

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 18TH DAY OF AUGUST, 1998, AT 7:05 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
David L. Sisk, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Ronald A. Nervitt, Powhatan District (Absent)
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PUBLIC COMMENT

1. Mr. Trist McConnell, 16 Bayberry Lane, asked the Board to support a resolution to dissolve the Regional Issues Committee and appoint a Regional Growth Management Committee, composed of representatives from James City and York Counties, and the City of Williamsburg to serve as an expert growth management advocacy group who would report to the three governing bodies.

2. Mr. Robert Dunn, 3318 Running Cedar Way, former member of the Electoral Board, spoke in honor of the retirement of Judith Trautman and praised her knowledge, dedication, and integrity as the County's General Registrar for 27 years.

C. PRESENTATION

1. Williamsburg Area Civic Cultural Center (WA3C)

Mr. James E. Hinish, Jr., Acting President of the Williamsburg Area Civic Cultural Center, spoke to the need for a civic cultural center for arts-related events for the entire community. He requested support, through a \$5,000 matching grant from James City County. Matching grants of \$5,000 have been received from the Commonwealth of Virginia and the City of Williamsburg. The grants are to partially defray the cost of the consultant's market analysis, funding plan, and business plan.

D. CONSENT CALENDAR

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

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

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Edwards (4). NAY: (0).

1. Minutes of Regular Meetings July 14, 1998 and July 28, 1998; and Work Session of July 29, 1998
2. Resolution of Appreciation - Judith E. Trautman

RESOLUTION

JUDITH E. TRAUTMAN

WHEREAS, Judith E. Trautman has served the citizens of James City County as General Registrar since November 1971; and

WHEREAS, during Judith E. Trautman's 27 years of service she was a leader in identifying and implementing new and innovative ways to make voter registration easier for the citizens of James City County and the State of Virginia; and

WHEREAS, her conversion of the James City County records served as a model for the 1972 State conversion to a new computerized, central registration system; and

WHEREAS, she continually sought ways to increase volunteers for outreach registration and to provide more opportunities for citizens to register to vote than required by law; and

WHEREAS, she attained and maintained one of the highest voting percentages in Virginia and was rewarded by a National Association of Counties Achievement Award in 1992 for an innovative voter education program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its sincere appreciation and every good wish for continued success to

JUDITH E. TRAUTMAN

BE IT FURTHER RESOLVED that this resolution be spread upon the August 18, 1998, minutes of this Board and a suitable copy be presented to Judith E. Trautman.

3. Appropriation - Urban and Community Forestry Grant Program

RESOLUTION

APPROPRIATION - URBAN AND COMMUNITY

FORESTRY GRANT PROGRAM

WHEREAS, the Division of Parks and Recreation has received an Urban and Community Forestry Grant in the amount of \$5,500 to assist with the costs of the Greensprings Greenway Trail; and

WHEREAS, the local in kind match for this grant will be provided in labor and sign design.

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

Revenues:

Urban and Community Forestry Grant \$5,500

Expenditures:

Greensprings Greenway Trail \$5,500

4. Local Matching Funds - Public Safety/Criminal Justice

RESOLUTION

LOCAL MATCHING FUNDS - PUBLIC SAFETY/CRIMINAL JUSTICE

WHEREAS, the Board of Supervisors of James City County has been requested to adjust the current FY 1999 budget, transfer \$19,016 from Operating Contingency as local matches for four grant programs and appropriate additional funds from other sources.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adjusts the budget, as follows, and appropriates the following spending as indicated:

County General Fund:

Revenue:

State Department of Criminal Justices Services	+ \$ 44,242
Contributions - Other Localities - CCC	+ 8,392
City of Williamsburg	+ 500
Total Revenue	<u>+ \$ 53,134</u>

Expenditures:

Police Department - Middle School Resource Officer	+ \$ 37,988
Police Department - Incident-Based Reporting System	+ 21,000
Circuit Court - Computer Local Match	+ 1,000
Contribution - CCC Criminal Justice Planner	+ 12,162
Operating Contingency	- 19,016
Total Expenditures	<u>+ \$ 53,134</u>

BE IT FURTHER RESOLVED that a position of Middle School Resource Officer, limited-term, be created for the 1999 fiscal year.

5. Resolution of Appreciation, Judge Russell M. Carneal

RESOLUTION

RUSSELL M. CARNEAL

WHEREAS, Russell M. Carneal was born in Fredericksburg, Virginia, May 9, 1918, and came to the Williamsburg area in 1948 after graduating from the University of Virginia and the University of Virginia School of Law; and

WHEREAS, in November 1954, Russell M. Carneal was first elected to the Virginia House of Delegates where he served the people of James City County and the City of Williamsburg with distinction for 20 years including Chairman of the House Courts of Justice Committee and as the Chief Patron of the Habitual Offenders Act of 1968; and

WHEREAS, Russell M. Carneal was appointed General District Court Judge in 1974 and served until his appointment as Judge to the 9th Judicial Circuit in 1977 where he remained on the bench until his retirement in 1989; and

WHEREAS, Russell M. Carneal was known as an outstanding lawyer and public servant with deep insight into human nature, a keen sense of humor, and special ability to deal with people; and

WHEREAS, Russell M. Carneal demonstrated unwavering integrity and commitment to the Constitution of Virginia and the people he served.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby honor and remember

RUSSELL M. CARNEAL

for his 37 years of dedicated service to the citizens of James City County.

BE IT FURTHER RESOLVED that this resolution be spread upon the August 18, 1998, minutes of this Board and a suitable copy be presented to the family of Russell M. Carneal.

6. Trash and Grass Liens: 5515 Centerville Road and 106 Forest Glen Drive

RESOLUTION

CODE VIOLATION LIEN

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owner as described below has failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Manuel Cruz
237 Aspen Boulevard
Yorktown, VA 23692

DESCRIPTION: 5515 Centerville Road - High Weeds and Grass
 TAX MAP NO.: (31-3) (01-0-0008)
 James City County, Virginia
 AMOUNT DUE: \$75

RESOLUTION

CODE VIOLATION LIEN

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owners and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Properties to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Allen E. Dale
 106 Forest Glen Drive
 Williamsburg, VA 23188

DESCRIPTION: 106 Forest Glen Drive

TAX MAP NO.: (31-1) (03-0-0033)
 James City County, Virginia

AMOUNT DUE: \$85

7. Carry Forward Encumbrances and Allocating the Costs of Internal Services

RESOLUTION

TO CARRY FORWARD ENCUMBRANCES

WHEREAS, the County has certain encumbrance obligations outstanding at June 30, 1997; and

WHEREAS, these encumbrances need to be carried forward by adjusting the FY 1998 budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments within the FY 1998 Budgets:

General Fund:Revenues and Transfers In:

Transfer from Fund Balance - Encumbrance Carryforward	<u>\$861,815.56</u>
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Expenditures:

<u>Department</u>	<u>Amount</u>
Administrative	\$ 10,350.73
Elections	3,008.43
Human Resources	52,852.19
Financial Administration	41,405.53
Public Works	92,677.43
Information Resources Management	43,320.11
Development Management	90,627.47
Judicial	20,029.66
Public Safety	380,431.82
Community Services	104,063.21
Nondepartmental	<u>23,048.98</u>
 Total	 <u>\$861,815.56</u>

Transit FundRevenues and Transfers In:

Transfer from Fund Balance - Encumbrance Carryforward	<u>\$6,138.12</u>
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<u>Expenditures:</u>	<u>\$6,138.12</u>
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RESOLUTION**ALLOCATING THE COSTS OF INTERNAL SERVICES**

WHEREAS, the State Auditor of Public Accounts requires localities to allocate indirect costs of certain internal service activities; and

WHEREAS, such allocation improves the comparability of James City County expenditures with those of other localities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments within the 1998 General Fund Budget:

Expenditures:

<u>Department</u>	<u>Amount</u>
Administrative	\$ 66,812.03
Elections	1,802.77
Human Resources	142,189.75
Financial Administration	(351,957.08)
Public Works	(232,951.83)
Information Resources Management	(593,274.11)
Development Management	405,051.77
Judicial	18,157.97
Public Safety	352,687.70
Community Services	<u>191,481.03</u>
	<u>\$ _____00</u>

Mr. Edwards read and presented the resolution to Ms. Judith Trautman. He complimented Ms. Trautman for the County's well-managed electoral system.

Ms. Judith Trautman expressed pride and enjoyment for the years of service to the James City County citizens as General Registrar, and thanked the Board.

Mr. Bradshaw read and presented the resolution to Mrs. Russell M. Carneal and family. Mr. Bradshaw commemorated Judge Russell M. Carneal as a man of integrity, dedication to principles, and a true statesman.

E. PUBLIC HEARINGS

1. Case No. SUP-19-98. Bradby Family Subdivision

Ms. Tamara A. M. Rosario, Senior Planner, stated that Mr. Dale E. and Mrs. Laura F. Bradby had applied for a special use permit to allow a family subdivision of a 2.58-acre parcel into two parcels, zoned A-1, General Agricultural, located at 3708 Rochambeau Drive, further identified as Parcel No. (1-8) on James City County Real Estate Tax Map No. (13-1).

Staff determined the proposal was consistent with the surrounding properties and uses, the Comprehensive Plan and the provisions for family subdivisions in the Zoning Ordinance.

Staff recommended approval with the condition listed in the resolution.

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

Mr. Bradshaw stated that he would abstain from voting due to a possible conflict of interest due to his involvement in the purchase of the property.

Mr. McGlennon made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Edwards (3). NAY: (0). ABSTAIN: Bradshaw (1).

RESOLUTION**CASE NO. SUP-19-98. BRADBY FAMILY SUBDIVISION**

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a Special Use Permit be granted for a family subdivision of property owned and developed by the applicants as described below and on the attached site location map.

Applicant:	Dale E. and Laura F. Bradby
Real Estate Tax Map No.:	(13-1)
Parcel No:	(1-8)
Address:	3708 Rochambeau Drive
District:	Stonehouse
Zoning:	A-1, General Agricultural
Condition:	Final subdivision approval shall be secured within 18 months from the date of approval of Case No. SUP-19-98, or this permit shall become void.

2. **Case No. ZO-2-98. Zoning Ordinance Amendment/M1 and M2**

Mr. Jack Fraley, Chairman of the Business and Industrial Zoning Ordinance Update Committee, stated that the proposed ordinance would facilitate commercial and industrial capital investment within the County by making changes to by-right uses and special use permit uses allowed in districts. He further stated that editorial changes were not substantive, but clarifying language.

The Committee supported the changes as consistent with the Comprehensive Plan; staff concurred with the proposal and the Planning Commission, by a 4-0 vote, recommended approval of the ordinance amendments.

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

Board and staff discussed the impact of the ordinance on property owners, and staff emphasized that the uses listed were examples and not all-inclusive uses.

Mr. McGlennon made a motion to approve the ordinance amendments.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Edwards (4). NAY: (0).

3. Outdoor Gathering Permits: Virginia Symphony's Beethoven Festival: Junior Woman's Club of Williamsburg: and Williamsburg Scottish Festival

Mr. John T. P. Horne stated that the Virginia Symphony Beethoven Festival on September 4, 5, and 6, 1998, and the Williamsburg Scottish Festival on September 26, 1998, would both be held at the Williamsburg Winery, 5800 Wessex Hundred. He stated that the Junior Woman's Club of Williamsburg would hold the "Friday Frolics" on September 25, 1998, at the Williamsburg/Jamestown Airport, 100 Marclay Road. He further stated that all required approvals had been received.

Mr. McGlennon asked staff to prepare an annual report on outdoor gatherings held in the County as to how many events, any concerns, complaints, what problems might arise and the benefits to the County.

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

Mr. Sisk made a motion to approve the resolutions.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Edwards (4). NAY: (0).

RESOLUTION

OUTDOOR GATHERING PERMIT

THE VIRGINIA SYMPHONY

WHEREAS, James City County has received an application from The Virginia Symphony to hold an outdoor gathering on Friday, Saturday, and Sunday, September 4, 5, and 6, 1998, from 8:00 p.m. to 11:00 p.m., at the Williamsburg Winery, 5800 Wessex Hundred, Williamsburg, Virginia 23185; and

WHEREAS, the application was reviewed and approved with comments by the James City County Police Chief, Fire Chief, Emergency Medical Coordinator, the County Health Department, Building Official, and the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to The Virginia Symphony to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

RESOLUTION

OUTDOOR GATHERING PERMIT

JUNIOR WOMAN'S CLUB OF WILLIAMSBURG

WHEREAS, James City County has received an application from the Junior Woman's Club of Williamsburg to hold an outdoor gathering on Friday, September 25, 1998, from 6:00 p.m. to 11:00 p.m., at the Williamsburg/Jamestown Airport, 100 Marclay Road, Williamsburg, Virginia 23185; and

WHEREAS, the application was reviewed and approved with comments by the James City County Police Chief, Fire Chief, Emergency Medical Coordinator, the County Health Department, Building Official, and the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to the Junior Woman's Club of Williamsburg to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

RESOLUTION

OUTDOOR GATHERING PERMIT

WILLIAMSBURG SCOTTISH FESTIVAL

WHEREAS, James City County has received an application from the Williamsburg Scottish Festival to hold an outdoor gathering on Saturday, September 26, 1998, from 9:00 a.m. to 5:00 p.m., at the Williamsburg Winery, 5800 Wessex Hundred, Williamsburg, Virginia 23185; and

WHEREAS, the application was reviewed and approved with comments by the James City County Police Chief, Fire Chief, Emergency Medical Coordinator, the County Health Department, Building Official, and the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to the Williamsburg Scottish Festival to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

F. BOARD CONSIDERATIONS

1. Case No. ZO-1-98. Ordinance Amendment. Chapter 24. Zoning. Section 24-7. Administrative Fees (Deferred from July 14, 1998)

Ms. Rosario stated that the Board of Supervisors, at its July 14, 1998, meeting, deferred the case to allow staff to reexamine the proposed zoning fee increases to determine if the fee structure could be adjusted to offset more of the costs of providing services. She further stated that the proposed fee structure represented an incremental increase toward meeting actual costs.

Staff recommended approval of the fees as outlined in the proposed Zoning Ordinance.

Mr. Bradshaw expressed concerns with the verification of the nonconforming status fee and the increase in the fee for application to the Board of Zoning Appeals.

Mr. Bradshaw made a motion to delete number (8) under 4 c., Verification of the nonconforming status, \$150.00.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Edwards (4). NAY: (0).

Mr. Bradshaw made a motion to change the fee for number (6), under 4 c., Appeals to the Board of Zoning Appeals, from \$250.00 to \$100.00.

On a roll call, the vote was: AYE: Bradshaw (1). NAY: Sisk, McGlennon, Edwards (3).

Mr. Edwards made a motion to remove under 1) Rezoning, ... not to exceed \$15,000, and to remove under 2) Applications for special use permits, ...not to exceed \$5,000.

Board and staff discussed that costs would be less per acre after a given number of acres on a large rezoning; how would the cost apply when adding acreage to a Master Plan; fees are included in cost of housing and paid by purchaser; and fees were incremental and would be reviewed during the next budget process.

On a roll call, the vote was: AYE: McGlennon, Edwards (2). NAY: Sisk, Bradshaw (2).

Mr. Edwards made a motion to approve the ordinance with amendment of deletion of number (8). Verification of the nonconforming status, \$150.00.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Edwards (4). NAY: (0).

2. Resolution Endorsing the Establishment of the Virginia Coalition of High Growth Communities

Mr. Sanford B. Wanner, County Administrator, stated that over 20 high growth jurisdictions had been meeting to discuss ways of addressing unique problems associated with rapid growth and recommended approval of the resolution and appointment of a supervisor to represent the Board on the Coalition.

Mr. Edwards made a motion to approve the resolution.

Board and staff discussed the association of the Coalition with other organizations in the State and voting rights for each jurisdiction.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Edwards (4). NAY: (0).

RESOLUTION

A RESOLUTION ENDORSING THE ESTABLISHMENT OF THE

"VIRGINIA COALITION OF HIGH GROWTH COMMUNITIES"

- WHEREAS, many jurisdictions in the Commonwealth of Virginia are experiencing rapid growth; and
- WHEREAS, rapid growth presents unique fiscal and infrastructure development challenges in jurisdictions that are experiencing this phenomena; and
- WHEREAS, issues of growth management are of major concern to local elected and appointed officials in these high-growth jurisdictions; and
- WHEREAS, on June 19, 1998, more than twenty jurisdictions attended a high-growth forum and concluded that there is the need to address common issues in a more unified and strategic fashion; and
- WHEREAS, the Commonwealth of Virginia is a Dillon Rule state and, therefore, local governments must rely on the Virginia General Assembly for much of their authority; and
- WHEREAS, the economic well-being of the Commonwealth of Virginia is dependent upon the economic development of its local jurisdictions; and
- WHEREAS, the high-growth local governments in the Commonwealth of Virginia are interested in establishing a partnership to help raise the awareness of the Virginia General Assembly to local growth management concerns.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby endorses a partnership of jurisdictions in the Commonwealth of Virginia that are experiencing rapid growth to be known as the "Virginia Coalition of High-Growth Communities"; and

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia supports the participation of the County in the Coalition and that Supervisor Jack Edwards be designated to serve as the County representative on this Coalition.

G. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, asked what the water consumption rate was for the past week and stated conservation should be considered.

Mr. Robert H. Smith, Assistant Manager, James City Service Authority, stated that the average water consumption was 3.8 million gallons per day, which was below the threshold of concern during last year's arid condition.

2. Mr. Lawrence Beamer, owner of Powhatan Secondary, stated that, at the July 28, 1998, Board of Supervisors' meeting, he mistakenly said that \$11,000,000 was proffered by developers of Governor's Land for Alternate Route 5, and the figure reported in several Virginia Gazette articles published in 1989 was \$9,500,000.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended adjournment, followed by a James City Service Authority Board of Directors' meeting. He announced a Work Session, Tuesday, August 25, 1998, at 7:00 p.m., with Cox Communications, followed by discussion of the legislation program of high growth jurisdictions.

I. BOARD REQUESTS AND DIRECTIVES


Mr. Sisk asked staff to report on the County Fair.

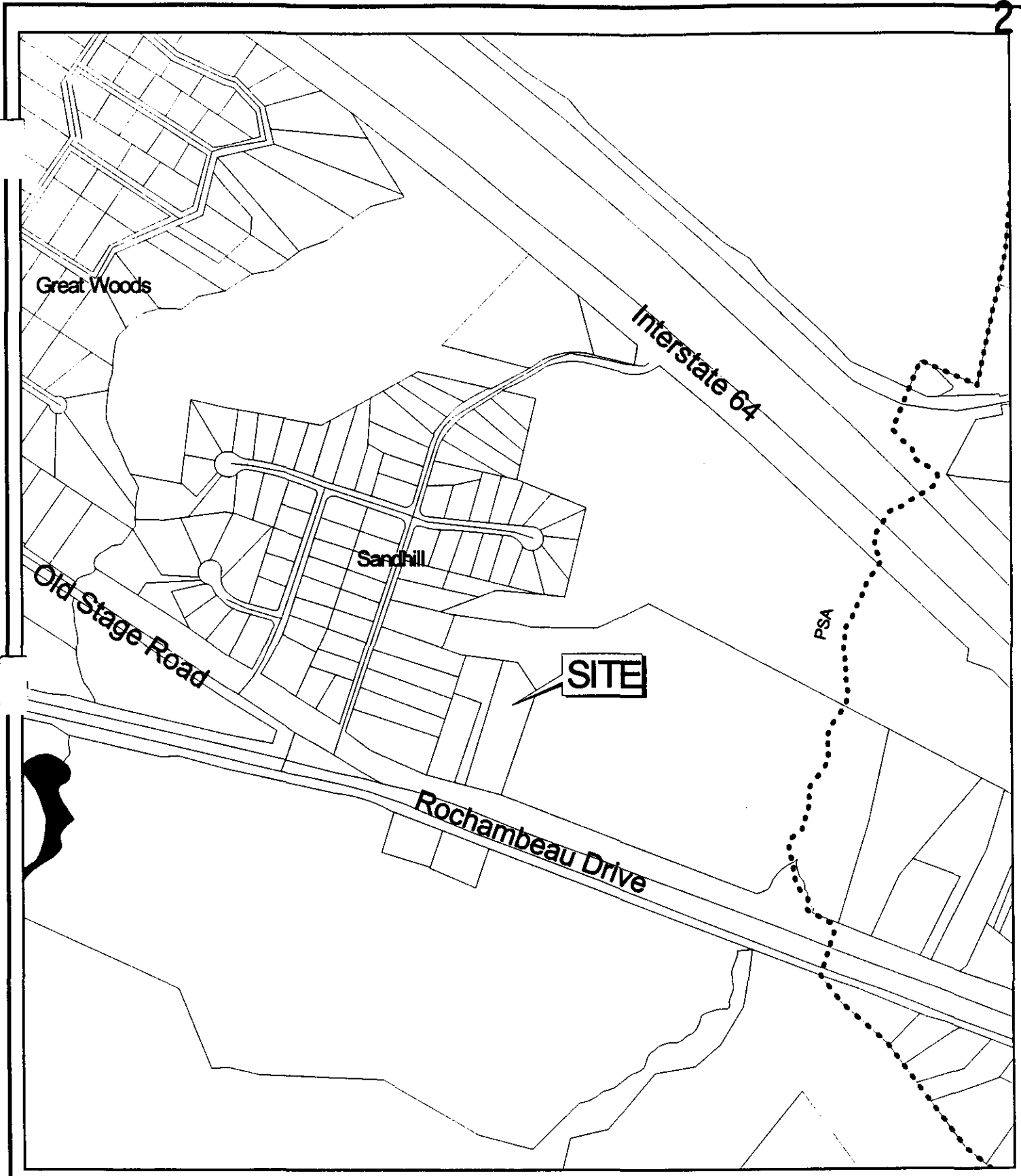
Mr. Wanner stated that the fair was excellent and expressed appreciation to staff, citizens, and Board members for its success.

Mr. Sisk made a motion to adjourn.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Edwards (4). NAY: (0).

The Board adjourned at 8:50 p.m.


Sanford E. Wanner
Clerk to the Board



SUP-19-98. Bradby Family Subdivision



AUG 18 1998

ORDINANCE NO. 31A-177

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; BY AMENDING ARTICLE V, DISTRICTS, DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, PERMITTED USES; SECTION 24-412, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-416, SIDE AND REAR YARDS; SECTION 24-418, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND YARD SETBACK REQUIREMENTS; BY AMENDING DIVISION 12, GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 24-436, PERMITTED USES; SECTION 24-437, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-441, SIDE AND REAR YARDS; AND SECTION 24-443, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND SETBACK REQUIREMENTS.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; by amending Article V, Districts, Division 11, Limited Business/Industrial District, M-1, Section 24-411, Permitted uses; Section 24-412, Uses permitted by special use permit only; Section 24-416, Yard regulations; Section 24-418, Special provisions for the waiver of area, lot width, yard and yard setback requirements; by amending Division 12, General industrial district, M-2, Section 24-436, Permitted uses; Section 24-437, Uses permitted by special use permit only; Section 24-441, Yard regulations; Section 24-443, Special provisions for the waiver of area, lot width, yard and yard setback requirements.

Chapter 24. Zoning
Article I. In General

Sec. 24-2. Definitions.

~~Day care or child~~ **Child day care center.** An establishment offering group care to six or more children away from their own home for any part of a day.

~~Micro-brewery.~~ A brewery that produces less than 15,000 barrels per year.

Article V. Districts

Division 11. Limited Business/Industrial District, M-1

Sec. 24-411. Permitted uses.

~~Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.~~

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

~~Book stores:~~

~~Cabinet and upholstery shops:~~

~~Candy stores:~~

~~Carpet stores:~~

~~Child day care centers:~~

Ordinance to Amend and Reordain
Chapter 24. Zoning
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~~Department stores.~~

~~Dressmaking stores.~~

~~Employment services or agencies.~~

~~Florist stores.~~

~~Funeral homes.~~

~~Furniture stores.~~

~~Furrier stores.~~

~~Greeting card stores.~~

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

~~Home appliance sales and service.~~

~~Houses of worship.~~

~~Ice cream stores.~~

~~Indoor sport facilities, health clubs, exercise clubs and fitness centers.~~

~~Industrial dry cleaner and laundry.~~

~~Jewelry sales and service.~~

~~Kennels.~~

Ordinance to Amend and Reordain
Chapter 24. Zoning
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~~Locksmith and gunsmith shops excluding shooting ranges.~~

~~Manufacture and storage of ice, including dry ice.~~

~~Manufacture, assembly or fabrication of sheet metal products.~~

~~Manufacture of furniture.~~

~~Micro-breweries.~~

~~Music and record stores.~~

~~Pet stores.~~

~~Picture framing stores.~~

~~Places of worship.~~

~~Plant and garden supply and hardware and paint stores.~~

~~Research, development and design facilities or laboratories.~~

~~Retail and service stores, including the following stores: books, cabins, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.~~

~~Shoe stores.~~

~~Sporting goods stores.~~

~~Stamp and coin stores.~~

Ordinance to Amend and Reordain
Chapter 24. Zoning
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~~Tailor shops.~~

~~Tobacco and pipe stores.~~

~~Toy stores.~~

~~Travel bureaus.~~

~~Vehicle rentals.~~

~~Veterinary hospitals and kennels.~~

~~Wearing apparel stores.~~

~~Yard goods stores.~~

Sec. 24-412. Uses permitted by special use permit only.

~~Airports and landing fields, heliports, helistops and accessory uses.~~

~~Day care and child care centers.~~

~~Manufacture and sale of glass and glass products.~~

~~Manufacture and storage of ice, including dry ice.~~

~~Manufacture of cans and other metal products from previously processed metals.~~

~~Manufacture of furniture.~~

Ordinance to Amend and Reordain
Chapter 24. Zoning
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Propane storage, distribution and sale.

~~Sanitary landfills in accordance with section 24-40 and waste disposal facilities.~~

Truck terminals; if fuel is sold, then in accordance with section 24-38.

Water facilities (public or private), and sewer facilities (public), 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, with no additional connections to be made to the line, 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, including pump stations, are permitted generally and shall not require a special use permit.~~

However, the following are permitted generally and shall not require a special use permit:

- (a) *private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line, and*
- (b) *distribution lines and local facilities within a development, including pump stations.*

Sec. 24-416. Side and rear yards. *Yard regulations.*

(b) The minimum side yard shall be increased to 75 feet if the side yard adjoins property in a residential district, or an agricultural district that is designated for residential use on the Comprehensive Plan, ~~and the~~ *The* minimum rear yard shall be increased to 75 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

Sec. 24-418. Special provisions for the waiver of area, lot width, yard and yard setback requirements.

To allow the subdivision of business/industrial property on which business and industrial units for sale, for sale in condominium or for lease are constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development, and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan, the planning commission may grant, at its discretion, a waiver from any part of section 24-414 through 24-416 upon finding:

The following may be eligible for a waiver from any part of section 24-414 through 24-416:

The subdivision of business/industrial property on which business and industrial units for sale, for sale in condominium, or for lease are both:

- (a) *constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development, and*
- (b) *the entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.*

In these instances, the planning commission may grant, at its discretion, a waiver from any part of section 24-414 through 24-416 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-414 through 24-416;
- (2) Adequate parking is provided as per the requirements of this chapter, and, where determined necessary by the planning commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas; *Adequate parking is provided as per the requirements of this chapter. The planning commission also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;*

- (3) Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs, and, where determined necessary by the planning commission, adequate easements or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced frontage or yard area of the individual units, and *Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning commission also may require the recordation of adequate easements or agreements to allow grouping of signs on one standard sign, placement of signs in common areas or other appropriate arrangements made necessary as a result of the reduced frontage or yard area of the individual units, and*
- (4) The complex or structure is adequately designed and serviced from the standpoint of safety and that the county fire chief finds that the fire safety equipment to be installed is adequately designed and the county building official finds the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property. *The complex or structure is adequately designed and serviced from the standpoint of safety. The county fire chief finds that the fire safety equipment to be installed is adequately designed, and the county building official finds that the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.*

Division 12. General Industrial District, M-2

Sec. 24-436. Permitted uses.

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

Child day Day care and child care centers as an accessory use to other permitted uses.

Employment services or agencies.

Health clubs, exercise clubs, and fitness centers as an accessory use to other permitted uses.

~~Laser technology production.~~

~~Propane storage, distribution, and sale.~~

Research, development and design facilities or laboratories. ~~Restaurants as an accessory use to other permitted uses.~~

~~Restaurants as an accessory use to other permitted uses.~~

Wood preserving operations.

Sec. 24-437. Uses permitted by special use permit only.

~~Airports and landing fields, heliports, helistops and accessory uses.~~

~~Child daycare centers.~~

~~Manufacture and storage of explosives.~~

~~Manufacture of fertilizer.~~

~~Paper and pulp manufacture.~~

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 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.

~~Sanitary landfills in accordance with section 24-40.~~

~~Truck terminals; if fuel is sold, then in accordance with section 24-38.~~

Water facilities (public or private), and sewer facilities (public), 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, with no additional connections to be made to the line, 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, including pump stations, are permitted generally and shall not require a special use permit. However, the following are permitted generally and shall not require a special use permit:~~

- (a) ~~private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and~~
- (b) ~~distribution lines and local facilities within a development, including pump stations.~~

~~Wood preserving operations.~~

~~Sec. 24-441. Side and rear yards. Yard regulations.~~

(b) The minimum side yard shall be increased to 75 feet if the side yard adjoins property in a residential district, or an agricultural district that is designated for residential use on the Comprehensive Plan; ~~and the~~ ~~The~~ minimum rear yard shall be increased to 75 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

~~Sec. 24-443. Special provisions for the waiver of area, lot width, yard and setback requirements.~~

To allow the subdivision of industrial property on which industrial units for sale, for sale in condominium or for lease are constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development, and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan, the planning commission may grant, at its discretion, a waiver from any part of section 24-439 through 24-441 upon finding:

The following may be eligible for a waiver from any part of section 24-439 through 24-441:

The subdivision of business/industrial property on which business and industrial units for sale, for sale in condominium or for lease are both:

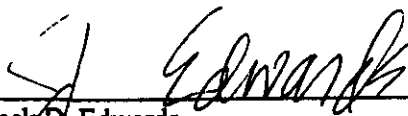
- (a) constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development; and*
- (b) the entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.*

In these instances, the planning commission may grant, at its discretion, a waiver from any part of section 24-439 through 24-441 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of sections 24-439 through 24-441;
- (2) Adequate parking is provided as per the requirements of this chapter, and, where determined necessary by the planning commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas; *Adequate parking is provided as per the requirements of this chapter. The planning commission also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;*
- (3) Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs, and, where determined necessary by the planning commission, adequate


~~easements or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced frontage or yard area of the individual units, and Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning commission also may require the recordation of adequate easements or agreements to allow grouping of signs on one standard sign, placement of signs in common areas or other appropriate arrangements made necessary as a result of the reduced frontage or yard area of the individual units, and~~

- (4) ~~The complex or structure is adequately designed and serviced from the standpoint of safety and that the county fire chief finds that the fire safety equipment to be installed is adequately designed and the county building official finds the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property. The complex or structure is adequately designed and serviced from the standpoint of safety. The county fire chief finds that the fire safety equipment to be installed is adequately designed, and the county building official finds that the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.~~



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:


Sanford E. Wanner
Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	ABSENT
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 18th day of August, 1998.

AUG 18 1998

ORDINANCE NO. 31A-178

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In general, Section 24-7, Administrative fees.

Chapter 24. Zoning

Article I. In General

Sec. 24-7. Administrative fees.

Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

<u>Procedure</u>	<u>Fee</u>
(1) Rezoning	\$800.00 plus \$40 per acre, not to exceed \$15,000
a. Rezoning for five acres or less	500.00
b. Rezoning for more than five acres but less than 10 acres	900.00
c. Rezoning for more than 10 acres but less than 50 acres	1,800.00
d. Rezoning for 50 acres or more but less than 100 acres	2,700.00
e. Rezoning for 100 acres or more but less than 400 acres	3,600.00 plus \$10.00 per acre

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Chapter 24. Zoning
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~~f. Rezoning for 400 acres or more 4,500.00 plus
..... \$10.00 per acre~~

(2) Applications for special use permits

a. ~~Generally (General special use permits processed with 400.00~~
~~a rezoning shall pay a rezoning fee only) per acre, not to exceed \$5,000~~

b. Manufactured home on an individual lot 100.00

c. Family subdivision under section 24-214. 100.00

d. Amendment to a special use permit 200.00

e. Wireless communications facilities under division 6 1,500.00

(3) Master plan review:

a. Initial review of any Residential Cluster, Mixed Use or a PUD
with less than 400 acres (PUD's with 400 acres or more shall
pay a rezoning fee only) 200.00

b. Revision of approved plan:

1. Residential Cluster 75.00

2. R-4, PUD, Mixed Use 150.00

(4) Site Plan Review

a. Administrative review:

1. Residential structures or improvements, \$300.00, plus \$60.00 per residential unit.

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2. Nonresidential structures or improvements, \$300.00, plus ~~\$60.00 for each 2,500~~ ~~\$0.024 per~~ sq. ft. of building coverage ~~area~~.
 3. Mixed Use structures or improvements, \$300.00, plus \$60.00 per residential unit plus ~~\$60.00 for each 2,500~~ ~~\$0.024 per~~ sq. ft. of nonresidential building coverage ~~area~~.
- b. Planning commission review:
1. Residential structures or improvements, \$900.00, plus \$60.00 per residential unit.
 2. Nonresidential structures or improvements, \$900.00, plus ~~\$60.00 for each 2,500~~ ~~\$0.024 per~~ sq. ft. of building coverage ~~area~~.
 3. Mixed Use structures or improvements, \$900.00, plus \$60.00 per residential unit plus ~~\$60.00 for each 2,500~~ ~~\$0.024 per~~ sq. ft. of nonresidential building coverage ~~area~~.
- c. Amendment to an approved plan:
1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.
 2. Nonresidential structures or improvements, \$100.00, plus ~~\$10.00 for each 2,500~~ ~~\$0.004 per~~ sq. ft. of building coverage ~~area~~.
 3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus ~~\$10.00 for each 2,500~~ ~~\$0.004 per~~ sq. ft. of nonresidential building coverage ~~area~~.
 4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building coverage ~~area~~, pavement, or open space is not changed more than 15 percent, \$100.00.

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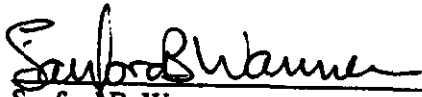
- d. Zoning administrator and fire department review only, \$20.00.
- (5) Sign permits, ~~\$3.00~~ \$4.00 per square foot of gross sign area.
- (6) Appeals to the board of zoning appeals, ~~\$100.00~~ \$250.00.
- (7) Application for a height limitation waiver to the board of supervisors, ~~\$100.00~~ \$200.00.

~~This ordinance shall become effective August 19, 1998.~~



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	ABSENT
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 18th day of August, 1998.