

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF MARCH, NINETEEN HUNDRED NINETY-SEVEN, AT 5:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Robert A. Magoon, Jr., Chairman, Jamestown District
Jack D. Edwards, Vice Chairman, Berkeley District

David L. Sisk, Roberts District
Perry M. DePue, Powhatan District
Stewart U. Taylor, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION

I. Drainage Management

Mr. Magoon called the meeting to order and Mr. Sanford B. Wanner, County Administrator, introduced staff of Development Management. Mr. Darryl E. Cook, Environmental Director, addressed the recommendations and initiatives for existing drainage problems and anticipated drainage issues.

Board and staff discussed the short-term and long-term recommendations for review and inspections, responsibilities for private drainage systems, and private and public BMP facilities.

Mr. Edwards made a motion to endorse the Drainage Improvement Program Policy for Inclusion.

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

Mr. Magoon recessed the Board for dinner at 5:49 p.m.

Mr. Magoon reconvened the Board at 7:00 p.m.

C. MINUTES - March 11, 1997

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

Mr. Taylor made a motion to approve the minutes.

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

D. HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), reported that bids received had been rejected by the Transportation Board for Forge Road.

Mr. DePue asked status of Forest Heights Road in relation to Senate Bill 1077.

Mr. Elliott responded that Senate Bill 1077 applied to secondary roads; Forest Heights Road is a dirt road which might be eligible for funding under Rural Additions Policy.

Mr. DePue asked that VDOT check Forest Heights Road to see if roadway met the criteria for Rural Additions Policy.

Mr. Sisk asked that exiting from Ford's Colony east onto Longhill Road be checked for traffic safety and asked about installation of the streetlight that was proffered at that location.

Mr. Edwards asked for the status of Bradshaw Ordinary and plans for replacement of trees that were erroneously cut down.

Mr. Elliott stated that the contractors would make restitution and VDOT would monitor to ensure that the contractor was responsive with appropriate steps taken.

Mr. Taylor asked that the sign leaning into Stewart's Road designating a School Bus Stop be reset.

Mr. Magoon inquired whether the County might view and comment on VDOT's design of BMP's at the Route 199 intersections.

Mr. Magoon thanked Mr. Elliott for keeping communications open between the County and Department of Transportation.

E. CONSENT CALENDAR

Mr. Magoon asked if a Board member wished to remove any items from the Consent Calendar.

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

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

1. Dedication of Streets in Governor's Land at Two Rivers: Two Rivers Road, Harper's Mill and Fowler's Lake

RESOLUTION

DEDICATION OF STREETS IN GOVERNOR'S LAND AT TWO RIVERS:

TWO RIVERS ROAD, HARPER'S MILL, AND FOWLER'S LAKE

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention, which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

2. Appropriation of Chesapeake Bay Preservation Act Grant Program Funds

RESOLUTION

APPROPRIATION OF CHESAPEAKE BAY PRESERVATION ACT (CBPA) GRANT FUNDS

WHEREAS, a grant was awarded by the Chesapeake Bay Preservation Act Grant Program to James City County to partially fund an Engineering Inspector position in the Division of Code Compliance; and

WHEREAS, \$9,660 in expenses have been reimbursed to the County for grant activities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby makes the following appropriation within the FY 97 General Fund:

Revenues:

Chesapeake Bay Preservation Act Grant \$9,660

Expenditures:

Division of Code Compliance \$9,660

3. Budget Transfer - Electoral Board

RESOLUTION

BUDGET TRANSFER - ELECTORAL BOARD

WHEREAS, the Board of Supervisors has been requested by the James City County Electoral Board to provide additional funds in FY 1997 to meet the new election day staffing requirements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following transfer of funds be authorized:

From:

Operating Contingency

\$12,715**To:**

Electoral Board

\$12,715**F. PUBLIC HEARINGS****1. Case No. SUP-17-96. PCS PrimeCo (Sand Hill Road) (Continued from March 11, 1997)**

Mr. Paul D. Holt, III, Planner, stated that Mr. Vernon Geddy, III, representing PrimeCo Personal Communications, had applied on behalf of Stonehouse, Inc., for a special use permit to allow construction of a 190-foot communications tower and related equipment at the east end of Sand Hill road, further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (13-1). He stated the applicant had requested deferral until the April 8, 1997, Board of Supervisors meeting to allow additional time to revise site plan.

Mr. DePue stated that he would move to defer indefinitely and to re-advertise the case might occur if deferral was requested in the future.

Mr. Magoon opened the public hearing and no one wished to speak. Without objection, Mr. Magoon continued the public hearing until the April 8, 1997, Board of Supervisors' meeting.

2. Case No. SUP-2-96. Williamsburg Foods

Mr. Holt stated that Mr. Belton Joyner, III, on behalf of Williamsburg Foods and Rowe Custom Homes, had applied for a special use permit to renovate an existing building and add a 3,120-square foot addition to allow a contractor's office with inside storage, zoned LB, Limited Business, located at 5306 Olde Towne Road, further identified as Parcel No. (1-27B) on James City County Real Estate Tax Map No. (32-4).

Staff determined that the proposed use was consistent with surrounding uses and Comprehensive Plan; the proposed landscape plan would ensure adequate buffer from adjacent properties, and VDOT had stated the proposed access was acceptable.

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

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

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION**CASE NO. SUP-2-97. WILLIAMSBURG FOODS**

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 that would allow a contractor's office with inside storage to operate at 5306 Olde Towne Road, property which is further identified as Parcel No. (1-27B) on James City County Real Estate Tax Map No. (32-4); and

WHEREAS, the Planning Commission, following its public hearing on March 3, 1997, voted 7-0 to recommend 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-2-97 as described herein with the following conditions:

1. A permanent certificate of occupancy shall be obtained for this facility within eighteen (18) months from the date this special use permit is granted, or this permit shall become void.
2. A landscaping plan shall be submitted for review and approval by the Planning Director at time of site plan review which is similar in nature to the landscaping plan prepared by Nature's Way Landscaping entitled "Landscape Plan for Rowe Custom Homes Office Building," as submitted with the special use permit application.
3. The office addition shall have a similar appearance and design as found in the architectural drawings prepared by Rowe Custom Homes, as submitted with the special use permit application and shall be limited in size to 3,120 square feet.
4. A subdivision of the property, as shown on the preliminary plat prepared by AES, Consulting Engineers, dated September 16, 1996, and titled "Proposed boundary line adjustment between properties owned by Peninsula Supply Co., Inc., and Williamsburg Foods, Inc.," must be approved and recorded before any site plan approval will be granted.

3. Case No. AFD-12-86. Gospel Spreading Church. Amend Condition B

Mr. Gary A. Pleskac, Planner, stated that the proposal would change language pertaining to rezoning and filing of rezoning applications on properties within Agricultural and Forestal District to make the language consistent with the Board of Supervisors policy resolution of Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted on September 24, 1996.

Mr. Pleskac further stated that the Agricultural and Forestal District Advisory Committee voted unanimously to disapprove the proposed change; the Planning Commission, by a vote of 4-3, concurred with staff and recommended approval of the proposed change.

Mr. Magoon 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.

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

4. Ordinance Amendment Chapter 20, Zoning Article V, Districts, Division 3, Limited Residential District, Section 20-241, Division 4, Section 20-255, Article VI, Overlay of Districts, Division 1, Sections 20-547 and 20-548, Set Maximum Gross Densities within Major Subdivisions at One Unit Per Acre

Ms. Tamara A. M. Rosario, Planner, stated that the proposed amendments for the R-1, R-2, and Residential Cluster Overlay Districts set the maximum gross densities at one unit per acre until the ordinance was amended to comply with new Low Density Residential designation definition with Board support given for an implementation schedule which immediately lowered densities in low density residential zoning districts.

Staff defined vesting options from least permissive scenario, recommended vesting options and additional vesting options that were not recommended.

Staff recommended approval of the ordinance amendment. The Planning Commission, by a 3-3 vote at its March 24, 1997, meeting, made no recommendation.

Mr. Magoon opened the public hearing.

1. Mr. Thomas K. Norment, Jr., 145 Jerdone Road, encouraged the Board to support fairness in the vesting options transition proposed in Mr. Stephens' correspondence. He also emphasized that property owners should be given reasonable notices.
2. Mr. Henry Stephens, 104 Governors Drive, stated that transitional period of two to three years was needed in fairness to those having made purchases, investments and commitments.
3. Mr. William Carr, 316 Indian Springs Road, asked the Board to allow a timely transitional period for adjustment by businessmen, builders, developers and banks.
4. Mr. Allan Staley, 11817 Canon Boulevard, Newport News, representative for Atlantic Homes Development, asked that the Board support staff's recommendation to grandfather substantial projects with proffers approved after July 1, 1990.
5. Mr. C. K. Tudor, 3 Island View Drive, Newport News, asked the Board to consider the effect lower densities would have on investments in planned developments.
6. Mr. Steven Meade, 12350 Jefferson Avenue, Suite 360, Newport News, spoke of concern for remaining undeveloped lots and the projected capacity of Scott's Pond subdivision.
7. Mr. Mike Simerlein, 3413 Fiddler's Ridge Parkway, stated that a real estate appraiser places a value on the raw land based on the lots that can be developed per acre and that loans would be jeopardized by density changes.
8. Mr. Branch Lawson, 106 Water Pointe Lane, Smithfield, on behalf of Peninsula Home Builders Association, stated the options affected affordability of housing, economic development and need for fairness if owners could develop only fifty percent of property as originally anticipated and approved.
9. Mr. John Kniest, 426 Airport Road, representative for The Meadows, chronologically described three phases in process of developing The Meadows and The Meadows II and asked the Board to consider impact on owners.
10. Mr. Fred Blake, 108 Rosemount, asked the Board to approve No. 7 on the vesting options list to allow development of the Hazelwood property as planned.

11. Mr. Lawrence Beamer, 924 Lucas Creek Road, Newport News, spoke of the personal financial impact and voiced opposition to downzoning of property.

12. Mr. Richard Costello, 10020 Sycamore, spoke of the impact that Route 199 had on development and asked the Board to seriously consider all the vesting options.

13. Vernon Geddy, III, Esq., 516 South Henry Street, asked the Board to consider the vesting options to accomplish intent of ordinance and show consideration to owner who in good faith relied on existing zoning when pursuing development of property.

14. Mr. Robert Yancey, 168 Reynolds Drive, Newport News, asked for consideration and exemption for owners with economic investments who are in the midst of the development process and had acted responsibly.

15. Mr. Grant Olson, 105 Holman Road, spoke in support of the many citizens who worked diligently in updating the Comprehensive Plan with the expressed desire to control growth.

16. Mr. Ed Oyer, 139 Indian Circle, stated that citizens have emphasized "stop the development" for many years.

16. Mr. Arthur Hilstrom, 3724 Brick Bat Road, spoke in opposition to development.

Mr. Magoon closed the public hearing.

Mr. DePue made a motion to approve the ordinance and read an excerpt from the Comprehensive Plan.

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

G. BOARD CONSIDERATION

1. Zoning Ordinance Transition - Vesting Options

Ms. Rosario stated that the vesting options were included as Attachment 4 of the Zoning Ordinance amendment item.

Staff recommended approval of the resolution. The Planning Commission, by a 3-3 vote at its March 24, 1997, meeting, made no recommendation.

Mr. Edwards made a motion to approve Vesting Options 1, 2, and 3.

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

Mr. Sisk made a motion to approve vesting options 1, 2, 3 4, 5 and 7.

Discussion by the Board determined that this would be a straw vote with the formal action taken after staff had rewritten the resolution to clarify language.

Mr. Edwards made an amendment to the motion by striking July 1, 1990, and changing to October 1993.

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

Mr. DePue made an amendment to the motion to add language to the resolution requesting preliminary approval for plan submitted on or before March 3, 1997.

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

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

Mr. Magoon declared a recess to allow staff to draft language for the amendment to the resolution at 9:55 p.m.

Mr. Magoon reconvened the Board at 10:12 p.m.

Mr. Morton read the language written for Mr. DePue's amendment to the resolution: "Having a development in which at least one section requesting preliminary approval has been submitted on or before March 3, 1997, with a complete set of plans under the Subdivision Ordinance."

Mr. Sisk accepted the amendment to his motion to approve the resolution.

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

RESOLUTION

ZONING ORDINANCE TRANSITION

WHEREAS, the Board of Supervisors is considering comprehensive revisions and amendments to sections of Chapter 20, Zoning, of the Code of the County of James City, Virginia, as described in case No. ZO-1-97; and

WHEREAS, the orderly transition from the existing zoning regulations to revised regulations requires a transition period to effect changes in law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that vested rights under the regulations in effect prior to the adoption of the comprehensive revisions referenced above shall only be granted under one or more of the following situations:

1. Having proffered conditions for a development that:
 - a. define the permitted densities or number of lots or dwelling units; or
 - b. have been accepted by the County after July 1, 1990, which include a requirement for the dedication of real property of substantial value, or substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself; or
2. Having an approved cluster master plan for a development on or before the date of adoption; or
3. Having preliminary approval of a subdivision, or section thereof, on or before the date of adoption; or
4. Having been rezoned to R-1 or R-2 on or after July 1, 1990; or

5. Having a development in which at least one section has received preliminary approval of a subdivision, or section thereof, on or before the date of adoption; or
6. Having a development in which at least one section requesting preliminary approval has been submitted on or before March 3, 1997, with a complete set of plans under the Subdivision Ordinance.

H. PUBLIC COMMENT

1. Mr. Claude Gilmer, 112 Woodside Drive, asked that Code Compliance enforce the ordinance regarding abandoned cars along Route 60 in the Grove area, and asked that bus transportation be provided so persons could travel between Grove and Ft. Eustis areas in less than two hours.

2. Mr. Ed Oyer, 139 Indian Circle, spoke of taxes listed in the Virginia Department of Taxation Annual Report, and asked why acreage at Clara Byrd Baker Elementary School could not be used for enlargement of that school, building another school, or fire station on that site.

3. Mr. William Lawrence, 1 Jonathon Court, spoke of his dissatisfaction that all repairs had not been completed at his home.

Mr. Horne asked whether the Code violations had been corrected.

Mr. Lawrence responded in the affirmative.

Mr. Sisk asked staff to follow-up on Mr. Gilmer's statement regarding abandoned cars along Route 60 in the Grove area.

Mr. Magoon requested Mr. Wanner to have staff provide a memorandum on remaining issues with the William Lawrence home at 1 Jonathon Court, and send a copy of that memorandum to Mr. Lawrence.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated staff would respond to Mr. Gilmer's request. He responded to Mr. Oyer's questions regarding the Clara Byrd Baker Elementary school site, that there is not enough acreage to build a similar size school, and there is no access to Route 5 from the site for a fire station. He recommended a recess for a James City Service Authority Board of Directors meeting.

J. BOARD REQUESTS AND DIRECTIVES - None

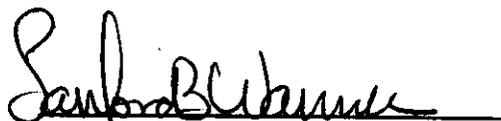
Mr. Magoon recessed the Board for a James City Service Authority meeting at 10:41 p.m.

Mr. Magoon reconvened the Board at 10:52 p.m.

Mr. Magoon made a motion to recess until Tuesday, April 8, 1997, at 5:00 p.m. for a work session.

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

The Board recessed at 10:52 p.m.



Sanford B. Wanner
Clerk to the Board

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ADDITIONS FORM SR-5(A) - Proposed Additions to the Secondary System of State Highways

Attachment to one) Board of Supervisors Resolution Surety Dated:

Attachment 1 of 1

Name of Subdivision: Governor's Land-Harper's Mill, Horne's Lake, Fowler's Lake & Nathaniel's Green

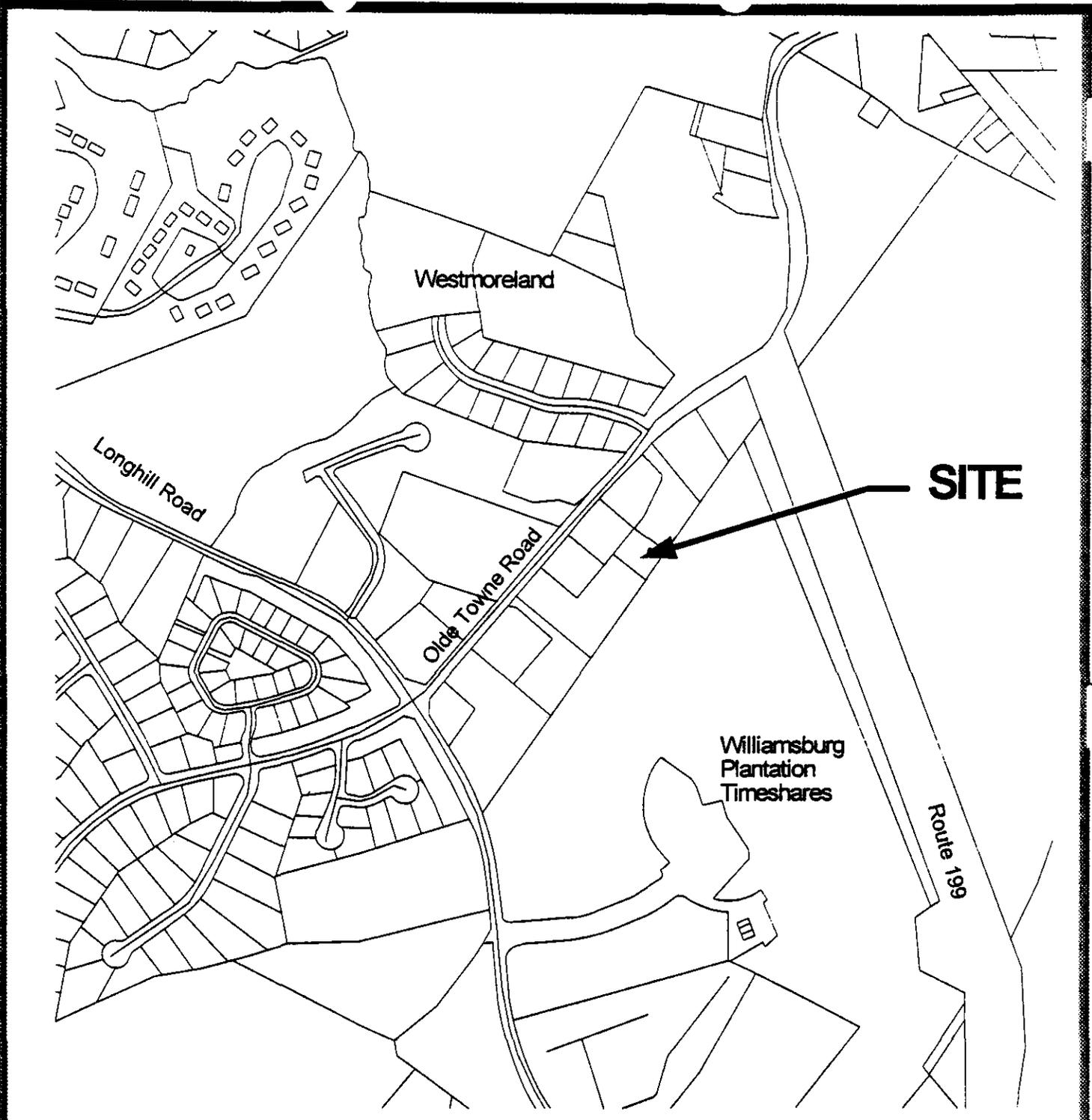
James City (47) County

Ref. No.	Name of Street (Required Data Field)	Street Addition Termini	R-O-W Width (ft)	Miscellaneous Notes	Centerline Length (mi)
1	Harper's Mill	From: Route 1351 To: 0.05 mi North to Harper's Mill Plat Recorded Date: 02/03/94 Plat Book: 58 Page 78-82	100	# Occupied Dwl. Other Service: Collector Road Description: Bit. conc. surface, curb & gutter	0.06
2	Harper's Mill	From: 0.05 mi North of Route 1351 (Two Rivers Rd) To: 0.13 mi East to termini & 0.14 mi West to termini Plat Recorded Date: 02/03/94 Plat Book: 58 Page 78-82	50	# Occupied Dwl. 5 Other Service: Description: Bit. conc. surface, curb & gutter	0.27
3	Two Rivers Road	From: Route 1382 To: 0.19 mi West to intersection of Fowler's Lake Rd. Plat Recorded Date: 10/31/92 Plat Book: 55 Page 7-11	80	Other Service: Collector Road Plat Book 56, pg 6-9, dated 07/17/92 Description: Bit. conc. surface, roadside ditches	0.19
4	Fowler's Lake Road	From: Two Rivers Road To: 0.24 mi North to termini Plat Recorded Date: 11/30/92 Plat Book: 56 Page 52-54	50-150	# Occupied Dwl. 8 Other Service: Description: Bit. conc. surface, curb & gutter	0.24
5		From: To: Plat Recorded Date: Plat Book: Page		# Occupied Dwl. Other Service: Description:	
6		From: To: Plat Recorded Date: Plat Book: Page		# Occupied Dwl. Other Service: Description:	
7		From: To: Plat Recorded Date: Plat Book: Page		# Occupied Dwl. Other Service: Description:	
Total Mileage					0.75

Notes: Guaranteed width of right of way exclusive of any necessary easements for cuts, fills, and drainage.

Magisterial District: Powhatan

<p>CERTIFICATION OF ATTACHMENT (by county clerk or surety agent)</p> <p>This attachment is certified a part of the document <input checked="" type="checkbox"/> above.</p> <p><i>Sandra Bertone</i> Clerk to the Board</p> <p>(Name and Title)</p>



Case No: SUP-2-97
Name: Williamsburg Foods



MAR 25 1997

ORDINANCE NO. 173A-8

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAGOSPEL SPREADING CHURCH FARMAGRICULTURAL AND FORESTAL DISTRICT (AFD 12-86)

- WHEREAS, the Gospel Spreading Church Farm Agricultural and Forestal District is an existing agricultural and forestal district in James city County; and
- WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the ordinance amendment to the Gospel Spreading Church Farm Agricultural and Forestal District; and
- WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on February 20, 1997, unanimously recommended denial of the ordinance amendment; and
- WHEREAS, the Planning Commission, following its public hearing on March 3, 1997, recommended approval of the ordinance amendment.

NOW, THEREFORE, BE IT ORDAINED:

1. The Gospel Spreading Church Farm Agricultural and Forestal District is hereby amended beginning the twenty-fifth day of March, 1997, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.1-1506 et. seq.

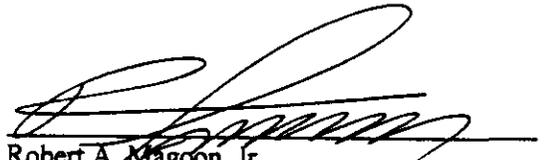
2. That the district shall include the following parcels:

(48-3)(1-35)	National Memorial for Progress of Colored People	504.47 ac.
(56-2)(1-1)	Gospel Spreading Church	458.80 ac.
(47-4)(1-33)	Dr. Stanley H. and Marvis Powell	26.46 ac.
(47-4)(1-37)	Floyd P. Carmines	27.95 ac.
(47-4)(1-11)	Lyman R. and Dorothy Hall	18.00 ac.
(47-4)(1-13)	Dorothy Hall	41.00 ac.
(48-3)(1-39)	Thomas M. Mikula	14.42 ac.
(48-3)(1-40)	Thomas M. Mikula	<u>8.55 ac.</u>
	Total	<u>1,099.65 ac.</u>

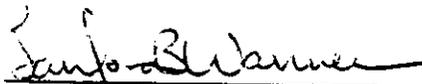
provided, however, that all land within 25 feet of the right-of-way of Treasure Island Road (Route 617), Lake Powell Road (Routes 617 and 618), Neck-O-Land Road (Route 682), and Jamestown Road (Route 31) shall be excluded from the district.

3. That pursuant to the Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Farm 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 owner's immediate family.
- b. No land outside the Primary Service Area and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
- c. No Special Use Permit shall be issued except for agricultural, forestal, 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.


 Robert A. Magoon, Jr.
 Chairman, Board of Supervisors

ATTEST:


 Sanford B. Wanner
 Secretary to the Board

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

Adopted by the Board of Supervisors of the James City County, Virginia, this 25th day of March, 1997.

MAR 25 1997

ORDINANCE NO. 31A-175

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 V, DISTRICTS, DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, BY ADDING SECTION 20-241, OVERALL DENSITY WITHIN MAJOR SUBDIVISIONS; BY AMENDING DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 20-255, OVERALL DENSITY WITHIN MAJOR SUBDIVISIONS; ARTICLE VI, OVERLAY DISTRICTS, DIVISION 1, RESIDENTIAL CLUSTER DEVELOPMENT, SECTION 20-547, DENSITY; SECTION 20-548, DENSITY BONUSES; IN ORDER TO SET MAXIMUM GROSS DENSITIES WITHIN MAJOR SUBDIVISIONS AT ONE UNIT PER ACRE.

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 adding Section 20-241, Overall density within major subdivisions; by amending Section 20-255, Overall density within major subdivisions; Section 20-547, Density; Section 20-548, Density bonuses; in order to set maximum gross densities within major subdivisions at one unit per acre.

Chapter 20. Zoning

Article V. Districts

Division 3. Limited Residential District, R-1

~~Sec. 20-241. Overall density within major subdivisions.~~

~~(a) All major subdivisions shall have a maximum gross density of one unit per acre. For the purposes of this section, the term "major subdivision" shall be defined as a division of a tract of land into six or more lots.~~

Ordinance to Amend and Reordain
Chapter 20. Zoning
Page 2

~~(b) Any contiguous property owned by the same subdivider, or deemed by the development review committee as a logical part of a contiguous subdivision cannot be subdivided into greater than five lots without meeting the density requirements of a major subdivision.~~

Secs. 20-24+2-20-250. Reserved.

Division 4. General Residential District, R-2

Sec. 20-255. Overall density within major subdivisions.

(a) All major subdivisions shall have a maximum gross density of ~~two~~ one units per acre. For the purposes of this section, the term "major subdivision" shall be defined as a division of a tract of land into six or more lots.

~~(b) Any contiguous property owned by the same subdivider, or deemed by the development review committee as a logical part of a contiguous subdivision cannot be subdivided into greater than five lots without meeting the density requirements of a major subdivision.~~

Article VI. Overlay Districts

Division 1. Residential Cluster Development

Ordinance to Amend and Reordain
Chapter 20. Zoning
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Sec. 20-547. Density.

In a residential cluster development, the minimum and maximum number of dwelling units per acre of gross acreage as calculated below shall be as follows:

<i>Comprehensive Plan Designation</i>	<i>Minimum</i>	<i>Gross Density Allowable</i>	
		<i>Base</i>	<i>Maximum</i>
Low-Density Residential	0	2.5	4.0
Moderate-Density Residential	4.0	4.0	12.0

In areas designated as low-density residential by the Comprehensive Plan, the gross density may be as high as ~~2 1/2 units~~ ~~one unit~~ per acre without accumulating density bonuses. In areas designated as moderate-density residential by the Comprehensive Plan the gross density shall be four units per acre without accumulating density bonuses.

For the purpose of calculating gross density, gross acreage shall equal the sum of total developable area and up to 35 percent of the total area as calculated below:

<i>Gross Acreage</i>	
<i>Percentage of Nondevelopable Area</i>	<i>Gross Acreage Shall Equal:</i>
Less than 35	Total area of parcel
More than 35	Developable land plus up to 35% of the parcel's land

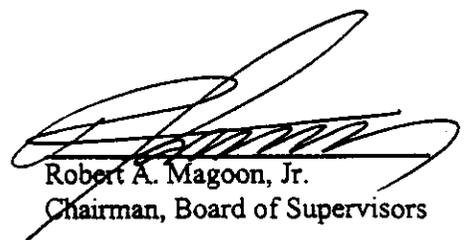
Developable area shall consist of the total land area of the site minus stream beds, areas subject to flooding, wetlands and areas with slopes exceeding 25 percent gradient. If the cluster development lies in more than one Comprehensive Plan Land Use Designation, the number of dwelling units shall be calculated separately for each district.

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Sec. 20-548. Density bonuses.

(a) The allowable base density of ~~2 1/2 units per acre in low-density residential areas and the four~~ units per acre in moderate-density residential areas may be increased upon the granting of a density bonus by the planning commission. Upon application, the planning commission may grant density bonuses in accordance with part (b) hereunder upon finding that the increased density will not impair the character of the area or create unacceptable adverse off-site infrastructure impacts. A density bonus shall not be granted for any improvement, design or action otherwise required by county, state or federal law.

(b) A density bonus may be awarded for each condition, specified in (1) through (16) below, which is met by the cluster development; provided, however, that in no case shall the accumulated density bonus' exceed the maximum gross units per acre as noted in section 20-547. The density bonus percentages shall always be calculated against the allowable base density of ~~2 1/2 units per acre in low-density residential areas and four~~ units per acre in moderate-density residential areas.



Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of March, 1997.