

ADOPTED

DEC 11 2012

Board of Supervisors
James City County, VA

ORDINANCE NO 31A-283

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, BY AMENDING SECTION 24-62, SPECIAL PROVISIONS FOR PRIVATE STREETS.

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 II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-62, Special provisions for private streets.

Chapter 24. Zoning

ARTICLE II. SPECIAL REGULATIONS

DIVISION 1. IN GENERAL

Division 2. Highways, Streets, Parking and Loading

Sec. 24-62. Special provisions for private streets.

(a) Approval process.

(1) Generally. Private streets may be permitted for the uses listed in Table 1 below upon approval of the board of supervisors unless otherwise specified and shall be coordinated with existing or planned streets of approved master plans and the Comprehensive Plan. Such approval shall be requested in writing.

Table 1: Zoning districts and uses where private streets may be permitted

Use	Qualified Industrial Park per Sec. 24-62(a)(2)	Manufactured Home Park per Sec. 24-181	Single-Family Residential	Multi-Family Residential	All uses permitted in zoning district
Zoning District	A-1, General Agriculture	X	✓	X	X
	R-1, Limited Residential	X	X	X	X
	R-1, with cluster overlay	X	X	X	X
	R-2, General Residential	X	X	X	X
	R-2, with cluster overlay	X	X	X	✓
	<i>R-3, Residential Redevelopment</i>	<i>X</i>	<i>X</i>	✓	✓
	R-4, Residential Planned Community	✓	✓	✓	✓
	R-5, Multi-Family Residential	X	X	B	B
	R-5, with cluster overlay	X	X	B	B
	R-6, Low Density Residential	X	X	X	X
	R-8, Rural Residential	X	✓	X	X
	LB, Limited Business	X	X	X	X
	B-1, General Business	X	X	X	X
	M-1, Limited Business/Industrial	✓	X	X	X
	RT, Research & Technology	✓	X	X	X
	M-2, General Industrial	✓	X	X	X
	PUD, Planned Unit Development	✓	✓	✓	✓
	MU, Mixed Use	✓	✓	✓	✓
	PL, Public Land	X	X	X	X
	EO, Economic Opportunity	✓	✓	✓	✓

✓ : permitted with board approval X: not permitted B: By-right

(2) Qualifying Industrial Parks

- a. A "qualifying industrial park" shall be defined as an industrial and/or business park that has an actual or planned size of at least 1,000,000 square feet. The "Qualifying Industrial Park Square Footage Adjustments" shall be applied, to determine the qualifying industrial park square footage in order to determine whether the qualifying threshold can or would be reached. Qualifying square footage is computed by multiplying the existing or planned total square footage by the square footage credit listed in the following chart.

Qualifying Industrial Park Square Footage Adjustments	
Use	Square Footage Credit
Existing industrial/office/warehouse development	1
Other P permitted D development	0.75
Planned industrial/office/warehouse development	0.75
Other P permitted D development	0.5

The planned development adjustments listed above shall be applied to undeveloped property zoned Mixed-Use, MU; Limited Business/Industrial District, M-1; General Industrial District, M-2; Research and Technology District, RT; and Planned Unit Development, ~~PUD~~ and allows nonindustrial/office and/or nonwarehouse activity to occur based on master plan projections which have been approved by the board of supervisors. For undeveloped property not subject to a binding master plan the square footage shall be determined by multiplying 0.75 by 25 percent of the net-developable area of the project.

If an industrial/office/warehouse development is proffered exclusively, the existing development adjustments listed above may be applied upon examination of the proffers.

- b. Requests for board approval of private streets in qualifying industrial parks shall include a traffic impact analysis and square footage estimates for the proposed industrial park. The traffic impact analysis shall be in conformance with the submittal requirements of section 24-23. Additionally, the traffic impact analysis shall address internal circulation and capacity.

(3) Guarantees. The construction of streets whether public or private shall be guaranteed by surety, in an amount and in a form approved by the county attorney.

(4) To the extent streets are private rather than public, the applicant shall also submit assurances satisfactory to the county attorney that a property owner's community association or similar organization has been legally established under which the lots within the area of the final development 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 development plan.

(b) Minimum Standards:

(1) Private streets shown on the development plan shall meet the construction and geometric requirements of the Virginia Department of Transportation and the Administrative Guidelines for Certifications of Private Street Construction, except as specified in paragraph (2) below.

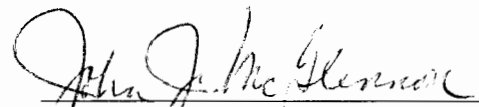
(2) If the uniqueness of a proposal requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities, with associated drainage and specifications for curbs and gutters be subject to modification from the specifications established in chapter 19, the development manager or his designee, within the limits hereinafter specified, may waive or modify the specifications otherwise applicable for a particular private road (or road network) if the specifications are not required in the interests of the residents, occupants, workers, customers of businesses and property owners of the development 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 development manager or his designee with respect to any requested waiver or modification that:

- a. The waiver or modification shall result in design and construction that is in accordance with accepted engineering standards;
- b. The waiver or modification is reasonable because of the uniqueness of the development or because of the development within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;
- c. Any waiver or modification pertaining to streets is reasonable with respect to the generation of vehicular traffic that is estimated to occur within the area of the development;
- d. Traffic lanes of streets are sufficiently wide enough to carry the anticipated volume and speed of traffic and in no case less than ten feet wide; and

- e. Waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon the soil tests for California Bearing Ratio value and erosion characteristics of the particular subgrade support soils in the area.

The applicant may appeal the decision of the development manager or his designee to the development review committee (DRC).


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Robert C. Middaugh
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	___	___
JONES	<u>X</u>	___	___
KENNEDY	<u>X</u>	___	___
ICENHOUR	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of December, 2012

PrivateSts_ord