

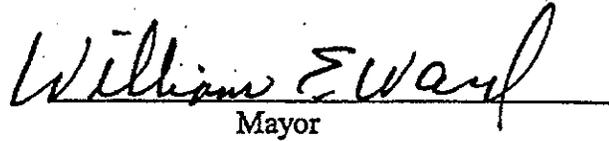
01-R-060

RESOLUTION TO ADOPT A PUBLIC UTILITIES FRANCHISE AREA
EXPANSION POLICY AND TO AUTHORIZE THE MAYOR TO SIGN SAME.

BE IT RESOLVED by the Council of the City of Chesapeake, Virginia, that
the attached Public Utilities Franchise Area Expansion Policy is hereby adopted and
the Mayor is authorized to sign same to confirm said adoption.

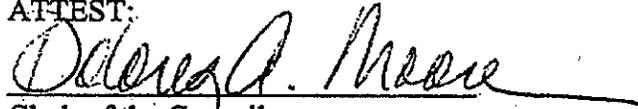
ADOPTED by the Council of the City of Chesapeake, Virginia, this 18th day
of September, 2001.

APPROVED:



Mayor

ATTEST:



Clerk of the Council

City of Chesapeake
Public Utilities Franchise Area Expansion Policy

In order to adequately plan for the water and sewer needs of the residents of the City of Chesapeake, the City established the Public Utilities Franchise Area as being coterminous with the Suburban and Urban Overlay Districts as identified in the Land Use Plan, a component of the Comprehensive Plan, as adopted by City Council on February 23, 1988. Subsequently, an amendment was adopted to the Comprehensive Plan on June 13, 2000 to establish the Transportation Corridor Overlay District (TCOD). The purpose of the TCOD overlay district is to promote and preserve future economic development opportunities in identified target areas and to establish development and design guidelines for future developments proposed to be located in the TCOD corridors.

As a result of the adoption of TCOD, the City recognized that from time to time, a landowner or authorized agent will request an expansion of the Public Utilities Franchise Area beyond its current boundaries. Such expansion usually requires additions or improvements to the City's water and sewer system. Because the provision of public utilities is generally essential to developing property, and because the Comprehensive Plan limits the type of development that can occur outside the Urban and Suburban Overlay Districts, the City Council deems it necessary to review and analyze all proposed expansions of the Public Utilities Franchise Area to ensure consistency with the Comprehensive Plan and the adequacy of Public Utilities to serve the area proposed for development. For purposes of this policy, an expansion shall include any request for City water or sewer service for developments on property or portions of property located outside the Public Utilities Franchise Area. Standing alone, the existence of

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water or sewer lines within an existing right-of-way or easement adjacent to a property shall not make such property a portion of the Public Utilities Franchise Area.

This Policy shall apply to the extension of public water and/or sewer facilities to serve the development of any property located wholly or partially outside of the Urban and Suburban Overlay Districts, except in cases where 1) the property was rezoned at the request of the owner or authorized agent prior to the adoption of the zoning overlay districts on October 21, 1993, 2) development of the property under the requested rezoning would involve or necessitate the extension of major public water and sewer improvements, defined herein as improvements that would require review under Virginia Code Section 15.2-2232, and 3) the land use impacts expected to result from the extension of the major public water and/or sewer improvements were considered by City Council at the time of the rezoning, as evidenced by materials contained in the City Council agenda package or as reflected by the minutes of the City Council meeting at which the rezoning was heard. Proposed developments meeting all three of these criteria are hereby deemed to have previously undergone the type of review to be facilitated by this Policy, i.e., that which is necessary to coordinate the extension of public utility facilities with the City's land use objectives as set out in the Comprehensive Plan and other planning and utility policies.

Where an expansion of the Public Utilities Franchise Area is proposed, the landowner or authorized agent shall henceforth submit a written request

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for expansion to the City Council for approval or denial. In reviewing the request, the City Council may consider the following factors and criteria:

1. The request shall only be for the property or properties being proposed for development.
2. The property must be located within a TCOD Target Area (including any properties that the owner opts for inclusion under the guidelines identified in the TCOD policy) or the request to expand must be for municipal use (including public schools) within a TCOD Corridor.
3. The property must have the proper zoning and, where required by law a conditional use permit, for the proposed use of the property.
4. The timing, nature, character and extent of the proposed use must be consistent with the Comprehensive Plan.
5. The timing, nature, character and extent of public utilities needed to serve the proposed use are consistent with the Comprehensive Plan and all other Public Utilities policies.
6. If required by law, a finding that the project, or the extension of public utilities needed to serve the proposed use, is in conformance with the Comprehensive Plan as required by Section 15.2-2232 of the Code of Virginia shall have been obtained.

7. The obligations to be assumed by the City of Chesapeake shall be weighed against the public benefit to be realized by the expansion of the Public Utilities Franchise Area.

All requests for the expansion of the Public Utilities Franchise Area shall be processed within a reasonable time period. Approvals may be subject to any and all conditions deemed necessary to protect and promote the health, safety, welfare, and convenience of the residents of the City of Chesapeake.

Adopted by the Council for the City of Chesapeake, Virginia this
18th day of September, 2001.

Approved

William E. Ward
Mayor

ATTEST:

Delores A. Mason
Clerk of the Council