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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, ARTICLE I. IN GENERAL, SECTION 20-12. MINIMUM OFF-STREET PARKING; ARTICLE II. SITE PLAN, SECTION 20-50. FINAL "AS-BUILT" PLANS REQUIRED; ARTICLE IV. DISTRICTS, DIVISION 7. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 20-228. STREET IMPROVEMENTS; DIVISION 8. MULTI-FAMILY RESIDENTIAL DISTRICT, R-5, SECTION 20-251. REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; ARTICLE VIII. PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 20-482. REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; ARTICLE IX. RESIDENTIAL CLUSTER DEVELOPMENT, SECTION 20-509. DENSITY BONUSES; ARTICLE X. OVERLAY DISTRICTS, DIVISION 1. RESERVOIR PROTECTION OVERLAY DISTRICT, RP, SECTION 20-529. PROHIBITED USES, SECTION 20-530. REQUIREMENTS FOR RESIDENTIAL USES, SECTION 20-531. AREA REQUIREMENTS - EXCEPTIONS, SECTION 20-532. STREAM AND RESERVOIR SETBACK REQUIREMENTS, SECTION 20-533. REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL USES, SECTION 20-534. RUNOFF ANALYSIS; DIVISION 2. FLOODPLAIN AREA REGULATIONS, SECTION 20-549. DESIGNATION OF FLOODPLAIN AREAS, SECTION 20-555. REGULATIONS FOR PUBLIC UTILITIES, SECTION 20-556. REGULATIONS FOR FILLING OF FLOODPLAIN AREAS, AND SECTION 20-557. WATERCOURSE MODIFICATION.

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 20-12. Minimum off-street parking; Section 20-50. Final "as-built" plans required; Section 20-228. Street improvements; Section 20-251. Requirements for improvements and design; Section 20-482. Requirements for improvements and design; Section 20-509. Density bonuses; Section 20-529.

Prohibited uses, Section 20-530. Requirements for residential uses, Section 20-531. Area requirements - Exceptions, Section 20-532. Stream and reservoir setback requirements, Section 20-533. Requirements for commercial and industrial uses, Section 20-534. Runoff analysis, Section 20-549. Designation of floodplain areas, Section 20-555. Regulations for public utilities, Section 20-556. Regulations for filling of floodplain areas, and Section 20-557. Watercourse modification.

Chapter 20. Zoning
Article I. In General

Section 20-12. Minimum off-street parking.

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking with adequate landscaping and provision for entrance and exit by standard sized automobiles, as follows:

A. General provisions.

1. No Certificate of Occupancy shall be issued for any structure which does not comply with these requirements; however, structures already in use are exempted, provided that:

(a) Such structure at the time of its erection complied with the provisions of all applicable ordinances of James City County.

(b) Exempted buildings remain in continuous use and at no time remain vacant or unused for a continuous period of one year.

(c) No parking lot for any exempted property is enlarged or materially altered. If such a parking lot is to be enlarged or materially altered, the existing parking area as well as the new parking area shall be brought into conformance with this Chapter; provided however, the Planning Commission may waive the setbacks and geometric design requirements found in B. 1, 2 and 6 below as they apply to existing parking areas, upon finding that the costs of complying with these standards would impose a severe hardship, or that insufficient area exists to allow such revision.

For purposes of this Section, enlarged or materially altered shall mean expansion or change in the parking lot which either increases the number of parking spaces by more than

15% or reduces the landscaped areas of the parking lot by more than 15%. Nothing in this Section is intended to prohibit paving or surfacing of parking lots, the installation of curbs or bumpers, or other improvements which do not affect the number of spaces or the areas of the site dedicated to landscaped open space.

2. Required off-street parking spaces shall be located on the same lot as the structure or use to which they are accessory or on a lot adjacent thereto which has the same zoning classification.

3. Off-street parking spaces shall be used solely for the parking of vehicles in operating condition by patrons, occupants or employees of the use to which such parking is accessory. Permanent storage of vehicles shall not be allowed. Storage of vehicles for sale shall not be allowed.

4. Parking spaces for the handicapped and any necessary curb cuts and ramps shall be provided in all parking areas in conformance with the standards for numbers and design found in the Virginia Uniform Statewide Building Code.

B. Design.

Parking areas shall be arranged for functional efficiency and convenience and shall be designed to be amenable to surrounding property. Parking areas accessory or otherwise, containing ten or more parking spaces, shall comply with the following:

1. The parking lot shall be separate from the street right-of-way and property lines by a landscaped strip at least ten feet in width. Ingress and egress shall be provided through driveway openings only. In the event a parking lot is adjacent to a parking lot on another parcel, the required landscaped strip along the common property line between the two parking lots may be waived by the Site Plan Review Committee.

2. The parking lot shall be constructed so that spaces are grouped into bays. At the end of each bay, a landscaped island of at least nine feet in width and 15 feet in length shall be built to separate the bays from each other or from traffic lanes. When the parking bays contain double rows of parking spaces, the landscaped island shall be increased to nine feet in width and 30 feet in length. A parking bay may not be constructed to a length of more than 200 feet without constructing a landscaped island. The Administrator may approve islands which vary from 9 x 15 or 9 x 30 rectangles in order to provide desirable geometric design features such as rounded corners and angles to facilitate maneuvering of automobile traffic. However, in no case shall the total area of an island be decreased as a result of such design change.

3. The landscaped area within the parking lot shall not be less than 7.5% of the surface area of the parking lot. The perimeter landscaped strip required by this Chapter shall be excluded from the calculations of the minimum landscaped percentage; except that any portion of the perimeter landscaped strip which exceeds the minimum requirement may be counted as up to one-third of the required landscaped percentage or against up to 2.5% of the

surface area of the parking lot. Parking lots with two bays or less of single rows of parking may include the entire perimeter landscaped strip, including the minimum required, in the calculation of the landscape percentage.

4. "Landscaped area," "landscaped setback," "landscaped strip," "landscaped island," or "perimeter open space," as herein used are defined in Section 20-2. Such areas shall be shown on the site plan or a separate landscaping plan for the site which shows the size and type of existing trees, trees to be removed and new trees, shrubs, flowers and grass to be planted. A minimum of one tree shall be provided within the landscaped areas in the parking lot for each ten parking spaces in the lot. Existing trees and natural vegetation shall be retained wherever possible, particularly where they border adjacent property. All landscaped areas contiguous to parking bays shall be protected from intrusion by vehicles by curbs or bumpers.

5. Adequate lighting shall be provided if the uses which are served by the parking lot will be in operation at night. The lighting in parking lots shall be directed so as not to produce objectionable glare on adjacent property or streets, and no lighting fixture shall exceed a height of 30 feet.

6. The design of the parking lot shall meet the minimum geometric standards presented in the following table:

MINIMUM OFF-STREET PARKING AREA DIMENSIONS

<u>Angle of Parking (degrees)</u>	<u>Direction of Traffic</u>	<u>Dimension of Stall (feet)</u>	<u>Width of Aisle (feet)*</u>
Parallel	One-way	8 x 22	12
45	One-way	9 x 18	12
60	One-way	9 x 18	18
90	Two-way	9 x 18	23

* Minimum width of traffic aisles in parking lots for two-way traffic shall be 24 feet.

The minimum aisle dimension of any parking lot designed to accommodate at least 500 vehicles and intended for long-term parking may be reduced by four feet provided: the lot is designed and marked for one-way traffic; the parking spaces form an angle of eighty degrees to ninety degrees with the aisle; each vehicle is individually guided to a parking space by an attendant; and the safety and effective operation of the lot has been clearly demonstrated.

For the purpose of this section the phrase "long-term parking" shall mean parking the duration of which is on the average six hours or more.

7. Parking areas, driveways, and entrances shall be surfaced with gravel, stone, asphalt or concrete, and shall be maintained in good repair. Adequate drainage shall be provided for the removal of storm water and a drainage plan shall be submitted with the site plan and approved by the Director of Code Compliance.

8. The location, size, and number of entrances from parking areas onto public or private roads shall be shown on the site plan. Upon finding that on-site traffic circulation, off-site traffic flow, or public safety would be improved, the Site Plan Review Committee may require the location, number or size of entrances to be limited or increased.

C. Special provisions for bus parking.

If provided, bus parking areas shall be arranged for functional efficiency and convenience and shall be designed to be amenable to surrounding property. Bus parking areas, accessory or otherwise, are exempted from the requirements of B. "Design," but shall comply with A. "General provisions" and with the following:

1. Site plans, in accordance with Article II of this Chapter, shall be submitted for all new off-street parking areas for buses or for any additions to existing off-street parking areas for buses. (This requirement supersedes A. 5 above.)

2. Parking areas to be used for bus parking shall be used for bus parking only. Signs shall be erected within the parking lot indicating those areas designated for bus parking only.

3. For perpendicular or angled parking, the minimum size of a bus parking space shall be 12 feet wide and 40 feet long. For parallel bus parking spaces, the minimum size shall be 12 feet wide by 50 feet long. The width of aisles within bus parking lots shall be determined by the turning radii necessary to safely maneuver into and out of the parking spaces; however, shall in no case be less than 24 feet wide.

4. Bus parking areas shall be surfaced with gravel, stone, asphalt or concrete and shall be maintained in good repair. Adequate drainage shall be provided for the removal of storm water and a drainage plan shall be submitted with the site plan and approved by the County Engineer.

5. Bus parking areas shall be separated from all street rights-of-way and property lines by a landscaped strip ten feet or greater in width. Bus parking areas which contain four or more spaces shall be separated from all street rights-of-way and property lines by a landscaped strip 20 feet or greater in width. The landscaped strip shall contain a number of trees equal to at least one tree for each two bus spaces or fraction thereof in addition to other required plantings.

6. Adequate lighting shall be provided if the uses which are served by the bus parking area will be in operation at night. The lighting shall be directed so as not to produce objectionable glare on adjacent property or streets, and no lighting fixture shall exceed a height of 30 feet.

D. Minimum off-street parking requirements.

1. Residential uses: The minimum number of off-street parking spaces shall be: two spaces per single-family residential unit; three spaces per single family dwelling with an accessory apartment; two spaces per

townhouse dwelling unit; and two spaces per mobile home. Other residential uses shall provide 1.5 spaces per residential unit. Spaces in accessory garages conforming to the size and area requirements for parking spaces and having suitable ingress and egress shall be counted towards the required minimum number of parking spaces for each dwelling.

2. Commercial uses: Commercial and institutional uses shall be divided into various categories according to the parking demand which they generate, as follows:

Category A. High Parking Demand Generators shall provide one parking space per 200 square feet of retail floor area, to include:

General retail stores.

Retail food stores, bakeries, and fish markets.

Laundries and dry cleaners.

Wearing apparel, shoes, yard goods, toys, music and records, tailors, dressmakers, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, tobacco and pipes, jewelry sales and service, books, greeting cards, and sporting goods stores.

Drug stores.

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

Antique, novelty, arts and crafts, and gift shops.

Libraries and post offices.

Lodges, civic clubs, fraternal organizations, service clubs, public billiard parlors, arcades, pool rooms, dance halls, and private clubs.

All other commercial uses not specified in Category B or C below.

Category B. Moderate Parking Demand Generators shall provide one parking space per 250 square feet of retail floor area, to include:

Banks and financial institutions.

Corporate, business and professional offices.

Lumber and building supply.

Plumbing and electrical supply.

Tire, transmission, glass, body and fender, and other automotive product sales and service.

Machinery sales and service.

Photography studios and sales and artist and sculptor studios.

Category C. Uses with unique requirements.

(a) Motels, hotels and tourist homes shall have one parking space per rental unit plus four parking spaces for every 50 rental units plus one parking space per five persons to the maximum capacity of each public meeting and-or banquet room. Accessory uses (restaurants, bars, etc.) shall provide the number of parking spaces required for those uses individually.

(b) Theaters, auditoriums and places of public assembly shall have one parking space per five seats based upon the planned seating capacity.

(c) Hospitals shall provide at least two parking spaces for every bed. Nursing homes or convalescent facilities shall provide one parking space for every three beds, plus one parking space for each employee on the largest shift.

(d) Outdoor retail sales-display areas shall provide at least one parking space per 500 square feet of area.

(e) Bowling alleys shall have three parking spaces per alley plus one space for every 200 square feet of accessory business use.

(f) Barber shops and beauty shops shall have at least three spaces plus two spaces for every barber or beautician chair.

(g) Planned shopping centers, with four or more stores using a common parking lot, shall provide parking spaces according to the following schedule:

<u>Total Retail Floor Area in Square Feet</u>	<u>Number of Spaces per 1,000 Square Feet</u>
1 - 100,000	4
100,001 - 300,000	5
Over 300,000	5.5

Where a theater is proposed in conjunction with any shopping center which contains at least 60,000 square feet of retail floor area, the number of parking spaces required for the theater may be reduced by 25% of what would have been required under (b) above. All shopping centers utilizing the provisions of this paragraph shall have a minimum landscaped strip along street rights-of-way of 20 feet and the landscaped strip along all other property lines shall be a minimum width of 15 feet.

(h) Medical and dental clinics shall provide at least three parking spaces for each doctor or dentist having offices in such clinic.

(i) Mortuaries and funeral homes shall provide at least 30 parking spaces.

(j) Furniture stores, carpet show rooms and indoor vehicular sales show rooms shall have one parking space for every 400 square feet of retail floor area.

(k) Restaurants shall have one parking space for every four seats based upon the maximum seating capacity allowed.

(l) Rental of rooms to a maximum of three shall provide off-street parking totalling one more parking space than the total number of rooms to be rented.

3. Industrial uses: Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two employees on the largest shift.

4. Where the required number of parking spaces is not set forth for a particular use in the preceding Sections, where the applicant is uncertain as to final use or size of the structure or where there is no similar general type of use listed, the Site Plan Review Committee shall determine the number of spaces to be provided.

5. Appeals and waivers.

(a) Appeals. A property owner may appeal for a change of a commercial use from Category A to Category B or a less restrictive requirement within Category C; however, the burden of proof shall be upon the applicant to show that the particular activity will not reasonably generate parking demand sufficient to justify the parking requirement of its present classification. Appeals for changes to different parking classifications shall be made to the Site Plan Review Committee.

(b) Waivers. A property owner may be granted a waiver by the Site Plan Review Committee from the minimum off-street parking requirements if it can be shown that due to unique circumstances, a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement. Any waiver granted by the Site Plan Review Committee shall not allow a greater building area than would have been possible had the original parking requirement been enforced. The Site Plan Review Committee may place conditions upon the granting of a waiver, and may require that the parking area not required upon the granting of the waiver be landscaped in addition to the minimum landscaping requirements.

Article II. Site Plan

Section 20-50. Final "as-built" plans required.

For all projects subject to site plan review in accordance with Section 20-35, a copy of final "as-built" plans and specifications for all utilities, permanent drainage and stormwater management facilities, water and sewer facilities and fire hydrants shall be submitted to the Director of Code Compliance prior to the issuance of any permanent Certificate of Occupancy.

Article IV. Districts

Division 7. Residential Planned Community District, R-4

Section 20-228. Street improvements.

- (a) All dedicated public streets shown on the final plan shall meet the design and construction requirements of the State Department of Highways and Transportation 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 Department of Highways, 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 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.

Division 8. Multi-Family Residential District, R-5

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 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 dwelling units; provided, that the total shall not exceed 10% of the gross area of the site. For multi-family projects with less than 50 dwelling units, the recreation areas shall total 10% 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) Sidewalks. Sidewalks of a minimum width of four feet shall be constructed between buildings, parking areas and public areas. If paralleling a street, sidewalks shall be separated from the edge of the pavement by a utility strip which shall be at least two feet wide and landscaped. If not constructed of concrete, the material and design shall be specified on the site plan and subject to commission approval.
- (e) Utility lines. All utility lines, including electrical, telephone, and cable television, shall be placed below ground.
- (f) Parking. Off-street parking facilities shall be provided in accordance with Section 20-12 of this Chapter.

- (g) 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.
- (h) Streets. All streets shall meet the design and construction requirements of the State 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 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.
- (i) Fire hydrants. Fire hydrants shall be at locations and of types approved by the County Director of Code Compliance and County Fire Chief. No structure within the project shall be further than 400 feet from a hydrant.
- (j) 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.
- (k) Street lights. Street lights 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 lighting 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 feet.
- (l) Site plan. A site plan for the project must be approved in accordance with Article II of this Chapter.
- (m) Building height. A building may exceed 35 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.
- (n) 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.
 - (o) 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.
 - (p) 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 feet from any other structure.
 - (q) 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 Drainage Manual.
 - (r) 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 wherever possible.
 - (s) 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.

- (t) 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. (Ord. No. 31A-88, Section 20-80.13, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-91, 12-2-85)

Article VIII. Planned Unit Development Districts

Section 20-482. Requirements for improvements and design.

(a) Water and sewer. All structures and uses within a Planned Unit Development District shall be served by public water and public sewage systems. Extensions and expansions of public utilities to serve the development shall be governed by the regulations and policies governing service of the appropriate public agency.

(b) Recreation areas. Areas on the Master Plan designated as A (single-family detached), B (two-family or townhouses), C (multi-family structures less than three stories) or D (multi-family structures of three or more stories) shall be provided with a recreation area or areas. The developer shall provide and install playground equipment, playfields, tennis courts or other recreation facilities prior to the issuance of Certificates of Occupancy. 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 this Chapter.

(d) Streets. All streets shall meet the requirements of the State Department of Highways and Transportation or the requirements of the County subdivision regulations, whichever is greater. Such streets shall be coordinated with the major transportation network shown in the County Comprehensive Plan. The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the County Attorney and Director of Code Compliance. Private streets may be permitted upon the approval of the Board of Supervisors.

(e) Fire hydrants. Fire hydrants shall be at locations and of types approved by the County Director of Code Compliance and County Fire Chief. No structure within the District shall generally be further than four hundred feet from a hydrant.

(f) Street lights. Street lights shall generally be provided at each intersection and adequately spaced in parking lots 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. No lighting fixture shall exceed a height of 15 feet within residential areas of a Planned Unit Development District, nor 30 feet in commercial or industrial areas.

(g) Drainage Facilities. Facilities for the adequate control of stormwater drainage and erosion and sedimentation shall be provided in accordance with the Virginia Erosion and Sediment Control Handbook and the Virginia Department of Highways and Transportation Drainage Manual.

(h) Natural features and amenities. Existing features which would add value to the residential development or to the County as a whole, such as trees, watercourses, historical sites and similar irreplaceable assets, shall be preserved wherever possible.

(i) Signs. All signs within a Planned Unit Development District shall comply with Article VIII of this Chapter.

Article IX. Residential Cluster Development

Section 20-509. Density bonuses.

(a) The permitted number of dwelling units defined in Section 20-508 may be increased upon the granting of a density bonus by the Board of Supervisors. Upon application, the Board of Supervisors may grant density bonuses in accordance with part (b) hereunder upon finding that the increased density will not impair the character of the area, nor likely reduce the value of surrounding buildings or property.

(b) A density bonus equaling 2.5% of the density calculated according to Section 20-508 may be awarded for each condition, specified in (1) through (11) below, which is met by the cluster development; provided, however, that in no case shall the accumulated density bonus exceed ten percent.

1. Provision of sidewalks on all internal streets.
2. Creation of a scenic easement adjoining any road designated as a greenbelt on the Comprehensive Plan. Such scenic easement shall be at least 50 feet wide as measured from the road right-of-way.
3. Creation of a buffer area around any marsh or perennial stream shown on U.S. Geological Survey topographic maps. In tidal areas such buffer shall be at least 20 feet wide as measured from the marsh or stream at mean high water. For nontidal water courses the buffer shall be at least 20 feet wide as measured from the stream bank. The buffer area shall contain no structures or improvements of any kind, except that unpaved footpaths are permitted.
4. Dedication of land accepted by the County. Such land shall be dedicated for use as a school site, fire station site, park site, or other public facility site, shall be suitable for the proposed use and shall be at least two acres in size.

5. Undertaking an archaeological survey of the site according to guidelines provided by the Virginia Historic Landmarks Commission.
6. Preserving any archaeological or historic site or structure judged to be of significant value by the Virginia Historic Landmarks Commission.
7. Preserving in its natural state, any area demonstrated to be a habitat for any endangered, rare, or threatened species of plant or wildlife so designated by the State of Virginia or the federal government, or listed in Rare and Endangered Vascular Plant Species in Virginia, (Duncan M. Porter, Virginia Polytechnic Institute and State University, 1979).
8. Provision of sidewalks joining the cluster development with any arterial or public facility excluding pump stations, fire stations, and dumpster locations. Such sidewalks shall be at least one-half mile in length and shall meet the specifications of the Division of Code Compliance.
9. Provision of paved bicycle paths at least one-half mile in length.
10. Construction within the project of any lake to be used for recreation or drainage regulation, provided that the lake is open and usable to the residents of the development for recreational purposes.
11. Provision of a community swimming pool, a community recreation building or other similar major recreation facility such as tennis courts.

Article X. Overlay Districts
Division 1. Reservoir Protection Overlay
District, RP

Section 20-529. 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 Division of Code Compliance).
 - (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 200 feet of a tributary stream and within 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 20-530. 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. Such lots of less than one acre used for residential purposes shall be limited to one principal residential use.
- (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 20-534(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 Code Compliance or his authorized designee.
- (c) Development in the Planned Unit Development-Residential (PUD-R) district may be exempted from the requirements of Section 20-530(a) and (b), Section 20-531, Section 20-532 and Section 20-533 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 20-534(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 Code Compliance or his authorized designee.

Section 20-531. 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, provided that subdivisions shall meet the following conditions:

- (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 20-534; 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 Code Compliance or his authorized designee.

Section 20-532. 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 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 150 feet of a tributary stream; provided, however, if the septic system is located upstream from and drains through a runoff control detention pond which has been approved by the Director of Code Compliance or his authorized designee, this limitation may be reduced to 100 feet.
- (b) All structures shall be located at least 200 feet from any water supply reservoir. No septic tank or septic tank drain field shall be located within 200 feet of the normal pool elevation of a water supply reservoir. All land within 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 20-533. 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 20-534; 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 Code Compliance or his authorized designee.
 - (3) The applicant shall submit to the Planning Director 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 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 5,000 square feet of impervious surface, unless required by the underlying zoning district.

Section 20-534. 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 Division of Code Compliance. 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 Code Compliance 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 Code Compliance 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 75% 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) The applicant shall submit five copies of the Runoff Analysis to the Planning Director 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 Planning Director'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 Planning Director's report shall be sent to the applicant. The Runoff Analysis and the Planning Director's report shall be considered by the Planning Commission within thirty days after completion of the Planning Director'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.

Division 2. Floodplain Area Regulations

Section 20-549. Designation of floodplain areas.

The 100 year floodplain shall be determined to the satisfaction of the Director of Code Compliance taking into consideration:

- (1) The existing hydraulic system of the drainage basin; and
- (2) Future land use based on full development as indicated in the most recently adopted Comprehensive Plan.

As a minimum, such floodplain delineated shall be:

- (1) Property within Zone A of a Flood Hazard Boundary Map (FHBM) published by the Federal Insurance Administrator; or
- (2) Property within Zones A-1-30 of a Flood Insurance Rate Map (FIRM) published by the Federal Insurance Administrator.

Such maps shall be available for inspection in the Division of Code Compliance and Development Management Department.

Section 20-555. Regulations for public utilities.

Nonessential or improper installation of public utilities and public facilities in floodplain areas shall be prohibited:

- (1) Water supply system. New or replacement water supply systems in a floodplain area shall be designed to eliminate infiltration of floodwaters.
- (2) Sanitary sewerage systems. New or replacement sanitary systems shall be designed to minimize or eliminate infiltration of floodwaters or discharge of effluents into floodwaters.
- (3) Septic tanks. New or replacement septic tank drain fields shall be placed where they shall not be impaired or contaminated by a base flood.

This Section shall be administered by the Director of Code Compliance or Health Official where applicable.

Section 20-556. Regulations for filling of floodplain areas.

Filling of land which has an elevation lower than the elevation of a 100 year flood shall be prohibited unless:


- (1) Such fill will not increase the level of flooding on any other property; or
- (2) The cubic area of the 100 year floodplain to be filled is equaled by additional cubic area to be added to the 100 year floodplain via a dredging or removal of earth.

These requirements are essential to prohibit increased flood hazard to other property and life as a result of such filling. This Section shall be administered by the Director of Code Compliance. The applicant shall provide whatever data is necessary to make such determinations, as certified by a licensed surveyor or engineer.

Filling or other encroachments into a designated floodway that would impair its flood conveyance are prohibited.

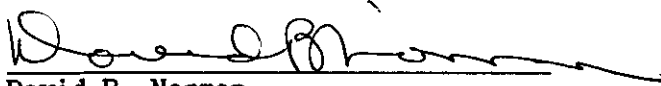
Section 20-557. Watercourse modification.

The Federal Insurance Administrator, adjacent jurisdiction and State coordinating office shall be notified prior to the alteration or relocation of the main channel of any watercourse. The flood-carrying capacity to such watercourse shall be maintained. This Section shall be administered by the Director of Code Compliance.



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,
this 22nd day of February, 1988.

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