

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF MARCH, 1999, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

Jack D. Edwards, Chairman, Berkeley District  
David L. Sisk, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District  
Ronald A. Nervitt, Powhatan District  
M. Anderson Bradshaw, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. PUBLIC COMMENT**

1. Mr. Arthur Hilstrom, Sr., 3724 Brick Bat Road, spoke of a small private well going dry at 8046 Riverview Road; a moratorium was needed on building construction and water meters installed on golf courses until water supply was available.

2. Mr. Ed Oyer, 139 Indian Circle, spoke of the work time needed annually to pay taxes, and stated that an increase in tax burden affects economic development growth.

**C. PRESENTATION**

1. National Volunteer Week

Vice Chairman David Sisk read and presented the resolution to Bob and Opaline Davis, who accepted the resolution in representation of the large number of County volunteers who contributed time, resources, and energy to the community.

**D. HIGHWAY MATTERS**

Mr. Quintin Elliott, Williamsburg Area Resident Engineer, Virginia Department of Transportation (VDOT), was present.

Mr. Nervitt asked Mr. Elliott about VDOT cleaning up the roadways.

Mr. Elliott responded that numerous Adopt-A-Highway groups, a contract for litter pickup and inmate labor cleaned roadways. He explained that unsecured trash loads created most of the litter and citizens need educating on better ways to prevent litter.

Mr. McGlennon asked whether VDOT had a schedule for repaving of streets. He stated residents from Gate House Boulevard and Archer's Court in Kingspoint had contacted him.

Mr. Elliott stated repaving was done in a certain amount of time, and not by a list or schedule. He stated that a resurface list was provided annually to the County.

Mr. Nervitt asked whether litter cleanup was a low priority.

Mr. Elliott stated that litter pickup was a part of the maintenance program funding.

Mr. Nervitt suggested that Planning staff could give a message to developers and contractors when permits are issued saying "do not trash the County."

Mr. Edwards asked for an update on the Route 199 project.

Mr. Elliott replied that completion was planned for first part of August dependent on the interchange at Monticello Avenue.

Mr. McGlennon asked when both lanes would be open on the Monticello Avenue overpass.

Mr. Elliott stated that both lanes would be open when steel was installed on the bridge.

#### **E. CONSENT CALENDAR**

Mr. Edwards asked if a Board member wished to remove any item from the Consent Calendar, and asked that Item No. 5 be removed.

Mr. Edwards made a motion to approve Item Nos. 1, 2, 3, and 4 on the Consent Calendar.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

1. Minutes of March 2, 1999, Joint Meeting with Industrial Development Authority and March 9, 1999, Regular Meeting
2. Additions and Abandonments to Route 613, News Road

### **RESOLUTION**

#### **ADDITIONS AND ABANDONMENTS TO ROUTE 613 (NEWS ROAD)**

WHEREAS, Secondary Route 613 (News Road), from 1.00 miles west intersection Route 615 (Ironbound Road) to 0.147 miles west intersection Route 615, a distance of 0.636 miles, has been altered and a new road has been constructed and approved by the Virginia Department of Transportation; and

WHEREAS, The Virginia Department of Transportation has provided the Board with a sketch dated October 8, 1998, depicting the additions, discontinuance, and abandonments required in the Secondary System of State Highways as a result of Project: 0613-047-133, C-501, which sketch is hereby incorporated herein by reference; and

WHEREAS, The new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Virginia Department of Transportation add to the Secondary System of State Highways, pursuant to 33.1-229 of the Code of Virginia, that portion of Route 613 (News Road) identified as Sections 2, 3, 5, and 6 on the sketch titled "Changes in the Secondary system due to relocation and construction on Route 613, Project: 0613-047-133, C-501 and dated October 8, 1998.

BE IT FURTHER RESOLVED that the Virginia Department of Transportation also be, and it is hereby, ordered to abandon, pursuant to Section 33.1-155 of the Code of Virginia, that portion of Route 613 identified as Section 1 and 4 on the above-referenced sketch.

BE IT FURTHER RESOLVED this Board request that the portion of News Road from Route 615 west to the intersection of new Route 613 be accordingly renumbered as part of the Secondary System of State highways.

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

3. National Volunteer Week, April 18-24, 1999

**RESOLUTION**

**NATIONAL VOLUNTEER RECOGNITION WEEK APRIL 18-24, 1999**

WHEREAS, in the proud tradition of our rich heritage, James City County volunteers continue to be a valuable resource; and

WHEREAS, volunteers are a valuable resource to James City County departments and in FY 98 contributed 45,230 hours of service valued at \$598,845; and

WHEREAS, these citizen volunteers are deserving of recognition for their commitment and hard work in improving the quality of life for all James City County residents by providing services that might otherwise not be provided.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates the week of April 18-24, 1999, as Volunteer Appreciation Week and calls the significance of volunteers to all of our citizens.

4. Trash and Grass Lien**RESOLUTION****CODE VIOLATION LIEN**

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owners and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Properties to wit:

**Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:**

ACCOUNT:	Charles and Jacquelyne Morrell 624 Penniman Road Williamsburg, VA 23185
DESCRIPTION:	7207 Merrimac Trail
TAX MAP NO.:	(41-4) (01-0-0007) James City County, Virginia
AMOUNT DUE:	\$125.00

5. Street Naming and Name Change: News Road/Ironbound Road Area

Mr. Edwards asked whether the entire length of road would be called News Road.

Mr. Elliott responded that the road would be part of State Route 613 to Ironbound Road.

Mr. Edwards asked about whether new signage could be used for News Road.

Mr. John T. P. Horne, Manager of Development Management, stated News Road was on the list submitted to VDOT.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

**RESOLUTION****STREET NAMING AND NAME CHANGE: NEWS ROAD/IRONBOUND ROAD AREA**

- WHEREAS, Section 19-54 (B) of the James City County Subdivision Ordinance provides for street names to be changed upon approval by the Board of Supervisors; and
- WHEREAS, the former entrance to News Road off Ironbound Road has been closed and abandoned; and
- WHEREAS, Powhatan Parkway has been relocated and realigned to connect to a new road; and
- WHEREAS, a new connector between Monticello Avenue and News Road has been constructed but has not been named; and
- WHEREAS, street naming and name change have been discussed with the Virginia Department of Transportation, Fire Department, Planning Division, Real Estate Assessment Division, or the Post Office and have been found by these agencies to not be objectionable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the renaming of Powhatan Parkway to "News Road" and names the new connector between Monticello Avenue and News Road, "News Road."

**F. PUBLIC HEARINGS****1. Case No. SUP-4-99. Brown Manufactured Home Replacement**

Ms. Courtney A. Kyle, Planning Technician, stated that Ms. Connie Parson, on behalf of Mr. William Brown, had applied for a special use permit to replace an existing nonconforming manufactured home with a new one, zoned R-8, Rural Residential, located at 4815 John Tyler Highway, further identified as Parcel No. (1-16) on James City County Real Estate Tax Map No. (47-2).

Staff determined that the proposal would meet most of the administrative criteria for the placement of a manufactured home.

Staff recommended approval of the application with conditions listed in the resolution.

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

Mr. Bradshaw made a motion to approve the amended resolution.

Mr. Edwards stated that this replacement manufactured home was inconsistent with the Comprehensive Plan, but was an improvement of the existing manufactured home.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

Board discussion followed regarding two manufactured homes that were in a severe state of disrepair within 2,000 feet of the replacement manufactured home.

Mr. Frank M. Morton, III, County Attorney, responded that new State legislation dealing with blight would become effective on July 1, 1999, and staff would review and provide a report.

**RESOLUTION****CASE NO. SUP-4-99. BROWN MANUFACTURED HOME**

WHEREAS, all requirements for the consideration of an application for a special use permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a special use permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant: Connie M. Parson, POA for William H. Brown

Real Estate Tax Map ID: (47-2)

Parcel No.: (1-16)

Address: 4815 John Tyler Highway

District: Berkeley

Zoning: R-8, Rural Residential

- Conditions:
1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval.
  2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
  3. The existing manufactured home shall be removed within 30 days of placement of the new manufactured home.
  4. The proposed manufactured home shall be setback a minimum of 86 feet from the Route 5, John Tyler Highway, right-of-way. The existing vegetation between the Route 5 right-of-way and the manufactured home shall remain undisturbed except for removal of windfalls and deadfalls, and any future utility connections as approved by the Director of Planning.
  5. This special use permit is not severable. Invalidation

of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. ZO-8-98. LB. Limited Business District Amendment and Neighborhood Commercial Development Standards Policy (Continued from March 9, 1999)

Mr. Jack Fraley, Business and Industrial Zoning Ordinance Update Committee, stated two Comprehensive Plan goals that encouraged economic opportunities in the business and industrial zones in James City County and pursued creation of a Neighborhood Commercial zoning district, had guided the Committee. He stated that the Board of Supervisors, at its March 9, 1999, meeting, deferred the case to allow time for review of several suggestions.

Mr. Fraley outlined the suggestions: moving restaurants (excluding fast food restaurants), tea rooms and taverns; and retail food stores from permitted use section to Section 24-369, Uses permitted by special use permit only; revise "convenience store" listing to prohibit its use in LB zoned areas designated Neighborhood Commercial or Low-Density Residential; deleting language ... "and pastel colors" ... in standard number three of the Neighborhood Commercial Design Standards Policy; language pertaining to lighting standards will be brought forward at a later date by the Community Character Zoning Ordinance Committee; location of areas affected by the proposed ordinance; and recent proposals requiring a special use permit under the new ordinance.

Mr. Fraley stated that Section 24-370 (d) stated a special use permit shall be required for any building that exceeds a 2,500-square foot building footprint. He stated that after consideration of public comments, the Committee agreed that the 2,500-square feet building footprint be increased to 2,750 square feet.

Mr. Fraley stated that a resolution vesting preliminary site plan approval, building permit approval, or special use permit received prior to the date of adoption of the ordinance was included for Board consideration.

In concurrence with staff and the Committee, the Planning Commission, by a vote of 6-1, recommended approval of the resolution, the Neighborhood Commercial Development Standards Policy, and the proposed ordinance amendments.

Mr. Edwards opened the public hearing.

1. Mr. Richard Costello, 10020 Sycamore Landing Road, voiced a concern that 2,500-square foot building footprint was too low for the areas impacted by this ordinance.

2. Mr. Vittorio Minichiello, 3840 Ironbound Road, stated that he had "by right" to build a small retail/office development project, but had just learned that a special use permit would be required if this ordinance amendment was approved. He emphasized that the new requirements were unfair to him.

Board and staff discussed Mr. Minichiello's circumstances as related to administrative process, cost and time.

3. Ms. Page Hewlett, Neck-O-Land Road, stated that changing Neighborhood Commercial zoning without asking for input from citizens owning properties in that zone was unfair.

4. Mr. Robert Hershberger, Executive Vice President, Williamsburg Area Chamber of Commerce, spoke in favor of increasing the square foot building footprint.

5. Alvin Anderson, Esq., respectfully suggested that mention of the Comprehensive Plan in an ordinance was inappropriate and quoted State code, Section 15.2-282, that "All zoning regulations shall be uniform for each class or kind of building and use throughout each zoning district." He emphasized that some LB property would be treated one way and other LB property another way.

6. Ms. Christine Clark, Deer Wood Manor off Greensprings Road, spoke in opposition to the Neighborhood Commercial Development at the intersection of Route 5 and Greensprings Road.

7. Mr. Richard Costello stated that 3,500- to 4,000-square foot building footprint would be preferable to a 2,750-square foot building footprint.

8. Mr. Jeff Cattell, 2805 Sassafras Court, asked for explanation of the different interpretation of the State code by Mr. Anderson and Mr. Morton.

9. Mr. Chris Henderson, representing Exxon in James City, pointed out that 2,500-square foot building footprint was an insignificant size and proposed alternative of 5,000 square feet. He asked that vesting legislation include current proposals be under existing ordinance rather than new ordinance.

Mr. Edwards closed the public hearing.

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

Board members asked for clarification of interpretation of the State code by Mr. Morton.

Mr. Morton responded that he and Mr. Anderson disagreed about the reference to the Comprehensive Plan in the ordinance and that there was no statutory reference about the subdivision of districts referred to by Mr. Anderson.

Mr. Morton advised that discussion of those issues should be held in executive session.

Board members discussed amendments to the ordinance that would require a return to the Planning Commission for consideration and take a lengthy period of time.

Mr. Edwards made a motion to move restaurants, tea rooms and taverns from by right to Section 24-369, Uses permitted by special use permit only.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Edwards (4). NAY: Bradshaw (1).

Mr. Edwards made a motion to move retail food stores from Section 24-368 to Section 24-369, Uses permitted by special use permit only.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Edwards (4). NAY: Bradshaw (1).

Mr. Edwards made a motion to change convenience store listing in Section 24-369 to "Convenience stores, in areas not designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan; if fuel is sold then in accordance with Section 24-38."

On a roll call the vote was: AYE: McGlennon, Edwards (2). NAY: Nervitt, Sisk, Bradshaw (3).

Mr. Bradshaw made a motion to amend the 2,500-square foot building footprint to 2,750 square feet in Section 24-370 (d).

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

On a roll call for the ordinance as amended above, the vote was: AYE: Nervitt, McGlennon, Bradshaw, Edwards (4). NAY: Sisk (1).

Mr. Bradshaw made a motion to amend the Neighborhood Commercial Development Standards Policy by deleting the words ...and pastel colors... in Provision 3.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

Mr. McGlennon made a motion to approve the amended Policy resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

## RESOLUTION

### NEIGHBORHOOD COMMERCIAL DEVELOPMENT STANDARDS POLICY

WHEREAS, the task of revising the business and industrial zoning districts was undertaken by one of the four citizen committees charged with updating the Zoning Ordinance; and

WHEREAS, the Committee used the 1997 Comprehensive Plan for guidance; and

WHEREAS, the Comprehensive Plan recommends standards for development in areas designated Neighborhood Commercial on the Comprehensive Plan; and

WHEREAS, after meeting for several months to discuss the topic of Neighborhood Commercial, the Zoning Ordinance Update Committee responsible for reviewing this item recommends the following policy; and

WHEREAS, on February 1, 1999, the Planning Commission endorsed the policy by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

For any property zoned LB, Limited Business District, and designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, any use requiring a special use permit shall demonstrate to the Director of Planning substantial conformance to the following provisions:

1. Long, monotonous facade designs shall be avoided, including, but not limited to, those characterized by unrelieved repetition of shape, form, architectural details, or by unbroken extension of line.
2. Brick, natural wood siding, or other materials with similar texture and appearance are considered most appropriate. Reflective surfaces are generally not considered acceptable exterior material.

3. Generally no more than three colors shall be used per building. Generally, bright hues shall not be used.
4. No portion of a building constructed of barren and unfinished concrete masonry unit (cinder block) or corrugated material or sheet metal shall be visible from any adjoining property or public right-of-way. This shall not be interpreted to preclude the use of architectural block as a building material.
5. Building design that reflects local, historical or architectural themes and styles is encouraged. Replication of standard building design is discouraged.
6. The use of articulation shall be employed to reduce the overall size of large buildings. Articulation may be expressed through building massing and architectural elements, such as rooflines, windows, doors, etc. Buildings with large profiles shall be designed to appear smaller by articulating the overall massing as a collection of component masses. Architectural elements shall be incorporated to the extent practical, including, but not limited to, bays, balconies, porches, loggias, and/or arcades. Rooftop architectural elements shall be incorporated to the extent practical, including, but not limited to, features such as dormers, widow watches, and/or other rooftop elements.
7. Convenience stores shall have limited hours of operation. Twenty-four hour convenience stores shall not be permitted.

Mr. Edwards made a motion to approve the vesting resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

## RESOLUTION

### ZONING ORDINANCE TRANSITION

**WHEREAS,** the Board of Supervisors is considering comprehensive revisions and amendments to sections of Chapter 24, Zoning, of the Code of the County of James City, Virginia, as described in Case Nos. ZO-2-98 and ZO-8-98; 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** that the Board of Supervisors of James City County, Virginia, grandfathers proposed developments which meet the criteria identified below in effect prior to the adoption of the comprehensive revisions to the James City County Zoning Ordinance as described in Case Nos. ZO-2-98 and ZO-8-98, if one or more of the following are met:

1. Having preliminary approval of a site plan on or before the date of adoption and proceeding to obtain final site plan approval;
2. Having obtained a valid building permit on or before the date of adoption and diligently pursuing construction and obtaining a final certificate of occupancy;

3. Having a valid special use permit and commencement of construction or use covered under that permit within one year from the date of the ordinance adoption, or the term of the special use permit, whichever is greater.

Mr. Edwards declared a break at 8:58 p.m.

Mr. Edwards reconvened the Board at 9:08 p.m.

3. Virginia Public School Authority Bond Issue

Ms. Carol O. Davis, Assistant Manager of Financial and Management Services, stated that the public hearing was required to authorize the issuance and sale of \$19,220,000 in bonds plus up to an additional two percent in case the bonds are sold at a discount, in order to finance the majority of two school projects, Berkeley Renovation and the new Elementary School. She further stated that the second resolution would amend the FY 1998-1999 Capital Projects Fund Budget to reflect the issuance of a portion of the bonds used to finance construction of the seventh elementary school.

Staff recommended approval of the resolutions.

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

Mr. Bradshaw made a motion to approve the two resolutions.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

**RESOLUTION**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED  
\$19,220,000 GENERAL OBLIGATION SCHOOL BONDS, SERIES 1999A**

**OF JAMES CITY COUNTY, VIRGINIA**

**TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY**

**AND PROVIDING FOR THE FORM AND DETAILS THEREOF**

- WHEREAS, the Board of Supervisors (the "Board") of James City County, Virginia (the "County"), has determined that it is necessary and expedient to borrow not to exceed \$19,220,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and
- WHEREAS, the County held a public hearing, duly noticed, on March 23, 1999, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and
- WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds (as hereinafter defined) and consented to the issuance of the Bonds.

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

1. **Authorization of Bonds and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Bonds shall be in an aggregate principal amount not to exceed \$19,220,000 plus up to an additional two percent (2 percent) of such amount if the Bonds are sold at less than par as set forth in the following paragraph. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.
2. **Sale of the Bonds.** It is determined to be in the best interest of the County to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase from the County, and to sell to the VPSA, the Bonds at a price determined by the VPSA to be fair and accepted by the Chairman and Vice Chairman of the Board and the County Administrator, any of whom may act, that is not less than 98 percent of par and not more than 103 percent of par upon the terms established pursuant to this Resolution. The Chairman and Vice Chairman of the Board, the County Administrator, the Manager of Financial Management Services and such officer or officers of the County as any of them may designate, any of whom may act, are each hereby authorized and directed to enter into a Bond Sale Agreement dated as of April 5, 1999, with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").
3. **Details of the Bonds.** The Bonds shall be issuable in fully registered form; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 1999A"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 1999, (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.
4. **Interest Rates and Principal Installments.** The Chairman and Vice Chairman of the Board, the County Administrator and the Manager of Financial Management Services, any of whom may act, are each hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10 percent) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further that the true interest cost of the Bonds does not exceed six and one-half percent (6½ percent) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The Chairman and Vice Chairman of the Board, the County Administrator and the Manager of Financial Management Services, any of whom may act, are each hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as

described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.

5. **Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.
6. **Payment: Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:
- (a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.
  - (b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.
  - (c) Crestar Bank, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.
7. **Prepayment or Redemption.** The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2010, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2010, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2010, and the definitive bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2010, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2010, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2010 through July 14, 2011	102 percent
July 15, 2011 through July 14, 2012	101 percent
July 15, 2012 and thereafter	100 percent

**Provided, however,** that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

- 8 **Execution of the Bonds.** The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are each authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.
- 9 **Pledge of Full Faith and Credit.** For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.
10. **Use of Proceeds Certificate and Non-Arbitrage Certificate.** The Chairman and Vice Chairman of the Board, the County Administrator, the Manager of Financial Management Services and such officer or officers of the County as any of them may designate, any of whom may act, are each hereby authorized and directed to execute a Non-arbitrage Certificate and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Non-arbitrage Certificate and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.
11. **State Non-Arbitrage Program: Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Administrator, Treasurer and Manager of Financial Management Services to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman and Vice Chairman of the Board, the County Administrator, the Manager of Financial Management Services, and such officer or officers of the County as any of them may designate, any of whom may act, are each hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.
12. **Continuing Disclosure Agreement.** The Chairman and Vice Chairman of the Board, the County Administrator, the Manager of Financial Management Services and such officer or officers of the County as any of them may designate, any of whom may act, are each hereby authorized and directed to execute a Continuing

Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

- 13. **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the City of Williamsburg and the County of James City, Virginia.
- 14. **Further Actions.** The members of the Board and all officers, employees, and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.
- 15. **Effective Date.** This Resolution shall take effect immediately.

**RESOLUTION**

**BUDGET AMENDMENT – VIRGINIA PUBLIC SCHOOL AUTHORITY BOND ISSUE**

- WHEREAS, the Board of Supervisors plans on issuing bonds through the Virginia Public School Authority to finance the majority of the cost of the Berkeley School renovation and expansion and the construction of a seventh elementary school; and
- WHEREAS, the bond issue related to the seventh elementary school was planned in the FY 1999-2000 Capital Projects Fund Budget; and
- WHEREAS, the Board of Supervisors plans to combine the bond issues planned for FY 1998-1999 and FY 1999-2000 into one issue to be sold in 1999; and
- WHEREAS, the Board of Supervisors held a public hearing pursuant to Virginia Code Section 15.2-2507 to reflect \$9,389,100 in revenue from bond proceeds and \$9,389,100 in project costs for the seventh elementary school.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation within the FY 1998-1999 Capital Projects Fund Budget:

**Revenue:**

Proceeds from Virginia Public School Authority Bond Issue **\$9,389,100**

**Expenditures:**

Seventh Elementary School **\$9,389,100**

**G. BOARD CONSIDERATIONS****1. 1998 Update of Comprehensive Sidewalk and Trail Plan**

Mr. Wayland N. Bass, County Engineer, stated that the 1989 adopted plan had provided a guide for requiring new sidewalks and sidewalk agreements with new development and selection of remedial projects for public funding. He further stated that bikeway needs had been addressed by the Regional Bikeway Plan.

Mr. Bass stated that citizens had requested a list of sidewalks; the inventory of existing sidewalks had been updated; recommended sidewalk funding schedule contained a list of remedial sidewalks needed to serve existing development, and recommended sidewalks were designated for construction by future development.

Mr. Bass further stated that approximately seven miles of sidewalks had been constructed between 1989-1998 with most being maintained by Virginia Department of Transportation.

Staff recommended approval of the resolution.

Mr. Nervitt made a motion to approve the resolution.

Board members discussed whether connection of all County sidewalks was possible; how location of sidewalk on one or both side(s) of street was determined; whether landscaping was considered for sidewalks; and does County have requirements for developers to build sidewalks.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

**RESOLUTION****1998 UPDATE OF COMPREHENSIVE SIDEWALK AND TRAIL PLAN**

WHEREAS, the Board of Supervisors of James City County, Virginia, adopted the Comprehensive Sidewalk Plan in 1989; and

WHEREAS, the Recreation Commission and the Planning Commission have approved the 1998 update.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the 1998 Comprehensive Sidewalk and Trail Plan.

**2. Amended Traffic of Stonehouse Commerce Park**

Mr. Paul D. Holt, III, Senior Planner, stated that Stonehouse documented needed road improvements to the westbound I-64/Route 30 intersection and I-64/Route 30 interchange anticipated at 200,000 square feet of occupied space in the Stonehouse Traffic Impact Study conducted in 1990. Stonehouse had requested, based on current traffic counts and updated Virginia Department of Transportation forecasting methodologies, that an amendment be made in the traffic study of the timing of these two traffic improvements.

Discussion followed by Board and staff regarding projections whether office space or manufacturing developed, and whether safety data was included.

Staff recommended approval of the resolution.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

## RESOLUTION

### STONEHOUSE TRAFFIC IMPACT STUDY

#### 1999 AMENDMENT AND UPDATE

WHEREAS, Langley & McDonald, P.C., has updated portions of the Stonehouse Traffic Impact Study previously approved by the Board of Supervisors; and

WHEREAS, the Traffic Impact Study Update is summarized in a memorandum from Mr. Bill Cashman to Mr. Paul Holt, dated March 5, 1999, with traffic counts included ("Amended and Updated Traffic Study"); and

WHEREAS, Stonehouse, Inc., together with its successors and assigns, is the Owner of the property; and

WHEREAS, subparagraph (i) of Condition 3, Road Improvements, of the Proffers, as amended, allows the Owner to update the Traffic Study and revise the phasing of improvement with the approval of the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the Amended and Updated Traffic Study and based on projections, no final site plan approval may be issued for development in Land Bays 80 and 81, as shown on the approved Master Plan, where the total square footage in Land Bays 80 and 81 will exceed 450,000 square feet of warehouse and manufacturing uses, or the development of other uses which may generate an equivalent amount of traffic, until such time the Owner has posted with the County guarantees for the installation of a traffic signal at the intersection of Route 30 and the westbound I-64 on-ramp and off-ramp. Owner shall not be obligated to install such signal until the signal meets Virginia Department of Transportation (VDOT) warrants and is approved by VDOT

NOW THEREFORE BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby endorses the Amended and Updated Traffic Study and based on projections, no final site plan approval may be issued for development in Land Bays 80 and 81, as shown on the approved Master Plan, where the total square footage in Land Bays 80 and 81 will exceed 950,000 square feet of warehouse and manufacturing uses, or the development of other uses which may generate an equivalent amount of traffic, until such time the Owner has posted with the County guarantees for the realignment of the I-64 westbound off-ramp at the I-64 and Route 30 interchange and the construction of a westbound Route 30 to westbound I-64 loop ramp. Owner shall not be obligated to install such improvements until VDOT warrants are met and approved by VDOT.

3. Award of Contract - Architectural and Engineering Services for the District Park/Hotwater Cole Site

Mr. Needham S. Cheely, III, Director of Parks and Recreation, stated that six firms submitted proposals for Architectural and Engineering Services for the District Park/Hotwater Cole site with Rhodeside & Harwell, Inc., being the preferred firm. He further stated that the scope of the project included design, special studies, bid and construction phase services for Phase I.

Staff recommended approval of the resolution awarding the contract for architectural and engineering services for the District Park/Hotwater Cole site to Rhodeside & Harwell, Inc. in the amount of \$139,495.

Discussion by Board and staff followed regarding how firm was selected and how negotiations reduced the fee since in-house expertise could perform some of the services.

Mr. McGlennon made a motion to approve the resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

**RESOLUTION**

**CONTRACT AWARD - ARCHITECTURAL AND ENGINEERING SERVICES FOR THE  
DISTRICT PARK/HOTWATER COLE SITE**

WHEREAS, James City County owns parcels of property designated for use as a new District Park on the Hotwater Cole site; and

WHEREAS, the contract for architectural and engineering services was competitively negotiated with Rhodeside & Harwell, Inc., in the amount of \$139,495; and

WHEREAS, adequate funds are available in the Parks and Recreation budget to cover the payment of architectural and engineering services fees.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute all contract documents for the provision of Architectural and Engineering Services for the District Park/Hotwater Cole site in the amount of \$139,495 to Rhodeside & Harwell, Inc.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Sanford B. Wanner, County Administrator, asked Mr. Larry M. Foster, General Manager, James City Service Authority, to respond to Mr. Hilstrom's comments made earlier in the meeting.

Mr. Foster stated that the Virginia Department of Environmental Quality (VA DEQ) required mitigation of impact of withdrawal on existing wells. He further stated that he was unaware if a request for mitigation had been received regarding the small private well mentioned by Mr. Hilstrom.

Mr. Foster explained that two County golf courses used groundwater for irrigation and both withdrawals were regulated by the VA DEQ; the other golf courses use runoff from rains - stored and pumped as needed.

Mr. Wanner acknowledged Ms. Robin Deacle, Daily Press reporter, in the audience. He expressed appreciation for her professionalism in reporting and wished her well in her new career.

Mr. Wanner announced a James City Service Authority Board of Directors' meeting, following adjournment of this meeting to work sessions on Changes to Zoning Ordinance, Cash Proffers Issue, and Asset/Property Management scheduled for Wednesday, March 24, 1999, at 2:00 p.m. He recommended an executive session, at Wednesday's meeting, for appointment of individuals to County boards and/or commissions.

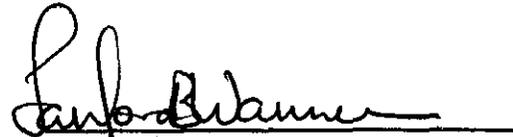
#### **J. BOARD REQUESTS AND DIRECTIVES**

Mr. Bradshaw noted the recent death of Dr. Robert Q. Marston, native of Toano, who attended James City County public schools.

Mr. Sisk made a motion to adjourn.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

The Board adjourned at 10:05 p.m.

  
Sanford B. Wanner  
Clerk to the Board

032399bs.min

MAR 23 1999

ORDINANCE NO. 31A-187

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-367, STATEMENT OF INTENT; SECTION 24-368, PERMITTED USES; SECTION 24-369, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY RENUMBERING SECTION 24-370, AREA REQUIREMENTS WITH NEW NUMBER 24-371; BY AMENDING AND RENUMBERING SECTION 24-371, SETBACK REQUIREMENTS WITH NEW NUMBER 24-372; BY AMENDING AND RENUMBERING SECTION 24-372, YARD REGULATIONS WITH NEW NUMBER 24-373; BY AMENDING AND RENUMBERING SECTION 24-373, SPECIAL PROVISIONS FOR THE ADJUSTMENT OF YARD REQUIREMENTS WITH NEW NUMBER 24-374; BY AMENDING AND RENAMING SECTION 24-375, HEIGHT AND BULK LIMITS WITH NEW NAME HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; BY RENUMBERING SECTION 24-376, SIGN REGULATIONS WITH NEW NUMBER 24-377; BY RENUMBERING SECTION 24-377, OUTDOOR STORAGE PROHIBITED WITH NEW NUMBER 24-378; BY RENUMBERING SECTION 24-378, SITE PLAN REVIEW WITH NEW NUMBER 24-379; BY RENUMBERING SECTION 24-379, RESERVED WITH NEW NUMBER 24-382; BY ADDING SECTION 24-370, SPECIAL PROVISIONS FOR AREAS WITHIN THE LIMITED BUSINESS DISTRICT, LB, DESIGNATED NEIGHBORHOOD COMMERCIAL OR LOW-DENSITY RESIDENTIAL ON THE COMPREHENSIVE PLAN; BY ADDING SECTION 24-376, BUILDING COVERAGE LIMITS; BY ADDING SECTION 24-380, SIDEWALKS; AND BY ADDING SECTION 24-381, LANDSCAPING.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 9, Limited Business District, LB, Section 24-367, Statement of intent; Section 24-368, Permitted uses; Section 24-369, Uses permitted by special use permit only; Section 24-370, Special provisions for areas within the Limited Business District, LB, designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan; Section 24-371, Area requirements; Section 24-372, Setback requirements; Section 24-373, Yard regulations; Section 24-374, Special provisions for the adjustment of yard requirements; Section 24-375, Height limits and height limitation waivers; Section 24-376, Building coverage limits; Section 24-377, Sign regulations; Section 24-378, Outdoor storage prohibited; Section 24-379, Site plan review; Section 24-380, Sidewalks; Section 24-381, Landscaping; and Section 24-382, Reserved.

Chapter 24. Zoning  
Article V. Districts  
Division 9, Limited Business District, LB

**Sec. 24-367. Statement of intent.**

The Limited Business District, LB, is intended to provide opportunities for a limited range of office, retail and service establishments of small to moderate size, with small, well-landscaped parking areas. The district is characterized by the absence of nuisance factors such as constant heavy trucking and excessive noise, dust, light and odor. This classification is appropriate where proximity to residential areas, existing land uses, traffic patterns and other factors make it desirable to maintain a commercial character which is less intense than permitted in the General Business District, B-1. To enhance the character of the district and to improve its compatibility with low-density surroundings, limitations on building height and bulk are imposed.

**Sec. 24-368. Permitted uses.**

In the Limited Business District, LB, buildings or structures to be erected or land to be used shall be for one or more of the following:

Adult day care centers.

An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 3

Bakeries and fish markets.

Banks and other [REDACTED] financial institutions.

[REDACTED]

Business, governmental and professional offices.

Contractor's offices without the storage of construction equipment or building materials.

[REDACTED] Day care and child care centers.

~~Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, gunsmith (excluding shooting ranges), pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.~~

~~Doctors, dentist and other medical clinics or offices.~~

~~Drug stores, barber shops and beauty shops.~~

~~Dry cleaners and laundries.~~

~~Feed, seed and farm supply stores.~~

[REDACTED]

~~Funeral homes.~~

~~Health clubs, exercise clubs, fitness centers.~~

[REDACTED]

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 4

~~Barber shops~~

Lodges, civic clubs, fraternal organizations, service clubs.

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

Off-street parking as required by this section 24-53.

Office supply stores, secretarial and duplicating services.

Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.

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

~~Post offices~~

~~Public meeting halls~~

~~Public meeting halls~~  
~~Public meeting halls~~  
~~Public meeting halls~~  
~~Public meeting halls~~  
~~Public meeting halls~~

Schools, fire stations, post offices, houses of worship and libraries.

Timbering in accordance with section 24-43.

~~Timbering in accordance with section 24-43~~

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 5

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

**Sec. 24-369. Uses permitted by special use permit only.**

In the Limited Business District, LB, buildings or structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Automobile service stations, [REDACTED]; if fuel is sold, then in accordance with section 24-38.

Contractor's offices with storage of materials and equipment limited to a fully enclosed building.

Convenience stores; if fuel sold, then in accordance with section 24-38; [REDACTED].

Electrical substations (public or private), with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Flea markets [REDACTED].

Lumber and building supply (with storage limited to a fully enclosed building).

Marinas, docks, piers, yacht clubs, boat basins and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38.

Plumbing and electrical supply (with storage limited to a fully enclosed building).

Publicly owned solid waste container sites.

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 6

Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit.

Restaurants [REDACTED], tea rooms and taverns.

Retail food stores.

Telephone exchanges and telephone switching stations.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, including pump stations, are permitted generally and shall not require a special use permit.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 7

Sec. 24-370. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 8

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 9

Sec. 24-371. Setback requirements [REDACTED].

Sec. 24-371 [REDACTED]. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Sec. 24-372 [REDACTED]. Yard regulations.**

(a) The minimum side yard shall be 20 feet for each main structure. The minimum rear yard shall be 20 feet.

(b) All accessory structures shall be located at least ten feet from any side lot line.

(c) The minimum side yard shall be increased to 35 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use, on the Comprehensive Plan, and the minimum rear yard shall be increased to 35 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. [REDACTED]

[REDACTED]

The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

**Sec. 24-373 [REDACTED]. Special provisions for the adjustment of yard requirements.**

To allow the subdivision of commercial property on which commercial units for sale, for sale in condominium or for lease are constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development, and the entire development has been planned and designed as a comprehensive coordinated unit under a single master plan, the planning commission may grant, at its discretion, a waiver from any part of section 24-372 upon finding:

[REDACTED] The following may be eligible for a waiver from any part of section 24-372:

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 11

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-972; and
- (2) Adequate parking is provided as per the requirements of this chapter, and where determined necessary by the commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas; and
- (3) Adequate provisions are made to assure compliance with article V, division 14 of this chapter, and where determined necessary by the commission, adequate easements or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced yard area of the individual units; and
- (4) The complex or structure is adequately designed and serviced from the standpoint of safety, and the county fire chief certifies that the fire safety equipment to be installed is adequately designed and the county building official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 12

Sec. 24-374. Reserved.

Sec. 24-375. Height and bulk limits [REDACTED].

(d) Building coverage shall not exceed 20 percent of the total lot area and the floor area ratio shall not exceed 0.4.

Sec. 24-376. [REDACTED]

[REDACTED]

Sec. 24-376. [REDACTED] Sign regulations.

Sec. 24-377. [REDACTED] Outdoor storage prohibited.

Sec. 24-378. [REDACTED] Site plan review.

Sec. 24-379. [REDACTED]

[REDACTED]

Sec. 24-380. [REDACTED]

[REDACTED]

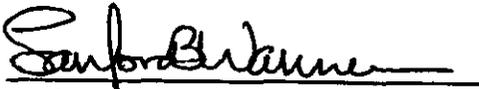
Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 13

Secs. 24-379 - 24-388. Reserved.



Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
NERVITT	AYE
SISK	NAY
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of March,  
1999.

lb.ord

## Overview

This Sidewalk and Trail Plan is intended to guide implementation of the non-roadway components of County transportation planning contained in the 1997 Comprehensive Plan. During the citizen comment phase of plan preparation, citizens generally supported alternate means of transportation particularly bike and pedestrian facilities. Excerpts from the Comprehensive Plan regarding pedestrian and bicycle facilities are outlined below.

### Sidewalks

James City County adopted a Comprehensive Sidewalk Plan in 1989. This plan helps to meet pedestrian needs generated by current and future growth and, through periodic updates, will continue to be a primary planning document for addressing these needs. Sidewalks have been provided through County initiatives or by private developers either voluntarily or as required under development regulations. There are 16.7 miles of existing sidewalk in the County, with projects on the current recommended funding schedule totaling 25.4 miles. The Comprehensive Plan strongly encourages continued implementation of the Sidewalk Plan. It also recommends continued emphasis on the development of sidewalks and related pedestrian facilities to connect residential to non-residential areas, community services and adjoining residential neighborhoods.

### Bikeways and Trails

During the development of the 1997 Comprehensive Plan, citizens stressed the importance of bikeways development. Citizens in James City County cited bikeways and trails development as their number one priority during the development of the County's 1993 Parks and Recreation Master Plan.

At its June 21, 1993 meeting, the Board of Supervisors adopted the "Williamsburg, James City, and York 2010 Regional Bikeways System" plan. The Regional Bikeways Plan maps a comprehensive network of bikepaths (208 miles) which connect the City of Williamsburg, York County, and James City County. The Regional Bikeways Plan was developed under the direction of the Regional Issues Committee in cooperation with citizens from all three jurisdictions. This plan calls for the development of 90 miles of bikeways in James City County over the next 15 years. In the past several years, the Board has approved the allocation of matching funds for three federal transportation grants which will fund the construction of extending the existing bikeways in James City County.

### Goals and Objectives and Strategies for the Transportation Element (of the 1997 Comprehensive Plan)

#### *Goal:*

Develop and maintain an effective transportation network that reinforces the goals of the Comprehensive Plan and which offers alternatives to private automobiles, such as sidewalks, bikeways, and transit.

***Objective:***

5. Encourage the development of landscaped roadways designed to enhance the County's image.
6. Develop a transportation system which facilitates a variety of transportation modes in order to reduce congestion, pollution, and energy consumption, including the provision of sidewalks and bikeways in appropriate areas and increased use of public transportation services.
7. Ensure that regional and local transportation networks complement each other.

***Strategies:***

1. Include bikeways and/or pedestrian facilities within major developments and elsewhere in the County, especially connecting residential and non-residential areas with adjoining residential neighborhoods; and amend the Zoning Ordinance to accomplish this.
2. Encourage, where practical, the interconnection of subdivisions to allow for emergency vehicle and pedestrian access.
3. Implement the adopted James City County Sidewalk Plan and update the Bikeways Plan to include integration of bikeways and pedestrian facilities into Primary and Secondary Road Plans.
4. Encourage the design of roads which allow automobiles, pedestrians, and bicyclists to coexist safely on roads and streets in residential and commercial areas.
5. Amend the Bikeways Plan to provide for facilities servicing a range of needs and users, including but not limited to, recreation, work and shopping trips, and users at all skill levels.
6. Continue to identify and implement changes to the transportation system that improve air quality.
7. Explore the availability of easements on property traversed by utility companies in order to accommodate bikeways and greenways with the Regional Bikeways Plan.
8. Update the JCC Sidewalk Plan and ensure consistency with the Regional Bikeways Plan to avoid duplication of similar facilities.