

**AGENDA**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**October 11, 2016**  
**6:30 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Carly & Cole Damon, students at Stonehouse Elementary and residents of the Stonehouse District

**E. PUBLIC COMMENT - Until 7 p.m.**

**F. PRESENTATIONS**

**G. CONSENT CALENDAR**

1. Minutes Adoption - September 27, 2016 Regular Meeting
2. Community Policy and Management Team Appointments Related to the Children's Services Act
3. Resolution of Support for Smart Scale Transportation Funding Applications
4. Budget Amendment - Housing Choice Voucher Program

**H. PUBLIC HEARING(S)**

1. Departmental Name Changes in the County Code
2. Ordinance to Amend Chapter 13, Motor Vehicles and Traffic
3. Ordinance to Amend and Reordain Chapter 11, Health and Sanitation, by repealing Article IV, Smoking
4. ZO-0007-2016, Zoning Ordinance Revisions to Reduce Parking Minimums
5. ZO-0006-2016, Zoning Ordinance Revisions for Electric Vehicle Charging Stations
6. SUP-0025-2016, Richardson Family Subdivision
7. FY 2016 School Year-End Spending Plan

**I. BOARD CONSIDERATION(S)**

**J. BOARD REQUESTS AND DIRECTIVES**

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

1. County Administrator's Report

**L. PUBLIC COMMENT**

**M. CLOSED SESSION**

1. Appointment to the Parks and Recreation Advisory Commission

**N. ADJOURNMENT**

1. Adjourn until 4 pm on October 25, 2016 for the Work Session

**ITEM SUMMARY**

DATE: 10/11/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Pledge Leader - Carly & Cole Damon, students at Stonehouse Elementary and residents of the Stonehouse District

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 4:40 PM

**ITEM SUMMARY**

DATE: 10/11/2016  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Administrative Coordinator  
SUBJECT: Minutes Adoption - September 27, 2016 Regular Meeting

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**ATTACHMENTS:**

	Description	Type
▣	092716 BOS Mins	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 2:57 PM

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**September 27, 2016**  
**6:30 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

John J. McGlennon, Vice Chairman, Roberts District  
Ruth M. Larson, Berkeley District  
Kevin D. Onizuk, Jamestown District  
P. Sue Sadler, Stonehouse District  
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator  
Adam R. Kinsman, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Alexi Chauvin, an 8th-grade student at Hornsby Middle School and resident of the Berkeley District.

**E. PUBLIC COMMENT - Until 7 p.m.**

1. Barbara Henry, 141 Devon Road, addressed the Board in regard to an online checkbook register and each Supervisor's voting record.

**F. PRESENTATIONS**

1. Clean County Commission Annual Update

Clean County Commission Chair, Peg Boarman, addressed the Board giving an overview of the report included in the Agenda Packet.

Mr. McGlennon thanked the Commission and Ms. Boarman, for all of their efforts and dedication to keeping this community clean and beautiful.

The rest of the Board echoed Mr. McGlennon's remarks.

At 6:48 p.m., Mr. Hipple recessed the Board of Supervisors in order to conduct the James City Service Authority Board of Directors meeting.

At 6:58 p.m., Mr. Hipple reconvened the Board of Supervisors meeting.

**G. CONSENT CALENDAR**

1. Department of Motor Vehicles Grant Award - Alcohol Enforcement - \$23,299

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

2. Department of Motor Vehicles Grant Award - Speed Enforcement - \$19,404

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

3. Department of Motor Vehicles Grant Award - Occupant Protection - \$5,390

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

4. Middle Peninsula Juvenile Detention Commission Service Agreement Amendments

Mr. McGlennon asked that this item be pulled from the Consent Calendar for discussion or further action.

Mr. Hipple made a motion to send this item back to staff for further review and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

5. Dedication of Streets in Section 2 of the White Hall Subdivision

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

6. Initiation of Consideration of Amendments to the Zoning Ordinance to Allow Mobile Food Vending Vehicles (Food Trucks) in the B-1, General Business District

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

**H. PUBLIC HEARING(S)**

1. An Ordinance to Amend Section 10-4 of the County Code

A motion to Postpone was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Kinsman, County Attorney, stated that after further review, this item should be postponed indefinitely as the General Assembly is still deliberating changes to the State Code regarding this matter.

Mr. Hipple opened the Public Hearing.

As no one wished to speak to this matter, Mr. Hipple closed the Public Hearing.

2. Chesapeake Bay Preservation Ordinance Amendments Due to Revisions of the State Chesapeake Bay Preservation Act, the Virginia Stormwater Management Act and Related Regulations

A motion to Approve was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Scott Thomas, Director of Engineering & Resource Protection Division, addressed the Board giving an overview of the memorandum and ordinance included in the Agenda Packet.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

As no one wished to speak to this matter, Mr. Hipple closed the Public Hearing.

**I. BOARD CONSIDERATION(S)**

1. Ware Creek Watershed Management Plan - Board Adoption

A motion to Approve with Conditions was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Fran Geissler, Director of the Stormwater Division, addressed the Board giving an overview of the memorandum and plan included in the Agenda Packet. Ms. Geissler highlighted that the watershed plan is a foundation component of the capital program projects, and is also foundational for the County applications for grants from the State or other agencies for stormwater projects.

Mr. Michael Woolson, Senior Watershed Planner, addressed the Board giving an overview of how the watershed plans are used in the community development and planning process.

Ms. Sadler thanked staff for their efforts. She voiced her concerns about Strategic Action No. 4 which states "Promote the Purchase of Development Rights (PDR) program for special resource areas (e.g., riparian buffers and conservation areas)." In her opinion, this language specifically promoting the PDR program is a deal breaker.

Ms. Sadler made a motion to amend the Ware Creek Watershed Plan by removing Strategic Action No. 4.

Mr. Onizuk stated that he is in favor of conservation in our watershed areas, but he understands the concern of putting that all on the shoulders of the local government. He asked what if Strategic Action No. 4 was amended to say “Promote conservation easement programs for special resource areas”. This would allow private organizations and private citizens to be involved in the conservation initiatives, and if a land owner wants to sell a conservation easement on their own property, then that would be prerogative.

Ms. Sadler stated that she is not fond of conservation easements in general. If the language could be amended in a more general way that would allow private citizens to be involved then she could agree.

Mr. McGlennon suggested perhaps dropping the conservation easement language and instead using “Promote conservation programs for special resource areas”. He said that would leave it open to anyone that wants to get involved.

Mr. Onizuk and Ms. Sadler agreed to the language change for Strategic Action No. 4 as stipulated by Mr. McGlennon.

Mr. McGlennon made a motion to adopt the plan with the language amendment that was just stipulated and agreed to.

## **J. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon stated that he attended the recent Neighborhood Leaders Forum. It was a great turnout and he was happy to be a part of it.

Ms. Larson recognized Boy Scout Troop 103 that was in attendance this evening and thanked them for coming out to the meeting. Ms. Larson also stated that if the Board has any questions for the Economic Development Authority to please let her know prior to her meeting with them and she will be happy to report back.

Mr. Onizuk announced an upcoming event hosted by the Historic Virginia Land Conservancy on Saturday, October 1. The Creekside Conservancy Celebration at Nettles Creek will be held from 5:30 p.m. to 9:30 p.m. For more information, please visit [www.historiclandconservancy.org](http://www.historiclandconservancy.org).

Mr. Hipple gave a general update about the Hampton Roads Transportation Accountability Committee, Hampton Roads Planning District Commission and Hampton Roads Transportation Planning Organization meetings that he has attended. He also announced that the Skiffe’s Creek Connector project has been approved.

## **K. REPORTS OF THE COUNTY ADMINISTRATOR**

### **1. County Administrator's Report**

Mr. Hill thanked Ms. Boarman and the Clean County Commission for their efforts in keeping the County clean.



Mr. Hill announced that the Strategic Plan will be coming before the Board for adoption at the November 22 meeting. He thanked the Board and the members of the community that gave their time to this process over the past year.

**L. PUBLIC COMMENT - None**

**M. CLOSED SESSION**

**N. ADJOURNMENT**

1. Adjourn until 6:30 p.m. on October 11, 2016, for the Regular Meeting

A motion to Adjourn was made by Ms. Sadler and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

At 7:28 p.m., Mr. Hipple adjourned the Board.

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Bryan J. Hill  
County Administrator

**ITEM SUMMARY**

DATE: 10/11/2016

TO: Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Community Policy and Management Team Appointments Related to the Children's Services Act

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**ATTACHMENTS:**

	Description	Type
□	Community Policy and Management Team Appointments Related to the Children's Services Act	Cover Memo
□	Resolution for Community Policy and Management Team Appointments Related to the Children's Services Act	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	9/16/2016 - 4:09 PM
Community Services	Vinroot, Rebecca	Approved	9/16/2016 - 4:10 PM
Publication Management	Burcham, Nan	Approved	9/16/2016 - 4:15 PM
Legal Review	Kinsman, Adam	Approved	9/19/2016 - 11:46 AM
Board Secretary	Fellows, Teresa	Approved	9/19/2016 - 11:57 AM
Board Secretary	Purse, Jason	Approved	10/4/2016 - 8:56 AM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 9:10 AM

**MEMORANDUM**

DATE: October 11, 2016

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Community Policy and Management Team Appointments Related to the Children's Services Act

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The Children's Services Act (CSA), formerly known as the Comprehensive Services Act, was enacted in 1992 by the General Assembly in order for each locality to develop services to meet the needs of at-risk children. One of the requirements of the CSA is to develop a local, inter-jurisdictional Community Policy and Management Team (CPMT), which is charged with ensuring adherence to all relevant policies in order to receive the allocated state funds.

The composition of the CPMT is set by the Virginia Code, which requires that the CPMT include, at a minimum, at least one elected official or appointed official or his designee from the governing body, and the local agency heads or their designees of the following community agencies: Community Services Board, Juvenile Court Services Unit, Department of Health, Department of Social Services, the local school division, and a representative of a private organization or association of providers for children's or family services.

The existing 1993 Board resolution establishing the James City County CPMT uses outdated agency titles and does not include a private organization representative as is now required by the Code of Virginia.

I recommend adoption of the attached resolution, which will correct the various agency titles and will bring the James City County CPMT appointments into conformance with the Code of Virginia.

RV/nb  
CSA-TeamAppts-mem

Attachment

**RESOLUTION**

**COMMUNITY POLICY AND MANAGEMENT TEAM APPOINTMENTS**

**RELATED TO THE CHILDREN’S SERVICES ACT**

WHEREAS, the Children’s Services Act for At-Risk Youth and Families enacted by the 1992 General Assembly requires each local governing body to develop a community policy and management team; and

WHEREAS, the intent of the Children’s Services Act is to develop services to meet the needs of children who are at-risk of developing emotional or behavioral problems, or who are at-risk of going into out-of-home placements, as well as to meet the needs of the families of those children; and

WHEREAS, the purpose of the local Community Policy and Management Team is to receive funds pursuant to the Act and to develop procedures to deliver community-based services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the establishment, effective this date, of a Community Policy and Management Team representing the County of James City. This resolution replaces the resolution adopted June 7, 1993.

BE IT FURTHER RESOLVED that membership of the Community Policy and Management Team shall include, the agency heads, or their representatives from the James City County Department of Social Services, Williamsburg-James City County School Division, Colonial Behavioral Health, Ninth District Court Services Unit and Peninsula Health District; as well as a James City County Government Representative, a private provider and parent, in accordance with the Code of Virginia.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2016.

**ITEM SUMMARY**

DATE: 10/11/2016

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Planning and Community Development

SUBJECT: Resolution of Support for Smart Scale Transportation Funding Applications

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Cover Memo
▣	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	10/3/2016 - 11:26 AM
Publication Management	Burcham, Nan	Approved	10/3/2016 - 11:34 AM
Legal Review	Kinsman, Adam	Approved	10/4/2016 - 8:29 AM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 8:49 AM
Board Secretary	Purse, Jason	Approved	10/4/2016 - 9:00 AM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 9:11 AM

## MEMORANDUM

DATE: October 11, 2016

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Planning and Community Development

SUBJECT: Resolution of Support for Smart Scale Transportation Funding Applications

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In 2013 House Bill 2313 was signed into law, creating a more sustainable revenue source supporting transportation funding. While passage of this bill enabled the Commonwealth Transportation Board (CTB) to add approximately \$4 billion in funding to the Six-Year Improvement Program (SYIP), there are still many transportation needs that cannot be addressed with available revenues.

To find a way to better balance transportation needs and prioritize investments for both urban and rural communities throughout the Commonwealth, new legislation, House Bill 2 (HB2), was signed into law in 2014. HB2 required the CTB to develop and implement a quantifiable and transparent prioritization process for making funding decisions for capacity, enhancing projects within the SYIP.

The ultimate goal in the implementation of HB2, now called Smart Scale, is to ensure the best use of limited transportation funds. Transparency and accountability are crucial aspects of this process. Smart Scale projects will be evaluated based on a uniform set of measures that are applicable statewide, while recognizing that factors should be valued differently based on regional priorities.

Generally, the prioritization process for the Hampton Roads District will evaluate projects in the following factor areas: congestion mitigation (45%), economic development (5%), accessibility (15%), safety (5%), environmental quality (10%) and land use coordination (20%).

The implementation process began in August 2015 with projects initially selected by the CTB for inclusion in the draft SYIP. The process does not cover all types of projects within the SYIP. There are many other sources of funding including maintenance and rehabilitation, safety, operations and other federal and state funding categories (e.g., Revenue Sharing, Congestion Mitigation and Air Quality Improvement Program, Regional Surface Transportation Program).

There are two main pathways to funding within the Smart Scale process, the Construction District Grant Program and the High-Priority Projects Program. These two grant programs were established under HB 1887 and approved by the General Assembly in February 2015.

More specifically, HB1887 removes the transportation funding formula put in place by the 1986 Special Session legislation. HB1887 puts into place a new construction formula, which becomes fully effective in FY 2021.

HB1887 establishes the new transportation funding formula, specifically the State of Good Repair Program (45%), High-Priority Projects Program (27.5%) and Construction District Grant Program (27.5%). Both the High-Priority Projects Program and the Construction District Grant Program are subject to Smart Scale.

The High-Priority Projects Program (as defined in § 33.2-370) refers to projects of regional or statewide significance that address a transportation need identified for a Corridor of Statewide Significance or a regional network in the VTrans2040 Multimodal Transportation Plan. In this program, projects and strategies are compared to projects and strategies submitted statewide.

## Resolution of Support for Smart Scale Transportation Funding Applications

October 11, 2016

Page 2

The Construction District Grant Program (as defined in § 33.2-371) refers to projects and strategies solicited from local governments that address a need for a Corridor of Statewide Significance, regional network, improvements to promote urban development areas, or safety improvements identified in the VTrans2040 Multimodal Transportation Plan. In this program, candidate projects and strategies from localities within a highway construction district are compared against projects and strategies within the same construction district.

For both programs, projects and strategies are to be screened, evaluated and selected according to the process established pursuant to Smart Scale.

This year, James City County intends to apply for Smart Scale funding to fully fund the Skiffe's Creek Connector project.

The Skiffe's Creek Connector will provide a new 0.95-mile, two-lane connector between U.S. Rt. 60 (Pocahontas Trail) and State Rt. 143 (Merrimac Trail) starting at the Rt. 60/Rt. 774N intersection near GreenMount Industrial Park and ending at Rt. 143 near the Virginia Department of Transportation maintenance facility. The lanes will be 12-foot wide with 8-foot shoulders (4-foot paved), with access points for the mixed use property fronting Rt. 60 and the landlocked industrial property to the rear. Improvements also include two bridges and traffic signals at the new intersections. The design speed of the new roadway is expected to be 50-60 mph. Route 60 currently experiences congestion from industrial and tourist traffic. Route 60, along with the parallel I-64 and Rt. 143, are all expected to be severely congested during the PM Peak Hour in 2034. This strategic connection would be expected to relieve the congestion along Rt. 60 and redirect industrial traffic from James River Elementary School and the Grove community. The Skiffe's Creek Connector project will also provide a new grade-separated crossing of the CSX Railroad as an alternative to the at-grade crossing at Elmhurst Street in Lee Hall (2.2 miles away) and to the Grove Interchange (3.2 miles away). In addition to creating this additional rail crossing, the Skiffe's Creek Connector would provide better access between Rt. 60, Rt. 143, I-64 and the GreenMount Industrial area, which currently includes distribution centers for Walmart and Haynes Furniture. This would improve truck movement in the area, as well as make this section of James City County more attractive for economic development by promoting connectivity and opening up currently landlocked properties for development. These improvements are also critical to the regional transportation system to provide improved access to Virginia's ports and enhanced accessibility to existing corporations such as Busch Gardens, AB InBev Brewery and the WalMart Distribution Center.

The project is currently estimated to cost \$50.5 million. Funding available to the project totals approximately \$49 million. Therefore, the Smart Scale application would request approximately \$1.5 million in FY 2023 to fully fund this project.

Staff recommends the Board of Supervisors adopt the attached resolution expressing support for this project being submitted through the upcoming Smart Scale cycle.

PDH/nb

TranspFundingApp-mem

Attachment

**RESOLUTION**

**RESOLUTION OF SUPPORT FOR SMART SCALE**

**TRANSPORTATION FUNDING APPLICATIONS**

WHEREAS, in an effort to ensure the best use of limited transportation funds, the Commonwealth has established a transportation funding formula via House Bill 1887 and a prioritization process via House Bill 2 (HB2), a process now called Smart Scale; and

WHEREAS, there are two main pathways to funding within the Smart Scale process the Construction District Grant Program and the High-Priority Projects Program; and

WHEREAS, in 2015, James City County adopted its update to the Comprehensive Plan, Toward 2035: Leading the Way, which included transportation as a priority focus area; and

WHEREAS, the adopted Comprehensive Plan identified almost \$217 million in needed investment in the County's transportation system.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, expresses support for submitting an application for funding for the Skiffe's Creek Connector project through the Smart Scale process.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2016.



**ITEM SUMMARY**

DATE: 10/11/2016  
TO: Board of Supervisors  
FROM: Rebecca Vinroot, Director of Social Services  
SUBJECT: Budget Amendment - Housing Choice Voucher Program

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**ATTACHMENTS:**

	Description	Type
▣	Budget Amendment - Housing Choice Voucher Program	Cover Memo
▣	Budget Amendment - Housing Choice Voucher Program	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	9/21/2016 - 12:54 PM
Community Services	Vinroot, Rebecca	Approved	9/21/2016 - 12:54 PM
Publication Management	Burcham, Nan	Approved	9/21/2016 - 12:56 PM
Legal Review	Kinsman, Adam	Approved	9/23/2016 - 2:59 PM
Board Secretary	Mellen, Sue	Approved	9/28/2016 - 4:52 PM
Board Secretary	Purse, Jason	Approved	10/4/2016 - 8:56 AM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 9:09 AM

**M E M O R A N D U M**

DATE: October 11, 2016

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Budget Amendment - Housing Choice Voucher Program

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The Family Self-Sufficiency program is a component of the Housing Choice Voucher (HCV) program, which has been directly administered by James City County through the Office of Housing (and Community Development, prior to July 1, 2016) since 2001. James City County was notified of an award of \$23,990 to be used for administration of the program for FY 17 that was not anticipated as these funds were not received last fiscal year.

The award is effective January 1, 2017 and runs through December 2017.

James City County's HCV program is allocated 154 vouchers, of which 142 are currently active. The vouchers assist very low-income families, the elderly and the disabled to afford decent, safe and sanitary housing in the private market. The Family Self-Sufficiency program further enables these families to increase their earned income and reduce their dependency on welfare assistance and rental subsidies.

Staff respectfully recommends that the Board adopt the attached resolution to amend the Community Development Fund budget to appropriate the additional funds provided by Housing and Urban Development for the HCV program for FY 2017 in the amount of \$23,990.

RV/nb  
FSS-Money2016-mem

Attachment

**RESOLUTION**

**BUDGET AMENDMENT - HOUSING CHOICE VOUCHER PROGRAM**

WHEREAS, the U.S. Department of Housing and Urban Development has awarded James City County Housing the amount of \$23,990 for the FY 2016 Family Self-Sufficiency Program (FSS), a component of the Housing Choice Voucher (HCV) program; and

WHEREAS, the additional funding is necessary to enable the County to make Housing Assistance Payments on behalf of HCV Program participants to pay for administrative and counseling costs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the appropriated funds from the Community Development Fund Budget to be amended as follows:

Revenue:

FSS Program Award:                    \$23,990

Expenditure:

FSS Program Salary:                    \$23,990

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2016.

FSS-Money2016-res

**ITEM SUMMARY**

DATE: 10/11/2016  
TO: The Board of Supervisors  
FROM: Liz Young, Paralegal  
SUBJECT: Departmental Name Changes in the County Code

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The following County Code sections require amendments to incorporate name changes to County departments and divisions:

- Sec. 2-11.1. Disclosures of financial interest.
- Sec. 4-10. Exemptions.
- Sec. 19-51. Street construction standards.
- Sec. 24-42. Special provisions for townhouse and condominium development.
- Sec. 24-62. Special provisions for private streets.
- Sec. 24-536.9. Street improvements.
- Sec. 24-588. Compliance, liability, abrogation and severability.
- Sec. 24-590. Designation of floodplain districts.
- Sec. 24-591. Official map.
- Sec. 24-595. Regulations for construction.
- Sec. 24-600. Regulations for filling in flood fringe and approximated floodplain districts.

**ATTACHMENTS:**

	Description	Type
☐	Name Changes Memo	Cover Memo
☐	Sec 2-11.1 Ordinance	Ordinance
☐	Sec 2-11.1 (clean copy)	Backup Material
☐	Sec 4-10 Ordinance	Ordinance
☐	Sec 4-10 (clean copy)	Backup Material
☐	Sec 19-51 Ordinance	Ordinance
☐	Sec 19-51 (clean copy)	Backup Material
☐	Ch 24 Ordinance	Ordinance
☐	Ch 24 (clean copy)	Backup Material
☐	Unapproved PC Minutes	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
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Attorney	Kinsman, Adam	Approved	9/23/2016 - 2:54 PM
Publication Management	Burcham, Nan	Approved	9/23/2016 - 2:55 PM
Legal Review	Kinsman, Adam	Approved	9/23/2016 - 2:57 PM
Board Secretary	Fellows, Teresa	Approved	9/28/2016 - 2:49 AM
Board Secretary	Purse, Jason	Approved	10/4/2016 - 8:58 AM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 9:10 AM

**MEMORANDUM**

DATE: October 11, 2016  
TO: The Board of Supervisors  
FROM: Liz Young, Paralegal  
SUBJECT: Departmental Name Changes in the County Code

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At its meeting on June 28, 2016, the Board of Supervisors adopted a resolution designating certain departmental and division name changes. The resolution also initiated all necessary ordinance amendments in order to implement the changes in the County Code. The following County Code sections require amendments to incorporate the name changes to the departments and divisions:

- Sec. 2-11.1. Disclosures of financial interest.
- Sec. 4-10. Exemptions.
- Sec. 19-51. Street construction standards.
- Sec. 24-42. Special provisions for townhouse and condominium development.
- Sec. 24-62. Special provisions for private streets.
- Sec. 24-536.9. Street improvements.
- Sec. 24-588. Compliance, liability, abrogation and severability.
- Sec. 24-590. Designation of floodplain districts.
- Sec. 24-591. Official map.
- Sec. 24-595. Regulations for construction.
- Sec. 24-600. Regulations for filling in flood fringe and approximated floodplain districts.

At its meeting on September 7, 2016, the Planning Commission recommended approval of the amendments to Chapter 19, Subdivisions and Chapter 24, Zoning by a vote of 7-0.

I recommend that the Board approve the attached ordinance amendments.

LY/nb  
DeptNameChange-mem

Attachments

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN JAMES CITY COUNTY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 1, GENERALLY, SECTION 2-11.1, DISCLOSURES OF FINANCIAL INTEREST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, Article IV, Officers and Employees, Division 1, Generally, is hereby amended and reordained by amending Section 2-11.1, Disclosures of financial interest.

**Chapter 2. Administration**

**Article IV. Officers and Employees**

**Division 1. Generally**

**Sec. 2-11.1. Disclosures of financial interest.**

Annually by January 15 of each year or otherwise within 21 days of formal notification of appointment or employment, the members of the board of supervisors and of the school board, and the county administrator, the assistant county administrator, the county attorney, the manager of financial and management services, the ~~manager of development management~~ *director of community development*, the manager of general services, the director of planning, the director of building safety and permits, the zoning administrator, the capital projects administrator, the director of the engineering and resource protection division, the general manager of the James City Service Authority, and the human resources manager shall file, as a condition to assuming or holding office or employment, a disclosure statement of personal interests and such other information as required on the form or forms specified in section 2.2-3117 of the Code of Virginia, as amended.

For purposes of this section, formal notification of appointment for appointees to the boards is deemed to be the date that the clerk mails notice of appointment and blank disclosure forms to the appointee. Formal notification of employment for employees is deemed to be the date the financial disclosure form is distributed to the employee by his or her appointing authority.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2016.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN JAMES CITY COUNTY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 1, GENERALLY, SECTION 2-11.1, DISCLOSURES OF FINANCIAL INTEREST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, Article IV, Officers and Employees, Division 1, Generally, is hereby amended and reordained by amending Section 2-11.1, Disclosures of financial interest.

**Chapter 2. Administration**

**Article IV. Officers and Employees**

**Division 1. Generally**

**Sec. 2-11.1. Disclosures of financial interest.**

Annually by January 15 of each year or otherwise within 21 days of formal notification of appointment or employment, the members of the board of supervisors and of the school board, and the county administrator, the assistant county administrator, the county attorney, the manager of financial and management services, the director of community development, the manager of general services, the director of planning, the director of building safety and permits, the zoning administrator, the capital projects administrator, the director of the engineering and resource protection division, the general manager of the James City Service Authority, and the human resources manager shall file, as a condition to assuming or holding office or employment, a disclosure statement of personal interests and such other information as required on the form or forms specified in section 2.2-3117 of the Code of Virginia, as amended.

For purposes of this section, formal notification of appointment for appointees to the boards is deemed to be the date that the clerk mails notice of appointment and blank disclosure forms to the appointee. Formal notification of employment for employees is deemed to be the date the financial disclosure form is distributed to the employee by his or her appointing authority.

Ch2Sec11-1-ord-final



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN JAMES CITY COUNTY CODE, CHAPTER 4, BUILDING REGULATIONS, ARTICLE I, VIRGINIA UNIFORM STATEWIDE BUILDING CODE, DIVISION 2, PERMIT AND INSPECTION FEES SECTION 4-10, EXEMPTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, Article I, Virginia Uniform Statewide Building Code, Division 2, Permit and Inspection Fees, is hereby amended and reordained by amending Section 4-10, Exemptions.

**Chapter 4. Building Regulations**

**Article I. Virginia Uniform Statewide Building Code**

**Division 2. Permit and Inspection Fees**

**Sec. 4-10. Exemptions.**

Payment of any permit fees established in section 4-8 shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality. When the ~~housing and community development administrator~~ *director of neighborhood development* certifies that the work for which application has been made is funded through his office or a related program and requests that fees be waived, then the request shall be granted.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2016.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN JAMES CITY COUNTY CODE, CHAPTER 4, BUILDING REGULATIONS, ARTICLE I, VIRGINIA UNIFORM STATEWIDE BUILDING CODE, DIVISION 2, PERMIT AND INSPECTION FEES SECTION 4-10, EXEMPTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, Article I, Virginia Uniform Statewide Building Code, Division 2, Permit and Inspection Fees, is hereby amended and reordained by amending Section 4-10, Exemptions.

**Chapter 4. Building Regulations**

**Article I. Virginia Uniform Statewide Building Code**

**Division 2. Permit and Inspection Fees**

**Sec. 4-10. Exemptions.**

Payment of any permit fees established in section 4-8 shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality. When the director of neighborhood development certifies that the work for which application has been made is funded through his office or a related program and requests that fees be waived, then the request shall be granted.

Ch4Sec10-ord-final

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN JAMES CITY COUNTY CODE, CHAPTER 19, SUBDIVISIONS, ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-51, STREET CONSTRUCTION STANDARDS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, Article III, Requirements for Design and Minimum Improvements, is hereby amended and reordained by amending Section 19-51, Street construction standards.

**Chapter 19. Subdivisions**

**Article III. Requirements for Design and Minimum Improvements**

**Sec. 19-51. Street construction standards.**

(b) Any private street permitted shall be certified to the satisfaction of the ~~development manager~~ *director of community development*, or his designee, as having been constructed in accordance with all ordinance requirements and approved plans. Until such time as the ~~development manager~~ *director of community development* has accepted and approved such certification, surety required to guarantee the proper construction of such private streets shall not be released. Construction certification shall be in accordance with administrative guidelines for certification of private street construction.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
LARSON	___	___	___
ONIZUK	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2016.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN JAMES CITY COUNTY CODE, CHAPTER 19, SUBDIVISIONS, ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-51, STREET CONSTRUCTION STANDARDS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, Article III, Requirements for Design and Minimum Improvements, is hereby amended and reordained by amending Section 19-51, Street construction standards.

### **Chapter 19. Subdivisions**

#### **Article III. Requirements for Design and Minimum Improvements**

##### **Sec. 19-51. Street construction standards.**

(b) Any private street permitted shall be certified to the satisfaction of the director of community development, or his designee, as having been constructed in accordance with all ordinance requirements and approved plans. Until such time as the director of community development has accepted and approved such certification, surety required to guarantee the proper construction of such private streets shall not be released. Construction certification shall be in accordance with administrative guidelines for certification of private street construction.

Ch19Sec19-51-ord-final

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-42, SPECIAL PROVISIONS FOR TOWNHOUSE AND CONDOMINIUM DEVELOPMENT; ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-62, SPECIAL PROVISIONS FOR PRIVATE STREETS; ARTICLE V, DISTRICTS, DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.9, STREET IMPROVEMENTS; ARTICLE VI, OVERLAY DISTRICTS, DIVISION 3, FLOODPLAIN AREA REGULATIONS, SECTION 24-588, COMPLIANCE, LIABILITY, ABROGATION AND SEVERABILITY; SECTION 24-590, DESIGNATION OF FLOODPLAIN DISTRICTS; SECTION 24-591, OFFICIAL MAP; SECTION 24-595, REGULATIONS FOR CONSTRUCTION; AND SECTION 24-600, REGULATIONS FOR FILLING IN FLOOD FRINGE AND APPROXIMATED FLOODPLAIN DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-42, Special provisions for townhouse and condominium development; Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-62, Special provisions for private streets; Article V, Districts, Division 17, Economic Opportunity, EO, Section 24-536.9, Street improvements; Article VI, Overlay Districts, Division 3, Floodplain Area Regulations, Section 24-588, Compliance, liability, abrogation and severability; Section 24-590, Designation of floodplain districts; Section 24-591, Official map; Section 24-595, Regulations for construction; and Section 24-600, Regulations for filling in flood fringe and approximated floodplain districts.

**Chapter 24. Zoning**

**Article II. Special Regulations**

**Division 1. In General**

**Sec. 24-42. Special provisions for townhouse and condominium development.**

Pavement for roadways shall meet the design and construction requirements of the Virginia Department of Transportation's standards or section 24-62 if streets are to be private. Parking areas to serve townhouse and condominium development shall be constructed and certified in accordance with the Administrative Guidelines for Certification of Private Street Construction. Criteria to be considered under this requirement shall be strength of foundation soils and type and depth of pavement components. Until such time as the ~~development manager~~ *director of community development* or his designee has accepted and approved such certification, surety required to assure proper pavement construction shall not be released. Production and installation of base aggregate and wearing surface, or equivalent pavement design approved by the ~~development manager~~ *director of community development* or his designee, shall be certified as complying with ordinance requirements and approved plans.

**Division 2. Highways, Streets, Parking and Loading.**

**Sec. 24-62. Special provisions for private streets.**

(b) Minimum Standards:

(2) If the uniqueness of a proposal requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities, with associated drainage and specifications for curbs and gutters be subject to modification from the specifications established in chapter 19, the ~~development manager~~ *director of community development* or his designee, within the limits hereinafter specified, may waive or modify the specifications otherwise applicable for a particular private road (or road network) if the specifications are not required in the interests of the residents, occupants, workers, customers of businesses and property owners of the development and that the modifications of such specifications are not inconsistent with the interests of the entire county.

It shall be the responsibility of the applicant to demonstrate to the satisfaction of the ~~development manager~~ *director of community development* or his designee with respect to any requested waiver or modification that:

The applicant may appeal the decision of the ~~development manager~~ *director of community development* or his designee to the development review committee (DRC).

## **Article V. Districts**

### **Division 17. Economic Opportunity (EO)**

#### **Sec. 24-536.9. Street improvements.**

(b) Private streets may be permitted upon the approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the development plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.

The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and ~~development manager~~ *director of community development* or designee.

(d) The uniqueness of each proposal for an economic opportunity development requires that the specifications for the width, surfacing, construction and geometric design of streets with associated drainage and the specifications for curbs and gutters be subject to modification from the specifications established in chapter 19. The ~~development manager~~ *director of community development* or designee may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for these facilities where the ~~development manager~~ *director of community development* or designee finds that such specifications are not required in the interests of the residents and property owners of the economic opportunity development and that the modifications of such specifications are not inconsistent with the interests of the entire county.

It shall be the responsibility of the applicant to demonstrate to the satisfaction of the ~~development manager~~ *director of community development* or designee with respect to any requested waiver or modification:

## Article VI. Overlay Districts

### Division 3. Floodplain Area Regulations

#### Sec. 24-588. Compliance, liability, abrogation and severability.

(c) Records of actions associated with administering these regulations shall be kept on file and maintained by the ~~development manager~~ *director of community development* or his designee.

#### Sec. 24-590. Designation of floodplain districts.

(a) The various floodplain districts shall include areas subject to inundation by waters of the one percent annual chance (100-year) flood. The minimum basis for the delineation of these districts shall be, but not be limited to, the December 16, 2015 flood insurance study and flood insurance rate maps prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Agency (FIA) and subsequent revisions or amendments thereto, since other flood-prone areas exist in James City County which are not shown on the floodplain maps. To determine these areas, the one percent annual chance (100-year) flood elevations and floodways from federal, state and local sources may be used when available. Where the specific one percent annual chance (100-year) flood elevation cannot be determined for an area by using available sources of data, then the applicant for the proposed use, development and/or activity shall determine this elevation to the satisfaction of the ~~development manager~~ *director of community development* or his designee in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall consider full development of the watershed and shall be submitted in sufficient detail to allow a thorough review by the ~~development manager~~ *director of community development* or his designee.

#### Sec. 24-591. Official map.

The boundaries of floodway, flood-fringe and approximated floodplain districts in section 24-590(b), (c) and (d) above are established as minimum areas, as shown on the flood insurance rate map dated December 16, 2015, which is declared to be a part of these regulations and which shall be kept on file at the office of the ~~development manager~~ *director of community development*.

#### Sec. 24-595. Regulations for construction.

(a) The construction or placement of any structure or obstruction, filling or changing the cross-section or flow characteristics within the one percent annual chance (100-year) flood shall not be permitted unless the project is in conformance with the following requirements:

(4) Encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the floodway or any floodplain district unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken by a professional engineer and shall be submitted in sufficient detail to allow a thorough review by the ~~development manager~~ *director of community development* or

his designee. Hydrologic and hydraulic analyses shall not be required for properties affected only by coastal (tidal) flooding.

**Section 24-600. Regulations for filling in flood fringe and approximated floodplain districts.**

No permit shall be issued or approved until the site development plan for such fill meets the following requirements:

(4) Where, in the opinion of the ~~development manager~~ *director of community development* or his designee additional topographic, engineering and other data or studies are necessary to determine the effects of flooding on a proposed structure or fill and/or the effect of such structure or fill on the flow of water in flood stage, the applicant shall submit such data or studies.

---

Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

---

Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	___	___	___
LARSON	___	___	___
ONIZUK	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2016.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-42, SPECIAL PROVISIONS FOR TOWNHOUSE AND CONDOMINIUM DEVELOPMENT; ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-62, SPECIAL PROVISIONS FOR PRIVATE STREETS; ARTICLE V, DISTRICTS, DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.9, STREET IMPROVEMENTS; ARTICLE VI, OVERLAY DISTRICTS, DIVISION 3, FLOODPLAIN AREA REGULATIONS, SECTION 24-588, COMPLIANCE, LIABILITY, ABROGATION AND SEVERABILITY; SECTION 24-590, DESIGNATION OF FLOODPLAIN DISTRICTS; SECTION 24-591, OFFICIAL MAP; SECTION 24-595, REGULATIONS FOR CONSTRUCTION; AND SECTION 24-600, REGULATIONS FOR FILLING IN FLOOD FRINGE AND APPROXIMATED FLOODPLAIN DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-42, Special provisions for townhouse and condominium development; Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-62, Special provisions for private streets; Article V, Districts, Division 17, Economic Opportunity, EO, Section 24-536.9, Street improvements; Article VI, Overlay Districts, Division 3, Floodplain Area Regulations, Section 24-588, Compliance, liability, abrogation and severability; Section 24-590, Designation of floodplain districts; Section 24-591, Official map; Section 24-595, Regulations for construction; and Section 24-600, Regulations for filling in flood fringe and approximated floodplain districts.

**Chapter 24. Zoning**

**Article II. Special Regulations**

**Division 1. In General**

**Sec. 24-42. Special provisions for townhouse and condominium development.**

Pavement for roadways shall meet the design and construction requirements of the Virginia Department of Transportation's standards or section 24-62 if streets are to be private. Parking areas to serve townhouse and condominium development shall be constructed and certified in accordance with the Administrative Guidelines for Certification of Private Street Construction. Criteria to be considered under this requirement shall be strength of foundation soils and type and depth of pavement components. Until such time as the director of community development or his designee has accepted and approved such certification, surety required to assure proper pavement construction shall not be released. Production and installation of base aggregate and wearing surface, or equivalent pavement design approved by the director of community development or his designee, shall be certified as complying with ordinance requirements and approved plans.

**Division 2. Highways, Streets, Parking and Loading.**

**Sec. 24-62. Special provisions for private streets.**

- (b) Minimum Standards:

(2) If the uniqueness of a proposal requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities, with associated drainage and specifications for curbs and gutters be subject to modification from the specifications established in chapter 19, the director of community development or his designee, within the limits hereinafter specified, may waive or modify the specifications otherwise applicable for a particular private road (or road network) if the specifications are not required in the interests of the residents, occupants, workers, customers of businesses and property owners of the development and that the modifications of such specifications are not inconsistent with the interests of the entire county.

It shall be the responsibility of the applicant to demonstrate to the satisfaction of the director of community development or his designee with respect to any requested waiver or modification that:

The applicant may appeal the decision of the director of community development or his designee to the development review committee (DRC).

## **Article V. Districts**

### **Division 17. Economic Opportunity (EO)**

#### **Sec. 24-536.9. Street improvements.**

(b) Private streets may be permitted upon the approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the development plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.

The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of community development or designee.

(d) The uniqueness of each proposal for an economic opportunity development requires that the specifications for the width, surfacing, construction and geometric design of streets with associated drainage and the specifications for curbs and gutters be subject to modification from the specifications established in chapter 19. The director of community development or designee may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for these facilities where the director of community development or designee finds that such specifications are not required in the interests of the residents and property owners of the economic opportunity development and that the modifications of such specifications are not inconsistent with the interests of the entire county.

It shall be the responsibility of the applicant to demonstrate to the satisfaction of the director of community development or designee with respect to any requested waiver or modification:

## **Article VI. Overlay Districts**

### **Division 3. Floodplain Area Regulations**

#### **Sec. 24-588. Compliance, liability, abrogation and severability.**

(c) Records of actions associated with administering these regulations shall be kept on file and maintained by the director of community development or his designee.

#### **Sec. 24-590. Designation of floodplain districts.**

(a) The various floodplain districts shall include areas subject to inundation by waters of the one percent annual chance (100-year) flood. The minimum basis for the delineation of these districts shall be, but not be limited to, the December 16, 2015 flood insurance study and flood insurance rate maps prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Agency (FIA) and subsequent revisions or amendments thereto, since other flood-prone areas exist in James City County which are not shown on the floodplain maps. To determine these areas, the one percent annual chance (100-year) flood elevations and floodways from federal, state and local sources may be used when available. Where the specific one percent annual chance (100-year) flood elevation cannot be determined for an area by using available sources of data, then the applicant for the proposed use, development and/or activity shall determine this elevation to the satisfaction of the director of community development or his designee in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall consider full development of the watershed and shall be submitted in sufficient detail to allow a thorough review by the director of community development or his designee.

#### **Sec. 24-591. Official map.**

The boundaries of floodway, flood-fringe and approximated floodplain districts in section 24-590(b), (c) and (d) above are established as minimum areas, as shown on the flood insurance rate map dated December 16, 2015, which is declared to be a part of these regulations and which shall be kept on file at the office of the director of community development.

#### **Sec. 24-595. Regulations for construction.**

(a) The construction or placement of any structure or obstruction, filling or changing the cross-section or flow characteristics within the one percent annual chance (100-year) flood shall not be permitted unless the project is in conformance with the following requirements:

(4) Encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the floodway or any floodplain district unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken by a professional engineer and shall be submitted in sufficient detail to allow a thorough review by the director of community development or his designee. Hydrologic and hydraulic analyses shall not be required for properties affected only by coastal (tidal) flooding.

**Section 24-600. Regulations for filling in flood fringe and approximated floodplain districts.**

No permit shall be issued or approved until the site development plan for such fill meets the following requirements:

- (4) Where, in the opinion of the director of community development or his designee additional topographic, engineering and other data or studies are necessary to determine the effects of flooding on a proposed structure or fill and/or the effect of such structure or fill on the flow of water in flood stage, the applicant shall submit such data or studies.

## **Unapproved Minutes of the September 7, 2016 Planning Commission Meeting**

### **SO-0004-2016, Subdivision Ordinance Amendment and ZO-0012-2016, Zoning Ordinance Amendment to reflect departmental name changes**

Mr. Max Hlavin, Assistant County Attorney, the Board of Supervisors recently renamed the Department of Development Management to the Department of Community Development. Mr. Hlavin further stated that the Board also initiated all necessary ordinance amendments in order to implement the changes in the County Code. Mr. Hlavin stated that the ordinance amendments will replace references to the “development manager” with the term “director of community development” in the County’s Subdivision and Zoning Ordinances.

Mr. Richardson inquired about the genesis of the name change.

Mr. Hlavin stated that certain elements of the Housing division moved under the umbrella of Development Management and it was determined that the name Community Development better represented the mission and purpose of the department.

Mr. O’Connor opened the public hearing.

As no one wished to speak, Mr. O’Connor closed the public hearing.

Mr. Wright made a motion to recommend approval of SO-0004-2016.

On a roll call vote the Commission voted to recommend approval of SO-0004-2016, Subdivision Ordinance Amendment to reflect departmental name changes (7-0).

Mr. Richardson made a motion to recommend approval of ZO-0012-2016.

On a roll call vote the Commission voted to recommend approval of ZO-0012-2016, Subdivision Ordinance Amendment to reflect departmental name changes (7-0).

**ITEM SUMMARY**

DATE: 10/11/2016  
TO: The Board of Supervisors  
FROM: Adam Kinsman, County Attorney  
SUBJECT: Ordinance to Amend Chapter 13, Motor Vehicles and Traffic

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This ordinance amendment revises the process for protest of parking tickets. The protestor may now file the documents with the General District Court Clerk's Office, which reduces paperwork and transmittal delays.

**ATTACHMENTS:**

	Description	Type
▣	Parking Memo	Cover Memo
▣	Parking Ordinance	Ordinance
▣	Parking Ordinance (clean copy)	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	9/23/2016 - 2:58 PM
Publication Management	Burcham, Nan	Approved	9/23/2016 - 3:12 PM
Legal Review	Kinsman, Adam	Approved	9/23/2016 - 4:48 PM
Board Secretary	Fellows, Teresa	Approved	9/28/2016 - 2:49 AM
Board Secretary	Purse, Jason	Approved	10/4/2016 - 9:00 AM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 9:11 AM

**MEMORANDUM**

DATE: October 11, 2016  
TO: The Board of Supervisors  
FROM: Adam R. Kinsman, County Attorney  
SUBJECT: Ordinance to Amend Chapter 13, Motor Vehicles and Traffic

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The County Code currently requires a multi-step process in order to contest a parking ticket. As the section is currently written, someone who receives a parking ticket and wishes to contest it must file a written protest with a copy of the citation with the Treasurer's Office. The Treasurer's Office then must transmit the protest to the Clerk's Office of the General District Court. The Clerk's Office then assigns a hearing date and time, notice of which is given to the protestor, the Treasurer and the law enforcement officer who issued the citation. When the hearing date arrives, the Treasurer must ensure the ticket has not already been paid, necessitating additional coordination with the law enforcement officer and the court.

The proposed amendment eliminates the role of the Treasurer's office from the process. The protestor may now file the documents with the General District Court Clerk's Office, which reduces paperwork and transmittal delays. This change streamlines the process for the protestor and also aligns the County's procedure with how the Williamsburg-James City County General District Court currently handles other parking ticket protest matters.

I recommend approval of the attached ordinance amendment.

ARK/nb  
Parking-mem

Attachments

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN JAMES CITY COUNTY CODE, CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, ARTICLE III, STOPPING, STANDING AND PARKING, SECTION 13-40.5, ISSUANCE OF CITATION; AMOUNT AND PRE-PAYMENT OF FINES; PROTEST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, Article III, Stopping, Standing and Parking, is hereby amended and reordained by amending Section 13-40.5, Issuance of citation; amount and pre-payment of fines; protest.

**Chapter 13. Motor Vehicles and Traffic**

**Article III. Stopping, Standing and Parking**

Sec. 13-40.5. Issuance of citation; amount and pre-payment of fines; protest.

(d) Every person charged with a violation of any provision of this Article or of any parking provision of this chapter may, before the issuance of a summons pursuant to section 13-40.6, elect to contest the charge by filing a written protest and a copy of the relevant traffic citation with the ~~county treasurer~~ *clerk of the general district court for the county*. Such protest shall identify the charge by traffic citation number and date of issue and shall be signed by the party charged. ~~All parking citations contested pursuant to this section shall be certified in writing, upon an appropriate form, to the clerk of the general district court for the county by the county treasurer.~~ The clerk shall thereupon establish a hearing date and give written notification of the date and time of the hearing to the protestor, the county treasurer, and the law enforcement officer who issued the citation. If the general district court finds the protestor guilty, the fine imposed shall be as specified herein as applicable to payment made more than five days after the date of the violation, and the protestor shall pay all court costs resulting from the proceeding.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2016.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN JAMES CITY COUNTY CODE, CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, ARTICLE III, STOPPING, STANDING AND PARKING, SECTION 13-40.5, ISSUANCE OF CITATION; AMOUNT AND PRE-PAYMENT OF FINES; PROTEST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, Article III, Stopping, Standing and Parking, is hereby amended and reordained by amending Section 13-40.5, Issuance of citation; amount and pre-payment of fines; protest.

**Chapter 13. Motor Vehicles and Traffic**

**Article III. Stopping, Standing and Parking**

Sec. 13-40.5. Issuance of citation; amount and pre-payment of fines; protest.

- (d) Every person charged with a violation of any provision of this Article or of any parking provision of this chapter may, before the issuance of a summons pursuant to section 13-40.6, elect to contest the charge by filing a written protest and a copy of the relevant traffic citation with the clerk of the general district court for the county. Such protest shall identify the charge by traffic citation number and date of issue and shall be signed by the party charged. The clerk shall thereupon establish a hearing date and give written notification of the date and time of the hearing to the protestor, the county treasurer, and the law enforcement officer who issued the citation. If the general district court finds the protestor guilty, the fine imposed shall be as specified herein as applicable to payment made more than five days after the date of the violation, and the protestor shall pay all court costs resulting from the proceeding.

Parking-ord-final

**ITEM SUMMARY**

DATE: 10/11/2016

TO: The Board of Supervisors

FROM: Liz Young, Paralegal

SUBJECT: Ordinance to Amend and Reordain Chapter 11, Health and Sanitation, by repealing Article IV, Smoking

---

This ordinance repeals Article IV, Smoking, in its entirety, as smoking indoors is already regulated by the Virginia Code.

**ATTACHMENTS:**

	Description	Type
▣	Smoking Memo	Cover Memo
▣	Smoking Ordinance	Ordinance
▣	Smoking Ordinance (clean copy)	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	9/23/2016 - 2:54 PM
Publication Management	Burcham, Nan	Approved	9/23/2016 - 2:57 PM
Legal Review	Kinsman, Adam	Approved	9/23/2016 - 2:57 PM
Board Secretary	Fellows, Teresa	Approved	9/28/2016 - 2:49 AM
Board Secretary	Purse, Jason	Approved	10/4/2016 - 8:59 AM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 9:10 AM

**MEMORANDUM**

DATE: October 11, 2016  
TO: The Board of Supervisors  
FROM: Liz Young, Paralegal  
SUBJECT: Ordinance to Amend and Reordain Chapter 11, Health and Sanitation, by repealing Article IV, Smoking

---

Through a review of the County Code, Chapter 11, Health and Sanitation, Article IV, Smoking, was identified as out of date and unnecessary. Smoking is generally regulated by the Virginia Indoor Clean Air Act, §§15.2-2820, *et seq.* of the *Code of Virginia*, 1950, as amended (the “Virginia Code”). No summonses have been issued for enforcement of the smoking regulations in the County Code since 2004 and this article has not been amended since 1990.

The proposed ordinance amendment repeals all of Article IV of County Code Chapter 11 and reserves Sections 11-25 through 11-40.

I recommend approval of the attached ordinance amendment.

LY/nb  
Smoking-mem

Attachments

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN JAMES CITY COUNTY CODE, CHAPTER 11, HEALTH AND SANITATION, REPEALING ARTICLE IV, SMOKING, BY DELETING SECTION 11-25, PURPOSE AND INTENT; SECTION 11-26, DEFINITIONS; SECTION 11-27, SMOKING PROHIBITED IN CERTAIN PUBLIC PLACES; SECTION 11-28, DESIGNATED SMOKING AREAS; SECTION 11-29, WHERE SMOKING IS NOT REGULATED; SECTION 11-30, POSTING OF SIGNS; SECTION 11-31, REGULATION OF SMOKING IN PRIVATE PLACES OF EMPLOYMENT; SECTION 11-32, VIOLATIONS AND PENALTIES, SECTION 11-33, ENFORCEMENT; SECTION 11-34, OTHER APPLICABLE LAWS AND POLICIES; AND SECTION 11-35, SEVERABILITY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Health and Sanitation, is hereby amended and reordained by repealing Article IV, Smoking, by deleting Section 11-25, Purpose and intent; Section 11-26, Definitions; Section 11-27, Smoking prohibited in certain public places; Section 11-28, Designated smoking areas; Section 11-29, Where smoking is not regulated; Section 11-30, Posting of signs; Section 11-31, Regulation of smoking in private places of employment; Section 11-32, Violations and penalties, Section 11-33, Enforcement; Section 11-34, Other applicable laws and policies; and Section 11-35, Severability and by reserving Article IV, Sections 11-25 through 11-35.

**Chapter 11. Health and Sanitation**  
**Article IV. ~~Smoking~~ Reserved**

**~~Sec. 11-25. Purpose and intent.~~**

~~Based on a substantial body of scientific evidence and on the 1986 Report of the Surgeon General entitled, "The Health Consequences of Involuntary Smoking," James City County hereby acknowledges that passively inhaled tobacco smoke poses a potential health hazard. The purpose of this article is to protect the public health, safety and welfare by regulating the smoking of tobacco in designated public places and places of employment in a manner that recognizes the competing interests of smokers and nonsmokers, and the burdens imposed on persons in control of regulated places. The regulations contained herein are intended to be viewed as minimum standards and shall not be construed as limiting, in any manner, the authority of persons in control of public places or places of employment to implement more stringent standards applicable to the particular establishment or place of employment.~~

~~(Ord. No. 116A-19, 9-4-90)~~

**~~Sec. 11-26. Definitions.~~**

~~The following words and phrases shall, for purposes of this article, have the meanings respectively ascribed to them:~~

~~*Bar or lounge area.* Any establishment or portion thereof where one can consume alcoholic beverages and/or hor d'oeuvres, but excluding any such establishment having tables or seating facilities where, in consideration for payment, meals are served.~~

~~*Educational facility.* Any building used for instruction of enrolled students, including, but not limited to, any day care center, nursery school, public or private school, college, university, medical school, law school or vocational school.~~

~~*Health care facility.* Any office, institution, building or agency required to be licensed under Virginia law, including, but not limited to, hospitals, clinics, nursing homes, homes for the aging or chronically ill, supervised living facilities, or ambulatory medical and surgical centers.~~

~~*Person.* Any person, firm, partnership, association, corporation, company or organization of any kind.~~

~~*Private work place.* Any office or work area which is not open to the public in the normal course of business except by individual invitation.~~

~~*Proprietor.* The owner or lessee of the public place who ultimately controls the activities within the public place. The term "proprietor" includes corporations, associations, partnerships and individuals.~~

~~*Public conveyance or public vehicle.* Any air, land or water vehicle used for the mass transportation of persons in intrastate travel for compensation, including, but not limited to, any airplane, train, bus or boat that is not subject to federal smoking regulations.~~

~~*Public place.* Any enclosed, indoor area used by the general public, including, but not limited to any building owned or leased by the commonwealth or any agency thereof or any county, city or town, public conveyance or public vehicle, restaurant, educational facility, hospital, nursing home, other health care facility, library, retail store of 15,000 square feet or more, auditorium, arena, theater, museum, concert hall, or other area used for a performance or an exhibit of the arts or sciences, or any meeting room.~~

~~*Restaurant.* Any building, structure or area where food is available for eating on the premises, in consideration for payment, having seating for 50 or more patrons, excluding any seats in a bar or lounge area or seats in any separate room of a restaurant which is used exclusively for private functions.~~

~~*Smoke or smoking.* The carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling or exhaling of a pipe, cigar or cigarette of any kind.~~

~~*Theater.* Any indoor facility or auditorium open to the public, which is primarily used or designed for the purpose of exhibiting any motion picture, stage production, musical recital, dance, lecture or other similar performance.~~

~~(Ord. No. 116A-19, 9-4-90)~~

**Sec. 11-27. Smoking prohibited in certain public places.**

~~(a) It shall be unlawful for any person to smoke in any of the following public places:~~

- ~~(1) Elevators, regardless of capacity;~~
- ~~(2) Indoor service lines and cashier areas;~~
- ~~(3) Common areas in educational facilities, including, but not limited to, classrooms, hallways, libraries, auditoriums, public meeting rooms and other facilities;~~
- ~~(4) Hospital emergency rooms;~~
- ~~(5) Local or district health departments;~~
- ~~(6) Designated no smoking areas in any buildings owned or leased by the commonwealth or any agency thereof, the county, the school board or the James City Service Authority;~~

- ~~(7) Polling rooms; and~~
- ~~(8) School buses and other public conveyances or public vehicles.~~

~~(b) The proprietor or manager shall designate reasonable no smoking areas, considering nature of the use and size of the building, in the following places:~~

- ~~(1) Retail and service establishment of 15,000 square feet or more serving the general public, including, but not limited to, department stores, grocery stores, drug stores, clothing stores and shoe stores;~~
- ~~(2) Rooms in which a public meeting or hearing is being held;~~
- ~~(3) Places of entertainment and cultural facilities, including, but not limited to, theaters, concert halls, gymnasiums, auditoriums, other enclosed arenas, art galleries, libraries and museums;~~
- ~~(4) Indoor facilities used for recreational purposes;~~
- ~~(5) Other public places; and~~
- ~~(6) Any restaurant as defined in this article.~~

~~(Ord. No. 116A-19, 9-4-90)~~

**~~Sec. 11-28. Designated smoking areas.~~**

~~The proprietor or person who manages or otherwise controls any building, structure, space, place or area governed by this article in which smoking is not otherwise prohibited may designate rooms or areas in which smoking is permitted as follows:~~

- ~~(1) Designated smoking areas shall not encompass so much of the building, structure, space, place or area open to the public that reasonable no smoking areas, considering the nature of the use and size of the building, are not provided;~~
- ~~(2) Designated smoking areas shall be separated to the extent reasonably practical from those rooms or areas entered by the public in the normal use of the particular business or institution; and~~
- ~~(3) In designated smoking areas, ventilation systems and existing physical barriers shall be used when reasonably practical to minimize the permeation of smoke into no smoking areas. However, this article shall not be construed as requiring physical modifications or alterations to any structure.~~

~~(Ord. No. 116A-19, 9-4-90)~~

**~~Sec. 11-29. Where smoking is not regulated.~~**

~~This article is not intended to regulate smoking in the following places or under the following conditions:~~

- ~~(1) Bars and lounge areas;~~
- ~~(2) Retail tobacco stores;~~
- ~~(3) Restaurants, conference or meeting rooms, and public or private assembly rooms while these places are being used exclusively for private functions;~~
- ~~(4) Office or work areas which are not entered by the public in the normal course of business or use of the premises;~~

- ~~(5) Areas of enclosed shopping centers or malls that are external to the retail stores and are used by customers as a route of travel from one store to another, and that consist primarily of walkways and seating accommodations; and~~
- ~~(6) Lobby areas of hotels, motels and other establishments open to the public for overnight accommodation.~~

~~(Ord. No. 116A-19, 9-4-90)~~

**~~Sec. 11-30. Posting of signs.~~**

- ~~(a) Any person who owns, manages or otherwise controls any building or area in which smoking is regulated by this article shall post signs conspicuous to public view stating "Smoking Permitted" or "No Smoking" (or a sign displaying the international "No Smoking" symbol, consisting of a pictorial representative of a burning cigarette enclosed in a red circle with a red bar across it). Restaurants subject to the provisions of this article shall post signs conspicuous to public view at or near each public entrance stating "No Smoking" or "No Smoking Section Available." Print on such signs shall be at least one inch in height and the international symbol, if used, shall have a circle of at least four inches in diameter.~~
- ~~(b) "No Smoking" signs may, but are not required to, contain language that smoking is prohibited by ordinance and that violation of the no smoking prohibition is a violation punishable by a fine of \$25.00.~~

~~(Ord. No. 116A-19, 9-4-90; Ord. No. 116A-24, 2-1-93)~~

**~~Sec. 11-31. Regulation of smoking in private places of employment.~~**

- ~~(a) Any employer who owns or operates a business in the county may regulate smoking in the work place, provided:
  - ~~(1) Such regulation does not violate the provisions of any written agreement between employer and employees; and~~
  - ~~(2) A total ban on smoking shall not be enforced by the employer unless a majority of the affected employees vote to approve the ban or such ban is prior condition of employment in an employment contract.~~~~
- ~~(b) This article shall not affect no smoking policies established by employers prior to the effective date of this article.~~

~~(Ord. No. 116A-19, 9-4-90)~~

**~~Sec. 11-32. Violations and penalties.~~**

- ~~(a) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the prohibitions or restrictions of this article to fail to comply with its provisions. Any person who violates the provisions of this article shall be subject to a civil penalty of \$25.00.~~

- ~~(b) It shall be unlawful for any person to smoke in any area prohibited or restricted by the provisions of this article. Any person who continues to smoke in a no smoking area after being asked to refrain from smoking shall be subject to a civil penalty of \$25.00.~~



(Ord. No. 116A-19, 9-4-90)

**Sec. 11-33. Enforcement.**

~~(a) Any citizen who desires to register a complaint under this article may contact the police department or office of building safety and permits who may initiate civil enforcement.~~

~~(b) The director of building safety and permits or duly authorized designee shall perform an evaluation for compliance with all requirements of this article while an establishment is undergoing otherwise mandated inspections. The director of building safety and permits or duly authorized designee may issue a civil summons for any violation under section 11-32(a).~~

~~(c) The police department may issue a civil summons for any violation under section 11-32(b).~~

(Ord. No. 116A-19, 9-4-90; Ord. No. 116A-24, 2-1-93; Ord. No. 116A-39, 7-26-11)

**Sec. 11-34. Other applicable laws and policies.**

~~This article shall not be interpreted or construed to permit smoking where it is otherwise prohibited or restricted by other applicable statutes and ordinances, or the policies of individual establishments.~~

(Ord. No. 116A-19, 9-4-90)

**Sec. 11-35. Severability.**

~~If any part, section, subsection, sentence, clause or phrase of this article is for any reason declared to be unconstitutional or invalid, such judicial decision shall not affect the validity of the remaining portions of this article.~~

(Ord. No. 116A-19, 9-4-90)

**Secs. 11-36~~25~~ - 11-40. Reserved.**

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

MCLENNON  
LARSON  
ONIZUK  
SADLER  
HIPPLE

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

VOTES  
AYE    NAY    ABSTAIN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2016.

Smoking-ord

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN JAMES CITY COUNTY CODE, CHAPTER 11, HEALTH AND SANITATION, REPEALING ARTICLE IV, SMOKING, BY DELETING SECTION 11-25, PURPOSE AND INTENT; SECTION 11-26, DEFINITIONS; SECTION 11-27, SMOKING PROHIBITED IN CERTAIN PUBLIC PLACES; SECTION 11-28, DESIGNATED SMOKING AREAS; SECTION 11-29, WHERE SMOKING IS NOT REGULATED; SECTION 11-30, POSTING OF SIGNS; SECTION 11-31, REGULATION OF SMOKING IN PRIVATE PLACES OF EMPLOYMENT; SECTION 11-32, VIOLATIONS AND PENALTIES, SECTION 11-33, ENFORCEMENT; SECTION 11-34, OTHER APPLICABLE LAWS AND POLICIES; AND SECTION 11-35, SEVERABILITY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Health and Sanitation, is hereby amended and reordained by repealing Article IV, Smoking, by deleting Section 11-25, Purpose and intent; Section 11-26, Definitions; Section 11-27, Smoking prohibited in certain public places; Section 11-28, Designated smoking areas; Section 11-29, Where smoking is not regulated; Section 11-30, Posting of signs; Section 11-31, Regulation of smoking in private places of employment; Section 11-32, Violations and penalties, Section 11-33, Enforcement; Section 11-34, Other applicable laws and policies; and Section 11-35, Severability and by reserving Article IV, Sections 11-25 through 11-35.

**Chapter 11. Health and Sanitation**  
**Article IV. Reserved**

**Secs. 11-25 - 11-40. Reserved.**

Smoking-ord-final

**ITEM SUMMARY**

DATE: 10/11/2016

TO: The Board of Supervisors

FROM: W. Scott Whyte, Senior Landscape Planner II and Ellen Cook, Principal Planner

SUBJECT: ZO-0007-2016, Zoning Ordinance Revisions to Reduce Parking Minimums

---

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Cover Memo
▣	Ordinance (strikeout)	Ordinance
▣	Ordinance (clean)	Exhibit
▣	Unapproved minutes from the September 7 2016 Planning Commission meeting	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	9/23/2016 - 4:33 PM
Development Management	Holt, Paul	Approved	9/23/2016 - 4:34 PM
Publication Management	Burcham, Nan	Approved	9/23/2016 - 4:38 PM
Legal Review	Kinsman, Adam	Approved	10/4/2016 - 3:55 PM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 4:22 PM
Board Secretary	Purse, Jason	Approved	10/4/2016 - 4:35 PM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 4:36 PM

## MEMORANDUM

DATE: October 11, 2016

TO: The Board of Supervisors

FROM: Scott Whyte, Senior Landscape Planner II  
Ellen Cook, Principal Planner

SUBJECT: ZO-0007-2016. Zoning Ordinance Revisions to Reduce Parking Requirements

---

During the 2010-2011 Zoning Ordinance revision process, the Board of Supervisors approved a reduction in off-street parking minimums to reduce impervious cover and eliminate excess parking required for new developments. Since that time, decreasing or eliminating parking minimums has continued to be of interest since it may help to reduce development costs and helps to promote infill and land efficient developments. Such developments can also help preserve the natural environment and community character and they can increase the property's economic development potential. Staff has prepared draft revisions to the parking section of the Zoning Ordinance, which have been reviewed and recommended for approval by the Policy Committee and the Planning Commission.

### **Proposed Changes to Definitions**

1. Retail and Office Floor Area: Staff has proposed to change the definition for retail floor area in Section 24-2 of the Definitions section of the Zoning Ordinance to apply to both retail and office space. Staff has also proposed that the calculation for the retail or office floor area of a building simply use 80% of the total floor area to reduce confusion and the potential for different interpretations of the ordinance. Staff has also proposed a different option for applicants who wish to propose an alternative floor space estimate based on their own calculation for actual retail and office space. Any alternative proposal would need to be approved by the Planning Director.

### **Proposed Changes to Special Regulations**

1. Deleting Section 24-55 (a) (2): Currently, this section of the Ordinance would have the effect of prohibiting an otherwise by-right use from occurring in an existing building if the existing parking lot is otherwise non-conforming as to the minimum number of spaces provided. In order to promote redevelopment and the revitalization of existing buildings, staff proposes to delete this requirement.
2. Residential Uses: Currently, Section 24-59 (a) (1) for residential dwellings with multi-family units of two or more bedrooms requires 2.5 spaces for each townhouse unit and 2.2 spaces for each two or more bedroom apartment. Staff has proposed amending the table in Section 24-59 to change the parking requirements for townhomes and multi-family units to 1.25 spaces for multi-family dwellings up to 500 square feet, 1.5 spaces for multi-family dwellings of more than 500 square feet and 2 spaces for each two-bedroom or more unit over 500 square feet. Staff has also proposed additional guest parking for developments where parking is only offered on individual lots at a rate of 1 guest space per every 4 units. Staff contacted staff at Albemarle County and found that these minimums have served Albemarle well and they have no plans to revise them.
3. Barber Shops and Beauty Parlors: James City County requires at least 3 spaces, plus 2 spaces for every chair per Section 24-59 (b) (2). Staff referenced the City of Williamsburg, York County and Albemarle County. Williamsburg and Albemarle County both use 1 space for every 200 square feet of floor area, with Albemarle adding another space for each employee. York County requires either one space for every 200

square feet or 2 spaces per chair whichever is greatest. Comparing James City County to these other localities, staff finds that the County's parking minimums for beauty parlors and barber shops is slightly higher than the surrounding localities. Therefore, staff is proposing to lower the minimum to 3 spaces for the first chair and 2 spaces for each additional chair.

4. Nursing Homes: Section 24-59 (b) (10) requires nursing homes to have 1 space for every 4 residents and 1 space for each employee on the largest shift. Staff has proposed amending the parking requirements for this use by breaking it into Assisted Living, Independent Living and Skilled Nursing categories with separate parking minimums for each new use.
5. Shared Parking: Shared parking of Section 24-59 (e) is one method that the County currently uses to reduce parking spaces, while still providing adequate parking for the proposed land uses. Staff has proposed to add residential uses to the agreement and remove the word "both" to allow for all proposed uses to be evaluated for shared parking agreements.
6. Mass Transit Plan: Currently, Section 24-59 (f) offers a reduction in minimum parking upon the approval of a mass transportation or alternative transportation plan. Staff proposes to amend this section of the Zoning Ordinance to eliminate the need for the applicant to show a reserve area, the need to have the Planning Director review the proposal every two years and the need to install the reduced parking if the proposal does not meet the projections of the parking study.
7. Appeals: The minimum parking appeals process in Section 24-59 (h) as currently written, allows an applicant to appeal for a change of a commercial use from Category A to Category B if it can be shown that the proposed use will not generate the amount of parking that is required in its present classification. Staff has proposed to amend the process to allow for the reduction of parking in any category to a lesser requirement and to change the wording that requires the burden of proof to be on the applicant to simply state that the applicant shall show that the proposed parking will be sufficient.

### **Recommendation**

On September 7, 2016, the Planning Commission voted to recommend approval of the above amendments by a vote of 7-0. Staff recommends that the Board of Supervisors approve the attached amendments to the Zoning Ordinance.

SW/EC/nb

ZO-07-16ReductParkReq-mem

### Attachment:

1. Proposed Ordinance (strikethrough version)
2. Proposed Ordinance (clean version)
3. Unapproved minutes from the September 7, 2016, Planning Commission meeting

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-59, MINIMUM OFF-STREET PARKING REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-59, Minimum off-street parking requirements.

**Chapter 24. Zoning**

**Article I. In General**

**Sec. 24-2. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

*Floor area, retail and office.* The total floor area of a commercial building or the commercial portion of a mixed use building, excluding stairwells, elevator shafts, equipment rooms (HVAC, plumbing, electrical, mechanical), storage areas, restrooms, hallways and interior vehicle parking or loading. For the purposes of commercial parking calculations, the applicant shall be responsible for providing the zoning administrator with information detailing the allocation of retail and non-retail space. *For purposes of calculating parking minimums, retail floor area and office floor area shall be defined as either 80% of the gross floor area, or at the request of the applicant, the actual retail or office floor area as shown on floor plans proposed by the applicant. Upon planning director approval, plans shall be binding as to the maximum retail or office floor area used.*

**Article II. Special Regulations**

**Division 2. Highways, Streets, Parking and Loading**

**Sec. 24-55. General provisions.**

- (a) *Certificate of occupancy required and exemptions.* No certificate of occupancy shall be issued for any structure which does not comply with these requirements; however, structures already in use are exempted; provided that:
- (1) Such structure at the time of its erection complied with the provisions of all applicable ordinances of James City County;
  - (2) ~~Exempted buildings remain in continuous use and at no time remain vacant or unused for a continuous period of one year; and~~
  - (3)-(2) No parking lot for any exempted property is enlarged or materially altered. If such a parking lot is to be enlarged or materially altered, the existing parking area as well as the new parking area shall be brought into conformance with this chapter; provided, however, the planning director

may waive the setbacks and geometric design requirements found in sections 24-57 as they apply to existing parking areas, upon finding that the costs of complying with these standards would impose a severe hardship or that insufficient area exists to allow such revision.

For purposes of this section, "enlarged or materially altered" shall mean expansion or change in the parking lot which either increases the number of parking spaces by more than 15% or reduces the landscaped areas of the parking lot by more than 15%. Nothing in this section is intended to prohibit paving or surfacing of parking lots, the installation of curbs or bumpers, or other improvements which do not affect the number of spaces or the areas of the site dedicated to landscaped open space.

**Sec. 24-59. Minimum off-street parking requirements.**

(a) *Residential uses.*

- (1) *Minimum number of resident parking spaces.* The minimum number of off-street parking spaces required for residential uses is provided in the following table.

<b>Type of Residential Unit</b>	<b>Minimum No. of Spaces Required</b>
Single-family Unit	2
Single-family Unit with an accessory apartment	3
<del>Townhouse Unit</del>	<del>2.5</del>
<del>1 Bedroom Apartment</del>	<del>1.5</del>
<del>2 or more Bedroom Apartment</del>	<del>2.2</del>
<i>Multi-family less than or equal to 500 square feet</i>	<i>1.25 *</i>
<i>Multi-family greater than 500 square feet</i>	<i>1.5 *</i>
<i>Multi-family with two or more bedrooms over 500 square feet</i>	<i>2 *</i>
Manufactured Home	2
Other Residential Units	1.5

Spaces in garages shall be counted towards the required minimum number of parking spaces for each dwelling. The parking space within the garage shall be large enough to provide an adequate parking space for a full-size automobile and necessary space for ingress and egress out of the vehicle as determined by the zoning administrator. Building plans shall be submitted that demonstrate the adequacy of the garage(s) for accommodating parking, adequate ingress and egress out of the vehicle and interior access to the residential unit.

*\* In addition, if parking is provided in individual lots rather than in lots or bays that are shared by all units in the development, then one guest space per every four units shall be provided.*

- (b) *Commercial uses.* Commercial and institutional uses shall be divided into various categories according to the parking demand which they generate, as follows:

*Category A - High demand.* High parking demand generators shall provide a minimum of one parking space per 200 square feet of retail and/or office floor area, but not more than 120% of the minimum requirement, to include:

- Convenience stores.
- Dance Halls/Clubs.
- Drug stores.
- Libraries.
- Liquor stores.
- Lodges, civic clubs, fraternal organizations, service clubs and private clubs.
- Post offices.
- Retail food stores, bakeries and fish markets.
- Truck stops.

*Category B - Moderate demand.* Moderate parking demand generators shall provide a minimum of one parking space per 250 square feet of retail and/or office floor area, but not more than 120% of the minimum requirement, to include:

- Arcades.
- All other commercial uses not specified in Category A or C.
- Automobile and trailer sales and service.
- Banks and other financial institutions.
- Billiard parlors and pool rooms.
- Business, governmental and professional offices.
- Laundries and dry cleaners.
- Lumber and building supply.
- Machinery sales and service.
- Photography, artist and sculptor stores and studios.
- Plumbing and electrical supply.
- Retail and service stores, including the following stores: appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel and yard goods.
- Retail stores, general.
- Tire, transmission, glass, body and fender, and other automotive product sales and service.

*Category C - Uses with unique requirements.* Category C uses shall provide minimum parking as stated below but not more than 120% of the minimum requirement:

(1) *Assisted living. One space for every two units, plus one parking space for every six units for visitor parking.*

(+) (2) *Bowling alleys.* Three spaces per alley plus one space for every 200 square feet of accessory business use.



- ~~(2)~~ **(3)** *Barber shops and beauty parlors.* ~~At least three spaces plus two spaces for every barber or beautician chair.~~ *Three spaces for the first barber or beautician chair and two spaces for each additional barber or beautician chair.*
- ~~(3)~~ **(4)** *Furniture and carpet stores and/or show rooms.* One space for every 400 square feet of retail floor area.
- ~~(4)~~ **(5)** *Hospitals.* Two parking spaces for every bed.
  - (6)** *Independent living for seniors.* *One space for every unit, plus one parking space for every six units for visitor parking.*
- ~~(5)~~ **(7)** *Indoor vehicular sales show rooms.* One space for every 400 square feet of retail floor area.
- ~~(6)~~ **(8)** *Medical office/clinic (reference (18) below for Veterinary Hospitals).* Seven spaces per practitioner, or one space per 250 square feet, whichever is greater.
- ~~(7)~~ **(9)** *Mini-storage warehouses.* One space per 100 units, plus two spaces per on-site caretaker residence.
- ~~(8)~~ **(10)** *Mortuaries and funeral homes.* The applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted industry standards, provide information on peak parking demands, shared parking opportunities, hours of operation and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.
- ~~(9)~~ **(11)** *Motels, hotels and tourist homes.* One space per rental unit plus four parking spaces for every 50 rental units plus one space per five persons to the maximum capacity of each public meeting and/or banquet room. Accessory uses (restaurants, bars, etc.) shall provide the number of parking spaces required for those uses individually.
  - ~~(10)~~ *Nursing homes.* ~~One space for every four residents, plus one parking space for each employee on the largest shift.~~
- ~~(11)~~ **(12)** *Outdoor retail sales/display areas.* At least one space per 500 square feet of area.
- ~~(12)~~ **(13)** *Outlet malls.* Five spaces per 1,000 square feet of retail floor area. For the purposes of this provision, an "outlet mall" shall be defined as four or more stores which 1) are physically connected or are otherwise arranged in an integrated manner; 2) share a common parking area; and 3) the majority of the individual stores primarily sell the goods of a single manufacturer or sell returned, discontinued, overstock and/or similar goods.
- ~~(13)~~ **(14)** *Planned shopping centers, excluding outlet malls,* with four or more stores using a common parking lot, shall provide parking spaces according to the following schedule:

<i>Total Retail Floor Area per 1,000 square feet</i>	<i>Number of Spaces per 1,000 square feet</i>
1 to 300,000	4
Over 300,000	4.5

Where a theater or other place of public assembly is proposed in conjunction with any shopping center which contains at least 60,000 square feet of retail floor area, the number of parking spaces required for the theater may be reduced by 25% of what would have been required under subsection (17) below.

- ~~(14)~~ **(15)** *Recreation facilities.* For recreation facilities not listed herein, the applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted national park and recreation standards, provide information on peak parking demands, shared parking opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.
- ~~(15)~~ **(16)** *Rental of rooms.* Rental of rooms to a maximum of three rooms shall provide off-street parking totaling one more parking space than the total number of rooms to be rented.
- ~~(16)~~ **(17)** *Restaurants.* One space for every four seats based upon the maximum seating capacity allowed.
- (18)** *Skilled nursing. One space for every two patient beds.*
- ~~(18)~~ **(19)** *Places of public assembly including houses of worship and public meeting halls.* One parking space per five seats based upon the planned seating capacity. For uses with bench seating, each 24 inches of bench shall be counted as one seat. In calculating the number of seats, all resulting fractions shall be rounded up to the nearest whole number.
- ~~(19)~~ **(20)** *Veterinary hospitals.* Three spaces per examination or treatment room, plus one space per employee on the largest shift.
- (c) *Industrial uses.* Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two employees on the largest shift.
- (d) *All other uses - planning director determination.* Where the required number of parking spaces is not set forth for a particular use in the preceding subsections, where the applicant is uncertain as to final use or size of the structure or where there is no similar general type of use listed, the planning director shall determine the number of spaces to be provided.
- (e) *Shared parking.* Shared use of required parking spaces may be permitted where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. The location of such shared parking area(s) shall also be in compliance with Section 24-55 (b). Shared use of required **residential or** nonresidential parking spaces is allowed if the following documentation is submitted in writing to the planning director as part of the site plan review:

- (1) The names and addresses of the uses and of the owners or tenants that are sharing the parking;
- (2) The location and number of parking spaces that are being shared;
- (3) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both *all proposed* uses; and
- (4) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses and perpetual maintenance of the shared parking facilities. The rights of use of any such lots and pedestrian walkways shall be provided for by ownership, easement or similar recorded covenant or agreement, approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.

(f) *Mass or alternate transportation plans.*

- (1) The minimum number of required parking spaces may be reduced upon the approval of a mass transportation or alternate transportation plan, which details arrangements for the mass or alternate transit of potential visitors to the site, including residents, employees and customers. The plan shall also demonstrate that facilities exist or will be provided to accommodate the safe loading and unloading of mass transit passengers. A facility which provides a safe and comfortable waiting area for passengers shall also be provided.

Such plans shall be subject to the review and approval of the planning director and transit manager prior to the reduction of the number of required parking spaces.

- ~~(2) Each lot for which the minimum number of parking spaces has been reduced shall show a reserve area sufficient in size to accommodate the number of parking spaces which were not required to be constructed.~~
- ~~(3) Every approved mass transportation or alternate transportation plan shall be reviewed by the planning director and transit manager every two years. The purpose of the review is to ascertain whether the plan has the effect of significantly reducing the automobile traffic to and from the site, and whether the reduced number of parking spaces is sufficient to accommodate the automobile traffic to the site. The planning director and the transit manager shall make a determination to this effect.~~
- ~~(4) In the event that the planning director and transit manager determine that an approved mass transportation plan or alternate transportation plan has not had the effect of significantly reducing automobile traffic to a site, and that the reduced number of parking spaces is not sufficient to accommodate the automobile traffic to a site, the owner shall construct the number of parking spaces necessary to meet the minimum required under this ordinance.~~

(g) *Parking Garages.* The maximum parking requirement shall not be applicable for establishments utilizing parking garages.

(h) *Appeals and waivers:*

- (1) *Appeals.* A property owner may appeal for a change of a commercial use from ~~any category to Category A to Category B~~ or a less restrictive requirement; however, ~~the burden of proof shall be upon~~ the applicant ~~to~~ *shall* show that the particular activity will not reasonably generate parking demand sufficient to justify the parking requirement of its present classification. Appeals for changes to parking classifications shall be made to the planning director.
- (2) *Waivers.* A property owner may be granted a waiver by the planning director from the 120% maximum parking capacity if it can be shown that due to unique circumstances a particular activity would be expected to generate more parking demand than that allowed by the maximum parking capacity. The planning director shall make a determination if the requested additional parking is necessary. The applicant shall demonstrate efforts toward utilizing a shared parking agreement or implementing a parking management plan to meet demand. The planning director may place conditions upon the granting of a waiver and may require that the parking area be landscaped in addition to the minimum landscaping requirements. In the event the planning director disapproves plans applicable to this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
LARSON	___	___	___
ONIZUK	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2016.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-59, MINIMUM OFF-STREET PARKING REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-59, Minimum off-street parking requirements.

**Chapter 24. Zoning**

**Article I. In General**

**Sec. 24-2. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Floor area, retail and office. The total floor area of a commercial building or the commercial portion of a mixed use building, excluding stairwells, elevator shafts, equipment rooms (HVAC, plumbing, electrical, mechanical), storage areas, restrooms, hallways and interior vehicle parking or loading. For the purposes of commercial parking calculations, the applicant shall be responsible for providing the zoning administrator with information detailing the allocation of retail and non-retail space. For purposes of calculating parking minimums, retail floor area and office floor area shall be defined as either 80% of the gross floor area, or at the request of the applicant, the actual retail or office floor area as shown on floor plans proposed by the applicant. Upon planning director approval, plans shall be binding as to the maximum retail or office floor area used.

**Article II. Special Regulations**

**Division 2. Highways, Streets, Parking and Loading**

**Sec. 24-55. General provisions.**

(a) *Certificate of occupancy required and exemptions.* No certificate of occupancy shall be issued for any structure which does not comply with these requirements; however, structures already in use are exempted; provided that:

- (1) Such structure at the time of its erection complied with the provisions of all applicable ordinances of James City County;
- (2) No parking lot for any exempted property is enlarged or materially altered. If such a parking lot is to be enlarged or materially altered, the existing parking area as well as the new parking area shall be brought into conformance with this chapter; provided, however, the planning director may waive the setbacks and geometric design requirements found in sections 24-57 as they apply to existing parking areas, upon finding that the costs of complying with these standards would impose a severe hardship or that insufficient area exists to allow such revision.

For purposes of this section, "enlarged or materially altered" shall mean expansion or change in the parking lot which either increases the number of parking spaces by more than 15% or reduces the landscaped areas of the parking lot by more than 15%. Nothing in this section is intended to prohibit paving or surfacing of parking lots, the installation of curbs or bumpers, or other improvements which do not affect the number of spaces or the areas of the site dedicated to landscaped open space.

**Sec. 24-59. Minimum off-street parking requirements.**

(a) *Residential uses.*

- (1) *Minimum number of resident parking spaces.* The minimum number of off-street parking spaces required for residential uses is provided in the following table.

<b>Type of Residential Unit</b>	<b>Minimum No. of Spaces Required</b>
Single-family Unit	2
Single-family Unit with an accessory apartment	3
Multi-family less than or equal to 500 square feet	1.25 *
Multi-family greater than 500 square feet	1.5 *
Multi-family with two or more bedrooms over 500 square feet	2 *
Manufactured Home	2
Other Residential Units	1.5

Spaces in garages shall be counted towards the required minimum number of parking spaces for each dwelling. The parking space within the garage shall be large enough to provide an adequate parking space for a full-size automobile and necessary space for ingress and egress out of the vehicle as determined by the zoning administrator. Building plans shall be submitted that demonstrate the adequacy of the garage(s) for accommodating parking, adequate ingress and egress out of the vehicle and interior access to the residential unit.

\* In addition, if parking is provided in individual lots rather than in lots or bays that are shared by all units in the development, then one guest space per every four units shall be provided.

- (b) *Commercial uses.* Commercial and institutional uses shall be divided into various categories according to the parking demand which they generate, as follows:

*Category A - High demand.* High parking demand generators shall provide a minimum of one parking space per 200 square feet of retail and/or office floor area, but not more than 120% of the minimum requirement, to include:

- Convenience stores.
- Dance Halls/Clubs.
- Drug stores.
- Libraries.

- Liquor stores.
- Lodges, civic clubs, fraternal organizations, service clubs and private clubs.
- Post offices.
- Retail food stores, bakeries and fish markets.
- Truck stops.

*Category B - Moderate demand.* Moderate parking demand generators shall provide a minimum of one parking space per 250 square feet of retail and/or office floor area, but not more than 120% of the minimum requirement, to include:

- Arcades.
- All other commercial uses not specified in Category A or C.
- Automobile and trailer sales and service.
- Banks and other financial institutions.
- Billiard parlors and pool rooms.
- Business, governmental and professional offices.
- Laundries and dry cleaners.
- Lumber and building supply.
- Machinery sales and service.
- Photography, artist and sculptor stores and studios.
- Plumbing and electrical supply.
- Retail and service stores, including the following stores: appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel and yard goods.
- Retail stores, general.
- Tire, transmission, glass, body and fender, and other automotive product sales and service.

*Category C - Uses with unique requirements.* Category C uses shall provide minimum parking as stated below but not more than 120% of the minimum requirement:

- (1) *Assisted living.* One space for every two units, plus one parking space for every six units for visitor parking.
- (2) *Bowling alleys.* Three spaces per alley plus one space for every 200 square feet of accessory business use.
- (3) *Barber shops and beauty parlors.* Three spaces for the first barber or beautician chair and two spaces for each additional barber or beautician chair.
- (4) *Furniture and carpet stores and/or show rooms.* One space for every 400 square feet of retail floor area.
- (5) *Hospitals.* Two parking spaces for every bed.

- (6) *Independent living for seniors.* One space for every unit, plus one parking space for every six units for visitor parking.
- (7) *Indoor vehicular sales show rooms.* One space for every 400 square feet of retail floor area.
- (8) *Medical office/clinic (reference (18) below for Veterinary Hospitals).* Seven spaces per practitioner, or one space per 250 square feet, whichever is greater.
- (9) *Mini-storage warehouses.* One space per 100 units, plus two spaces per on-site caretaker residence.
- (10) *Mortuaries and funeral homes.* The applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted industry standards, provide information on peak parking demands, shared parking opportunities, hours of operation and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.
- (11) *Motels, hotels and tourist homes.* One space per rental unit plus four parking spaces for every 50 rental units plus one space per five persons to the maximum capacity of each public meeting and/or banquet room. Accessory uses (restaurants, bars, etc.) shall provide the number of parking spaces required for those uses individually.
- (12) *Outdoor retail sales/display areas.* At least one space per 500 square feet of area.
- (13) *Outlet malls.* Five spaces per 1,000 square feet of retail floor area. For the purposes of this provision, an "outlet mall" shall be defined as four or more stores which 1) are physically connected or are otherwise arranged in an integrated manner; 2) share a common parking area; and 3) the majority of the individual stores primarily sell the goods of a single manufacturer or sell returned, discontinued, overstock and/or similar goods.
- (14) *Planned shopping centers, excluding outlet malls,* with four or more stores using a common parking lot, shall provide parking spaces according to the following schedule:

<i>Total Retail Floor Area per 1,000 square feet</i>	<i>Number of Spaces per 1,000 square feet</i>
1 to 300,000	4
Over 300,000	4.5

Where a theater or other place of public assembly is proposed in conjunction with any shopping center which contains at least 60,000 square feet of retail floor area, the number of parking spaces required for the theater may be reduced by 25% of what would have been required under subsection (17) below.

- (15) *Recreation facilities.* For recreation facilities not listed herein, the applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted national park and recreation standards, provide information on peak



parking demands, shared parking opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.

- (16) *Rental of rooms.* Rental of rooms to a maximum of three rooms shall provide off-street parking totaling one more parking space than the total number of rooms to be rented.
  - (17) *Restaurants.* One space for every four seats based upon the maximum seating capacity allowed.
  - (18) *Skilled nursing.* One space for every two patient beds.
  - (19) *Places of public assembly including houses of worship and public meeting halls.* One *parking* space per five seats based upon the planned seating capacity. For uses with bench seating, each 24 inches of bench shall be counted as one seat. In calculating the number of seats, all resulting fractions shall be rounded up to the nearest whole number.
  - (20) *Veterinary hospitals.* Three spaces per examination or treatment room, plus one space per employee on the largest shift.
- (c) *Industrial uses.* Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two employees on the largest shift.
  - (d) *All other uses - planning director determination.* Where the required number of parking spaces is not set forth for a particular use in the preceding subsections, where the applicant is uncertain as to final use or size of the structure or where there is no similar general type of use listed, the planning director shall determine the number of spaces to be provided.
  - (e) *Shared parking.* Shared use of required parking spaces may be permitted where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. The location of such shared parking area(s) shall also be in compliance with Section 24-55 (b). Shared use of required residential or nonresidential parking spaces is allowed if the following documentation is submitted in writing to the planning director as part of the site plan review:
    - (1) The names and addresses of the uses and of the owners or tenants that are sharing the parking;
    - (2) The location and number of parking spaces that are being shared;
    - (3) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of all proposed uses; and
    - (4) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses and perpetual maintenance of the shared parking facilities. The rights of use of any such lots and pedestrian walkways shall be provided for by ownership, easement or similar recorded covenant or agreement, approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.

(f) *Mass or alternate transportation plans.*

- (1) The minimum number of required parking spaces may be reduced upon the approval of a mass transportation or alternate transportation plan, which details arrangements for the mass or alternate transit of potential visitors to the site, including residents, employees and customers. The plan shall also demonstrate that facilities exist or will be provided to accommodate the safe loading and unloading of mass transit passengers. A facility which provides a safe and comfortable waiting area for passengers shall also be provided.

Such plans shall be subject to the review and approval of the planning director and transit manager prior to the reduction of the number of required parking spaces.

(g) *Parking Garages.* The maximum parking requirement shall not be applicable for establishments utilizing parking garages.

(h) *Appeals and waivers:*

- (1) *Appeals.* A property owner may appeal for a change of a commercial use from any category to a less restrictive requirement; however, the applicant shall show that the particular activity will not reasonably generate parking demand sufficient to justify the parking requirement of its present classification. Appeals for changes to parking classifications shall be made to the planning director.
- (2) *Waivers.* A property owner may be granted a waiver by the planning director from the 120% maximum parking capacity if it can be shown that due to unique circumstances a particular activity would be expected to generate more parking demand than that allowed by the maximum parking capacity. The planning director shall make a determination if the requested additional parking is necessary. The applicant shall demonstrate efforts toward utilizing a shared parking agreement or implementing a parking management plan to meet demand. The planning director may place conditions upon the granting of a waiver and may require that the parking area be landscaped in addition to the minimum landscaping requirements. In the event the planning director disapproves plans applicable to this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

## **Unapproved Minutes of the September 7, 2016 Planning Commission Meeting**

### **ZO-0007-2016, Zoning Ordinance Revisions to Reduce Parking Requirements**

Mr. Scott Whyte, Senior Landscape Planner, presented a report to the Commission on ordinance amendments to reduce parking minimums. Mr. Whyte stated that Staff has proposed to amend the definition and calculation for retail floor area as it applies to both retail and office space to reduce confusion and the potential for different interpretations of the Ordinance. Mr. Whyte stated that staff has also provided an option for applicants who wish to propose an alternative floor space estimate based on their own calculation for actual retail and office space.

Mr. Whyte stated that staff also proposes deleting the requirements of Section 24-55 (a) (2) so that by-right use of an existing building would not be prohibited by an existing parking lot that is non-conforming as to the minimum number of spaces.

Mr. Whyte stated that staff proposed to change the parking requirements for townhomes and multi-family units to 1.25 spaces for multi-family dwellings up to 500 square feet, 1.5 spaces for multi-family dwellings of more than 500 square feet and two spaces for each two-bedroom or more unit over 500 square feet. Mr. Whyte stated that staff has also proposed additional guest parking for developments where parking is only offered on individual lots at a rate of one guest space per every four units. Mr. Whyte stated that staff contacted a county with similar requirements and found that these minimums have served them well and they have no plans to revise them.

Mr. Whyte stated that staff determined that the County's parking minimums for beauty parlors and barber shops is slightly higher than the surrounding localities. Therefore, staff is proposing to lower the minimum to three spaces for the first chair and two spaces for each additional chair.

Mr. Whyte further stated that staff has proposed amending the parking requirements for this use by breaking it into Assisted Living, Independent Living and Skilled Nursing categories with separate parking minimums for each new use.

Mr. Whyte stated that staff has also proposed changes to the shared parking agreement option to include residential uses and to allow all uses to be evaluated for shared parking agreements. Mr. Whyte stated that changes were also proposed to the Mass Transit Plan requirements and to the appeals process.

Mr. Whyte stated that staff recommends that the Commission recommend approval of the ordinance amendments to the Board of Supervisors.

Mr. O'Connor opened the floor to questions from the Commission.

Mr. O'Connor inquired if the change to the parking requirements would generate an increase in the potential floor space of a building.

Mr. Whyte stated that while it was not part of the discussion, the change in parking minimums could potentially allow for an increase in the floor area.

Mr. Holt stated that he did not anticipate a substantive net impact on building size. Mr. Holt stated that the requirements are minimums and that the amendments are an effort to right-size the requirements. Mr. Holt noted that the amendments are not drastic changes and that, more than anything, it will simplify the calculations and provide owners of retail stores the option not to include storage room space in their calculations.

Mr. Basic inquired if the evolution of the changes was from a redevelopment standpoint to assist with redevelopment on very small parcels.

Mr. Holt stated that the amendments were tweaking the parking standards to bring them in alignment with other similar jurisdictions. Mr. Holt noted that he did not anticipate seeing new forms of development as a result of these changes.

Mr. O'Connor opened the public hearing.

As no one wished to speak, Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Basic commended staff on the efforts to revise and refine the standards for assisted Living, Independent Living and Skilled Nursing categories.

Ms. Robin Bledsoe commended staff on their efforts to refine the requirements for Barber and Beauty shops.

Ms. Bledsoe made a motion to recommend approval of ZO-0007-2016.

On a roll call vote the Commission voted to recommend approval of ZO-0007-2016, Zoning Ordinance Revisions to Reduce Parking Requirements (7-0).

**ITEM SUMMARY**

DATE: 10/11/2016

TO: The Board of Supervisors

FROM: W. Scott Whyte, Senior Landscape Planner II and Ellen Cook, Principal Planner

SUBJECT: ZO-0006-2016, Zoning Ordinance Revisions for Electric Vehicle Charging Stations

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Ordinance (strikeout)	Ordinance
▣	Ordinance (clean)	Exhibit
▣	Unapproved Minutes from the September 7 2016 PC meeting	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	9/23/2016 - 4:29 PM
Development Management	Holt, Paul	Approved	9/23/2016 - 4:29 PM
Publication Management	Burcham, Nan	Approved	9/23/2016 - 4:36 PM
Legal Review	Kinsman, Adam	Approved	10/4/2016 - 8:29 AM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 8:49 AM
Board Secretary	Purse, Jason	Approved	10/4/2016 - 9:02 AM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 9:11 AM

## MEMORANDUM

DATE: October 5, 2016

TO: The Board of Supervisors

FROM: Scott Whyte, Senior Landscape Planner II  
Ellen Cook, Principal Planner

SUBJECT: Case No. ZO-0006-2016. Zoning Ordinance Revisions for Electric Vehicle Charging Stations

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Updating the Zoning Ordinance to allow for electric vehicle charging stations (EVCS) as an accessory use to off-street parking was proposed as part of the Planning Division's 2015-2016 work program at the October 2015 Policy Committee meeting. Since then staff has worked with the Policy Committee on changes to County Code Chapter 24, Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading and Article I, Section 24-2, Definitions, to accommodate this use.

### **Proposed Changes to Definitions**

Staff proposes adding electric vehicle charging station-related definitions to Chapter 24, Article I, In General, Section 24-2, Definitions. This would specifically include a definition for electric vehicle charging stations and the three levels of charging station equipment.

### **Proposed Changes to Special Regulations**

Staff has proposed to add a new section to Chapter 24, Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, to specify new regulations for EVCS. The following items are included in the attached ordinance.

1. Staff has proposed to allow the addition of EVCS as an accessory use to off-street parking to allow applicants to install EVCS to new parking lots and add them in existing parking facilities.
2. In order to facilitate the installation of EVCS, staff has proposed to allow developers to count these spaces toward parking minimums.
3. Staff has proposed regulations to require at least one Americans with Disabilities Act (ADA) accessible EVCS for each parking lot that contains one or more EVCS.
4. Staff has proposed that EVCS can be screened using existing parking lot landscaping ordinance requirements for new parking lot facilities. Existing facilities that are proposed to be retrofitted with an EVCS facility may need to add additional landscaping to fulfill screening requirements as determined by the Planning Director.
5. Staff has proposed that existing parking lot lighting requirements for facilities that operate at night can be used to ensure adequate lighting at night for EVCS. EVCS that are retrofitted into existing parking lots may need to add additional lighting as determined by the Planning Director.

**Recommendation**

On September 7, 2016, the Planning Commission voted to recommend approval of the amendments by a vote of 7-0. Staff recommends that the Board of Supervisors approve the attached ordinance.

SW/EC/nb  
ZORevEVCSII-mem

Attachments:

1. Ordinance Section 24-2, Definitions and Chapter 24, Division 2, Highways, Streets, Parking and Loading (strikethrough version)
2. Ordinance Section 24-2, Definitions and Chapter 24, Division 2, Highways, Streets, Parking and Loading (clean version)
3. Unapproved minutes from the September 7, 2016, Planning Commission meeting

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING AND ADDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-63, SPECIAL PROVISIONS FOR ELECTRIC VEHICLE CHARGING STATIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending and adding Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-63, Special provisions for electrical vehicle charging stations.

**Chapter 24**

**ARTICLE I. IN GENERAL**

**Sec. 24-2. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

**E**

*Electric vehicle charging station. An Electric Vehicle Charging Station (EVCS) is an appliance that supplies energy to recharge electric vehicle batteries. There are three types of EVCS equipment available for residential and/or commercial use.*

- 1) *Level 1. Level 1 charging systems can be plugged into most grounded electrical outlets and is rated for 15 amperes at 120 volts.*
- 2) *Level 2. Level 2 charging systems require a dedicated circuit between 30 and 60 amperes.*
- 3) *Level 3. Level 3 charging systems are for commercial use and the only level permitted for commercial use. This system requires a dedicated circuit and with amperes ratings and voltage requirement determined by the manufacturer's specifications.*



**Chapter 24**

**ARTICLE II. SPECIAL REGULATIONS**

**DIVISION 2. HIGHWAYS, STREETS, PARKING AND LOADING**

***Sec. 24 -63. Special provisions for electric vehicle charging stations.***

*Electric vehicle charging stations of any level shall be permitted as an accessory use to off-street parking in all zoning districts. The stations shall comply with the following:*

- a) Parking spaces designated for electric vehicle charging stations may be used in the calculation for meeting minimum parking requirements.*
- b) At least one space designated for an electric vehicle charging station per parking lot shall be ADA-accessible, but it shall not be designated as exclusively for use by persons with disabilities.*
- c) All electric vehicle charging stations shall be screened from outside of the parking lot with landscaping, fencing or berms. The screening requirements may be achieved through the landscape regulations in section 24-99 for parking lot landscaping. Electric vehicle charging stations that are proposed to be retrofitted to existing parking lots may require additional landscaping to achieve the screening required as determined by the director of planning.*
- d) All electric vehicle charging stations shall have adequate lighting in accordance with division 7 if they are to operate at night. Required lighting for parking lots that operate at night may be used to achieve this purpose; however, when electric vehicle charging stations are retrofitted into existing parking lots additional lighting may be required as determined by the planning director.*

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 5th day of October, 2016.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING AND ADDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-63, SPECIAL PROVISIONS FOR ELECTRIC VEHICLE CHARGING STATIONS.

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- 2) *Level 2.* Level 2 charging systems require a dedicated circuit between 30 and 60 amperes.
- 3) *Level 3.* Level 3 charging systems are for commercial use and the only level permitted for commercial use. This system requires a dedicated circuit and with amperes ratings and voltage requirement determined by the manufacturer's specifications.

## **Chapter 24**

### **ARTICLE II. SPECIAL REGULATIONS**

#### **DIVISION 2. HIGHWAYS, STREETS, PARKING AND LOADING**

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- c) All electric vehicle charging stations shall be screened from outside of the parking lot with landscaping, fencing or berms. The screening requirements may be achieved through the landscape regulations in section 24-99 for parking lot landscaping. Electric vehicle charging stations that are proposed to be retrofitted to existing parking lots may require additional landscaping to achieve the screening required as determined by the director of planning.
- d) All electric vehicle charging stations shall have adequate lighting in accordance with division 7 if they are to operate at night. Required lighting for parking lots that operate at night may be used to achieve this purpose; however, when electric vehicle charging stations are retrofitted into existing parking lots additional lighting may be required as determined by the planning director.

## **Unapproved Minutes of the September 7, 2016 Planning Commission Meeting**

### **ZO-0006-2016, Zoning Ordinance Revisions for Electric Vehicle Charging Stations**

Mr. Scott Whyte, Senior Landscape Planner, presented a report to the Commission on an ordinance amendment to allow for electric vehicle charging stations (EVCS) as an accessory use to off-street parking. Mr. Whyte referred to Section 24-2, Definitions. This would specifically include a definition for electric vehicle charging stations and the three levels of charging station equipment. Mr. Whyte further stated that the proposed amendment would add EVCS as an accessory use to off-street parking and allow applicants to install EVCS in new parking lots and add them in existing parking facilities. Mr. Whyte noted that these spaces would count toward parking minimums. Mr. Whyte further noted that the proposed regulations would require at least one ADA accessible EVCS for each parking lot that contains one or more EVCS. Mr. Whyte stated that new EVCS would be subject to the screening and lighting requirements of the existing parking lot landscaping and lighting ordinances and that retrofitted EVCS may be subject to additional requirements as determined by the Planning Director.

Mr. Whyte stated that on June 16, 2016, the Policy Committee voted to recommend approval of the above amendments. Mr. Whyte further stated that staff recommends that the Planning Commission recommend approval of the amendment to the Board of Supervisors.

Mr. Chris Basic inquired if the requirement for one EVCS to be ADA accessible would increase the requirement for the number of ADA accessible spaces.

Mr. Whyte responded that the ADA requirements would not increase. Mr. Whyte noted that the EVCS would not be exclusively ADA accessible use.

Mr. O'Connor opened the public hearing.

As no one wished to speak, Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Heath Richardson commended staff for their work on this ordinance amendment. Mr. Richardson noted that he is pleased that the County is being forward thinking and establishing this use. Mr. Richardson stated that he supports the amendment.

Mr. Basic made a motion to recommend approval of ZO-0006-2016.

On a roll call vote the Commission voted to recommend approval of ZO-0006-2016, Zoning Ordinance Revisions for Electric Vehicle Charging Stations (7-0).

**ITEM SUMMARY**

DATE: 10/11/2016  
TO: The Board of Supervisors  
FROM: Savannah Pietrowski, Planner  
SUBJECT: SUP-0025-2016, Richardson Family Subdivision

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**ATTACHMENTS:**

	Description	Type
▣	Staf Report	Staff Report
▣	Resolution	Resolution
▣	Location Map	Backup Material
▣	Family Subdivision Affidavit	Backup Material
▣	Preliminary Plat	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	9/23/2016 - 2:38 PM
Development Management	Holt, Paul	Approved	9/23/2016 - 2:38 PM
Publication Management	Burcham, Nan	Approved	9/23/2016 - 2:52 PM
Legal Review	Kinsman, Adam	Approved	9/23/2016 - 2:59 PM
Board Secretary	Fellows, Teresa	Approved	9/28/2016 - 2:49 AM
Board Secretary	Purse, Jason	Approved	10/4/2016 - 9:02 AM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 9:11 AM

**SPECIAL USE PERMIT-0025-2016. Richardson Family Subdivision**

**Staff Report for the October 11, 2016, Board of Supervisors Public Hearing**

**SUMMARY FACTS**

Applicant: Mr. Gary Richardson  
Land Owners: Mr. and Mrs. Langdon and Janice Richardson  
Proposal: A family subdivision to create one lot that is less than three acres in size.  
Locations: 2653 Jolly Pond Road  
Tax Map/Parcel No.: 3520100006  
Project Acreage: +/- 30.81 acres  
Zoning: A-1, General Agricultural  
Comprehensive Plan: Rural Lands  
Primary Service Area: Outside  
Staff Contact: Savannah Pietrowski, Planner

**PUBLIC HEARING DATES**

Board of Supervisors: October 11, 2016, 6:30 p.m.

**FACTORS FAVORABLE**

1. Staff finds that the proposal will not negatively impact surrounding zoning and development.

2. The proposal is consistent with the recommendations of the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way."

**FACTORS UNFAVORABLE**

Staff finds that there are no unfavorable factors.

**SUMMARY STAFF RECOMMENDATION**

Approval, subject to the conditions in the attached resolution.

**PLANNING COMMISSION RECOMMENDATION**

Family subdivisions do not require Planning Commission review.

**PROJECT DESCRIPTION**

Mr. Gary Richardson has applied for a Special Use Permit (SUP) to allow for a family subdivision of a lot less than three acres in size.

On property zoned A-1, General Agricultural, the minimum lot size for single-family dwellings is generally three acres. However, Section 24-214 of the Zoning Ordinance allows for a minimum lot size of less than three acres, but more than one acre, if the creation of the lot is for use by a member of the owner's immediate family and an SUP is approved by the Board of Supervisors.

The existing parent parcel is 30.81 acres in size and owned by the parents of Mr. Richardson. The new lot is proposed to be approximately 1.01 acres and would be transferred to Mr. Gary Richardson.

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**SPECIAL USE PERMIT-0025-2016. Richardson Family Subdivision**

**Staff Report for the October 11, 2016, Board of Supervisors Public Hearing**

**PLANNING AND ZONING HISTORY**

- The Board of Supervisors approved Case No. SUP-0011-1998 on April 28, 1998. This application was for a family subdivision, which created a lot less than three acres in size for another son of Mr. and Mrs. Richardson.

**SURROUNDING ZONING AND DEVELOPMENT**

- All surrounding properties are zoned A-1, General Agricultural. These properties are either undeveloped or contain single-family homes, many with small-scale agriculture.

**COMPREHENSIVE PLAN**

- The property is designated Rural Lands on the Comprehensive Plan Land Use Map, as are all surrounding properties.
- Principal suggested uses for Rural Lands include agricultural and forestal activities. Residential uses should be at a very low density. All uses should be compatible with the natural and rural character of the area and should be in accordance with the Rural Lands Development Standards in the Comprehensive Plan.
- Staff finds that the proposal is not in conflict with the rural character of the area, and is compatible with the Comprehensive Plan.

**PUBLIC IMPACTS**

1. Anticipated impact on public facilities and services:
  - a. *Streets.* None. Proposed access to the lot would be from an existing gravel driveway on the property.

- b. *Schools/Fire.* Anticipated impacts are those typically associated with a single-family residence.
- c. *Utilities.* None. The new lot would be served by private well and septic. The Health Department will review soils information prior to final subdivision approval.

2. Environmental/Cultural/Historical: None. This portion of the property has been previously disturbed for agricultural use.
3. Nearby and Surrounding Properties: None. As most surrounding properties are either undeveloped or also used for single-family residences, staff finds that the proposal would not negatively impact the surrounding properties.

**PROPOSED CONDITIONS**

- Should this family subdivision be approved, staff has proposed a condition requiring the applicant to obtain final subdivision approval within 24 months.

**STAFF RECOMMENDATION**

Approval, subject to the conditions in the attached resolution.

SP/nb  
SUP25-16Richardson

Attachments:

1. Resolution
2. Location map
3. Family Subdivision Affidavit
4. Preliminary Plat

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

## RESOLUTION

### CASE NO. SUP-0025-2016. RICHARDSON FAMILY SUBDIVISION

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Langdon and Janice Richardson (the “Owners”) own a parcel of property located at 2653 Jolly Pond Road, further identified as James City County Real Estate Tax Map Parcel No. 3520100006, (the “Property”); and

WHEREAS, Mr. Gary Richardson, son of the Owners, has requested an SUP to allow for a family subdivision to create one additional lot on the Property less than three acres in size in an A-1, General Agricultural District; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing was conducted on Case No. SUP-0025-2016; and

WHEREAS, the Board of Supervisors is of the opinion that the SUP to allow for the above-mentioned family subdivision is consistent with good zoning practice and should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-0025-2016 as described herein with the following conditions:

1. *Plan*: This SUP shall be valid for a family subdivision for the creation of no more than one new lot of less than three acres in size and provided no lot is less than one acre in size (the “Subdivision”). The Subdivision shall be generally as shown on the plan drawn by Sebert Surveying and Layout, LLC, titled “Plat of Family Subdivision and Highway Dedication Being 30.81 acres Standing in the Name of Langdon H. and Janice E. Richardson” and dated June 15, 2016.
2. *Commencement*: Final subdivision approval must be received from the County within 24 months from the issuance of this SUP or the permit shall become void.
3. *Severance Clause*: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	___	___	___
LARSON	___	___	___
ONIZUK	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___

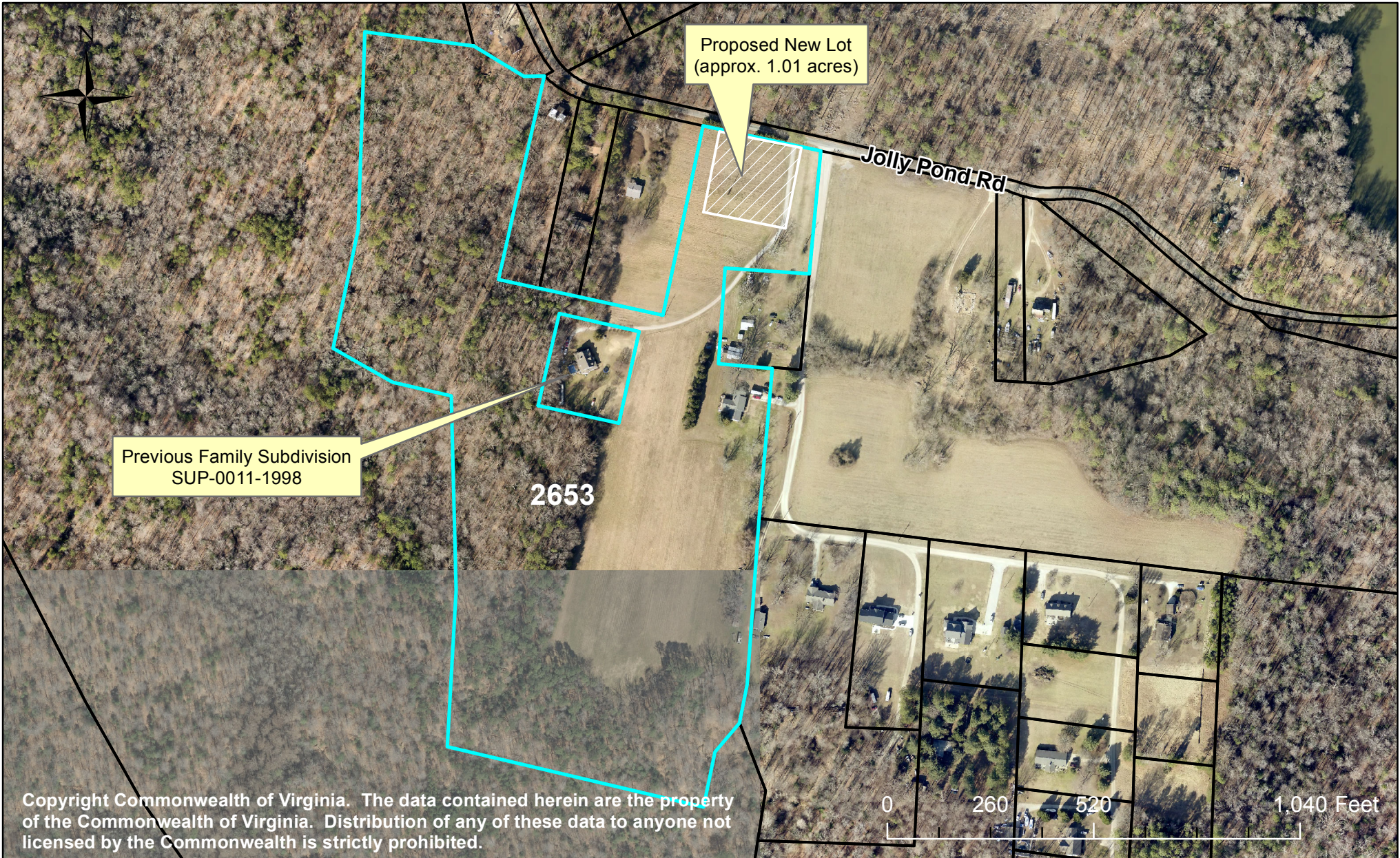
Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2016.

SUP25-16Richardson-res



# JCC-SUP-0025-2016

## Richardson Family Subdivision







**County of James City, Virginia - Family Subdivision Affidavit**

September 6, 2016

I/we, Langdon H. Richardson, own a parcel of property consisting of 30.81 acres and located at 2653 Jolly Pond Road and further identified as James City County Real Estate Tax Map No. 3520100006 (the "Property"). I/we hereby request that James City County, Virginia, approve a family subdivision of the Property into a total of two (2) parcel(s), in the specific location and sizes as shown on a plat entitled "Plat of Family Subdivision and Highway Dedication Being 30.81 acres Standing in the name of Langdon H. and Janice E. Richardson", made by Sebert Surveying and Layout, LLC, and dated June 15, 2016 (the "Family Subdivision Plat").

This family subdivision is being made for the purpose of transferring a lot by sale or gift to: Gary Richardson, who is my/our son, and is not made for the purpose of circumventing any of the provisions of the Code of the County of James City, Virginia. It is my/our intention that the deed(s) of transfer will be drawn and duly recorded as soon as reasonably possible subsequent to the approval of the Family Subdivision Plat.

Langdon H. Richardson  
Owner

\_\_\_\_\_  
Owner

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY of James City, to-wit:

The foregoing Affidavit was acknowledged before me this 6 day of September, 2016 by, Langdon H. Richardson, owner(s).

My Commission expires: 12/31/16

Beth Klapper  
Notary Public

Notary No. 7182762

**Beth Klapper**  
**Notary Public No.: 7182762**  
**Commonwealth of Virginia**  
**My Commission Expires:**  
12-31-16

Prepared by and return to:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

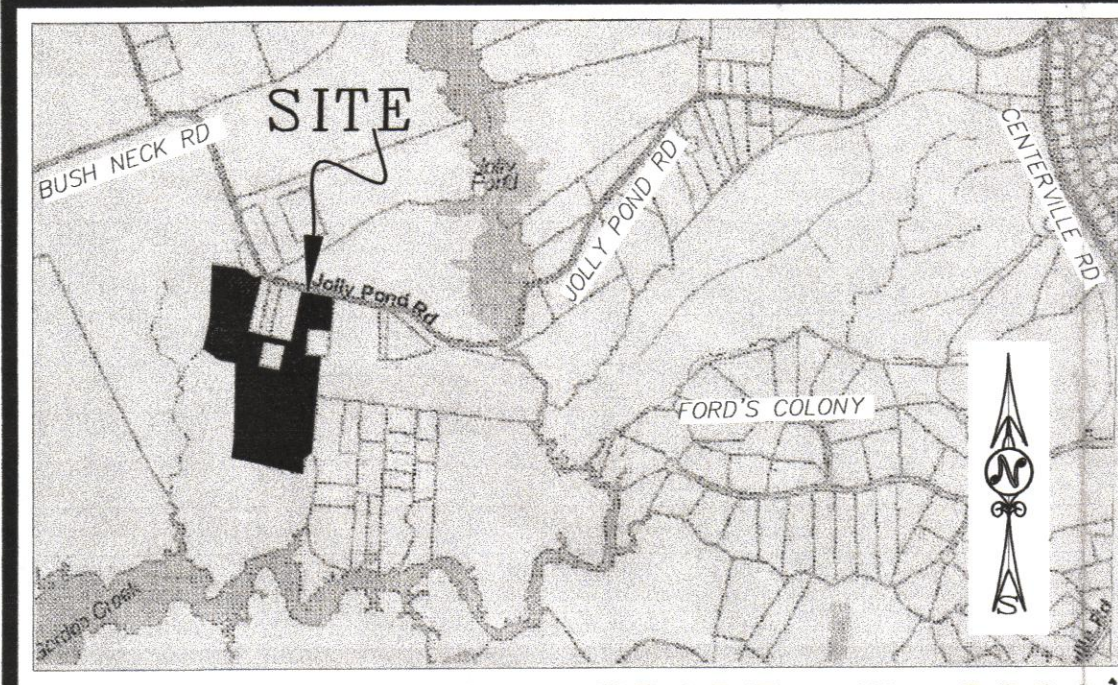


S-0025-2016 / JWP-0013-2016

PLANNING DIVISION

AUG 05 2016

RECEIVED



VICINITY MAP - SCALE: 1" = 2000'

**CERTIFICATION OF SOURCE OF TITLE**  
 THE PROPERTY SHOWN ON THIS PLAT AND IDENTIFIED AS "BEING 30.81 ACRES STANDING IN THE NAME OF LANGDON H. AND JANICE E. RICHARDSON" WAS CONVEYED BY EVELYN WARBURTON HARRIS TO LANGDON H. AND JANICE E. RICHARDSON (HUSBAND AND WIFE) BY DEED DATED JANUARY 31, 1966 AND RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OF JAMES CITY AS DB 105 PAGE 171.

**OWNER'S CERTIFICATE**  
 THE FAMILY SUBDIVISION AND HIGHWAY DEDICATION SHOWN ON THIS PLAT AND KNOWN AS "BEING 30.81 ACRES STANDING IN THE NAME OF LANGDON H. AND JANICE E. RICHARDSON" IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES.

SIGNATURE (LANGDON H. RICHARDSON) \_\_\_\_\_ DATE \_\_\_\_\_  
 SIGNATURE (JANICE E. RICHARDSON) \_\_\_\_\_ DATE \_\_\_\_\_

**CERTIFICATE OF NOTARIZATION**  
 COMMONWEALTH OF VIRGINIA  
 CITY/COUNTY OF \_\_\_\_\_  
 I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID. GIVEN UNDER MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

SIGNATURE \_\_\_\_\_  
 MY COMMISSION EXPIRES \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA. REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

06/15/2016  
 A.D. SEBERT, L.S. DATE

PROPOSED WELL SITE TO BE:  
 -MINIMUM OF 100' FROM DRAINFIELD  
 -MINIMUM OF 25' FROM OVERHEAD ELECTRIC LINES  
 -MINIMUM OF 50' FROM ADJACENT CROPLANDS

PARCEL "A"  
 N/F ROY RICHARDSON  
 TAX ID: 352010006B  
 2651 JOLLY POND ROAD  
 INST NO: 980017812  
 PB 70 PG 62

AREA CALCULATIONS	
<b>ORIGINAL AREA</b>	
PARENT TRACT	30.81 AC±
<b>NEW AREA</b>	
PARENT TRACT	29.80 AC±
PARCEL "B"	1.01 AC± (44,100 SF±)
TOTAL	30.81 AC±

- GENERAL NOTES:**
1. THE SUBDIVISION SHOWN HEREON IS PART OF ASSESSOR'S PARCEL 3520100006 AND THE CURRENT ADDRESS IS #2653 JOLLY POND ROAD.
  2. THE PROPERTY IS NOT SERVED BY PUBLIC WATER AND SEWER.
  3. THE PROPERTY IS CURRENTLY ZONED A1
  4. THE PROPERTY LIES IN FLOODZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% CHANCE FLOODPLAIN) PER F.I.R.M. 51095C0065D. EFFECTIVE DATE 12/16/15.
  5. THE TOTAL AREA OF PARENT TRACT IS 30.81 ACRES ±.
  6. MINIMUM BUILDING SETBACK LINES:  
 FRONT = 75'  
 SIDE = 15'  
 REAR = 35'
  7. ALL UTILITIES SHALL BE PLACED UNDERGROUND IN ACCORDANCE WITH SECTION 19-33 OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE.
  8. ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY CODE.
  9. WETLANDS AND LAND WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT THOSE ACTIVITIES PERMITTED BY SECTION 23-9(c)(1) OF THE JAMES CITY COUNTY CODE.
  10. UNLESS OTHERWISE NOTED, ALL DRAINAGE EASEMENTS DESIGNATED ON THIS PLAT SHALL REMAIN PRIVATE.
  11. THERE ARE NO JAMES CITY COUNTY GEODETIC CONTROL MONUMENTS IN THE AREA OF THIS SURVEY.
  12. PROPOSED DRAINFIELD LOCATIONS ARE BASED UPON MARKERS SET BY "ADAM'S SEPTIC EVALUATION AND DESIGN, LLC"

THIS SUBDIVISION IS APPROVED FOR INDIVIDUAL ONSITE SEWAGE SYSTEMS IN ACCORDANCE WITH THE PROVISIONS OF THE CODE OF VIRGINIA, AND THE SEWAGE HANDLING AND DISPOSAL REGULATIONS (12 VAC 5-610-10 ET SEQ., THE "REGULATIONS").

THIS SUBDIVISION WAS SUBMITTED TO THE HEALTH DEPARTMENT FOR REVIEW PURSUANT TO 32.1-163.5 OF THE CODE OF VIRGINIA WHICH REQUIRES THE HEALTH DEPARTMENT TO ACCEPT PRIVATE SOIL EVALUATIONS AND DESIGNS FROM AN AUTHORIZED ONSITE SOIL EVALUATOR (AOSE) OR A PROFESSIONAL ENGINEER WORKING IN CONSULTATION WITH AN AOSE FOR RESIDENTIAL DEVELOPMENT. THE DEPARTMENT IS NOT REQUIRED TO PERFORM A FIELD CHECK OF SUCH EVALUATIONS. THIS SUBDIVISION IS CERTIFIED AS BEING IN COMPLIANCE WITH THE BOARD OF HEALTH'S REGULATIONS BY: ADAM C. HERMAN, AOSE #185. THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THAT CERTIFICATION.

PURSUANT TO SECTION 360 OF THE REGULATIONS THIS APPROVAL IS NOT AN ASSURANCE THAT SEWAGE DISPOSAL SYSTEM CONSTRUCTION PERMITS WILL BE ISSUED FOR ANY LOT IN THE SUBDIVISION UNLESS THAT LOT IS SPECIFICALLY IDENTIFIED AS HAVING AN APPROVED SITE FOR AN ONSITE SEWAGE DISPOSAL SYSTEM, AND UNLESS ALL SITE CONDITIONS AND CIRCUMSTANCES ARE PRESENT AT THE TIME OF APPLICATION FOR A PERMIT AS ARE PRESENT AT THE TIME OF THIS APPROVAL. THIS SUBDIVISION MAY CONTAIN LOTS THAT DO NOT HAVE APPROVED SITES FOR ONSITE SEWAGE SYSTEMS.

THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THE CERTIFICATION THAT THE APPROVED LOTS ARE SUITABLE FOR GENERALLY APPROVED SYSTEMS, HOWEVER ACTUAL SYSTEM DESIGNS MAY BE DIFFERENT AT THE TIME CONSTRUCTION PERMITS ARE ISSUED. RESIDENTIAL SEWAGE FLOWS (BASED UPON THE NUMBER OF BEDROOMS PROPOSED) WILL BE DETERMINED AT THE TIME OF APPLICATION FOR INDIVIDUAL ONSITE SEWAGE DISPOSAL SYSTEM PERMITS AND THE DEPARTMENT'S PERMIT MAY DIFFER FROM THE CONSULTANT'S ABBREVIATED DESIGN PROPOSALS.

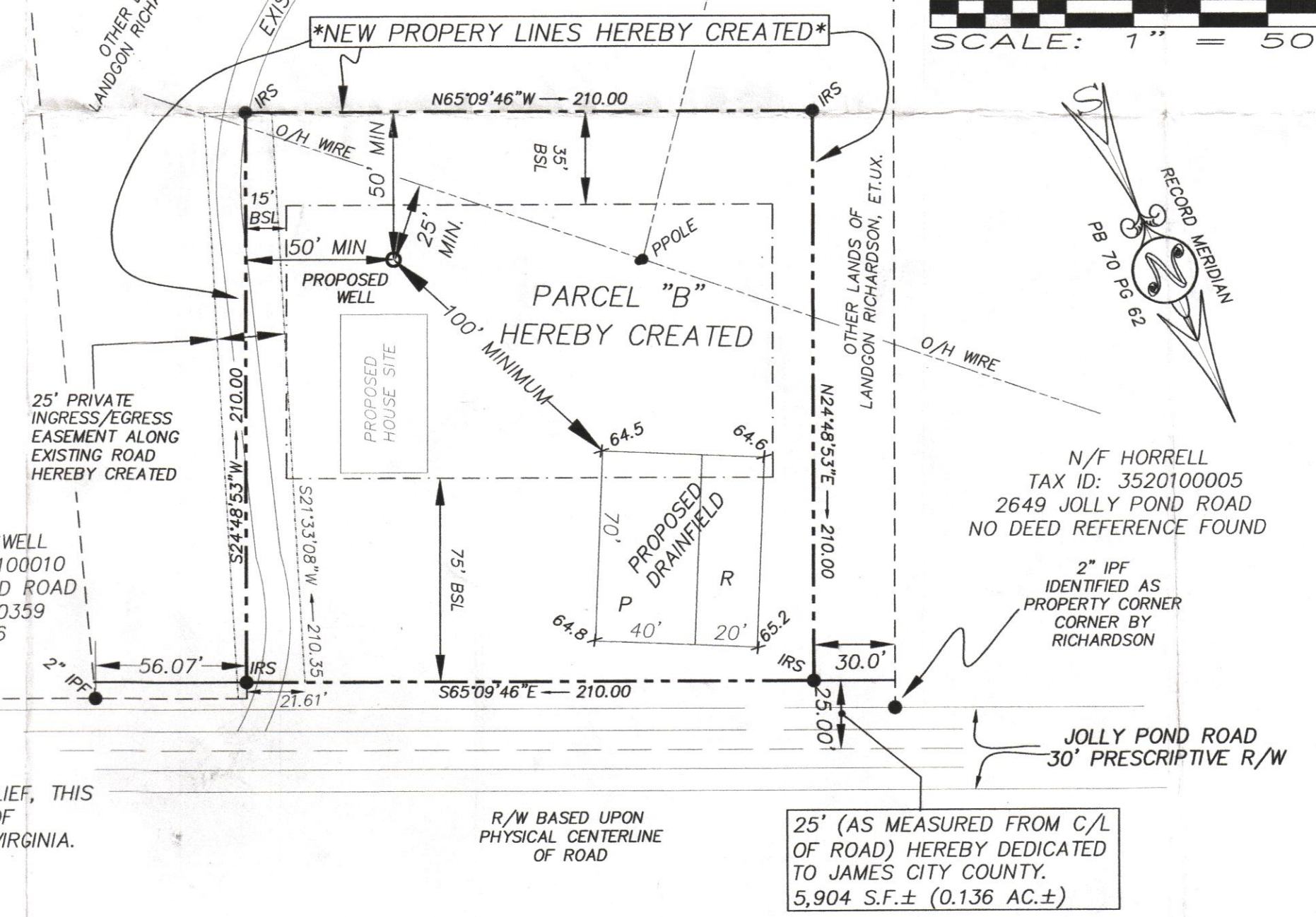
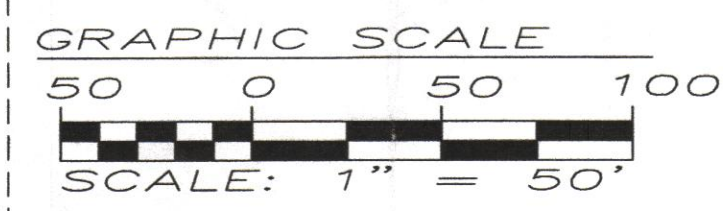
ON-SITE SEWAGE DISPOSAL SYSTEM INFORMATION AND SOILS INFORMATION SHOULD BE VERIFIED AND REEVALUATED BY THE HEALTH DEPARTMENT PRIOR TO ANY NEW CONSTRUCTION.

ON-SITE SEWAGE DISPOSAL SYSTEMS SHALL BE PUMPED OUT AT LEAST ONCE EVERY FIVE YEARS PER SECTION 23-9(b)(6) OF THE JAMES CITY COUNTY CODE.

MONUMENTS SHALL BE SET IN ACCORDANCE WITH SECTIONS 19-34 THROUGH 19-36 OF THE COUNTY CODE. SUBSEQUENT TO COMPLETION OF ALL IMPROVEMENTS, BUT PRIOR TO FINAL RELEASE OF SURETY FOR A SUBDIVISION OR ANY PART THEREOF, THE SUBDIVIDER SHALL PROVIDE TO THE AGENT A SURVEYOR'S CERTIFICATE THAT THE MONUMENTS AS SHOWN ON THE RECORD PLAT HAVE BEEN INSTALLED, WERE PROPERLY SET, ARE PROPERLY ALIGNED, AND ARE UNDAMAGED. THE PROVISION OF THE CERTIFICATION SHALL BE WITHIN SIX MONTHS OF PLAT APPROVAL, UNLESS OTHERWISE ARRANGED IN ADVANCE, IN WRITING, WITH THE AGENT.

**CERTIFICATE OF APPROVAL**  
 THIS PLAT OF SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

DATE \_\_\_\_\_ VIRGINIA DEPARTMENT OF TRANSPORTATION  
 DATE \_\_\_\_\_ VIRGINIA DEPARTMENT OF HEALTH  
 DATE \_\_\_\_\_ SUBDIVISION AGENT OF JAMES CITY COUNTY



25' (AS MEASURED FROM C/L OF ROAD) HEREBY DEDICATED TO JAMES CITY COUNTY.  
 5,904 S.F.± (0.136 AC.±)

- LEGEND:**
- X EXISTING ELEVATION
  - IRS IRON ROD SET
  - IRF IRON ROD FOUND
  - IPF IRON PIPE FOUND
  - PPF PINCH PIPE FOUND
  - BSL BUILDING SETBACK LINE
  - R/W RIGHT-OF-WAY
  - SMH SANITARY MANHOLE
  - CO SANITARY CLEANOUT
  - WM WATER METER
  - WV WATER VALVE

DATE	REVISION / DATE / DESCRIPTION
06/15/2016	

DESIGNED BY: ADS
SCALE: 1" = 50'
PROJECT NO. J352-1
DRAWING NO. 1 OF 1

PLAT OF FAMILY SUBDIVISION AND HIGHWAY DEDICATION BEING 30.81 ACRES STANDING IN THE NAME OF LANGDON H. AND JANICE E. RICHARDSON  
 POWHATAN DISTRICT JAMES CITY COUNTY VIRGINIA

VJ352-1 RICHARDSON FAM SUB.DWG 6/14/2016 5:34:06 PM EDT

**SEBERT SURVEYING & LAYOUT, LLC**  
 173 BARLOW ROAD  
 WILLIAMSBURG, VA  
 PHONE (757) 345-0931  
 CELL: (757) 784-2413



**ITEM SUMMARY**

DATE: 10/10/2016

TO: The Board of Supervisors

FROM: Suzanne R. Mellen, Director of Financial and Management Services

SUBJECT: FY 2016 School Year-End Spending Plan

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**ATTACHMENTS:**

	Description	Type
▣	FY 2016 School Year-End Spending Plan	Cover Memo
▣	FY 2016 School Year-End Spending Plan	Resolution
▣	FY 2016 School Year-End Spending Plan	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Financial Management	Mellen, Sue	Approved	9/29/2016 - 10:30 AM
Publication Management	Burcham, Nan	Approved	9/29/2016 - 10:37 AM
Legal Review	Kinsman, Adam	Approved	10/4/2016 - 8:29 AM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 8:49 AM
Board Secretary	Purse, Jason	Approved	10/4/2016 - 8:59 AM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 9:10 AM

**MEMORANDUM**

DATE: October 11, 2016  
TO: The Board of Supervisors  
FROM: Suzanne R. Mellen, Director, Financial and Management Services  
SUBJECT: FY 2016 School Year-End Spending Plan Appropriation \$2,407,300

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At a meeting on September 20, 2016, the Williamsburg-James City County School Board (WJCC) adopted a spending plan for the FY 2016 year-end funds totaling \$2,660,000. These funds represent underspending for the fiscal year that ended on June 30, 2016. The School Division estimates that the total year end surplus is \$3,448,549. The remaining \$788,549 would be returned to the funding localities.

The City/County School Contract, most recently revised in April 2012, includes the following provision:

*Based on Section 22.1-100 of the Code of Virginia, local school funds unexpended in any year shall become part of the appropriated funds of the City and County for the School Board for the following year. However, based on a spending plan submitted by the School Board, unexpended local funds at year-end may be appropriated by the City and County for school purposes beyond those previously funded.*

The County share of the total local funding for FY 2016 was 90.50% and, as a result, \$713,637 would be returned to the County. The spending plan adopted by WJCC includes the following County funds of \$2,407,300:

High School Band Uniforms	\$72,600
Lafayette Auxiliary Gym	\$1,357,500
Lafayette Auxiliary Gym - VE and Construction Management	\$153,850
School Buses - Eight Replacements	\$787,350

Attached is additional documentation provided by the School division regarding the request. The attached resolution, if adopted, approves the School Board's requested spending plan and appropriates the funding in the County's Capital budget in order to keep the FY 2017 operational base at the original County approved amount.

SRM/nb  
SchYrEndSpend2016-mem

**RESOLUTION**

**FY 2016 SCHOOL YEAR-END SPENDING PLAN**

**APPROPRIATION \$2,407,300**

WHEREAS, the Williamsburg-James City County School Board (WJCC) adopted a spending plan for the FY 2016 year-end funds totaling \$2,660,000 with the County share representing 2,407,300; and

WHEREAS, the Board of Supervisors must approve a spending plan for these unspent local funds under the terms and conditions of the City/County School Contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the FY 2017 Capital Projects Fund for the following purposes:

<u>Revenue:</u>	
Fund Balance	<u>\$2,407,300</u>
<u>Expenditures:</u>	
High School Band Uniforms	\$ 108,600
Lafayette Auxiliary Gym	1,357,500
Lafayette Auxiliary Gym - VE and Construction Management	153,850
School Buses - Eight Replacements	<u>787,350</u>
	<u>\$2,407,300</u>

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2016.

## **Year-End Spending Plan**

By state code, WJCC cannot carry-over funds from one fiscal year to the next. Additionally, it is vital that the division not operate with a deficit. Financially conservative budgeting should thus result in a surplus at the end of a fiscal year.

The contract by which WJCC operates requires the approval of a year-end spending plan by both city and county governing bodies. Any non-allocated funds must be returned to those governing bodies.

WJCC ended the 2016 fiscal year with a surplus of \$3.4 million or 2.7% of the division's total operating budget. Primarily, the surplus is a result of reduced costs associated with fuel, utilities and attrition.

### **Fuel & Utilities**

WJCC conducts a 3-year analysis each budget cycle to evaluate trends. With the volatility of the oil market, this analysis provides baseline information, but it is still an estimate. In FY16, there were \$680,000 in savings from fuel and utilities; however, there also were line items within that cost center that experienced cost overruns, therefore a portion of those funds was used to balance the cost center.

Due to the trend analysis, in the FY2017 budget the fuel budget lines were reduced by \$250,000 and utilities were reduced by \$25,000.

### **Attrition**

Attrition occurs annually with the natural employment cycle of most organizations. Often, when WJCC employees retire or resign, a new employee will be hired with a lower total cost to the division. This natural transition occurs each year across the division in all job titles and cost centers. Like fuel costs, attrition savings can vary widely, especially when outside forces impact employees (e.g. recession, health care costs, cost of living, etc.)

In fiscal year 2016, \$2.3 million in attrition savings was realized. This amount does not include unfilled positions since the only unfilled positions in WJCC were in the transportation department. As in previous years, WJCC had some difficulty recruiting and retaining bus drivers and bus assistants.

In fiscal year 2017, estimated attrition savings of \$1.4 million were utilized to balance the division's Operating Budget.

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WJCC staff have proposed a spending plan that includes high school band uniforms, funds for the Lafayette High School Auxiliary Gym and school buses.

### **Band Uniforms**

All three WJCC high schools have thriving marching band programs. Current band uniforms range between 9-11 years old. Each band has approximately 100 members and each uniform costs approximately \$400 for an estimated total of \$120,000. If expenditures exceed \$40,000 at any school, the program will pay the additional costs.



### Lafayette High School Auxiliary Gym

With the demolition of James Blair and limited gym availability, constructing an auxiliary gym for Lafayette High School became a priority for WJCC, the city and the county. Funds were allocated in the Capital Improvements Program (CIP) development process, and WJCC agreed to allocate \$1 million of year-end funds to the project.

In fall 2016, a design committee was formed to determine project specifics, and as a result of that effort a preliminary project estimate of \$2,379,849 has been developed. As the committee reviewed design parameters, additional codes compliance components were incorporated into the project. These features include a fire lane and an improved fire suppression system. Restrooms, bleachers and limited storage were also included in the proposed design. All of these elements are included in the preliminary estimate.

While 5% contingency is built into the preliminary estimate, staff have recommended that additional year-end funds be designated for unforeseen project costs. Based on the scope of the project, value engineering and construction management is estimated at \$170,000 -- \$15,000-\$20,000 for value engineering and \$135,000-\$150,000 for construction management. These funds are also included in the division’s proposed year-end spending plan.

### School Buses

In 2014, WJCC developed a smooth bus replacement plan. The plan includes a proposed number of replacement buses each fiscal year, the age of the buses to be replaced and estimated future costs for each bus (including a 3% annual rate of inflation). No funding for school bus replacement was included in the FY2017 Operating Budget.

Fiscal Year	Estimated Bus Cost \$ (3% Infl.)	Age Based		Estimated Future Cost
		Original Plan Age > 15 Years	Actual number of buses replaced	
FY2014	110,000	8	9	
FY2015	113,300	1	9	
FY2016	109,000	15	10	
FY2017	112,270	10		1,122,700
FY2018	115,638	-		-
FY2019	119,107	12		1,429,284
FY2020	122,680	5		613,400
FY2021	126,361	12		1,516,332
FY2022	130,152	8		1,041,216
FY2023	134,056	6		804,336
FY2024	138,078	15		2,071,170
FY2025	142,220	-		-

Fiscal Year	Estimated Bus Cost \$ (3% Infl.)	Age Based		Estimated Future Cost
		Original Plan Age > 15 Years	Actual number of buses replaced	
FY2026	146,487	24		3,515,688
FY2027	150,882	12		1,810,584
FY2028	155,408	13		2,020,304
FY2029	160,070	10		1,600,700
FY2030	164,872	9		1,483,848
FY2031	169,818	9		1,528,362
FY2032	174,913	10		1,749,130
<b>Total</b>		<b>155</b>	<b>28</b>	<b>\$ 22,307,054</b>

With over 24% of the division’s budget from the state, WJCC staff are closely watching estimated state budget shortfalls. For this reason, plus an anticipated Virginia Retirement System (VRS) increase of 1.83% in FY2018, staff are recommending that 8 buses originally scheduled to be purchased in FY2017 be purchased with year-end funds.

The table below details the model year and mileage of the 10 buses that meet replacement criteria:

Model Year	Passenger Rating	Current Mileage	Bus Type
2001	32	292,034	Special Ed
2001	78	268,982	Regular Ed
2001	32	260,984	Special Ed
2001	78	258,911	Regular Ed
2001	28	241,601	Special Ed
2001	78	238,594	Regular Ed
2001	28	236,204	Special Ed
2001	78	235,801	Regular Ed
2001	78	224,659	Regular Ed
2001	28	222,353	Special Ed

Replaced buses are used as spares, are sold at auction, or are used for parts.

**ITEM SUMMARY**

DATE: 10/11/2016  
TO: The Board of Supervisors  
FROM: Bryan J. Hill, County Administrator  
SUBJECT: County Administrator's Report

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**ATTACHMENTS:**

	Description	Type
▣	CA Report	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 4:39 PM

## MEMORANDUM

DATE: October 11, 2016  
TO: The Board of Supervisors  
FROM: Bryan J. Hill, County Administrator  
SUBJECT: County Administrator's Report

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The following is a summary of activities that took place September 21, 2016 through October 4, 2016:

### September 21, 2016 (Wednesday)

- Attended Virginia Peninsula Regional Jail meeting
- Met with John Horne, General Services Director
- Met with Doug Powell, JCSA Manager

### September 22, 2016 (Thursday)

- Attended Isle of Wight County Radio project kickoff
- Met with Jason Purse, Assistant County Administrator and Carroll Collins, AICP Kimley-Horn and Associates, Inc., ED opportunities
- Met with Randy Wheeler, Poquoson City Manager
- Met with Sue Mellen, FMS Director
- Radio sports show

### September 23, 2016 (Friday)

- Met with Russell Seymour, Economic Development Director
- West Moreland, Gateway Homes matters

### September 26, 2016 (Monday)

- Met with Jason Purse, Assistant County Administrator
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Director

### September 27, 2016 (Tuesday)

- Met with David Danny from Greater Williamsburg Partnership
- Met with Tom Tingle, President of Guernsey Tingle
- Attended Board of Supervisors work session
- Attended Board of Supervisors meeting

### September 28, 2016 (Wednesday)

- Met with Karen Riordan, Greater Williamsburg Chamber & Tourism Alliance President and Tim Miller, Chief Operating Officer of UCI Road World Championship
- Met with state officials

September 29, 2016 (Thursday)

- Met with Russel Seymour, Economic Development Director
- Attended James City County Technology meeting
- Met with Jason Purse, Assistant County Administrator and Paul Holt, Community Development Director
- Met with Sue Mellen, FMS Director and Patrick Page, IRM Director
- Attended Courthouse IT and Facility meeting with Mona Foley, W-JCC Circuit Court Clerk, Nate Green, Commonwealth's Attorney, Bob Deeds, Sheriff, Debbi Austin, W-JCC Circuit Court Administrator, Sue Mellen, FMS Director, Patrick Page, IRM Director, John Horne, General Services Director and Grace Boone, General Services Assistant Director

September 30 2016 (Friday)

- Attended Coffee with County Administrator event
- Met with Brad Rinehimer, Police Chief
- Met with John Horne, General Services Director, Jason Purse, Assistant County Administrator and Paul Holt, Community Development Director

October 3, 2016 (Monday)

- Attended Executive Leadership meeting
- Attended pre-agenda meeting
- Attended strategic planning TAG meeting
- Met with Patrick Teague, HR Director
- Attended strategic planning SPAG meeting

September 20, 2016 (Tuesday)

- Met with Sue Mellen, FMS Director and David Coe, Executive Director of Colonial Behavioral Health
- Attended James River Elementary outdoor classroom ribbon cutting ceremony
- Met with Jason Purse, Assistant County Administrator and Paul Holt, Community Development Director
- Met with supervisor John McGlennon
- Attended Williamsburg United Methodist Church event

BJH/nb

CAReport101116-mem

**ITEM SUMMARY**

DATE: 10/11/2016  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Administrative Coordinator  
SUBJECT: Appointment to the Parks and Recreation Advisory Commission

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**ATTACHMENTS:**

Description Type

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 3:17 PM
Board Secretary	Purse, Jason	Approved	10/4/2016 - 3:58 PM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 4:22 PM
Publication Management	Burcham, Nan	Approved	10/4/2016 - 4:30 PM
Legal Review	Kinsman, Adam	Approved	10/4/2016 - 4:38 PM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 4:40 PM
Board Secretary	Purse, Jason	Approved	10/4/2016 - 4:40 PM
Board Secretary	Fellows, Teresa	Approved	10/4/2016 - 4:41 PM

**ITEM SUMMARY**

DATE: 10/11/2016  
TO: The Board of Supervisors  
FROM: Teresa J. Fellows, Administrative Coordinator  
SUBJECT: Adjourn until 4 pm on October 25, 2016 for the Work Session

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/28/2016 - 2:57 AM