

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 1ST DAY OF MAY, NINETEEN HUNDRED EIGHTY-NINE, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas D. Mahone, Chairman, Jamestown District
Stewart U. Taylor, Vice-Chairman, Stonehouse District

Jack D. Edwards, Berkeley District
Perry M. DePue, Powhatan District
Thomas K. Norment, Jr., Roberts District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - April 4, 1989 Budget Work Session
April 6, 1989 Budget Work Session
April 10, 1989 Budget Work Session
April 17, 1989 Regular Meeting

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

Mr. Mahone made a motion to approve the minutes as presented.

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

C. PRESENTATION

1. Association for Preservation of Antiquities Week - May 8-14, 1989

Mr. Mahone read the resolution and presented it to Mr. Jack Robinson, Director, Colonial Capital Branch, who thanked the Board.

R E S O L U T I O N

APVA WEEK

WHEREAS, the Association for the Preservation of Virginia Antiquities (APVA), the first state-wide historic preservation association in the nation, is celebrating 100 years of service to historic preservation; and

WHEREAS, our local Colonial Capital Branch, the area's largest and oldest private organization in continuous existence is also celebrating its 100th anniversary; and

WHEREAS, through the dedication and foresight of APVA members, contributions have been made to the Colonial Williamsburg restoration, to Hickory Neck Church in Toano and to the Jamestown Church, site of the first representative assembly in America; and

WHEREAS, the Colonial Branch continues to improve our visitors appreciation of history through the Jamestown Church Guide Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recognizes the contributions of the Colonial Capital Branch APVA and designates the week of

May 8 - 14, 1989 as APVA Week

in special honor of their contribution to historic preservation and the promotion of our rich historic traditions and culture.

BE IT FURTHER RESOLVED that this Resolution be spread on the minutes of this Board and a suitable copy be presented to the Colonial Capital Branch (APVA).

D. BOARD CONSIDERATIONS

1. Ordinance Amendment for A-1 and A-2 Zoning Districts and Comprehensive Plan

Mr. O. Marvin Sowers, Jr., Director of Planning, stated staff was available to answer questions regarding the proposed ordinance amendment which was presented to the Board at the March 30, 1989, public hearing at Lafayette High School.

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

Mr. DePue made a motion to amend the proposed ordinance by changing Section 20-112, paragraph c (2) to read, "There shall be at least three residential lots in the subdivision," adding to paragraph c (5) a sentence, "This condition shall not apply to subdivisions of less than five lots," and adding to the last sentence of paragraph c (12), "Unless the subdivision is less than five lots, all...".

A short discussion regarding lots fronting on approved public streets and smaller family subdivisions followed.

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

Mr. Taylor made a motion to amend by substituting two-acre, where three-acre lot size appears, in the A-1 and A-2 proposed ordinance.

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

The Board commented on the effect of the rezoning on citizens' taxes and family subdivisions.

On a roll call on the amended ordinance proposal, the vote was: AYE: Norment, Edwards, DePue, Mahone (4). NAY: Taylor (1).

Mr. Edwards made a motion to approve the resolution, Comprehensive Plan Amendment Case No. CP-6-88, Non-PSA Development Policy, Comprehensive Plan Text Amendment.

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

R E S O L U T I O N

COMPREHENSIVE PLAN AMENDMENT CASE NO. CP-6-88

NON-PSA DEVELOPMENT POLICY

COMPREHENSIVE PLAN TEXT AMENDMENT

WHEREAS, James City County desires to amend the Land Use Element of the Comprehensive Plan pursuant to Section 15.1-453 and Section 15.1-431 of the Code of Virginia; and

WHEREAS, the Planning Commission held a public hearing on the text amendments on January 24, 1989, and recommended approval of the text amendments on March 14, 1989.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the text of the Land Use Element of the Comprehensive Plan as attached hereto.

Mr. Edwards made a motion to approve the resolution, Designation of the Primary Service Area on Zoning Map.

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

R E S O L U T I O N

DESIGNATION OF THE PRIMARY SERVICE AREA ON ZONING MAP

WHEREAS, James City County desires to amend the Zoning Map pursuant to Section 15.1-493 and Section 15.1-431 of the Code of Virginia to designate the Primary Service Area (PSA) on the Zoning Map; and

WHEREAS, the Planning Commission held a public hearing on January 24, 1989, and recommended approval of the Zoning Map amendment on March 14, 1989.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Zoning Map to designate the "Primary Service Area" on the map as depicted on the James City County Real Estate Tax Maps entitled "PSA," prepared January 10, 1989, by the Division of Code Compliance.

The Board commended the staff for a job well done on a difficult issue.

E. PUBLIC HEARINGS

1. Six Year Plan - Secondary Roads

Mr. Wayland Bass, County Engineer, stated the proposed Six-Year Plan had been prepared by his office, Virginia Department of Transportation and County Planning staff. The Plan contains an updated review of secondary roads within the County and the list was established by a formula using traffic volume, accidents, and non-tolerable roads.

At an April 11 meeting, the Planning Commission approved a 1989 priority list, which was then amended by staff to reflect transition projects.

Mr. Frank Hall, Resident Engineer, Virginia Department of Transportation, recommended some transition projects on which VDOT has done some preliminary work. He stated that funds of \$1,030,000 were available for the coming year.

Mr. Mahone opened the public hearing.

1. Mr. Gene Farley, Post Office Box 476, Toano, asked that Forge Road remain a high priority on the six year plan.

2. Mr. Robert Scouse, 3 Settlers Lane, asked that Centerville Road priority be retained as approved by the Planning Commission.

Mr. Mahone closed the public hearing.

After comments regarding the current list and the list approved by the Planning Commission, Mr. DePue made a motion to approve the priority list as approved by the Planning Commission.

Discussion ensued that the first three priority positions on the list would be funded this fiscal year, with no work beginning on the next two priorities or no funds being spent on any other priority number.

Mr. Mahone asked that the portion of Lake Powell Road that crosses the dam be added at the bottom of the priority list.

Mr. Taylor asked that the portion of Forge Road not included in the list be added.

On a roll call for the motion to approve the Planning Commission's priority list, the vote was: AYE: DePue (1). NAY: Norment, Taylor, Edwards, Mahone (4).

Mr. Norment made a motion to approve the Proposed Priority List as presented to the Board.

Mr. Taylor made an amendment to the motion to include the remainder of Forge Road not on the priority list, to be ranked according to staff's formula.

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

Mr. Mahone made a motion to add the portion of Lake Powell Road that crosses the dam at the bottom of the priority list.

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

By consensus, the Board agreed to postpone the matter until the next Board meeting, May 15, 1989.

2. Case No. Z-5-89. L.A. & G. Associates

Mr. Norment stated that he would abstain from voting on this case.

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Louis A. Galanos had submitted an application to rezone approximately 17 acres, a part of the Wythe Green tract located approximately 2,200 feet from the northwest intersection of Richmond Road and Centerville Road from A-1, General Agricultural, and 2 acres from B-1, General Business, to R-5, Multifamily Residential, with proffers. The site is further identified as part of Parcel (1-35) on James City County Real Estate Map No. (24-3).

Mr. Sowers stated that the applicant is proposing a 125 unit townhouse development as a "time-share" condominium facility, which staff considered "special residential" rather than "tourist commercial." He further stated that the site is part of 54 acres that has 500 feet of frontage located on Richmond Road, prime commercial development property.

The Planning Commission recommended approval by a vote of 7-4 at its April 11, 1989, meeting. Staff recommended denial for reasons that the development is more residential than commercial, the rezoning would represent a loss of valuable commercial property, and such approval would set a precedent for similar rezonings.

Mr. Mahone opened the public hearing.

1. Mr. Vernon Geddy, Esq., representing the applicant, stated that the parcel had no commercial frontage, and development would contain 70 percent open space, aid in erosion control, and had the support of the surrounding neighborhood. He requested approval of the rezoning.

2. Mr. Norman Mason, Langley and McDonald, described the parcel's buffer zones, erosion problem and lack of road frontage for commercial development.

3. Mr. Tom Thiebold of HMT Associates stated that initially three buildings would be built, and owners could be as typical tourists or visitors to the area, needing goods and equated services.

Mr. Mahone closed the public hearing.

1. Mr. Martin Garrett, member of the Planning Commission, stated that he voted with the minority at the April 11, 1989, Planning Commission meeting, and that the revenue facts presented were overstated.

Mr. DePue made a motion to approve the rezoning.

On a roll call, the vote was: AYE: Taylor, DePue (2). NAY: Edwards, Mahone (2). ABSTAIN: Norment (1). The motion failed.

3. Ordinance Amendment, Chapter 5A, Erosion and Sedimentation Control

Mr. Morton introduced the ordinance amendment as a housekeeping item. The submitted memorandum indicated that correspondence from the Division of Soil and Water Conservation of the Virginia Department of Conservation and Historic Resources suggests specifically how local ordinances should be structured to comply with the state statute. The ordinance amendment will accomplish that compliance.

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

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

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

4. Ordinance Amendment, Chapter 8, Health and Sanitation, Swimming Pools

Mr. Davis stated that the ordinance amendment would establish County regulation of public swimming pools not currently regulated by the Virginia Department of Health, and specifically exempted owners of private residential swimming pools.

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

Mr. Norment made a motion to approve the ordinance amendment.

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

5. Ordinance Amendment, Chapter 9, Licenses, Article V, Massage Parlors

Mr. Morton introduced the ordinance amendment as a housekeeping item. The submitted memorandum indicated the health department requested that the proposed amendment reflect the reorganization of the Virginia Department of Health and application of state standards by specifying, "physician, duly licensed by the state of Virginia."

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

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

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

6. Ordinance Amendment, Chapter 18, Taxation, Article V, E911 Emergency Telephone Tax

Mr. John McDonald, Manager, Financial and Management Services, indicated that the ordinance amendment would reduce the tax on monthly telephone service from \$0.65 to \$0.30 and become effective July 2, 1989.

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

Mr. Mahone made a motion to approve the ordinance amendment.

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

Mr. Mahone declared a recess at 10:00 p.m.

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

F. CONSENT CALENDAR

Mr. Mahone asked if any Board member wished to remove any item from the Consent Calendar.

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

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

1. York County, New Kent County, College of William and Mary Landfill Agreements

R E S O L U T I O N

YORK COUNTY, NEW KENT COUNTY AND THE COLLEGE OF WILLIAM AND MARY LANDFILL AGREEMENTS

WHEREAS, James City County currently has agreements with York County, New Kent County and the College of William and Mary to allow certain waste to be disposed of at the James City County Landfill; and

WHEREAS, the costs associated with accepting such wastes are such that York County, New Kent County and the College of William and Mary should pay an increased fee for the acceptance of such waste; and

WHEREAS, a tipping fee of \$31 per ton has been established as an appropriate and reasonable fee for the acceptance of such waste material.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized and directed to negotiate and enter into new agreements specifying a fee of \$31 per ton for the acceptance of certain York County and College of William and Mary waste material effective July 1, 1989.

BE IT FURTHER RESOLVED that the County Administrator is authorized and directed to notify New Kent County that pursuant to the existing landfill agreement the fee for acceptance of New Kent County refuse shall be increased to \$31 per ton effective July 1, 1989.

2. Additional Allocation for State-Local Hospitalization

R E S O L U T I O N

APPROPRIATION TO THE SOCIAL SERVICES DEPARTMENT

WHEREAS, the State Department of Social Services has provided supplemental funding to render additional services through the State-Local Hospitalization Program of the local Department of Social Services (Account No. 007-082-5712).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments:

Revenues:

Revenues From the Commonwealth \$ 7,500

Expenditures:

State-Local Hospitalization \$10,000
 General Relief (007-082-5701) (2,500)
 \$ 7,500

3. Contingency Transfer - Health Department

R E S O L U T I O NCONTINGENCY TRANSFER - HEALTH DEPARTMENT

WHEREAS, prenatal and family planning care are essential elements of the health care system; and

WHEREAS, these services are being eliminated at the James City County Health Department; and

WHEREAS, the Board of Supervisors are desirous of continuing these services, if only on a limited basis.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that \$851.38 be transferred from its Contingency Account and be appropriated to the Peninsula Health District for the sole purpose of providing prenatal and family planning services to eligible citizens of James City County.

G. PUBLIC COMMENT

1. Mr. Ed Riley, 611 Tam-O-Shanter, gave an update on Lyme's disease in the area.

H. REPORTS OF THE COUNTY ADMINISTRATOR - None

I. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor requested the County Administrator investigate citizens' remarks that staff had been uncooperative.

Mr. DePue commented that a citizen had reported that Mr. Marvin Sowers had been most helpful in expediting a case affected by the A-1 and A-2 amendments.

Mr. DePue requested the status of the Richmond Road study.

Mr. Edwards made a motion to reappoint Willafay McKenna to a full term on the Planning Commission, term expiring January 1, 1993.

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

Mr. Mahone made a motion to adjourn.

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

The Board adjourned at 10:25 p.m.



David B. Norman
Clerk to the Board

0980w

MAY 1 1989

ORDINANCE NO. 31A-114

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 I. IN GENERAL, SECTION 20-2. DEFINITIONS, SECTION 20-9. PUBLIC HEARING REQUIRED; ARTICLE IV. DISTRICTS, DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 20-109. STATEMENT OF INTENT, SECTION 20-110, PERMITTED USES. SECTION 20-111, USES PERMITTED BY SPECIAL USE PERMIT ONLY, SECTION 20-112. AREA REQUIREMENTS, SECTION 20-113. SETBACK REQUIREMENTS, SECTION 20-114. MINIMUM LOT WIDTH, SECTION 20-116. HEIGHT LIMITS, SECTION 20-117. SPECIAL PROVISIONS FOR CORNER LOTS; DIVISION 3. LIMITED AGRICULTURAL DISTRICT, A-2, SECTION 20-129. STATEMENT OF INTENT, SECTION 20-130, PERMITTED USES; SECTION 20-131. USES PERMITTED BY SPECIAL USE PERMIT ONLY, AND SECTION 20-136. HEIGHT LIMITS.

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 Section 20-2. Definitions, Section 20-9. Public hearing required, Section 20-110. Permitted uses, Section 20-111. Uses permitted by special use permit only, Section 20-112. Area requirements, Section 20-113. Setback requirements, Section 20-114. Minimum lot width, Section 20-116. Height limits, Section 20-117. Special provisions for corner lots, Section 20-129. Statement of intent, Section 20-130. Permitted uses, Section 20-131. Uses permitted by special use permit only, and Section 20-136. Height limits.

Chapter 20. Zoning

Article I. In General

Section 20-2. Definitions.

PRIMARY SERVICE AREA. The Primary Service Area (PSA) is the area(s) identified on the Zoning Map where urban development is encouraged to locate in accordance with the Comprehensive Plan. These areas presently are provided with public water and sewer systems and other public services such as police and fire protection, transportation and emergency medical services, and areas slated to receive such services in the next twenty years.

TOURIST HOME. A dwelling where lodging or lodging and meals are provided for compensation for up to 5 rooms and open to transients.

Section 20-9. Public hearing required.

Prior to issuance of a special use permit a public hearing shall be held by the Planning Commission and by the Board of Supervisors; provided however, that a special use permit for a manufactured home, temporary classroom trailer, a family subdivision, or as required by Sections 20-531 or 20-533 of this chapter may be issued after a public hearing is held by the Board of Supervisors only. Whenever the Planning Commission is not required to hold a public hearing, it need not consider the permit nor make a recommendation to the Board of Supervisors for such permit. The fee for a special use permit shall be in accordance with Section 20-6 of this Chapter. (Ord. No. 31A-88, Section 20-10.1, 4-8-85)

DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

Section 20-109. Statement of Intent.

The General Agricultural District, A-1, is intended for application to the rural areas of the County generally outside of the Primary Service Area and where utilities and urban services generally do not exist and are not planned for the near future. The purpose of the district is to maintain a rural environment suitable for farming, forestry, and low-density rural residence and at the same time to provide for certain recreational and public or semipublic and institutional uses which may require a spacious site and which, with proper conditions imposed, are compatible with rural surroundings. The district also serves to limit the scattering of commercial, industrial, and urban residential uses into rural areas where such uses are not planned. The area regulations of the district are intended to provide a measure of flexibility in lot size and arrangement if coupled with a design review to insure more careful use of the land.

Section 20-110. Permitted Uses.

In the General Agricultural District, A-1, structures to be erected or land to be used shall be for the following uses:

Accessory apartments in accordance with Section 20-92.

Accessory buildings and structures.

Accessory uses as defined herein.

Agriculture, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not commercial livestock or poultry operations which require a special use permit.

Communication towers up to a height of 35 feet.

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, not to exceed five such persons.

Farmers markets, limited in area to 2,500 square feet.

Greenhouses, commercial.

Home occupations as defined herein.

Horse and pony farms of less than 50 animals, (including the raising and keeping of horses), riding stables.

House museums.

Houses of worship, churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples and synagogues, and cemeteries accessory hereto.

Nurseries.

Off-street parking as required by this Chapter.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Rest homes for fewer than 15 adults.

Retreat facilities.

Single-family detached dwellings.

Slaughter of animals for personal use but not for commercial purposes.

Storage and repair of heavy equipment as an accessory use to a farm.

Water impoundments of less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Wineries as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.

Section 20-111. Uses Permitted by Special Use Permit Only.

In the General Agriculture District, A-1, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a Special Use Permit approved by the Board of Supervisors in accordance with the procedures, guides and standards of Sections 20-8 and 20-9 and such other guides and standards as may be contained in this chapter.

Airports and landing fields, heliports or helistops, and accessory uses, subject to the requirements of the Federal Aviation Administration.

Animal hospitals, veterinary offices, and kennels.

Automobile graveyards.

Automobile repair and service.

Automobile service stations in accordance with Section 20-89.

Beauty shops and barber shops.

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to Section 20-112(c).

Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.

Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.

Communication towers over 35 feet in height.

Contractors' warehouses, sheds and offices.

Convenience store with sale of fuel.

Day or child care centers.

Dinner theaters and dance halls as an accessory use to a restaurant or tavern.

Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling, or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a Special Use Permit.)

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, for more than five such persons.

Farm equipment sales and service.

Farmers markets, over 2,500 square feet in area.

Feed, seed, and farm supplies.

Fire stations, rescue squad stations, volunteer or otherwise.

Fish farming and aquaculture.

Flea markets, temporary or seasonal.

Food processing and storage.

Gift shops and antique shops.

Golf courses and country clubs.

Group homes.

Group quarters for agricultural workers.

Horse and pony farms with 50 or more animals.

Horse racing tracks.

Horse show areas, polo fields.

Hospitals, nursing homes, sanatoria.

Hunting preserve, or club, rifle or pistol range, trap or skeet shooting.

Lodges, civic clubs, fraternal organizations or service clubs.

Lumber and building supply stores.

Manufacture and sale of wood products.

Manufactured home parks in accordance with the special provisions of Article III.

Manufactured homes in accordance with Section 20-10 and Section 20-98.

Medical clinics.

Water impoundments, or expansion of existing impoundments, to provide water area of 20 acres or more or with a dam height of 15 feet or more.

Petroleum storage, other than on a farm for farm use or accessory for a residence.

Post offices and public buildings generally.

Professional offices of not more than 2,000 square feet with no more than one office per lot.

Public or private electrical generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However,

private extensions or 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.

Public or private water and sewer facilities, 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 residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, are permitted generally and shall not require a Special Use Permit.

Race tracks for animals or vehicles, including racing courses for power boats.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way, and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a Special Use Permit.

Rental of rooms up to a maximum of three rooms.

Rest homes for 15 or more adults.

Restaurants, taverns.

Retail shops associated with community recreation facilities.

Sanitary landfills, in accordance with Section 20-97, construction debris landfills, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions, public or private.

Seminaries.

Slaughterhouses.

Storage and repair of heavy equipment.

Storage, stockpiling and distribution of sand, gravel and crushed stone.

Telephone exchanges and telephone switching stations.

Tourist Homes.

Two-family dwellings.

Upholstery shops.

Utility Substations.

Waterfront business activities: Wholesale and retail marine interests, such as boat docks, piers, yacht clubs, marinas, and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.

Wayside stands for sale of agricultural products, over 500 square feet in area.

Wineries, with accessory commercial facilities.

Yacht clubs and marinas and commercial and service facilities accessory thereto.

Section 20-112. Area Requirements.

- (a) The minimum lot size, except as otherwise specified herein, shall be: 1) one acre for nonresidential uses; and, 2) three acres for single-family dwellings.

- (b) No lot created under the area requirements of this section after May 1, 1989, the date of adoption of this section, unless created pursuant to Subsections c or d, below, shall be used for any residential dwelling unless the lot size is three acres or more. Provided, however, lots of less than six acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this section, shall be permitted to be subdivided into two lots for single-family residential use so long as no lot size is less than two acres.
- (c) It is the purpose of the area requirements in this district to discourage urban residential developments but at the same time to encourage careful design of low density residential subdivisions in order to make best use of the land, reduce development costs, and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of Article I and the special standards of this district. Upon issuance of a special use permit, a subdivision may be approved with a minimum lot size of less than three acres provided that all of the following conditions are met:
- (1) The overall gross density of the subdivision shall not exceed one dwelling unit per two acres.
 - (2) There shall be at least three residential lots in the subdivision.

- (3) No lot shall be less than one acre in area.
- (4) The subdivision shall only be for single-family detached dwellings.
- (5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.
- (6) Provision shall be made in subdivision plats and lot conveyances to insure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this Chapter.
- (7) The general design standards of this section shall be complied with.
- (8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.
- (9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this Chapter.

- (10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this Chapter, provided however that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.
- (11) Maintenance of any common open space shall be assigned to a homeowners association or other approved entity.
- (12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads and to this end the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas, and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.
- (d) Upon issuance of a special use permit a family subdivision may be approved with a minimum lot size of less than three acres, provided no lot shall be less than one acre.
- (e) Lots for two-family dwellings shall have a minimum area of five acres.

- (f) These minimum sizes shall not apply to lots of less than three acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this article. Such lots of less than three acres used for residential purposes shall be limited to one single-family residential use.

Section 20-113. Setback Requirements.

Structures shall be located a minimum of 50 feet from any street right-of-way which is 50 feet or greater in width. If the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 75 feet from the center line of the street, except that where the minimum lot area is three acres or more the minimum setback shall be 75 feet from any street right-of-way which is 50 feet or greater in width and 100 feet from the center line of any street right-of-way less than 50 feet in width.

All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, will be allowed to adhere to these established setback lines.

Section 20-114. Minimum Lot Width and Frontage.

- (a) Lots of five acres or more shall have a minimum lot width at the setback line of 250 feet.

- (b) Lots of three acres or more but less than five acres shall have a minimum lot width at the setback line of 200 feet.
- (c) Lots of one acre or more but less than three acres shall have a minimum lot width at the setback line of 150 feet.
- (d) The minimum lot frontage abutting a public right-of-way shall be 25 feet.

Section 20-116. Height Limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (a) The height limit for buildings may be increased to 45 feet and to three stories, provided that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (b) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennas, home radio aerials, silos, and other structures normally associated with and accessory to farming operations may be erected to a total height of 60 feet from grade.

(c) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall not be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by (b) above and may exceed 45 feet in height.

(d) Communication towers permitted by a special use permit by the Board of Supervisors may be in excess of 35 feet in height.

Section 20-117. Special Provisions for Corner Lots.

For corner lots, the front of the lot shall be the shorter of the two sides fronting on streets.

No structures shall be located closer than 50 feet to the side street.

Each corner lot shall have a minimum width at the setback line of one hundred fifty (150) feet or more.

DIVISION 3. LIMITED AGRICULTURAL DISTRICT, A-2

Section 20-129. Statement of Intent.

Generally, the Limited Agricultural District, A-2, is intended for application to rural areas of the County which remain inside the Primary Service Area where utilities and urban services are planned but not yet fully available and where urban development may be expected in the near future. The district may also be applied to certain outlying areas where residences exist at similar densities or may be appropriate in view of housing needs. The district is intended to maintain a rural environment suitable for farming, forestry and low-density rural residence, together with certain recreational and public or semipublic and institutional uses, until such time as an orderly expansion of urban development is appropriate.

Section 20-130. Permitted Uses.

In the Limited Agricultural District, A-2, structures to be erected or land to be used shall be for the following uses:

Accessory apartments in accordance with Section 20-92.

Accessory buildings and structures.

Accessory uses, as defined herein.

Agriculture, dairying, forestry, general farming and specialized farming excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Communication towers up to a height of 35 feet.

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, not to exceed five such persons.

Farmers markets, limited in area to 2,500 square feet.

Home occupations, as defined herein.

Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.

House museums.

Houses of worship, churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples and synagogues and cemeteries accessory thereto.

Nurseries.

Off-street parking as required by this chapter.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Retreat facilities.

Rest homes for fewer than 15 adults.

Single-family detached dwellings.

Slaughter of animals for personal use but not for commercial purposes.

Storage and repair of heavy equipment as accessory use to a farm.

Subdivisions of land into not more than five residential lots (lots created shall not be further subdivided if the number of lots created from a parcel existing on October 6, 1986, and subdivisions thereof, together with the proposed subdivision, exceed five lots).

Water impoundments of less than twenty (20) acres and with dam heights of less than fifteen (15) feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Wineries as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.

Section 20-131. Uses Permitted by Special Use Permit Only.

In the Limited Agricultural District, A-2, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a Special Use Permit approved by the Board of Supervisors in accordance with the procedures, guides and standards of Sections 20-8 and 20-9 and such other guides and standards as may be contained in this chapter.

Airports.

Animal hospitals, veterinary offices, and kennels.

Beauty shops, barber shops, and drug stores.

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.

Communication towers over 35 feet in height.

Community recreation facilities, public or private, including parks, playgrounds, clubhouse, boating facilities, swimming pools, ball fields,

tennis courts, and other similar recreation facilities, but not those approved as a part of a Planned Unit Development.

Convenience stores with the sale of fuel in accordance with Section 20-89.

Day care or child care centers.

Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a Special Use Permit).

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, for more than five such persons.

Farm equipment sales and service establishments.

Farmers markets over 2500 square feet.

Feed, seed, and farm supplies.

Fire stations or rescue squad stations, volunteer or otherwise.

Fish Farming and aquaculture.

Flea markets, temporary or seasonal.

Food processing and storage, but not the slaughter of animals.

Food processing and storage in a residence.

Gift shops, antique shops.

Golf courses and country clubs.

Greenhouses, commercial.

Group homes.

Group quarters for agricultural workers.

Horse and pony farms with 50 or more animals.

Horse show areas, polo fields.

Hospital or clinic for humans.

Nursing homes, sanatoria.

Hotels and motels.

Hunting Clubs.

Lodges, civic clubs, fraternal organizations, or service clubs.

Manufacture and sale of wood products.

Manufactured home parks.

Manufactured homes in accordance with Section 20-10 and Section 20-98
not located within the Primary Service Area.

Medical clinics.

Water impoundments or expansion of existing impoundments, to provide
water area of 20 acres or more or with a dam height of 15 feet or more.

Photography, artist and sculptor studios.

Photography sales, and arts and crafts shops.

Post offices and public buildings generally.

Professional, business and governmental offices.

Public or private electrical generation facilities, electrical
substations with a capacity of 5,000 kilovolt amperes or more, and electrical
transmission lines capable of transmitting 69 kilovolts or more.

Public or private transmission pipelines, including pumping stations
and accessory storage, for natural gas, propane gas, petroleum products,
chemicals, slurry coal and any other gases, liquids or solids. However,
private extensions or 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.

Public or private water and sewer facilities, 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 residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, are permitted generally and shall not require a Special Use Permit.

Radio and television stations or towers.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way, and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a Special Use Permit.

Raising of hogs.

Rest homes for 15 or more adults.

Restaurants, taverns.

Retail shops associated with community recreation facilities.

Sanitary landfills in accordance with Section 20-97, waste disposal or publicly-owned solid waste container sites.

Schools, libraries, museums and similar institutions, public or private.

Seminaries.

Subdivisions of land into more than five (5) residential lots.

Telephone exchanges and telephone switching stations.

Tourist homes.

Two-family dwellings.

Utility substations.

Wayside stands for sale of agricultural products, over 500 square feet in area.

Yacht clubs and marinas and commercial and service facilities accessory thereto.

Section 20-136. Height Limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (a) The height limit for buildings may be increased to 45 feet and to three stories, provided that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (b) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennas, home radio aerials, silos, and other structures normally associated with and accessory to farming operations may be erected to a total height of 60 feet from grade.
- (c) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height, provided however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the

main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by (b) above and may exceed the height of the main structure and may exceed 45 feet in height.


- (d) Communication towers permitted by a Special Use Permit by the Board of Supervisors may be in excess of 35 feet in height.

Ordinance to Amend and Reordain
Chapter 20. Zoning
Page 24

Thomas D. Mahone

Thomas D. Mahone, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	NAY
EDWARDS	AYE
DEPUE	AYE
MAHONE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 1st day of May, 1989.

0586A

II. GOALS AND OBJECTIVES

RESIDENTIAL DEVELOPMENT

- GOAL: Promote a wide range of residential choice, through providing a diversity of development types, densities, and price ranges.
- OBJECTIVES: Increase new, good quality housing in a complete range of prices.
Introduce diverse and innovative housing developments to James City County.
- POLICIES- Adopt incentives for new residential construction
- ACTIONS: at appropriate locations in the Primary Service Area.
Revise the Zoning Ordinance to limit urban housing in areas not planned for urban services. Revise the Zoning Ordinance to allow increased design flexibility for housing in selected zones.
Time the development of particular residential sites upon the availability of utilities and the capacity of roads and other public services. Extend utilities in the Primary Service Area according to a predetermined phased plan. Restrict development of private central utility systems, especially sewer systems for residential development outside the Primary Service Area. Investigate the desirability of forming a County Housing Authority.

HOUSING

- GOAL: Promote the development of decent, safe, and sanitary housing for all citizens.
- OBJECTIVES: Eliminate unsafe and unsanitary conditions as they relate to housing in James City County.

POLICIES- Seek federal and State funds for housing
 ACTIONS: rehabilitation.
 Explore the feasibility of public-private
 partnerships for housing rehabilitation.
 Identify the causes of housing deterioration in
 James City County and assist in their correction.
 Investigate the desirability of a County housing
 code.

RURAL LANDS

GOAL: Retain the open, rural character of the outlying
 parts of James City County.

OBJECTIVES: Protect farming and forestry from conflicting
 activities.
 Encourage uses compatible with the area's rural
 character.

POLICIES- Maintain and adhere to utility policies that
 ACTIONS: provide for phased construction of utilities in
 the Primary Service Area, and that restrict the
 extension of utilities or the formation of new
 systems in remote rural areas where urban services
 are not planned.
 Revise the Zoning Ordinance to reduce residential
 densities to a level which are truly rural rather
 than urban, generally in the range of one dwelling
 unit per two to three acres, to provide a measure
 of flexibility in lot sizes and arrangements, to
 ensure compatibility with the surrounding
 environment and reduce future commercial and
 industrial uses in agricultural districts.

III. ISSUES IN LAND USE

PRIMARY SERVICE AREA

The Primary Service Area (PSA) of James City County consists of areas presently provided with public water and sewer systems and other public services such as police and fire protection, transportation, and emergency medical services; and areas slated to receive such services during the next twenty years. The 1975 Comprehensive Plan showed the Primary Service Area on its water and sewer plans, but did not address the concept in the Land Development Concept Map.

Because of fiscal, environmental, and public health and safety benefits, new development in the County will be encouraged to locate within the PSA where utilities and services are already in place or are programmed for the near future. Encouragement can be provided in the form of incentives - public policies and regulations that increase the attractiveness of developing in the PSA.

A widely spread or scattered pattern of development greatly increases public costs for sewer, water, police and fire protection, and road maintenance. The lines, routes, and remote stations necessary to provide adequate service are then underutilized. Because there are few users, the revenue from user charges is lower, and the public benefit is lower per dollar spent. As more money is spent to serve remote developments, less is available for other uses. The quality or quantity of governmental services will suffer as a result, unless the tax burden rises to compensate. The Primary Service Area will discourage suburban sprawl and widely scattered development. It is intended to reduce the growing demand for costly urban-type public services in areas that are essentially rural and far from existing population centers. This will increase the benefit gained from each public dollar spent for utilities and services, especially when the extension of utilities proceeds in accordance with an overall plan recognizing the importance of phased growth.

Urban sprawl contributes to environmental degradation. A sprawling pattern of development cannot be served well by public transportation. People must drive, and drive farther, to work, school, shopping. This increases air pollution and energy consumption. Wildlife habitats, green spaces, and natural areas are broken up, diminished, and isolated. The PSA will guide future growth toward already built-up areas, reducing sprawl and the environmental degradation that accompanies it. By encouraging infilling of areas already provided with public sewer and water, the PSA promotes the efficient use of land and lessens unnecessary encroachment into agricultural land.

Whenever remote developments demand expenditures for services and utilities far in excess of similar developments that are better located, they are given public subsidies. This places an unfair burden on the taxpayer who pays the additional cost of serving the poorly located development, pays not only in tax dollars but in services foregone, in environmental degradation, and loss of open space. In a time of shrinking highway funds and rapidly rising construction costs, the impact of these subsidies has become significant.

Finally, public health and safety issues are also involved. By serving low-to-moderate density development with public water and sewer, the dangers of aquifer pollution and water supply contamination are lessened. The requirements of the Health Department and the County have not prevented private wells in small lot subdivisions from pollution. The problem can be minimized by providing public water and sewer, and by directing new development toward the locations where the utilities are in place. Fire, police and emergency medical services are located to maximize their coverage of persons and property. Development beyond the service area will be less protected unless the County invests in new public safety facilities and personnel.

Directing growth toward the Primary Service Area depends upon construction of utilities and provision of other urban services where they are needed and when they are needed, together with adoption of land use controls which permit

urban development where it is appropriate. A fully integrated growth management system also involves strict limitations on urban growth in locations where it is not appropriate in accordance with the Comprehensive Plan. In addition to the timely provision of public facilities, the following actions should be investigated for their feasibility, acceptability, and effectiveness in encouraging improved development practices and affordable housing in the Primary Service Area.

Street Standards frequently exceed functional requirements. Reducing widths and rights-of-way for residential streets with low traffic volumes could reduce development costs. The standard for minor loop streets, for example, might be narrowed from 22 feet to 18 feet, or less with provisions for one-way traffic or off-street parking. Implementation of such changes would require approval by the Virginia Department of Highways and Transportation, and revisions of the County's subdivision regulations and Zoning Ordinance.

Density transfer options could be offered in all residential and commercial zones where development is to be encouraged. Clustering can realize significant cost savings, but utilization of on-site density transfer options is inhibited by developers' unfamiliarity with cluster development, perceptions of marketability, and habits. With time the demand for this type of housing is expected to grow.

Design flexibility can allow developers to realize savings or to produce more appealing homes without raising costs. Unconventional but proven techniques like "zero lot line" designs can be allowed in residential zones.

Density bonuses can be given to developments constructed where utilities and services are available. Albemarle County, for example, awards bonuses to residential developments locating near existing public facilities. It also gives density bonuses for maintaining trees and natural features on the site, incorporating special design features, and for low and moderate cost housing. Fort Collins, Colorado, gives density bonuses to projects located near employment centers, shopping centers, parks, transit routes, and day care centers.

The density bonus, design flexibility, and density transfer incentives would be implemented through changes in the Zoning Ordinance.

Advance zoning, or "up-zoning" land where development is to be encouraged, would allow more intense uses and densities and save the landowner from the cost, delay, and uncertainty of seeking rezoning. The Planning Commission could initiate rezonings of land in the PSA near utilities and services, but presently zoned for agricultural or other non-intensive use.

Utility policy revision could greatly alter the existing balance of attractions versus costs. The circumstances under which payment is required, the amount of payment, the timing of payment, reimbursement and pro-rating policies could be reexamined and revised with regard to utility construction and connection. A less prohibitive policy could have a major impact on location of future development. Utility policy changes would have to be adopted by the County Service Authority.

AGRICULTURE, FORESTRY, RURAL RESIDENTIAL AREAS

The Agriculture, Forestry, Rural Residential area as defined in the 1975 Comprehensive Plan, includes some uses that are inappropriate for a rural area. Most commercial, industrial, and dense residential uses are incompatible with rural surroundings and have been removed from the suggested activities listed in the revised definition of Agriculture, Forestry, Rural Residential areas. The definition further states that the determination of residential densities and lot sizes depends in part upon their impact on existing uses and on the surrounding rural environment.

Under present zoning, most of the Agriculture, Forestry, and Rural Residential area in James City County is basically unrestricted as to use. In addition to agriculture, most residential, commercial, industrial and recreational uses are permitted in the A-1 zoning district. The freedom from restrictions means that the area may eventually develop into a hodgepodge of incompatible uses. The "wide-open" nature of the district was once felt necessary to safeguard the traditionally cherished independence of rural landowners. Over the past five years, however, the unwanted consequences of this policy have appeared. Many citizens have begun to feel that "something ought to be done" to protect rural inhabitants from unbuffered nuisance activities; to stop the proliferation of dense housing developments in the rural area, to prevent further pollution of groundwater from too closely spaced septic tanks, and to maintain the predominantly rural atmosphere of the area.

The outcome is the evolving philosophy that uses in the rural areas ought to be limited strictly to agriculture, forestry, recreation, single family residential, and natural resource related industrial uses. Some service and commercial uses (e.g., convenience stores, automobile service stations, farm supply and veterinary clinics) may be appropriate if controlled by special use permits. The zoning ordinance should be revised to establish appropriate use restrictions for agriculture, forestry, and rural residential areas, consistent with these principles.

Most rural areas are characterized by large landholdings; scattered homes; and small commercial and service centers. Except for a handful of small-scale, small-lot subdivisions, this description is true of James City County. The small-lot subdivisions in rural James City County are mostly recent developments spurred by lower land costs, lower utility costs, federal subsidies, the County's zoning ordinance, and permissive Health Department regulations for septic systems. Their occurrence has caused some problems (for example, groundwater pollution and extra expenditures for public services) and has generated concern over potential problems.

Recognizing that larger lot sizes and use restrictions will diminish the capacity of the area for absorbing housing demand, care has been taken that sufficient space exists elsewhere to absorb projected demand. Furthermore, the areas earmarked for growth will be provided with various incentives to make them even more attractive for development. These concepts are described in more detail in the section on the Primary Service Area.

Over the next 20 years, sewer and water extensions should be limited to the Primary Service Area. The extension of utilities is a powerful tool to guide future concentrations of residential development, and the provision of utilities in a timely manner at appropriate locations in the PSA, is an important responsibility of local government. Development in rural James City County is foreseen as low density, not requiring public utilities. This will allow James City County to focus its efforts on extending lines to identified growth areas where higher density development will be encouraged.

RESERVOIR PROTECTION AREAS

Special regulation of lands adjacent to water supply reservoirs is demonstrated by their designation as Reservoir Protection Areas on the Land Development Concept Map. In order to protect the public water supply, special strict regulatory controls are necessary and development activities may have to be restricted around the perimeter of the reservoirs. The State Water Control Board can aid in establishing the boundaries and limitations of such areas.

Reservoir Protection also extends to watersheds of water supply reservoirs, where less intense development and special drainage control measures are warranted.

IV. LAND USE DEVELOPMENT CONCEPT

DEFINITIONSAGRICULTURE, FORESTRY, RURAL RESIDENTIAL

Areas containing farms, forests and scattered houses, generally outside of the Primary Service Area and where utilities and urban services do not exist and are not planned for the near future. Appropriate activities include continued farming and forestry primarily, together with certain recreational and public or semi-public and institutional uses which may require a spacious site and which are compatible with rural surroundings. Rural housing is also appropriate so long as density is low and soils are suitable for individual waste disposal systems, and so long as major concentrations are avoided, concentrations such as large-scale subdivisions which will interrupt rural qualities sought to be preserved and significantly increase the demand for urban services and transportation facilities. While most retail and commercial uses which will serve the rural area will be located at planned locations on major thoroughfares inside the PSA, a few of the smaller service uses and certain uses which require a specialized location may be located on the basis of a case-by-case review.

0588A

ORDINANCE NO. 85A-8

MAY 1 1989

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5A, EROSION AND SEDIMENTATION CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 5A-3, DEFINITIONS, SECTION 5A-5, PROCEDURES FOR PLAN SUBMISSION AND REVIEW, INSPECTION AND ENFORCEMENT; SECTION 5A-6, PLANS GENERALLY; CERTAIN PROCEDURES ADOPTED BY REFERENCE; AND SECTION 5A-11, PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 5A, Erosion and Sedimentation Control, is hereby amended and reordained by amending Section 5A-3, Definitions; Section 5A-5, Procedures for plan submission and review, inspection and enforcement; Section 5A-6, Plans generally; certain procedures adopted by reference; and Section 5A-11, Penalty.

Chapter 5A. Erosion and Sedimentation Control

Section 5A-3. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Administrator. The official designated by the governing body to serve as its agent to administer this chapter.

Applicant. Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board. The Virginia Soil and Water Conservation Board.

Clearing. Any activity which removes the vegetative ground cover, including, but not limited to, the removal of root mat and-or topsoil.

District or soil and water conservation district. A governmental subdivision of the state organized in accordance with the provisions of the Soil Conservation Districts Law, Title 10.1, Chapter 5, Code of Virginia, 1950, as amended.

Erosion impact area. An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land one acre or less used for residential purposes or to shorelines where the erosion results from wave action or coastal process.

Erosion and sedimentation control plan, conservation plan, or plan. A document containing material for the conservation of soil and water resources of a unit or a group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit of land will be so treated to achieve the conservation objectives.

Excavating. Any digging, scooping or other methods of removing earth materials.

Filling. Any depositing or stockpiling of earth materials.

Governing body. The board of supervisors of the county.

Grading. Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Land-disturbing activity. Any land change which may result in soil erosion from water and-or wind and the movement of sediments into waters or into lands, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

Land-disturbing permit. A permit issued by the county for clearing, filling, excavating, grading or transporting, or any combination thereof.

Owner. The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a property.

Permittee. The person to whom the permit authorizing land disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Ordinance to Amend and Reordain
Chapter 5A. Erosion and Sedimentation Control
Page 3

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of this state, any interstate body, or any other legal entity.

Plan approving authority or permit issuing authority. The division of code compliance.

State waters. All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Transporting. Any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover, either by tracking or the buildup of earth materials, to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs. (3-10-75; Ord. No. 85A-4, 12-2-85; Ord. No. 85A-5, 7-7-86; Ord. No. 85A-6, 1-4-88; Ord. No. 85A-7, 8-1-88)

Section 5A-5. Procedures for plan submission and review, inspection and enforcement.

(a) Those procedures for plan submission and review, inspection and enforcement are set forth in a separate document which is made a part hereof entitled, "Administrative Guidelines," Chapter 7, adopted from the Virginia Erosion and Sedimentation Control Handbook, Second Edition, 1980. These procedures are controlling unless they are in conflict with a local ordinance or state law.

(b) The plan approving authority or, if a permit is issued in connection with land-disturbing activities which involve the issuance of a grading, building, or other permit, the permit issuing authority:

- (1) Shall provide for periodic inspections of the land-disturbing activity; and
- (2) May require monitoring and reports from the person responsible for carrying out the plan, to ensure compliance with the approved plan, and to determine whether the measures required in the plan are effective in controlling erosion and sediment. The owner, occupier or operator shall be given notice of the inspection and an opportunity to accompany the inspectors. If the permit-issuing authority or plan-approving authority determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities. Where the plan-approving authority serves notice, a copy of the notice shall also be sent to the issuer of the permit. The notice shall specify the measures needed to comply

with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this chapter and upon conviction shall be subject to the penalties provided by this chapter.

(c) In order to prevent further erosion the administrator may require approval of a conservation plan for any land identified by the administrator as an erosion impact area.

(d) The county may charge applicants a reasonable fee to defray the cost of program administration, including costs associated with the issuance of grading or land disturbing permits, plan review, and periodic inspection for compliance with erosion and sediment control plans if charges for such costs are not made under any other law, ordinance or program. The fee shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrator's expense involved, or \$1,000, whichever is less. (3-10-75; Ord. No. 85A-3, 5-11-81; Ord. No. 85A-4, 12-2-85; Ord. No. 85A-5, 7-7-86; Ord. No. 85A-7, 8-1-88).

Section 5A-6. Plans generally; certain procedures adopted by reference.

(a) An erosion and sedimentation control plan is required under this chapter. The erosion and sedimentation control plan shall detail those methods and techniques to be utilized in the control of erosion and sedimentation.

(b) At a minimum, the erosion and sedimentation control plan shall follow the format detailed in Chapter 2, Chapter 4, Chapter 5, and Chapter 6 of the Virginia Erosion and Sediment Control Handbook, Second Edition 1980, and as may be amended from time to time, which is adopted by reference as fully as if set forth herein in its entirety, as part of this chapter.

(c) Approved regulations for control techniques to be utilized in preparing this plan are set forth in Chapter 3 of the Virginia Erosion and Sediment Control Handbook, Second Edition 1980, and as may be amended from time to time, which is adopted by reference, as fully as if set forth herein in its entirety as part of this chapter. (3-10-75; Ord. No. 85A-6, 1-4-88; Ord. No. 85A-7, 8-1-88)

Editor's note--Such procedures may be found on file in the office of the administrator.

Section 5A-11. Penalty.

(a) A violation of this chapter shall be deemed a misdemeanor and upon conviction shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) or thirty (30) days' imprisonment, or both, for each violation.

- (b) The county or the Board may apply to the circuit court in any jurisdiction wherein the land lies to enjoin a violation or a threatened violation under Section 5A-5 or Section 5A-9 of this chapter, without the necessity of showing that an adequate remedy at law does not exist.
- (c) In addition to any criminal penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the County, or to the Board, as appropriate, in a civil action for damages.
- (d) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation.
- (e) With the consent of any person who has violated or failed, neglected, or refused to obey any regulation or order of the Board, the Director, or plan-approving or permit-issuing authority, any condition of a permit, or any provision of this chapter, the Board, or plan-approving or permit-issuing authority may provide, in an order issued by the Board or plan-approving or permit-issuing authority against such person for the payment of civil charges for past violations in specific sums, not to exceed the limit specified in subsection (d) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (d).
- (f) Upon receipt of a sworn complaint of a substantial violation of either Section 5A-5 or Section 5A-9 of this chapter from the division of code compliance, the chief administrative officer of the county or the Board may, in conjunction with or subsequent to a notice to comply, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, such an order may be issued without regard to whether the permittee has been issued a notice to comply. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court of the jurisdiction wherein the violation was alleged to have occurred. Upon completion of corrective action, the order shall immediately be lifted. Nothing in this subsection shall prevent the chief administrative officer from taking any other action specified in this section. (3-10-75; Ord. No. 85A-4, 12-2-85; Ord. No. 85A-5, 7-7-86; Ord. No. 85A-6, 1-4-88; Ord. No. 85A-7, 8-1-88.)

Thomas D. Mahone

Thomas D. Mahone, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
MAHONE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 1st day of May, 1989.

0229U

MAY 1 1989

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 116A-17

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE III, SWIMMING POOL ORDINANCE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Health and Sanitation, is hereby amended and reordained by adding Article III, Swimming Pool Ordinance, Section 8-17, Purpose of article; Section 8-18, Definitions; Section 8-19, Pool operation and maintenance; Section 8-20, Inspection; Section 8-21, Authority to order pools closed; and Section 8-22, Penalty for violation.

Section 8-17. Purpose of article

The purpose of this article is to protect the health, safety and general welfare by regulating minimum sanitation and water quality standards and requiring safety equipment for all swimming pools, except for private residential swimming pools and those swimming pools, including pools located at hotels, motels, and campgrounds, which are regulated by the Virginia Department of Health.

Section 8-18. Definitions.

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them by this section:

Director. The director of code compliance for James City County or his designee.

Operator or Manager. The individual responsible for the operation and management of the swimming pool.

Person. Any person, firm, partnership, association, corporation, company, governmental agency, club, school, or organization of any kind, and any employee, agent, or servant thereof.

Private residential swimming pool. Any swimming pool located on private residential property, under the control of the residents, the use of which is limited to swimming or bathing by members of the residents' family or their invited guests.

Public swimming pool. Any swimming pool used or intended to be used collectively by numbers of persons for swimming or wading, operated by any person, whether he be owner, lessee, operator or concessionaire, regardless of whether a fee is charged for such use, including but not limited to a swimming pool owned by or operated for the convenience of a private club, civic club, association, apartment complex, or manufactured home park. Public swimming pools shall not include private residential swimming pools or those swimming pools, including pools at hotels, motels, and campgrounds, which are regulated by the Virginia Department of Health.

Swimming pool. Any swimming, wading or spray pool, including all appurtenant equipment, structures and facilities, used for the purpose of providing a swimming or wading place for any person.

Section 8-19. Pool operation and maintenance

(a) Water supply. All water used in public swimming pools shall be from potable sources that are approved by the director of code compliance. No piping arrangements shall exist which will permit sewage or waste water to enter the swimming pool system.

(b) Chemical testing equipment. Each public swimming pool shall be provided with satisfactory equipment for the determination of hydrogen-ion concentration (pH) ranging from 6.8 to 8. Satisfactory equipment shall also be provided for determination of residual chlorine content ranging from 0 to 1.0 ppm.

(c) Disinfection. The treatment system of all public swimming pools shall be operated at all times when the pool is in use so as to maintain either a free chlorine residual content of not less than 0.5 ppm at all points throughout the swimming pool, or adequate disinfection by chemicals at such other levels as approved by the director of code compliance.

(d) Alkalinity. Acid alkalinity of the water in public swimming pools, at all times when the pool is in use, shall be not less than a pH of 7.0.

Ordinance to Amend and Reordain
Chapter 8. Health and Sanitation
Page 3

(e) Operating records. Daily records of the operation of public swimming pools shall be maintained by the operator. These records shall indicate pH and chlorine levels, water clarity and cleanliness, and such other information as may be required by the director of code compliance to determine if the pool is being operated in a healthy and safe manner. These records shall be kept on file for a period of at least one year.

(f) Filtration. Filters designed to clear the pool water shall be operated twenty-four hours per day each day the public swimming pool is in use. At all times when the pool is open, the water shall be sufficiently clear to permit a disc six inches in diameter, divided into alternate black and white quadrants, when placed on the bottom of the pool at the deepest point, to be clearly visible from the swimming pool deck. The filter requirement may be waived by the director of code compliance for pools in which water depth is no greater than two feet upon a determination that alternate methods are being utilized to maintain the water clarity.

(g) Lifesaving equipment. The operator of any public swimming pool shall provide minimum lifesaving equipment consisting of either a "shepherd's crook" or a "throw ring" with rope attached, capable of reaching across half the width of the pool. The director of code compliance may, in writing, require additional lifesaving equipment, when such is deemed necessary because of the size of the pool or activity therein.

Section 8-20. Inspection.

The operator or person in charge of any public swimming pool shall, upon request of the director of code compliance, permit access to all parts of the establishment at all reasonable times for the purpose of inspection.

Section 8-21. Authority to order pools closed.

When the director of code compliance finds a violation of this article or any other condition that endangers the health or safety of the users of a public swimming pool, the director may order the pool closed until such condition is corrected. Failure to immediately close the pool shall be a violation of this article.

Section 8-22. Penalty for violation.

Any person who shall violate a provision of this article shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not exceeding one thousand dollars or thirty days imprisonment, or both, for each violation. Each failure, refusal, neglect, or violation, and each day's continuance thereof, shall constitute a separate offense.

Thomas D. Mahone

Thomas D. Mahone, Chairman
Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	NAY
EDWARDS	AYE
DEPUE	AYE
MAHONE	AYE

Adopted by the Board of Supervisors of James City County,
Virginia, this 1st day of May 1989.

0243U

MAY 1 1989

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 87A-2

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE V, MASSAGE PARLORS, SECTION 9-114. DEFINITIONS; SECTION 9-119. SAME - ISSUANCE; AND SECTION 9-123, HEALTH REQUIREMENTS FOR OPERATORS AND TECHNICIANS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9, Licenses, is hereby amended and reordained by amending Section 9-114. Definitions; Section 9-119. Same - Issuance; and Section 9-123. Health requirements for operators and technicians.

Chapter 9. Licenses

Article V. Massage Parlors

Section 9-114. Definitions

For the purposes of this article, the following words and terms shall have the meanings respectively ascribed to them by this section:

Director: The district health director of the Peninsula Health District, or his designee.

Massage: A method of treating the external parts of the body for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument, or by the application of air, liquid or vapor baths of any kind whatever.

Ordinance to Amend and Reordain
Chapter 9. Licenses
Page 2

Massage parlor: Any establishment having a fixed place of business where any person engages in, carries on, or permits to be engaged in, or carried on, any business of giving of any kind or character of massage.

Massage technician: Any person, male or female, who administers to another person for any form of consideration a massage.

Patron: Any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

Person: Any individual, copartnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

Permittee: The operator of a massage establishment that has a valid permit issued under this article.

Sexual or genital area: The genitals, pubic area, anus or perineum of any person, or the vulva or breasts of a female.

Applicant: Any person applying for a permit under this article and must include all partners, including limited partners, of a partnership applicant, all officers and directors of a corporate applicant and any stockholder holding more than five (5) per cent of the stock of a corporate applicant.

Employee: Any person, other than a massage technician, who renders any service in connection with the operation of a massage parlor and receives compensation from the operator of the business or patrons.

Approved school: Any school recognized by or approved by or affiliated with the American Massage and Therapy Association, Inc. (Ord. No. 87A-1, 3-12-79)

Section 9-119. Same-Issuance.

Within twenty-one (21) days of the application, the director shall issue or reissue in case the permit has expired or been revoked, the permit if he shall find:

- (a) The premises to be used or constructed meet the building, plumbing, electric and fire prevention codes of the county as reported by the administrative officers of the county.
- (b) All persons who shall perform as massage technicians have undergone a physical examination by a physician, duly licensed by the state of Virginia, within the past thirty (30) days and have furnished to the directors a certificate signed by the examining physician stating that the person examined is either free from any contagious or communicable diseases or incapable of communicating any of such disease to others.

- (c) The operation, as proposed by the applicant, if permitted, would comply with all of the requirements of this article and all other applicable laws.
- (d) The applicant and the manager or other person principally in charge of the operation of the business has not been convicted of any crime involving dishonesty, fraud, or deceit, unless such conviction occurred at least five (5) years prior to the date of the application.
- (e) The manager or other person principally in charge of the operation of the business and each massage technician have successfully completed a resident course of study or learning of not less than one thousand (1,000) hours of study from an approved school where the theory, method, profession, or work of massage is taught.
- (f) The applicant has not made any false, misleading, or fraudulent statement of fact in the permit application or in any document required by the county in conjunction therewith.

Every massage parlor permit issued pursuant to this article will terminate at the expiration of one year from the date of its issuance, unless sooner suspended or revoked. (Ord. No. 87A-1, 3-12-79)

Section 9-123. Health requirements for operators and technicians.

(a) No massage parlor operator or massage technician shall be permitted to give massage or come in contact with a patron of any massage parlor unless such operator or massage technician shall be free of any contagious or communicable disease. The director or his designee, may, for cause, require that an operator or massage technician not be allowed to give massage unless and until any such person provide him with a certificate from a medical doctor, duly licensed by the state of Virginia, that such person has been examined within the previous ten (10) days and found to be free of all contagious or communicable disease.

(b) No massage technician shall knowingly serve any patron infected with fungus or other skin infection; nor shall service be performed on any patron exhibiting skin inflammation or eruptions; provided, however, that a physician, duly licensed by the state of Virginia, may certify that any such patron may be safely served prescribing the conditions thereof.

(c) All massage technicians shall undergo a physical examination for contagious and communicable diseases and shall furnish to the director a certificate based upon said examination, issued within thirty (30) days thereof and signed by a physician duly licensed by the state, stating that the person examined is either free from any contagious or communicable disease or incapable of communicating any of such disease to others prior to the commencement of employment and at least once every year thereafter. (Ord. No. 87A-1, 3-12-79)

Ordinance to Amend and Reordain
Chapter 9. Licenses
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Thomas D. Mahone

Thomas D. Mahone, Chairman
Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
MAHONE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 1st day of May, 1989.

0227U

ORDINANCE NO. 107A-8

MAY 1 1989

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, SPECIAL TAX FOR ENHANCED 911 EMERGENCY TELEPHONE SYSTEM, SECTION 18-25. TAX IMPOSED.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 18, Taxation, is hereby amended and reordained by amending Section 18-25. Tax imposed.

Chapter 18. Taxation.

Article V. Special tax for enhanced 911 emergency telephone system.

Section 18-25. Tax imposed.

Pursuant to the provisions of Section 58.1-3813 of the Code of Virginia, there is hereby imposed a special tax of thirty cents (\$0.30) per month on each consumer of telephone service for each telephone line provided by any corporation subject to the provisions of Chapter 26, of Title 58.1 of the Code of Virginia; provided, however, that this tax is not imposed on federal, state or local government agencies. (Ord. No. 107A-3, 12-2-85)

That this ordinance shall be in full force and effect on and after July 2, 1989.

Thomas D. Mahone

Thomas D. Mahone, Chairman
Board of Supervisors

ATTEST:

David B. Norman

David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
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NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
MAHONE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 1st day of May, 1989.

0244U