

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 4TH DAY OF MAY, NINETEEN HUNDRED NINETY-TWO, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District (Absent)
David L. Sisk, Roberts District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATIONS

2. 1992 Community Spirit Awards

Mr. Edwards presented plaques to: Madeline Gee, an active 4-H and Extension volunteer for 9 years; S. Mark Yewcic, volunteer with American Red Cross; Janis Brelsford, leader of 4-H club for 6 years; Eric Haas, an active 15 year-old in 4-H teaching program; and Virginia Dick, developer of the James City County-Williamsburg Master Gardener Association.

The award recipients individually thanked the Board.

1. Virginia Peninsula Economic Development Council, J.A. Denton, III

Mr. J. A. Denton, III, President, Virginia Peninsula Economic Development Council, noted regional cooperation and the success of past years of locating businesses in James City County. He stated that prospective clients find geographic location with accessibility to area cities, three airports, the tax structure and quality of life as attractions to locate here.

C. MINUTES - April 20, 1992

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

Mr. Taylor made a motion to approve the minutes.

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

D. CONSENT CALENDAR

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

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

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

1. Mosquito Control Awareness WeekR E S O L U T I O NMOSQUITO CONTROL AWARENESS WEEK

WHEREAS, the Governor of the Commonwealth of Virginia has officially recognized May 10-16, 1992, as MOSQUITO AND VECTOR CONTROL AWARENESS WEEK as sponsored by the Virginia Mosquito Control Association; and

WHEREAS, James City County, a member in good standing of the Virginia Mosquito Control Association, supports the sponsorship of Mosquito and Vector Control Awareness Week as an effort to increase the public's awareness and support of mosquito and vector control agencies; and

WHEREAS, the Virginia Mosquito Control Association is expanding its programs to promote the public's education and participation in support of mosquito control agencies; and

WHEREAS, the public's support through backyard inspections and elimination of mosquito breeding sites is an important aspect of mosquito control efforts in James City County.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County, Virginia, does hereby recognize May 10-16, 1992, as MOSQUITO CONTROL AWARENESS WEEK and call its significance to the attention of all our citizens.

2. Additional Allocation for JOBS Day CareRESOLUTIONAPPROPRIATION TO THE SOCIAL SERVICES DEPARTMENT

WHEREAS, the State Department of Social Services has provided supplemental funding to render additional services through the JOBS Day Care Program (007-083-5725); and

WHEREAS, sufficient local matching funds are available in Account No. 007-082-5708.

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

Revenues:

Revenue from the Commonwealth	\$7,560.00
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Expenditures:

JOBS Day Care	8,400.00
Foster Care	(840.00)
	<u>\$7,560.00</u>

3. FY 93 Emergency Home Repair Grant Application

R E S O L U T I O N

EMERGENCY HOME REPAIR GRANT

WHEREAS, the Commonwealth of Virginia, Department of Housing and Community Development has issued a Notice of Funding Availability and Request for Proposals under the Emergency Home Repair Program; and

WHEREAS, assistance is needed to effectively and adequately address the emergency home repair needs of low-income persons to be served by James City County in its service area of James City County; and

WHEREAS, an application for a grant under this program has been prepared; and

WHEREAS, James City County agrees to provide emergency home repair services to those in need in conformance with the regulations and guidelines of this State Program; and

WHEREAS, David B. Norman, County Administrator, can act on behalf of James City County and will sign all necessary documents required to complete the grant transaction; and

WHEREAS, a local dollar-for-dollar match is required under the program will be provided.

NOW, THEREFORE, BE IT RESOLVED that, the Board of Supervisors of James City County, Virginia, hereby authorizes David B. Norman to apply for and accept the grant and enter into a Grant Agreement with the Virginia Department of Housing and Community Development and undertake any and all actions and responsibilities in relation to such Agreement.

4. Case Nos. Z0-1-92 and Z0-2-92. Comprehensive Zoning Revisions - Vested Rights

R E S O L U T I O N

ZONING ORDINANCE TRANSITION

WHEREAS, the Board of Supervisors is considering comprehensive revisions and amendments to sections of Chapter 20, Zoning, of the Code of the County of James City, Virginia, as described in Case Nos. Z0-1-92 and Z0-2-92; and

WHEREAS, the orderly transition from the existing zoning regulations to revised regulations requires a transition period to effect changes in law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that vested rights under the regulations in effect prior to the adoption of the comprehensive revisions referenced above shall only be granted under one of the following situations:

1. Having preliminary approval of a subdivision or site plan on or before the date of adoption;
2. Having obtained a valid building permit on or before the date of adoption;
3. Any residential planned community, that is zoned R-4, Residential Planned Community, that has received master plan approval or any subsequent amendment to such master plan.
4. Having special use permit approval and commencement of construction or use covered under that permit within one year from the date of adoption, or the term of the special use permit, whichever is greater.

5. Virginia Environmental Endowment Mini-Grants Program

R E S O L U T I O N

VIRGINIA ENVIRONMENTAL ENDOWMENT

MINI-GRANT APPLICATION

WHEREAS, one of the missions of the James City County Clean County Commission is to develop antilitter and recycling education programs for the Williamsburg-James City County Schools; and

WHEREAS, the Virginia Environmental Endowment has grant money available on a 50/50 grant/local funding basis for environmental projects; and

WHEREAS, the Virginia Environmental Endowment is receiving Mini-Grant Applications for FY 92.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute all grant application and contract documents not to exceed \$5,000 on behalf of James City County.

E. PUBLIC HEARINGS

1. Case No. Z-11-91. Chambrel at Williamsburg Master Plan Amendment (continued from 4/20/92)

Mr. D. Marvin Sowers, Jr., Director of Planning, stated that the applicant had requested deferral of consideration of the application until the May 4, 1992, meeting.

At the April 6, 1992, Board of Supervisors' meeting, Mr. Sowers had stated that Mr. G. Archer Marston, of AES, had applied on behalf of the Williamsburg/Oxford Association Limited, to amend their existing master plan to allow a 120-bed nursing home and/or non-ambulatory adult care facility on approximately 57.7 acres, zoned PUD-R, Planned Unit Development - Residential, located to the north of Monticello Avenue and abutting the City of Williamsburg boundary, further identified as Parcel (1-131) on James City County Real Estate Tax Map No. (39-1).

In concurrence with staff, the Planning Commission unanimously recommended approval for the following reasons:

1) The proposed master plan amendment was not inconsistent with the Comprehensive Plan and it met all applicable development standards; 2) The proposed master plan amendment, with proffers, was consistent with surrounding development and zoning; 3) Although the amount of actual open space would decrease by approximately 5 acres, the resulting open space would continue to be greater than the amount approved in 1985; 4) The impacts on existing infrastructure and roads would be minimal; and, 5) This proposal may cement the future stability of this project as a retirement community. If the future conversion of these units to standard residential units could be avoided, the proposal was in the best interests of the County.

Mr. DePue arrived at 7:25 p.m.

Mr. Edwards continued the public hearing.

1. Mr. Vernon Geddy, Esq., representative for Chambrel, was available for questions.

Mr. Edwards closed the public hearing.

Ms. Knudson made a motion to approve the resolution.

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

R E S O L U T I O NCASE NO. Z-11-91. CHAMBREL AT WILLIAMSBURGMASTER PLAN AMENDMENT

WHEREAS, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Zoning Case No. Z-11-91 for rezoning approximately 57.7 acres from PUD-R, Planned Unit Development-Residential to PUD R, Planned Unit Development-Residential with proffers on property identified as Parcel (1-131) on James City County Real Estate Tax Map No. (39-1); and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 10, 1992, unanimously recommended approval of Case No. Z-11-91.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-11-91, and accepts the voluntary proffers.

2. Case No. SUP-5-92. Newport News Waterworks - Harwoods Mill Raw Water Pipeline

Mr. Sowers stated that Mr. Everett P. Skipper, of Gannett Fleming, Inc., had applied for a special use permit to allow the construction of a 48-inch raw water pipeline and outfall structure for the purpose of increasing capacity of reservoir, commencing approximately 1,000 feet northwest of Forge Road within the existing Virginia Power easement, travel southeast adjacent to the west side of existing Virginia Power easement to Forge Road. He stated the proposed pipeline would be installed under Forge Road, turn south and enter Little Creek Reservoir property with discharge into Little Creek Reservoir, total length, approximately 2,250 feet.

Staff found the proposal generally consistent with the Comprehensive Plan. In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

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

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O NCASE NO. SUP-5-92. NEWPORT NEWS WATERWORKS - HARWOODS MILLRAW WATER PIPELINE

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 14, 1992, unanimously recommended approval of Case No. SUP-5-92 to permit a raw water pipeline in the A-1, General Agricultural district, the proposed pipeline would travel southeast, adjacent to the west side of the existing Virginia Power easement to Forge Road and then turn south and then enter the Little Creek Reservoir property where the pipeline would discharge into the Little Creek Reservoir.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-5-92 as described herein with the following conditions:

1. This special use permit shall have no cause or effect until all the parcels or rights thereto, have been acquired by the City of Newport News. Evidence of this acquisition shall be provided to the Planning Department prior to preliminary approval of the site plan for the project. This permit is valid only for the route shown on the maps submitted to the County as part of this application. Any deviation from the route must be approved by the Development Review Committee. Any relocation of the proposed main on property other than that identified on the maps submitted as part of this application would cause the permit to become void.
2. If construction has not commenced on this project within a period of 24 months from the date of issuance of the special use permit, it shall become void.
3. Construction, operation and maintenance of the water transmission shall comply with all local, State and Federal requirements.
4. An erosion and sediment plan shall be submitted as part of the site plan submittal and shall be approved by the Director of Code Compliance.
5. Copies of all State, Federal and local permits shall be provided to the County prior to the commencement of construction.
6. Crossings of roads and existing utilities shall be coordinated with applicable agencies during the construction of the main.

7. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. These methods are to be shown on the site plan and approved as part of the site plan submittal.
8. Prior to the commencement of any work on this project, a Phase I Archaeological Study shall be submitted to the Director of Planning for his review and approval. This study may be completed for portions of the site as the site is developed. The study shall meet the guidelines set forth in the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer shall undertake a Phase II and/or a Phase III study of archaeological sites identified in the Phase I study, if identified by the Phase I study as warranting Phase II or Phase III study. Such studies shall be submitted to and approved by the Planning director prior to any land disturbing on or adjacent to such sites. The recommendations of such studies shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon. If as a result of a Phase II study, the Planning Director determines the site is eligible for inclusion in the National Register of Historical Places based on the criteria established by the Department of the Interior, the developer shall develop and implement a plan for inclusion of the site on the National Register of Historic Places and for the mitigation of potential adverse impacts on the site.
9. In any area where the pipeline crosses existing development or agricultural uses, the topsoil shall be removed and stockpiled separate from other soil. When construction is completed the topsoil shall be restored to its previous location and conditions to the greatest extent practical. In areas where topsoil restoration is not possible, post-construction topsoil conditions shall be reestablished utilizing soil amendments approved by the Soil Conservation Service.
10. In areas of the construction easement that have been cleared, trees shall be replaced with an in-like kind species and diameter up to 4 inches in diameter. Trees shall be planted in accordance with the State Department of Forestry guidelines and shall be shown on a reforestation plan to be approved by the Planning Director. The reforestation of this easement shall be completed within 2 years of the clearing of the easement. It shall be the responsibility of the City of Newport News to secure the necessary means to plant on the construction easement after the easement reverts back to the property owner.

3. Case No. Z-1-92 and MP-1-92. Powhatan Plantation Rezoning and Master Plan Amendment

Mr. Sowers stated that Mr. Ralph Simmons, of Rickmond Engineering, had applied on behalf of Marc B. Sharp, of Powhatan Associates, and the Greensprings Chapel to rezone .57-acre, a part of the Powhatan Plantation Resort property, from PUD-R, Planned Unit Development, Residential to R-8, Rural Residential, located on the west side of Ironbound Road, approximately 700 feet north of Fithian Lane's intersection, further identified as Parcel (1-19) on James City County Tax Map No. (38-3).

Mr. Sowers further stated that the applicant had requested a master plan amendment to allow the property to be transferred and combined with the adjacent Greensprings Chapel property. The Greensprings Chapel property is located directly north of the site on Ironbound Road, further identified as Parcel (1-19-A) on James City County Real Estate Tax Map No. (38-3).

In concurrence with staff, the Planning Commission unanimously recommended approval of the rezoning and Master Plan Amendment.

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

Mr. Sisk made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. Z-1-92 POWHATAN PLANTATION REZONING

WHEREAS, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Zoning Case No. Z-1-92 for rezoning approximately .57 acres from PUD-R, Planned Unit Development, Residential, to R-8, Rural Residential, on property identified as Parcel (1-19) on James City County Real Estate Tax Map No. (38-3); and

WHEREAS, the Planning Commission of James City County, unanimously recommended approval of Case No. Z-1-92.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-1-92, and accepts the voluntary proffers.

4. Case No. Z-10-91. Greensprings Plantation, Inc., Master Plan Amendment

Mr. R. Patrick Friel, Senior Planner, stated that Ms. Deborah Lenceski, of Langley and McDonald, had applied on behalf of Greensprings Plantation, Incorporated to amend a previously approved master plan and proffers on approximately 1,402 acres, zoned R-4, Residential Planned

Community, located north of John Tyler Highway and south of the intersection of Brick Bat Road and Centerville Road, future identified as Parcel (1-1) on James City County Real Estate Tax Map No. (46-1).

Mr. Friel briefly explained that the proposed master plan amendment would reduce dwelling units from 1,750 to 1,453 and add two 18-hole golf courses and related facilities. He further addressed: road improvements to existing Route 5 or consideration of a Route 5 diversion concept; density; greenbelts; conservation and recreation areas; surrounding development; and, fiscal impact.

In concurrence with staff, the Planning Commission unanimously recommended approval of the rezoning and master plan amendment for the following reasons: The project is less intense than the approved project, is sensitive to environmental and archaeological issues, provides adequate buffering, recreation opportunities, sufficient public use areas and is consistent with surrounding development; preserves the alignment for Route 5 diversion; fiscal impact is more fiscally advantageous to the County than the approved master plan; and, with proffers, meets overall intent of Comprehensive Plan.

The Board asked questions regarding the height limit of buildings, higher water salinity if withdrawal from Powhatan Creek, permits would be required from State agencies for water withdrawal, when would cash contribution be made for road construction, completed date of phasing plan, and no impact on schools if time shares were built.

Mr. Edwards opened the public hearing.

1. Mr. Vernon Geddy, Esq., detailed the proposed project and emphasized improvements to the proffers. He stated approval was requested to ensure the golf course construction would be completed during this year's season.

The Board asked if a two-week delay would affect the timing of the golf course construction; number of time shares planned; and, about funding options for Route 5 diversion.

Mr. Geddy responded that a two-week delay was acceptable; times share total was around 500; and, funding for Route 5 diversion was being discussed.

2. Mr. George Wright, of the Historic Route 5 Association, requested that the Board require the Alternate Route 5; restrict buildings to three stories in height; consider relocation of 50,000 square feet of retail space on Route 5; and, consider whether the quality of the area can be maintained in future years.

3. Ms. Carolyn Lowe, 50 Summer East, stated concerns for impact of development, relocation of Route 5 and runoff from application of pesticides and fertilizers on the environmentally sensitive area of Powhatan Creek and swamp.

The Board discussed widening of Route 5 or construction of alternate Route 5; funding for road construction; height limit of multistory buildings; withdrawal of water from Powhatan Creek; regulations on water use and records kept of pesticides usage; and, environmentally sensitive issue of plant life.

With Board agreement, Mr. Edwards deferred the case until the May 18, 1992, Board of Supervisors' meeting.

Mr. Edwards declared a break at 8:40 p.m.

Mr. Edwards reconvened the Board at 9:02 p.m.

5. Ordinance Amendment, Chapter 6, Fire Protection, Article I, Section 6-3.1, Leaf Burning

Mr. Richard M. Miller, Fire Chief, stated that the proposed Ordinance would limit open burning of leaves except in zoned A-1 area and would prohibit leaf burning between March 1 and May 15 of each year except between the hours of 4:00 p.m. and 12:00 p.m.

Staff recommended approval.

Board discussion regarding leaf pickup by vacuum trucks, increased leaf pickup by County, and the term "leaf burning" to cover burning of all organic materials, followed.

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

Ms. Knudson made a motion to approve the Ordinance amendment.

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

6. Ordinance Amendment, Chapter 6, Fire Protection, Article I, Section 6-3, Fireworks

Mr. Miller stated that the proposed Ordinance was to impose a fee on fireworks of \$50 per event or \$100 for an annual permit for multiple events to cover costs associated with those events.

Staff recommended approval.

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

Mr. Sisk made a motion to approve the Ordinance amendment.

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

7. Case No. Z0-1-92. Zoning Ordinance Amendment/ Residential Planned Community, R-4; Multifamily Residential, R-5; and Manufactured Home Subdivision Districts, R-7

Mr. Friel stated that changes to the Ordinance on Residential Planned Community, R-4, Multifamily Residential, R-5 and Manufactured Home Subdivision Districts, R-7 were formulated by the Planning Commission's Residential Districts Subcommittee, Martin Garrett, Wallace Davis and Donald Hunt.

The Board discussed open space requirements, increased number of plans required for submittal, and elimination of Manufactured Home Subdivision Districts, R-7.

In concurrence with staff, the Planning Commission unanimously recommended approval of the Ordinance amendment.

Mr. Edwards opened the public hearing.

1. Mr. Paul Small, of AES, stated concerns with golf courses counted as 40 percent of open space requirement and deletion of roads and parking areas considered as open space.

Mr. Edwards closed the public hearing.

Mr. DePue made a motion to unstrike the sentence on Page 15 of the Ordinance "For the purpose of this section only, required open space may also include roads and parking areas" and add "unpaved areas within" to read "...may also include unpaved areas within roads and parking areas."

On a roll call, the vote was: AYE: DePue, Taylor (2). NAY: Sisk, Knudson, Edwards (3).

Mr. Taylor made a motion to change the wording on Page 15 of the Ordinance from "...maximum of forty percent of the required open space" to read "...maximum of sixty percent of the required open space."

On a roll call, the vote was: AYE: DePue, Taylor, Sisk (3). NAY: Knudson, Edwards (2).

Mr. Edwards made a motion to approve the Ordinance as amended.

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

8. Case No. Z0-2-92. Zoning Ordinance Amendment, Chapter 20, Article IV, Business Districts

Ms. Elizabeth R. Sullivan, Senior Planner, stated that changes to the Ordinance on LB, Limited Business and B-1, General Business were formulated by the Planning Commission's Business Subcommittee, Alexander Kuras, Willafay McKenna and Martin Garrett to bring the Ordinance into conformance with the Comprehensive Plan.

In concurrence with staff, the Planning Commission unanimously recommended approval of the Ordinance amendment.

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

Mr. DePue made a motion to approve the Ordinance amendment.

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

9. Case No. ZO-3-92. Zoning Ordinance Amendment, Chapter 20, Article IV, Mixed Use

Mr. Trenton L. Funkhouser, Senior Planner, stated that a Mixed Use Ordinance was developed by the Planning Commission's Subcommittee of A.G. Bradshaw, Victoria Gussman and John Hagee to encourage variety and compatibility in land use planning and design as shown in the Comprehensive Plan.

In concurrence with staff, the Planning Commission unanimously recommended approval of the Ordinance amendment.

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

Mr. Taylor made a motion to amend Section 20-200 (7) from forty percent to sixty percent.

On a roll call, the vote was: AYE: DePue, Taylor, Sisk (3). NAY: Knudson, Edwards (2).

Ms. Knudson made a motion to approve the Ordinance.

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

10. Case No. Zo-4-92. Zoning Ordinance Amendment, Chapter 20, Article IV, R-2, General Residential District, Major Subdivision Definition

Mr. Sowers stated that the amendment added language to definition of the term "major subdivision."

In concurrence with staff, the Planning Commission unanimously recommended approval of the Ordinance amendment.

Mr. Edwards 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: DePue, Taylor, Sisk, Knudson, Edwards (5). NAY: (0).

11. Case No. Zo-5-92. Zoning Ordinance Amendment, Chapter 20, Article IV, R-2 Sewer Waiver

Mr. Sowers stated that the proposed amendment would allow the Board to grant a waiver from public sewer connection requirement for duplexes provided certain criteria are met.

In concurrence with staff, the Planning Commission, by a 5-4 vote, recommended approval of the Ordinance amendment.

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

Mr. Sisk made a motion to approve the Ordinance amendment.

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

F. **BOARD CONSIDERATION**

1. Ordinance Amendment, Chapter 8, Health and Sanitation, Landfill User Fees

Mr. Sanford B. Wanner, Assistant County Administrator, stated that the amendment would increase the landfill tipping fee from \$33 per ton to \$37 per ton as proposed as part of the FY 1993 Operating Budget.

Staff recommended approval.

Mr. DePue made a motion to approve the Ordinance amendment.

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

2. FY 1993 Budget Appropriation

Mr. Walter C. Schmidt, Assistant Manager of Financial and Management Services, stated that the appropriation incorporated the proposed budget amended by the Board during budget work sessions.

The Board individually expressed appreciation and thanks to staff and the Task Force on County Financial Planning for their hard work during a difficult budget process.

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O NRESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 1992, and ending June 30, 1993, for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein and to set tax rates on real estate, tangible personal property and machinery and tools to provide certain revenue in support of those appropriations.

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

1. The following amounts are hereby appropriated in the General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND EXPENDITURES

Legislative Services	\$ 466,957
Administrative Services	599,398
Elections	131,602
Financial Administration	1,390,873
General Services	1,289,700
Development Management	1,929,152
Judicial Administration	528,746
Public Safety	6,057,444
Community Services	1,553,489
Education	24,195,184
Public Health and Welfare	1,137,588
Contributions	944,166
Nondepartmental	477,001
Contributions - Capital Projects	<u>1,150,000</u>
Total General Fund Expenditures	<u>\$41,851,300</u>

The appropriation for education includes \$20,927,778 as a contribution to the Williamsburg-James City County Schools.

GENERAL FUND REVENUES

General Property Taxes	\$27,147,900
Other Local Taxes	7,190,000
Licenses, Permits and Fees	2,827,000
Fines and Forfeitures	120,000
Revenue from Use of Money and Property	848,900
Revenue from the Commonwealth	3,616,200
Revenue from the Federal Government	2,100
Charges for Current Services	47,300
Miscellaneous Revenues	<u>51,900</u>
Total General Fund Revenues	<u>\$41,851,300</u>

2. That the tax rates be set on the following property for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 Assessed Value	\$.73
Tangible Personal Property on each \$100 Assessed Value	4.00
Machinery and Tools on each \$100 Assessed Value	4.00

3. That the following amounts are hereby appropriated for the funds as indicated in the amounts as shown below:

CAPITAL PROJECTS FUND

Revenues:

Contribution - General Fund	\$1,150,000
Other Revenues	1,188,000
Prior Year Fund Balance	750,145
Debt Financing	711,000
City of Williamsburg	<u>280,000</u>
Total Capital Projects Fund Revenues	<u>\$4,079,145</u>

Expenditures:

Schools	\$1,430,820
Recreation	92,500
Public Safety	735,000
Development Projects	686,000
Community Services	150,000
General	<u>984,825</u>
Total Capital Projects Fund Expenditures	<u>\$4,079,145</u>

DEBT SERVICE FUND

Beginning Fund Balance	<u>\$6,117,796</u>
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Revenues:

From General Fund - Schools	\$3,250,556
Interest on Bond Proceeds	<u>410,000</u>
Total Debt Service Fund Revenues	<u>3,660,556</u>
Total Revenues and Fund Balance	<u>\$9,778,352</u>
Current Year Expenditures	<u>\$3,909,792</u>

Transfer to Capital	<u>1,000,000</u>
Ending Fund Balance	<u>\$4,868,560</u>

VIRGINIA PUBLIC ASSISTANCE FUNDRevenues:

From the Federal Government/Commonwealth	\$1,095,482
From the General Fund	469,256
Grant	142,556
Received From Public Health	25,236
Fund Balance	<u>81,829</u>

Total Virginia Public Assistance Fund Revenues	<u>\$1,814,359</u>
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Expenditures:

Administration and Assistance	<u>\$1,814,359</u>
Total Virginia Public Assistance Fund Expenditures	<u>\$1,814,359</u>

COMMUNITY DEVELOPMENT FUNDRevenues:

General Fund	\$ 146,578
Grants	489,004
Generated Program Income	<u>276,490</u>

Total Community Development Fund Revenues	<u>\$ 912,072</u>
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Expenditures:

Administration and Programs	<u>\$ 912,072</u>
Total Community Development Fund Expenditures	<u>\$ 912,072</u>

4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.

5. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors. There will be a three (3) percent general employee salary and wage increase granted effective July 1, 1992. No merit increase will be granted to employees in Fiscal Year 1993.

3. Sign Ordinance

Mr. Sowers stated that the Board of Supervisors, at the April 6, 1992, Board of Supervisors' meeting, requested responses to comments made by the Board. Mr. Sowers identified 3 concerns: Greenbelt signs, Window signs, and Banners. He asked the Board for its direction on how to proceed.

The Board agreed to Mr. DePue's request that the Greenbelt portion be delayed until the May 18, 1992, Board of Supervisors' meeting so additional information can be reviewed.

The Board unanimously agreed to retain the Window sign portion of the Ordinance unchanged.

Mr. Taylor made a motion to send to Planning Commission language that would approve banner permits for advertising special sales or promotions twice per calendar year.

On a roll call, the vote was: AYE: DePue, Taylor, Sisk (3). NAY: Knudson, Edwards (2).

4. VPSA School Bond, Roberts District Elementary School

Mr. John E. McDonald, Manager of Financial and Management Services, stated that approval of the resolution would affirm the Board's previous actions approving the issuance of \$3,610,000 in bonded indebtedness through the Virginia Public School Authority for new elementary school in Roberts District.

Staff recommended approval of the resolution.

Mr. Edwards made a motion to approve the resolution.

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

6. PUBLIC COMMENT

1. Mr. Frank Sellinger, 29 Mile Course, questioned why budget monies were held over from year to year.

Mr. McDonald responded that surplus from individual departments were redirected for the Board's consideration of allocations during the next budget year.

2. Mr. Jay Everson, 130 Oslo Court, stated that some competitive businesses display signs during the weekend when government offices are closed.

3. Mr. Wilford Kale, Bureau Chief of Richmond-Times Dispatch, Williamsburg office, announced his transfer to Richmond and expressed appreciation for the help of the Boards, County Administrators and staff over the past 21 years.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David B. Norman, County Administrator, recommended an executive session pursuant to Section 2.1-344(a)(1) of the Code of Virginia to consider a personnel matter, the appointment of individuals to County Boards and/or Commissions. He also requested scheduling a work session to discuss transportation district improvement for Route 5.

After a brief discussion, Mr. Edwards set the meeting for Wednesday, May 13, 1992, 5:00 p.m., Building C Board Room, and recommended the Board/Commission appointment be considered at an executive session pursuant to Section 2.1-344(a)(1) of the Code of Virginia to consider a personnel matter, evaluation, scheduled for Tuesday, May 12, 1992, at 5:00 p.m.


Mr. DePue asked to schedule individual meetings with the Board members for the James River Commerce Center Committee.

I. BOARD REQUESTS AND DIRECTIVES - None

Mr. Edwards made a motion to recess until 5:00 p.m., May 12, 1992.

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

The Board recessed at 10:55 p.m.


David B. Norman
Clerk to the Board



Emergency Home Repair Program
1993 Fiscal Year

Application Cover Sheet

I. APPLICANT INFORMATION:

Name James City County
Check One: Non-Profit _____ Unit of Local Government X

Executive Director or Chief Administrative Officer:

Name and Title David Norman, County Administrator

Address PO Box JC

Williamsburg, VA 23187

Telephone (804) 253-6605

Contact Person (if other than named above):

Name and Title Richard Hanson, Community Development Administrator

Telephone (804) 565-6814

City Manager(s)/County Administrator(s):

Name David Norman, County Administrator

Address Same as above

Proposed Service Area:

James City County

Planning District(s) # 23

II. AMOUNT OF REQUEST (maximum request \$7,500 each source):

Repair Funds: \$ 7,500.00 Energy Funds: \$ 7,500.00

III. CERTIFICATION:

My signature below certifies that the information contained in this application and supporting documentation is correct and complete to the best of my knowledge.



Signature of Authorized Representative

4/30/92

Date

VIRGINIA HOUSING PARTNERSHIP
EMERGENCY HOME REPAIR PROGRAM

LOCAL ADMINISTRATOR

CERTIFICATIONS/ASSURANCES BY THE AUTHORIZED REPRESENTATIVE

I, David B. Norman, Authorized Representative of James City County, certify that the Local Administrator will oversee and monitor the use of funds received under this program as required by the Department of Housing and Community Development and the laws of the Commonwealth of Virginia.

I certify that the Local Administrator will comply with all program requirements set forth in the Emergency Home Repair Program Application Manual 1993 Fiscal Year, and will:

- (1) Require that emergency home repair services be provided on a non-discriminatory and non-religious basis;
- (2) Require that a Home Repair Agreement be executed between the Local Administrator and the property owner for each housing unit which is to receive assistance;
- (3) Assure that the Emergency Home Repair Program will operate on a not-for-profit basis; and
- (4) Assure that State Emergency Home Repair Program Funds will be matched dollar for dollar.

David B. Norman, James City County Administrator
Name and Title of Authorized Representative

David B. Norman
Signature

4/30/92

Date

CHAMBREL AT WILLIAMSBURG

PROFFERS

These PROFFERS are made as of this 28th day of April
_____, 1992 by WILLIAMSBURG-OXFORD LIMITED PARTNERSHIP, a
Maryland limited partnership ("Owner").

RECITALS

A. Owner is the owner of certain real property in James City County, Virginia containing approximately 57.7 acres and being more particularly described on Exhibit A hereto (the "Property").

B. The Property is now zoned PUD-R, Planned Unit Development Residential, with conditions, and a Master Plan for the Property (the "Original Master Plan") was approved in connection with such zoning.

C. Owner has applied for an amendment of the Original Master Plan pursuant to Sections 20-215(b) and 20-15 of the County Zoning Ordinance, and in connection therewith desires to make these Proffers (which incorporate certain of the existing Master Plan conditions).

NOW, THEREFORE, in consideration of the County of James City granting the requested amendment to the original Master Plan and pursuant to Section 15.1-491.2:1, et seq., of the Code of Virginia, 1950, as amended, and Section 20-15 of Chapter 20 of the James City County Code, the Owner agrees that in addition to the regulations provided for in the PUD-R zoning district, it shall meet and comply with the following additional conditions on

the development of the Property. If the County fails to grant the requested amendment to the Original Master Plan, these Proffers shall thereupon be void and the Original Master Plan, with conditions, shall remain in full force and effect.

CONDITIONS

1. Use. The area of approximately 5 acres with the PUD-R Master Plan Area Designation "I" shall be used only for a nursing home (as defined in the County Zoning Ordinance) and/or a care facility for non-ambulatory adults who require a higher level of care than can be provided at the existing Chambrel at Williamsburg facility under its state license but who do not yet require the full skilled care provided in a nursing home, for example, non-ambulatory individuals who require assistance with dressing, grooming, medication monitoring and similar activities, with a maximum of 120 beds and for uses and structures accessory thereto.
2. Emergency Access. There shall be an emergency access road from the proposed nursing home to Carriage Road in the general location shown on the Amended Master Plan and approved by the Fire Chief. Owner shall install a fence or other barrier acceptable to the Fire Chief across such access road to insure it is used only by emergency vehicles. Owner shall install landscape planting, as approved by the Development Review Committee and at a minimum meeting the planting standards set forth in Section 20-14 of the Zoning Ordinance, adjacent to the emergency access at the boundary of the Property at the request

of the Development Review Committee in the site plan approval process. Owner shall minimize to the extent feasible the removal and clearing of existing woods in the construction of the emergency access road. The aforementioned road, fence and landscape planting shall only be required to be installed concurrently with the construction of the work described in 1 above.

3. Stormwater Management. Owner shall construct a stormwater management dry detention basin in the ravine located between Area B-1 and Area D and north of the Proposed Road shown on the Amended Master Plan. The basin shall be designed as an extended dry detention basin, design type 3 (24 hours) as shown in Table 2 of the 3-step BMP evaluation procedure used by the County. The basin shall be designed based on the watershed which currently drains to the proposed basin location. The basin shall be constructed concurrently with the construction of the improvements described in 1 above.

WITNESS the following signature.

Williamsburg-Oxford Limited Partnership
By: Oxford Investment Corporation,
Its Corporate General Partner

By: Richard R. Singleton
Richard R. Singleton, Sr. Vice Preside

State of Maryland
County of Montgomery, to with:

I, LINDA B. JONES, a Notary Public and for the Jurisdiction aforesaid, do hereby certify that RICHARD R. SINGLETON, whose name is signed to the forgoing writing bearing date on the 28th day of April, 1992, has acknowledged the same before me in the jurisdiction aforesaid.

GIVEN under my hand this 28th day of April, 1992.

My commission expires on: _____

LINDA B. JONES
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 1, 1993

Linda B. Jones
Notary Public

EXHIBIT A

DESCRIPTION OF THE REAL PROPERTY

PARCEL ONE: All that certain lot, piece or parcel of land situate, lying and being in James City County, Virginia, containing 50.36 acres as shown and set forth on a plat of survey entitled "PLAT OF PROPERTY STANDING IN THE NAME OF ANBOMA, INC., JAMES CITY COUNTY, VIRGINIA" dated 10-11-85, updated 11-13-85, made by Langley and McDonald, Engineers-Planners-Surveyors which plat is attached hereto and made a part hereof and which is recorded herewith and to which reference is here made for a more accurate description of the property herein conveyed.

Subject, however, to all restrictions and easements of record, if any, affecting said property.

Together with all and singular the buildings and improvements thereon the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Being the same property as that conveyed to Williamsburg-Oxford Limited Partnership from the Industrial Development Authority of the County of James City, by Deed dated December 2, 1985.

PARCEL TWO: [Easement] A perpetual non-exclusive easement from Monticello Avenue to PARCEL ONE described above over and across other property of Anboma, Inc. said easement being fifty feet (50') in width and being shown and set forth on a plat of survey entitled "PLAT OF INGRESS AND EGRESS EASEMENT FOR WILLIAMSBURG OXFORD LIMITED PARTNERSHIP, JAMES CITY COUNTY, VIRGINIA" dated 11-20-85 made by Langley and McDonald, Engineers-Planners-Surveyors, which plat is attached hereto and made a part hereof and to which reference is here made for a more accurate description of the easement herein conveyed.

Being the same easement as that granted to Williamsburg-Oxford Limited Partnership from the Industrial Development Authority of the County of James City by Deed dated December 2, 1985, intended to be recorded prior hereto.

The property over which this easement is granted is a portion of the property conveyed to Anboma, Inc. by Deed of Whitfield P. Richardson and A. B. Smith, Jr., et ux dated February 15, 1984 recorded in James City Deed Book 244, page 317 and by Deed of William R. Bland, Special Commissioner dated August 12, 1983 recorded in James City Deed Book 237, page 202.

and, in addition, the following parcel:

All that certain lot, piece or parcel of land situate, lying and being in the County of James City, Virginia, containing 3.11 acres set out and shown on a certain plat entitled "PLAT OF PROPERTY OF JOHN H. JIMMERSON, JAMES CITY COUNTY, VIRGINIA", dated July 26, 1984, updated 11-13-85, made by Langley & McDonald, Engineers-Surveyors-Planners, which plat is attached hereto and made a part hereof, and to which reference is here made for a more accurate description of the property herein conveyed.

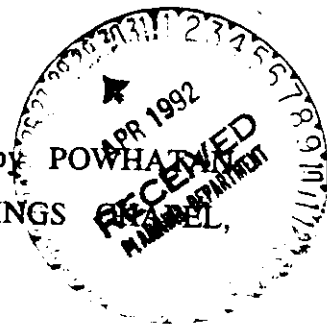
Being the same property as that conveyed to Williamsburg-Oxford Limited Partnership from the Industrial Development Authority of the County of James City by Deed dated December 2, 1985, intended to be recorded prior hereto.

And being the same property as that conveyed to John Jimmerson by Deed of W. T. Douglas, widower, dated December 11, 1951, recorded December 12, 1951, in James City Deed Book 46, page 107, and, further, it being the same property as that shown on James City County Tax Map (39-1) (1-137) and the same property conveyed to the Industrial Development Authority of James City County, Virginia by deed of John H. Jimmison, et ux recorded prior hereto.

This conveyance is made subject to the conditions, restrictions and easements of record, if any, affecting the said property.

VIRGINIA: City of Williamsburg and County of James City, to Wit:
In the Clerk's office of the Circuit Court of the City of Williamsburg and County of James City the 28th day of May, 1992 This Proffer was presented with certificate annexed and admitted to record at 12:47 o'clock
Teste: Helena S. Ward, Clerk
by [Signature]
Deputy Clerk

6/36
THESE PROFFERS were made this 28th day of April, 1992 by POWHATAN ASSOCIATES (a Joint Venture) "POWHATAN" AND GREENSPRINGS "CHAPEL" (collectively APPLICANTS)



WITNESSETH:

WHEREAS, Powhatan is fee simple owner of a tract of land situated in James City County, Virginia, being a portion of the Powhatan Plantation containing 250 acres, more or less and lying adjacent to and west of Route 615, Ironbound Road, as shown on the plan entitled "Master Lane Use Plan for Powhatan Plantation Resort" revision date 3/26/92, prepared by Rickmond Engineering, Inc.

WHEREAS, Powhatan has applied to COUNTY to change the zoning classification of 0.57 acre tract from PUD-R to R-8, and in order to transfer it to the Chapel.

WHEREAS, Applicants voluntarily tender these proffers in order to induce the COUNTY to grant the requested rezoning. These proffers shall become effective upon the grant of the requested rezoning.

NOW THEREFORE, in consideration of the approval of the above rezoning, and pursuant to Virginia Code Section 15.1-491.1, et. seq., and Section 20-18 of the James City County and other good and valuable consideration, Applicants agree and proffer that it will comply and/or meet the following conditions:

1. A greenbelt buffer will be maintained 40' off the front property line for the 0.57 acre parcel. From the existing southeastern property corner of the Greensprings Chapel the 40' greenbelt for the 0.57 acre parcel will go approximately 44' in a westerly direction along the Greensprings Chapel property line; thence approximately 67' in a southerly direction; thence approximately 40' in an easterly direction; and thence approximately 68' in a northerly direction along the future Ironbound Road R-O-W to the southeastern property corner of the Greensprings Chapel as shown on "Plat of Church Known as Greensprings Chapel" dated 11/26/90 and revised 3/26/92 prepared by Rickmond Engineering, Inc.

2. Powhatan and/or Chapel shall plant 30 trees and 90 shrubs on the 0.57 acre parcel or in the alternative plant all perimeter landscaped areas of Greensprings Chapel, which is located on James City County Real Estate Tax Map No. (38-3), Parcel (1-19A), in accordance with the requirements of the James City County Zoning Ordinance Section 20-14(C)(2)(a). Existing planted trees in these areas will be counted as a planted tree.

This agreement shall bind and inure to the benefit of COUNTY and APPLICANT and their respective successors and assigns.

SEVERABILITY

Each condition or part thereof, is severable. The invalidity of a condition or part shall not affect the validity of the remainder.

WITNESS the following signatures:

POWHATAN ASSOCIATES (a Joint Venture)

By: BUSH CONSTRUCTION CORP. PARTNER

William B. Whitley, Jr. V.P.

COMMONWEALTH OF VIRGINIA,

James City County to wit:

The foregoing instrument was acknowledged before me this 29th day of April, 1992 by Elizabeth Beck

Elizabeth Beck
Notary

My Commission expires: Jan. 31, 1995

GREENSPRINGS CHAPEL

By: GREENSPRINGS CHAPEL

D. L. Atkins

COMMONWEALTH OF VIRGINIA,

James City County to wit:

The foregoing instrument was acknowledged before me this 29th day of April, 1992 by Elizabeth Beck

VIRGINIA: City of Williamsburg and County of James City, to wit:

Elizabeth Beck
Notary
day of May, 1992 This Proffer

My Commission expires: Jan. 31, 1995

was presented with certificate annexed and admitted to record at 1:50 o'clock

Teste: Helene S. Ward, Clerk

by Elizabeth Beck
Deputy Clerk

MAY 4 1992

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 9A-5

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 6, FIRE PROTECTION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, FIRE PREVENTION CODE, BY ADDING SECTION 6-3.1, BURNING LEAVES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 6, Fire Protection, is hereby amended and reordained by adding Section 6-3.1, Burning leaves.

Chapter 6. Fire Protection

Article I. Fire Prevention Code.

Section 6-3.1. Burning leaves.

(a) *Notwithstanding any other provision of this Code, it shall be unlawful for any person to burn leaves in the open within the County except in those areas zoned A-1, General Agriculture; provided, however, even within A-1 areas, leaves shall not be burned in platted subdivisions consisting of five (5) or more lots, of which at least three (3) lots have occupied dwellings, or*

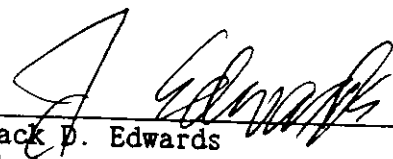
Ordinance to Amend and Reordain
Chapter 6. Fire Protection
Page 2

in manufactured home parks. In those areas where leaf burning is otherwise permitted, it shall be unlawful for any person to burn leaves during the period beginning March 1 and ending May 15 of each year, except between the hours of 4:00 p.m. and 12:00 midnight.

(b) Leaf burning performed in an area permitted in paragraph (a) shall comply with any applicable provisions of State law and this article.

State law references - Code of Virginia, Sections 27-97 and 10.1-1142.

Ordinance to Amend and Reordain
Chapter 6. Fire Protection
Page 3


Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

SUPERVISOR	VOTE
DEPUE	AYE
TAYLOR	NAY
SISK	AYE
KNUDSON	AYE
EDWARDS	AYE

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

2039U

MAY 4 1992

ORDINANCE NO. 9A-6

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 6, FIRE PROTECTION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, FIRE PREVENTION CODE, BY AMENDING SECTION 6-3, AMENDMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 6, Fire Protection, is hereby amended and reordained by amending Section 6-3, Amendments.

Chapter 6. Fire Protection

Article I. Fire Prevention Code


Section 6-3. Amendments.

(4) Section F-2700.2. Permit required is hereby amended to read:

A permit shall be obtained from the county administrator for the display or discharge of fireworks. Upon written application by an organization or association representing a fair or amusement park or by any organization or group of individuals to the county administrator, a permit may be issued for the display of fireworks provided that such display shall be held under proper supervision and at a location safe to persons and property. Such application shall be made at least 15 days in advance of the date of

display or discharge of the fireworks, and shall include a description of the types of fireworks to be displayed and the location to be used to ensure the safety of those in attendance. The permittee shall furnish a bond in the amount required by Section F-2701.2 of the Virginia Statewide Fire Prevention Code. A permit, when issued, shall be for a stated period. No such permit shall be issued by the county administrator to any organization or association or group of individuals unless the county administrator is satisfied that the display will be held at an appropriate site. A member of the fire department shall, prior to the issuance of such a permit, inspect the scene for its appropriateness for the display of fireworks and make a recommendation to the county administrator. The county administrator or an authorized member of the fire department may revoke any such permit during the display if such is conducted in any manner not in keeping with the application or in compliance with this section, and the display shall thereupon be immediately stopped.

In order to cover administrative and inspection costs, the applicant shall pay, prior to issuance of the permit, a fee of \$50.00 per event or \$100.00 for an annual permit to hold multiple events, during a calendar year, in the same location with similar fireworks, projectiles, launchers and height limits.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

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

2040U

MAY 4 1992

ORDINANCE NO. 31A-142BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 7, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, BY AMENDING SECTION 20-211, STATEMENT OF INTENT; SECTION 20-212, RESIDENTIAL PLANNED COMMUNITY DEFINED; SECTION 20-213, DOCUMENTS REQUIRED FOR SUBMISSION; SECTION 20-215, APPROVAL OF MASTER PLAN; RELATIONSHIP TO FINAL PLANS; AND SECTION 20-216, FINAL PLANS - SUBMISSION; CONTENTS GENERALLY; BY DELETING SECTION 20-220, CONVEYANCE OF LAND TO BOARD FOR PUBLIC PURPOSE; BY RENUMBERING SECTION 20-221, ADDITION OF LAND TO EXISTING COMMUNITY; SECTION 20-223, PERMITTED DENSITY WITHIN RESIDENTIAL AREAS; SECTION 20-229, EFFECT OF OTHER PROVISIONS OF ZONING AND SUBDIVISION REGULATIONS ON DIVISION; AND SECTION 20-230, SIGN REGULATIONS; BY RENUMBERING AND AMENDING SECTION 20-222, PERMITTED DENSITY OVERALL; SECTION 20-224, OPEN SPACE REQUIREMENTS; SECTION 20-225, PERMITTED USES; SECTION 20-226, LIMITATIONS; SECTION 20-227, UTILITIES; SECTION 20-228, STREET IMPROVEMENTS; AND SECTION 20-231, HEIGHT LIMITS; BY AMENDING DIVISION 8, MULTI-FAMILY RESIDENTIAL DISTRICT, R-5, BY AMENDING SECTION 20-241, STATEMENT OF INTENT; SECTION 20-242, PERMITTED USES; SECTION 20-243, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 20-244, MINIMUM SITE SIZE; SECTION 20-246, SETBACK REQUIREMENTS; SECTION 20-247, MINIMUM LOT WIDTH; SECTION 20-248, YARD REGULATIONS; SECTION 20-249, DENSITY REQUIREMENTS FOR TOWNHOUSES, APARTMENTS, AND CONDOMINIUMS; SECTION 20-251, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; AND SECTION 20-252, DENSITY BONUSES; AND BY DELETING DIVISION 10, MANUFACTURED HOME SUBDIVISION DISTRICT, R-7, BY DELETING SECTIONS 20-284 THROUGH 20-305; TO

ALLOW THESE DISTRICTS TO MORE CLOSELY CONFORM WITH THE ADOPTED COMPREHENSIVE PLAN IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF JAMES CITY COUNTY BY ENSURING THAT AN ADEQUATE SUPPLY OF DECENT, SAFE AND SANITARY HOUSING EXISTS FOR COUNTY CITIZENS AND TO MAINTAIN AND IMPROVE THE HIGH LEVEL OF ENVIRONMENTAL QUALITY IN THE COUNTY.

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 20-211, Statement of Intent; Section 20-212, Residential Planned Community Defined; Section 20-213, Documents Required for Submission; Section 20-215, Approval of Master Plan; Relationship to Final Plans; Amendments; and Section 20-216, Final Plans - Submission; Contents Generally; Variations from Approved Master Plan; by renumbering Section 20-220, Addition of Land to Existing Community; Section 20-222, Permitted Density Within Residential Areas; Section 20-228, Effect of other Provisions of Zoning and Subdivision Regulations on Division; and Section 20-229, Sign Regulations; by renumbering and amending Section 20-221, Permitted Density Overall; Section 20-223, Open Space Requirements; Section 20-225, Permitted Uses; Section 20-225, Limitations; Section 20-226, Utilities; Section 20-227, Street Improvements; and Section 20-231, Height Limits; by amending Section 20-241, Statement of Intent; Section 20-242, Permitted Uses; Section 20-243, Uses Permitted by Special Use Permit Only; Section 20-244, Minimum Site Size; Section 20-246, Setback Requirements; Section 20-247, Minimum Lot Width; Section 20-248, Yard Regulations; Section 20-249, Density Requirements for Townhouses, Apartments, and Condominiums; Section 20-251, Requirements for Improvements and Design; and Section 20-252, Density Bonuses; by deleting Sections 20-284 through 20-305; to allow these

districts to more closely conform with the adopted Comprehensive Plan in order and to protect the public health, safety and welfare of the residents of James City County by ensuring that an adequate supply of decent, safe and sanitary housing exists for County citizens and to maintain and improve the high level of environmental quality in the County.

ARTICLE IV. DISTRICTS

DIVISION 7. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4.

Section 20-211. Statement of Intent.

This District is intended to permit development, in accordance with a Master Plan, of large, cluster-type communities in a manner that will protect and preserve the natural resources, trees, watersheds, contours and topographic features of the land, protect and enhance the natural scenic beauty and permit the greatest amount of recreational facilities by leaving large areas permanently open. Within such communities, the location of all improvements shall permit a variety of housing accommodations in an orderly relationship to one another with the greatest amount of open area, and the least disturbance to natural features *and to implement the policies and designations of the Comprehensive Plan.* A Planned Residential District may include a variety of residential accommodations and light commercial activity, but no industrial development is permitted.

Section 20-212. Residential Planned Community Defined.

For purposes of this Article, a residential planned community shall be a large, planned development consisting of 400 acres or more under a single ownership or control. The residential planned community is predominated by residential land uses and open space, but also contains such uses as

recreation centers, fire stations, schools and retail establishments which make the residential planned community largely self-sufficient. An important feature of the residential planned community is its emphasis on site planning and the retention of large, ~~natural~~ open areas.

Section 20-213. Documents Required for Submission.

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

(1) Application for rezoning.

(2) Master Plan, ~~24~~ *thirty* copies~~+~~, *ten* submitted with the application for rezoning with the balance of the required copies submitted at the request of staff in preparation for Planning Commission review.

(3) Community Impact Statement, ~~ten~~ *thirty* copies~~+~~, *ten* submitted with the application for rezoning with the balance of the required copies submitted at the request of staff in preparation for Planning Commission review.

The purpose of the Master Plan and Community Impact Statement is to set an overall population and development ceiling for the Planned Community, to determine off-site impacts of the development, and to identify the general arrangement of *internal* land uses ~~within it~~.

(b) Master Plan. The Master Plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 ~~thirty-six~~ by 40 ~~forty-eight~~ inches. It shall include:

- (1) An insert map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions or major landmarks.
- (2) A north arrow.
- (3) The location of existing property lines, watercourses or lakes, wooded areas and existing roads which are within or adjoin the property.
- (4) The approximate boundaries of each section, land use or density, a general circulation plan with an indication of whether streets are to be public or private, and the approximate location of recreation areas, sidewalks and other pedestrian access ways, common open space areas,

public facilities and areas proposed for dedication to public use within the project. Each residential section of the Master Plan shall be designated according to the following categories:

<u>Area Designation</u>	<u>Dwelling Type</u>
A	Single family
B	Two-family, multi-family structures containing three or four dwelling units, or townhouses
C	Multi-family structures less than three stories and containing more than four dwelling units
D	Multi-family structures of three or more stories and containing more than four dwelling units

The above designation shall be the highest and densest use to which such land may be put without amending the Master Plan. However, where the Planning Commission finds the project does not vary the basic concept or character of the planned community and where it does not exceed the maximum density permitted under Section 20-223, the Planning Commission may approve Final Plans for projects with lower densities or a lower category of uses than those shown on the Master

Plan without amending the Master Plan. Common open space shall be located *in a usable way and located* so as to enhance the living environment of the residential planned community. Generally this shall mean that the common open space shall be distributed throughout the community and not aggregated in large areas that provide little or no benefit to the individual uses or the community at large.

- (5) As marginal data it shall contain a table which shows, for each section or area of different uses, the use, approximate phasing, ~~approximate~~ *maximum* number of dwelling units and density for residential areas, square feet of floor space for commercial areas, and their acreage.
 - (6) Schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans.
 - (7) A statement on the guarantees and assurances to be provided for the maintenance of common open space, recreation areas, sidewalks, parking, private streets, and other privately owned but common facilities serving the project.
- c) Community Impact Statement. The Community Impact Statement shall describe the probable effects of the proposed development upon the community. At a minimum, it shall address the following topics:

- (1) Adequacy of existing public facilities and services to serve the development. Analysis shall be made of sewer, water, schools, fire stations and other major locally financed facilities.;
- (2) Additional on-site and off-site public facilities or services which would be required as a result of the development.;
- (3) ~~Traffic to be generated by the development, the capacity of surrounding roads, specific road improvements necessary.~~

A 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. Such study shall address projected traffic generation; internal and external traffic; turning movements and distribution at each access point; traffic distribution; capacity of surrounding roads; and road and access improvements;

- (4) Fiscal impact of the proposed development, such as estimated tax revenues to be generated versus the cost of public improvements to be financed by the County or the State. *Such study shall be prepared by an individual or firm qualified to conduct a fiscal impact analysis in a manner and form acceptable to the Planning Director;*

(5) Impact of construction and permanent changes in land use upon surrounding property, such as aesthetics, vegetation, stormwater drainage, noise and air or water pollution;
and

(6) Employment opportunities to be generated by the development.

Section 20-215. Approval of Master Plan; Relationship to Final Plans;
Amendments.

(a) *The procedures for approval of a Master Plan shall be as specified in the procedures for public hearing and consideration by the Planning Commission and Board of Supervisors shall be as set forth in Section 20-15. The Board of Supervisors, if it approves the Master Plan, may impose conditions to such approval.*

(b) The residential planned community shall be established upon approval of the Master Plan by the Board of Supervisors. Thereafter, all amendments to the Master Plan shall be in accordance with Section 20-15 of this Chapter. Approved final plans, provided for in Section 20-216, shall supersede the Master Plan and schematic plans. The Zoning Administrator shall not issue a temporary Certificate of Occupancy or Certificate of Occupancy until the applicant has guaranteed the completion of public improvements, including but not limited to public roads, public water and public sewer facilities, shown on the final

plan by providing either a letter of credit, certified check, cash escrow, cash payment, or other surety, approved by the County Attorney.

Section 20-216. Final plans—Submission; Contents generally; *Variations from approved Master Plan.*

~~Following the establishment of a residential planned community, and approval of the Board of Supervisors of a Master Plan therefore, the applicant may furnish the Planning Commission, seven (7) copies of a final plan of any part or section of the community shown on the Master Plan. The~~ term "final plan" shall mean site plan or subdivision plat. Final plans shall be submitted for review in accord with Article II of this Chapter or with the County's Subdivision Ordinance, whichever is applicable. The final plans shall be consistent with the Master Plan as approved, but may vary to any degree which the Planning Commission believes does not vary the basic concept or character of the development.

~~Section 20-220. Conveyance of Land to Board for Public Purposes.~~

~~It shall be the obligation of the applicant, upon the approval of the Master Plan, to convey to the Board of Supervisors or its designee such lands as may be required herein. Prior to the recordation of any subdivision plat or the issuance of any building permit within any area designated on the Master Plan, the applicant shall, upon request of the~~

~~Board of Supervisors, furnish a deed or deeds, without consideration, to such amount or amounts of land as may be determined by the Board of Supervisors to be reasonably required as sites for additional or expanded public services, including, but not limited to education, fire protection and municipal functions, the need for which services has been or is reasonably anticipated in the future to be occasioned by the development of the residential planned community. The land or lands to which a deed or deeds is to be furnished hereunder may be selected by the applicant, but must be suitable from the standpoint of size, location and topography to the public purposes for which required. The amount of land required to satisfy the requirements of this Section shall be not more than four acres per 1,000 population, computed by reference to the maximum density permitted under the Master Plan. The obligation imposed upon applicant by this Section may be satisfied in whole or in part by written agreement between applicant and the Board of Supervisors. Failure of the applicant to comply with the requirements shall be grounds for withholding approval of any pending or future final plan.~~

Section 20-221 0. Addition of Land to Existing Community.

- (a) Additional land area may be added to an existing residential planned community if it is adjacent (except for public roads) and forms a logical addition to the existing residential planned community and if it is under the same ownership or control.

- (b) The procedure for an addition shall be the same as if an original application were filed, and all of the requirements of this Article shall apply, except the minimum acreage requirement of 400 acres.

Section 20-222 1. Permitted Density Overall.

The gross density of the total area of the planned residential community shall not exceed two dwelling units per acre.

For the purpose of calculating gross density, gross acreage shall equal the sum of the total developable area and up to thirty-five percent of the total area as calculated below:

Gross Acreage

Percentage of Nondevelopable Area

Gross Acreage

Less than 35%

Total area of parcel.

More than 35%

*Developable land plus up to
35% of the parcel's land.*

Developable area shall consist of the total land area of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a twenty-five percent gradient.

Section 20-223 2. Permitted Density Within Residential Areas.

The Master Plan shall designate the proposed dwelling unit densities within each residential area shown, according to the following categories:

Area <u>Designation</u>	<u>Dwelling Type</u>	Maximum Gross Density
		(dwelling units per acre)_____
A	single family	4
B	two-family, multi-family structures containing three or four dwelling units or townhouses	9.6
C	multi-family structures less than three stories and containing more than four dwelling units	12
D	multi-family structures of three or more stories and containing more than four dwelling units	18

Units for sale in condominium may be in any of the dwelling types listed above, and the number of dwelling units per acre shall be determined by the dwelling type.

Section 20-224 3. Open Space Requirements.

- (a) At least ~~40%~~ *forty percent* of the total acreage of the residential planned community shall be designated as open space. Such open space may include parks, lakes, walkways, trails, playground and recreation facilities, ~~golf~~ and sports facilities, nonresidential clubhouse grounds, and rights-of-way and surface easements for drainage and other utilities over areas not within the lines of any residential lot. *Golf Courses may also be counted as open space for the purpose of meeting this requirement to a maximum of sixty percent of the required open space.* ~~For the purposes of this section only, required open space may also include roads and parking areas.~~
- (b) The required open space shall contain recreation open space in the amount of one acre or more per ~~1,000~~ *population 350 dwelling units*. For the purposes of this section, recreational open space shall mean parks, playgrounds, swimming pools, tennis courts or other similar recreational facilities serving residents of the approved planned community.

Section 20-225 4. Permitted Uses.

In the Residential Planned Community District, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Single-family dwellings.

Two-family dwellings.

Townhouses and condominiums.

Apartments.

Rental of rooms to a maximum of three rooms.

Houses of worship.

Schools, libraries, fire stations, and post offices.

Parks, playgrounds, golf courses, tennis courts, swimming pools, and other public or private recreation areas.

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

Hunting clubs, conservation areas and preserves.

Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields.

Private clubs, civic or service clubs, lodges, and fraternal organizations.

Funeral homes, cemeteries, and memorial gardens.

Home occupations as defined.

Retail food stores, bakeries, and fish markets.

Dry cleaners and laundries.

Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores.

Photographer, artist, and sculptor studios.

Corporate, business, professional and governmental offices.

Barbershops and beauty shops.

Banks and other financial institutions.

Hospitals, nursing homes, and rest homes.

Doctor, dentist, and other medical clinics and offices.

Hotels, motels, tourist homes and convention centers.

Restaurants, fast food restaurants, tea rooms, and taverns.

Dinner theaters.

Indoor theaters, museums, public meeting halls, and outdoor entertainment, other than drive-in theaters.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement.

Automobile service stations with sale of fuel in accordance with Section 20-89.

Property maintenance facilities, sheds or garages.

Equipment storage and restroom facilities in conjunction with other permitted uses.

Accessory buildings or structures, as defined.

Public utilities: Poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities.

New or expansion of water impoundments for public or private use of less than ~~50~~ *fifty* acres and dam heights of less than ~~25~~ *twenty-five* feet.

Water impoundments for public or private use of more than ~~50~~ *fifty* acres and with dam heights of more than ~~25~~ *twenty-five* feet with a Special Use Permit.

Off-street parking as required by this Chapter.

Telephone exchanges and telephone switching stations.

All uses are subject to the limitations hereinafter provided.

Section 20-226 5. Limitations.

- (a) Commercial uses shall be located in well designed commercial areas of the residential planned community and shall be shown on the Master Plan and on pertinent final plans.
- (b) Not more than ~~20%~~ *twenty* percent of the total area shall be devoted to commercial uses in the residential planned community, and such commercial uses are to be limited to the areas designated on the Master Plan and on pertinent final plans.
- (c) Uses in a residential planned community shall be permissible only in the general location shown on the approved Master Plan as previously set forth.

Section 20-227 6. Utilities.

- (a) All development within the R-4 District shall be served by publicly owned and operated water and sewer systems.
- (b) Extensions and expansion of public utilities to serve the development shall be governed by the regulations and policies governing service of the appropriate public agency.
- (c) *Recreational maintenance facilities, maintenance facilities, temporary sales offices, temporary construction offices and accessory structures may be permitted to temporarily operate on individual well and septic systems provided the following is met:*
 - (1) *The structure shall not be within the minimum connection distance for public utilities as determined by the James City Service Authority;*
 - (2) *Individual wells shall be approved by the Health Department and the Director of Code Compliance prior to preliminary site plan approval;*
 - (3) *Individual septic tank systems shall be approved by the Health Department prior to preliminary site plan approval;*

(4) *The structure shall connect to public water within five years from the date of final site plan approval and shall be guaranteed by appropriate surety, letter of credit, cash escrow, or other form of guarantee approved by the County Attorney and the Director of Code Compliance. The structure shall connect to public utilities within thirty days of the date that such facilities are constructed within the minimum connection distance for public utilities as determined by the James City Service Authority; and*

(5) *No more than one structure served by an individual well and septic system shall be permitted at one time within a Planned Community.*

Section 20-228 7. Street Improvements.

(a) All dedicated public streets shown on the final plan shall meet the design and construction requirements of the ~~State~~ *Virginia Department of Highways* ~~and~~ *Transportation's* standards or the County Subdivision Ordinance, whichever is greater. Such public streets shall be coordinated with the major transportation network shown in the County Comprehensive Plan.

(b) Private streets may be permitted upon approval of the Board of Supervisors and shall be coordinated with existing or planned streets of both the Master Plan and the County Comprehensive

Plan. Private streets shown on the final plan shall meet the requirements of the ~~State~~ Virginia Department of Highways Transportation, except as specified in (d) below.

The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow, or other form of guarantee approved by the County Attorney and Director of Code Compliance.

- (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 17. 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, pre-planned 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 way be based upon soil tests for CBR value and erosion characteristics of the particular subgrade support soils in the area.

Section 20-229 8. Effect of other Provisions of Zoning and Subdivision Regulations on Division.

The provisions of this Division shall not be limited by any provision of any other part of the County Zoning or Subdivision Regulations inconsistent herewith.

Section 20-230 29. Sign Regulations.

To assure an appearance and condition which is consistent with the purposes of the Residential Planned Community District, R-4, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article VII of this Chapter, except that unique signing systems may be approved by the Planning Commission and the Board of Supervisors where such sign systems contribute significantly to the character of the Residential Planned Community. However, in no case shall the sign square foot size exceed the maximum allowed in Article VII of this Chapter. Home occupation signs shall not be permitted in the Residential Planned Community District.

Section 20-231 0. Height Limits.

Buildings may be erected up to 60 sixty feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions, but excluding those items listed in subsection (b) below.

- (a) A building in excess of 60 sixty feet in height but not in excess of 100 feet, from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, radio, television, and microwave antennas and towers or other accessory functions, but excluding those items listed in

subsection (b) below, may be erected only upon the granting of a height limitation waiver by the Board of Supervisors. Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:

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

- (b) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennas and home radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the wall rests.

Section 20-232 1 - Section 20-240. Reserved

DIVISION 8. MULTI-FAMILY RESIDENTIAL DISTRICT, R-5.

Section 20-241. Statement of Intent.

The Multi-Family Residential District, R-5, is composed of moderate to high density residential areas and other such areas where similar development is likely to occur. It is the purpose of this District to provide for a harmonious and orderly relationship between multi-family residential uses and lower density residential uses or nonresidential uses. A further purpose is to require that development within this District be adequately served by public facilities, and that adequate open space and recreational areas be provided for the use of residents and for buffering of adjoining property and to implement the policies and designations of the Comprehensive Plan.

Section 20-242. Permitted Uses.

In the Multi-Family Residential District, R-5, structures to be erected or land to be used shall be for the following uses held for rent, for sale by individual unit, or for sale in condominium:

~~Single-family dwellings~~

~~Two family dwellings.~~

~~Three family and four family dwellings.~~

~~Townhouses.~~

~~Apartments.~~

~~Accessory apartments in accord with Section 20-92.~~

~~Rental of one room.~~

~~Accessory buildings or structures as defined.~~

~~Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ballfields, tennis courts, and other similar recreation facilities.~~

~~Retail shops associated with community recreation facilities.~~

~~Golf courses, country clubs.~~

~~Houses of worship.~~

~~Schools, libraries and fire stations.~~

~~Marina, boat dock or waterfront recreational facilities.~~

~~Coin-laundries which are accessory to other residential uses and for the primary use of its residents.~~

~~Restaurants which are accessory to permitted private clubs or marinas.~~

~~Off-street parking as required by this Chapter.~~

~~Signs, as permitted by Article VII of this Chapter.~~

~~Water impoundments of less than 50 acres and with dam heights of less than 25 feet.~~

~~Day care and child care centers.~~

~~Residential cluster developments in accordance with Article IX of this chapter.~~

Accessory apartments in accord with Section 20-92.

Accessory buildings or structures as defined.

Apartments.

Coin laundries which are accessory to other residential uses and for the primary use of its residents.

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ballfields, tennis courts, and other similar recreation facilities.

Day care and child care centers.

Golf courses, country clubs.

Houses of worship.

Marina, boat dock or waterfront recreational facilities.

Off-street parking as required by this Chapter.

Rental of one room.

Retail shops associated with community recreation facilities.

Residential cluster developments in accordance with Article IX of this chapter.

Restaurants which are accessory to permitted private clubs or marinas.

Schools, libraries and fire stations.

Signs, as permitted by Article VII of this Chapter.

Single-family dwellings contained within a cluster development in accordance with Article IX of this chapter.

Three-family and four-family dwellings.

Townhouses.

Two-family dwellings.

Water impoundments of less than fifty acres and with dam heights of less than twenty-five feet.

Section 20-243. Uses Permitted by Special Use Permit Only.

In the Multi-Family Residential District, R-5, buildings to be erected or land to be used for the following or similar uses shall be permitted only after issuance of a Special Use Permit by the Board of Supervisors:

~~General hospitals, sanatoria, and rest homes.~~

~~Nursing homes and facilities for the residence and or care of the aged.~~

~~Home care facilities.~~

~~Professional and business offices located in the same structure as and in conjunction with multi family uses.~~

~~Governmental offices.~~

~~Temporary offices in accordance with Section 20-93.~~

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

~~Cemeteries and memorial gardens.~~

~~New or expansion of water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.~~

~~Rental of two or three rooms.~~

~~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.~~

~~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 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.~~

~~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.~~

~~Telephone exchanges and telephone switching stations.~~

Cemeteries and memorial gardens.

General hospitals, sanatoria, and rest homes.

Governmental offices.

Home care facilities.

Lodges, civic clubs, fraternal organizations, service clubs.

New or expansion of water impoundments for public or private use of fifty acres or more and a dam height of twenty-five feet or more.

Nursing homes and facilities for the residence and/or care of the aged.

Professional and business offices located in the same structure as and in conjunction with multi-family uses.

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 sixty-nine 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.

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 two or three rooms.

Single-family dwellings

Telephone exchanges and telephone switching stations.

Temporary offices in accordance with Section 20-93.

Section 20-244. Minimum Site Size.

The minimum site size for a multi-family district shall be 3 three acres.

Section 20-246. Setback requirements.

- (a) All single family dwellings and their accessory structures shall be located at least 35 thirty-five feet from the right-of-way of any peripheral street which abuts or borders the site and which has a right-of-way 50 fifty feet or greater

in width. If the street right-of-way is less than ~~50~~ *fifty* feet wide, such buildings and structures shall be located a minimum of ~~60~~ *sixty* feet from the center line of the street.

- (b) All other structures shall be located a minimum of ~~50~~ *fifty* feet from the right-of-way of any peripheral street which abuts or borders the site and has a right-of-way width of ~~50~~ *fifty* feet or more. In the event such street has a right-of-way width which is less than ~~50~~ *fifty* feet, such structures shall be located a minimum of ~~75~~ *seventy-five* feet from the center line of the street. An additional ~~25~~ *twenty-five* foot setback from peripheral roads identified on a functional classification shall be required for any structure which exceeds one story.
- (c) All structures shall be located a minimum of ~~25~~ *twenty-five* feet from any street which is internal to the project. Exceptions may be given for service drives, driveways, parking areas, alleys and cul-de-sac roads.
- (d) Off-street parking shall not be permitted within required setbacks, except that parking spaces for single family and two-family dwellings may be located within the required setback.

Section 20-247. Minimum Lot Width.

The minimum lot width measured at the setback line shall be ~~80~~ *eighty* feet for single family dwellings; 100 feet for a two-family dwelling on one lot; and ~~50~~ *fifty* feet for each unit of a two-family, three-family, or four-family dwelling where each dwelling unit is located on a separate lot; provided, however, the minimum lot width may be reduced to ~~20~~ *twenty* feet for interior unit lots where the units are constructed in a row. For all other principal uses there shall be no minimum lot width in the R-5 District.

Section 20-248. Yard regulations.

- (a) For developments containing ~~two-hundred~~ (200) or less dwelling units, all structures shall be located a minimum of thirty-five (~~35~~) feet from any property line which adjoins property in a multi-family residential district, a business district, an industrial district, an agricultural district which is designated for multi-family, commercial, or industrial use on the Comprehensive Plan, or public property. For developments containing more than ~~two-hundred~~ (200) dwelling units, all structures shall be located a minimum of fifty (~~50~~) feet from any property line which adjoins property in a multi-family residential district, a business district, an industrial district, an agricultural district which is designated for multi-family, commercial, or industrial use on the Comprehensive Plan, or public property.

- (b) For developments containing ~~two-hundred~~ (200) or less dwelling units, all structures shall be located a minimum of fifty ~~(50)~~ feet from any property line which adjoins property which is in a residential district other than the R-5, or in an agricultural district designated for low density residential or rural residential on the Comprehensive Plan. For developments containing more than ~~two-hundred~~ (200) dwelling units, all structures shall be located a minimum of seventy-five ~~(75)~~ feet from any property line which adjoins property which is in a residential district other than the R-5, or in an agricultural district designated for low density residential or rural residential on the Comprehensive Plan. The minimum yard requirement shall be increased by twenty-five ~~(25)~~ feet for any structures which exceed one story.
- (c) Off-street parking shall be excluded from the first forty ~~(40)~~ feet of yard nearest the property line.
- (d) Single family and two-family dwellings.

The minimum side yard for each single-family dwelling or two family dwelling shall be five feet. The minimum rear yard shall be ~~20~~ twenty feet. The minimum side and rear yards for structures accessory to single family or two-family dwellings shall be five feet for structures one story or less, and ten feet for structures exceeding one story.

The side and rear yards for any structure in excess of ~~35~~
~~thirty-five~~ feet shall be increased by one foot for each one
foot in height in excess of ~~35~~ ~~thirty-five~~ feet.

Section 20-249. Density Requirements for Townhouses, Apartments, and
Condominiums.

*No project shall have a gross density (including bonuses) of more
than twelve units per acre.*

*For the purpose of calculating gross density, gross acreage shall
equal the sum of the total developable area and up to thirty-five percent of
the total area as calculated below:*

Gross Acreage

Percentage of Nondevelopable Area

Less than 35%

More than 35%

Gross Acreage

Total area of parcel.

*Developable land plus
up to 35% of the
parcel's land.*

*Developable area shall consist of the total land area of the site
minus stream beds, areas subject to flooding, marsh and areas with slopes
exceeding a twenty-five percent gradient.*

The number of dwelling units which may be constructed shall be determined by the number of net developable gross acres at the site and the use proposed. ~~The net developable acres shall equal the total gross acres of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a 25% gradient.~~ The number of units which may be constructed are as follows:

DWELLING UNITS PER ACRE

<u>Number of units</u>	<u>Townhouses and Multi-family structures under three stories</u>	<u>Multi-family structures three stories or more</u>
1-100	8	10
101-200	7	9
Over 200	6	8

Property shall not be subdivided to circumvent this section, and project phases shall be considered one development.

Units for sale in condominium may be in townhouse or apartment-like structures and the number of dwelling units per acre shall be permitted accordingly. The densities specified above in this section shall not apply to two-, three-, and four-family dwellings.

Section 20-251. Requirements for improvements and design.

- (a) Sewer and water. All dwelling units within the Multi-Family Residential District, R-5, shall be served by publicly owned and operated sewer and water systems.
- (b) Open Space. At least thirty-five percent ~~(35)~~ of the gross area of the site shall be retained in open space as defined in Section 20-2.
- (c) Recreation. A playground area or areas with playground equipment shall be provided by the developer. Such areas shall be centrally located and total at least one-half acre for every ~~50~~ *fifty* dwelling units; provided, that the total shall not exceed ~~10%~~ *ten percent* of the gross area of the site. For multi-family projects with less than ~~50~~ *fifty* dwelling units, the recreation areas shall total ~~10%~~ *ten percent* of the gross acreage of the site. The developer shall provide and install playground equipment specified on the site plan prior to the issuance of any Certificates of Occupancy. Recreation areas and facilities may be deeded to a residents' association.
- (d) Utility lines. All utility lines, including electrical, telephone, and cable television, shall be placed below ground.

- (e) Parking. Off-street parking facilities shall be provided in accordance with Section 20-12 of this Chapter.
- ~~(f) Bicycle storage racks. Bicycle storage and parking racks shall be provided with a capacity of 0.5 space for each dwelling unit in townhouse, apartment, and condominium developments.~~
- ~~(g)~~ (f) Streets. All streets shall meet the design and construction requirements of the State Virginia Department of Highways and Transportation, or the requirements of the County Subdivision Regulations, whichever is greater. All streets shall be consistent with the major thoroughfare plan of the County Comprehensive Plan. The traffic generated by a Multi-Family 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 ~~seven (7) vehicle trips per day~~ the appropriate trip generation rate as listed in the latest edition of a book entitled Trip Generation published by the Institute of Transportation Engineers and compared to the existing traffic and road capacity as determined by the Highway Engineer. The construction of private streets shall be guaranteed by appropriate surety,

letter of credit, cash escrow or other form of guarantee approved by the County Attorney and Director of Code Compliance.

~~(h)~~ (g) Fire hydrants. Fire hydrants shall be at locations and of types approved by the Director of Code Compliance and County Fire Chief. No structure within the project shall be further than 400 feet from a hydrant.

~~(i)~~ (h) Trash collection. If containers are provided, they shall be conveniently located to serve all dwelling units. The sites for such containers shall be attractively screened by natural vegetation, landscaping or fences.

~~(j)~~ (i) Streetlights. Streetlights shall be provided, as required by Section 20-12(B)(5) of this Chapter and the County Subdivision Ordinance. All streetlights shall be specified on the site plan, generally at intersections and in parking lots and other public areas. The light shall be directed so as not to produce objectionable glare on adjacent property or into residences within the development. No lighting fixture on pedestrian or bicycle paths, or parking lots shall exceed a height of ~~15~~ fifteen feet.

~~(k) Site plan. -- A site plan for the project must be approved in accordance with Article II of this Chapter.~~

(1) (j) Building height. A building may exceed 35 ~~thirty-five~~ feet in height only upon the granting of a height limitation exemption by the Board of Supervisors. Upon application, the Board of Supervisors may grant a height limitation exception upon finding that:

- (1) Such building will not obstruct light from adjacent property;
- (2) Such building will not impair the enjoyment of historic attractions and areas of significant historic interest;
- (3) Such building will not impair property values in the surrounding area;
- (4) Such building is adequately designed and served from the standpoint of safety, and the County Fire Chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- (5) Such building would not be contrary to the public health, safety and general welfare.

- ~~(m)~~ (k) Maximum number of units and facade variety. A maximum of ten townhouse units shall be included in one structure. The facade of townhouses within a group shall be changed by variation in the depth of front yards, building materials and-or design, so that no more than two abutting units shall be of like appearance.
- ~~(n)~~ (l) Private yards. Each two-family dwelling unit and each townhouse unit shall open directly into a private yard of a minimum of 200 square feet.
- ~~(o)~~ (m) Minimum distances. The distance between two main structures on a single lot shall be a minimum of the height of the taller structure. Accessory structures shall be a minimum of 10 ten feet from any other structure.
- ~~(p)~~ (n) Drainage Facilities. Adequate facilities for the control of storm water, erosion and sedimentation shall be provided in accordance with the Virginia Erosion and Sediment Control Handbook and the Virginia Department of Highways and Transportation's Drainage Manual.
- ~~(q)~~ (o) Natural features and amenities. Existing features which would enhance the residential environment or the County as a whole such as trees, watercourses, historic spots and similar features shall be preserved to the maximum extent possible.

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

~~(s)~~ (q) Maintenance of common open space, recreation facilities, etc. The maintenance of common open space, recreation facilities, sidewalks, parking, private streets and other privately owned but common facilities serving the project shall be guaranteed by the developer, project owner or a properly established homeowners' association.

Section 20-252. Density Bonuses.

In order to encourage attractive architectural and site designs which are harmonious with adjoining property, to encourage the preservation of open space within and around higher density development, to encourage preservation and restoration of historic sites, and to encourage developers to go beyond the minimum standards of the Zoning Ordinance, the Planning Commission may

approve the following percentage increases of dwelling units where superior design offsets the problems which would otherwise be created. Density bonuses shall not exceed a maximum of an additional twenty percent ~~(20%)~~:

- (a) Setback bonus. For every 25 ~~twenty-five~~ feet of setback, in addition to the minimum required from the right-of-way of each peripheral road or adjoining property line which borders the site, 1.5 percent additional dwelling units may be added. Maximum additional setback on each side for which a bonus may be given shall be 100 feet or a maximum ~~6%~~ *six percent* bonus for each side of the site. The total setback shall be calculated from the right-of-way or property line to the nearest building on the site. For the purposes of calculation, the site is considered to have four sides. For irregularly shaped parcels, a flexible method of calculation may be used by the Planning Director so the total bonus shall not exceed ~~20%~~ *twenty percent* for this Section.
- (b) Recreation bonus. If the applicant designates, improves and fully develops recreational facilities in excess of the playgrounds required in Section 20-251(c) above, the Planning Director may recommend a bonus of ~~9%~~ *nine percent* additional dwelling units be granted. Such areas shall be conveniently located and consist of some combination of facilities such as tennis courts, large playgrounds, ball fields, swimming pools,

tot lots, bike trails or other like items. Recreation facilities for which a density bonus is granted shall be fully completed before any Certificates of Occupancy may be issued.

(c) Landscape design. If the applicant presents an unusually attractive and harmonious site plan and building design which retains, relates to and enhances the natural vegetation and terrain of the site or which proposes unusually extensive landscaping and planting of borders, entrances, recreation areas, street frontage, areas surrounding buildings or common open space, the Planning Director may recommend a bonus of ~~12%~~ *twelve percent* additional dwelling units be granted. In order to promote superior design, the award of this bonus shall be made only in cases where the design of the project is clearly superior to the design of typical projects of its type in the community and where the applicant goes beyond the minimum standards required by this Chapter.

(d) Public facilities. In the event a school, fire station, library, park or other public facility shown in the public facilities plan is proposed in or near the parcel, if the developer is willing to reserve a site suitable for the purpose intended and if the governing body is willing to acquire this site within ~~24~~ *twenty-four* months of the approval of the final site plan, the Planning Director may

recommend a bonus of 9% nine percent additional dwelling units be granted to the number of units allowable on the remainder of the parcel.

~~In addition to the 20% density bonus provided for above, the Board of Supervisors may award a density bonus not to exceed a maximum of 10% of the base number of units after a recommendation has been received from the Planning Commission. The award of this density bonus shall be made by the Board of Supervisors only in cases where extraordinary design features such as those listed in (a) through (d) are combined to provide a design clearly superior to typical projects of a similar nature in the community.~~

~~DIVISION 10. MANUFACTURED HOME SUBDIVISION DISTRICT, R-7~~

~~Section 20-284. Statement of Intent.~~

~~The Manufactured Home Subdivision District, R-7, is composed of manufactured home subdivisions, and certain open areas where similar development appears likely to occur. The regulations for this District are designed to stabilize and protect the essential characteristics of the District, to promote and encourage a suitable environment for family life and to limit activities of a commercial nature. To these ends, development is limited to manufactured homes placed on individual parcels and certain public and semipublic, institutional and other related uses.~~

~~Section 20-285. Permitted Uses.~~

~~In the Manufactured Home Subdivision District, R 7, structures to be erected or land to be used, shall be for the following uses:~~

~~Manufactured homes in accordance with Section 20-98.~~

~~Schools, libraries.~~

~~Houses of worship.~~

~~Fire stations.~~

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

~~Retail shops associated with community recreation facilities.~~

~~Golf courses, country clubs.~~

~~Home occupations.~~

~~Off street parking as required by this Chapter.~~

~~Accessory buildings or structures as defined.~~

~~Water impoundments of less than 50 acres and with a dam height of less than 25 feet.~~

~~Property maintenance facilities, sheds or garages.~~

~~Section 20-286. Uses Permitted by Special Use Permit Only.~~

~~In the Manufactured Home Subdivision District, R 7, structures to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors.~~

~~Home care facilities.~~

~~Lodges, civic clubs, fraternal organizations and service clubs.~~

~~Cemeteries and memorial gardens.~~

~~Day care and child care centers.~~

~~New or expansion of water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.~~

~~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 without a Special Use Permit.~~

~~Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and 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 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.~~

~~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.~~

~~Telephone exchanges and telephone switching stations.~~

~~Section 20-287. Area and Utility Requirements.~~

~~The minimum lot area shall be 7,500 square feet and all lots shall be served by public water and public sewer.~~

~~Section 20-288. Setback Requirements.~~

~~Structures shall be located a minimum of 25 feet from any street right of way which is 50 feet or greater in width, except that signs advertising sale or rent of property may be erected up to the property line. If the street right of way is less than 50 feet in width, structures shall be located a minimum of 50 feet from the center line of street. This shall be known as the "setback line", except that in subdivisions the following shall apply:~~

~~Where 40% or more of frontage on one side of a street within the same block is improved with buildings, no building shall project beyond the average front yard so established.~~

~~Section 20-289. Minimum Lot Width.~~

~~The minimum lot width at the setback line shall be 60 feet.~~

~~Section 20-290. Yard Regulations.~~

~~(a) Side. The minimum side yard for each main structure shall be ten feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of ten feet.~~

~~(b) Rear. Each main structure with its longest dimension perpendicular to the principal street frontage shall have a minimum rear yard of 20 feet. Each main structure with its longest dimension parallel to the principal street frontage shall have a minimum rear yard of 35 feet.~~

~~Section 20-291. Height Limits.~~

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

~~(a) The height limit for dwellings may be increased to 45 feet and to three stories, provided that there are two side yards for each permitted use, each of which is a minimum of ten feet, plus one foot or more of side yard for each additional foot of building height over 35 feet.~~

- (b) ~~A public or semipublic building such as a school, church, library or hospital may be erected to a height of 60 feet from grade, provided that the required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.~~
- (c) ~~Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennas and home radio aerials may be erected to a total height of 60 feet from grade.~~
- (d) ~~No accessory building which is within ten feet of any property 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 the 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 35 feet in height.~~

~~Section 20-292. Special Provisions for Corner Lots.~~

- (a) ~~Of the two sides of a corner lot, the front shall be deemed the shorter of the two sides fronting on streets.~~

~~(b) No structure shall be located closer than 25 feet to the side street.~~

~~(c) Corner lots in subdivisions shall have a minimum width at the setback line of 75 feet.~~


~~Section 20-293. Sign Regulations.~~

~~To assure an appearance and condition which is consistent with the purposes of the Manufactured Home Subdivision District, R-7, outdoor signs on the properties within the District shall comply with the regulations for exterior signs in Article VII of this Chapter.~~

~~Section 20-294. Minimum Site Size.~~

~~The minimum site size for a manufactured home subdivision district shall be 10 acres.~~

~~Section 20-295 Section 20-305. Reserved~~



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

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

7134a

ORDINANCE NO. 31A-143

MAY 4 1992

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 11, LIMITED BUSINESS DISTRICT, LB, BY AMENDING SECTION 20-307, PERMITTED USES; SECTION 20-308, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 20-314, HEIGHT AND BULK LIMITS; DIVISION 12, GENERAL BUSINESS DISTRICT, B-1, BY AMENDING SECTION 20-329, PERMITTED USES; SECTION 20-330, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND SECTION 20-336, HEIGHT AND BULK LIMITS; TO ALLOW THESE DISTRICTS TO MORE CLOSELY CONFORM TO THE ADOPTED COMPREHENSIVE PLAN.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-307, Permitted Uses; Section 20-308, Uses permitted by Special Use Permit Only; Section 20-314, Height and Bulk Limits; Section 20-329, Permitted Uses; Section 20-330, Use Permitted by Special Use Permit; and Section 20-336, Height and Bulk Limits; to allow these districts to more closely conform to the adopted Comprehensive Plan.

ARTICLE IV. DISTRICTS

DIVISION 11. LIMITED BUSINESS DISTRICT, LB.

Section 20-307. Permitted Uses.

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

~~Retail food stores, bakeries and fish markets.~~

~~Dry cleaners and laundries.~~

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

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

~~Restaurants, tea rooms, and taverns.~~

~~Banks and other financial institutions.~~

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

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

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

~~Office supply stores, secretarial and duplicating services.~~

~~Business, governmental and professional offices.~~

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

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

~~Lodges, civic clubs, fraternal organizations and service clubs.~~

~~Funeral homes.~~

~~Off street parking as required by this Chapter.~~

~~Day care and child care centers.~~

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

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

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

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

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

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

Banks and other financial institutions.

Business, governmental and professional offices.

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

Day care and child care centers.

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

Doctors, dentist and other medical clinics or offices.

Drug stores, barber shops and beauty shops.

Dry cleaners and laundries.

Feed, seed, and farm supply stores.

Funeral homes.

Health clubs, exercise clubs, fitness centers.

Lodges, civic clubs, fraternal organizations and service clubs.

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

Off-street parking as required by this Chapter.

Office supply stores, secretarial and duplicating services.

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

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

Restaurants, tea rooms, and taverns.

Retail food stores, bakeries and fish markets.

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

Section 20-308. Uses permitted by Special Use Permit Only.

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

~~Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.~~

~~Automobile service stations with sale of fuel in accordance with Section 20-89.~~

~~Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with the sale of fuel in accordance with Section 20-89.~~

~~Flea markets.~~

~~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 customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.~~

~~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, extensions for private connections to existing pipelines, which are intended~~

~~to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.~~

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

~~Railroad facilities including tracks, bridges, and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad 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.~~

~~Publicly owned solid waste container sites.~~

~~Telephone exchanges and telephone switching stations.~~

Automobile service stations with sale of fuel in accordance with Section 20-89.

Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.

Flea markets.

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

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with the sale of fuel in accordance with Section 20-89.

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

Public or private electrical substations, with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting sixty-nine 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, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.

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 customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.

Publicly owned solid waste container sites.

Railroad facilities including tracks, bridges, and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad 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.

Telephone exchanges and telephone switching stations.

Section 20-314. Height and Bulk Limits.

- (a) ~~Buildings~~ Structures may be erected up to thirty-five ~~(35)~~ feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions *which are part of or on top of the structure*, but excluding belfries, cupolas, ~~monuments, water towers,~~ chimneys, ~~flues,~~ and ~~flag-poles flues~~. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (b) All accessory structures shall be less than the main structure in height.
- (c) Building coverage shall not exceed 20% of the total lot area, and the floor area ratio shall not exceed 0.4.

DIVISION 12. GENERAL BUSINESS DISTRICT, B-1.

Section 20-329. Permitted Uses.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

~~Retail food stores, bakeries and fish markets,~~
~~Dry cleaners and laundries,~~

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

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

~~Restaurants, fast food restaurants, tea rooms, and taverns.~~

~~Banks and other financial institutions.~~

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

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

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

~~Automobile service stations, subject to the special requirements of this Chapter.~~

~~Hotels, motels, tourist homes, and convention centers.~~

~~Machinery sales and service (with storage and repair limited to a fully enclosed building).~~

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

~~Corporate, business, governmental, and professional offices.~~

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

~~Indoor theaters, museums, and public meeting halls.~~

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

~~Lodges, civic clubs, fraternal organizations and service clubs.~~

~~Funeral homes.~~

~~Cemeteries.~~

~~Gunsmith (excluding shooting ranges).~~

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

~~Wholesale and warehousing (with storage limited to a fully enclosed building).~~

~~Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with sale of fuel in accordance with Section 20-89.~~

~~Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.~~

~~Wholesale and retail marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution.~~

~~Radio and television stations, and accessory antenna or towers which are 60 feet or less in height.~~

~~Printing and publishing.~~

~~Off street parking as required by this Chapter.~~

~~Day care and child care centers.~~

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

~~Telephone exchanges and telephone switching stations.~~

~~Office supply stores, secretarial, and duplicating services.~~

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

~~Parking lots and garages.~~

~~Veterinary offices.~~

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

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

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

Automobile service stations, subject to the special requirements of this Chapter.

Banks and other financial institutions.

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

Corporate, business, governmental, and professional offices.

Day care and child care centers.

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

Doctors, dentist and other medical clinics or offices.

Drug stores, barber shops and beauty shops.

Dry cleaners and laundries.

Feed, seed and farm supply stores.

Funeral homes.

Gunsmith (excluding shooting ranges).

Health clubs, exercise clubs, fitness centers.

Hotels, motels, tourist homes, and convention centers.

Indoor theaters, museums, and public meeting halls.

Lodges, civic clubs, fraternal organizations and service clubs.

Lumber and building supply (with storage limited to a fully enclosed building or fully screened from view with a structural barrier approved by the Development Review Committee, located within the building setback area with a maximum height of twelve feet).

Machinery sales and service (with storage and repair limited to a fully enclosed building).

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with sale of fuel in accordance with Section 20-89.

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

Off-street parking as required by this Chapter.

Office supply stores, secretarial, and duplicating services.

Parking lots and garages.

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

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

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

Printing and publishing.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.

Radio and television stations, and accessory antenna or towers which are sixty feet or less in height.

Restaurants, fast food restaurants, tea rooms, and taverns.

Retail food stores, bakeries and fish markets.

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

Telephone exchanges and telephone switching stations.

Veterinary offices.

Wholesale and retail marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution.

Wholesale and warehousing (with storage limited to a fully enclosed building).

Section 20-330. Uses Permitted by Special Use Permit Only.

In the B-1, General Business District, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

~~Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.~~

~~Hospitals and nursing homes.~~

~~Antennas and towers in excess of 60 feet in height.~~

~~Campgrounds.~~

~~Drive-in theaters.~~

~~Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.~~

~~Design, research and evaluating laboratories.~~

~~Airports.~~

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

~~New or expansion of water impoundments for public or private use of 50 acres or more and dam heights of 25 feet or more.~~

~~Outdoor sport facilities.~~

~~Theme parks of ten acres or more.~~

~~Outdoor centers of amusement.~~

~~Petroleum storage.~~

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

~~Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).~~

~~Flea markets.~~

~~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 customer and which~~

~~are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.~~

~~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, extensions for private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.~~

~~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.~~

~~Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad 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.~~

~~Taxi Service.~~

~~Airports.~~

~~Antennas and towers in excess of sixty feet in height.~~

~~Campgrounds.~~

~~Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.~~

~~Design, research and evaluating laboratories.~~

Drive-in theaters.

Flea markets.

Hospitals and nursing homes.

Limousine service.

New or expansion of water impoundments for public or private use of fifty acres or more and dam heights of twenty-five feet or more.

Outdoor centers of amusement.

Outdoor sport facilities.

Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.

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 sixty-nine 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, extensions for private connections to existing pipelines, which are intended to serve an individual 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 customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.

Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad 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.

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

Taxi Service.

Theme parks of ten acres or more.

Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).

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

Section 20-336. Height and Bulk Limits and Height Limitation Waivers.

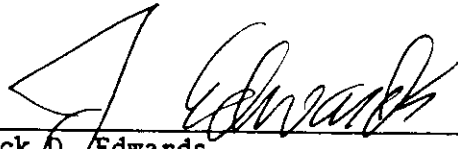
Buildings Structures may be erected up to 60 sixty feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure but ~~excluding those items listed in (c) below,~~ and in accord with the following criteria:

- (a) Building coverage shall not exceed 25% of the total lot area, and the floor area ratio shall not exceed .6. However, the floor area ratio may be increased to .75 if the additional floor area is used to provide indoor parking.
- (b) A ~~building structure~~ in excess of ~~60~~ sixty feet in height but not in excess of 100 feet from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions *which are part of or on top of the structure*, ~~but excluding those items listed in (c) below~~, may be erected only upon the granting of a height limitation waiver by the Board of Supervisors.

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

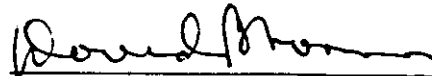
- (1) The aforesaid regulations regarding building coverage, floor area ratio and open space are met;
- (2) Such ~~building structure~~ will not obstruct light from adjacent property;
- (3) Such ~~building structure~~ will not impair the enjoyment of historic attraction and areas of significant historic interest;

- (4) Such ~~building structure~~ will not impair property values in the surrounding area;
 - (5) Such ~~building structure~~ is adequately designed and served from the standpoint of safety, and the County Fire Chief certifies the fire safety equipment to be installed is adequately designed, and the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
 - (6) Such ~~building structure~~ would not be contrary to the public health, safety or general welfare.
- (c) ~~Church--spires,--belfries,--cupolas,--monuments,--water--towers, chimneys,--flues,--flag--poles,--home--television--antennae--and--home radio--aerials--are--exempt.~~ Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (d) No accessory structure which is within ten ~~(10)~~ feet of any lot line shall be more than one ~~(1)~~ story high. All accessory structures shall be less than the main structure in height.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

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

7133a

ORDINANCE NO. 31A-141

MAY 4 1992

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

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

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

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

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

Section 20-190. Statement of Intent.

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

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

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

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

Section 20-191. Documents Required for Submission.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 20-193. Procedures.

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

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

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

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

Section 20-194. Development Plans.

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

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

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

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

Section 20-196. Minimum Area of Districts.

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

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

Section 20-197. Permitted uses.

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

1) Residential Uses

*Apartments.
Multiple Family dwellings.
Single Family dwellings.
Two Family dwellings.
Townhouses.
Accessory structures, as defined in Section 20-2.*

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

2) Nonresidential Uses

*Accessory structures, as defined in Section 20-2.
Antique stores.
Arts and Crafts stores.
Automobile rental.
Automobile repair and service including tire, transmission, glass, body and fender and other automotive products sales (new and/or rebuilt) and service with major repair under cover and storage of parts and vehicle storage screened from adjacent property by landscaping and fencing.
Automobile service stations, if fuel sold, then in accordance with Section 20-89.
Banks, credit unions, and other similar financial institutions.
Barbershops and beauty shops.
Book stores.
Cabinet and upholstery shops.
Candy stores.
Carpet stores.
Clubs, public or private, civic or service clubs, country clubs, lodges, and fraternal organizations.
Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities.
Contractor offices, equipment storage yards, shops and warehouses with storage under cover or screened with landscaping and fencing from adjacent property.
Convenience stores, if fuel sold, then in accordance with Section 20-89.
Corporate, business, professional and governmental offices.*

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

Manufacture and bottling of soft drinks and wine.

Manufacture and processing of textiles and textile products.

Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair and yarn.

Manufacture, compounding, processing or packaging of cosmetic, toiletry, and pharmaceutical products.

Manufacture of carpets and carpet yarns.

Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity.

Manufacture or assembly of appliances, tools, firearms, hardware products, and heating, cooling or ventilating equipment.

Manufacture or assembly of electronic instruments, electronic devices or electronic components.

Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments.

Music and record stores.

Office supply stores, secretarial and duplicating services.

Off-street parking as required by this Chapter.

Parking lots and garages.

Pet stores.

Photographer, picture, artist, and sculptor stores and studios.

Plant and garden supply stores.

Plumbing and electrical supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.

Printing, lithographing, engraving, photocopying, blueprinting, and publishing establishments.

Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.

Property maintenance facilities, sheds or garages.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement.

Public utilities: Poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities.

Rental of rooms to a maximum of three rooms in a single-family dwelling unit.

Research, development, and design facilities or laboratories

Restaurants, tea rooms, and taverns.

Retail food stores, bakeries, and fish markets.

Security service offices.

Schools, libraries, fire stations, and post offices.

Shoe stores.

Sporting goods stores.

Stamp and coin stores.

Tailor shops.

Taxi service.

Telephone exchanges and telephone switching stations.

Tobacco and pipe stores.

Toy stores.

Travel bureaus.

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

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

In the Mixed Use District, all structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

*Airports and landing fields, heliports, helistops, and accessory uses.
Campgrounds.
Electrical generation facilities, public or private, electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.
Flea markets.
Golf courses.
Manufactured home or mobile home sales.
Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same, if fuel sold, then in accordance with Section 20-89.
Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution under cover or screened with landscaping and fencing from adjacent property.
Petroleum storage.
Publicly owned solid waste container sites.
Radio stations, television stations, transmission relay stations and communication towers.
Railroad facilities including tracks, bridges, and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a Special Use Permit.
Rental of more than three rooms in a single-family dwelling unit.
Resource recovery facilities.
Shooting ranges, indoor.
Theme Parks.
Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are*

intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.

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

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

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

Water and sewer facilities (public or private), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.

Wineries.

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

Section 20-199. Density.

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

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

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

Gross Acreage

<u>Percentage of Non-developable Area</u>	<u>Gross Acreage Shall Equal</u>
Less than 35%	Total Area of Parcel
More than 35%	Developable Land Plus Up To 35% of the Parcel's Land.

Developable area shall consist of the total land area of the site minus stream beds, areas subject to flooding, wetlands and area's with slopes exceeding 25 percent gradient.

Section 20-200. Open Space.

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

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

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

Section 20-201. Height of Structures.

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

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

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

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

Section 20-202. Requirements for Improvements and Design.

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

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

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

Section 20-203. Setback requirements.

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

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

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

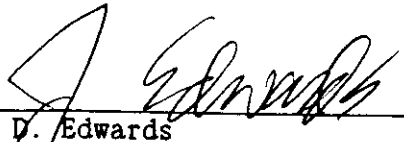
- 1) The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;
- 2) The proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;
- 3) The proposed setback is due to unusual size, topography, shape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

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

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

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

Section 20-204 - Section 20-210. Reserved



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

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

7102a

MAY 4 1992

ORDINANCE NO. 31A-139BOARD 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, ARTICLE, IV, DISTRICTS, DIVISION 5, GENERAL RESIDENTIAL DISTRICT, R-2, BY AMENDING, ARTICLE SECTION, 20-173, OVERALL DENSITY WITHIN MAJOR SUBDIVISIONS; TO ALLOW THIS DISTRICT TO MORE CLOSELY CONFORM WITH THE ADOPTED COMPREHENSIVE PLAN IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF JAMES CITY COUNTY BY ENSURING THAT AN ADEQUATE SUPPLY OF DECENT, SAFE AND SANITARY HOUSING EXISTS FOR COUNTY CITIZENS AND TO MAINTAIN AND IMPROVE THE HIGH LEVEL OF ENVIRONMENTAL QUALITY IN THE COUNTY.

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 20-173, Overall Density within Major Subdivisions; to allow this district to more closely conform with the adopted Comprehensive Plan in order and to protect the public health, safety and welfare of the residents of James City County by ensuring that an adequate supply of decent, safe and sanitary housing exists for County citizens and to maintain and improve the high level of environmental quality in the County.

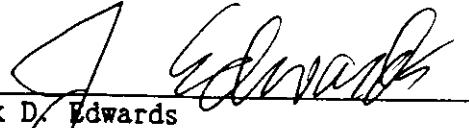
Article IV. DISTRICTS.

DIVISION 5. GENERAL RESIDENTIAL DISTRICT, R-2.

Section 20-173. Overall Density within Major Subdivisions.

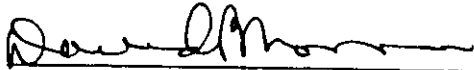
All major subdivisions shall have a maximum gross density of 2 units per acre. For the purposes of this Section, the term "Major Subdivision" shall be defined as a division of a tract of land into six or more lots.

Any contiguous property owned by the same subdivider, or deemed by the Development Review Committee as a logical part of a contiguous subdivision cannot be subdivided into greater than 5 lots without meeting the density requirements of a major subdivision.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

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

7135a

MAY 4 1992

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 31A-140

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV. DISTRICTS, DIVISION 5, GENERAL RESIDENTIAL DISTRICT, R-2, BY AMENDING SECTION 20-178. SPECIAL PROVISIONS FOR TWO-FAMILY DWELLINGS.

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 20-178. Special Provisions for Two-Family Dwellings; to allow the addition of a waiver provision from the public sewer connection requirement for two-family dwellings.

ARTICLE IV. DISTRICTS

DIVISION 5. GENERAL RESIDENTIAL DISTRICT, R-2.

Section 20-178. Special Provisions for Two-Family Dwellings.

- a. Lots intended for two-family dwellings shall be:


1. served by a public water system;
2. served by a public sewer system;
3. required to have a minimum lot size of 15,000 square feet;
and
4. required to meet all other requirements of this District.

b. In addition to the above requirements, when each dwelling unit of a two-family dwelling is on an individual lot, each individual lot shall:

1. have a minimum lot size of 7,500 square feet;
2. have a minimum lot width of forty feet; and
3. have no minimum side yard requirement on the common side lot line.

c. Upon application, the Board of Supervisors may grant a waiver from the public sewer connection requirement referenced above upon finding:

1. The development site is a single lot recorded or legally in existence prior to the date of adoption of this Section; and
2. The State Health Department has approved the location and adequacy of the proposed septic drainfields; and
3. The proposed two-family dwelling is located in the Primary Service Area and is in accord with the James City Service Authority Regulations Governing Utility Service.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

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

7118a

ORDINANCE NO. 116A-23

MAY 4 1992

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, LANDFILL ORDINANCE, SECTION 8-9. HOUSEHOLD WASTE; SECTION 8-10. INDUSTRIAL REFUSE; AND SECTION 8-13. USER CHARGES BY VOLUME.

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 amending Section 8-9. Household waste; Section 8-10. Industrial refuse; and Section 8-13. User charges by volume.

Chapter 8. Health and Sanitation.

Article II. Landfill Ordinance.

Section 8-9. Household waste.

(a) Individuals using an automobile, station wagon, half-ton panel truck or half-ton pickup truck, with a valid county motor vehicle tag, decal or sticker, for the purpose of disposing of household refuse at the county landfill shall not be required to pay for disposal of refuse, provided, that the refuse being disposed of was neither collected nor hauled for a fee, and provided that certain recyclable materials have been separated by the individual prior to bringing the household refuse to the Landfill for disposal. Provided, however, that the charge for loads of household waste

transported in vehicles larger than a half-ton pickup truck, and meeting all other conditions above, may be waived upon application to the Manager in accordance with the Landfill Operating Procedures. The materials to be separated shall include aluminum cans, glass containers and newsprint. It shall be unlawful for an individual to dispose of household refuse from their home at the County Landfill unless the specified materials have been separated. Commercial haulers, under contract with the county to service county refuse containers, shall not be required to pay for disposal of refuse collected from county refuse containers.

(b) Commercial, industrial and governmental waste generators who bring their own refuse to the landfill, and commercial refuse operators-haulers regardless of the origin of the refuse shall pay the following fees:

Thirty-three seven dollars ~~(\$33.00)~~ (\$37.00) per ton, computed on the basis of thirty ~~three~~ seven cents ~~(\$0.33)~~ (\$.37) per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one cent (\$0.01). The minimum charge shall be ~~two three dollars and fifty cents (\$2.50)~~ (\$3.00) per load.

Any person exempted from payment of the charge for the disposal of refuse as provided in paragraph (a) above will not be assessed any charges as provided in this paragraph.

(c) The manager may promulgate reasonable rules and regulations to permit certain materials (for example, soil or gravel) determined to be beneficial in the proper operation and maintenance of the landfill to be disposed of without charge to the hauler.

(d) Tires. Whenever more than two (2) passenger car tires are disposed of on any occasion at the county landfill by any person, firm or corporation, a separate fee of seventy-five cents (\$0.75) shall be charged for each tire above two (2). The manager may at his discretion authorize the disposal of tires other than passenger car tires, at a charge per tire to be determined by the manager. The charge shall be based on the cost to handle and dispose of the tires.

Section 8-10. Industrial refuse.

(a) Prior to the acceptance of industrial refuse at the landfill, the person desiring to dispose of same shall secure a permit from the manager. Prior to the issuance of such a permit, the manager shall determine the compatibility of the specific refuse with the landfill method of disposal. In determining such compatibility, the manager shall consider disposal volume, difficulty of handling, employee safety, likelihood of equipment damage, any unusual health and environmental problems, and current state and federal regulations.

(b) The disposal charge for industrial refuse that does not require disposal in a separate location (trench) from household or commercial waste shall be assessed on the basis of the charges defined in Section 8-9 (b) unless covered by paragraph (d) below.

(c) The disposal charge for industrial wastes requiring separate disposal locations shall be a minimum of thirty-three seven dollars ~~(\$33.00)~~ (\$37.00) per ton but may be higher as determined by the manager. In establishing the fee for disposal of a specific waste requiring separate disposal, the manager shall determine the costs to maintain the separate disposal and for special handling requirements, the potential for damage to landfill equipment, environmental effects the refuse may have, state and federal rules and regulations regarding the waste, and other factors determined to be appropriate for the specialized handling of such waste.

(d) Separate contracts. The administrator may negotiate separate contracts for industrial refuse with large waste generators if it is determined that the volume is predictable and the wastes involved require minimal handling. Such contracts shall guarantee negotiated payments to the county annually, and may be offered to generators that exceed eight thousand (8,000) tons per year. No such contract shall guarantee the county less than two hundred sixty-four ninety-six thousand dollars ~~(\$264,000.00)~~ (\$296,000) per year.

Section 8-13. User charges by volume.


(a) Should the landfill scales be inoperative, the manager shall base the charges applied upon weight data previously generated for the vehicle hauling such waste and the nature of the waste. The weight data shall consist of no fewer than fifteen (15) previous weighings by the vehicle carrying such waste and shall be modified by visual inspection of the vehicle if such is feasible.

(b) For vehicles for which no history of previous weight data exists as described in paragraph (a) above, the following rates shall apply:

- (1) Uncompacted refuse, three dollars and ~~thirty~~ *seventy* cents ~~(\$3.30)~~ (\$3.70) per cubic yard of truck capacity.
- (2) Compacted refuse, ~~eight~~ *nine* dollars and twenty-five cents ~~(\$8.25)~~ (\$9.25) per cubic yard of truck capacity.
- (3) The minimum fee for refuse charged for on a volume basis shall be ~~two three~~ *three* dollars and ~~fifty cents~~ *(no cents)* ~~(\$2.50)~~ (\$3.00) per load.

This ordinance shall be effective on and after July 1, 1992.

Ordinance to Amend and Reordain
Chapter 8. Health and Sanitation
Page 6



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

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

0253H
1789h

At a regular meeting of the Board of Supervisors of James City County, Virginia, held on the 4th day of May, 1992, at which the following members were present and absent:

PRESENT:

PERRY M. DEPUE
STEWART U. TAYLOR
DAVID L. SISK
JUDITH N. KNUDSON
JACK D. EDWARDS

ABSENT:

the following resolution was adopted by a majority of all members of the Board of Supervisors by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

MEMBER**VOTE**

DEPUE	AYE
TAYLOR	AYE
SISK	AYE
KNUDSON	AYE
EDWARDS	AYE

RESOLUTION RATIFYING AWARD OF \$3,610,000 GENERAL OBLIGATION SCHOOL BOND, 1992 SERIES A, OF JAMES CITY COUNTY, VIRGINIA, TO VIRGINIA PUBLIC SCHOOL AUTHORITY

WHEREAS, by resolution adopted on March 2, 1992 (the "Bond Resolution"), the Board of Supervisors of James City County, Virginia (the "County"), provided for the issuance of a \$3,610,000 General Obligation School Bond, 1992 Series A (the "Bond"), of the County to the Virginia Public School Authority (the "Authority");

WHEREAS, the Bond Resolution authorized the County Administrator to award the Bond to the Authority at such interest rate or rates as would produce a differential in each year of not more than ten-one hundredths of one percent (10/100 of 1%) over the annual rate to be paid by the Authority on the bonds it sold to provide funds to purchase the Bond, provided that no interest rate or rates on the Bond should exceed nine percent (9%) per year; and

WHEREAS, on May 1, 1992, the County Administrator on behalf of the County awarded the Bond, bearing interest at the annual rates

and maturing on December 15 in years and amounts as shown on Exhibit A hereto, to the Authority;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA:

1. The action of the County Administrator in awarding the Bond to the Authority is ratified, approved and confirmed and the Bond shall bear interest at the annual rates and shall mature on December 15 in years and amounts as shown in Exhibit A.

2. The bond shall be in substantially the form approved by the Bond Resolution, with such changes as may be necessary or appropriate to conform it to the provisions of this resolution.

3. The purpose of the issuance of the Bond to finance certain capital projects for school purposes as described in paragraph one of the Bond Resolution includes financing interest during construction and for up to one year after completion of construction.

4. This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board of Supervisors held the 4th day of May, 1992, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of James City County, Virginia, this 4th day of May, 1992.

(SEAL)

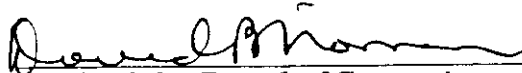

Clerk of the Board of Supervisors of
James City County, Virginia

EXHIBIT P

JAMES CITY COUNTY, VIRGINIA
\$3,610,000 GENERAL OBLIGATION SCHOOL BOND, 1992 SERIES A

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
1992	\$170,000	6.10%	2002	\$175,000	6.10%
1993	180,000	6.10	2003	170,000	6.20
1994	185,000	6.10	2004	160,000	6.30
1995	210,000	6.10	2005	150,000	6.35
1996	280,000	6.10	2006	140,000	6.35
1997	345,000	6.10	2007	135,000	6.35
1998	330,000	6.10	2008	135,000	6.35
1999	190,000	6.10	2009	115,000	6.40
2000	180,000	6.10	2010	100,000	6.40
2001	175,000	6.10	2011	85,000	6.40