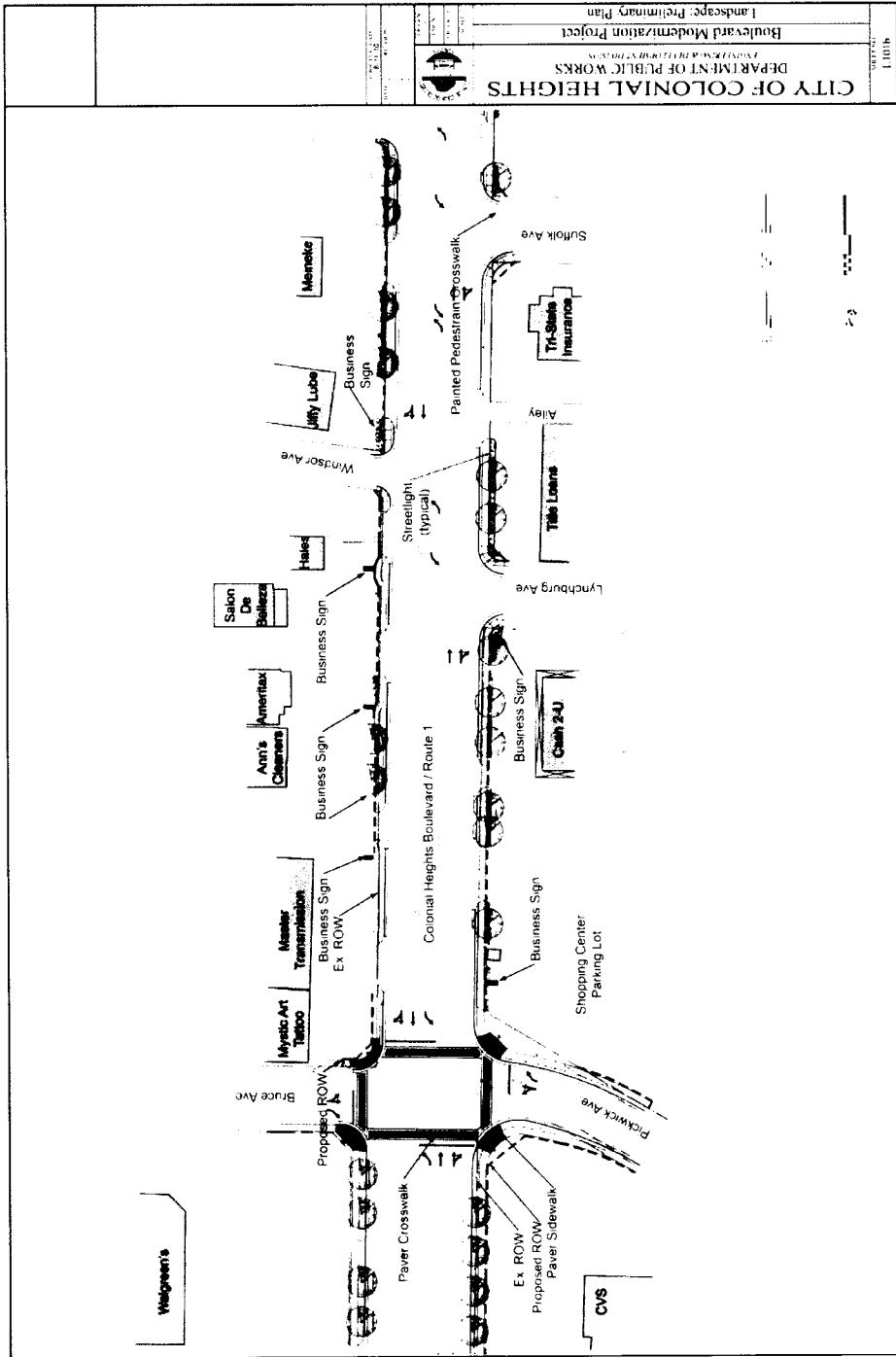
## Proposed Streetscape Design



Department of Public Works

# Boulevard Modernization Projects

## Proposed Streetscape Design



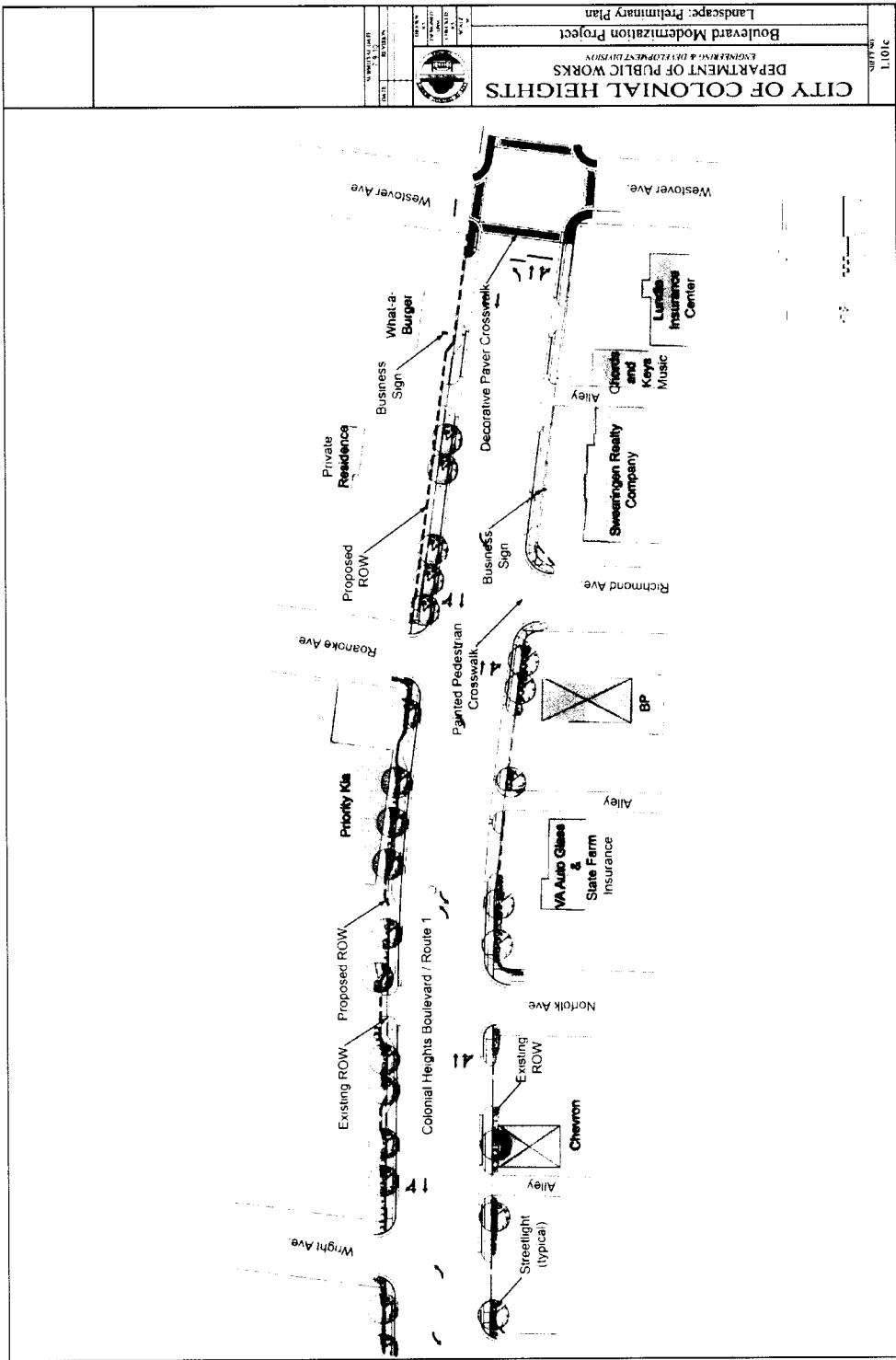
# The City of Colonial Heights, Virginia



Department of Public Works

# Boulevard Modernization Projects

## Proposed Streetscape Design



Department of Public Works



# CITY OF COLONIAL HEIGHTS

P.O. Box 3401  
COLONIAL HEIGHTS, VA 23834-9001  
[www.colonial-heights.com](http://www.colonial-heights.com)

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## Office of the City Manager

September 16, 2010

The Honorable Mayor and Members of City Council  
Colonial Heights, Virginia

Ladies and Gentlemen:

As you know, the City's current budget for the Storm Water – MS4 Fund has a stormwater utility fee that is scheduled to be effective on all utility bills rendered on and after October 1, 2010. It has come to my attention that the authorizing ordinance that was advertised during the budget process, needed to be advertised twice. This process is different than the normal budget advertising for other revenue ordinances. In order to rectify this, we will need to advertise and pass the identical ordinance again. This ordinance will be presented for your consideration, with the advertised public hearing scheduled for the Regular October Meeting.

Staff is currently in the process of adding the charges to the individual revenue utility bill accounts, and adding the nonresidential charges to existing or setting up new billing accounts for the business charges. We will be having an informational meeting with the business owners, to go over the process and individual charges to their property. We are also working on an expanded ordinance to cover other operational functions required by this enterprise fund.

If any additional information or assistance is needed at this point, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "William E. Johnson".

William E. Johnson  
Acting City Manager

WEJ: eg

Attachment

cc: Hugh P. Fisher, III, City Attorney  
William E. Henley, Director of Public Works & City Engineer



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## Department of Public Works Staff Report

Date of Council Meeting: September 21, 2010

Date of Report: September 15, 2010

Item Title:

- Status Review of Stormwater Utility Implementation;
- Request for Concurrence to Distribute Advance Utility Notice; and
- Request for Consideration of an Amendment to City Code §245.20 in the Form of a Substitution

Attachments: Yes

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### Summary:

At Council's direction, staff has completed the following to advance the implementation of the stormwater management utility:

- Determination of the impervious areas and the number of billing units for all non-residential properties in the City and transmitted to the Department of Finance for billing system input.
- Prepared the advance notice of utility billing to non-residential property owners and Frequently Asked Questions (FAQs) that would be mailed to all non-residential property owners on October 1, 2010. A copy of the proposed mailing is attached.
- Prepared an amendment to current code §245.20 Stormwater utility fees in the form of a substitution. The draft amendment is attached.

Staff seeks Council's concurrence to send the advance notice information and Council's consideration of the proposed amendment to the Stormwater Management Code.

### Background:

By Ordinance No. 10-14, adopted May 11, 2010, City Council imposed stormwater utility fees. The Ordinance also provided that it would be in full force and effect for all utility bills rendered on and after October 1, 2010.

In December 2008 at Council's direction, staff engaged CDM to conduct an evaluation of the City's stormwater program. Council received and accepted their final report titled "Stormwater Utility Feasibility Study." In June 2009, staff and CDM conducted four public meetings to involve stakeholders in the evaluation and development of the stormwater program and funding alternatives.

Department of Public Works Staff Report – Stormwater Utility Implementation  
September 21, 2010 Work Session/Page 2

In May 2008, the City entered into a special consent order with the Virginia Department of Conservation and Recreation (DCR) to address the City's delay in implementing some best management practices included in its MS4 Stormwater Management Program, which is required to obtain authorization and coverage under the state's General Permit VA04000 to discharge stormwater. Appendix A of the Order required the City to notify DCR of the results of the Stormwater Utility feasibility study and the funding mechanism that Colonial Heights chose to adopt in order to generate revenues for the continued implementation of the MS4 Stormwater Management Program.

Also in 2008, City Council established the Stormwater Fund to account for the finances and operations associated with the Stormwater Management Program.

Fiscal Impact:

Total budget revenues and expenditures for the Stormwater fund for FY 2010-2011 are \$296,959. If billing for a stormwater utility begins as scheduled on October 1, 2010, total non-residential billings of approximately \$135,000 in FY 2010-2011 are anticipated *before any credits or adjustments* based on the measurements of impervious areas performed by staff. Residential billings are anticipated to approximate \$115,000 for the same period based on the initial estimate of 6384 residential billing units. Therefore, it would appear that revenue collected in FY 2010-2011 will fall short of the current budget by approximately \$50,000 assuming 5% of billings are uncollectible.

Policy Implications:

Clean water laws and regulations present largely unfunded mandates for localities. Phase II of the National Pollution Discharge Elimination System (NPDES) provides that jurisdictions responsible for Municipal Separate Storm Sewer Systems (MS4s) register through a permit process to obtain authorization to discharge storm water to Water of the United States. Additional "pollution diet" regulations are currently being considered in the form of Watershed Implementation Plans to set total maximum daily loads for the Chesapeake Bay and localities within the Chesapeake Bay tributary area in which Colonial Heights is located. The Environmental Protection Agency (EPA) is on record recommending jurisdictions develop stormwater utilities to provide the resources needed to comply with current and future laws and regulations. City Council's policy formulation for the City's Stormwater Management Program is being driven by federal and state regulations.

\* THIS IS NOT A BILL \*

## 2010 STORMWATER UTILITY NOTICE

NAME  
ADDRESS  
CITY, STATE, ZIP

ERVICE ADDRESS: Address

ACCOUNT NO: Account #

### 2010 STORMWATER NOTICE CITY OF COLONIAL HEIGHTS

#### PROPERTY INFORMATION

PARCEL ID:

PHYSICAL ADDRESS

#### STORMWATER NOTICE INFORMATION

Notice Date: -----

Notice Period: Effective October 1, 2010

Class: NR

Impervious Area (Square Feet): -----

ERU(s)\*: -----

#### PROPERTY OWNER INFORMATION

PROPERTY OWNER NAME

ADDRESS

#### UTILITY RATE INFORMATION

Description	Class	Rate
Single Family Residential	SFR	\$2
Multi-Family Residential	MFR	\$2 per DU
Non-Residential	NR	\$2 per ERU

\* ERU (Equivalent Residential Unit) = 2,656 Square Feet

\* DU (Dwelling Unit)

#### SAMPLE BILLING INFORMATION

Readings	Current	Previous	Usage

**SAMPLE ONLY**

Previous Balance ( 00/00/10 )	\$ ----
Payments	\$ ----
<b>Balance Forward</b>	\$ ----
EX METER	\$ ----
REFUSE	\$ ----
SEWER	\$ ----
WATER	\$ ----
<b>STORMWATER</b>	\$ ----
Current Charges ( 00/00/10 )	\$ ----

- On May 11, 2010, City Council adopted Ordinance No. 2010-14, adding § 245-20. Stormwater utility fees & providing that it would be in full force & effect for all utility bills rendered on or after October 1, 2010.
- Please see the enclosed FAQs for more information on Colonial Heights new Stormwater Utility.
- Please visit Colonial Heights Department of Public Works website at [www.colonial-heights.com/StormWaterManagement](http://www.colonial-heights.com/StormWaterManagement) for more information about stormwater management in the City.

## **Frequently Asked Questions about the City of Colonial Heights' Stormwater Utility Fee**

### **What is a stormwater utility fee?**

Just like water, sewer, gas, and other vital utility services, users are charged a fee for the service of controlling **stormwater runoff**. The stormwater utility fee applies to residential and certain nonresidential properties. The fees generate a dedicated revenue stream to partially offset the cost of providing stormwater services such as stormwater permit compliance, stormwater system maintenance and operations of stormwater management devices.

### **What does the stormwater utility fee pay for?**

The stormwater utility provides funding to implement mandated programs to comply with federal and state regulations and to partially fund maintenance and repair of the City's storm drainage system.

### **What is stormwater runoff?**

Stormwater runoff is the portion of rain and melting snow that does not soak into the ground. It runs off rooftops, driveways, parking lots, roads, and other **impervious surfaces** that do not allow the water to soak through to the ground below.

### **What is an impervious surface?**

Impervious surfaces are areas that have been paved or otherwise covered with material that is resistant to infiltration by water, thereby hindering infiltration of rainwater into the ground. Impervious surfaces are mainly constructed surfaces, such as rooftops, sidewalks, roads, and parking lots covered by impenetrable materials such as asphalt, concrete, brick, and stone. The impervious surface of any property is calculated by horizontal surface area only, and is NOT equal to the inside square footage of a structure.

### **What problems does runoff cause?**

Urbanization causes an increase in accumulated runoff. This accumulated runoff equates to additional runoff, as the amount that now runs off of impervious surfaces would have normally, in a natural environment, soaked into the ground. This additional runoff causes flooding, threats to public safety, erodes stream banks and natural channels, and increases the pollutants entering receiving waters. Stormwater runoff is the primary source of **nonpoint source pollution**, one of the leading causes of all water pollution, and has been the primary cause of the impairment of Old Town Creek, Swift Creek and the Appomattox River.

### **Why does Colonial Heights need a stormwater utility?**

The stormwater utility is needed to provide resources necessary to comply with mandated federal and state clean water laws and regulations and to help support the stormwater maintenance program.

**What are the environmental benefits of creating a stormwater utility?**

- Improvement of water quality by reducing nonpoint source pollution.
- Prevention of soil erosion.
- Healthier aquatic habitats for Swift and Old Town Creeks, the Appomattox River and associated tributaries.
- Cleaner waterfront and park areas.

**What is nonpoint source pollution?**

Unlike pollution from industrial and sewage treatment plants, nonpoint source (NPS) pollution, comes from many diffuse sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, and coastal waters. If pollution from things like industrial and sewage treatment plants is understood as a point source, NPS can be understood as the collective runoff from other potential sources - i.e., homes, service businesses, etc. The pollutants found in NPS include:

- Fertilizers, herbicides, and insecticides from residential areas and agricultural lands.
- Oil, grease, and toxic chemicals from urban runoff.
- Sediment from improperly managed construction sites, crop and forest lands.
- Bacteria and nutrients from pet wastes, livestock and faulty septic systems.

**Isn't there already a fund for stormwater or drainage?**

No. Historically, money from the City's General Fund has provided limited funding for stormwater operations and maintenance on an as-needed basis. However, General Funds are used for many other City programs and the funds are inadequate to comply with mandated federal and state programs requiring the necessary improvements and maintenance to the stormwater system and the reduction of pollutants into streams and rivers.

**What are the benefits to a stormwater utility?**

A dedicated funding source like a stormwater utility provides the City of Colonial Heights with many benefits:

- Safeguards public health and safety
- Maintains current level of customer service to address backlog of customer complaints
- Maintains property values
- Mitigates flooding problems

**Is this being done in other jurisdictions?**

Yes, there are more than 400 stormwater utilities nationwide and many in Virginia, including the cities of Richmond, Suffolk, Portsmouth, Norfolk, Virginia Beach, Hampton, Chesapeake, and Newport News.

**Who pays the fee?**

All developed properties are charged a stormwater fee. Properties paying the fee include:

- Residential dwelling units
- Commercial\Industrial properties
- Non-profit organizations
- State and federal owned properties
- Parking lots

**Do tax exempt properties have to pay?**

Yes, because it is a fee, not a property tax. Property taxes are based on the assessed value of the property, but the stormwater utility fee is determined based upon the amount of stormwater runoff the property generates.

**Are there any properties that are excluded from this fee?**

Full waivers of the charges are granted for the following:

- Undeveloped properties
- Public streets and roadways, as they act as a part of the stormwater conveyance system
- Cemeteries
- City-owned properties

**What if I'm already doing things on my property to control and reduce runoff?**

Commercial, industrial, non-profit, state and federal owned properties and parking lots that have infrastructure or facilities in place to control the quality and quantity of stormwater runoff from the property may apply for a reduction (credit) in their fee. The percentage of reduction for these credits is based upon the degree of quantity\quality your stormwater control facilities are responsible for.

**Do I have to pay for any unoccupied developed properties that I own?**

Yes, because that property contains impervious area and continues to generate increased runoff, whether occupied or not.

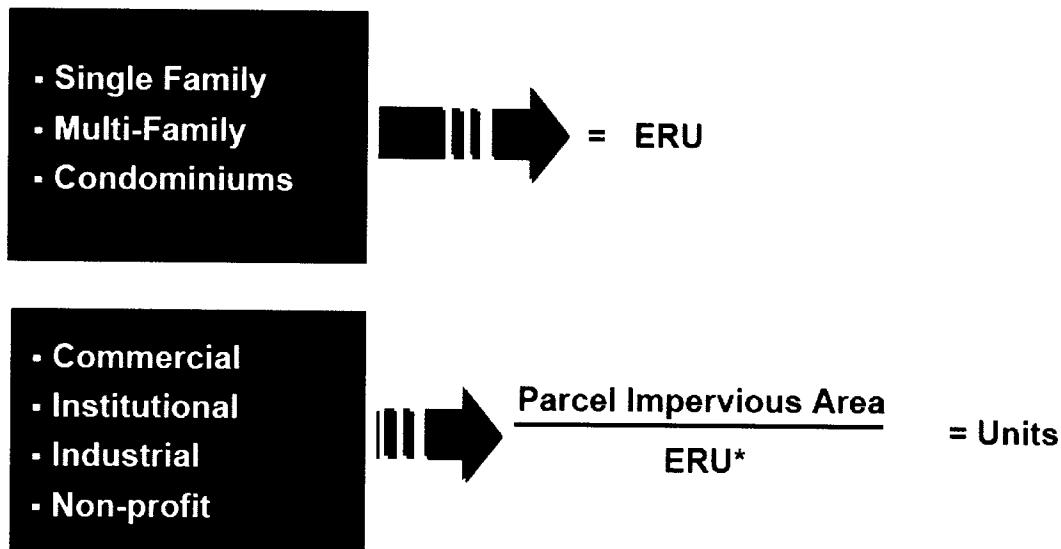
**Why do I have to pay when I'm not experiencing any drainage problems?**

Everyone in the City benefits from the stormwater maintenance program. If stormwater runs off your property, the City is required by law to have a program and funding to manage the increase in runoff and pollutants. Direct benefits include protecting your property from upstream runoff, protecting properties downstream from your runoff, and improving water quality in the surrounding waters.

**How is the fee calculated and how much do I have to pay?**

The utility fee is calculated based on the average amount of runoff generated from residential properties, as these make up the largest proportion of properties in a given jurisdiction. This amount is known as an Equivalent Residential Unit (ERU). This approach is utilized because taking a statistically significant sampling of these provides an average amount of runoff generated by the locality at large. One (1) ERU is then assigned a dollar amount and all

residential dwelling units are charged (1) ERU. Non-residential customers are then charged a multiple of (1) ERU based upon the amount of impervious surface on their property.



\* Square Footage of impervious surface

Assuming an ERU valued at \$2.00 per month, the rates in the table below would be typical for the types of properties represented:

Property Type	Billing Unit(s)	Typical Charge
Residential	ERU* (proportional to dwelling units)	\$24/year**
Non-Residential (using a parcel with 2 acres impervious area) <sup>+</sup>	multiple of ERU based on impervious area	\$787/year

\* Equivalent Residential Unit = 2,656 square feet of impervious surface

\*\* Assumes a single family residential property

<sup>+</sup> 2 acres impervious = 87,120.3 square feet

#### How was the Equivalent Residential Unit determined for Colonial Heights?

The base ERU was developed utilizing field-based impervious area calculations from the City's Geographic Information System (GIS). The unit is the median value of the total impervious area for a statistically significant sampling of all residential dwelling units within the City of Colonial Heights. Accordingly, (1) ERU is equivalent to 2,656 square feet.

**How is the fee billed to me?**

The stormwater utility fee is charged in addition to water, wastewater, solid waste and recycling charges and is itemized on the bi-monthly utility bill.

**Are there any credits or reductions available to residential property owners?**

No.

**What is funded under the stormwater management program?**

The primary components of the program are:

- Regulatory compliance to satisfy the requirements of the City stormwater permit, including water quality monitoring, wetlands management and planning, and illegal discharge enforcement.
- Operation and maintenance including inspection and cleaning of pipes and inlets, and street sweeping

**Why is a stormwater utility fee the best solution for paying for the cost of providing stormwater services?**

**A more equitable system:** All the contributors to stormwater runoff share the costs of complying with regulatory mandates and for maintaining the storm drainage system.

**A stable level of funding:** Ensures that stormwater management receives adequate support, independent of the City's tax rate and General Fund.

**A dedicated fund:** Revenues are used solely for stormwater management.

As with any new program, it will take time for the full effect of the stormwater utility to show; however, over time one should begin to see the effects of ongoing improvements in drainage.

**Why do I pay a stormwater utility fee when I don't have drainage inlets or ditches on or near my property?**

The runoff that leaves your property, either from irrigation or rainfall, ultimately drains into a City maintained drainage facility. You are assessed a fee because this runoff contributes to the need for stormwater controls.

**Does the stormwater utility maintain ditches that cross private property?**

No. The responsibility for maintaining the ditch, pipe or channel falls on the property owner. According to City Code, every public drainage easement shall be unobstructed at all times by landowners. An easement gives the City the legal authority to locate and maintain drainage facilities within the easement. Without an easement, the responsibility for maintaining the ditch, pipe or channel falls on the property owner.

**Does that mean that there are restrictions on activities within a drainage easement?**

Drainage easements must be accessible to maintenance crews at all times. Any owner-initiated obstruction of an easement (such as a shed, fence, patio, accumulated brush and debris, etc) is subject to removal at the owner's expense.

**When are storm drains cleaned?**

The Department of Public Works strives to clean all inlets once every four years or less. Storm drain inlets may not have debris on or around them, but underground pipes may be clogged and cause a water backup. The Department welcomes reports from the public notifying the Department of problem storm drains and requesting stormwater services. To report a problem, make a request or even ask a question, please visit the Citizen's Action Center online at [http://www.mygovhelp.org/colonialheightsva/\\_cs/supporthome.aspx?sSessionID=](http://www.mygovhelp.org/colonialheightsva/_cs/supporthome.aspx?sSessionID=) or call (804) 520-9372.

The Department encourages residents to help by keeping storm drains near their homes and businesses clear of debris. Reporting illegal dumping and illicit connections also helps the Department pinpoint problems and lessens the burden on the system; call 520-2003 to report illegal dumping and illicit connections.

**How did the City obtain information about my property in order for stormwater classification?**

The information was obtained from property data maintained by the City Assessor's office and digitized for use with aerial photography.

**How often is this information updated?**

The latest aerial photos were updated in 2009. Subsequent photos will be updated every 2-3 years. The Department can obtain updated information on an "as needed basis," should changes be implemented that might change the amount of a customer's stormwater utility fee.

**How do I contest the stormwater fee for my property?**

Owners who wish to contest their stormwater charge may do so for the following reasons:

- Parcel ownership
- Amount of impervious area
- Property classification

Please note that the responsibility for providing information that supports a change to the stormwater charge lies solely with the property owner. Any dispute of the impervious area determined for a property must be proven using drawings and measurements certified and sealed by a licensed engineer or Class B surveyor.

Please submit information to:

Department of Public Works  
P. O. Box 3401  
201 James Avenue  
Colonial Heights, VA 23834



*Amendment to §245.20 Stormwater utility fees in the form of a substitution:*

**§ 245.20. Stormwater management utility.**

**A. Findings and determinations.**

- (1) The City of Colonial Heights has a system of manmade and natural components of a stormwater management infrastructure to both limit and manage the volume of stormwater to control flood events and to prevent degradation of the city's waterways through stormwater quality management.
- (2) Stormwater runoff is associated with all improved properties in the city, whether residential or nonresidential, and the individual property impacts of runoff are correlated to the amount of impervious surface on the property and land-disturbing activities on property.
- (3) The elements of the stormwater management infrastructure provide benefit and service to properties within the city through direct protection of property and through control of flooding of critical components of the infrastructure and through protection of the city's natural environment.
- (4) The costs of monitoring, operating, maintaining, and constructing the stormwater system required in the city, both to meet new regulations and to address identified flood event needs, should therefore be allocated, to the extent practicable, to all property owners based on their impact on the stormwater management system.

**B. Definitions.**

The following words and terms used in this subsection shall have the following meanings:

- (1) *Equivalent residential unit* or *ERU* means the equivalent impervious area of a single-family residential developed property per dwelling unit located within the city based on the statistical average horizontal impervious area of a single-family residence in the city. An equivalent residential unit (ERU) equals two thousand two hundred sixty-nine (2,656) square feet of impervious surface area.
- (2) *ERU rate* means the utility fee charged on an equivalent residential unit.
- (3) *Developed property* means real property which has been altered from its "natural" state by the addition of any improvements such as buildings, structures, and other impervious surfaces. For new construction, property shall be considered developed pursuant to this subsection upon: (a) certification of the final plumbing permit inspection; or (b) certification of the final building permit inspection for those facilities not requiring a plumbing permit.
- (4) *Impervious surface area* means a surface which is compacted or covered with material that is highly resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.
- (5) *Developed single-family residential property* means a developed lot or parcel containing one (1) residence or dwelling unit, and accessory uses related to but subordinate to the purpose of providing permanent dwelling facilities. Such property shall include houses and mobile homes.
- (6) *Developed multifamily residential property* means developed property containing more than one (1) residences or dwelling units, and accessory uses related to but subordinate to the purpose of providing permanent dwelling facilities. Such property shall include duplexes, triplexes, quadruplexes, townhouses apartments and condominiums.
- (7) *Developed nonresidential property* means developed property which does not serve a primary purpose of providing permanent dwelling units. Such property shall include, but not be limited to, commercial properties, industrial properties, parking lots, recreational and cultural facilities, hotels, offices and churches.
- (8) *Revenues* means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the city, fees-in-lieu-of provided by developers or individual residents, and the proceeds from sale of utility bonds.
- (9) *Stormwater management system* or *system* means the stormwater management infrastructure and equipment of the city and all improvements thereto for stormwater control in the city. Infrastructure and

equipment shall include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilation stations, and other plants, structures, and real and personal property used for support of the system. The system does not include privately owned farm ditches and other private drainage systems.

(10) *Stormwater management utility* or *utility* means the enterprise fund created by this section to operate, maintain and improve the city's stormwater management system.

(11) *Undeveloped property* means any parcel which has not been altered from its natural state to disturb or alter the topography or soils on the property in a manner which substantially reduces the rate of infiltration of stormwater into the earth.

(12) *Utility fees* means the monthly service charges based upon the ERU rate applied to property owners or occupants, including condominium unit owners or tenants (when the tenant or occupant is the party to whom water and sewer service is billed), of developed residential property, developed multifamily residential property and developed nonresidential property, all as more fully described in subsection D.

(13) *Agricultural property* means land used for the tilling, planting or harvesting of agricultural, horticultural or forest crops or land used for raising livestock.

**C. Establishment of stormwater management utility.**

(1) The stormwater management utility is established to provide for the general welfare, health, and safety of the city and its residents.

(2) The utility shall deposit in a separate ledger account all revenues collected pursuant to this section. The funds deposited shall be used exclusively to provide services and facilities related to the stormwater management system. The deposited revenues may be used for the following:

- (a) Acquisition of real or personal property, and interest therein necessary to construct, operate and maintain stormwater control facilities;
- (b) The cost of administration of such programs, to include the establishment of reasonable operating and capital reserves to meet unanticipated or emergency requirements of the utility;
- (c) Engineering and design, debt retirement, construction costs for new facilities and enlargement or improvement of existing facilities;
- (d) Facility maintenance;
- (e) Monitoring of stormwater control devices; and
- (f) Pollution control and abatement, consistent with state and federal regulations for water pollution control and abatement.

**D. Imposition of utility fees.**

Revenues shall be generated to provide for a balanced operating or capital improvement budget or both for maintenance or improvement or both of the stormwater management system by setting sufficient levels of utility fees. Income from utility fees shall not exceed actual costs incurred in providing the services and facilities described in subsection C. Utility fees shall be charged to owners of all developed property in the city; provided, however, where a tenant or occupant is the person to whom water or sewer service, or both, are billed, the utility fee may be charged to such tenant or occupant.

(1) For purposes of determining the utility fee, all properties in the city are classified into one of the following classes:

- (a) Developed single-family residential property;
- (b) Developed multifamily residential property;
- (c) Developed nonresidential property;
- (d) Undeveloped property; or
- (e) Agricultural property.

(2) The monthly utility fee for developed single-family residential property shall equal the ERU rate.

(3) The monthly utility fee for developed multifamily residential property shall be the ERU rate multiplied by the number of residences or dwelling units located on the lot or parcel.

- (4) The monthly utility fee for developed nonresidential property shall be the ERU rate multiplied by the numerical factor obtained by dividing the total impervious surface area of a developed nonresidential property by one (1) ERU (2,656). The numbered factor will be rounded to the nearest unit. The minimum utility fee for any developed nonresidential property shall equal the ERU rate.
- (5) The utility fee for vacant developed property, both residential and nonresidential, shall be the same as that for occupied property of the same class.
- (6) Undeveloped property shall be exempt from the utility fee.
- (7) Agricultural property shall be exempt from the utility fee. Provided however, each developed residential unit situated on a parcel devoted to agricultural use shall be charged a fee equal to the ERU rate.

**E. Billing and payment, interest, liens.**

- (1) The utility fee is to be paid by the owner of each lot or parcel subject to the utility fee; provided, however, where a tenant or occupant is the person to whom water or sewer service, or both, are billed, the utility fee may be charged to such tenant or occupant. In any case in which a tenant or occupant fails to pay utility fees, the delinquent utility fees shall be collected from the owner of the property. All properties, except undeveloped property, shall be rendered bills or statements for stormwater services. Such bills or statements may be combined with water and sewer bills levied pursuant to Chapters 238 and 277, provided that all charges shall be separately stated. The combined bill shall be issued for one (1) total amount. The director of finance is hereby authorized and directed to create policies and procedures for the efficient billing and collection of the combined bill, including a policy for allocating payments to the separate charges stated on the combined bill.
- (2) The bills or statements shall include a date by which payment shall be due. All bills for charges prescribed by this article shall be due and payable thirty (30) days from the date of the bill and shall be deemed delinquent if not paid in full within such time.
- (3) Billing for the utility fee shall be rendered in arrears to all chargeable persons and shall represent charges for each day of the preceding billing period of stormwater service, and any unpaid balances and interest on an account.
- (4) Any bill which has not been paid by the due date shall be deemed delinquent, and the account shall be collected by any means available to the city. Notice to the owner shall be provided in every case when stormwater charges incurred by a tenant or occupant become more than ninety (90) days delinquent. All payments and interest due may be recovered by action at law or suit in equity. Unpaid fees and interest accrued shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. Records of all unpaid fees and interest, indexed by the name of the record owner of the real estate, shall be maintained in the city treasurer's office.
- (5) In the event charges are not paid when due, interest thereon shall commence on the due date and accrue at the rate of ten (10) percent per annum until such time as the overdue payment and interest is paid.
- (6) When developed properties are brought into the utility, fees will accrue commencing with the release of the final plumbing inspection for the property. In the absence of a plumbing inspection, utility fees will accrue commencing with release of the final building inspection for the property. A bill will be issued in the next billing cycle and will be prorated for the number of days in which service was provided.
- (7) In the event of alterations or additions to developed multifamily property or developed nonresidential property which alter the amount of impervious surface area, the utility fees will be adjusted upon release of the final plumbing inspection. In the absence of a plumbing inspection, utility fees will be adjusted upon release of the final building inspection. A bill will be issued in the next billing cycle and will be prorated for the number of days in which service was provided.

**F. Adjustment of fees, exemptions.**

- (1) Full waiver of the utility fee shall be provided to properties owned by federal, state, and local government agencies when those agencies own and provide for maintenance of storm drainage and stormwater control facilities.
- (2) Any owner, tenant or occupant who has paid his utility fees and who believes his utility fees to be incorrect may submit an adjustment request to the city manager or his designee. Adjustment requests shall be made in writing setting forth, in detail, the grounds upon which relief is sought. Response to such adjustment requests, whether providing an adjustment or denying an adjustment, shall be made to the requesting person by the city manager or his designee within sixty (60) days of receipt of the request for adjustment.

**G. Severability.**

The provisions of this section shall be deemed severable; and if any of the provisions hereof are adjudged to be invalid or unenforceable, the remaining portions of this section shall remain in full force and effect and their validity unimpaired.

AN ORDINANCE NO. 10-26

To add §245-20, "Stormwater utility fees", to Chapter 245, Stormwater Management, of the Colonial Heights City Code.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Chapter 245, Stormwater Management, of the Colonial Heights City Code, be, and is hereby, amended as follows by adding a §245-20:

**§245-20. *Stormwater utility fees.***

A. *The City Council shall set appropriate levels of utility fees so that sufficient revenues will be generated to provide for a balanced budget for the stormwater management system. Effective after approval of this section, stormwater utility fees shall be charged to owners of all developed property in the city.*

B. *For the purpose of determining the stormwater utility fees, all properties in the City shall be classified by the Director of Public Works into one of the following categories:*

- (1) *Residential;*
- (2) *Nonresidential; and*
- (3) *Undeveloped property.*

C. *The monthly utility fee for a residential property shall be the ERU rate of \$2.00 per month for one ERU.*

D. *The monthly utility fee for a nonresidential property shall be the ERU rate of \$2.00 per month for one ERU, multiplied by the numerical factor obtained by dividing the total impervious area of the nonresidential property by one ERU (2,112 square feet). The Director of Public Works shall determine impervious area considering data supplied by the Real Estate Assessor, other city staff and/or the property owner. The assessed utility fee shall be updated by the Director of Public Works based on any change in impervious area. The numbered factor will be rounded to the nearest whole unit. The minimum utility fee for any nonresidential property shall be equal to one ERU rate.*

E. *The utility fee for vacant developed property, both residential and nonresidential, shall be the same as that for occupied property of the same class.*

F. *Undeveloped property shall be exempt from the utility fee.*

2. That this ordinance shall be in full force and effect for all utility bills rendered on and after November 1, 2010.

Approved:

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Mayor

Attest:

DeAnna D. Atkins  
City Clerk

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I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_.

The Honorable C. Scott Davis, Mayor: \_\_\_\_\_.

\_\_\_\_\_  
City Clerk

Approved as to form:

Hugh P. Fisher, III  
City Attorney