

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 6TH DAY OF FEBRUARY, NINETEEN HUNDRED EIGHTY-NINE, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas D. Mahone, Chairman, Jamestown District  
Stewart U. Taylor, Vice-Chairman, Stonehouse District

Jack D. Edwards, Berkeley District  
Perry M. DePue, Powhatan District  
Thomas K. Norment, Jr., Roberts District  
David B. Norman, County Administrator  
Frank M. Morton, III, County Attorney

B. MINUTES - January 23, 1989

Mr. Mahone asked if there were corrections or additions to the minutes.

Mr. Edwards made a motion to approve the minutes as presented.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

C. PRESENTATION

1. Resolution - Carlisle H. Humelsine

Mr. Mahone read the resolution and presented a framed copy to Mrs. Mary Norment, daughter of Mr. Carlisle H. Humelsine.

R E S O L U T I O N

CARLISLE H. HUMELSINE

WHEREAS, Carlisle H. Humelsine, Chairman emeritus Colonial Williamsburg Foundation at the time of his death on January 26, 1989; and

WHEREAS, Carlisle Humelsine's leadership of the Colonial Williamsburg restoration created an internationally - acclaimed identity for this area; and

WHEREAS, through his influence, James City County acquired impressive assets such as Anheuser-Busch, Busch Gardens, the Kingsmill development, and Carters Grove; and

WHEREAS, such leadership, dedication, and community service have contributed greatly to the high quality of life in James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby remembers Carlisle H. Humelsine as a benefactor and true friend of James City County.

BE IT FURTHER RESOLVED, that this resolution be spread on the minutes of this Board and a suitable copy be presented to the family of Carlisle H. Humelsine.

2. Routing Study for James City County Transit - Fredrick D. Fravel, Ecosometrics, Inc.

Mr. Richard Drumwright, Transit Administrator, introduced Fredrick Fravel of Ecosometrics, Inc., who prepared the study.

Mr. Fravel described objectives of the study as evaluating ridership trends, examining routes and schedules to improve service, and assessing the need for commuter services.

Mr. Fravel explained recommendations of the study for a four-year program of incremental improvements to transit services, and meeting commuter needs through additional employer-sponsored commuter buses and vans.

D. PUBLIC HEARINGS

1. Case No. Z-17-88. Greensprings Plantation, Inc.

Mr. Allen Murphy, Jr., Principal Planner, stated that Mr. Robert Emmett had applied on behalf of Greensprings Plantation, Inc., to rezone approximately 1,402 acres from A-1, General Agricultural and A-2 Limited Agricultural, to R-4, Residential Planned Community, identified as Parcel (1-11) on James City County Real Estate Map No. (46-1).

In accordance with staff, the Planning Commission unanimously recommended approval of this application with proffers for the following reasons:

1. This proposal is consistent with the Comprehensive Plan Land Density and Use Designations for this area and adequately addresses the conservation goals and Greenbelt policies of the County.

2. This proposal phases the development of this project in a manner which will not create adverse impacts on adjoining road networks. Provisions for future road improvements have been adequately provided.

3. This proposal, as a planned community package, is sensitive to environmental and archaeological issues, provides adequate buffering, recreation opportunities and sufficient public use areas and it is consistent with surrounding development. Development such as this, as a planned community with a master plan, is far superior to a piecemeal development under other zoning classifications.

Mr. Mahone opened the public hearing.

1. Mr. Paul Hudgins, 174 The Maine, spoke in opposition to the rezoning as no public need or benefit from such a development has been shown. Mr. Hudgins expressed concern about increases in taxes and traffic, and the need for schools and utilities.

2. Mr. Doug Burgess, 3082 Heritage Landing Road, spoke in opposition to unbridled growth creating tax increases for schools, and the widening of Route 5, which is a Virginia By-Way.

3. Mr. James W. Baker, 100 St. George's Boulevard, spoke in opposition to the rezoning of this agricultural land.

4. Mr. John E. Angle, 113 Falling Creek Circle, spoke in opposition to the rezoning for the reasons of increased traffic and water usage.

5. Mr. Frank Tsutras, 204 Richard Brewster, questioned whether the developers would pay for the proffers, and stated that, in the future, Route 5 would be four-lane all the way to Richmond, and that Route 31 is designated the escape route for residents should an emergency occur at the Surry Nuclear Power Plant.

6. Mr. Robert Emmett described the proposed project, which would be a model for future land use in the area, and respectfully requested Board approval of the rezoning.

Mr. Mahone closed the public hearing.

Discussion was held noting that the land, as zoned, could be developed, the cost of proffered road improvements and the time period for selling lots.

With Board consensus, Mr. Mahone postponed the proposed rezoning until the next meeting, February 27, 1989.

2. Case No. SUP-33-88. Diamond Health Care of Williamsburg

Mr. Marvin Sowers, Director of Planning, stated that Mr. Alvin Anderson, Esq., on behalf of Diamond Health Care of Williamsburg had applied for a special use permit to allow the expansion and use of an unoccupied residence as an alcohol treatment center in the M-1, Limited Industrial District, located on part of Parcel (1-11) on James City County Real Estate Tax Map No. (33-3).

In accordance with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

Mr. Mahone opened the public hearing.

Mr. Alvin Anderson, Esq., representing the interest of Diamond Health Care Corporation, stated that a State certificate of public need for the alcohol treatment facility had been issued, with the Virginia Department of Health and other organizations expressing support of the facility. Patients would be admitted on a voluntary basis, with employer's compensation paying for a portion of the treatment.

Mr. Anderson requested approval of the application for the reasons that the use is defined in the County ordinance, there is no known public opposition to the project, and the Planning Commission unanimously endorsed the special use permit.

Mr. Mahone closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

#### R E S O L U T I O N

#### CASE NO. SUP-44-88. DIAMOND HEALTH CARE OF WILLIAMSBURG

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on December 20, 1988, unanimously recommended approval of Case No. SUP-44-88.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-44-88 as described herein with the following conditions:

1. This special use permit shall allow only the establishment and operation of a 40-bed intermediate care substance abuse (alcohol) treatment facility and transitional domiciliary facility.
2. A site plan shall be submitted to and approved by the Development Review Committee of the Planning Commission.

3. Connections to public water and sewer shall be required. Operation of the center shall not be permitted until connections are made.
4. If construction has not commenced on the project within 18 months from the date of the issuance of the special use permit, it shall become void. During this 18-month period all permits pertaining to the construction shall be secured, clearing and grading of the site shall be completed, and footings and/or foundations shall be installed.
5. The site shall be limited to one entrance on Mooretown Road.
6. The land shall be subdivided before construction commences. This special use permit shall apply only to the proposed 2.6 acre parcel located approximately 400 feet north of the Airport Road/Mooretown Road intersection.
7. Any increase in beds over 30, shall require an amended site plan.

3. Case No. Z-28-88. Zoning Ordinance Amendment - Development Review Committee

Mr. Sowers stated that with the adoption of the Subdivision Ordinance on January 9, 1989, the Planning Commission's Subdivision Review Committee was reconstituted as the Development Review Committee. As a final step to implement this reorganization, Zoning Ordinance amendments are needed to transfer the Site Plan Review Committee's functions to the Development Review Committee.

Staff and the Planning Commission recommend approval of the amended ordinance.

Mr. Mahone opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Mahone made a motion to approve the ordinance.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

4. Ordinance Amendment, Chapter 8, Health and Sanitation

Mr. Frank Morton, III, County Attorney, stated that the proposed ordinance amendment would allow the County to enter into an agreement with the College of William and Mary for the disposal of refuse, and was adopted by emergency provision on December 19, 1988.

Mr. Mahone opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Mahone made a motion to approve the ordinance.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

5. Virginia Peninsulas Solid Waste Authority

Mr. Sanford Wanner, General Manager, James City Service Authority stated that a resolution providing for the creation of the Virginia Peninsulas Public Service Authority required a public hearing by jurisdictions wishing to create such an Authority.

Mr. Mahone opened the public hearing, and as no one wished to speak, he closed the public hearing.

The Board discussed its support for the Authority and the appointment of members of the Authority.

Mr. Mahone made a motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

R E S O L U T I O N

A RESOLUTION PROVIDING FOR THE CREATION OF THE

VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY

WHEREAS, the James City County Board of Supervisors has previously endorsed and approved the concept of the formation of a Regional Authority to address the disposal of solid waste in and for the counties and cities of the Peninsula Planning District Commission and others who might join in such a cooperative venture.

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

1. That the County of James City (the "County") has found and determined and does hereby declare that the County, together with the Cities of Hampton, Newport News, Poquoson, and Williamsburg, and the Counties of Essex, King & Queen, King William, Mathews, Middlesex and York, desires to establish a public authority pursuant to the provisions of the Virginia Water and Sewer Authorities Act, being Chapter 28, Title 15.1, Code of Virginia, 1950, as amended, in the manner and for the purposes set forth therein.
2. That the articles of incorporation for the Virginia Peninsulas Public Service Authority shall be as follows:

ARTICLES OF INCORPORATION  
OF  
VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY

The Councils of the Cities of Hampton, Newport News, Poquoson and Williamsburg, and the Boards of Supervisors of the Counties of Essex, James City, King and Queen, King William, Mathews, Middlesex and York, having signified their intention to create an authority pursuant to the Virginia Water and Sewer Authorities Act, (Chapter 28, Title 15.1, Code of Virginia of 1950, as amended) (the Act), which shall be a public body politic incorporate, hereby certify:

- (a) The name of the authority shall be "Virginia Peninsulas Public Service Authority" and the address of its principal office shall be 2017 Cunningham Drive, Hampton, Virginia 23666.
- (b) The names of the incorporating political subdivisions are the Cities of Hampton, Newport News, Poquoson and Williamsburg and the Counties of Essex, James City, King and Queen, King William, Mathews, Middlesex and York.
- (c) The powers of the authority shall be exercised by a board consisting of 11 members, one from each member jurisdiction, who shall reside in and be appointed by the governing body of his or her political subdivision. The names and addresses of the first members, the names of the appointing political subdivisions and the year of expiration of the terms of the first members are as follows:

<u>Name and Address</u>	<u>Appointing Political Subdivision</u>	<u>Expiration of Term</u>
Mr. James F. Moore P.O. Box 1079 Tappahannock, VA 22560	County of Essex	1992
Mr. David B. Norman P.O. Box JC Williamsburg, VA 23185	County of James City	1992
Mr. Charles W. Smith King and Queen Courthouse, VA 23085	County of King and Queen	1992
Mr. C. Thomas Redd, III P.O. Box 608 West Point, VA 23181	County of King William	1992

Mr. Frank Pleva P.O. Box 839 Mathews, VA 23109	County of Mathews	1992
Mr. Phill Gay, Jr. P.O. Box 428 Saluda, VA 23149	County of Middlesex	1992
Mr. Daniel M. Stuck P.O. Box 532 Yorktown, VA 23690	County of York	1992
Mr. Robert J. O'Neill, Jr. 22 Lincoln Street Hampton, VA 23669	City of Hampton	1992
Mr. Edgar E. Maroney 2400 Washington Avenue Newport News, VA 23607	City of Newport News	1992
Mr. Robert M. Murphy 830 Poquoson Avenue Poquoson, VA 23662	City of Poquoson	1992
Mr. Frank Force 401 Lafayette Street Williamsburg, VA 23185	City of Williamsburg	1992

The governing body of each member political subdivision may appoint an alternate who may attend meetings of the Authority but who shall be entitled to vote only in the absence of the designated member for which such alternate is serving.

The terms of the first members shall begin on the date of the issuance to the Authority of a certificate of incorporation by the State Corporation Commission, and shall expire on December 31 in the year set forth above. The successor of each member shall be appointed for a term of four years by the governing body of the political subdivision by which he was appointed, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Members shall hold office until their successors shall have been appointed and qualify, and any member shall be eligible for reappointment to succeed himself. The members may receive as compensation for each meeting attended such amount as may be determined from time to time by resolution of the governing bodies of their member political subdivision, and shall be reimbursed for any actual expenses necessarily incurred in the performance of their duties.

- (d) The purposes for which the Authority are to be formed are to develop regional refuse collection, waste reduction, and disposal alternatives with the ultimate goal of acquiring, financing, constructing and/or operating and maintaining a regional residential, commercial and industrial garbage and



refuse collection and disposal system or systems, and to develop and maintain a regional information base pertaining to solid waste issues, all pursuant to the provisions of the Act.

- (e) Specific projects will be identified by the Authority and implemented through agreements with and among the member jurisdictions. Each member jurisdiction shall have the option of participating in a particular project of the Authority, and only the jurisdictions participating in such project shall be obligated to fund it. Pending completion of the necessary engineering studies and estimates, it is not practicable to set forth herein preliminary estimates of capital costs and initial rates for services of proposed projects.
- (f) The Authority shall cause an annual audit of its books and records to be made by an independent certified public accountant at the end of each fiscal year and a certified copy thereof to be filed promptly with the governing body of each of the incorporating political subdivisions.
- (g) Unless the member jurisdictions agree otherwise, the general administrative costs of the Authority that are not allocated to specific projects shall be shared at a rate of \$.50 per capita basis among the member jurisdictions until December 31, 1989, using the latest final population data published by the Center for Public Services, University of Virginia. General administrative costs shall include general operating costs such as salaries, rent, automobiles, supplies, attorneys fees, audit and accounting cost and the cost of area-wide studies to develop an overall plan for implementing the functions of the Authority. After December 31, 1989, the general administrative costs of the Authority shall be upon a per capita basis based upon a budget developed by the Authority and approved by the governing bodies of the member jurisdictions.

IN WITNESS WHEREOF, the Councils of the Cities of Hampton, Newport News, Poquoson and Williamsburg and the Boards of Supervisors of the counties of Essex, James City, King and Queen, King William, Mathews, Middlesex and York have caused these articles of incorporation to be executed on their behalf by their presiding officers and their seals to be affixed and attested by their Clerks, this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

- 3. That in accordance with the requirements of Section 15.1-1243 of the Code of Virginia, 1950, as amended, this resolution has been published in a newspaper of general circulation in the County, and a duly constituted public hearing has been held thereon.
- 4. That this resolution shall take effect from the date of its adoption.

E. CONSENT CALENDAR

Mr. Mahone asked if any Board member wished to remove any item from the Consent Calendar.

Mr. DePue made a motion to approve the Consent Calendar.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

1. 2020 Peninsula Area Transportation Study

R E S O L U T I O N

INCLUSION OF CONNECTOR ROAD BETWEEN ROUTE 60E

AND ROUTE 143 IN 2010 PENINSULA

AREA TRANSPORTATION STUDY

WHEREAS, the Peninsula Planning District Commission (PPDC) is responsible for the update of the 2010 Peninsula Area Transportation Study (PATS), the results of which will ultimately effect the health, safety, and general welfare of the residents of James City County; and

WHEREAS, the James City County Board of Supervisors recognizes that construction of a connector road between Route 60E and Route 143 would help relieve industrial traffic from Route 60 and minimize conflicts with tourist traffic near Busch Gardens; and

WHEREAS, the James City County Board of Supervisors also recognizes that said connector road would significantly assist the County in recruiting industrial uses into this area by providing a link with Route 143 and a more direct access to I-64 for vehicular movement of industrial equipment and industry employees.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request of the Peninsula Planning District Commission the inclusion of a connector road between Route 60E and Route 143 in the 2010 Peninsula Area Transportation Study.

F. PUBLIC COMMENT - None

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, informed the Board that the land acquisition resolution required a vote formalizing previous discussion.

1. Acquisition of Real Property

Mr. Morton stated that owners of real property in the name of the William Henry Jones estate and/or the R.L. Henley estate are not known or cannot, with reasonable diligence, be found in the Commonwealth of Virginia.

Mr. Edwards made a motion to approve the resolution.

Discussion followed regarding the search for the owners and eventual disbursement of monies.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

R E S O L U T I O N

ACQUISITION OF REAL PROPERTY

WHEREAS, the Board of Supervisors of James City County has determined that it is in the best interest of James City County to acquire additional land for a sanitary landfill to be utilized in solid and hazardous waste management; and

WHEREAS, investigation has determined that the real property required for the right-of-way is standing in the name of the William Henry Jones Estate and/or the R. L. Henley Estate; and

WHEREAS, all owners of the land are not known or cannot, with reasonable diligence, be found in the Commonwealth of Virginia; and

WHEREAS, pursuant to Section 15.1-282 of the Code of Virginia, as amended, the County may acquire the subject real property by condemnation; and

WHEREAS, pursuant to Section 15.1-282 of the Code of Virginia, as amended, the County is vested with such power and rights as are vested by law in governing bodies of counties, cities and towns, and the procedure in such condemnation suit shall be under the restrictions provided by the general statutes of this Commonwealth.

NOW, THEREFORE, BE IT RESOLVED:

1. That in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of certain real property hereafter more particularly described in James City County, Virginia, for an addition to the sanitary landfill to be utilized by the County in solid and hazardous waste management. That said acquisition is for public purposes, and the preservation of the health, safety, peace, good order, comfort, convenience, morals and welfare of James City County, Virginia.

2. That the County Attorney and/or the law firm of Phillips, Bartlett, Skinner and Bland, P.C., be, and they are hereby authorized and directed to acquire in the manner provided by Section 15.1-282 of the Code of Virginia, as amended, certain real property in James City County, Virginia, together with all rights and appurtenances thereto.
3. That the County Administrator is authorized and directed to act for and on behalf of the County in agreeing or disagreeing with the owner of the property upon the compensation and damages, if any, to be paid within the limit of the funds provided as set out in paragraph 5 of this Resolution which has been authorized and appropriated.
4. That the name of the present owner or owners of the land to be acquired together with a substantial description of the parcel is as follows:

OWNER: The heirs or devisees of William Henry Jones; the heirs or devisees of R.L. Henley; or their successors in interest.

DESCRIPTION: All that certain lot, piece or parcel of land, situate in James City County, Virginia, shown and described as a parcel labeled the "Martha Sheppard Est." on that certain plat entitled, "R. L. Henley's Estate on State Roads Nos. 603 and 626 and Colbys Swamp, Powhatan Dist., James City Co., VA," dated July 6, 1938, made by G. L. Evans, Certified Surveyor, of record at Plat Book 7, page 44. Being further described as that parcel labeled "Now or Formerly Sheppard" on that certain plat of record in Plat Book 33, page 47 and page 53. The parcel also being described on the landbooks of James City County as parcel (30-2)(01-0-0010) 13.0 acres.

5. Upon the appraisal of the Department of Real Estate Assessments, the County Administrator is authorized to offer NINE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$9,750.00) as compensation and damages, if any, for the parcel described herein.
6. The County Attorney and/or the law firm of Phillips, Bartlett, Skinner and Bland, P.C., shall make every effort to locate, the property owner and make such offer of compensation and damages as set forth herein.
7. That in the event the property described in Paragraph 4 of this Resolution has been conveyed to any other party, the County Attorney and/or the law firm of Phillips, Bartlett Skinner and Bland, P.C., are authorized and directed to institute proceedings against the successor in title.
8. This resolution shall be in effect from the date of its passage.

## H. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor requested that advertisement for franchising at Little Creek Dam Reservoir be done as soon as possible by posting a sign for the public's information at the facility, and by formal advertisement in the newspaper in due time.

Mr. Mahone asked whether the consultant's fee and improvements were included in the monies from the City of Newport News.

Ms. Sandra McPherson, Director of Parks and Recreation, replied in the affirmative.

Mr. Norment suggested staff's request for fitness equipment for the Recreation Center be brought forward during the budget process.

Discussion was held regarding charging of fees for use of equipment, membership renewal based on fitness equipment availability, increase of revenue from interested corporate memberships, cost of purchase versus rental of equipment, and any need for additional staff.

Mr. Mahone asked staff to prepare a letter to Frank Hall, Resident Engineer, Virginia Department of Transportation, requesting that road improvements at the entrance to D. J. Montague School on Centerville Road be completed to coincide with the opening of that school.

Mr. Mahone asked staff to prepare a reply on consideration of selling permits on a daily basis to citizens to allow for reclamation and salvage of solid waste from the Landfill.

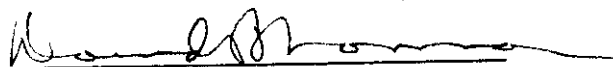
Mr. Morton questioned if the Board would prefer a memorandum in the next Board reading file regarding a citizen's request for permission to lease a part of the Richardson Meadows tract.

By consensus, the Board agreed.

Mr. Edwards made a motion to adjourn.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

The Board adjourned at 10:00 p.m.



David B. Norman  
Clerk to the Board

ORDINANCE NO. 31A-112

FEB 6 1989

BOARD OF SUPERVISORS  
JAMES CITY COUNTY

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE ~~VIRGINIA~~ OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I. IN GENERAL, SECTION 20-12 (B). DESIGN, SECTION 20-12 (D). MINIMUM OFF-STREET PARKING REQUIREMENTS; ARTICLE II. SITE PLAN. SECTION 20-35, CERTAIN PLANS SUBJECT TO REVIEW BY PLANNING COMMISSION, SECTION 20-37. SITE PLAN - SUBMITTAL GENERALLY, SECTION 20-38. SAME - EXCEPTIONS, SECTION 20-41. SAME - REVIEW CRITERIA, SECTION 20-42. TRANSITIONAL SCREENING REQUIREMENTS, SECTION 20-43. NOTIFICATION OF FINDINGS; PROCESSING; ARTICLE IV. DISTRICTS. DIVISION 1. GENERALLY, SECTION 20-96. PUBLIC UTILITIES; DIVISION 7. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 20-216. FINAL PLANS - SUBMISSION; CONTENTS GENERALLY, SECTION 20-230. SIGN REGULATIONS; DIVISION 13. LIMITED INDUSTRIAL DISTRICT, M-1, SECTION 20-355, SIDE AND REAR YARDS; DIVISION 14. GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 20-380. SIDE OR REAR YARDS; ARTICLE VIII. PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 20-471. RELATIONSHIP OF FINAL PLANS TO MASTER PLAN; ARTICLE IX. RESIDENTIAL CLUSTER DEVELOPMENT, SECTION 20-511. AMOUNT OF OPEN SPACE REQUIRED, SECTION 20-513. REVIEW AND APPROVAL PROCESS, AND SECTION 20-514. SPECIAL PROVISIONS FOR STAGE DEVELOPMENT OF RESIDENTIAL CLUSTERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-12 (B) Design, Section 20-12 (D). Minimum off-street parking requirements; Section 20-35, Certain plans subject to review by planning commission, Section 20-37. Site plan - submittal generally, Section 20-38. Same - exceptions, Section 20-41. Same - review criteria, Section 20-42. Transitional screening requirements, Section 20-43. Notification of

findings; processing; Section 20-96. Public utilities, Section 20-216. Final plans - submission; contents generally, Section 20-230. Sign regulations, Section 20-355, Side and rear yards, Section 20-380. Side or rear yards, Section 20-471. Relationship of final plans to master plan, Section 20-511. Amount of open space required, Section 20-513. Review and approval process, and Section 20-514. Special provisions for stage development of residential clusters.

## Chapter 20. Zoning

### Article I. In General

#### Section 20-12. Minimum Off-Street Parking.

##### B. Design.

Parking areas shall be arranged for functional efficiency and convenience and shall be designed to be amenable to surrounding property. Parking areas accessory or otherwise, containing ten (10) or more parking spaces, shall comply with the following:

1. The parking lot shall be separated from the street right-of-way and property lines by a landscaped strip at least ten (10) feet in width. Ingress and egress shall be provided through driveway openings only. In the event a parking lot is adjacent to a parking lot on another parcel, the required landscaped strip along the common property line between the two (2) parking lots may be waived by the Planning Commission.

2. The parking lot shall be constructed so that spaces are grouped into bays. At the end of each bay, a landscaped island of at least nine (9) feet in width and fifteen (15) feet in length shall be built to separate the bays from each other or from traffic lanes. When the parking bays contain double rows of parking spaces, the landscaped island shall be increased to nine (9) feet in width and thirty (30) feet in length. A parking bay may not be constructed to a length of more than two hundred (200) feet without constructing a landscaped island. The Administrator may approve islands which vary from nine by fifteen (9 x 15) or nine by thirty (9 x 30) rectangles in order to provide desirable geometric design features such as

rounded corners and angles to facilitate maneuvering of automobile traffic. However, in no case shall the total area of an island be decreased as a result of such design change.

3. The landscaped area within the parking lot shall not be less than seven and five-tenths (7.5) percent of the surface area of the parking lot. The perimeter landscaped strip required by this Chapter shall be excluded from the calculations of the minimum landscaped percentage; except that any portion of the perimeter landscaped strip which exceeds the minimum requirement may be counted as up to one-third of the required landscaped percentage or against up to two and five-tenths (2.5) percent of the surface area of the parking lot. Parking lots with two (2) bays or less of single rows of parking may include the entire perimeter landscaped strip, including the minimum required, in the calculation of the landscape percentage.

4. "Landscaped area," "landscaped setback," "landscaped strip," "landscaped island," or "perimeter open space," as herein used, are defined in Section 20-2. 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, shrubs, flowers and grass to be planted. A minimum of one tree shall be provided within the landscaped areas in the parking lot for each ten (10) parking spaces in the lot. Existing trees and natural vegetation shall be retained wherever possible, particularly where they border adjacent property. All landscaped areas contiguous to parking bays shall be protected from intrusion by vehicles by curbs or bumpers.

5. Adequate lighting shall be provided if the uses which are served by the parking lot will be in operation at night. The lighting in parking lots shall be directed so as not to produce objectionable glare on adjacent property or streets, and no lighting fixture shall exceed a height of thirty (30) feet.

6. The design of the parking lot shall meet the minimum geometric standards presented in the following table:

MINIMUM OFF-STREET PARKING AREA DIMENSIONS

<u>Angle of Parking (degrees)</u>	<u>Direction of Traffic</u>	<u>Dimension of Stall (feet)</u>	<u>Width of Aisle (feet)*</u>
Parallel	One-way	8 x 22	12
45	One-way	9 x 18	12
60	One-way	9 x 18	18
90	Two-way	9 x 18	23

\* Minimum width of traffic aisles in parking lots for two-way traffic shall be twenty-four (24) feet.

The minimum aisle dimension of any parking lot designed to accommodate at least five hundred (500) vehicles and intended for long-term parking may be reduced by four (4) feet provided: the lot is designed and marked for one-way traffic; the parking spaces form an angle of eighty (80) degrees to ninety



(90) degrees with the aisle; each vehicle is individually guided to a parking space by an attendant; and the safety and effective operation of the lot has been clearly demonstrated.

For the purpose of this section, the phrase "long-term parking" shall mean parking the duration of which is on the average six (6) hours or more.

7. Parking areas, driveways and entrances shall be surfaced with gravel, stone, asphalt or concrete, and shall be maintained in good repair. Adequate drainage shall be provided for the removal of stormwater and a drainage plan shall be submitted with the site plan and approved by the Director of Code Compliance.

8. The location, size, and number of entrances from parking areas onto public or private roads shall be shown on the site plan. Upon finding that on-site traffic circulation, off-site traffic flow, or public safety would be improved, the Planning Commission may require the location, number or size of entrances to be limited or increased.

D. Minimum off-street parking requirements.

1. Residential uses: The minimum number of off-street parking spaces shall be: Two (2) spaces per single-family residential unit; three (3) spaces per single family dwelling with an accessory apartment; two (2) spaces per townhouse dwelling unit; and two (2) spaces per manufactured home. Other residential uses shall provide one and five-tenths (1.5) spaces per residential unit. Spaces in accessory garages conforming to the size and area requirements for parking spaces and having suitable ingress and egress shall be counted towards the required minimum number of parking spaces for each dwelling.

2. 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 parking demand generators shall provide one parking space per two hundred (200) square feet of retail floor area, to include:

General retail stores.

Retail food stores, bakeries and fish markets.

Laundries and dry cleaners.

Wearing apparel, shoes, yard goods, toys, music and records, tailors, dressmakers, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.

Drug stores.

Plants and garden supply, hardware and paint, and home appliance sales and service.

Antique, novelty, arts and crafts, and gift shops.

Libraries and post offices.

Lodges, civic clubs, fraternal organizations, service clubs, public billiard parlors, arcades, pool rooms, dance halls and private clubs.

All other commercial uses not specified in Category B or C below.

Category B. Moderate parking demand generators shall provide one parking space per two hundred fifty (250) square feet of retail floor area, to include:

- Banks and financial institutions.
- Corporate, business and professional offices.
- Lumber and building supply.
- Plumbing and electrical supply.
- Tire, transmission, glass, body and fender, and other automotive product sales and service.
- Machinery sales and service.
- Photography studios and sales and artist and sculptor studios.

Category C. Uses with unique requirements.

(a) Motels, hotels and tourist homes shall have one parking space per rental unit plus four (4) parking spaces for every fifty (50) rental units plus one parking space per five (5) 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.

(b) Theaters, auditoriums and places of public assembly shall have one parking space per five (5) seats based upon the planned seating capacity.

(c) Hospitals shall provide at least two (2) parking spaces for every bed. Nursing homes or convalescent facilities shall provide one parking space for every three (3) beds, plus one parking space for each employee on the largest shift.

(d) Outdoor retail sales-display areas shall provide at least one parking space per five hundred (500) square feet of area.

(e) Bowling alleys shall have three (3) parking spaces per alley plus one space for every two-hundred (200) square feet of accessory business use.

(f) Barber shops and beauty shops shall have at least three (3) spaces plus two (2) spaces for every barber or beautician chair.

(g) Planned shopping centers, with four (4) or more stores using a common parking lot, shall provide parking spaces according to the following schedule:

<u>Total Retail Floor Area in Square Feet</u>	<u>Number of Spaces per 1,000 Square Feet</u>
1 - 100,000	4
100,001 - 300,000	5
Over 300,000	5.5

Where a theater is proposed in conjunction with any shopping center which contains at least sixty thousand (60,000) square feet of retail floor area, the number of parking spaces required for the theater may be reduced by twenty-five (25) percent of what would have been required under (b) above. All shopping centers utilizing the provisions of this paragraph shall have a minimum landscaped strip along street rights-of-way of twenty (20) feet and the landscaped strip along all other property lines shall be a minimum width of fifteen (15) feet.

(h) Medical and dental clinics shall provide at least three (3) parking spaces for each doctor or dentist having offices in such clinic.

(i) Mortuaries and funeral homes shall provide at least thirty (30) parking spaces.

(j) Furniture stores, carpet show rooms and indoor vehicular sales show rooms shall have one parking space for every four-hundred (400) square feet of retail floor area.

(k) Restaurants shall have one parking space for every four (4) seats based upon the maximum seating capacity allowed.

(l) Rental of rooms to a maximum of three (3) shall provide off-street parking totalling one more parking space than the total number of rooms to be rented.

3. Industrial uses: Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two (2) employees on the largest shift.

4. Where the required number of parking spaces is not set forth for a particular use in the preceding Sections, 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 Commission shall determine the number of spaces to be provided.

#### 5. Appeals and waivers.

(a) Appeals. A property owner may appeal for a change of a commercial use from Category A to Category B or a less restrictive requirement within Category C; however, the burden of proof shall be upon the applicant to 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 different parking classifications shall be made to the Planning Commission.

(b) Waivers. A property owner may be granted a waiver by the Planning Commission from the minimum off-street parking requirements if it can be shown that due to unique circumstances a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement. Any waiver granted by the Planning Commission shall not allow a greater building area than would have been possible had the original parking requirement been enforced. The Planning Commission may place conditions upon the granting of a waiver, and may require that the parking area not required upon the granting of the waiver be landscaped in addition to the minimum landscaping requirements.

## ARTICLE II. SITE PLAN

### Section 20-35. Certain Plans Subject to Review by Planning Commission.

For the purpose of assuring public safety, good arrangement and ensuring harmony with the Comprehensive Plan, site plans for the following major uses and additions and expansions thereto shall be subject to review for approval by the Planning Commission and the Zoning Administrator:

- (a) Multiple-family dwellings.
- (b) Townhouses and condominiums.
- (c) Churches; temples, synagogues; cemeteries.
- (d) Docks, marinas, wharves, piers, bulkheads and the like and any over-water structures, except private over-water piers and boat houses accessory to single-family dwelling.
- (e) Hotels; motels and motor lodges.
- (f) Business, commercial and industrial buildings and developments.
- (g) Manufactured home parks.
- (h) Campgrounds.
- (i) Public parks, recreation facilities.
- (j) Public utilities or public service or transportation uses; buildings, generating, purification or treatment plants; water storage tanks; pumping or regulator stations; telephone exchange, transformer or substations; and power transmission lines.
- (k) Schools and State institutions.
- (l) Hospitals and nursing homes.
- (m) State and public buildings.
- (n) Towers.
- (o) Two (2) or more two-family dwellings on the same parcel.
- (p) Three (3) or more single-family dwellings on the same parcel.
- (q) Off-street parking areas with ten (10) or more spaces, or any additions to existing off-street parking areas except for single-family residences.

Section 20-37. Site plan--Submittal Generally.

Seven copies of a site plan shall be submitted to the Planning Director, or his designee, who shall review the plans for compliance with these regulations and the requirements for site plans. The Planning Director shall transmit such plans to the Development Review Committee with his comments for their review. The Committee shall consider the site plan submittal within thirty (30) days from when the site plan, meeting all submittal requirements, is submitted to the Planning Office, and the Planning Commission shall consider it at its first meeting after a recommendation is made by the Development Review Committee.

Section 20-38. Same--Administrative Review.

Upon application and review, the administrator may approve the site plan provided that:

- (a) All materials are presented in accordance with the requirements set forth in this Chapter.
- (b) No unresolved problems exist between the applicant, adjacent property owners, or any departmental reviewing agency, and the site plan is for either:
  - (1) An addition to an existing use with a floor area no greater than seventy-five 75 percent of the total floor area of the existing use.
  - (2) A single business, commercial or industrial building with a total floor area not to exceed fifteen thousand (15,000) square feet.
  - (3) Single-family or two-family dwellings.
  - (4) No building to be placed on the lot.

The Planning Director or his designee shall transmit County staff comments to the applicant or his representative within 30 days of submittal of administrative site plans meeting all applicable submittal criteria. No plan shall be approved until all staff and other agency comments are satisfied.

Section 20-41. Same--Review Criteria.

The Planning Commission, the Planning Director and the Zoning Administrator shall examine and consider site plans with respect to:

- (a) Intensity of land use including developable acreage, density and adequate provisions for open space and recreational facilities as appropriate to the site usage and to the Comprehensive Plan.

- (b) Design and layout of the site including buildings; signs; recreation facilities; garbage and trash disposal facilities; sedimentation and erosion controls; storm drainage, stormwater management, sanitary sewage disposal, and water supply exit and entrance points on the site including line sizes; areas to be landscaped with approximate arrangement and plant types and sizes indicated; and provisions for pedestrian and vehicular traffic movements within and adjacent to the site. Particular emphasis shall be placed upon the review of on-site aesthetics; public safety features; environmental, historic and vegetative preservations; efficient layout of buildings, parking areas, off-street loading and unloading; and movement of people, goods and vehicles (including emergency vehicles) from access roads, within the site, between buildings and vehicles. Vehicular access to the site shall be designed to aid overall traffic flow and to permit vehicles a safe ingress and egress.

Design standards contained in this Chapter as they relate to traffic circulation, parking, performance standards, location of structures, setbacks, yards, bulk, height and building coverage shall apply, where applicable, to site plan approval. The design criteria established in the James City County Subdivision Ordinance and applicable standards of the State Department of Highways shall apply where appropriate, to site plan approval.

#### Section 20-42. Transitional Screening Requirements.

If the Planning Commission determines that noise, dust and debris, glare, or other objectionable impacts created by a manufactured home park, or multi-family, or commercial or industrial land uses will have a detrimental effect on existing adjoining residential properties, the committee may require that landscaped or architectural barriers be provided between the residential and commercial or industrial land uses, and that setbacks be increased to provide adequate buffers to adjacent uses.

The owner of the multi-family, or commercial or industrial land use shall be responsible for the installation, maintenance, repair and replacement of all required landscaping materials and barriers.

#### Section 20-43. Notification of Findings; Processing.

The Planning Director or his designee shall notify in writing the applicant, owner or developer regarding the findings of the Planning Commission. Notification shall be given within ten (10) working days following the review by the Planning Commission or the Planning Director.

Article IV. Districts.  
Division 1. Generally

Section 20-96. Public Utilities.

Except where a public utility requires a Special Use Permit, public utilities shall be allowed as a permitted use in each zoning district. Public utilities include poles, power lines, distribution transformers or substations, pipes, meters, telephone exchanges, and other facilities necessary for the provision and maintenance of utilities, including water and sewer facilities, water storage tanks, pumping or regulator stations.

The location of all utilities and utility easements shall be shown on the site plans, or subdivision plats, as appropriate. 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, existing tree cover and physical features of the site and the surrounding area, the Planning Commission may waive requirements for underground utilities upon a favorable recommendation of the Development Review Committee. Waivers in subdivisions must comply with Section 17-18 of the Subdivision Ordinance.

Division 7. Residential Planned Community District, R-4

Section 20-216. Final plans—Submission; Contents generally.

Following the establishment of a residential planned community, and approval of the Board of Supervisors of a Master Plan therefore, the applicant may furnish the Planning Commission, seven (7) copies of a final plan of any part or section of the community shown on the Master Plan. The term "final plan" shall mean site plan or subdivision plat. Final plans shall be submitted for review in accord with Article II of this Chapter or with the County's Subdivision Ordinance, whichever is applicable. The final plans shall be consistent with the Master Plan as approved, but may vary to any degree which the Planning Commission believes does not vary the basic concept or character of the development.

Section 20-230. Sign Regulations.

To assure an appearance and condition which is consistent with the purposes of the Residential Planned Community District, R-4, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article VII of this Chapter, except that unique signing systems may be approved by the Planning Commission and the Board of Supervisors where such sign systems contribute significantly to the character of the Residential Planned Community. However, in no case shall the sign square foot size exceed the maximum allowed in Article VII of this Chapter. Home occupation signs shall not be permitted in the Residential Planned Community District.

Division 13. Limited Industrial District, M-1

Section 20-355. Side and Rear Yards.

(a) Structures shall be located twenty (20) feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of thirty-five (35) feet in height shall be increased one foot for each two (2) feet of height in excess of thirty-five (35) feet.

(b) The minimum side yard shall be increased to seventy-five (75) feet if the side yard abuts property in a Residential district, and the minimum rear yard shall be increased to seventy-five (75) feet if the rear yard abuts property in a Residential district. The minimum side and rear yards for any section of a structure in excess of thirty-five (35) feet in height shall be increased one foot for each two feet of height in excess of thirty-five 35 feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the Planning Commission; provided, however, that no structure shall be located within ten (10) feet of any property line.  
(Ord. No. 31A-88, Section 20-90.1, 4-8-85)

Division 14. General Industrial District, M-2

Section 20-380. Side or rear yards.

(a) Structures shall be located twenty (20) feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of thirty-five (35) feet in height shall be increased one foot for each three (3) feet of height in excess of thirty-five (35) feet.

(b) The minimum side yard shall be increased to seventy-five (75) feet if the side yard abuts property in a Residential district, and the minimum rear yard shall be increased to seventy-five (75) feet if the rear yard abuts property in a Residential district. The minimum side and rear yards for any section of a structure in excess of thirty-five (35) feet in height shall be increased one foot for each two (2) feet of height in excess of thirty-five (35) feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the Planning Commission; provided, however, that no structure shall be located within 10 feet of any property line.  
(Ord. No. 31A-88, Section 20-98.2, 4-8-85, Ord. No. 31A-100, 4-6-87)

Article VIII. Planned Unit Development Districts

Section 20-471. Relationship of Final Plans to Master Plan.

Following the establishment of a Planned Unit Development District and approval of the Board of Supervisors of a Master Plan, the applicant may furnish to the Planning Commission, seven (7) copies of a final plan of any



part or section of the community shown on the Master Plan. The term "final plan" shall mean site plan or subdivision plat. Final plans shall be submitted for review in accord with Article II of this Chapter of the County's Subdivision Ordinance. The final plans shall be consistent with the Master Plan as approved, but may alter to any degree which the Planning Commission believes does not alter the basic concept or character of the development.

#### Article IX. Residential Cluster Development

##### Section 20-511. Amount of Open Space Required.

(a) Within every residential cluster development approved under this Article, there shall be planned and set aside permanently an amount of open space to be maintained exclusively for recreation or conservation and recreation purposes. The amount of such open space shall not be less than fifteen (15) percent of the net developable area of the site.

(b) In addition, all nondevelopable area consisting of all stream beds, areas subject to flooding, marsh and areas with slopes exceeding twenty-five (25) percent gradient, shall be maintained as open space.

(c) Before accepting the open space as meeting the requirements of paragraph (a) of this section, the Planning Commission shall find that:

1. The required open space land contains in a contiguous area at least the minimum area for a single-family residential lot required by the underlying zoning district;
2. No land lying within a proposed or existing utility easement or drainage facility is counted toward the minimum open space requirement;
3. The land is suitable for the recreational use intended, with adequate access and served with adequate facilities for such purpose.

(d) Evidence shall be given that satisfactory arrangements will be made for the perpetual maintenance of designated open space areas to relieve the County of future maintenance.

##### Section 20-513. Review and Approval Process.

###### (a) Review Required.

A proposed plan of development for a residential cluster development proposed under this Article shall be filed with the Planning Director who shall submit it to the Development Review Committee. The Planning Director and the Development Review Committee shall recommend action on the plan to the Planning Commission, which shall approve the plan of development upon finding that:

1. Such cluster development will preserve the environmental integrity of the site by protecting features such as steep slopes, stream valleys, desirable vegetation or farmland;
2. The cluster development will not impair the character of the area nor likely reduce the value of surrounding buildings or property; and
3. The proposed project is substantially in accordance with the Comprehensive Plan of James City County.

(b) Plan of Development.

The plan of development shall include all information required to be on a preliminary plat by the Subdivision Ordinance, and shall identify proposed areas and uses of open space including the non-developable areas. As marginal information the plan of development shall show the total area of the site, the net developable area, the proposed facilities qualifying for density bonuses, the total number of dwelling units, and the number of bonus units, the minimum amount of open space required under Section 20-511(a), and the total amount of open space proposed.

(c) Status of Approved Plan of Development.

Upon approval of the plan of development under this Section, such plan shall be considered an approved preliminary plat, as defined in the Subdivision Ordinance, and such plan shall thereafter be controlled by the Subdivision Ordinance.

(d) Amendment of Plan of Development.

Upon application, an approved plan of development may be amended by the Planning Director; provided, however, that a proposed amendment does not:

1. Alter a recorded plat.
2. Conflict with the requirements of this Article.
3. Change the general character or content of an approved plan of development.
4. Impair property values in the surrounding area.
5. Result in any substantial change of major external access points.
6. Increase the approved number of dwelling units for any portion of the previously approved residential cluster development.

Proposed amendments that do not meet these criteria shall be referred to the Planning Commission for review and action.

(e) Plan of Development - Review Fees.

Submittal of a plan of development under this Section shall be accompanied by a fee in accordance with the fees established for site plan review under Section 20-6 of this Chapter or subdivision review under Section 17-15 of the County's Subdivision Ordinance.

Section 20-514. Special Provisions for Stage Development of Residential Clusters.

Residential cluster developments may be developed in stages or sections in accordance with the following provisions:

(a) Review Required.

An overall plan of development shall be submitted, reviewed and approved in accordance with Section 20-513(a).

(b) Plan of Development.

The plan of development shall be prepared by a licensed surveyor, engineer, architect, landscape architect, or a planner. A scale may be used so that the entire parcel can be shown on one piece of paper no longer than 30" by 40". It shall include:

1. An insert map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions or landmarks.
2. A north arrow.
3. The location of existing property lines, watercourses, or lakes, wooded areas and existing woods which are within or adjoin the property.
4. The boundaries of each section, topography, approximate location of proposed streets, proposed areas and uses of open space, proposed recreation areas, proposed lots and-or buildings.
5. Marginal data which shows the total area of the site, the net developable area, the proposed facilities qualifying for density bonuses, the total number of dwelling units and-or lots, the number of bonus units and-or lots, the minimum amount of open space required by Section 20-511(a), and the total amount of open space.
6. Master water, sewer and drainage plans and schematic plans which shall indicate the phasing of development.

(c) Status of Approved Plan of Development.

The approval of the plan of development under this Section shall not be considered an approved preliminary plat as defined in the Subdivision Ordinance.

(d) Relationship of Sectional Plans to Plan of Development.

Following, or as a part of the establishment and approval of the plan of development by the Planning Commission, the applicant shall furnish to the Development Review Committee or the Planning Director, whichever is appropriate, sectional plans of any part or parts of the residential cluster development. The term sectional plan shall mean site plan or subdivision plat. The sectional plans shall be consistent with the plan of development as approved, but may alter to any degree which the Planning Commission believes does not alter the basic concept or character of the development.

(e) Plan of Development - Agreement.

Prior to final approval of the first sectional plan, an agreement shall be executed between the developer and the County which shall be binding upon the developer, his successors, assigns or heirs to the effect that the approved plan of development shall govern the development of the total residential cluster development. This provision does not preclude the adjustment of the plan in accordance with Section 20-513(d).

(f) Sectional Plans, Plan of Development - Review Fees.

Submittals of a site plan or preliminary subdivision plat implementing any portion of the plan of development shall be accompanied by a fee in accordance with Section 20-6 of this Chapter or Section 17-15 of the County's Subdivision Ordinance. Submittal of a plan of development shall be accompanied by the fee charged for master plan review in accordance with Section 20-6 of this Chapter.

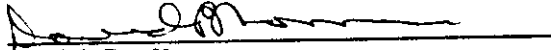
(g) Sectional Plans - Action.

Sectional plans submitted in accordance with Subsection (d) 20-514(d) shall be reviewed in accordance with, and meet the requirements of, Article II of this Chapter or the County's Subdivision Ordinance, whichever is appropriate.

*Thomas D. Mahone*

Thomas D. Mahone, Chairman  
Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

SUPERVISOR VOTE

NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
MAHONE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,  
this 6th day of February, 1989.

0234U

FEB 6 1989

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, LANDFILL ORDINANCE, SECTION 8-8, IN GENERAL.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Health and Sanitation, of the Code of the County of James City is hereby amended and reordained by amending Section 8-8. In general as follows:

Chapter 8. Health and Sanitation

Article II. Landfill Ordinance

Section 8-8. In general.

(a) Policy. The purpose of this article is to ensure the proper disposal of solid wastes within James City County, including wastes from households, commercial establishments, manufacturing, industry and institutions, and to implement the provisions of the Resource Conservation and Recovery Act of 1976 (Public Law 94-580) and the Solid Waste Regulations of the Commonwealth of Virginia. It shall be the official policy of the county to encourage the conservation (recycling-reuse) of recoverable resources from solid wastes by the industries, businesses and citizens of the county.

(b) Definitions. For purposes of this article, the following definitions shall apply:

(1) Administrator: The county administrator or his authorized designee.

(2) Bulky waste: Large items of solid waste such as household appliances, furniture, large auto parts, trees, branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

- (3) Building and demolition debris: The waste building material, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.
- (4) Commercial-business refuse: Refuse or wastes resulting from the operation of commercial or business establishments, including, but not limited to, stores, markets, offices, restaurants, shopping centers or theaters.
- (5) Compacted refuse: Refuse or waste which has been reduced in volume by mechanical or hydraulic means and remains in this state of reduced volume until deposited at the landfill.
- (6) Garbage: All vegetable and animal waste generated by the handling, storage, sale, preparation, cooking and serving of foods.
- (7) Hazardous waste: Refuse or waste or combinations of refuse or waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitatingly reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (8) Household refuse: Refuse or waste resulting from residential operation.
- (9) Industrial refuse: Refuse or waste resulting from industrial and-or manufacturing operations.
- (10) Institutional-governmental refuse: Refuse or waste resulting from operations or activities of the Commonwealth of Virginia, its political subdivisions or agencies, or the United States Government.
- (11) Manager: The business manager of the James City Service Authority or his authorized designee.
- (12) Person: An individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, any interstate body, or the federal government.
- (13) Trash: Any and all rubbish, cans, bottles, containers, paper, cardboard or other discarded material of an inorganic nature.

- (14) Uncompacted refuse: Refuse or waste which has not been reduced in volume by mechanical or hydraulic means, or if so, has not been maintained in this reduced volume state during transportation to the landfill.
- (15) Waste generator: The person who actually produces the commercial, household, industrial or institutional-governmental refuse intended for disposal at the landfill.
- (c) Authority to establish landfill rules. The manager shall be authorized to establish reasonable rules and regulations to determine the origin and type of refuse presented at the landfill for disposal.
- (d) Disposal of refuse from outside county prohibited. It shall be unlawful for any person to dispose of refuse originating outside the boundaries of James City County at the landfill unless an agreement exists between James City County and the jurisdiction in which the refuse originates; provided, however, James City County may enter into direct agreements with the Commonwealth of Virginia or agencies thereof located outside the boundaries of James City County for the disposal of refuse generated by the Commonwealth of Virginia or agencies thereof.
- (e) Weighing of truck required. It shall be unlawful for any person to dispose of refuse at the county landfill before weighing the vehicle containing said refuse, except in certain cases as described below. (Ord. No. 116A-2, 10-13-80; Ord. No. 116A-7, 3-12-84; Ord. No. 116A-14, 5-2-88)



*Thomas D. Mahone*

Thomas D. Mahone, Chairman  
Board of Supervisors

ATTEST:

*David B. Norman*

David B. Norman  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
EDWARDS	ABSTAIN
DEPUE	AYE
MAHONE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,  
this 6th day of February 1989.

0230U