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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF JULY, NINETEEN HUNDRED NINETY-SIX, AT 5:10 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

David L. Sisk, Chairman, Roberts District  
Robert A. Magoon, Jr., Vice Chairman, Jamestown District

Jack D. Edwards, Berkeley District  
Perry M. DePue, Powhatan District  
Stewart U. Taylor, Stonehouse District  
Sanford B. Wanner, Acting County Administrator  
Leo P. Rogers, Deputy County Attorney

**B. WORK SESSION**

**1. Parks and Recreation Advisory Commission**

Mr. Sisk welcomed Mr. Anthony Conyers, Jr., and Mr. Needham Cheely, III, and members of the Parks and Recreation Advisory Commission.

Mr. Magoon arrived at 5:08 p.m.

Discussion followed on short-term concerns of the youth programs and recreation center, long-term concerns of Comprehensive Master Plan, Little Creek Reservoir, Warhill Tract and recreation, and the District Park as a natural green space.

Mr. DePue arrived at 5:27 p.m.

Mr. Sisk recessed the Board at 6:02 p.m. for a Transportation Improvement District Commission meeting.

Mr. Sisk reconvened the Board into open session at 7:02 p.m.

**C. MINUTES - June 17, 1996 - Special Meeting  
June 25, 1996 - Regular Meeting**

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

Mr. Sisk made a motion to approve the two sets of minutes.

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

**D. CONSENT CALENDAR**

Mr. Sisk asked if a Board member wished to discuss the item on the Consent Calendar.

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

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

1. Buy Local Produce Month

**RESOLUTION**

**BUY LOCAL PRODUCE MONTH**

WHEREAS, the agriculture production of fruits and vegetables has a long and significant history in James City County; and

WHEREAS, the use of land for the growing of fruit and vegetable crops is a favored land use, requiring few public services and enhancing the scenic, rural and cultural qualities which make James City County a desirable location; and

WHEREAS, July begins the peak of the harvest season for local produce; and

WHEREAS, locally grown fruits and vegetables are customarily available to the citizens of James City County at farms where it is grown, at roadside and parking lot stands, and at farmers' markets.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, designates the month of July as BUY LOCAL PRODUCE MONTH in James City County, and encourages its citizens to support local agriculture.

**E. PUBLIC HEARINGS**

1. Ordinance Amendment, Chapter 6, Fire Protection, Emergency Medical Services Charges

Mr. Richard M. Miller, Fire Chief, stated that the ordinance's amendment proposed user fees for emergency medical services to cover a portion of the cost of responding to emergency medical calls. He described the proposed fees as Basic Life Support Calls that require a unit to respond but do not require specialized trauma equipment and personnel, life support systems or immediate medication - \$75, plus \$1.50 per mile if the patient is transported outside of the greater Williamsburg area; and, Advanced Life Support Calls that require major trauma response, immediate intravenous medication, or specialized lifesaving equipment and personnel - \$150, plus \$1.50 per mile if patient is transported outside the greater Williamsburg area. He further explained that most insurance policies would cover fees for necessary medical transportation.

Board and staff discussed that the amount of revenue anticipated was approximately \$150,000 annually.

Mr. Taylor commended the volunteer rescue squad for many years of outstanding service to the County and adamantly opposed the ordinance.

Mr. Sisk opened the public hearing.

1. Mr. Paul M. Reier, 2308 Harness Court, Toano, stated that the volunteer rescue squad provided essential emergency medical services and adoption of charging fees would lose volunteers and public support in donations.

2. Mr. Jesse Rowe, 117 Tom Taylor Road, Toano, stated that charging fees would kill the volunteer squad spirit.
3. Mr. Timothy D. Langston, 136 Ruth Lane, spoke in opposition to the user fees and stated the County should support education, police, fire, and volunteer rescue squad.
4. Ms. Sherry L. Matheny, 270 Peach Street, Norge, opposed the fee stating some patients are unable to pay.
5. Mr. Kingston Fairclough, 4 Peale Court, stated that user fees should not be imposed on citizens' welfare.
6. Mr. Ray Wright, 109 Powhatan Drive, spoke in opposition to the charge when adjacent jurisdictions have no such charge.
7. Mr. Joseph Brown stated opposition.
8. Ms. Loretta Garrett stated opposition.
9. Ms. Denise Bowles, 1101 Colony Trail, Lanexa, stated that additional employees would be needed to handle insurance paperwork.
10. Mr. Michael J. Hipple, 112 Jolly Pond Road, asked the Board to take heed to the citizens who raised their hands in opposition to the user fees.
11. Ms. Anne D. Demarest stated opposition.
12. Ms. Linda Tiexeira spoke in opposition to the user fees, recent increase in school funding, and purchase of land.
13. Mr. R. E. Gilley stated opposition.
14. Mr. Willard S. Gilley, 22 Magruder Lane, spoke in opposition to charging user fees, stating revenue would be insignificant when compared to the total County budget.
15. Ms. Millie Webb, 202 Elmwood Lane, stated opposition to the user fee for the safety of children and elderly who would hesitate to call when an emergency occurred.
16. Ms. Leigh Anne Langston, 136 Ruth Lane, spoke in opposition to the user fee because taxpayers already pay for the emergency services.
17. Ms. Bobbie McLane, 116 Dogwood Drive, praised the volunteer rescue squad for many past services.
18. Col. James Schmidt, 3800 Treyburn, on behalf of residents of Chambrel, spoke in opposition to the user fees.
19. Reverend M. O. Smith, 617 Treasure Island Road, asked the Board for parity for all people and not approve the user fee.
20. Mr. R. M. Hazelwood, Jr., Toano, spoke in opposition to charging emergency medical fees stating that County funds were available in lieu of raising real estate tax rate.

21. Mr. M. D. Galbreath, III, 113 Deerwood Drive, spoke in opposition to the user fee as an unfair tax.
22. Mr. Kenneth Ford, traveling salesman, questioned who would have to pay the fee if emergency medical services personnel were called by a traveler passing by.
23. Mr. Ed Oyer, 139 Indian Circle, spoke in opposition to the user fee and asked who would decide whether the call was an emergency and could be paid for by insurance.
24. Ms. Cherie Sell, 2904 Robert Hunt North, emphasized opposition to the user fee and asked the Board to listen to the taxpayers.
25. Mr. Gerald Otey, Chickahominy Haven, asked the Board to continue the volunteer rescue squad by not approving the user fee.
26. Ms. Judy Biggs, 223 Riverview Plantation Drive, urged the Board to vote against the user fee.

Mr. Sisk closed the public hearing.

Mr. Taylor made a motion to kill the ordinance indefinitely.

Individual Board members commented regarding appreciation for citizens' calls and input and need for more information before presentation of issue in the future.

On a roll call, the vote to deny was: AYE: Taylor, Magoon, DePue, Sisk (4). NAY: Edwards (1).

Mr. Taylor thanked the citizens for their calls and efforts that resulted in a successful outcome.

Mr. Sisk declared a recess to allow audience to leave, at 8:56 p.m.

Mr. Sisk reconvened the Board at 9:03 p.m., and brought forward Agenda Item No. E-6.

6. Case No. HW-2-96. Williamsburg Landing Assisted Living Facility

Mr. Allen Murphy, Principal Planner, stated that Mr. Richard Costello of AES Consulting Engineers, on behalf of Williamsburg Landing, had applied for a height limitation waiver to allow construction of a nursing and assisted living facility on Williamsburg Landing Road, zoned R-5 Multifamily Residential, further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (48-2).

Staff stated all items had been adequately addressed and recommended approval of the resolution.

Mr. Sisk opened the public hearing.

1. Alvin Anderson, Esq., was available to answer questions.

Mr. Sisk closed the public hearing.

Mr. Taylor made a motion to approve Case No. HW-2-96.

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

**RESOLUTION**

**CASE NO. HW-2-96. WILLIAMSBURG LANDING HEIGHT LIMITATION WAIVER**

**FOR ASSISTED LIVING AND NURSING FACILITY**

WHEREAS, it is understood that all conditions for the application for a Height Limitation Waiver have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a Height Limitation Waiver be granted for the construction of the Williamsburg Landing Assisted Living and Nursing Facility to a maximum height of 42 feet above finished grade on property owned and developed by the applicant as described below and on the attached site location and elevation maps.

Applicant:	Rich Costello, on behalf of Williamsburg Landing
Real Estate Tax Map No.:	(48-2)
Parcel No.:	(1-3)
Address:	Williamsburg Landing Road
Election District:	Jamestown
Zoning:	R-5, Multi-Family Residential District

5. Case No. SUP-1-96. Pierce Brothers' Tavern and Grill

Mr. Matthew W. Maxwell, Senior Planner, stated that Ms. Caryn Pierce had applied for a special use permit to bring the existing restaurant/tavern's recently constructed 17' x 30' addition into compliance with the Zoning Ordinance and allow future construction of a 16' x 44' covered deck, horseshoe pits and picnic tables, located at 8864 Richmond Road, zoned Agricultural (A-1), further identified as Parcel No. (1-6) on James City County Real Estate Tax Map No. (11-1).

Staff determined the proposal was generally consistent with surrounding development and with the Comprehensive Plan.

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

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

A brief discussion by Board and staff was held relating to absence of applicant at this meeting or of any correspondence relating to the nonconformance of the construction.

Mr. Taylor made a motion to approve the resolution.

On a roll call, the vote was: Taylor, Magoon, Edwards, Sisk (4). NAY: DePue (1).

RESOLUTIONCASE NO SUP-1-96. PIERCE BROTHERS' TAVERN AND GRILL

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 applicant has requested a special use permit to bring both the existing restaurant/tavern and its recently constructed 17' x 30' addition into compliance with the Zoning Ordinance. The special use permit would also allow for the future construction of a 16' by 44' covered deck, horseshoe pits and picnic tables. The property is located at 8864 Richmond Road and is further identified as Parcel No. (1-6) on James City County Tax Map No. (11-1); and

WHEREAS, the Planning Commission, following its public hearing on June 3, 1996, unanimously recommended approval of this application.

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-1-96 as described herein with the following conditions:

1. If a building permit application for the 17' x 30' addition is not submitted to the County within 60 days from the date of issuance of this special use permit, it shall become void.
  2. If site plan approval, building permit approval, and a certificate of occupancy have not been obtained for the 17' x 30' addition within six months from the date of issuance of this special use permit, this special use permit shall become void.
  3. This special use permit shall only apply to the existing building, new 17' x 30' addition, proposed 16' x 44' outside deck, outside dining and recreational facilities, and the parcel as illustrated in the conceptual plan submitted as part of this application. Any expansions to the building beyond those outlined in this application or any new structures constructed on the site shall not be considered part of this application and shall be required to meet all applicable zoning and building codes.
  4. Any additional outdoor lighting beyond the two existing floodlights shall be approved by the Planning Director prior to installation.
  5. No additional outside speakers, beyond the two wall mounted speakers which currently exist on the east side of the building, shall be installed for the purpose of playing live or recorded music.
  6. The outside deck shall all be located a minimum of 50 feet from the front yard property line (Route 60) and 15 feet from the side yard property line.
2. Ordinance Amendment, Chapter 6, Fire Protection, Section 6-11, False Alarms, Penalty

Mr. Miller stated the ordinance proposed a fee for all false alarms in excess of three over a 90-day period that would generate \$5,000 in revenue and reduce the number of false alarms.

Staff recommended approval of the ordinance.

Mr. Sisk opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, asked the reason why the ordinance was needed.

Mr. Miller responded that the majority of alarms received was caused by owner failure to maintain the alarm system.

2. Mr. Zan Cartwright, 125 Hempstead, stated that alarms were very sensitive.

3. Col. James Schmidt, Chambrel, asked whether Chambrel fire alarms were considered individual/residential or as group/commercial.

Mr. Miller asked Col. Schmidt to contact him during working hours the next day for a response.

Mr. Sisk closed the public hearing.

Mr. DePue suggested that the three false alarms within 90 days be changed to within 30 days.

Without objection, Mr. Sisk deferred the case until the July 23, 1996, Board of Supervisors' meeting.

3. Ordinance Amendment, Chapter 4-86.1, Cable Communications, Increase in Franchise Fee

Ms. Carol Davis, Assistant Manager of Financial and Management Services, stated that during the budget process, the cable franchise fee rate was proposed to be raised from three percent to five percent.

Staff recommended approval of the ordinance amendment.

Mr. Sisk opened the public hearing.

1. Mr. Kingston Fairclough, 4 Peale Court, asked the Board to check why the cable company charged to install a converter on a second television set in his home.

Mr. Wanner stated that staff would contact the cable company.

2. Ms. Linda Tiexeira, 904 Wood Duck Commons, asked why the County has only one cable service.

Mr. Rogers responded that the current provider was the only one with infrastructure for providing cable, and satellite cable was available.

Mr. Sisk closed the public hearing.

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

On a roll call, the vote was: AYE: Magoon, DePue, Edwards, Sisk (4). NAY: Taylor (1).

4. Ordinance Amendment, Chapter 4, Building Regulations, Increase of Permit, Review and Inspection Fees

Mr. Bernard M. Farmer, Jr., Director of Code Compliance, stated that the proposed change was to correct the minimum fee for electrical permits and to advertise the proposed exemption for Housing and Community Development.

Staff recommended approval of the ordinance amendment.

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

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

On a roll call, the vote was: AYE: Magoon, DePue, Edwards, Sisk (4). NAY: Taylor (1).

7. Case No. ZO-6-96. Ordinance Amendment to Comply with Federal Regulations Concerning Satellite Dish Antennas

Mr. John Patton, Development Management Technician, stated that the ordinance amendment would bring the Zoning ordinance in compliance with current Federal regulations that preempt local zoning ordinances for certain satellite dish antennas.

In concurrence with staff, the Planning Commission unanimously recommended approval.

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

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

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

#### F. PUBLIC COMMENT

1. Mr. Jay Everson, 242 Lock Haven Drive, asked the impact of lowering disposal rate per ton from \$47 to \$40 to make transfer station more competitive for local trash haulers.

2. Mr. Frank Chipman, 3 Guest House Court, requested a written response regarding tax relief for elderly persons.

Mr. Wanner responded that the Commissioner of Revenue would bring that item to the Board in the fall.

3. Ms. Anne Demarest, 2288 West Island, asked for another explanation and apology of County and staff actions for nonenforcement of code violations in the construction of her home.

4. Ms. Linda Tiexiera, asked why the Route 5 school is costing more money; how the County will pay for the Warhill Tract purchase; do wells on golf courses affect water table levels in nearby wells; and, were State or Federal funds available to repair drainage in Gatehouse Farms used to pay for Kingspoint sewer problems.

5. Mr. Ed Oyer, 139 Indian Circle, asked why schools have surplus Federal funds at end of year.

Mr. Wanner responded that the County was reviewing its contract with Sanifill; schools made appeal for additional funds last year with the appropriation this fiscal year; the majority of golf courses use surface water impounds; replacement of Kingspoint failed septic systems provided by James City Service Authority funds that are restored when individuals pay connection fee; and, stated that school Federal funds are difficult to predict due to different fiscal years for State/Federal budgets.

#### G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended an executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider personnel matters including appointment of individuals to County Boards/Commissions, and,

pursuant to Section 2.1-344(A)(3) of the Code of Virginia to consider acquisition of parcels of property for public use.

Mr. Wanner reported that the James City County Library was an exceptional place of knowledge and stated that funding for the facility was approved by referendum.

#### H. BOARD REQUESTS AND DIRECTIVES

Mr. Sisk stated that the County had been notified that Mr. Patrick Duffeler of the Williamsburg Winery, Ltd., had been chosen as Entrepreneur of the Year for 1996 and requested that a resolution of commendation be forthcoming at a future Board of Supervisors' meeting.

Mr. DePue thanked speakers for bringing issues forward; expressed appreciation to Mr. Wanner for clarifying those issues; and, he publicly apologized to Ms. Anne Demarest regarding her case.

Mr. Edwards made a motion to go into executive session as recommended above by the Acting County Administrator, at 10:30 p.m.

Mr. Sisk reconvened the Board at 11:11 p.m.

Mr. DePue made a motion to approve the executive session resolution.

### RESOLUTION

MEETING DATE: July 9, 1996

#### 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.

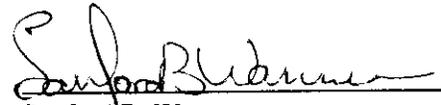
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which 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. Sisk made a motion to reappoint Mr. Thomas Flanary to the Williamsburg Arts Commission for a three-year term, term expiring July 1, 1999.

Mr. Sisk made a motion to recess until 5:00 p.m., Tuesday, July 9, 1996, for a work session on Cross Connection and Water Conservation Ordinances with James City Service Authority.

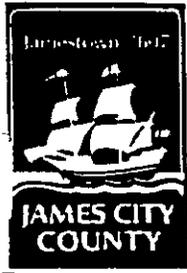
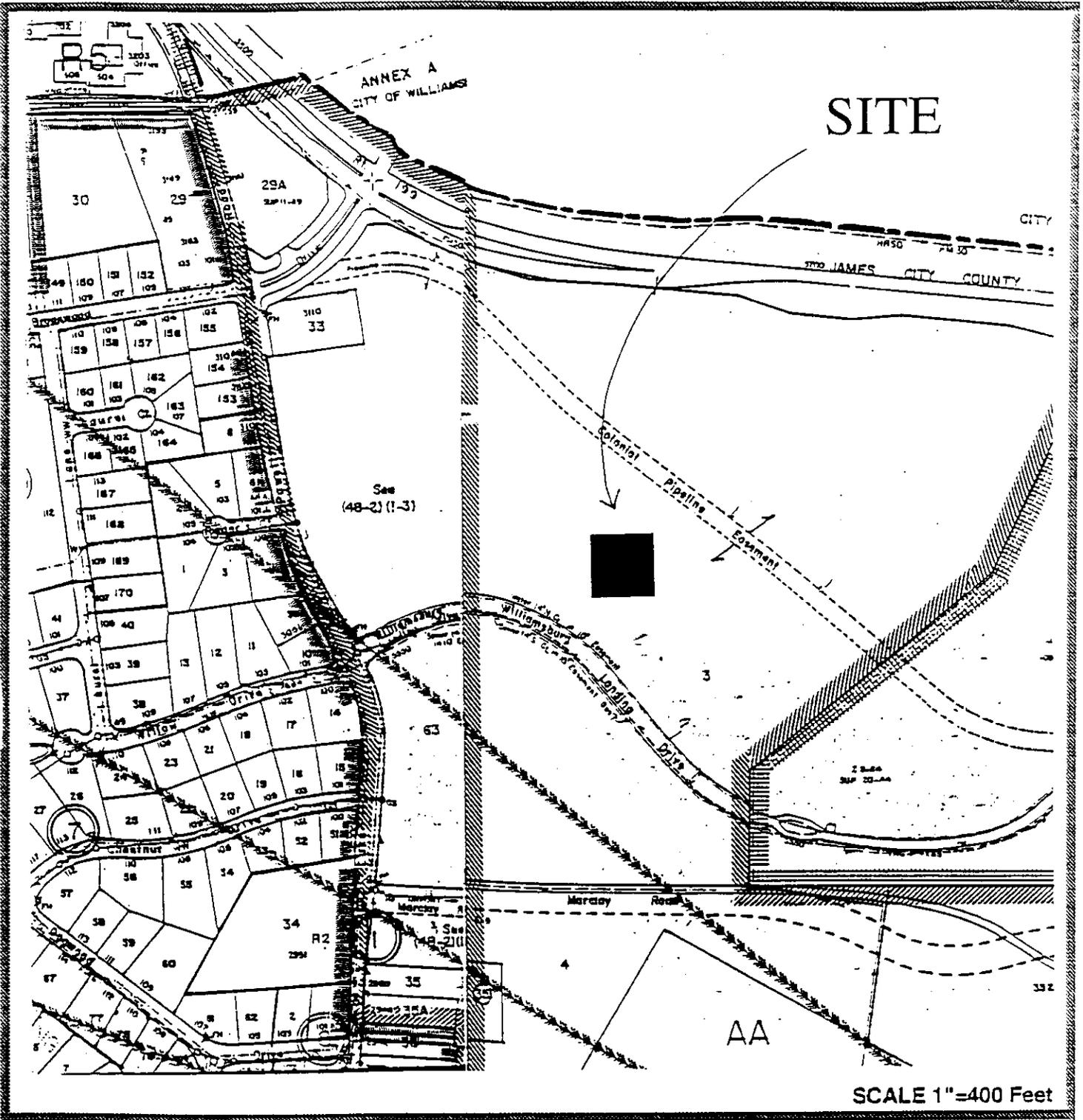
On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

The Board recessed at 11:12 p.m.

  
Sanford B. Wanner  
Clerk to the Board

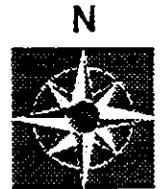
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# SITE



Case No: HW-2-96

Name: WILLIAMSBURG LANDING HEIGHT WAIVER  
ASSISTED LIVING & NURSING FACILITY



PLANNING DIVISION  
PLANNING DIVISION

JUL 9 1996

ORDINANCE NO. 141A-8

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4-86.1, CABLE COMMUNICATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, FRANCHISE CONDITIONS, SECTION 4-86.1.13, FRANCHISE FEE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that effective August 1, 1996, Chapter 4-86.1, Cable Communications, is hereby amended and reordained by amending Section 4-86.1.13, Franchise Fee.

Chapter 4-86.1 Cable Communications

Article V. Franchise Conditions

Sec. 4-86.1.13. Franchise fee.

(a) In consideration of the grants contained herein, a grantee shall pay annually to the county sum equal to ~~three (3)~~ five percent of the gross annual revenues. Such payment shall be made to the treasurer (payable to James City County) not later than ~~forty-five (45)~~ days after the close of the grantee's fiscal year. The annual franchise fee shall be in addition to any other payment, charge, permit fee or bond owed to the county by the grantee and shall not be construed as payment in lieu of personal or real property taxes levied by the state, county or local authorities. Grantee agrees to provide a statement of the gross annual revenues within ~~sixty (60)~~ days of the end of each calendar year (or grantee's fiscal year), which should be certified under oath by an officer of the grantee.

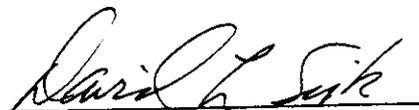
(b) In the event that any payment is not made on or before the required date, the county shall assess a penalty

Ordinance to Amend and Reodain  
 Chapter 4-86.1. Cable Communications  
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of ~~ten~~(10) percent of the amount due plus interest on such payments from the due date at the annual rate of ~~eighteen~~(18) percent. Should legal action be required to correct such fee(s), penalties and interest, the county also shall be entitled to attorney's fees equal to ~~twenty-five~~(25) percent of the total amount due.

*State Law Reference - Authority of County to license cable television systems. Code of Virginia Section 15.1-23.1.*

The effective date of this ordinance shall be August 1, 1996.



David L. Sisk, Chairman  
 Board of Supervisors

ATTEST:



Sanford B. Wanner  
 Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	NAY
MAGOON	AYE
DEPUE	AYE
EDWARDS	AYE
SISK	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July, 1996.

Chp4Cabl.ord

JUL: 9 1996

ORDINANCE NO. 81A-9

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, VIRGINIA UNIFORM STATEWIDE BUILDING CODE, DIVISION 2, PERMIT AND INSPECTION FEES, SECTION 4-8, GENERALLY; SECTION 4-9, REFUNDS; AND SECTION 4-10, EXEMPTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, is hereby amended and reordained by amending Section 4-8, Generally; Section 4-9, Refunds; and Section 4-10, Exemptions.

Chapter 4. Building Regulations

Article I. Virginia Uniform Statewide Building Code

Division 2. Permit and Inspection Fees

Sec. 4-8. Generally. :

Permit and inspection fees are hereby established in accordance with the provisions of the Virginia Uniform Statewide Building Code, as follows:

(1) *Building Permits:*

- (a) The minimum fee for any building permit shall be ~~ten dollars (\$10.00)~~ \$25.00.

(b) For the construction of any building or addition thereto where the floor area is increased, and for the installation or erection of any industrialized building unit, the fee shall be based on the floor area to be constructed as computed from exterior building dimensions at each floor. Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and at the same time as the dwelling, shall be excluded from the square footage computation. The fee shall be as follows: ~~\$0.09 per square foot.~~

<i>Total Square Footage.</i>	<i>Fee</i>
<del>0-40,000 square feet, per square foot.....</del>	<del>\$ 0.06</del>
<del>40,001 or more square feet, plus \$0.05 per square foot in excess of 40,000 square feet</del>	<del>2,400.00</del>

(c) For the construction of a garage, barn, pole shed or similar structure, when not constructed at the time of and under the permit of the main dwelling, the fee shall be ~~five cents (\$0.05)~~ ~~\$0.08~~ per square foot of the exterior dimensions of the building.

(d) For the alteration or repair of any building or structure, or for the construction or erection of piers, bulkheads, exterior walls or fences, towers, swimming pools or other structures or things, the fee shall be at the rate of one (1) percent of the current value of all service, labor and materials.

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Chapter 4. Building Regulations  
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- (e) For the demolition or razing of any building or structure having a floor area greater than ~~two hundred (200)~~ square feet the fee shall be ~~ten dollars (\$10.00)~~ **\$25.00**. No fee shall be charged for a permit to raze a building with a floor area of ~~two hundred (200)~~ square feet or less.
- (f) For the erection, placement or removal of a building or structure, in part or in whole from one ~~(±)~~ location to another, or into or out of the county or to a new location within the same lot or parcel of land, the fee shall be at the rate of ~~five cents (\$0.05)~~ **\$0.08** per square foot of the gross floor area.
- (g) For construction not covered by any of the above, the permit fee shall be assessed and collected at the rate of one ~~(±)~~ percent of the retail value or current market value of the work being done; provided, that the minimum permit fee shall be ~~ten dollars (\$10.00)~~ **\$25.00**.

A BUILDING PERMIT FEE SHALL BE DOUBLED FOR ANY CONSTRUCTION THAT HAS COMMENCED BEFORE A PERMIT IS OBTAINED

(2) *Plumbing Permits:*

- (a) The minimum fee for any plumbing permit shall be ~~ten dollars (\$10.00)~~ **\$25.00**.
- (b) For the installation of each plumbing fixture or appliance, the fee shall be ~~four dollars (\$4.00)~~.

Ordinance to Amend and Reordain  
 Chapter 4. Building Regulations  
 Page 4

- (c) For the installation of the water distribution system in each building, the fee shall be ~~four dollars (\$4.00)~~.
- (d) For the connection of any building drain to a public or private sanitary sewage disposal system, the fee shall be ~~four dollars (\$4.00)~~.
- (e) For each sewer (sanitary or storm), manhole (sanitary or storm), roof drain or other similar device, the fee shall be ~~four dollars (\$4.00)~~.

(3) *Electrical Permits:*

- (a) The minimum fee for any electrical permit shall be ~~ten dollars (\$10.00)~~ \$25.00.
- (b) For the installation of each electrical service system in new construction, the fee shall be determined from the rated size of the service panels in amperes as follows:

	<i>Single Phase</i>	<i>Three Phase</i>
0-60 amps	<del>\$20.00</del> <u>\$25.00</u>	\$25.00
61-100 amps	25.00	30.00
101-150 amps	30.00	35.00
151-200 amps	35.00	40.00
Over 200 amps, plus		
\$10.00 for each additional		

50 amps or fraction thereof		
over 200 amps	35.00	40.00

(c) For the installation of a temporary service, or the reconnection of a mobile home, the fee shall be ~~ten dollars (\$10.00)~~ \$25.00.

(d) For increasing the size of the electrical service to any building structure, or mobile home, the fee shall be ~~twenty dollars (\$20.00)~~ \$25.00 for service up to and including ~~two hundred (200)~~ (200) amperes; or ~~twenty dollars (\$20.00)~~ \$25.00 plus ~~ten dollars (\$10.00)~~ for each ~~fifty (50)~~ (50) amperes or fraction thereof over ~~two hundred (200)~~ (200) amperes. For relocation of any existing service for which the size is not increased, the fee shall be ~~ten dollars (\$10.00)~~ \$25.00. No additional fee shall be charged for outlets when the size of the service is increased.

(e) For the addition to any existing electrical installation, the fee shall be based on the number of outlets to be installed at the following rates:

1-100 outlets .....	<del>\$10.00</del> <u>25.00</u>
Over 100 outlets, plus \$0.10 for each outlet over 100 .....	<del>10.00</del> <u>25.00</u>

(4) *Mechanical and Gas Permits:*

(a) The minimum fee for any mechanical or gas permit shall be ~~ten dollars (\$10.00)~~ \$25.00.

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(b) Basic permit fee:

- 1. First \$1,000.00 value ..... ~~20.00~~ 25.00
- 2. Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof ~~20.00~~ 25.00

(c) For the replacement, repair or alteration of mechanical systems or equipment in existing buildings, structures or additions thereto:

- 1. First \$1,000.00 value ..... ~~10.00~~ 25.00
- 2. Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof ~~10.00~~ 25.00

EXCEPTIONS: Domestic cooking equipment and space heaters in dwelling units are exempt from mechanical permit fees. Inspections of this equipment are required.

(d) Fuel piping permit fee: 0.005 x \$1,000.00 of valuation or fraction thereof. Note: Fee applies when permit is issued for fuel piping work only.

(e) L.P.G. (i.e. butane, propane, etc.) tanks and associated piping permit fee (total water capacity in gallons):

- 0-500 ..... ~~15.00~~ 25.00
- 501-2,000 ..... ~~20.00~~ 30.00
- Over 2,000, plus \$1.00 per 10,000 gallons ..... ~~20.00~~ 30.00

(f) Tanks and associated piping for flammable liquids permit fee (capacity in gallons):

- 0-10,000 ..... 15.00
- 10,001-20,000 ..... 20.00
- 20,001-50,000 ..... 25.00

Over 50,000, plus \$5.00 per 25,000 gallons or fraction thereof . . . . . 25.00

(g) For the removal of storage tanks, the minimum fee shall be ~~ten dollars (\$10.00)~~ **\$25.00**.

(h) For fire suppression systems, the permit fee shall be (includes standpipes):

1. New construction: Same as basic fee in subsection ((b)(1)) above.
2. All others: Same as basic fee in subsection ((b)(1)) above.

(i) Elevators, dumbwaiters, moving stairways, moving walks, manlifts on special hoisting and conveying equipment permit fee:

1. New construction: Same as basic fee in subsection (b)(1) above.
2. All others: Same as basic fee in subsection (b)(1) above.

(j) Permit reissuance fee: Permits becoming invalid, as specified by the Code, may be reissued up to a period of ~~five (5)~~ years and charged a fee of ~~ten dollars (\$10.00)~~ for each six-month period.

(5) *Elevator Inspections:*

(a) The fee for a semiannual elevator inspection shall be ~~thirty-five dollars (\$35.00)~~.

(b) Reinspection: When an inspector is required to make a reinspection of an elevator for the convenience of the owner of the elevator or because the elevator fails to pass the inspection,

there shall be a ~~twenty-five dollar (\$25.00)~~ reinspection fee. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.

(6) *Plan Review Fee:*

(a) The fee for the review of building plans shall be ~~ten dollars (\$10.00)~~ for each ~~one thousand~~ (1,000) square feet of floor space, or part thereof, reviewed. Such review fee shall be paid at the office of building inspections prior to the plan review or at the discretion of the building official, at the time of permit issuance.

(b) Revised plans: There shall be no fee for the review of revised building plans unless such plans are substantially different than the original plans and necessitate the issuance of additional review comments. Such revised plans shall be subject to an additional fee equal to the fee provided for in subsection (a) above.

(7) *Certificate of Occupancy Inspection:*

(a) The fee for an inspection for a certificate of occupancy shall be ~~twenty dollars (\$20.00)~~  
\$25.00.

(b) No certificate of occupancy shall be issued until all inspection fees have been paid.

(8) *Mobile Home Installation Fee:*

(a) The fee for the inspection of the installation of a mobile home shall be ~~forty dollars~~  
~~(\$40.00)~~.

(b) The fee for the inspection of the mobile home installation shall supersede any fee otherwise  
required for the inspection for an electrical or plumbing permit for that mobile home.

(9) *Reinspection:* When any building, electrical, mechanical or plumbing inspector is required to  
make a reinspection of work or a mobile home for the convenience of the contractor,  
subcontractor or mobile home owner because of incomplete, inadequate or improper work or  
installation, or because the inspector could not obtain reasonable access to the work or mobile  
home to be inspected, there shall be a ~~fifteen dollar (\$15.00)~~ ~~\$25.00~~ reinspection fee for each  
reinspection, except as otherwise provided herein. Such reinspection fee shall be paid at the  
office of building inspections prior to the reinspection.

Sec. 4-9. Refunds.

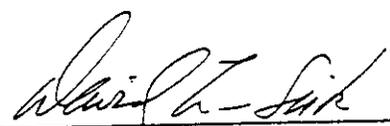
No fee paid for any permit covered under Section 4-8 of this Code shall be refunded unless the permit  
application is denied and a permit is not issued or the permit is issued in error. If a permit is revoked, abandoned  
or the project for which the permit is obtained is discontinued, a portion of the permit fee may be refunded after  
deducting ~~ten dollars (\$10.00)~~ ~~\$25.00~~ for administrative costs plus ~~fifteen dollars (\$15.00)~~ for each normal

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inspection that has been made. No permit fee, the value of which is ~~ten dollars (\$10.00)~~ \$25.00 or less, shall be refunded.

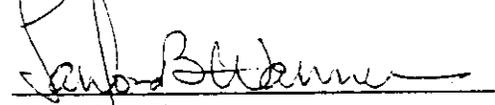
Sec. 4-10. Exemptions.

Where the owner of any premises is the United States of America, the commonwealth, the county or instrumentalities thereof, the payment of any permit fee established in Section 4-8 is hereby waived. ~~When the housing and community development administrator certifies that the work for which application has been made is funded through his office or a related program and requests that fees be waived, then the request shall be granted.~~



David L. Sisk, Chairman  
Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
TAYLOR	NAY
MAGOON	AYE
DEPUE	AYE
EDWARDS	AYE
SISK	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July, 1996.

JUL 9 1996

ORDINANCE NO. 31A-171

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION I, IN GENERAL, SECTION 20-34, SPECIAL REQUIREMENTS FOR ANTENNAE, IN ORDER TO CONFORM WITH FEDERAL REGULATIONS.

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 20-34, Special requirements for antennae, in order to conform with federal regulations.

Chapter 20. Zoning

ARTICLE II. SPECIAL REGULATIONS

DIVISION I. IN GENERAL

Sec. 20-34. Special requirements for antennae.

*In order protect the health, safety, and welfare of the citizens of James City County and to insure that the unique aesthetic characteristics of the area are maintained the following shall apply to the installation, maintenance and location of satellite earth station antennae and other types of antenna located in the County. Any satellite dish antennae more than one meter in diameter or any other antennae in a residential district with more than ten square feet of surface area on any one side shall be permitted only after the issuance of a special use permit by the board of supervisors. In all other districts, antennae shall be permitted as accessory uses upon the issuance of a building permit. Provided that transmission and reception signals are not materially limited for satellite dish antennae one meter or less in diameter, or two meters in diameter in commercial or industrial zoned property, All antennae shall be subject to the following requirements:*

- (1) *Height limitations.* The antennae shall not exceed the height limitations for accessory structures of each district.
- (2) *Yard limitations.* All antennae shall meet all yard requirements for accessory structures of each district. Additionally, they shall be further restricted as follows:
  - a. *A-1 and R-8 districts.* For lots in the A-1 and R-8 districts, antennae shall be permitted in side and rear yards only and on roofs as provided in subsection (3).
  - b. *R-1, R-2 and R-6 districts.* For all lots in the R-1, R-2, and R-6 districts, antennae shall be permitted in rear yards only and on roofs as provided in subsection (3).
  - c. *R-4, R-5, MU, PUD-R, LB, B-1, M-1, M-3 and PUD-C districts.* For all lots in the R-4, R-5, MU, PUD-R, LB, B-1, M-1, M-3 and PUD-C districts, antennae shall be permitted in rear yards and on roofs as provided in subsection (3).
  - d. *M-2 District.* In the M-2 District, antennae shall be permitted in all yards and on roofs as provided in subsection (3).
- (3) *Roof location.* An antenna larger than ten square feet in surface area on any one side and located on a roof shall be set back from all edges of the roof at least two times the height of the antenna.
- (4) *Standards.* All antennae and the construction and installation thereof shall conform with applicable Uniform Statewide Building Code requirements. No antenna larger than ten square feet in surface area on any one side may be installed on a portable or moveable device. Further, all antennae shall be of noncombustible and corrosive-resistant materials and be erected in a secure, wind-resistant manner located and designed to reduce visual impact from surrounding properties at street level and from public

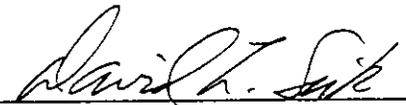
streets, *antennae visible from public streets shall be black in color unless otherwise approved by the Planning Director.*

- (5) *Exceptions. Satellite dish antennae one meter or less in diameter or two meters or less if located in commercial or industrial zoned districts are not required to be black in color. Additionally, if transmission or reception of a satellite antenna one meter or less in diameter, or two meters or less in diameter if located on commercial or industrial zoned property, is shown to be materially limited by one or more of the above requirements, the minimum number of requirement(s) necessary to provide a usable signal shall be waived. For all other antenna,* Upon a finding by the director of planning that a usable signal cannot be obtained by locating an antenna in the rear yard or upon a roof as provided in subsection (3) in the R-1, R-2, R-4, R-5, R-6, MU, PUD-R, PUD-C, LB, B-1, M-3 and M-1 districts or in the rear or side yard or upon a roof as provided in subsection (3) in the A-1 and R-8 districts, the planning commission may grant an exception to the provisions of this section to allow placement of an antenna in a side or front yard in the R-1, R-2, R-4, R-5, R-6, MU, PUD-R, PUD-C, LB, B-1, M-3 and M-1 districts or the front yard in the A-1 and R-8 districts, if the placement will provide for the reception of a usable signal. No exception shall be granted unless it is determined that the granting of such exception will not be of substantial detriment to adjacent property and will not change the character of the districts. In granting an exception, the planning commission may impose conditions including, but not limited to, the following:

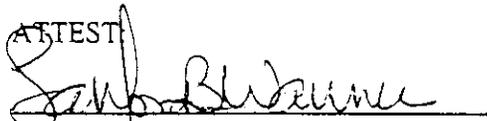
- a. Screening by architectural or landscape methods to reduce visual impact from surrounding properties and public streets.
- b. Placement and installation methods to limit detrimental impact upon surrounding properties and to enhance the public health, safety, and general welfare,

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- c. Other reasonable requirements deemed necessary to make the use consistent with the character of surrounding properties.



David L. Sisk, Chairman  
Board of Supervisors

ATTEST  


Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
MAGOON	AYE
DEPUE	AYE
EDWARDS	AYE
SISK	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July, 1996.

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