

ADOPTED

DEC 5 1983

ORDINANCE NO. 31A-81

**BOARD OF SUPERVISORS
JAMES CITY COUNTY**

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, BY ADDING THE FOLLOWING ARTICLE: ARTICLE XI, OVERLAY DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, that Chapter 20, Zoning, of the Code of the County of James City is hereby amended by adding Article XI, Overlay Districts, Division 1, Reservoir Protection Overlay District.

CHAPTER 20

ZONING

Article XI. Overlay Districts

DIVISION 1. RESERVOIR PROTECTION OVERLAY DISTRICT, RP

Section 20-168. Statement of Intent

The purpose of this District is to control and regulate runoff at the source to protect against and minimize the pollution of and deposition of sediment in existing or proposed public drinking water supply reservoirs in James City County. This District is intended to prevent causes of degradation of the water supply reservoir as a result of operating or the accidental malfunctioning of the use of land or its appurtenances within the drainage area of such water sources. The regulations in this district are found to be necessary to protect the health, safety, and general welfare of the people of the County.

The Reservoir Protection Overlay District is intended to impose special requirements in addition to the regulations of the principal Zoning District in which the water supply reservoir is located.

Section 20-169. Designation of the Reservoir Protection Overlay District.

The governing body of James City County, Virginia hereby establishes and delineates on the Zoning District Map the Reservoir Protection Overlay District, to be referred to on the Zoning District Map by the symbol RP.

Section 20-170. Existing Structures and Land Uses

The provisions of this article shall apply only to structures constructed and land uses established after December 5, 1983, the date of adoption of the ordinance. Expansions of existing structures and land uses, however, shall comply with the provisions of this article. If a structure or activity is destroyed or damaged to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent (75%) of the cost of reconstructing the entire activity or structure, it shall be restored only if it complies with the requirements of this article; provided however this shall not apply to single family dwellings, mobile homes, two-family dwellings, three-family dwellings, four-family dwellings, townhouses or multi-family dwellings legally in existence, and they may be repaired or replaced.

Section 20-171. Definitions.

For the purpose of this Division, the following words and phrases shall have the meanings ascribed to them below:

BULK STORAGE. Above-ground storage of liquids in excess of one thousand three hundred twenty (1320) gallons.

IMPERVIOUS SURFACE. An area which prevents the infiltration of water into the soil. Buildings, paved roads and parking lots, sidewalks and any area of concrete or asphalt are impervious surfaces. Compacted soil aggregate and crusher run shall be considered to be impervious surfaces.

TRIBUTARY STREAM. Any perennial or intermittent stream, including any lake, pond, or other body of water formed thereon, flowing into any water supply reservoir. Such streams are designated by solid or dashed blue lines on U. S. Geological Survey topographic maps.

WATER SUPPLY RESERVOIR. Any impoundment of surface waters owned, operated or controlled by James City County designed to provide drinking water to the public, or any area designated on the Comprehensive Plan of James City County as the site of a future public drinking water impoundment.

WATERSHED. Any area within the watershed boundaries indicated on the James City County Watershed Protection Map.

Section 20-172. Permitted Uses.

Uses permitted in the Reservoir Protection Overlay District shall be the same as those permitted in the underlying zoning district except as specified in Section 20-173.

Within the Reservoir Protection Overlay District, agricultural or household chemicals, including herbicides, insecticides, fungicides, and pesticides, to be dispersed upon the land or on animals shall be applied in accordance with label directions as attached by the manufacturer. Such chemicals shall be disposed in accordance with regulations cited in 40 CFR 261.5 and 40 CFR 262.51.

Section 20-173. Prohibited Uses.

- (a) The following uses shall be prohibited within the Reservoir Protection Overlay District:
- (1) Storage or production of hazardous wastes as defined in Section 32.1-177 of the Code of VA, 1950, as amended.
 - (2) Transmission pipelines for liquefied natural gas, liquid petroleum products, slurry coal, and any other solids or liquids provided however, that on-site distribution pipelines or connections to existing pipelines, water lines, sewer lines, and storm sewers shall not be prohibited hereunder.

- (3) Land application of industrial wastes (as defined in guidelines prepared by the Department of Public Works).
 - (4) Commercial livestock feeding operations. For the purposes of this article, the term commercial livestock feeding operation shall mean a lot, yard, structure, corral, or other area in which more than 500 animal units (as defined by the U. S. Environmental Protection Agency) of livestock are confined primarily for the purpose of feeding, growing, raising, holding, and birthing prior to slaughter or sale. The term does not include areas which are being used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.
 - (5) Sanitary landfills.
- (b) The following uses shall be prohibited within two hundred (200) feet of a tributary stream and within two hundred (200) feet of the normal pool of a water supply reservoir (these distances shall be horizontal measurements):
- (1) Bulk storage of petroleum and asphalt products and compounds.
 - (2) Storage of hazardous substances in reportable quantities as listed in 44 Fed. Reg. 50777 et seq. (1979).

Section 20-174. Requirements for Residential Uses

- (a) Each residential lot shall have a minimum area of one acre (43,560 square feet); provided, however, the minimum area requirement of one acre shall not apply to lots recorded or legally in existence as of December 5, 1983, the date of adoption of this article.
- (b) For residential subdivisions of more than five lots and mobile home parks, the applicant shall, at the time of filing a site plan or a preliminary plat for a subdivision, submit five copies of a Runoff Analysis in accordance with Section 20-178(a). Performance assurances shall be provided that all runoff control and reservoir protection measures proposed in the Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth in the study. The form of agreement and type of bond or letter of credit shall be approved by the County Attorney. The amount of bond or letter of credit and designated length of completion time shall be set by the Director of Public Works or his authorized designee.
- (c) Development in the Planned Unit Development-Residential (PUD-R) district may be exempted from the requirements of Section 20-174(a) and (b), Section 20-175, Section 20-176 and Section 20-177 of this article provided the applicant at the time of filing for a rezoning shall provide five copies of a Runoff

Analysis in accordance with Section 20-178(a), and performance assurances that all runoff control and reservoir protection measures proposed in the Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth therein. The form of agreement and type of bond or letter of credit and designated length of completion time shall be set by the Director of Public Works or his authorized designee.

Section 20-175. Area Requirements - Exceptions.

Residential lots smaller than one acre shall be permitted in accordance with the underlying zoning district after the issuance of a special use permit by the Board of Supervisors and provided that subdivisions shall meet the following conditions are met:

- (a) The overall project density shall not exceed one dwelling unit per acre;
- (b) The applicant shall submit a Runoff Analysis in accordance with Section 20-178; and
- (c) Performance assurances shall be provided that all runoff control and reservoir protection measures proposed in the Project Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth therein. The form of agreement and type of bond or letter of credit shall be approved by the County Attorney. The amount of bond or letter of credit and designated length of completion time shall be set by the Director of Public Works or his authorized designee.

Section 20-176. Stream and Reservoir Setback Requirements

- (a) Within the Reservoir Protection Overlay District, a buffer strip along any tributary stream shall be required to remain in its natural state or be planted with an erosion retarding vegetative cover. The width of the buffer strip shall be at least one hundred (100) feet. All structures shall be located outside of the required buffer strip. No septic tank or septic tank drain field shall be located within one hundred fifty (150) feet of a tributary stream.
- (b) All structures shall be located at least two hundred (200) feet from any water supply reservoir. No septic tank or septic tank drain field shall be located within two hundred (200) feet of the normal pool elevation of a water supply reservoir. All land within two hundred (200) feet of the normal pool elevation of a water supply reservoir shall remain in its natural state or be planted with an erosion retarding vegetative cover.
- (c) All distances in (a) and (b) above shall be horizontal measurements. Tributary streams shall be measured from the edge of the water.

Section 20-177. Requirements for Commercial and Industrial Uses.

For the purposes of this article, commercial and industrial activities are defined as activities permitted by right or by special use permit in the General Business B-1, Limited Industrial M-1, or General Industrial M-2 Districts.

- (a) Within the Reservoir Protection Overlay District buildings to be erected or land to be used for commercial or industrial activities shall be permitted in accordance with the underlying zoning district after the issuance of a special use permit by the Board of Supervisors and provided that the following conditions are met:
 - (1) The applicant shall submit a Runoff Analysis in accordance with Section 20-178; and
 - (2) Performance assurances shall be provided that all runoff control and reservoir protection measures proposed in the Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth therein. The form of agreement and type of bond or letter of credit shall be approved by the County Attorney. The amount of bond or letter of credit and designated length of completion time shall be set by the Director of Public Works or his authorized designee.
 - (3) The applicant shall submit to the Zoning Administrator a list of all hazardous substances cited in 44 Fed. Reg. 50777 et seq. (1979) and which are intended to be used on the site, and a description of proposed methods of containment of such substances.
- (b) No Runoff Analysis shall be required for commercial or industrial development involving the establishment of less than five thousand (5,000) square feet of impervious surface. No special use permit shall be required for commercial or industrial developments involving the establishment of less than five thousand (5,000) square feet of impervious surface, unless required by the underlying zoning district.

Section 20-178. Runoff Analysis

- (a) The Runoff Analysis shall be performed or reviewed by a Virginia Registered Professional Engineer who shall certify that the study has been conducted in accordance with guidelines prepared by the Department of Public Works. The study shall address at a minimum the following topics:
 - (1) Description of the proposed project including location and extent of impervious surfaces, anticipated use of the land and buildings; description of the site including topographic, hydrologic, and vegetative features.

- (2) Characteristics of natural runoff on the site including its rate and chemical composition including phosphorus concentration, suspended solids, and other chemical characteristics as deemed necessary by the Director of Public Works to make an adequate assessment of water quality.
- (3) Characteristics of runoff on the site with the proposed project, including its rate, and chemical composition including phosphorus concentration, suspended solids, and other chemical characteristics as deemed necessary by the Director of Public Works to make an adequate assessment of water quality.
- (4) Measures that can be employed to reduce the rate of runoff and pollutant loading of runoff from the project area, both during construction and after.
- (5) Performance criteria proposed to assure an acceptable level of runoff quality and rate. At a minimum such criteria shall provide for a seventy-five (75) percent reduction of suspended solids and phosphorus, and the retention or infiltration of the first one-inch of runoff from impervious surfaces.
- (6) Proposed runoff control and reservoir protection measures for the project.

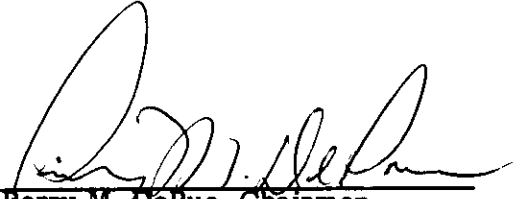
(b) Procedure for Submittal and Review.

The applicant shall submit five copies of the Runoff Analysis to the Zoning Administrator who shall evaluate the study for compliance with these regulations and, if found to be complete, shall within thirty days after the Runoff Analysis has been filed, prepare a report with recommendations on the proposed project.

The Zoning Administrator's report shall include, but not be limited to the following:

- (1) Impact of the proposed project on the water supply reservoir.
- (2) Adequacy of performance criteria specified in the study, including ability to monitor.
- (3) Recommendations for additional reservoir protection measures, if required, including monitoring.
- (4) Final recommendations regarding the proposed project.

A copy of the Zoning Administrator's report shall be sent to the applicant. The Runoff Analysis and the Zoning Administrator's report shall be considered by the Planning Commission within thirty days after completion of the Zoning Administrator's report. Both reports shall be considered by the Planning Commission and the Board of Supervisors in their deliberations on the issuance of a special use permit.



**Perry M. DePue, Chairman
Board of Supervisors**

ATTEST:



**James B. Oliver, Jr.
Clerk to the Board**

<u>SUPERVISOR</u>	<u>VOTE</u>
DePUE	AYE
FRINK	AYE
EDWARDS	AYE
MAHONE	AYE
TAYLOR	NAY

Adopted by the Board of Supervisors, James City County, Virginia, this 5th day of December, 1983.

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