

ADOPTED

JAN 9 1994

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 31A-155

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, BY AMENDING SECTION 20-11, SPECIAL USE PERMIT REQUIREMENTS FOR CERTAIN COMMERCIAL AND OFFICE USES; EXEMPTIONS; TO ALLOW FOR INCREASED ECONOMIC DEVELOPMENT POTENTIAL IN ORDER TO MORE CLOSELY CONFORM WITH THE ADOPTED COMPREHENSIVE PLAN.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-11, Special use permit requirements for certain commercial and office uses; exemptions; to allow for increased economic development potential in order to more closely conform with the adopted Comprehensive Plan.

ARTICLE I. IN GENERAL

Section 20-11. Special use permit requirements for certain commercial ~~and office~~ uses; exemptions.

(a) General Requirements. A special use permit issued by the Board of Supervisors shall be required for:

- (1) Any convenience store;

- (2) Any commercial building which exceeds 10,000 square feet of floor area; *or*
- ~~(3) Any office building which exceeds 20,000 square feet of floor area;~~
~~*or*~~
- (4) Any commercial ~~or office~~ building, *not including office uses*, which generates, or would be expected to generate, 150 or more additional trips to and from the site during the peak hour of the operation based on the application of the Institute of Transportation Engineers (ITE) traffic generation rates contained in the latest edition of ~~their~~ *its* book entitled Trip Generation. The applicable trip generation rate shall be determined by the Planning Director. The Planning Director may permit other traffic generation rates to be used if an individual or firm qualified to conduct traffic engineering studies documents that the use would not reasonably be expected to generate the amount of peak hour traffic projected by application of ITE traffic generation rates, provided the documentation is acceptable to the Planning Director.

(b) New Buildings, Additions, or Expansions. A special use permit shall be required for a new building, addition or expansion when:

- (1) In combination with the existing structure, it exceeds the thresholds set forth in paragraph (a);
- (2) It adds 5,000 square feet or more of commercial floor area or ~~10,000 square feet or more of office floor area~~ or, in combination with other new buildings, additions or expansions, generates 75 or more peak hour trips than generated by the existing or approved use on May 21, 1990, or than approved in a special use permit, whichever is greater; and
- (3) It is located on the same property as the existing structure or other parcel which is a logical component of such property. Factors to determine whether a parcel is a logical component include:
 - a. Common ownership or control of the parcels under consideration by the same person(s) or entity(ies), or similar or related entities;
 - b. Regardless of factor a. above, shared access to public roads, shared parking arrangements, shared traffic circulation or shared service areas; and
 - c. Proximity. For the purpose of this paragraph, "proximity"

means adjacent parcels; parcels separated by property under common ownership or control by the same person(s) or entity(ies) or similar or related entities, or parcels separated by a public or private right-of-way.

(c) Design and Submittal Requirements. Any building or use and addition or expansion thereto requiring a special use permit under this section shall comply with the following regulations:

- (1) Any use requiring a special use permit under this section for which the existing and proposed use is five acres or more in area shall include a binding master plan prepared in accordance with Section 20-484(b)(1)-(5). The master plan shall depict and bind the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-way, accesses, open spaces, public uses and other features to be located on the site for which approval is sought. The planning director may require other features, including general location and approximate boundaries of buildings, structures or parking areas, to be incorporated into the master plan where deemed necessary due to the size of the development, access to or location of public roads, distance from residential areas, presence of environmentally sensitive areas or availability of public utilities. The master plan

shall be reviewed and approved and thereafter become binding upon approval of the special use permit by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with Section 20-13 of this chapter. Final site plans may be approved after approval of a master plan by the board of supervisors. All final site plans shall be consistent with the master plan, but may deviate from the master plan if the zoning administrator concludes, after reviewing written comments from the planning director, the site plan does not alter the basic concept or character of the development or conflict with any conditions placed on the special use permit. If the zoning administrator determines that a proposed change would deviate from the approved master plan, the amendment shall be submitted and approved in accordance with Section 20-13.

- (2) A traffic impact study shall be submitted with any such special use permit application prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the planning director. Such study shall address projected traffic generation, internal and external traffic, turning movements and distribution at each access point, traffic distribution, capacity of surrounding roads, and road and access improvements.

- (3) Vehicular access points and drives shall be designed to encourage smooth traffic flow, with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. No more than one access point on each abutting public street shall be permitted unless specifically approved by the board of supervisors after reviewing the applicant's traffic impact study.

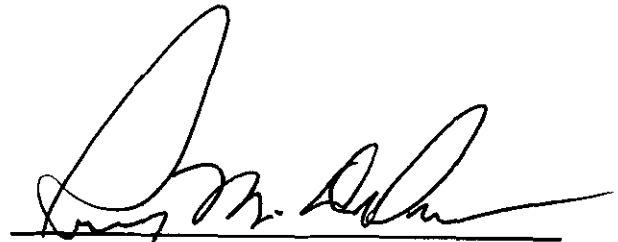
- (d) Exemptions. The following shall be exempt from the requirements of this

section:

- (1) Any use or building and expansion or addition thereto with preliminary site plan approval prior to May 21, 1990;
- (2) Any use or building and expansion or addition thereto for which the start of construction began prior to May 21, 1990, in accordance with a site plan approved prior to that date;
- (3) Any use or building and expansion or addition thereto shown on a proffered binding master plan that binds the general location of all of the features on the plan as required under this section;

- (4) Any building located in a mixed use district, residential planned community district or planned unit development district; or
- 5) Any building predominantly used as a warehouse, distribution center, *office*, or for other industrial or manufacturing purposes.

This ordinance amendment shall be effective on and after February 15, 1994.



Perry M. DePue
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

SUPERVISOR VOTE

MAGOON	AYE
EDWARDS	AYE
SISK	AYE
TAYLOR	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 3rd day
of January, 1994.

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