

NOV 23 2011

ORDINANCE NO. 31A-255BOARD 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 II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-42, SPECIAL PROVISIONS FOR TOWNHOUSE AND CONDOMINIUM DEVELOPMENT; DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, BY AMENDING AND RENAMING SECTION 24-62, PROVISIONS FOR PRIVATE STREETS IN QUALIFYING INDUSTRIAL PARKS WITH NEW NAME SPECIAL PROVISIONS FOR PRIVATE STREETS; ARTICLE IV, MANUFACTURED HOME PARKS, SECTION 24-181, STREETS REQUIRED; ARTICLE V, DISTRICTS, DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-290, STREET IMPROVEMENTS; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-314, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 24-497, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; AND DIVISION 15, MIXED USE, MU, SECTION 24-528, STREET IMPROVEMENTS.

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 II, Special Regulations, Division 1, In General, Section 24-42, Special provisions for townhouse and condominium development; Division 2, Highways, Streets, Parking and Loading, Section 24-62, Special provisions for private streets; Article IV, Manufactured Home Parks, Section 24-181, Streets required; Article V, Districts, Division 5, Residential Planned Community District, R-4, Section 24-290, Street improvements; Division 6, Multifamily Residential District, R-5, Section 24-314, Requirements for improvements and design; Division 14, Planned Unit Development Districts, Section 24-497, Requirements for improvements and design; and Division 15, Mixed Use, MU, Section 24-528, Street improvements.

Chapter 24. Zoning
ARTICLE II. SPECIAL REGULATIONS
DIVISION 1. IN GENERAL

Section 24-42. Special provisions for townhouse and condominium development.

Pavement for roadways *shall meet the design and construction requirements of the Virginia Department of Transportation's standards or section 24-62 if streets are to be private.* ~~and~~ ~~p~~ Parking areas to serve townhouse and condominium development shall be constructed and certified in accordance with *the Administrative Guidelines for Certification of Private Street Construction* ~~prepared by the county engineer.~~ Criteria to be considered under this requirement shall be strength of foundation soils and type and depth of pavement components. Until such time as the ~~county engineer~~ *development manager* or his designee has accepted and approved such certification, surety required to assure proper pavement construction shall not be released. Production and installation of base aggregate and wearing surface, or equivalent pavement design approved by the ~~county engineer~~ *development manager or his designee*, shall be certified as complying with ordinance requirements and approved plans.

Division 2. Highways, Streets, Parking and Loading

Section 24-62. ~~Provisions for private streets in qualifying industrial parks.~~ *Special provisions for private streets.*

(a) *Approval process.* ~~Private streets may be permitted within qualifying industrial parks upon approval of the board of supervisors. Such approval shall be requested in writing through the planning division. The request shall include a traffic impact study and square footage estimates for the proposed industrial park. The traffic impact study shall be prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the planning director. The traffic impact study shall address projected traffic generation; internal road needs including, but not limited to, circulation and capacity; external traffic; turning movements and distribution at each access point; traffic distribution; capacity of surrounding roads; and road and access improvements. Private streets shall be~~

~~coordinated with existing or planned streets on the approved master plan of development 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 prior to construction by appropriate surety, letter of credit, cash escrow, or other form of guarantee approved by the county attorney.~~

(1) *Generally. Private streets may be permitted for the uses listed in Table 1 below upon approval of the board of supervisors unless otherwise specified and shall be coordinated with existing or planned streets of approved master plans and the Comprehensive Plan. Such approval shall be requested in writing.*

Table 1: Zoning districts and uses where private streets may be permitted

| Use | Qualified Industrial Park per Sec. 24-62(a)(2) | Manufactured Home Park per Sec. 24-181 | Single-Family Residential | Multi-Family Residential | All uses permitted in zoning district | |
|-----------------|--|--|---------------------------|--------------------------|---------------------------------------|---|
| Zoning District | A-1, General Agriculture | X | ✓ | X | X | X |
| | R-1, Limited Residential | X | X | X | X | X |
| | R-1, with cluster overlay | X | X | X | X | X |
| | R-2, General Residential | X | X | X | X | X |
| | R-2 with cluster overlay | X | X | X | ✓ | X |
| | R-4, Residential Planned Community | ✓ | ✓ | ✓ | ✓ | ✓ |
| | R-5, Multi-Family Residential | X | X | B | B | B |
| | R-5, with cluster overlay | X | X | B | B | B |
| | R-6, Low Density Residential | X | X | X | X | X |
| | R-8, Rural Residential | X | ✓ | X | X | X |
| | LB, Limited Business | X | X | X | X | X |
| | B-1, General Business | X | X | X | X | X |
| | M-1, Limited Business/Industrial | ✓ | X | X | X | X |
| | RT, Research & Technology | ✓ | X | X | X | X |
| | M-2, General Industrial | ✓ | X | X | X | X |
| | PUD, Planned Unit Development | ✓ | ✓ | ✓ | ✓ | ✓ |
| MU, Mixed Use | ✓ | ✓ | ✓ | ✓ | ✓ | |
| PL, Public Land | X | X | X | X | X | |

| | | | | | | |
|--------------------------|---|-------------------------|--------------------|---|---|---|
| <input type="checkbox"/> | <i>EO, Economic Opportunity</i> | ✓ | ✓ | ✓ | ✓ | ✓ |
| | ✓: <i>permitted with board approval</i> | X: <i>not permitted</i> | B: <i>By-right</i> | | | |

(2) *Qualifying Industrial Parks*

(b)a. A "qualifying industrial park" shall be defined as an industrial and/or business park that has an actual or planned size of at least 1,000,000 square feet. The "Qualifying Industrial Park Square Footage Adjustments" shall be applied, to determine the qualifying industrial park square footage in order to determine whether the qualifying threshold can or would be reached. Qualifying square footage is computed by multiplying the existing or planned total square footage by the square footage credit listed in the following chart.

| Qualifying Industrial Park Square Footage Adjustments | |
|--|-----------------------|
| Use | Square Footage Credit |
| Existing industrial/office/warehouse development | 1 |
| Other Permitted Development | 0.75 |
| Planned industrial/office/warehouse development | 0.75 |
| Other Permitted Development | 0.5 |

The planned development adjustments listed above shall be applied to undeveloped property zoned Mixed-Use, MU; Limited Business/Industrial District, M-1; General Industrial District, M-2; Research and Technology District, RT; and Planned Unit Development and allows nonindustrial/office and/or nonwarehouse activity to occur based on master plan projections which have been approved by the board of supervisors. For undeveloped property not subject to a binding master plan the square footage shall be determined by multiplying 0.75 by 25 percent of the net-developable area of the project.

If an industrial/office/warehouse development is proffered exclusively, the existing development adjustments listed above may be applied upon examination of the proffers.

b. Requests for board approval of private streets in qualifying industrial parks shall include a traffic impact analysis and square footage estimates for the proposed industrial park. The traffic impact analysis shall be in conformance with the submittal requirements of section 24-23. Additionally, the traffic impact analysis shall address internal circulation and capacity.

(3) Guarantees. The construction of streets whether public or private shall be guaranteed by surety, in an amount and in a form approved by the county attorney.

~~(e)~~(4) To the extent streets are private rather than public, the applicant shall also submit assurances satisfactory to the county attorney that a property owner's community association or similar organization has been legally established under which the lots within the area of the final *development* plan ~~shall~~ *will* be assessed *for* the cost of maintaining ~~the~~ private streets, and that *if such* assessments ~~are not paid, it~~ shall constitute a pro rata lien upon the individual lots shown on the ~~final~~ *development* plan.

~~(d) The uniqueness of each proposal for a qualifying industrial park requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities and the specifications for curbs, entrances, gutters, sidewalks, street lights and stormwater drainage be subject to modification from the specifications established in chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for a particular facility when the planning commission finds that such specifications are not required in the best interests of the occupants, workers or customers of the businesses located within a qualifying industrial park and that the modifications of such specifications are not inconsistent with the interests of the county.~~

(b) Minimum Standards:

(1) Private streets shown on the development plan shall meet the construction and geometric requirements of the Virginia Department of Transportation and the Administrative Guidelines for Certifications of Private Street Construction, except as specified in paragraph (2) below.

(2) If the uniqueness of a proposal requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities, with associated drainage and specifications for curbs and gutters be subject to modification from the specifications established in chapter 19, the development manager or his designee, within the limits hereinafter specified, may waive or modify the specifications otherwise applicable for a particular private road (or road network) if the specifications are not required in the interests of the residents, occupants, workers, customers of businesses and property owners of the development and that the modifications of such specifications are not inconsistent with the interests of the entire county.

It shall be the responsibility of the applicant to demonstrate to the satisfaction of the ~~planning commission~~ ~~development manager or his designee~~ with respect to any requested waiver or modification that:

- ~~(1)~~a. The waiver or modification shall result in design and construction that is in accordance with accepted engineering standards;
- ~~(2)~~b. The waiver or modification is reasonable because of the uniqueness of the ~~qualifying industrial park development~~ or because of the ~~large area of the qualifying industrial park development~~ within which the *nature and excellence of* design and construction will be coordinated, preplanned and controlled;
- ~~(3)~~c. Any waiver or modification pertaining to streets is reasonable with respect to the generation of vehicular traffic that is estimated to occur within the area of the ~~qualifying industrial park development~~;

~~(4) Any waiver or modification pertaining to sidewalks is justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic; and~~

~~(5)d. Traffic lanes of streets are sufficiently wide enough to carry the anticipated volume and speed of traffic and in no case shall two-lane roadways be less than 20 ten feet wide; and~~

e. Waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon the soil tests for California Bearing Ratio value and erosion characteristics of the particular subgrade support soils in the area.

The applicant may appeal the decision of the development manager or his designee to the development review committee (DRC).

Article IV. Manufactured Home Parks

Section 24-181. Streets required.

Each manufactured home lot shall front on a public or private street. All *dedicated public* streets *shown on the development plan* shall meet the design and construction ~~standards~~ *requirements* of the Virginia Department of Transportation's *standards* or the county's subdivision ordinance, whichever is *more stringent* ~~greater~~. *Such public streets shall be coordinated with the major transportation network shown in the Comprehensive Plan. The construction and maintenance of private streets shall be guaranteed by a surety bond, letter of credit, cash escrow or other form of surety approved by the county attorney and the environmental director. Public streets shall be part of the Virginia Department of Transportation road system. Private streets may be permitted per section 24-62.*

Article V. Districts

Division 5. Residential Planned Community District, R-4

Section 24-290. Street improvements.

(a) All dedicated public streets shown on the ~~final development~~ plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county subdivision ordinance, whichever is ~~greater~~ *more stringent*. Such public streets shall be coordinated with the major transportation network shown in the ~~county~~ Comprehensive Plan.

(b) Private streets may be permitted *in accordance with the provisions of section 24-62.* ~~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 building safety and permits.~~

~~(c) To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the planning commission that a property owner's community association or similar organization has been legally established under which the lots within the area of the final plan will be assessed for the cost of maintaining private streets and that such assessments shall constitute a pro rata lien upon the individual lots shown on the final plan.~~

~~(d) The uniqueness of each proposal for a residential planned community requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities and the specifications for curbs, gutters, sidewalks, street lights and storm water drainage be subject to modification from the specifications established in Chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for a particular facility where the planning commission finds that such specifications are not~~

~~required in the interests of the residents of the residential planned community and that the modifications of such specifications are not inconsistent with the interests of the entire county.~~

~~It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with respect to any requested waiver or modification:~~

- ~~(1) That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;~~
- ~~(2) That the waiver or modification is reasonable because of the uniqueness of the residential planned community or because of the large area of the residential planned community within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;~~
- ~~(3) That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur within the area of the master plan;~~
- ~~(4) That any waiver or modification as to sidewalks in "B", "C", "D", or "E" density areas be justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic.~~
- ~~(5) That traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic and in no case less than ten feet wide; and~~
- ~~(6) That waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon soil tests for CBR value and erosion characteristics of the particular subgrade support soils in the area.~~

Division 6. Multifamily Residential District, R-5

Section 24-314. Requirements for improvements and design.

(f) *Streets.* All *dedicated public* streets shown on the *development plan* shall meet the design and construction requirements of the Virginia Department of Transportation's *standards* or the ~~requirements~~ of the county subdivision *ordinance, regulations,* whichever is ~~greater~~ *more stringent.* ~~All~~ *Such public* streets shall be ~~consistent~~ *coordinated* with the major ~~thoroughfare plan of transportation network~~ shown in the county Comprehensive Plan. *Private streets may be permitted in accordance with the provisions of section 24-62.* 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 building safety and permits.~~

Division 14. Planned Unit Development Districts

Section 24-497. Requirements for improvements and design.

(d) *Street.* All *dedicated public* streets shown on the *development plan* shall meet the *design and construction* requirements of the Virginia Department of Transportation's *standards* or the ~~requirements of the county subdivision ordinance, regulations,~~ whichever is ~~greater~~ *more stringent.* *Such public* streets shall be coordinated with the major transportation network shown in the county Comprehensive Plan. ~~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 environmental director. Private streets may be permitted upon the approval of the board of supervisors *in accordance with the provisions of section 24-62.*~~

Division 15. Mixed Use, MU

Section 24-528. Street improvements.

(b) Private streets may be permitted upon the approval of the board of supervisors *in accordance with the provisions of Sec. 24-62.* ~~and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the development plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.~~

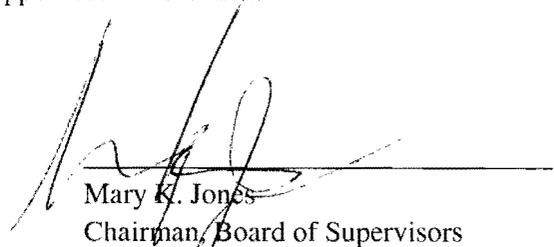
~~The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and environmental director.~~

~~(c) To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the planning commission that a property owner's community association or similar organization has been legally established under which the lots within the area of the development plan will be assessed for the cost of maintaining private streets and that such assessments shall constitute a pro rata lien upon the individual lots shown on the development plan.~~

~~(d) The uniqueness of each proposal for a mixed-use development requires that the specifications for the width, surfacing, construction and geometric design of streets with associated drainage and the specifications for curbs and gutters be subject to modification from the specifications established in chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for these facilities where the planning commission finds that such specifications are not required in the interests of the residents and property owners of the mixed use development and that the modifications of such specifications are not inconsistent with the interests of the entire county.~~

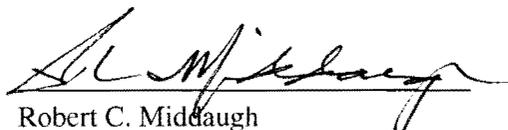
~~It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with respect to any requested waiver or modification:~~

- ~~(1) That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;~~
- ~~(2) That the waiver or modification is reasonable because of the uniqueness of the mixed use development or because of the large area of the mixed use development within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;~~
- ~~(3) That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur with the area of the master plan;~~
- ~~(4) That traffic lanes of streets are sufficiently wide enough to carry the anticipated volume and speed of traffic and in no case less than ten feet wide; and~~
- ~~(5) That waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon the soil tests for California Bearing Ratio value and erosion characteristics of the particular subgrade support soils in the area.~~



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:



Robert C. Middaugh
Clerk to the Board

| <u>SUPERVISOR</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 22nd day of November, 2011.