

ADOPTED

OCT 11 2016

ORDINANCE NO. 31A-306

Board of Supervisors
James City County, VA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-42, SPECIAL PROVISIONS FOR TOWNHOUSE AND CONDOMINIUM DEVELOPMENT; ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-62, SPECIAL PROVISIONS FOR PRIVATE STREETS; ARTICLE V, DISTRICTS, DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.9, STREET IMPROVEMENTS; ARTICLE VI, OVERLAY DISTRICTS, DIVISION 3, FLOODPLAIN AREA REGULATIONS, SECTION 24-588, COMPLIANCE, LIABILITY, ABROGATION AND SEVERABILITY; SECTION 24-590, DESIGNATION OF FLOODPLAIN DISTRICTS; SECTION 24-591, OFFICIAL MAP; SECTION 24-595, REGULATIONS FOR CONSTRUCTION; AND SECTION 24-600, REGULATIONS FOR FILLING IN FLOOD FRINGE AND APPROXIMATED FLOODPLAIN DISTRICTS.

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 1, In General, Section 24-42, Special provisions for townhouse and condominium development; Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-62, Special provisions for private streets; Article V, Districts, Division 17, Economic Opportunity, EO, Section 24-536.9, Street improvements; Article VI, Overlay Districts, Division 3, Floodplain Area Regulations, Section 24-588, Compliance, liability, abrogation and severability; Section 24-590, Designation of floodplain districts; Section 24-591, Official map; Section 24-595, Regulations for construction; and Section 24-600, Regulations for filling in flood fringe and approximated floodplain districts.

Chapter 24. Zoning

Article II. Special Regulations

Division 1. In General

Sec. 24-42. Special provisions for townhouse and condominium development.

Pavement for roadways shall meet the design and construction requirements of the Virginia Department of Transportation's standards or section 24-62 if streets are to be private. Parking areas to serve townhouse and condominium development shall be constructed and certified in accordance with the Administrative Guidelines for Certification of Private Street Construction. Criteria to be considered under this requirement shall be strength of foundation soils and type and depth of pavement components. Until such time as the ~~development manager~~ *director of community development* or his designee has accepted and approved such certification, surety required to assure proper pavement construction shall not be released. Production and installation of base aggregate and wearing surface, or equivalent pavement design approved by the ~~development manager~~ *director of community development* or his designee, shall be certified as complying with ordinance requirements and approved plans.

Division 2. Highways, Streets, Parking and Loading.

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

(b) Minimum Standards:

(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~~ *director of community development* 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~~ *director of community development* or his designee with respect to any requested waiver or modification that:

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

Article V. Districts

Division 17. Economic Opportunity (EO)

Sec. 24-536.9. Street improvements.

(b) Private streets may be permitted upon the 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 development plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (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 ~~development manager~~ *director of community development* or designee.

(d) The uniqueness of each proposal for an economic opportunity development requires that the specifications for the width, surfacing, construction and geometric design of streets with associated drainage and the specifications for curbs and gutters be subject to modification from the specifications established in chapter 19. The ~~development manager~~ *director of community development* or designee may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for these facilities where the ~~development manager~~ *director of community development* or designee finds that such specifications are not required in the interests of the residents and property owners of the economic opportunity 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~~ *director of community development* or designee with respect to any requested waiver or modification:

Article VI. Overlay Districts

Division 3. Floodplain Area Regulations

Sec. 24-588. Compliance, liability, abrogation and severability.

(c) Records of actions associated with administering these regulations shall be kept on file and maintained by the ~~development manager~~ *director of community development* or his designee.

Sec. 24-590. Designation of floodplain districts.

(a) The various floodplain districts shall include areas subject to inundation by waters of the one percent annual chance (100-year) flood. The minimum basis for the delineation of these districts shall be, but not be limited to, the December 16, 2015 flood insurance study and flood insurance rate maps prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Agency (FIA) and subsequent revisions or amendments thereto, since other flood-prone areas exist in James City County which are not shown on the floodplain maps. To determine these areas, the one percent annual chance (100-year) flood elevations and floodways from federal, state and local sources may be used when available. Where the specific one percent annual chance (100-year) flood elevation cannot be determined for an area by using available sources of data, then the applicant for the proposed use, development and/or activity shall determine this elevation to the satisfaction of the ~~development manager~~ *director of community development* or his designee in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall consider full development of the watershed and shall be submitted in sufficient detail to allow a thorough review by the ~~development manager~~ *director of community development* or his designee.

Sec. 24-591. Official map.

The boundaries of floodway, flood-fringe and approximated floodplain districts in section 24-590(b), (c) and (d) above are established as minimum areas, as shown on the flood insurance rate map dated December 16, 2015, which is declared to be a part of these regulations and which shall be kept on file at the office of the ~~development manager~~ *director of community development*.

Sec. 24-595. Regulations for construction.

(a) The construction or placement of any structure or obstruction, filling or changing the cross-section or flow characteristics within the one percent annual chance (100-year) flood shall not be permitted unless the project is in conformance with the following requirements:

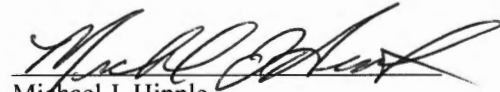
(4) Encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the floodway or any floodplain district unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken by a professional engineer and shall be submitted in sufficient detail to allow a thorough review by the ~~development manager~~ *director of community development* or

his designee. Hydrologic and hydraulic analyses shall not be required for properties affected only by coastal (tidal) flooding.

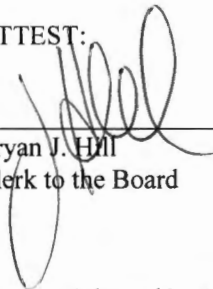
Section 24-600. Regulations for filling in flood fringe and approximated floodplain districts.

No permit shall be issued or approved until the site development plan for such fill meets the following requirements:

(4) Where, in the opinion of the ~~development manager~~ *director of community development* or his designee additional topographic, engineering and other data or studies are necessary to determine the effects of flooding on a proposed structure or fill and/or the effect of such structure or fill on the flow of water in flood stage, the applicant shall submit such data or studies.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2016.