

MAY 22 2007

ORDINANCE NO. 31A-226BOARD 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 V, DISTRICTS, DIVISION 15, MIXED USE, MU, SECTION 24-527, 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 Section 24-527, Setback requirements.

Chapter 24. Zoning

Article V. Districts

Division 15. Mixed Use, MU

Section 24-527. Setback requirements.

(a) *Location of structures.* Structures shall be located 50 feet or more from any *external* existing or planned public road right-of-way, *or any internal arterial road right-of-way*, which is 50 feet or greater in width. Where the *external* existing or planned public road right-of-way, *or the internal arterial road right-of-way*, is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the *external* existing or planned *or internal arterial*, public road.

(b) *Required set back from mixed use districts.* For commercial, industrial, office, residential and mixed uses a setback of 50 feet shall be maintained from the perimeter of a mixed use district. The setback shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development.

(c) ~~*Lesser setback requirements for mixed use area internal to mixed use districts; criteria for determination.*~~ The planning commission may recommend approval of a setback of less than 50 feet for those areas of a mixed use district that are internal to a Mixed Use area as designated by the Comprehensive Plan upon finding ~~*Setback modifications; criteria for determination.*~~ *Reduction of the*

*width of the setbacks specified in subsections (a) and (b) above may be approved for a mixed use zoning district that is designated Mixed Use by the Comprehensive Plan upon demonstration that the proposed setbacks, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback requirements of this section and the intent of section 24-86 (Landscaping and Tree Preservation Requirements), shall have no additional adverse impact on adjacent properties or public areas, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan. In addition, ~~the planning commission shall find that one or more of the following criteria are met~~ a request for a setback modification must meet one or more of the following criteria:*

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

*Reduction of the width of the setbacks may also be approved for a mixed use zoning district that is not designated Mixed Use by the Comprehensive Plan upon finding that the proposed setback meets one or more of the criteria listed above and both of the following additional criteria:*

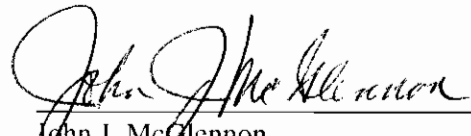
- (1) *Properties adjacent to the properties being considered for a reduction in setback must be compatible;*
- (2) *The proposed setback reduction has been evaluated by appropriate county, state or federal agencies and has been found to not adversely impact the public health, safety or welfare.*

(d) *Requests for modifications.* Requests for modifications ~~to the 50-foot setback pursuant to subsection (c) above~~ shall be filed in writing with the planning director and shall identify the reasons for

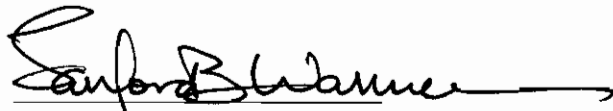
such requests together with the proposed alternative. The planning director shall make a recommendation to the ~~development review committee~~ *planning commission* to approve, deny or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met.

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

(f) *Uses prohibited.* Setbacks shall not be used for streets or for parking except for entrances and driveways which may penetrate the setback.

  
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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

  
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Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	NAY
BRADSHAW	AYE
GOODSON	AYE
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of May, 2007.