

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-FIFTH DAY OF JUNE, NINETEEN HUNDRED SEVENTY-NINE, AT 3:00 P.M., IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District
Abram Frink, Jr., Vice Chairman, Roberts District
John E. Donaldson, Jamestown District
Jack D. Edwards, Berkeley District
David W. Ware, Jr., Powhatan District

James B. Oliver, Jr., County Administrator

B. MINUTES - May 20, and June 11, 1979

Mr. Frink moved to approve the minutes of May 29 and June 11, as printed. The motion carried by unanimous roll call vote.

C. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer, made a brief report to the Board, bringing them up-to-date on current projects. He reported a contract had been awarded on the Ironbound Road project, with work expected to commence in 30 days. The paving in the Croaker area on Rt. 607 and on Longhill Road is near completion. The surface-treatment schedule will be starting some time this week.

A discussion followed Mr. Hall's report, during which the Supervisors asked about the status of ditching efforts in James Terrace, placement of a street light off Rt. 143 near Little Sue Market, a sign in Toano, the unsafe intersection on Berkeley Towne Road, and the dangerous situation existing at exits of Busch Gardens on Rt. 60.

D. PRESENTATION ON THE ENERGY EMERGENCY TRANSPORTATION PLAN FOR THE PENINSULA AREA BY EASYRIDE

Mr. Joseph M. Kursch Jr., Director of EASYRIDE made a presentation on an Energy Emergency Transportation Plan. He stated that his organization was in the process of taking this plan to all the local jurisdictions and asking their input and endorsement. He said endorsement had already been received from Newport News, Poquoson, and York County. Mr. Kursch concluded his presentation by asking for the Board's endorsement of the plan, and to have a written administrative agreement that would enable EASYRIDE to operate with the larger employers in the area to work out some of the elements of the plan.

A brief discussion followed Mr. Kursch's presentation.

Mr. Oliver informed the Board members that Robert Murphy of the County staff is coordinating the County's response to the ramifications of the fuel problem, and said he would also be working with the PENTRAN representative regarding the problem on a regional level. Mr. Oliver concluded his remarks by stating he would recommend at least a conceptual endorsement of the EASYRIDE system.

June 25, 1979

Mr. Edwards moved to endorse the emergency transportation plan. The motion carried by a unanimous roll call vote. 159

Mr. Kursch stated the written agreement could be worked out on an administrative level.

E. PUBLIC HEARING

1. (a) Case No. Z-16-78/M-2 District

Mr. Oliver stated this case and the companion Case No. Z-17-78 had been held over from the June 11 meeting in order to allow additional time for review.

Mr. Taylor opened the public hearing for Case No. Z-16-78/M-2 District.

No one wished to speak and the public hearing was closed.

A brief discussion followed during which Mr. Edwards asked if any useful purpose would be served by deferring these cases back to the Planning Commission for further consideration to separating the commercial uses from the manufacturing districts. Mr. Porter, Director of Planning, indicated the Planning Commission had compromised in this aspect. Due to the fact that there was no other district in which to place these commercial uses, either a light industrial or heavy business zone, they were therefore reinstated in the manufacturing districts. Mr. Oliver added that in talking with Mr. Porter, it was determined that there may be a need for one or more additional districts in the County, but in the interim, the revised M-1/M-2 Manufacturing Ordinances as presented seem to be the best approach at this time. He further stated that the passage of these two ordinances would be appropriate with a clear mandate from the Board to the Planning Commission that the issue of commercial activities within the industrial zones be looked at more closely. This was acceptable to the members of the Board, and Mr. Donaldson moved for approval of Case No. Z-16-78/M-2 District. The motion carried by a unanimous roll call vote.

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ORDINANCE NO. 31A-55

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISION OF ARTICLE IV, DISTRICTS: DIVISION 10, INDUSTRIAL, GENERAL, DISTRICT M-2.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City be and the same is, hereby, amended by amending the following division of Article IV, Districts: Division 10, Industrial, General, District M-2, to read as follows:

CHAPTER 20

ZONING

Article IV. Districts

Division 10, Industrial, General, District M-2.

Section 20-95. Statement of intent

The primary purpose of the M-2, General Industrial District, is to establish an area where the principal use of land is for industrial operations which may create some nuisance and which are not property associated with nor compatible with residential or commercial service establishments. The specific intent of this district is to:

- (a) Encourage the use of land for industrial purposes; and
- (b) Prohibit residential and commercial service developments on land reserved for industrial uses; and
- (c) To encourage the discontinuance of existing uses which would not be permitted as new uses under the provision of this chapter; and
- (d) To establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects of the development of industrial uses.

Section 20-96. Permitted uses

In the M-2, General Industrial District, buildings to be erected of land to be used shall be for one or more of the following or similar uses:

- Manufacture or assembly of automobiles, trucks, machinery or equipment
- Manufacture or assembly of electronic instruments, electronic devices or electronic components
- Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments
- Manufacture or assembly of appliances, tools, firearms, hardware products, and heating, cooling or ventilating equipment
- Manufacture, assembly, or fabrication of sheet metal products
- Manufacture, compounding, processing or packaging of cosmetic, toiletry, and pharmaceutical products
- Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps
- Manufacture and sale of mobile homes, modular homes, and industrialized housing units
- Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals
- Manufacture or assembly of aircraft and aircraft parts
- Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fibre glass, glass, rubber, wax, leather, cellophane, canvas, felt, fur, horn, hair, and yarn
- Manufacture of glass and glass products
- Manufacture and processing of acrylic and other synthetic fibers
- Manufacture and processing of textiles and textile products
- Manufacture of cans and other metal products from previously processed metals
- Welding and machine shops including punch presses and drop hammers
- Breweries and other necessary associated activities
- Manufacture and bottling of soft drinks
- Manufacture and sale of wood products
- Wood preserving operations
- Manufacture of furniture
- Manufacture of carpets and carpet yarns
- Manufacture of boats, marine equipment and boat trailers
- Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity
- Manufacture of batteries
- Metal foundry and heavy weight casting
- Drop-forge industries, manufacturing forgings with a power hammer
- Structural iron and steel fabrication
- Contractor offices, equipment storage yards, shops and warehouses
- Warehouse, storage, and distribution centers
- Boiler shops
- Water well drilling establishments
- Manufacture and storage of ice, including dry ice
- Printing, lithographing, engraving, photocopying, blue printing, and publishing establishments

- Corporate, business, professional and governmental offices
- Data processing centers
- Research, development, and design facilities
- Industrial and technical training schools
- Commercial banks, credit unions and other similar financial institutions
- Employment services or agencies
- Janitorial service establishments
- Security service offices
- Fire stations
- Post offices
- Churches
- Public utilities or public service or transportation uses, water storage tanks, pumping or regulator stations, telephone exchanges, transformers or substations, and power transmission lines
- Accessory uses as defined in Section 20-2 of this chapter
- Off-street parking as required by this chapter
- An apartment or living quarters for a guard, caretaker or other person employed on the premises which is clearly secondary to the industrial use of the property
- Automobile service stations and truck terminals subject to the special requirements of this chapter which apply to these uses

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Section 20-96.1. Uses permitted by Special Use Permit only

In the M-2, General Industrial District, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

- Manufacture of fertilizer
- Manufacture and compounding of chemicals
- Manufacture and storage of explosives
- Crushed stone, sand and gravel mining; storage and distribution of same
- Manufacture of cement, lime, gypsum, bricks, and stone products
- Asphalt mixing plants
- Paper and pulp manufacture
- Petroleum refining
- Petroleum storage
- Radio stations, television stations, transmission relay stations and communication towers which exceed 100 feet in height
- Sewage and water treatment or purification plants
- Water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more
- Airports
- Sanitary landfills
- Electric power generating plants
- Automobile graveyards and scrap metal storage yards

Section 20-97. Area requirements

Minimum lot size for lots served by public water and public sewer shall be 10,000 square feet.

Minimum lot size for lots served by public water or public sewer, but not both, shall be 20,000 square feet.

Minimum lot size for lots served by neither public water nor public sewer shall be 30,000 square feet.

Section 20-98. Frontage requirements

Minimum width of lots in the M-2, General Industrial District, shall be 75 feet at the setback line.

162 Section 20-98.1. Setback requirements

Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 60 feet or more from the center line of the street. The minimum setback of any portion of a structure which is in excess of 35 feet in height shall be increased one foot for each 3 feet of the structure's height in excess of 35 feet.

The minimum setback shall also be increased to a minimum of 50 feet from any street with a right-of-way 50 feet or greater in width and 75 feet from any street with a right-of-way of less than 50 feet of width when the property immediately across the street is zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R. The minimum setback of any portion of a structure across the street from property zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R which is in excess of 35 feet in height shall be increased one foot for each 3 feet of the structure's height in excess of 35 feet.

Section 20-98.2. Side and rear setbacks

Structures shall be located 20 feet or more from side or rear property lines. The side and rear setbacks for any section of a structure in excess of 35 feet in height shall be increased one foot for each 3 feet of height in excess of 35 feet.

The side and rear setbacks for all structures shall be increased to 35 feet from any property line which is contiguous to property zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R. The minimum side and rear setbacks for any section of a structure in excess of 35 feet in height shall be increased one foot for each 3 feet of height in excess of 35 feet.

Section 20-98.3. Perimeter landscape regulations

For permitted uses a minimum 10 foot wide perimeter landscape strip shall be provided adjoining property lines within which no building structure, driveway or parking surface will be permitted. Necessary approved entrances, walkways, fences and signs will be allowed.

The perimeter landscape strip shall be increased to 35 feet of width along any property line which is contiguous to property zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R. The perimeter landscape strip shall be increased to 20 feet of width along any road right-of-way when the property across the road is zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R.

The perimeter landscape strip, as herein used, is defined as areas containing living plant materials, including trees, shrubs, grass and vines. Such areas shall be shown on the site plan or a separate landscaping plan for the site, which shows the size and type of existing trees, trees to be removed and new trees or vegetation to be planted. Such plan is subject to approval as provided in the Site Plan Review section of this Chapter. In general, when trees are required, they shall be a minimum of seven feet in height with one tree per fifty linear feet of landscaped area and more or less evenly distributed. The distribution requirement shall not prevent, where approved, the concentration of either existing or planted trees and hedges to screen or buffer adjacent property and public roads. Where approved, hedges for screening purposes may substitute in part for the planting of trees. Existing trees and vegetation shall be retained wherever possible, particularly where they border adjacent property presently developed or zoned for residential uses. The landscape perimeter strip and the plant material contained therein shall be maintained in good condition.

Section 20-98.4. Special provisions for the waiver of area, frontage and setback requirements

To allow the subdivision of industrial property on which industrial units for sale, for sale in condominium, or for lease are constructed as part of a multi-unit structure in which the units share common walls, the Board of Supervisors may grant, at its discretion, a waiver from Sections 20-97, 20-98, 20-98.1, 20-98.2 and 20-98.3 upon finding:

- (a) The overall complex or structure if considered as a single unit meets all of the requirements of 20-97, 20-98, 20-98.1, 20-98.2 and 20-98.3; and
- (b) Adequate parking is provided as per the requirements of this Chapter, and where determined necessary by the Board, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas; and
- (c) Adequate provisions are made to assure compliance with the requirements of this Chapter with regards to signs, and where determined necessary by the Board, adequate easements or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced frontage or yard area of the individual units; and
- (d) The complex or structure is adequately designed and serviced from the standpoint of safety, and that the County Fire Marshal certifies that the fire safety equipment to be installed is adequately designed and the County Building Official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

Section 20-99. Height limits

Buildings and other structures may be erected up to 100 feet in height from grade to the top of the structure.

Water towers, chimneys, flues, flag poles, communication antennae, mechanical penthouse, electrical, plumbing, elevator or other accessory mechanical functions which are part of or on top of a main structure are exempt. Parapet walls may be up to four feet above the height of the building on which the wall rests.

Section 20-99.1. Height limitation waiver

A structure in excess of 100 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the Board of Supervisors. Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:

- (a) Additional setbacks have been provided as required by Section 20-98.1 and Section 20-98.2 of this Chapter except that setbacks in excess of 75 feet shall not be required except at the discretion of the Board of Supervisors; and
- (b) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest; and
- (c) Such structure will not block sunlight from adjacent property or otherwise limit the benefits of direct sunlight on adjacent property; and
- (d) Such structure is adequately designed and served from the standpoint of safety, and that the County Fire Marshal certifies the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.

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Section 20-100. Sign regulations

To assure an appearance and condition which is consistent with the purposes of the M-2, General Industrial District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article VIII of this Chapter.

Section 20-100.1. Location of utilities

The location of all utilities and utility easements shall be shown on the site plans and be approved as per the Site Plan Review section of this Chapter. New utilities are to be placed underground except for required transformers, switching equipment, meter pedestals, telephone pedestals, outdoor lighting poles and meter and service connections attached to buildings. In consideration of voltage requirements, existing overhead service and physical features of the site and surrounding area, the Planning Commission may waive the requirements for underground utilities.

Section 20-101. Site plan review

All buildings or complexes of buildings erected, altered, or restored within the district shall be subject to site plan review in accordance with Section 20-16.

Section 20-102. Automotive service stations and truck terminals

The following special requirements shall apply to automotive service stations and truck terminals:

- (a) Minimum lot area shall be 20,000 square feet where the site is served by either or both public water and sewer. Minimum lot area for lots with individual sewer and water systems shall be 30,000 square feet; and
- (b) Minimum lot width shall be 200 feet at the setback line; and
- (c) No fuel service island shall be located closer than 15 feet to any adjoining road right-of-way; and
- (d) The width of curb openings shall not exceed 45 feet and where two or more curb openings are proposed, they shall be no closer than 25 feet apart; and
- (e) Curb openings shall be no closer than 12.5 feet from an adjoining property line and no closer than 25 feet to a street intersection; and
- (f) Two off-street parking spaces shall be provided for each service bay plus a total of three spaces for employee parking.

Section 20-102.1. Outdoor operations and storage

Any operation or storage conducted in whole or in part out-of-doors shall:

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- (a) Set back a minimum of 35 feet from the right-of-way of any street with a right-of-way 50 feet or greater in width and 60 feet from the center line of any street with a right-of-way less than 50 feet in width; except that the outdoor display for sale of vehicles, equipment, machinery, trailers, mobile homes, and plant materials shall be set back ten feet from any road right-of-way 50 feet or greater in width and 35 feet from the center line of any road right-of-way less than 50 feet in width; and
- (b) Be separated from any property line by a ten foot wide perimeter landscape strip as defined in Section 20-98.3 of this Chapter; and
- (c) Be well drained with adequate provisions to control storm drainage and erosion; and
- (d) Where the ground cover would be routinely disturbed because of the nature of the activity to be conducted or because of vehicular traffic, the area shall be maintained in an all weather surface; and
- (e) Be screened from adjacent property by landscaping and fencing except the outdoor displays for sale of vehicles, equipment, machinery, trailers, mobile homes and plant materials are exempt from the screening requirements where such screening would interfere with the visibility of the items for sale from a public road; and
- (f) Be limited to uses and items to be stored which do not create noise, odor, dust or other objectionable effects. The effects of an activity shall be measured at the nearest property line.

Section 20-102.2. Parking requirements

Off-street parking and off-street loading shall be provided as required in Article I, Sections 20-12 and 20-12.1 of this Chapter.

This ordinance shall be in full force and effect from the date of its adoption.

(b) Case No. Z-17-78-M-1 District

Mr. Taylor opened the public hearing on this case.

No one wished to speak and the public hearing was closed.

Mr. Donaldson moved for approval of Case No. Z-16-78/M-1 District. The motion carried by a unanimous roll call vote.

ORDINANCE NO. 31A-54

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISION OF ARTICLE IV, DISTRICTS: DIVISION 9, INDUSTRIAL, LIMITED, DISTRICT M-1.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City be and the same is, hereby, amended by amending the following division of Article IV, Districts: Division 9, Industrial, Limited, District M-1, to read as follows:

CHAPTER 20

ZONING

Article IV. Districts

Division 9, Industrial, Limited, District M-1.

Section 20-87. Statement of intent.

The primary purpose of the M-1, Limited Industrial District, is to establish an area where the principal use of land is for limited industrial operations which may create some nuisance and which are not properly associated with nor compatible with residential development. The specific intent of this district is to:

- (a) Encourage the use of land for limited industrial purposes; and
- (b) Prohibit residential developments on land reserved for limited industrial uses; and
- (c) To encourage the discontinuance of existing uses which would not be permitted as new uses under the provision of this chapter; and
- (d) To establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects of the development of limited industrial uses.

Section 20-88. Permitted uses.

In the M-1, Limited Industrial District, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

- Manufacture or assembly of electronic instruments, electronic devices or electronic components
- Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments
- Manufacture or assembly of appliances, tools, firearms, hardware products, and heating, cooling or ventilating equipment
- Manufacture, compounding, processing or packaging of cosmetic, toiletry, and pharmaceutical products
- Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps
- Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fibre glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair and yarn
- Manufacture and bottling of soft drinks
- Manufacture and processing of textiles and textile products
- Manufacture of carpets and carpet yarns
- Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity
- Welding and machine shops with storage under cover or screened with landscaping and fencing from adjacent property
- Contractor offices, equipment storage yards, shops and warehouses with storage under cover or screened with landscaping and fencing from adjacent property
- Warehouse, storage, and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property

Printing, lithographing, engraving, photocopying, blue-printing, and publishing establishments
 Corporate, business, professional, and governmental offices
 Data processing centers
 Research, development, and design facilities
 Industrial and technical training schools
 Commercial banks, credit unions, and other similar financial institutions
 Employment services or agencies
 Janitorial service establishments
 Security service offices
 Furniture and carpet stores
 Cabinet and upholstery shops
 Veterinary hospitals and kennels
 Dry cleaners and laundries
 Automobile sales and service with major repair under cover
 Home appliance sales and service
 Wholesale and retail lumber and building supply stores with storage under cover or screened with landscaping and fencing from adjacent property
 Wholesale and retail plumbing and electrical supply stores with storage under cover or screened with landscaping and fencing from adjacent property
 Machinery sales and service with major repair under cover
 Heavy equipment sales and service with major repair under cover
 Vehicle and trailer sales and service with major repair under cover
 Wholesale and retail nurseries
 Plant and garden supply and hardware and paint stores
 Mobile home sales
 Locksmith and gunsmith shops
 Automobile service stations and truck terminals subject to the special requirements of this Chapter which apply to these uses
 Tire, transmission, glass, body and fender and other automotive products sales and service with major repair under cover and vehicle storage screened from adjacent property by landscaping and fencing
 Farm supply feed and seed stores
 Wholesale and retail marine or waterfront businesses to include receipt, storage and transshipment of water-borne commerce, or seafood receiving, packing and distribution
 Restaurants, tearooms and taverns
 Hotels, motels and conference or convention centers with accessory retail sales, barbershops and beauty shops located within the hotel, motel and conference or convention center for the principal benefit of the resident guests
 An apartment or living quarters for a guard, caretaker, or other person employed on the premises which is clearly secondary to the industrial use of the property
 Churches
 Fire stations
 Post offices
 Public utilities or public service or transportation uses, water storage tanks, pumping or regulator stations, telephone exchanges, transformers or substations, and power transmission lines
 Accessory uses as defined in Section 20-2 of this Chapter
 Off-street parking as required by this Chapter
 Indoor sport facilities, health clubs and exercise clubs
 Retail food stores, bakeries and fish markets
 Department stores, wearing apparel, shoe, tailor, dress-making, candy, ice cream, florist, furrier, pet, picture framing, stamp and coin, travel bureau, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores
 Drugstores, barber shops and beauty shops

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Section 20-88.1. Uses permitted by Special Use Permit only

In the M-1, Limited Industrial District, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

- Outdoor sports facilities
- Thematic parks or gardens
- Radio stations, television stations, transmission relay stations and communication towers which exceed 60 feet in height
- Petroleum storage
- Water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more
- Sanitary landfills
- Airports
- Hospitals
- Lodges, civic clubs, fraternal organizations, service clubs and assembly halls
- Funeral homes
- Commercial marinas, docks, piers, yacht clubs, boat basins and servicing areas for same
- Manufacture of furniture
- Manufacture and sale of glass and glass products
- Manufacture and storage of ice, including dry ice
- Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals

Section 20-89. Area requirements

Minimum lot size for lots served by public water and public sewer shall be 10,000 square feet.

Minimum lot size for lots served by public water or public sewer, but not both, shall be 20,000 square feet.

Minimum lot size for lots served by neither public water nor public sewer shall be 30,000 square feet.

Section 20-89.1. Frontage requirements

Minimum width of lots in the M-1, Limited Industrial District, shall be 75 feet at the setback line.

Section 20-90. Setback requirements

Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 60 feet or more from the center line of the street. The minimum setback of any portion of a structure which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

The minimum setback shall also be increased to a minimum of 50 feet from any street with a right-of-way 50 feet or greater in width and 75 feet from any street with a right-of-way of less than 50 feet of width when the property immediately across the street is zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R. The minimum setback of any portion of a structure across the street from property zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

Structures shall be located 20 feet or more from side or rear property lines. The side and rear setbacks for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

The side and rear setbacks for all structures shall be increased to 35 feet from any property line which is contiguous to property zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R. The minimum side and rear setbacks for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

Section 20-90.2. Perimeter landscape regulations

For permitted uses a minimum 10 foot wide perimeter landscape strip shall be provided adjoining property lines within which no building structure, driveway or parking surface will be permitted. Necessary approved entrances, walkways, fences and signs will be allowed.

The perimeter landscape strip shall be increased to 20 feet of width along any property line which is contiguous to property zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R. For the purpose of determining the required width of the perimeter landscape strip, property immediately across the street shall be considered contiguous.

The perimeter landscape strip, as herein used, is defined as areas containing living plant materials, including trees, shrubs, grass and vines. Such areas shall be shown on the site plan or a separate landscaping plan for the site, which shows the size and type of existing trees, trees to be removed, and new trees or vegetation to be planted. Such plan is subject to approval as provided in the Site Plan Review section of this Chapter. In general, when trees are required, they shall be a minimum of seven feet in height with one tree per fifty linear feet of landscaped area and more or less evenly distributed. The distribution requirement shall not prevent, where approved, the concentration of either existing or planted trees and hedges to screen or buffer adjacent property and public roads. Where approved, hedges for screening purposes may substitute in part for the planting of trees. Existing trees and vegetation shall be retained wherever possible, particularly where they border adjacent property presently developed or zoned for residential uses. The landscape perimeter strip and the plant material contained therein shall be maintained in good condition.

Section 20-90.3. Special provisions for the waiver of area, frontage and setback requirements

To allow the subdivision of industrial property on which industrial units for sale, for sale in condominium, or for lease are constructed as part of a multi-unit structure in which the units share common walls, the Board of Supervisors may grant, at its discretion, a waiver from Sections 20-89, 20-89.1, 20-90, 20-90.1 and 20-90.2 upon finding:

- (a) The overall complex or structure, if considered as a single unit, meets all of the requirements of 20-89, 20-89.1, 20-90, 20-90.1 and 20-90.2; and
- (b) Adequate parking is provided as per the requirements of this Chapter, and where determined necessary by the Board, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas; and
- (c) Adequate provisions are made to assure compliance with the requirements of this Chapter with regards to signs, and where determined necessary by the Board, adequate easements or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced frontage or yard area of the individual units; and

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- (d) The complex or structure is adequately designed and serviced from the standpoint of safety, and that the County Fire Marshal certifies that the fire safety equipment to be installed is adequately designed and the County Building Official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

Section 20-91. Height limits

Buildings and other structures may be erected up to 60 feet in height from grade to the top of the structure.

Water towers, chimneys, flues, flag poles, communication antennae, mechanical penthouse, electrical, plumbing, elevator or other accessory mechanical functions which are part of or on top of a main structure are exempt. Parapet walls may be up to four feet above the height of the building on which the wall rests.

Section 20-91.1. Height limitation waiver

A structure in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the Board of Supervisors. Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:

- (a) Additional setbacks have been provided as required by Section 20-90 and Section 20-90.1 of this Chapter except that setbacks in excess of 60 feet shall not be required except at the discretion of the Board of Supervisors; and
- (b) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest; and
- (c) Such structure will not block sunlight from adjacent property or otherwise limit the benefits of direct sunlight on adjacent property; and
- (d) Such structure is adequately designed and served from the standpoint of safety, and that the County Fire Marshal certifies the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.

Section 20-92. Sign regulations

To assure an appearance and condition which is consistent with the purposes of the M-1, Limited Industrial District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article VIII of this Chapter.

Section 20-93. Location of utilities

The location of all utilities and utility easements shall be shown on the site plans and be approved as per the Site Plan Review section of this Chapter. New utilities are to be placed underground except for required transformers, switching equipment, meter pedestals, telephone pedestals, outdoor lighting poles and meter and service connections attached to buildings. In consideration of voltage requirements, existing overhead service and physical features of the site and surrounding area, the Planning Commission may waive the requirements for underground utilities.

Section 20-94. Site plan review

All buildings or complexes of buildings erected, altered, or restored within the district shall be subject to site plan review in accordance with Section 20-16.

Section 20-94.1. Automotive service stations and truck terminals

The following special requirements shall apply to automotive service stations and truck terminals:

- (a) Minimum lot area shall be 20,000 square feet where the site is served by either or both public water and sewer. Minimum lot area for lots with individual sewer and water systems shall be 30,000 square feet; and
- (b) Minimum lot width shall be 200 feet at the setback line; and
- (c) No fuel service island shall be located closer than 15 feet to any adjoining road right-of-way; and
- (d) The width of curb openings shall not exceed 45 feet and where two or more curb openings are proposed, they shall be no closer than 25 feet apart; and
- (e) Curb openings shall be no closer than 12.5 feet from an adjoining property line and no closer than 25 feet to a street intersection; and
- (f) Two off-street parking spaces shall be provided for each service bay plus a total of three spaces for employee parking.

Section 20-94.2. Outdoor operations and storage

Any operation or storage conducted in whole or in part out-of-doors shall:

- (a) Set back a minimum of 35 feet from the right-of-way of any street with a right-of-way 50 feet or greater in width and 60 feet from the center line of any street with a right-of-way less than 50 feet in width; except that the outdoor display for sale of vehicles, equipment, machinery, trailers, mobile homes, and plant materials shall be set back ten feet from any road right-of-way 50 feet or greater in width and 35 feet from the center line of any road right-of-way less than 50 feet in width; and
- (b) Be separated from any property line by a 10 foot wide perimeter landscape strip as defined in Section 20-90.2 of this Chapter; and
- (c) Be well drained with adequate provisions to control storm drainage and erosion; and
- (d) Where the ground cover would be routinely disturbed because of the nature of the activity to be conducted or because of vehicular traffic, the area shall be maintained in an all weather surface; and

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- (e) Be screened from adjacent property by landscaping and fencing, except the outdoor displays for sale of vehicles, equipment, machinery, trailers, mobile homes and plant materials are exempt from the screening requirements where such screening would interfere with the visibility of the items for sale from a public road; and
- (f) Be limited to uses and items to be stored which do not create noise, odor, dust or other objectionable effects. The effects of an activity shall be measured at the nearest property line.

Section 20-94.3. Parking requirements

Off-street parking and off-street loading shall be provided as required in Article I, Sections 20-12 and 20-12.1 of this Chapter.

This ordinance shall be in full force and effect from the date of its adoption.

F. CONSENT CALENDAR

1. Setting Public Hearing Date - Vacation of Plat/Windsor Forest, Section 5, Lots 13, 14 and 15

In this accordance with the staff memorandum covering this item, Mr. William Mettler and Mr. Thomas Sutton are purchasing lot 14 Windsor Forest and wish to divide the lot between them.

Mr. Edwards moved to set the date for public hearing of this case as August 13, 1979. The motion carried by unanimous roll call vote.

G. BOARD CONSIDERATIONS

1. James City Service Authority Employees

Mr. Oliver stated that due to this joint item having been presented previously during the Service Authority meeting, no further explanation would be offered.

Mr. Frink moved for approval of the transfer of four James City Service Authority accounting positions to the County. The motion carried by a unanimous roll call vote.

2. Case No. S-6-79/Middle Plantation, Section II-A

Mr. William C. Porter, Jr., Director of Planning, presented this item to the Board. He stated the Subdivision Review Committee had recommended preliminary approval of the subdivision of 55 acres into 91 lots in Middle Plantation. This would constitute Section II-A of the planned community and approval would be conditioned upon the following:

1. The road construction plans must meet the minimum construction requirements of the Subdivision Ordinance and must also be approved by the Virginia Department of Highways and Transportation.
2. The storm water drainage and sedimentation and erosion control plans must be approved by the Public Works Department.
3. The sanitary sewer plans and water system plans must be approved by the Department of Public Works.

Mr. Porter also stated the following conditions for master plan approval had been set by the Board of Supervisors and would be conditions for final plat approval of Section II-A.

1. All Landscape Protection Zones and other permanent open space areas must be clearly shown on the record plat and controlled by easements and deeded to the Homeowner's Association.
2. The 100 year flood plain line must be shown on the record plat.
3. The entire 22 acres designated as County land must be conveyed to James City County prior to final plat approval.
4. The Homeowner's Association must be established prior to final plat approval.
5. UTILITIES:
 - a. An agreement between the James City Service Authority and the developer for the development and provision of water and sewer service to Middle Plantation must be formalized prior to final plat approval.
 - b. A plan for the phased development of the water and sewer systems must be submitted and approved by the Department of Public Works.
 - c. Utilities must be extended by the developer to the property line of the County land within a reasonable time, as part of the overall utility development of the project as mentioned in "b" above.
6. Surety bonds will be required to assure completion of roads and public utility extensions prior to final plat approval. This includes the major collector roads in Section I.

A brief discussion followed Mr. Porter's presentation.

Mr. Ware moved for approval of the subdivision of 55 acres into 91 lots located in Middle Plantation planned community in accordance with the conditions set forth. The motion carried by a unanimous roll call vote.

3. Amendment to Conditions of Approval of Middle Plantation Master Plan - Case No. Z-18-78

Mr. William C. Porter, Jr., Director of Planning, presented this matter to the Board. He explained that the developer of Middle Plantation would like to phase the construction of Section II of that development. Mr. Porter explained that due to the first three phases being located in an area which is easily served by an extension of the main collector road; utilities in Section I have adequate capacity to serve these early phases; and since the cost of providing a second collector road would cause an unnecessary hardship, the staff has no objection to delaying construction or bonding of Middle Plantation Drive and John Page Drive until a later stage of the development of Section II.

Mr. Porter concluded his remarks by stating that it was recommended that Condition 3(e) of the approval of the Master Plan Amendments to Middle Plantation be amended to read as follows:

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- 3(e). Surety bonds will be required to assure completion of road and public utility extension as a condition of final plan approval for all subsequent sections of Middle Plantation.

The above mentioned surety bonds, which will be required for Section IIA, Section IIB and Section IIC (1), must also provide for the completion of John Pott Drive in Section I. Any development beyond these subsections of Section II will all require surety bonds or the completion of Middle Plantation Drive and John Page to the intersection with John Pott Drive.

- (1) Section IIA, Section IIB and Section IIC are defined as an approximate 100 acre area at the intersection of John Pott Drive and John Page Drive. The maximum number of lots within this area is to be limited to 221 or less.

A brief discussion followed Mr. Porter's presentation.

Mr. Ware moved for approval of the amended Condition 3(e) of the Master Plan Amendments to the Middle Plantation planned community. The motion carried by a unanimous roll call vote.

4. Resolution - FY 1980 Community Development Application

Mr. Oliver stated that since the Community Development application had been reviewed in depth with the Board members during the June 18th meeting, no further presentation would be given unless requested.

Mr. Edwards moved for approval of the resolution authorizing the filing of an application for Small Cities Comprehensive Community Development Block Grant funds. The motion carried by a unanimous roll call vote.

R E S O L U T I O N

A RESOLUTION TO APPROVE THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND TO AUTHORIZE FILING OF AN APPLICATION

WHEREAS, the Housing and Community Development Act of 1977 provides James City County, Virginia, with Federal assistance in the form of Community Development Block Grant funds to carry out eligible community development activities under said Act; and

WHEREAS, the Board of Supervisors of James City County, Virginia has caused to be prepared a Small Cities Comprehensive Community Development application for the full amount of Federal funds to which the County is entitled; and

WHEREAS, the Board of Supervisors has reviewed said application and has held two public hearings on the community development program to assure citizen participation and comment with regard to the development of program activities and has further provided for and encouraged citizen participation at the neighborhood level through meetings and technical assistance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

- 1. The Comprehensive Community Development Program for James City County, Virginia, as represented by the community development activities set forth in the application for Small Cities Grant dated June, 1979 is hereby approved.

- 2. The County Administrator is authorized and directed to file such applications, including all understandings and assurances contained therein, with the United States Department of Housing and Urban Development.
- 3. The County Administrator is hereby designated as the authorized representative of James City County, Virginia, and is directed to act as such representative in connection with the application and to provide such additional information as may be required.

5. Resolutions - Selby Drive Improvements

Mr. Wayland N. Bass, Director of Public Works, presented this matter to the Board. Mr. Bass pointed out that Selby Drive is a dirt street off Government Road near Rt. 143 and that the two resolutions requested the inclusion of Selby Drive in the State Secondary System, as well as requesting the Highway Department carry forward FY 79 Rural Addition Funds to FY 80 for this project.

There was no discussion and Mr. Donaldson moved for approval of the two resolutions presented. The motion carried by unanimous roll call vote.

R E S O L U T I O N

WHEREAS, by resolution of agreement adopted by the James City County Board of Supervisors on April 23, 1973, funds have been committed for the improvement of certain roads in James City County, Virginia; and

WHEREAS, the Board of Supervisors of James City County has appointed a Board of Road Viewers to inspect certain unimproved roads in James City County, Virginia; and

WHEREAS, the Board of Road Viewers has recommended that a certain road known as "Selby Drive" be constructed and included as a rural addition in the State Highway Secondary System; and

WHEREAS, the Yeadda Smith Subdivision plat was duly recorded in March 1956, the improvement of Selby Drive qualifies for 50% participation by the Virginia Department of Highways & Transportation, and James City County has included \$7,500 for this project in the adopted FY 80 Capital Improvements budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, in accordance with the above referenced agreement, that the Virginia Department of Highways & Transportation is hereby requested to construct and include the following road in the State Secondary Highway System by rural addition:

Selby Drive

From: State Route 642
 To: End of cul-de-sac
 Distance: 0.13 mile

A right-of-way of 40 feet is guaranteed as evidenced by Deeds of Record, recorded in Deed Book 156, Page 605, Dated 10-2-74; and Deed Book 179, Page 811, Dated 10-19-77 in the Clerk's office of James City County, Virginia.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Resident Engineer of the Department of Highways & Transportation.

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R E S O L U T I O N

WHEREAS, the Board of Supervisors of James City County and the Virginia Department of Highways & Transportation have agreed that Selby Drive should be improved, and that the cost should be shared equally by the Department and the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County requests the Virginia Department of Highways & Transportation to carry forward sufficient funds from the FY 79 Rural Addition Program to FY 80 to fund the Department's portion of the Selby Drive improvements.

BE IT FURTHER RESOLVED that the County Administrator is authorized to release a sum of money from the FY 80 Dirt Streets budget (\$7,500.00) for the purpose of insuring the committal of funds in either FY 1978-79 or FY 1979-80.

6. Resolution - School Administration Building Construction

Mr. Oliver reported that two weeks ago the County received and opened bids for construction of the School Administration Building. The bids were very competitive and were within the amount of funds anticipated and budgeted. He stated it was recommended that the Board authorize the award of the contract to the low bidder which was Piland Construction Company.

There was no discussion and Mr. Frink moved for approval of the resolution authorizing a contract with Piland Construction Company, Inc. for the construction of a School Administration Building. The motion carried by a unanimous roll call vote.

Mr. Oliver then informed the Board that the low bidder had also indicated that he intends to sign the contract along the lines of a 300 day construction period which is slightly more favorable.

A RESOLUTION TO ENTER INTO A CONTRACT WITH PILAND CONSTRUCTION COMPANY, INC. IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED EIGHTY-SEVEN THOUSAND TWO HUNDRED EIGHTY DOLLARS FOR THE PURPOSE OF CONSTRUCTING THE JAMES CITY COUNTY SCHOOL ADMINISTRATION BUILDING.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

1. That it hereby authorizes and directs the Chairman of the Board of Supervisors and the Clerk to the Board to enter into a contract with Piland Construction Company, Inc. in an amount not to exceed four hundred eighty-seven thousand two hundred eighty dollars (\$487,280.00) for the purpose of constructing the James City County School Administration Building.
2. That it hereby authorizes and directs the Chairman of the Board of Supervisors and the Clerk to the Board to execute same and such other documents as may be required on behalf of James City County for the purpose stated above.

7. Shellbank Woods Water System

Mr. Robert Clifford, representing Shellbank Woods Corporation, stated he had checked with David Blaylock, Attorney for First Land Corporation since 1962, and that throughout development it was known that the area now referred to as Shellbank Woods would in effect be First Colony, Section 5. Mr. Clifford said the residents in the First Colony area consider the development of Shellbank Woods as simply adding more neighbors to the existing community and they consider themselves one single neighborhood.

Mr. Bill Bull, Vice-President of the Shellbank Woods Corporation also addressed the Board in reference to this matter, stating there were documents in existence that supported the theory that this area was considered to be one neighborhood. Mr. Bull briefed the Board members on a revised proposal that his organization had compiled in reference to the water system for Shellbank Woods. Basically this new proposal entailed:

- (1) Sydnor Hydrodynamics and Shellbank Woods Corporation will build the lines according to their proposal and the storage tanks and booster pumps will be dectiated to the County for \$1.00 at the time the County is ready to take over the water system.
- (2) Shellbank Woods will waive the \$550 connection fee paid by the lot owners in favor of the County.
- (3) Sydnor will construct an eight inch parallel line along John Rolfe Lane and donate it to the County.

A discussion followed Mr. Bull's presentation during which it was suggested the proposal be transmitted to the County staff in writing to be analyzed and a decision made during the July 9 meeting.

8. Emergency Ordinances - Sanitary District No. 3 User Charge System

Mr. Oliver stated that this was the resolution that is the companion item considered during Service Authority meeting.

There was no discussion on the item and Mr. Donaldson moved to approve the emergency ordinances with the understanding that further consideration would be given to a 25 day grace period as opposed to the 20 days as indicated. The motion carried by a unanimous roll call vote.

Mr. Donaldson moved to set the date for public hearing of this case as August 13, 1979. The motion carried by a unanimous roll call vote.

ORDINANCE NO. 100A-3

AN ORDINANCE TO AMEND AND REORDAIN A USER CHARGE SYSTEM
 FOR SEWER SERVICES
 SANITARY DISTRICT NO. 3
 JAMES CITY COUNTY, VIRGINIA

SECTION I

FEEES

1-3 Billing, Penalty, and Pro Rata Bills

1-3-1 Billing

All bills shall be due and payable upon presentation. Twenty days after the mailing date a penalty of ten (10) percent of the unpaid quarterly charges shall be incurred. Sewer service may be discontinued by the District if Sanitary District No. 3 bills are not paid within thirty days of the mailing date.

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The owner of the property shall remit all delinquent charges prior to reconnection of service, including, if applicable, any charges for disconnection and/or reconnection.

The property owner remains responsible for all the service line from the street right-of-way to the premises; any leak, break, or stoppage occurring at any point on the service line shall be repaired immediately.

1-3-2 Penalty

Any unpaid sewer charges shall become a lien on land or property served by the sewer line as provided in the Code of Virginia, 1950, as amended, Section 21-118.4(e).

1-3-3 Pro Rata Bills

Owners requesting discontinuance or establishing new accounts for service shall be billed based on the pro rata portion of the billing period when service was provided. If notice of discontinuance of service is not given to the James City County Office of Finance by the owner, the quarterly bill shall be due in full.

An emergency is hereby declared to exist and this ordinance shall be in full force and effect beginning July 1, 1979.

ORDINANCE NO. 108A-1

AN ORDINANCE TO AMEND AND REORDAIN A USER CHARGE SYSTEM
FOR GROUND WATER SERVICES
SANITARY DISTRICT NO. 3
JAMES CITY COUNTY, VIRGINIA

SECTION I
FEES

3 Billing, Penalty, and Pro Rata Bills

3-1 Billing

All bills shall be due and payable upon presentation. Twenty days after the mailing date a penalty of ten (10) percent of the unpaid quarterly charges shall be incurred. Water service may be discontinued by the District if Sanitary District No. 3 bills are not paid within thirty days of the mailing date.

The owner of the property shall remit all delinquent charges prior to reconnection of service, including, if applicable, any charges for disconnection and/or reconnection.

The property owner remains responsible for all the service line from the street right-of-way to the premises; any leak, break, or stoppage occurring at any point on the service line shall be repaired immediately.

3-2 Penalty

All unpaid water charges shall become a lien on land or property served by the water line as provided in the Code of Virginia, 1950, as amended, Section 21-118.4(e).

3-3 Pro Rata Bills

Owners requesting discontinuance or establishing new accounts for service shall be billed based on the pro rata portion of the billing period when service was provided. If notice of discontinuance of service is not given to the James City County Office of Finance by the owner, the quarterly bill shall be due in full.

An emergency is hereby declared to exist and this ordinance shall be in full force and effect beginning July 1, 1979.

9. Boards and Commissions Appointments

This item was deferred until after an Executive Session later on the agenda.

H. MATTERS OF SPECIAL PRIVILEGE

Mr. Oliver reported there was a late item for the Board's information -- specifically a memorandum pertaining to the gasoline availability to the County.

Mr. Oliver also informed the Board members that Virginia Waterworks Project had given the County informal notification of the award of funds for work in the Mooretown Road area.

Mr. Taylor, making note of Mrs. Phyllis Cody's attendance, recognized her before the Board.

Mr. Edwards commented that this was the last meeting during which John Watkins would be in attendance, as he is leaving the County's employ after a period of nine years. Mr. Edwards stated he felt John would be very much missed and wished him well in his next position. Mr. Taylor also wished John best of luck in his new endeavors,

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver reported an Executive Session would be necessary to discuss personnel matters.

J. BOARD REQUESTS AND DIRECTIVES

None.

Mr. Edwards moved to adjourn into Executive Session for the purpose of discussing personnel matters. The motion carried by a unanimous roll call vote. The Board members convened in Executive Session at 4:30 P.M. and reconvened in public session at 5:00 P.M.

Mr. Donaldson moved to appoint Mr. Taylor to a 3-year term on the Service Authority. The motion carried by a 4-0 roll call vote. Mr. Taylor abstained.

Mr. Donaldson moved to appoint Mrs. Stella Earman to a 4-year term to the Williamsburg Regional Library Board of Trustees. The motion carried by a unanimous roll call vote.

There were no further matters to come before the Board and Mr. Ware moved to adjourn.

The motion carried by a unanimous roll call vote.

THE MEETING ADJOURNED AT 5:05 P.M.

James B. Oliver, Jr.
Clerk to the Board

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