

JUL 26 2011

ORDINANCE NO. 31A-249BOARD 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 III, SITE PLAN, SECTION 24-159, COMPLIANCE WITH SITE PLAN REQUIRED; ARTICLE V, DISTRICTS, DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-289, UTILITIES; SECTION 24-290, STREET IMPROVEMENTS; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-314, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 13, RESEARCH AND TECHNOLOGY DISTRICT, RT, SECTION 24-466, PROCEDURES; SECTION 24-470, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICT, SECTION 24-497, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 15, MIXED USE, MU, SECTION 24-517, PROCEDURES; AND ARTICLE VI, OVERLAY DISTRICTS, DIVISION 3, FLOODPLAIN AREA REGULATIONS, SECTION 24-595, REGULATIONS FOR CONSTRUCTION.

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 Section 24-159, Compliance with site plan required; Section 24-289, Utilities; Section 24-290, Street improvements; Section 24-314, Requirements for improvements and design; Section 24-466, Procedures; Section 24-470, Requirements for improvements and design; Section 24-497, Requirements for improvement and design; Section 24-517, Procedures; and Section 24-595, Regulations for construction.

Chapter 24. Zoning

Article III. Site Plan

Section 24-159. Compliance with site plan required.

(a) *Inspection and supervision during development:*

(1) Unless otherwise specifically provided in this chapter, the construction standards for all off-site and on-site improvements required by this chapter, the site plan or other documents approved by the county shall conform to county design and construction standards. The director of ~~code compliance~~ *building safety and permits* or his agents shall, after approval of the plan and specifications, inspect construction of all improvement and land disturbances to assure conformity with the approved plans to the maximum extent possible.

(2) The owner or agent shall notify the director of ~~code compliance~~ *building safety and permits* in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.

ARTICLE V. DISTRICTS

Section 24-289. Utilities.

(c) Recreational maintenance facilities, maintenance facilities, temporary sales offices, temporary construction offices and accessory structures may be permitted to temporarily operate on individual well and septic systems provided the following is met:

(2) Individual wells shall be approved by the health department and the director of ~~code compliance~~ *building safety and permits* prior to preliminary site plan approval;

(4) The structure shall connect to public water within five years from the date of final site plan approval and shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and the director of ~~code compliance~~ *building safety and permits*. The structure shall connect to public utilities within 30 days of the date that such facilities are constructed within the minimum connection distance for public utilities as determined by the James City Service Authority; and

Section 24-290. Street improvements.

(b) Private streets may be permitted upon approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the final plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.

The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of ~~code compliance~~ *building safety and permits*:

Section 24-314. Requirements for improvements and designs.

(f) *Streets.* All streets shall meet the design and construction requirements of the Virginia Department of Transportation or the requirements of the county subdivision regulations, whichever is greater. All streets shall be consistent with the major thoroughfare plan of the county Comprehensive Plan. The traffic generated by a Multifamily Residential District, R-5, shall not exceed the capacity of adjoining thoroughfares. The daily traffic shall be determined by multiplying the number of proposed dwelling units by the appropriate trip generation rate as listed in the latest edition of a book entitled *Trip Generation* published by the Institute of Transportation Engineers and compared to the existing traffic and road capacity as determined by the highway engineer. The construction of private streets shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of ~~code compliance~~ *building safety and permits*.

(g) *Fire hydrants.* Fire hydrants shall be at locations and of types approved by the director of ~~code compliance~~ *building safety and permits* and county fire chief. No structure within the project shall be further than 400 feet from a hydrant.

Section 24-466. Procedures.

(c) *Guarantees.* The ~~code compliance~~ director of *building safety and permits* shall not issue any certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, public water and sewer facilities, shown on the development plan by providing either a letter of credit, certified check, cash escrow, cash payment or other surety, approved by the county attorney.

Section 24-470. Requirements for improvements and design.

(c) *Street.* All streets shall meet the requirements of the Virginia Department of Transportation. The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of ~~the environmental division~~ *engineering and resource protection*. Private streets may be permitted within “qualifying industrial parks” in accordance with section 24-55.

Section 24-497. Requirements for improvements and design.

(2) Individual wells shall be approved by the health department and the director of ~~code compliance~~ *building safety and permits* prior to preliminary site plan approval;

Section 24-517. Procedures.

(c) *Guarantees.* The director of ~~code compliance~~ *building safety and permits* 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.

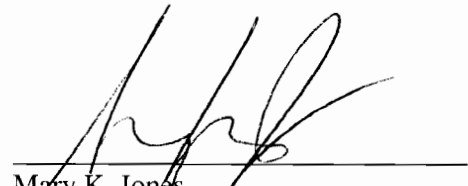
Article VI. Overlay Districts.

Section 24-595. Regulations for construction.

(a) The construction or placement of any structure or obstruction, filling or changing the cross-section or flow characteristics within the 100-year floodplain shall not be permitted unless the project is in conformance with the following requirements:

(1) In case of residential usage, the finished grade shall be at least one foot above the 100-year flood elevation for the lowest floor, including basement or cellar of structure. For nonresidential structures, watertight floodproofing in accordance with the Virginia Uniform Statewide Building Code may be provided in lieu of the finished grade requirement described herein. Prior to issuance of a certificate of occupancy, the owner of any structure located in a floodplain district shall submit a completed elevation certificate or floodproofing certificate as appropriate to the director of ~~code compliance~~ *building safety and permits*.

(b) It shall be the responsibility of the applicant to provide this data, certified by a licensed surveyor or engineer or other source acceptable to the director of ~~code compliance~~ *building safety and permits*.



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:



Robert C. Muddaugh
Clerk to the Board

<u>SUPERVISORS</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.