

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 5TH DAY OF APRIL, NINETEEN HUNDRED NINETY-THREE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Judith N. Knudson, Chairman, Jamestown District  
Stewart U. Taylor, Vice Chairman, Stonehouse District (Absent)

Perry M. DePue, Powhatan District  
Jack D. Edwards, Berkeley District  
David L. Sisk, Roberts District  
David B. Norman, County Administrator  
Frank M. Morton, III, County Attorney

Ms. Knudson recessed the Board for a James City County Transit Company meeting.

Ms. Knudson reconvened the Board at 7:04 p.m.

B. MINUTES - March 15, 1993

Ms. Knudson asked if there were corrections or additions to the minutes.

Ms. Knudson made a motion to approve the minutes as presented.

On a roll call, the vote was: AYE: Edwards, DePue, Sisk, Knudson (4). NAY: (0).

C. CONSENT CALENDAR

Ms. Knudson asked if any Board members wished to remove an item from the Consent Calendar.

Ms. Knudson asked that Item No. 1 be removed and made a motion to approve Items No. 2, 3, and 4 on the Consent Calendar.

On a roll call, the vote was: AYE: Edwards, DePue, Sisk, Knudson (4). NAY: (0).

2. Budget Amendment, Highway Safety Fund Mini-Grants, Police

R E S O L U T I O N

BUDGET AMENDMENT - POLICE DEPARTMENT

WHEREAS, the James City County Police Department has received \$3,166.00 reimbursement as result of an approved mini-grant from the Division of Motor Vehicle Highway Safety Fund; and

WHEREAS, Federal and State law requires that these items purchased with the award mini-grant money be used exclusively by the Police Department for speed enforcement and DUI enforcement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors at James City County, Virginia, hereby amends the Police Department FY 93 Budget as follows:

Revenue - Commonwealth of Virginia

Miscellaneous Revenue	<u>\$3,166.00</u>
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Expenditures - Police Department

Operational Equipment	<u>\$3,166.00</u>
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3. Subdivision and Street Name Change - Wood Duck Commons

R E S O L U T I O N

SUBDIVISION AND STREET NAME CHANGE - WOOD DUCK COMMONS

WHEREAS, Section 17-54 of the James City County Subdivision Ordinance provides the James City County Board of Supervisors with the authority to rename recorded subdivisions and recorded streets; and

WHEREAS, a subdivision and street name change have been requested by Nicholson Homes, Inc., consistent with a legal agreement between the current residents of Wood Duck Commons, the Season's Trace Single Family Homeowners Association and the above mentioned party.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby changes the subdivision name from Wood Duck Commons to Pheasant Run and changes the street name from Wood Duck Commons to Pheasant Run; both changes shall be as delineated on a preliminary plat entitled "Plat of Correction, Season's Trace. Section IX, Lots 1-24, 52, and 53" and dated March 19, 1993.

4. FY 93 Section 3 Discretionary Capital Grant Application

R E S O L U T I O N

FTA SECTION 3 RESOLUTION

REQUEST FOR FEDERAL AND STATE MATCHING FUNDS - FY 93

WHEREAS, the Federal Government and Commonwealth of Virginia have made funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit System's operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized by the Board to execute and file application to the Virginia Department of Rail and Public Transportation, Commonwealth of Virginia, for a grant of Federal public transportation assistance under Section 3 of the Intermodal Surface Transportation Efficiency Act of 1991 and for a grant of State public transportation assistance under Budget Item 644 of the 1982 Acts of the General Assembly, Chapter 648, Financial Assistance for Mass Transit. Amounts requested for Federal assistance include \$208,000 to assist in capital costs and for State assistance of \$26,000 to defray up to 50 percent (50%) of the local match for capital procurement. The County Administrator shall be authorized to accept grant funds awarded and to furnish the Virginia Department of Rail and Public Transportation documents and other information as may be required for processing this grant request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certifies that the funds shall be used in accordance with the requirements of FTA Section 3 Capital Discretionary Program and the State Appropriations Act of 1982, and that James City County may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts.

1. Child Abuse Prevention Month, April 1993

Ms. Knudson spoke of the importance of child abuse prevention.

Ms. Knudson made a motion to approve Item No. 1 on the Consent Calendar.

On a roll call, the vote was: AYE: Edwards, DePue, Sisk, Knudson (4). NAY: (0).

R E S O L U T I O N

CHILD ABUSE PREVENTION MONTH

WHEREAS, the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States, where 14,229 cases of child abuse and neglect were substantiated in Virginia during the fiscal year 1991-92; and

WHEREAS, Virginia faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members when child abuse occurs; and

WHEREAS, Congress has expressed its commitment to seeking and applying solutions to this problem by establishing April as Child Abuse Prevention Month nationwide; and

WHEREAS, in James City County, Virginia, we have dedicated individuals and organizations who work daily to counter the problem of child abuse and neglect and to help parents obtain the assistance they need; and

WHEREAS, it is vital that we join forces to reach out to parents and children and prevent the reoccurrence of child abuse and neglect; and

WHEREAS, it is appropriate and fitting to focus attention upon the problem of child abuse and neglect in Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, proclaims the month of April 1993, as CHILD ABUSE PREVENTION MONTH and calls upon County citizens to observe the month with appropriate programs, ceremonies, and activities.

**D. PUBLIC HEARINGS**

1. Case Nos. Z-7-92 and SUP-32-92. Williamsburg Crossing Master Plan Amendment - Michael's Mews Associates

Mr. R. Patrick Friel, Senior Planner, stated that the applicant had requested deferral of the cases until April 19, 1993, Board of Supervisors' meeting. Mr. Friel gave a brief summary that Mr. Gary Werner had applied on behalf of University Square Associates and Michael's Mews Associates for a special use permit to amend a previously approved special use permit (Case No. SUP-49-90) and accompanying Williamsburg Crossing Master Plan and to rezone approximately 13.3 acres from B-1, General Business, to MU, Mixed Use.

Staff concurred with the applicant's request and recommended deferral.

Ms. Knudson reopened the public hearing.

1. Mr. Calvin Davis, an owner of the Williamsburg Crossing Shopping Center, asked interested citizens to telephone him at his residence, 229-6608, or office in Virginia Beach, Virginia, 428-5128, and provide input about the cases.

Without objection, Ms. Knudson continued the public hearing until April 19, 1993, Board of Supervisors' meeting.

2. Case No. SUP-30-91. William C. Branch

Mr. Friel stated that Mr. William C. Branch had applied for a special use permit to allow a residential on-site wastewater treatment system with off-site effluent disposal on .58 acres zoned A-1, General Agricultural, located at 5019 River Road, further identified as Parcel (3-2) on James City County Real Estate Tax Map No. (9-3).

Staff recommended deferral until the April 19, 1993, Board of Supervisors' meeting to allow applicant's representative to be present as requested by Mr. Branch.

Ms. Knudson opened the public hearing, and without objection, continued the public hearing until the April 19, 1993, Board of Supervisors' meeting.

3. Case No. AFD-2-86. Croaker Agricultural and Forestal District (Ballard Addition)

Mr. Friel stated that Mr. Thomas B. Ballard had applied to add 21.1 acres to the previously approved Croaker Agricultural and Forestal District (AFD-2-86), located south of Riverview Road in the vicinity of Riverview Road/Saddletown Road intersection, further identified as Parcels (1-32) and (1-35A) on James City County Real Estate Tax Map No. (15-3).

In concurrence with staff and the Agricultural and Forestal Districts Advisory Committee, the Planning Commission unanimously recommended approval of the addition with conditions listed in the ordinance.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Mr. Sisk made a motion to approve the ordinance.

On a roll call, the vote was: AYE: Edwards, DePue, Sisk, Knudson (4). NAY: (0).

4. Ordinance Amendment, Chapter 8, Health and Sanitation, Article II, Sections 8-9, 8-10 and 8-13, Landfill Disposal Fees

Mr. Larry M. Foster, General Manager, James City Service Authority, stated that the proposed ordinance amendment would increase landfill disposal fees from \$37 to \$45 per ton. He further stated that the increase would establish contingency funds for the first year's operation of the transfer station, planned to begin by October, 1993.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Mr. DePue made a motion to approve the ordinance amendment.

Discussion was held by the Board and staff regarding the uncertainty of the solid waste program with decisions yet to be made, any changes in daily tonnage to the transfer station would create unanticipated costs, and area trash haulers had not responded to the public hearing notice.

On a roll call, the vote was: AYE: Edwards, DePue, Sisk, Knudson (4). NAY: (0).

5. Case No. SUP-8-93, SUP-9-93, SUP-10-93 and SUP-11-93. Lafayette High School, D.J. Montague, Norge and Rawls Byrd Elementary Schools - Temporary Classroom Trailers

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. David Papenfuse had applied on behalf of the Williamsburg-James City County School Board to:

1. Allow the placement of 6 additional temporary classroom trailers and extension of the permit period for 3 temporary classroom trailers at Lafayette High School zoned R-2, General Residential, located at 4460 Longhill Road, further identified as Parcel (1-1) on James City County Real Estate Tax Map No. (32-3).

2. Extend the permit period for 2 existing temporary classroom trailers at D. J. Montague Elementary School, zoned R-4, Residential Planned Community, located at 5380 Centerville Road, further identified as Parcel (1-49) on James City County Real Estate Tax Map No. (31-3).

3. Extend the permit period for 1 existing temporary classroom trailer at Norge Elementary School, zoned R-2, General Residential, located at 7311 Richmond Road, further identified as Parcel (1-35) on James City County Real Estate Tax Map No. (23-2).

4. Extend the permit period for 3 temporary classroom trailers at Rawls Byrd Elementary School, zoned R-2, Limited Residential, located at 112 Laurel Lane, further identified as Parcel (6-171A) on James City County Real Estate Tax Map No. (48-1).

Staff recommended approval of the special use permits with a condition listed in the resolutions.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Mr. DePue made a motion to approve the resolutions.

On a roll call, the vote was: AYE: Edwards, DePue, Sisk, Knudson (4). NAY: (0).

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

#### CASE NO. SUP-8-93. LAFAYETTE HIGH SCHOOL

#### TEMPORARY CLASSROOM TRAILERS

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

WHEREAS, the owner of the property has applied to place six additional classroom trailers and extend the permit periods for three existing classroom trailers on property identified as Parcel (1-1) on James City County Tax Map No. (32-3).

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-8-93 as described herein with the following condition:

1. This permit shall be valid until July 1, 1998.

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

#### CASE NO. SUP-9-93. D.J. MONTAGUE SCHOOL TEMPORARY

#### CLASSROOM TRAILERS

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 owner of the property has applied for a special use permit to extend the permit period for two temporary classroom trailers on property identified as parcel (1-49) on James City County Real Estate Tax Map No. (31-3).

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-9-93 as described herein with the following condition:

- 1. This permit shall be valid until July 1, 1994.

R E S O L U T I O N

CASE NO. SUP-10-93. NORGE ELEMENTARY SCHOOL TEMPORARY

CLASSROOM TRAILER

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 owner of the property has applied for a special use permit to extend the permit period for one classroom trailer on property identified as Parcel (1-35) on James City County Real Estate Tax Map No. (23-2).

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-10-93 as described herein with the following condition:

- 1. This permit shall be valid until July 1, 1994.

R E S O L U T I O N

CASE NO. SUP-11-93. RAWLS BYRD ELEMENTARY SCHOOL TEMPORARY

CLASSROOM TRAILERS

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

WHEREAS, the owner of the property has applied to extend the permit period for three existing temporary classroom trailers on property identified as Parcel (6-171A) on James City County Tax Map No. (48-1).

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-11-93 as described herein with the following condition:

- 1. This permit period shall be valid until July 1, 1994.
- 6. Case No. ZO-1-93 and Case No. ZO-2-93. Ordinance Amendments, Chapter 20, Zoning, Article IV, Districts, Division 1, Adding Section 10-105. Private Streets in Industrial and Business Parks and Office Uses Requiring a Special Use Permit

Mr. Jeffrey J. Mihelich, Senior Planner, stated that staff had prepared zoning ordinance amendments to permit private streets in industrial and business parks and to exempt offices from obtaining special use permits. He explained that Case No. ZO-1-93 would allow large industrial

parks to construct private streets and that Case No. ZO-2-93 would eliminate the special use permit requirement for all office developments.

In concurrence with staff, the Planning Commission unanimously recommended approval of the ordinance amendments. Staff recommended approval of Case No. ZO-1-93 and requested deferral of Case No. ZO-2-93 to allow further review of legal concerns by the County Attorney's office.

The Board questioned the reason for bringing forward a case and recommending deferral.

Staff responded that the case, having been approved by the Planning Commission, was placed on the agenda for opening and continuation of public hearing rather than having staff hold the Planning Commission recommendation for a period of time.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing on Case No. Zo-1-93 and continued the public hearing on Case No. ZO-02-93.

Ms. Knudson made a motion to approve Case No. ZO-1-93.

On a roll call, the vote was: AYE: Edwards, DePue, Sisk, Knudson (4). NAY: (0).

## E. BOARD CONSIDERATIONS

### 1. Supplemental Funding Request - Community Action Agency

Mr. Anthony Conyers, Jr., Community Services Manager, introduced Mr. John McCrimmon, Executive Director of Community Action Agency. Mr. McCrimmon explained circumstances of the funds needed to keep work crew that does weatherization and rehabilitation work to homes in the County until the next fiscal year.

Staff recommended approval of the request for the benefit of maintaining an excellent program with a trained and experienced crew working exclusively for the County.

Board discussion followed regarding type of homes, location of work being done, and other sources of funding.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Edwards, DePue, Sisk, Knudson (4). NAY: (0).

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

### SUPPLEMENTAL FUNDING REQUEST - COMMUNITY ACTION AGENCY

WHEREAS, the Williamsburg-James City County Community Action Agency provides much needed housing weatherization, repair and rehabilitation services to the citizens of James City County; and

WHEREAS, the James City County Board of Supervisors is desirous of continuing those services in the County despite the temporary loss of funding.



NOW, THEREFORE, BE IT RESOLVED that for the purpose of maintaining the Williamsburg-James City County Community Action Agency housing crew on the agency staff until June 30, 1993, the following appropriation is made:

From:

Contingency	\$20,000
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To:

Williamsburg-James City County Community Action	\$20,000
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**F. PUBLIC COMMENT**

1. Mr. M. L. McCarty, 1732 Persimmon Place, expressed his view that for economic development promotion, Board consideration should be given for additional access points on Route 199.

**G. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. David B. Norman, County Administrator, stated notification was received from American Economic Development that the County had received an award for sales and promotion material.

Mr. Norman recommended that the Board go into executive session pursuant to Section 2.1-344(a)(3) of the Code of Virginia to consider the acquisition of publicly held property.

**H. BOARD REQUESTS AND DIRECTIVES**

Mr. Edwards responded to Mr. McCarty's comments by stating that Route 199 was planned to move traffic expeditiously; Ms. Knudson noted that the plan for limited access should continue; Mr. DePue expressed willingness to consider Route 199 access requests case by case for economic development purposes; and, Mr. Sisk stated that the access issue should be considered on an individual basis set by guidelines in the Comprehensive Plan and Virginia Department of Transportation requirements.

Ms. Knudson expressed wishes for a speedy recovery to Supervisor Stewart Taylor, who had surgery during the past week.

Mr. Knudson congratulated Police Officer Keith McKinney for receiving Class Leader designation upon graduation from Police school.

Ms. Knudson, on behalf of the Regional Issues Committee, extended thanks to the Planning staff for its prompt work on bikeways for request of Federal grants.

Ms. Knudson made a motion to convene into executive session as recommended by the County Administrator.

On a roll call, the vote was: AYE: Edwards, DePue, Sisk, Knudson (4). NAY: (0).

Ms. Knudson reconvened the Board into open session and made a motion to approve the executive session resolution.

On a roll call, the vote was: AYE: Edwards, DePue, Sisk, Knudson (4). NAY: (0).

R E S O L U T I O N

MEETING DATE: April 5, 1993

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

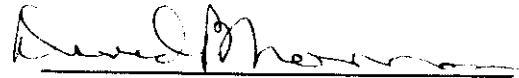
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. DePue made a motion to adjourn.

On a roll call, the vote was: AYE: Edwards, DePue, Sisk, Knudson (4). NAY: (0).

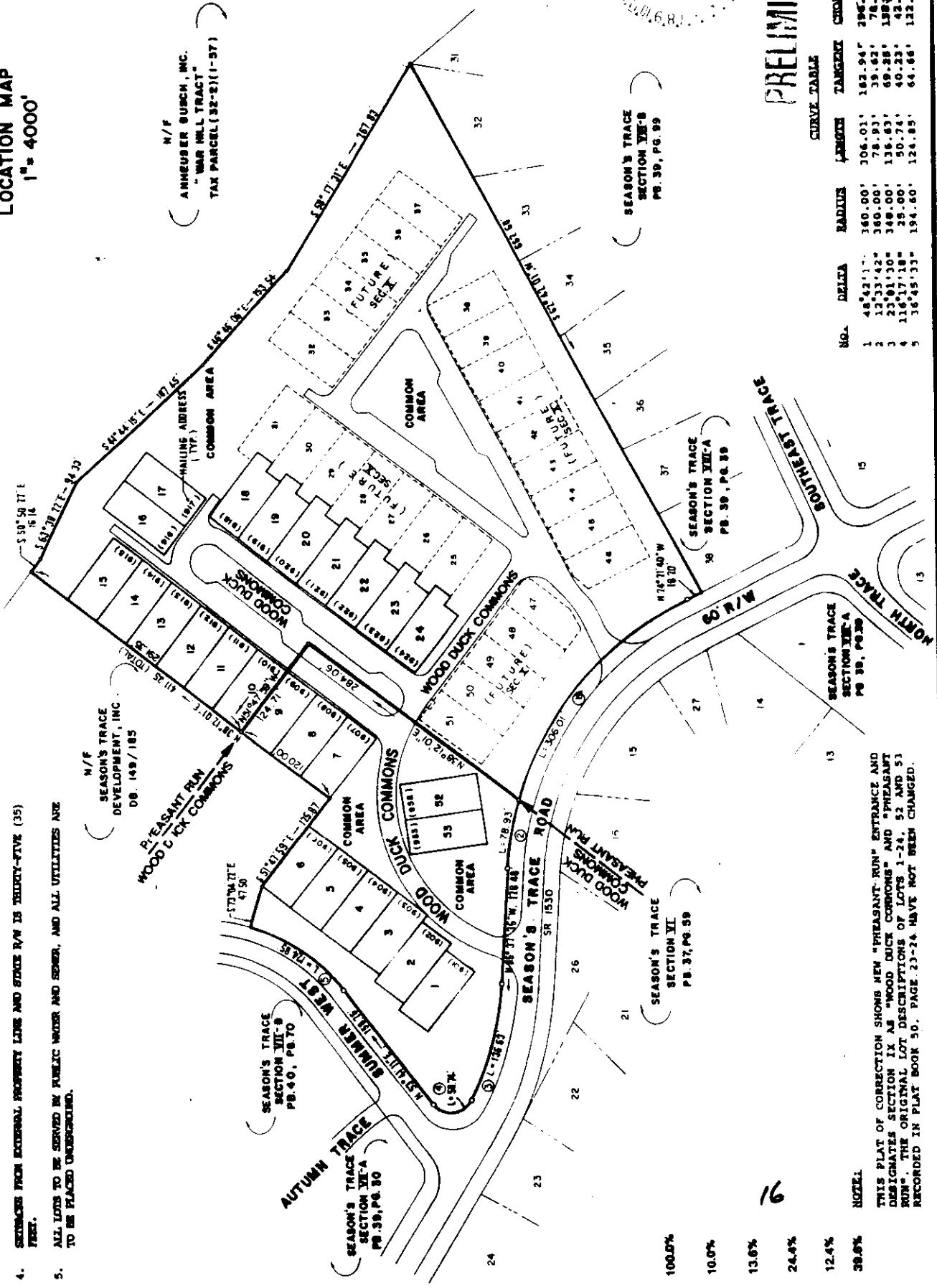
The Board adjourned at 8:25 p.m.



David B. Norman  
Clerk to the Board



**LOCATION MAP**  
1" = 4000'



STATS 161718192021222324  
MAR 1993  
RECEIVED  
PLANNING DEPARTMENT

**PRELIMINARY**

**CURVE TABLE**

NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CH. BEARING
1	48°42'11"	160.00'	306.01'	162.94'	296.88'	84°21'00"
2	12°33'42"	360.00'	78.93'	39.62'	78.97'	87°40'00"
3	23°01'50"	348.00'	136.63'	69.28'	138.72'	87°40'00"
4	116°17'18"	35.00'	50.74'	40.23'	42.47'	89°47'30"
5	31°45'33"	194.60'	124.85'	64.66'	122.72'	87°40'00"

- WITHIN THE EASEMENTS FOR DRAINAGE AND EGRESS ARE SHOWN HEREON AND ARE HEREBY DEDICATED TO JAMES CITY COUNTY SERVICE AGENCY.
- A FIVE FOOT BUFFER SHALL BE MAINTAINED AROUND THE SIDES AND REAR OF EACH LOT WHICH SHALL BE PROVIDED TO ESTABLISH THE RIGHTS OF TWO ADJACENT PROPERTIES. THESE BUFFER BUILDINGS ARE TO BE CONSTRUCTED ON OR WITHIN FIVE FEET OF A PROPERTY LINE. THIS FIVE FOOT BUFFER SHALL ESTABLISH THE RIGHTS OF EACH ADJACENT OWNER TO GAIN ACCESS TO EACH OWNER'S BUILDING FOR PURPOSES OF ESSENTIAL MAINTENANCE, SERVICE AND ESCAPE.
- SEWERAGE FROM EXTERNAL PROPERTY LINES AND STICK R/W IS THIRTY-FIVE (35) FEET.
- ALL LOTS TO BE SERVED BY PUBLIC WATER AND SEWER, AND ALL UTILITIES ARE TO BE PLACED UNDERGROUND.

AC±	100.0%
AC±	10.0%
AC±	13.6%
AC±	24.4%
AC±	12.4%
AC±	39.6%

**NOTE:**  
THIS PLAN OF CORRECTION SHOWS NEW "PLEASANT-RUN" ENTRANCE AND DESIGNATES SECTION IX AS "WOOD DUCK COMMONS" AND "PLEASANT RUN". THE ORIGINAL LOT DESCRIPTIONS OF LOTS 1-24, 52 AND 53 RECORDED IN PLAT BOOK 50, PAGE 23-24 HAVE NOT BEEN CHANGED.

ORDINANCE NO. 164A-4

APR 5 1993

CROAKER (BALLARD ADDITION)BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT(AFD-2-86)

WHEREAS, an Agricultural and Forestal District in the Croaker area has been established by the James City County Board of Supervisors; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an Agricultural and Forestal District in the Croaker area; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on February 23, 1993, recommended approval of the application; and

WHEREAS, the Planning Commission following its public hearing on March 9, 1993, recommended approval of the application.

NOW, THEREFORE BE IT ORDAINED:

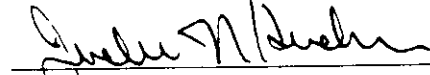
1. That the Croaker Agricultural and Forestal District is hereby amended by the addition of the following parcel:

(15-3)(1-32)	Thomas B. Ballard	16.2 ac.
(15-3)(1-35A)	Thomas B. Ballard	4.9 ac.

provided, however, that all land within 25 feet of the southern edge right-of-way of Riverview Road (Route 606) shall be excluded from the District.

2. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Croaker Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owners immediate family.
  - b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than 6 months prior to the expiration of the district.

- c. No Special Use Permit shall be issued except for agricultural and forestal activities or other activities and uses consistent with State Code Section 15.1-1506 et. seq., which are not in conflict with the policies of this district.



\_\_\_\_\_  
 Judith N. Knudson  
 Chairman, Board of Supervisors

ATTEST:



\_\_\_\_\_  
 David B. Norman  
 Clerk to the Board

SUPERVISOR      VOTE

TAYLOR	ABSENT
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 5th day of April, 1993.

AFD286.res

APR 5 1993

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAORDINANCE NO. 116A-25

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 8-9, HOUSEHOLD WASTE; SECTION 8-10, INDUSTRIAL REFUSE; AND SECTION 8-13, USER CHARGES BY VOLUME.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Health and Sanitation, is hereby amended and reordained by amending Section 8-9, Household waste; Section 8-10, Industrial refuse; and Section 8-13, User charges by volume.

Chapter 8. Health and Sanitation.

Article II. Landfill Ordinance.

Section 8-9. Household waste.

(b) Commercial, industrial and governmental waste generators who bring their own refuse to the landfill, and commercial refuse operators/haulers regardless of the origin of the refuse shall pay the following fees:

Ordinance to Amend and Reordain  
Chapter 8. Health and Sanitation  
Page 2

~~Thirty-seven~~ *Forty-five* dollars (~~\$37.00~~) (*\$45.00*) per ton, computed on the basis of ~~thirty-seven~~ *forty-five* cents (~~\$.37~~) (*\$.45*) per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one cent (\$0.01). The minimum charge shall be three dollars *and fifty cents* (~~\$3.00~~) (*\$3.50*) per load.

Any person exempted from payment of the charge for the disposal of refuse as provided in paragraph (a) above will not be assessed any charges as provided in this paragraph.

Section 8-10. Industrial refuse.

(c) The disposal charge for industrial wastes requiring separate disposal locations shall be a minimum of ~~thirty-seven~~ *forty-five* dollars (~~\$37.00~~) (*\$45.00*) per ton but may be higher as determined by the manager. In establishing the fee for disposal of a specific waste requiring separate disposal, the manager shall determine the costs to maintain the separate disposal and for special handling requirements, the potential for damage to landfill equipment, environmental effects the refuse may have, state and federal rules and regulations regarding the waste, and other factors determined to be appropriate for the specialized handling of such waste.

(d) **Separate contracts.** The administrator may negotiate separate contracts for industrial refuse with large waste generators if it is determined that the volume is predictable and the wastes involved require minimal handling. Such contracts shall guarantee negotiated payments to the county

Ordinance to Amend and Reordain  
Chapter 8. Health and Sanitation  
Page 3

annually and may be offered to generators that exceed eight thousand (8,000) tons per year. No such contract shall guarantee the county less than ~~two three~~ hundred ~~ninety-six~~ sixty thousand dollars (~~\$296,000~~) (~~\$360,000~~) per year.

Section 8-13. User charges by volume.

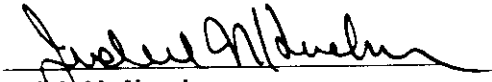
(b) For vehicles for which no history of previous weight data exists as described in paragraph (a) above, the following rates shall apply:

- (1) Uncompacted refuse, ~~three four~~ dollars and ~~seventy fifty~~ cents (~~\$3.70~~) (~~\$4.50~~) per cubic yard of truck capacity.
- (2) Compacted refuse, ~~nine eleven~~ dollars and ~~twenty-five~~ cents (~~\$9.25~~) (~~\$11.25~~) per cubic yard of truck capacity.
- (3) The minimum fee for refuse charged for on a volume basis shall be three dollars *and fifty cents* (~~\$3.00~~) (~~\$3.50~~) per load.

This ordinance shall be effective on and after May 1, 1993.



Ordinance to Amend and Reordain  
Chpater 8. Health and Sanitation  
Page 4



Judith N. Knudson  
Chairman, Board of Supervisors

SUPERVISOR      VOTE

TAYLOR	ABSENT
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

ATTEST:



David B. Norman  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 5th day of April,  
1993.

HlthSan.ord

ADOPTED

APR 5 1993

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAORDINANCE NO. 31A-150

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 1. GENERALLY, BY ADDING SECTION 20-105, PROVISIONS FOR PRIVATE STREETS IN QUALIFYING INDUSTRIAL PARKS; BY AMENDING DIVISION 6. MIXED USE DISTRICT, MU, SECTION 20-197, PERMITTED USES; DIVISION 13. LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1. SECTION 20-350, PERMITTED USES; DIVISION 14, GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 20-375, PERMITTED USES; DIVISION 15, LIMITED INDUSTRIAL DISTRICT, M-3, SECTION 20-389, PERMITTED USES; AND ARTICLE VIII, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 20-483, PERMITTED USES; TO ALLOW FOR PRIVATE STREETS IN INDUSTRIAL AND BUSINESS PARKS IN ORDER TO ALLOW FOR INCREASED ECONOMIC DEVELOPMENT POTENTIAL IN ORDER TO MORE CLOSELY CONFORM WITH THE ADOPTED COMPREHENSIVE PLAN.

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 Article IV, Districts, Division 1. Generally, by adding Section 20-105, Provisions for private streets in qualifying industrial parks; by amending Division 6. Mixed Use District, MU, Section 20-197, Permitted uses; Division 13. Limited Business/Industrial District, M-1, Section 20-350, Permitted uses; Division 14, General Industrial District, M-2, Section 20-375, Permitted uses; Division 15, Limited Industrial District, M-3, Section 20-389, Permitted uses; and Article VIII, Planned Unit Development Districts, Section 20-483, Permitted Uses; to allow for private

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streets in industrial and business parks in order to allow for increased economic development potential in order to more closely conform with the adopted Comprehensive Plan.

ARTICLE IV. DISTRICTS  
DIVISION 1. GENERALLY

*Section 20-105. Provisions for private streets in qualifying industrial parks.*

*(a) A "qualifying industrial park" shall be defined as an industrial and/or business park that has an actual or planned size of at least 1,000,000 square feet. The "Qualifying Industrial Park Square Footage Adjustments" shall be applied to determine the qualifying industrial park square footage in order to determine whether the qualifying threshold can or would be reached. Qualifying square footage is computed by multiplying the existing or planned total square footage by the square footage credit listed below.*

**QUALIFYING INDUSTRIAL PARK SQUARE FOOTAGE ADJUSTMENTS**

<u>Use</u>	<u>Square Footage Credit</u>
<i>Existing Development Industrial/office/warehouse development</i>	<i>1-square foot</i>
<i>Other permitted development</i>	<i>.75-square foot</i>

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<i>Planned Development Industrial/office/warehouse development</i>	<i>.75-square foot</i>
<i>Other permitted development</i>	<i>.5-square foot</i>

*The planned development adjustments listed above shall be applied to undeveloped property zoned Mixed-Use, MU; Limited Business/Industrial District, M-1; General Industrial District, M-2; Limited Industrial District, M-3; and Planned Unit Development and allows nonindustrial/office and/or non-warehouse activity to occur based on master plan projections which have been approved by the Board of Supervisors. For undeveloped property not subject to a binding master plan the square footage shall be determined by multiplying .75 by 25 percent of the net-developable area of the project.*

*If an industrial/office/warehouse development is proffered exclusively, the existing development adjustments listed above may be applied upon examination of the proffers.*

*(b) Private streets may be permitted within qualifying industrial parks upon approval of the Board of Supervisors. Such approval shall be requested in writing through the Planning Division. The request shall include a traffic impact study and square footage estimates for the proposed industrial park. The traffic impact study shall be prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the Planning Director. The traffic impact study shall address projected traffic generation; internal road needs including but not limited to circulation and capacity; external traffic; turning movements and distribution at each access point; traffic distribution; capacity of surrounding roads; and road and access improvements. Private streets shall be coordinated with existing or planned streets on the approved Master Plan of development and the County*

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*Comprehensive Plan. Private streets shown on the final plan shall meet the requirements of the Virginia Department of Transportation, except as specified in (d) below.*

*The construction of streets whether public or private shall be guaranteed prior to construction by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the County Attorney.*

*(c) To the extent streets are private rather than public, the applicant shall also submit assurances satisfactory to the Planning Commission that a property owner's community association or similar organization has been legally established under which the lots within the area of the final plan shall be assessed the cost of maintaining the private streets and that if assessments are not paid, it shall constitute a pro rata lien upon the individual lots shown on the final plan.*

*(d) The uniqueness of each proposal for a qualifying industrial park requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities and the specifications for curbs, entrances, gutters, sidewalks, street lights and storm water drainage be subject to modification from the specifications established in Chapter 17. The Planning Commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for a particular facility when the Planning Commission finds that such specifications are not required in the best interests of the occupants, workers or customers of the businesses located within a qualifying industrial park and that the modifications of such specifications are not inconsistent with the interests of the County.*

*It shall be the responsibility of the applicant to demonstrate to the satisfaction of the Planning Commission with respect to any requested waiver or modification that:*

(1) *the waiver or modification shall result in design and construction that is in accordance with accepted engineering standards;*

(2) *the waiver or modification is reasonable because of the uniqueness of the qualifying industrial park or because of the large area of the qualifying industrial park within which the design and construction will be coordinated, pre-planned and controlled;*

(3) *any waiver or modification pertaining to streets is reasonable with respect to the generation of vehicular traffic that is estimated to occur within the area of the qualifying industrial park;*

(4) *any waiver or modification pertaining to sidewalks is justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic; and*

(5) *traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic and in no case shall 2 lane roadways be less than twenty feet wide.*

#### DIVISION 6. MIXED USE DISTRICT, MU

Section 20-197. Permitted uses.

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2) Nonresidential Uses

*Private streets within "qualifying industrial parks" in accordance with Section 20-105.*

DIVISION 13. LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1.

Section 20-350. Permitted uses.

*Private streets within "qualifying industrial parks" in accordance with Section 20-105.*

DIVISION 14. GENERAL INDUSTRIAL DISTRICT, M-2.

Section 20-375. Permitted uses.

*Private streets within "qualifying industrial parks" in accordance with Section 20-105.*

DIVISION 15. LIMITED INDUSTRIAL DISTRICT, M-3.

Section 20-389. Permitted uses.

*Private streets within "qualifying industrial parks" in accordance with Section 20-105.*

## ARTICLE VIII. PLANNED UNIT DEVELOPMENT DISTRICTS

Section 20-483. Permitted uses.

(b) In the Planned Unit Development District - Commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

(1) Commercial Uses:

Same as paragraph (2) of Subsection (a) above.

(2) Light Industrial Uses:

Research, design and development laboratories.

Wholesale and warehousing, with storage in a fully enclosed building.

Printing and publishing.

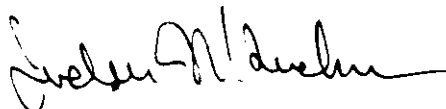
Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly, and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect.



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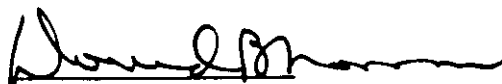
- (3) Theme parks.
- (4) Apartments, townhouses and condominiums.
- (5) *Private streets within "qualifying industrial parks" in accordance with Section 20-105.*

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Judith N. Knudson  
Chairman, Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	ABSENT
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 5th day of April, 1993.

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