

ADOPTED

ORDINANCE NO. 31A-141

MAY 4 1992

**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 IV, DISTRICTS, BY ADDING DIVISION 6, MIXED USE, BY ADDING SECTION 20-190, STATEMENT OF INTENT; SECTION 20-191, DOCUMENTS REQUIRED FOR SUBMISSION; SECTION 20-192, MASTER PLAN - ADMINISTRATIVE REVIEW FEES; SECTION 20-193, PROCEDURES; SECTION 20-194, DEVELOPMENT PLANS; SECTION 20-195, ADDITION OF LAND TO AN EXISTING MIXED USE DEVELOPMENT; SECTION 20-196, MINIMUM AREA OF DISTRICTS; SECTION 20-197, PERMITTED USES; SECTION 20-198, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 20-199, DENSITY; SECTION 20-200, OPEN SPACE; SECTION 20-201, HEIGHT OF STRUCTURES; SECTION 20-202, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; AND SECTION 20-203, SETBACK REQUIREMENTS; TO PROVIDE A MIXED USE ZONING DISTRICT TO MORE CLOSELY CONFORM WITH THE ADOPTED COMPREHENSIVE PLAN IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF JAMES CITY COUNTY BY ENSURING THAT A ZONING DISTRICT IS AVAILABLE TO PROMOTE MULTI-USE PLANNED COMMUNITIES WHICH MAY INCLUDE RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OFFICE, AND OTHER NONRESIDENTIAL USES ON LANDS DESIGNATED MIXED USE BY THE COMPREHENSIVE PLAN.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning is hereby amended and reordained by amending Article IV, Districts, by adding Division 6, Mixed Use, by adding Section 20-190, Statement Of Intent; Section 20-191, Documents Required for

Submission; Section 20-192, Master Plan - Administrative Review Fees; Section 20-193, Procedures; Section 20-194, Development Plans; Section 20-195, Addition of Land to an Existing Mixed Use Development, Section 20-196, Minimum Area of Districts; Section 20-197, Permitted Uses; Section 20-198, Uses Permitted by Special Use Permit only; Section 20-199, Density; Section 20-200, Open Space; Section 20-201, Height of Structures; Section 20-202, Requirements for Improvements and Design; and Section 20-203; Setback Requirements; To provide a Mixed Use Zoning District to more closely conform with the adopted Comprehensive Plan in order to protect the public health, safety and welfare of James City County by ensuring that a zoning district is available to promote Multi-Use Planned Communities which may include Residential, Commercial, Industrial, Office, and other Nonresidential uses on lands designated Mixed Use by the Comprehensive Plan.

*CHAPTER 20. ZONING
ARTICLE IV. DISTRICTS
DIVISION 6. MIXED USE*

Section 20-190. Statement of Intent.

The purpose of the Mixed Use District is to promote a broad spectrum of land uses in more intensive developments on lands designated Mixed Use by the Comprehensive Plan. The Mixed Use District is designed to:

- 1) promote a multiuse master-planned community which may include residential, commercial, industrial, office, and other nonresidential uses;*
- 2) provide flexibility, unity, and diversity in land planning and development resulting in convenient and harmonious groupings of uses, structures and common facilities; varied type, design, and layout of residential, employment and social centers; and appropriate relationships of open spaces to intended uses and structures which include attractive and usable open space linked by pedestrian walkways and/or bicycle paths;*

- 3) *reduce commuter driver demands on highways and roads by concentrating employment, housing, and recreation opportunities in locations served by, or convenient to, public transportation; and*
- 4) *permit densities and intensities of development in excess of those normally permitted in customary residential and commercial zoning districts.*

This shall be accomplished by providing for the development and redevelopment of a variety of land uses within the Mixed Use District and in structures within the Mixed Use District in accordance with the uses generally described in the Comprehensive Plan for areas designated Mixed Use. The Mixed Use District is the preferred Zoning District for development within those areas designated Mixed Use in the Comprehensive Plan.

Section 20-191. Documents Required for Submission.

(a) *Required Documents.* *The applicant shall submit the following documents to the Planning Director for submission to the Planning Commission:*

- (1) *Application for rezoning.*
- (2) *Traffic Impact Study for any development containing a use or combination of uses which generates, or would be expected to generate, 150 or more additional trips per day to and from the site during peak hour of operation based on the application of the Institute of Transportation Engineers (ITE) traffic generation rates contained in the latest edition of their book entitled Trip Generation. The traffic impact study shall address projected traffic generation, internal and external traffic, turning movements and distribution at each access point, traffic distribution, capacity of surrounding roads, and roads and access improvements. The traffic impact study shall conform to the standards of the Virginia Department of Transportation and be prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the Planning Director.*
- (3) *Master Plan, thirty copies, ten submitted with application for rezoning with balance of required copies submitted at the request of staff in preparation for Planning Commission review. Master Plans shall not be required as part of an application for rezoning a parcel when the proposed use for the parcel is a structure or combination of structures whose total floor area is less than 20,000 square feet.*

The Planning Director may waive the Master Plan submittal requirement for a proposed development consisting of a single use structure if the applicant can demonstrate that a Master Plan would not be beneficial to a review of the impacts associated with the proposed development.

- (4) *Community Impact Statement, for any Mixed Use Development containing fifty or more acres or comprising 200 or more dwelling units, thirty copies, ten submitted with application for rezoning with balance of required copies submitted at the request of staff in preparation for Planning Commission review.*
- (b) *Master Plan. The Master Plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect, or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than thirty-six inches by forty-eight inches. The Master Plan shall include:*
- (1) *An insert map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions or major landmarks.*
 - (2) *A north arrow.*
 - (3) *The location of existing property lines, watercourses or lakes, wooded areas and existing roads which are within, adjoin, or provide access to the property.*
 - (4) *The approximate boundaries of each section, land-use or density, the approximate location of proposed streets and right-of-ways with an indication of whether public or private; the approximate location of recreation areas and common open space areas; and all areas proposed for dedication to public use within the project.*

Each section or area of the Master Plan shall be designated as follows:

<u>Area Designation</u>	<u>Type of Development</u>
A	Single-family dwelling units
B	Attached structures containing two to four dwelling units
C	Attached structures less than three stories and containing more than four dwelling units
D	Attached structures of three or more stories and containing more than four dwelling units
E	Commercial Uses
F	Wholesale and Warehouse Uses
G	Office Uses
H	Industrial Uses
I	Institutional or Public Uses
J	Areas of Common Open Space, with recreation areas noted
M*	Structures containing a mixture of uses
X	Other structures, facilities or amenities

**Areas of a Master Plan designated M (Structures containing a mixture of uses) shall indicate in parenthesis, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g., M (CG)) in the order of their proportion in the Mixed Use structure.*

- (5) *Where applicable, the Master Plan shall contain a table which shows, for each section or area of different uses, the following:*
- (a) the use;*
 - (b) approximate development phasing;*
 - (c) maximum number of dwelling units and density for residential areas;*
 - (d) maximum square feet of floor space for commercial, office or industrial areas;*
 - (e) maximum square feet of floor space and percentage mix of floor space of each use for those structures containing a mixture of uses; and*
 - (f) maximum acreage of each use.*

The Master Plan shall depict and bind the approximate boundaries and general location of all principal land uses, structure square footage, number of dwelling units and densities, roads, right-of-ways, accesses, open spaces, public uses and other features located or to be located on the site. The Master Plan shall be reviewed and upon approval by the Board of Supervisors shall become binding. Thereafter, all amendments to the Master Plan shall be in accordance with Section 20-15 of this Chapter. Approved development plans, provided for in Section 20-194, shall supercede the Master Plan and conceptual or schematic plans.

- (c) Community Impact Statement. *The Community Impact Statement shall describe the probable effects of the proposed development upon the community. At a minimum, it shall address the following topics:*
- (1) Adequacy of existing public facilities and services to serve the development. Analysis shall be made of sewer, water, schools, fire stations and other major locally financed facilities;*
 - (2) Additional on-site and off-site public facilities or services which would be required as a result of the development;*

- (3) *Impact of construction and permanent changes in land use upon surrounding property, such as aesthetics, vegetation, stormwater drainage, noise and air or water pollution; and*
- (4) *Employment opportunities to be generated by the development.*

Section 20-192. Master Plan--Administrative Review Fees.

Submittal of a Master Plan and subsequent revisions proposed by the applicant to the Planning Commission shall be accompanied by a fee as specified in Section 20-6.

Section 20-193. Procedures.

- (a) *Report of the Planning Director.* *The Planning Director may refer copies of the Master Plan and Community Impact Statement to other local public officials for their comments and the Planning Director shall prepare a report with recommendations regarding the application. A copy of the report shall be sent to the applicant. When all materials necessary for application are complete and the application is deemed ready for Planning Commission review, the application, Master Plan, Community Impact Statement and report of the Planning Director shall be placed on the agenda of the Planning Commission at its next regularly scheduled meeting.*

The report of the Planning Director shall include, but not necessarily be limited to the following:

- (1) *Evaluation of the proposed density and uses at the site in relation to the County's Comprehensive Plan;*
 - (2) *Evaluation and recommended changes in the design of land use, circulation and densities shown on the Master Plan of the property;*
 - (3) *Impact of the proposal on surrounding property and the environment; and*
 - (4) *Evaluation of the Traffic Impact Study and Community Impact Statement.*
- (b) *Consideration by the Planning Commission and Board of Supervisors.* *The procedures for public hearing and consideration by the Planning Commission and Board of Supervisors shall be as set forth in Section 20-15.*

- (c) Guarantees. The Zoning Administrator shall not issue any Certificate of Occupancy until the applicant has guaranteed the completion of public improvements, including but not limited to public roads, and public water and public sewer facilities, shown on the approved development plan by providing either a letter of credit, certified check, cash escrow, cash payment, or other surety, approved by the County Attorney.

Section 20-194. Development Plans.

Development plans shall be submitted and reviewed in accordance with Article II of this Chapter or with the County's Subdivision Ordinance, whichever is applicable. Development plans may be submitted for review after approval of a Master Plan by the Board of Supervisors. All development plans shall be consistent with the Master Plan. Development Plans may deviate from the Master Plan if the Planning Commission concludes, after reviewing written comments from the Planning Director, that the plan does not significantly alter the character of land uses or other features or conflict with any conditions placed on the approval of rezoning. A Conceptual Plan may be submitted to the Planning Commission for this purpose in a form sufficient to illustrate the proposed deviation(s). If the Planning Commission determines that a proposed change would significantly deviate from the approved Master Plan, the applicant may submit alternative proposed development plans or proceed with amendment of a Master Plan in accordance with Section 20-15.

Documentation satisfactory to the County Attorney for the maintenance of common open space, recreation areas, sidewalks, parking, private streets, and other privately owned but common facilities serving the project shall be submitted as part of any application for development plan review.

Section 20-195. Addition of Land to an Existing Mixed Use Development.

Additional land area zoned for Mixed Use may be added to an existing Mixed Use District if it is adjacent to (except parcels separated by a public or private right of way) and forms a logical addition to, the original parcel. Up to three additions of land zoned Mixed Use to an existing Mixed Use District shall be permitted on approval of the Development Review Committee provided that the acreage of single addition or sum of additions equal an amount less than or equal to twenty-five percent of the original development. In no case shall an addition or sum of additions be greater than twenty-five acres. Applications for more than three additions or an addition greater than twenty-five acres shall be considered as new applications and comply with the requirements of Section 20-15.

Section 20-196. Minimum Area of Districts.

Mixed Use Districts shall be located on a single parcel of land, or separate but contiguous parcels, which shall total not less than five acres. Mixed Use Districts may be located on a parcel of less than five acres

provided that the purpose of the district is to provide for the development of a mixed use structure or mixed use structures within an area designated Mixed Use in the Comprehensive Plan.

Section 20-197. Permitted uses.

In the Mixed Use District, all structures to be erected or land to be used shall be for one or more of the following uses:

1) Residential Uses

Apartments.

Multiple Family dwellings.

Single Family dwellings.

Two Family dwellings.

Townhouses.

Accessory structures, as defined in Section 20-2.

Dwelling units, regardless of structure type, should be clustered or otherwise grouped to maximize the preservation of open space and other aesthetic amenities consistent with the intent of Article IX (Residential Cluster Development).

2) Nonresidential Uses

Accessory structures, as defined in Section 20-2.

Antique stores.

Arts and Crafts stores.

Automobile rental.

Automobile repair and service including tire, transmission, glass, body and fender and other automotive products sales (new and/or rebuilt) and service with major repair under cover and storage of parts and vehicle storage screened from adjacent property by landscaping and fencing.

Automobile service stations, if fuel sold, then in accordance with Section 20-89.

Banks, credit unions, and other similar financial institutions.

Barbershops and beauty shops.

Book stores.

Cabinet and upholstery shops.

Candy stores.

Carpet stores.

Clubs, public or private, civic or service clubs, country clubs, lodges, and fraternal organizations.

Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities.

Contractor offices, equipment storage yards, shops and warehouses with storage under cover or screened with landscaping and fencing from adjacent property.

Convenience stores, if fuel sold, then in accordance with Section 20-89.

Corporate, business, professional and governmental offices.

Data processing centers.
Day care and child care centers.
Department stores.
Doctor, dentist, and other medical clinics and offices.
Dressmaking stores.
Drug stores.
Dry cleaners and laundries.
Employment services or agencies.
Equipment storage and rest room facilities in conjunction with other permitted uses.
Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, for more than five persons.
Farmer's markets.
Feed, seed, and farm supply stores.
Fish farming and aquaculture.
Florist stores.
Food processing and storage, but not the slaughter of animals.
Food processing and storage in a residence
Framing stores.
Funeral homes, cemeteries, and memorial gardens.
Furniture stores.
Furrier stores.
Gift stores.
Greenhouses and nurseries.
Greeting card stores.
Group quarters for agricultural workers
Gunsmith store (excluding shooting ranges).
Handicrafts stores.
Hardware and paint stores.
Heavy equipment sales and service, with major repair under cover or screened with landscaping and fencing from adjacent property.
Home appliance sales and service.
Home care facilities.
Home occupations as defined.
Hospitals, nursing homes, and rest homes.
Hotels, motels, tourist homes and convention centers.
Houses of worship, churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples and synagogues, and cemeteries accessory hereto.
Ice cream stores.
Indoor sport facilities, health clubs, exercise clubs, and fitness centers.
Indoor theaters, museums, and public meeting halls.
Industrial and technical training schools.
Janitorial service establishments.
Jewelry sales and service.
Locksmith shops.
Lumber and building supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.
Machinery sales and service with major repair under cover.
Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps.

Manufacture and bottling of soft drinks and wine.
Manufacture and processing of textiles and textile products.
Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair and yarn.
Manufacture, compounding, processing or packaging of cosmetic, toiletry, and pharmaceutical products.
Manufacture of carpets and carpet yarns.
Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity.
Manufacture or assembly of appliances, tools, firearms, hardware products, and heating, cooling or ventilating equipment.
Manufacture or assembly of electronic instruments, electronic devices or electronic components.
Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments.
Music and record stores.
Office supply stores, secretarial and duplicating services.
Off-street parking as required by this Chapter.
Parking lots and garages.
Pet stores.
Photographer, picture, artist, and sculptor stores and studios.
Plant and garden supply stores.
Plumbing and electrical supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.
Printing, lithographing, engraving, photocopying, blueprinting, and publishing establishments.
Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.
Property maintenance facilities, sheds or garages.
Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement.
Public utilities: Poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities.
Rental of rooms to a maximum of three rooms in a single-family dwelling unit.
Research, development, and design facilities or laboratories
Restaurants, tea rooms, and taverns.
Retail food stores, bakeries, and fish markets.
Security service offices.
Schools, libraries, fire stations, and post offices.
Shoe stores.
Sporting goods stores.
Stamp and coin stores.
Tailor shops.
Taxi service.
Telephone exchanges and telephone switching stations.
Tobacco and pipe stores.
Toy stores.
Travel bureaus.

Upholstery stores.
Veterinary offices.
Water well drilling establishments.
Water impoundments, new or expansion of, for public or private use.
Wearing apparel stores.
Welding and machine shops with storage under cover or screened with landscaping and fencing from adjacent property.
Warehouse, storage, and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property.
Yard good stores.

Section 20-198. Uses Permitted by Special Use Permit Only.

In the Mixed Use District, all 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:

Airports and landing fields, heliports, helistops, and accessory uses.
Campgrounds.
Electrical generation facilities, public or private, electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.
Flea markets.
Golf courses.
Manufactured home or mobile home sales.
Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same, if fuel sold, then in accordance with Section 20-89.
Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution under cover or screened with landscaping and fencing from adjacent property.
Petroleum storage.
Publicly owned solid waste container sites.
Radio stations, television stations, transmission relay stations and communication towers.
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.
Rental of more than three rooms in a single-family dwelling unit.
Resource recovery facilities.
Shooting ranges, indoor.
Theme Parks.
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.

Truck stop, if fuel sold, then in accordance with Section 20-89.

Truck terminals, if fuel sold, then in accordance with Section 20-89.

Vehicle and trailer sales and service (with major repair limited to a fully enclosed building).

Water and sewer facilities (public or private), 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 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, are permitted generally and shall not require a Special Use Permit.

Wineries.

Yacht clubs, private or commercial marinas, boat storage, and service facilities, if fuel sold, then in accordance with Section 20-89.

Section 20-199. Density.

The number of dwelling units which may be constructed in any Residential or Mixed Use-Residential area designation as indicated on the Master Plan shall be determined by the number of gross acres at the site and the use proposed. The maximum densities of dwelling units per acre which may be constructed are:

<u>Area Designation</u>	<u>Dwelling Type</u>	<u>Maximum Density (dwelling units per acre)</u>
A	Single family structures	6
B	Attached structures containing two to four dwelling units, or townhouses	10
C	Attached structures less than three stories and containing more than four dwelling units	12
D	Attached structures of three stories or more and containing more than four dwelling units	18

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

<u>Percentage of Non-developable Area</u>	<u>Gross Acreage Shall Equal</u>
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 area's with slopes exceeding 25 percent gradient.

Section 20-200. Open Space.

Development within the Mixed Use District shall provide usable open space area. The amount of open space shall be not less than ten percent of the developable area of the site. Non-developable area consisting of all stream beds, areas subject to flooding, wetlands, and areas with slopes exceeding twenty-five percent gradient shall not be counted towards meeting the open space requirement. For the purposes of this article, open space does not include any landscape area in parking lots or adjacent to structures. The requirements of this section shall supplement the requirements of the County's Chesapeake Bay Ordinance, Landscape Ordinance, and other County requirements relating to open space. For the purposes of this article, open space may include, but is not limited to:

- (1) Perpetual easement(s) of no less than fifty feet in width dedicated to the James City County or another group approved by the County adjoining any road designated as a Greenbelt road on the Comprehensive Plan.
- (2) Buffer area(s) of no less than fifty feet around an RMA wetland as measured from the landward edge of the wetland.
- (3) Preservation of any archaeological site, any landmark registered in the Virginia Landmarks Register, the National Register of Historic Places, or National Historic Site register.
- (4) Preservation of any developable area demonstrated to be a habitat for any endangered, rare, or threatened species of plant or wildlife so designated by the federal government, the State of Virginia (as referenced by the County's Natural Areas Inventory, or listed in Virginia's Endangered Species, (Virginia Department of Game and Inland Fisheries, 1991)), where preservation of such area is not required by local, State or Federal law.
- (5) Bikeways, bike paths, hiking trails, greenways or other similar amenity, excluding sidewalks.
- (6) Public or private picnic areas, parks, plazas, or other gathering area.
- (7) Public or private community facilities such as swimming pools, tennis courts, recreation buildings. Golf courses may also be counted as open space for the purpose of meeting the open space requirement to a maximum of sixty percent of the required open space.

Open Space area shall be protected by easements, maintenance agreements, and/or other assurances satisfactory to the County Attorney.

Section 20-201. Height of Structures.

Structures may be erected up to sixty feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure.

A structure in excess of sixty feet from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, radio, television, and microwave antennas and towers or other accessory functions, may be erected only upon the granting of a height limitation waiver by the Board of Supervisors.

Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:

- (1) Such structure is in accordance with the uses, densities, design, and traffic analysis shown on the original Master Plan;*
- (2) Such structure will not obstruct light from adjacent property;*
- (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest;*
- (4) Such structure will not impair property values in the surrounding area;*
- (5) Such structure is adequately designed and served from the standpoint of safety, and the County Fire Chief certifies that the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and*
- (6) Such structure would not be contrary to the public health, safety or general welfare.*

Section 20-202. Requirements for Improvements and Design.

- (a) Water and sewer. All structures and uses within a Mixed Use District shall be served by publicly owned and operated water and sewer systems.*
- (b) Recreation areas. Residential areas and mixed use structures and areas designated on the Master Plan shall be provided with a recreation area or areas adequate to meet the needs of the*

residents. The developer shall provide and install playground equipment, playfields, tennis courts or other recreation facilities in accordance with the guarantees established as part of Master Plan or final Development Plan approval. The composition of the facilities to be installed shall be approved by the Planning Director. Such facilities shall be owned and maintained by the developer or a residents' association.

- (c) Parking. Off-street parking facilities shall be provided in accordance with the off-street parking requirements of Section 20-12.
- (d) Streetlights. Streetlights shall generally be provided at each intersection and other public areas. The lighting shall be directed so as not to produce objectionable glare on adjacent property or into residences within or near the development.
- (e) Natural features and amenities. Existing features such as specimen trees, wildlife habitats, watercourses, historical sites and similar irreplaceable assets shall be preserved to the maximum extent possible.
- (f) Signs. All signs within a Mixed Use District shall comply with Article VIII of this Chapter.
- (g) Traffic Circulation. Vehicular access points and drives shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas, and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement.
- (h) Landscaping. All landscaping and tree preservation shall be undertaken in accordance with Section 20-14 and the County's Chesapeake Bay Preservation Ordinance.

Section 20-203. Setback requirements.

Structures shall be located fifty feet or more from any existing or planned public road right-of-way which is fifty feet or greater in width. Where the existing or planned public road right-of-way is less than fifty feet in width, structures shall be located seventy-five feet or more from the centerline of the existing or planned public road.

For commercial, industrial, office, residential and mixed uses a setback of fifty feet shall be maintained from the perimeter of a Mixed Use District. The setback shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development.

The Planning Commission may recommend approval of a setback of less than fifty feet, for those areas of a Mixed Use District that are internal to a Mixed Use area as designated by the Comprehensive Plan upon finding that the proposed setback, by substitution of technique or design will achieve results which clearly satisfy the overall purposes and intent of the setback requirement of this section and the intent of Section 20-14 (Landscaping and Tree Preservation Requirements), shall have no additional adverse impact on adjacent properties or public areas and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan. In addition, the Planning Commission shall find that one or more of the following criteria are met:

- 1) The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;*
- 2) The proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;*
- 3) The proposed setback is due to unusual size, topography, shape or location of the property, or other unusual conditions, excluding the proprietary interests of the developer; and/or*

Requests for modifications to the fifty feet setback shall be filed in writing with the Planning Director and shall identify the reasons for such requests together with the proposed alternative. The Planning Director shall make a recommendation to the Development Review Committee to, approve, deny, or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met.

Except for required setbacks, there shall be no minimum lot size nor minimum front, side, or rear yard requirements for any lot within a Mixed Use Development District other than as specified in approved final plans.

Setbacks shall not be used for streets or for parking except for entrances and driveways which may penetrate the setback.

Section 20-204 - Section 20-210. Reserved



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,
this 4th day of May, 1992.

7102a