



County of King William, Virginia

PLANNING COMMISSION MEETING
November 1, 2022 – 7:00 P.M.
KING WILLIAM COUNTY ADMINISTRATION BUILDING
KING WILLIAM, VIRGINIA

A M E N D E D A G E N D A

1. Call to Order
2. Roll Call
3. Review and Adoption of Meeting Agenda
4. Review and Approval of Minutes:
 - a. October 4, 2022 (Regular Meeting)
 - b. October 12, 2022 (Joint Work Session)
5. Public Comment Period – Speakers: *One opportunity of 3 minutes per individual or 5 minutes per Group on Non-Public Hearing Matters*
6. Public Hearing
 - a. CUP-02-22: Owner/Applicant – Liberty Hall VA, LLC
7. Old Business
 - a. Review Zoning Map
 - b. Discussion of TCO and PUD
8. New Business
 - a. Minor Subdivision Ordinance
9. Staff and/or Special Committee Reports
 - a. Edmunds Reports provided by Christina Grover
 - b. Violation Logs
 - c. Commissioner Comments
10. Adjournment

4a.

October 4, 2022

Meeting Minutes



**MINUTES
KING WILLIAM COUNTY
PLANNING COMMISSION
REGULAR MEETING OF OCTOBER 4, 2022**

A regular meeting of the Planning Commission of King William County, Virginia, was held on the 4th day of October 2022, beginning at 7:00 p.m. in the King William County Board Room of the Administration Building and via Zoom.

Agenda Item 1. CALL TO ORDER

The meeting was called to order by Chairman Matthew Sluder at 7:00 p.m.

Agenda Item 2. ROLL CALL

The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Stephen Greenwood	Aye
Chairman Matthew Sluder	Aye

Also in Attendance:

Sherry Graham, Director of Planning
Percy Ashcraft, County Administrator
Christina Grover, Zoning Administrator
Barbara Trimmer, Planning Secretary

Agenda Item 3. REVIEW AND ADOPTION OF MEETING AGENDA

Commissioner Wagner moved for the adoption of the meeting agenda as presented. The motion was seconded by Commissioner Hite. The Chairman called for any discussion. The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Stephen Greenwood	Aye
Chairman Matthew Sluder	Aye

Agenda Item 4. REVIEW AND APPROVAL OF MINUTES

Commissioner Wagner moved for the adoption of the September 6, 2022 minutes as presented. The motion was seconded by Commissioner Hite. The Chairman called for any discussion. The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Stephen Greenwood	Aye
Chairman Matthew Sluder	Aye

Agenda Item 5. PUBLIC COMMENT PERIOD

The Chairman opened the floor for public comments. There being no one in person or via Zoom to speak, the Public Comment Period was closed.

Agenda Item 6. Unfinished Business

a. Updates to the Zoning and Subdivision Ordinance

Commissioner Kellum made a motion to prioritize two or three topics each month starting with the TCO, PUD and Solar and have two or three topics on the agenda at each meeting. Members and Staff would have thirty days to research each topic prior to the meeting. The motion was seconded by Supervisor Greenwood. The vote was unanimous on this motion. Commissioner Wagner made a motion to prioritize the topic of the TCO and PUD at the November meeting. The motion was seconded by Commissioner Kellum. The vote was unanimous on this motion.

Agenda Item 7. New Business

a. Discussion of Re-Zoning Properties on 360

Presented to the members for consideration to avoid spot zoning on route 360. The zoning of current parcels from Central Garage to West River Road is listed below.

- 21 zoned R-1
- 16 zoned B-1
- 39 zoned A-C
- 22 zoned B-2
- 12 zoned Industrial

The members discussed the opportunities for growth commercially on 360 and which zoning classification would be better for 360, the intend to rezone parcels on 360, and tax consequences of rezoning the parcels. The planning commission would work with the EDA and public hearings are required.

b. Affordable Housing

Make changes to allow additional credit for affordable housing in major subdivisions. Currently only allowed in clusters. Recommend language similar to clusters in major developments zoned R-1.

Agenda Item 8. Joint Work Session October 12, 2022 with Economic Development Authority

The members were interested in discussing the TCO with the EDA. Ms. Graham will present maps and the matrix at the joint work session.

Agenda Item 9. STAFF AND COMMITTEE REPORTS

Edmonds Reports were presented to the Board Ms. Grover. The Violation reports will be emailed to the members when available.

Agenda Item 10. Closed Meeting

10.a. Motion to Convene Closed Meeting

Commissioner Wagner made a motion to convene in closed meeting in accordance with Section 2.2-3711 (A)(1) of the Code of Virginia to discuss a prospective business or industry or expansion of an existing business or industry where no previous announcement has been made. Supervisor Greenwood seconded. The Chairman called for any discussion. The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Stephen Greenwood	Aye
Chairman Matthew Sluder	Aye

10.b. Motion to Reconvene in Open Session

Commission Hite made a motion to reconvene in open session, Supervisor Greenwood seconded. The Chairman called for any discussion. The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Stephen Greenwood	Aye
Chairman Matthew Sluder	Aye

10.c. Certification of Closed Meeting

Supervisor Greenwood moved for adoption of Standing Resolution 1 (SR-1) in accordance with Section 2.2-3712 (D) of the Code of Virginia, 1950, as amended; the motion was seconded by Commission Hite. The Chairman called for any discussion. The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Stephen Greenwood	Aye
Chairman Matthew Sluder	Aye

Agenda Item 11. Adjournment or Recess

Commissioner Wagner made a motion to adjourn the meeting, seconded by Commission Hite. The Chairman called for any discussion. The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Stephen Greenwood	Aye
Chairman Matthew Sluder	Aye

Matthew Sluder, Chairman

Sherry Graham, Commission Secretary

4b.

October 12, 2022

Meeting Minutes



**MINUTES
KING WILLIAM COUNTY
PLANNING COMMISSION
OCTOBER 12, 2022, JOINT WORK SESSION**

The Planning Commission and the Economic Development Authority of King William County, Virginia, held a joint work session on the 12th day of October at 7:00 p.m. and via Zoom.

Agenda Item 1. CALL TO ORDER

Mr. Sluder called the work session to order at 7:00 p.m.

Agenda Item 2. ROLL CALL

The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Stephen Greenwood – Vice Chairman	Aye
Mathew Sluder - Chairman	Aye

Also in Attendance:

Sherry Graham, Director of Planning
Christina Grover, Zoning Administrator
Percy Ashcraft, County Administrator

Agenda Item 5. WORK SESSION

Agenda Item 5a. RKG Presentation

Mr. Kyle Talente asked Mr. Rhoads about parcels and highest and best use is residential. No infrastructure for industry makes residential taxes higher. Mr. Talente stated that the EDA needs to decide the vision for the County.

Mr. Wagner stated that we have a good comprehensive plan, and the Planning Commission is committed to working with the EDA. Mr. Wagner stated that commercial and industrial development needs to balance residential. The future land use map was discussed.

Mr. Kellum stated that there is less than a dozen properties for suburban development. In order to bring a drug store to the County that 2000 houses are needed. Mr. Kellum asked if Kyle has seen where the County could buy property and control the pace and can make money in the process.

Mr. Hardwick stated to control growth on the 360 corridor, the County needs to seriously consider buying the property. Mr. Hardwick stated that small rural counties do have a Walgreens, Walmart Neighborhood Market and they are strategically located in a larger regional area.

Mr. Sluder stated that the Hill Group polled citizens and the main concern is taxes and the need to quickly mitigate that and focus on taxes first.

Mr. Piersa said that the County needs to focus on industry that can help lower taxes.

Mr. Wagner said that the largest commercial growth has been the Purina plant expansion. Mr. Wagner said that we can preserve the rural community with certain industry, and it would be a lot of opportunity for the County such as vineyards, and large scale greenhouses.

Mr. Kellum said that the Hanover Planning Commission said businesses want a site that is ready to go. They do not want to jump threw hoops or have a long permit process.

Mr. Holderied stated that water and sewer is needed, and he does not see the companies coming. He asked what the companies are saying that they need.

Mr. Kellum stated that we need water and sewer to Aylett and that would be our best bang for our buck because that is where the most available/usable ground is located. Natural gas expansion is also needed. He stated that the County could make money by managing their own sewer.

Mr. Sluder stated that HRSD is a limitation.

Mr. Kellum noted that the County could work w/Simon property developers to help run water and sewer to Aylett for industrial park or a commercial site.

Mr. Holderied noted that there are grants available. Mr. Williams stated that there is a rural improvement grant.

Mr. Brown asked how do you prevent residential?

Mr. Talente stated that zoning, ownership and the creation of policies around how you sell the property, for what purpose and benefit.

Mr. Barber stated that it will be 5 plus years to get water and sewer to Aylett and should the County buy property and sit on it for 5 years.

Mr. Sluder noted an improved commercial or industrial lot would be great.

Mr. Piersa stated that the Commerce Park lots would be worth more with water and sewer; however, it is a short-term fix.

Mr. Brown asked how do we finance the purchase.

Mr. Holderied stated that the EDA members need to handle and pursue the prospects and that they have no website.

Mr. Ashcraft stated that things are happening, maybe not quick enough and it is insulting to say they're not doing anything. Staff and the BOS are involved at a greater level than the EDA thinks. The only way to go quicker is to throw money at it.

Agenda Item 6a. Roles of EDA and PC

The Planning Commission can help the EDA by initiating changes in the zoning district boundaries.

Agenda Item 6. Adjourn or Recess

Mr. Campbell stated that the EDA needs to limit meetings to 1.5 hours or start earlier.

Chairman Sluder requested a motion for adjournment. Ms. Hite made a motion, seconded by Mr. Greenwood to adjourn the meeting. All voted in favor and the meeting adjourned at 9:31 p.m.

Mathew Sluder, Chairman

Sherry Graham, Commission Secretary

6a.

**CUP-02-22 - Owner/Applicant
Liberty Hall VA, LLC**

Public Hearing



King William County
Est. 1702

Board of Supervisors

Department of Community Development

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
David E. Hansen, Fourth District
Robert W. Ehrhart, Fifth District

Date: November 1, 2022
To: Planning Commission
From: Sherry Graham, Director of Planning
Subject: CUP – 02-2022

Request

This is a request by Liberty Hall VA, LLC, property owner and James Gottwald, Registered Agent, for a Conditional Use Permit 02-22 in order to construct a 33' x 38' covered boathouse to be located at 5239 Green Level Road. The boat house will be located on tax map parcel 51-9 and located on the Pamunkey River. The property is zoned A-C, (Agricultural-Conservation).

Comprehensive Plan

The comprehensive plan discusses the need for outdoor recreation, water access and boating. While the proposed boathouse will be for private use only, it will provide the property owner better access to the water with his boat.

Conditional Use Permit Analysis

The designation of a use as a conditional use in a zoning district means that the use may not be appropriate in all cases, depending upon whether CUP conditions can be met.

Section 86-44 provides general guide and standards for obtaining a Conditional Use Permit. The Zoning Ordinance, Section 86-44 states that a conditional use should be approved if it is found that:

- a. The proposed use will not adversely affect the health, safety, or welfare of persons residing or working in the general proximity, of the proposed use. Nor will the proposed use be detrimental to public welfare or injurious to the property or improvements in the

neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibrations, with due regard for timing of operation, screening, and other matters which might be regulated to mitigate adverse impact.

Staff Comment: This will be an open-pile private structure and will not create any impacts to the public or increase any impacts to the Chesapeake Bay.

- b. The proposed use will conform to the comprehensive plan, or to specific elements of such plan, and the official policies adopted in relation thereto, including the purposes and the expressed intent of this ordinance.

Staff Comment: The proposed boathouse will not block any of the navigable waters. Article II also requires that boathouses to be fitted with reflectors and lighting as to make them visible at night to water traffic.

The Planning Commission may recommend reasonable conditions to the Board of Supervisors, as it believes necessary to accomplish the objectives of this chapter.

Materials/Background

The Conditional Use packet includes the following:

Application
Receipt
Public Hearing Notice
Public Notice – Adjacent Property Owners
Owner Letter
JPA application
Site Map
Zoning Map
GIS View
Pictures

Recommendation

Staff recommends approval with the following conditions:

1. The proposed work must meet all requirements of the State and Local agencies.
2. All work must be completed within two (2) years of the approval date, or the permit becomes invalid, and the applicants will need to re-apply.

App# 4569
CUP-02-22



CONDITIONAL USE PERMIT APPLICATION
King William County
Department of Community Development
180 Horse Landing Rd. #4 King William, VA 23086
Phone (804) 769-4980 Fax (804) 769-2235



1. Owner: James Gottwald
Name: _____
Address: 5239 Green Level Road King William VA 23086
Phone Number: 804 513 1391

2. Applicant:
Name: James Gottwald
Address: 5239 Green Level Road King William VA 23086
Phone Number: 757 337 7225

3. Property description:
(a) Size (acres): 858.21 Road frontage: _____
Parcel ID 51-3a ALSO 4-4A-5-6-7-8-9-10-11
(b) Deed recorded in Deed Book _____ at Page _____
Parcel in question is 51-9
Plat recorded in Plat Book _____ at Page _____
Tax Map: 51 Section _____, Parcel 3A
(c) Zoning District: Zone A-C

4. Hours of operation of the planned facility: N/A

5. Describe water supply plans: N/A

6. Describe sewage disposal plans: N/A

Owner - Liberty Hall VA, LLC
RA - James C. Gottwald
3

**INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR
CONDITIONAL USE PERMIT
KING WILLIAM COUNTY, VA**

1. The application form must be filled out completely, with full answers to every statement and question. If spaces provided are not adequate, supplemental sheets may be attached. The form **MAY NOT** be signed by an agent or attorney, but **MUST BE** signed by the owner or applicant before a Notary Public in the space provided.
2. A preliminary site plan which complies with the requirements of Article XI, Sec. 86-491 of the Zoning Ordinance must accompany the application.
3. A non-refundable application fee of **\$2,500.00**, payable to King William County, must accompany the application.

Effective 12-2019

7. Attach a statement describing how specific conditions stated in Article X, Sec. 86-451, of the Zoning Ordinance for the type of project planned will be met.

I hereby certify that the information presented in this application and on the accompanying site plan is complete and accurate to the best of my knowledge. County officials and employees are authorized to enter upon the property described herein during regular working hours for the purpose of performing assigned duties in connection with this application.

Signature of Owner or Applicant:

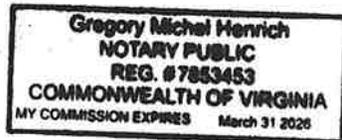


STATE OF: Virginia COUNTY OF: King William, to-wit:

The foregoing instrument was acknowledged before me this 29 day of September 2022.

Gregory Michel Hennrich
Notary Public

March 31 2026
My Commission Expires



King William County

Date: 10/03/2022 Time: 12:00 PM

Invoice Payment

Customer: 0-000692
Name: HUNTER CHARLES S III

Invoice: 22-04993
Permit App Id: 4569
Item 1 2,500.00
CONDITIONAL USE - ACCESSORY

2,500.00

Chk#: 20222
Batch Id: ACARLTON
Ref Num: 6310 Seq: 13 to 13

Cash Amount:	0.00
Check Amount:	2,500.00
Credit Amount:	0.00
Total:	----- 2,500.00

Thank You for your payment!



**King William County
Public Hearing Notice**

The Planning Commission of King William County, Virginia will hold a Public Hearing on Tuesday, November 1, 2022, at 7:00 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia, and via Zoom to receive public comments on the following matter:

**CUP-02-22: Owner/Applicant – Liberty Hall VA, LLC
Registered Agent - James Gottwald**

A request for Conditional Use Permit 02-22 to construct 33' x 38' covered boathouse to be located at 5239 Green Level Road. The boat house will be located on tax map parcel 51-9 and will be located on the Pamunkey River. The property is zoned R-1, (Suburban-Residential).

All interested persons may appear and present their views in person or via Zoom as applicable. Those attending via Zoom must preregister at kingwilliamcounty.us by noon on the day of the meeting. If a member of the public cannot attend, comments may be submitted by mail to 180 Horse Landing Road, #4, King William, VA 23086; by email to sgraham@kingwilliamcounty.us or by calling 804-769-4980. Comments received by 12:00 noon on the day of the hearing will be distributed to Commission Members and made a part of the public record. All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804)769-4980 or sgraham@kingwilliamcounty.us.

By Authority of
Sherry L. Graham
Director of Community Development
Ad to run October 19th and October 26th, 2022

**Liberty Hall VA, LLC
Mr. James Gottwald
5239 Green Level Road
Tax Map 51-9**

Adjacent Property Owners:

Liberty Hall owns the following parcels:
51-7, 51-8, 51-10, 51-11, 51-6, 51-5, 51-3A, and 51-4A

Siegel Family LP
4910 Lockgreen Circle
Richmond, VA 23226
Tax Map 51-3 and 51-1



King William
County
Est. 1702

Board of Supervisors

Office of
Community Development

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

October 21, 2022

Siegel Family LP
4910 Lockgreen Circle
Richmond, VA 23226

**RE: Notice to Adjacent Property Owners
Request for Conditional Use Permit 02-22
Tax Map Parcel: 51-9
Owner/Applicant: Liberty Hall VA, LLC
Registered Agent: James Gottwald**

Dear Property Owner:

The King William County Planning Commission will hold a Public Hearing on Tuesday, November 1, 2022, at 7:00 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia and via Zoom to receive public comment on the following matter:

A request for Conditional Use Permit 02-22 to construct 33' x 38' covered boathouse to be located at 5239 Green Level Road. The boat house will be located on tax map parcel 51-9 and will be located on the Pamunkey River. The property is zoned A-C, (Agricultural-Conservation).

You are being notified of this hearing because your property is adjacent to or in close proximity to the above-stated request. All interested persons may appear and present their views at the above time and place, or via the Zoom Meeting, as applicable. **Those attending via Zoom must preregister at kingwilliamcounty.us by noon on the day of the meeting.** If a member of the public cannot attend, comments may be submitted by mail to 180 Horse Landing Road, #4, King William, VA 23086; by email to sgraham@kingwilliamcounty.us or by calling 804-769-4980. Comments received by 12:00 noon on the day of the hearing will be distributed to Commission Members and made a part of the public record. All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804)769-4980 or sgraham@kingwilliamcounty.us.

Sherry L. Graham
Director of Planning



King William County
Est. 1702

Board of Supervisors

Department of Community Development

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
David E. Hansen, Fourth District
Robert W. Ehrhart, Fifth District

October 21, 2022

Liberty Hall VA, LLC
Mr. James Gottwald
5239 Green Level Road
King William, VA 23086

RE: Application for a Conditional Use Permit

Dear Mr. Gottwald:

The Planning Commission will hold a Public Hearing on Tuesday, November 1, 2022, at 7:00 p.m. in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia to consider your request for a conditional use permit in order to construct a 22' x 38' covered boathouse located at 5239 Green Level Road, Tax Map Parcel 51-9.

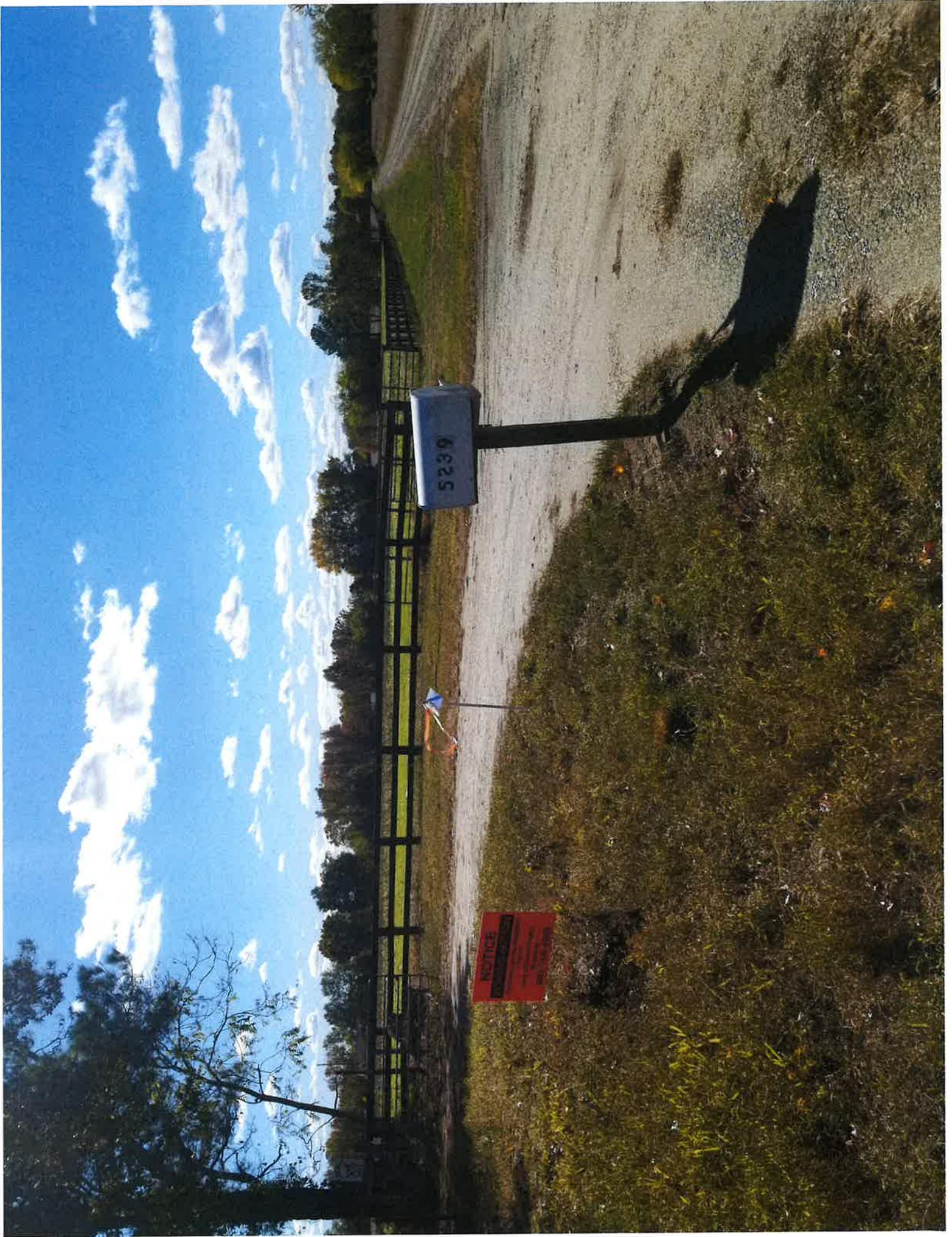
Although your attendance is not mandatory, it is strongly encouraged. If you have any questions, please do not hesitate to call.

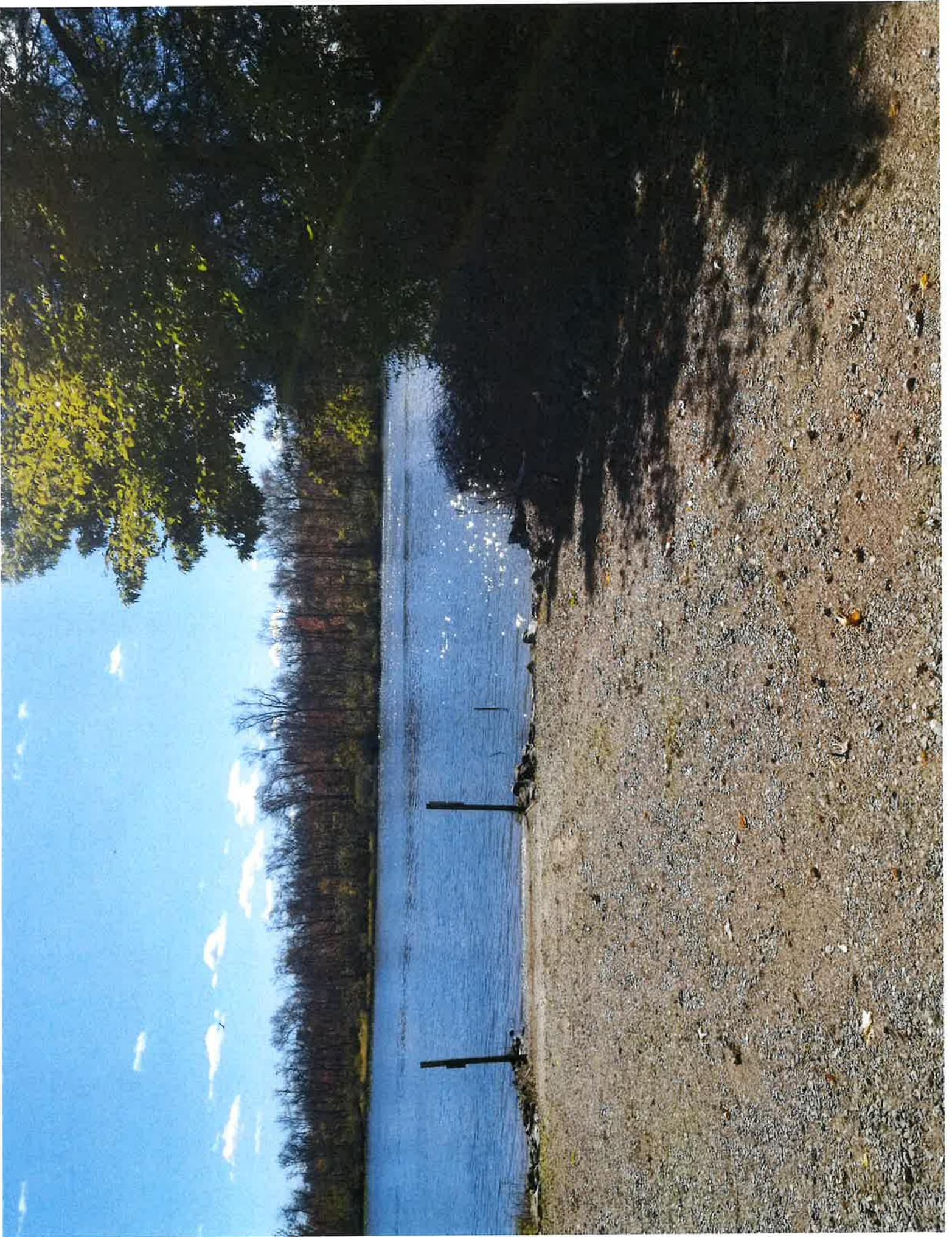
Sincerely,

Sherry L. Graham

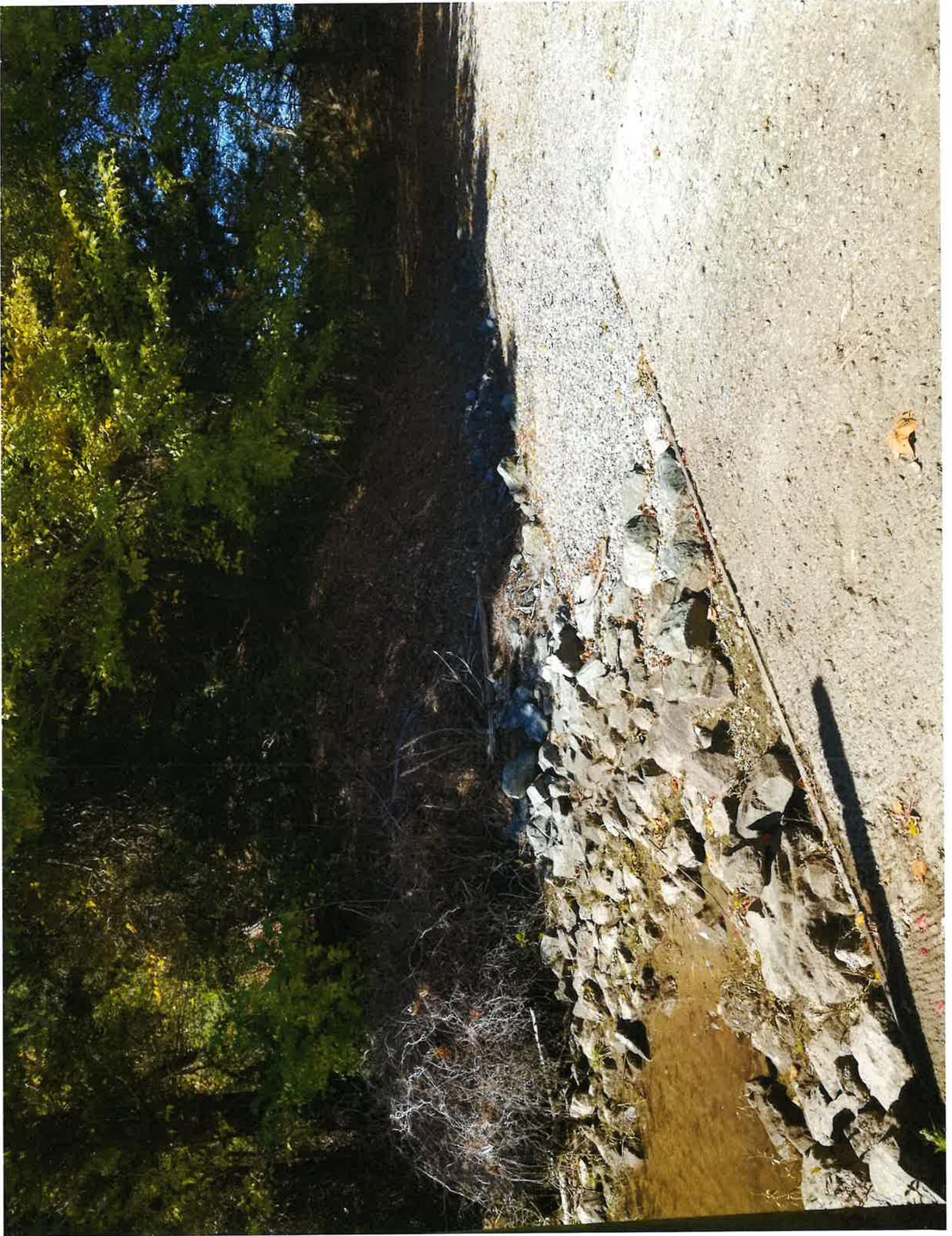
Sherry L. Graham
Director of Planning

180 Horse Landing Road, No.4 • King William, Virginia 23086
804-769-4969 • Fax: 804-769-4964
www.kingwilliamcounty.us

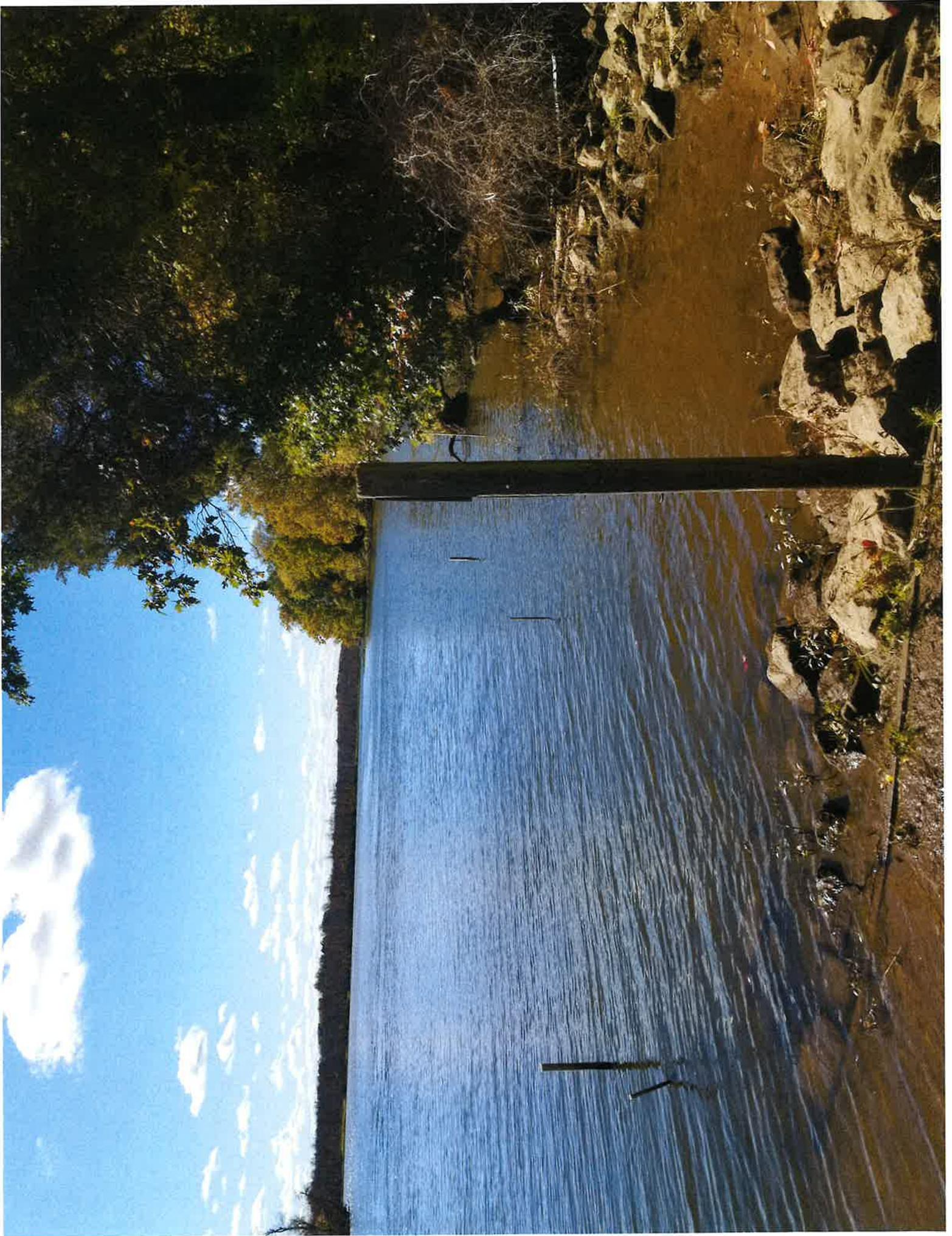


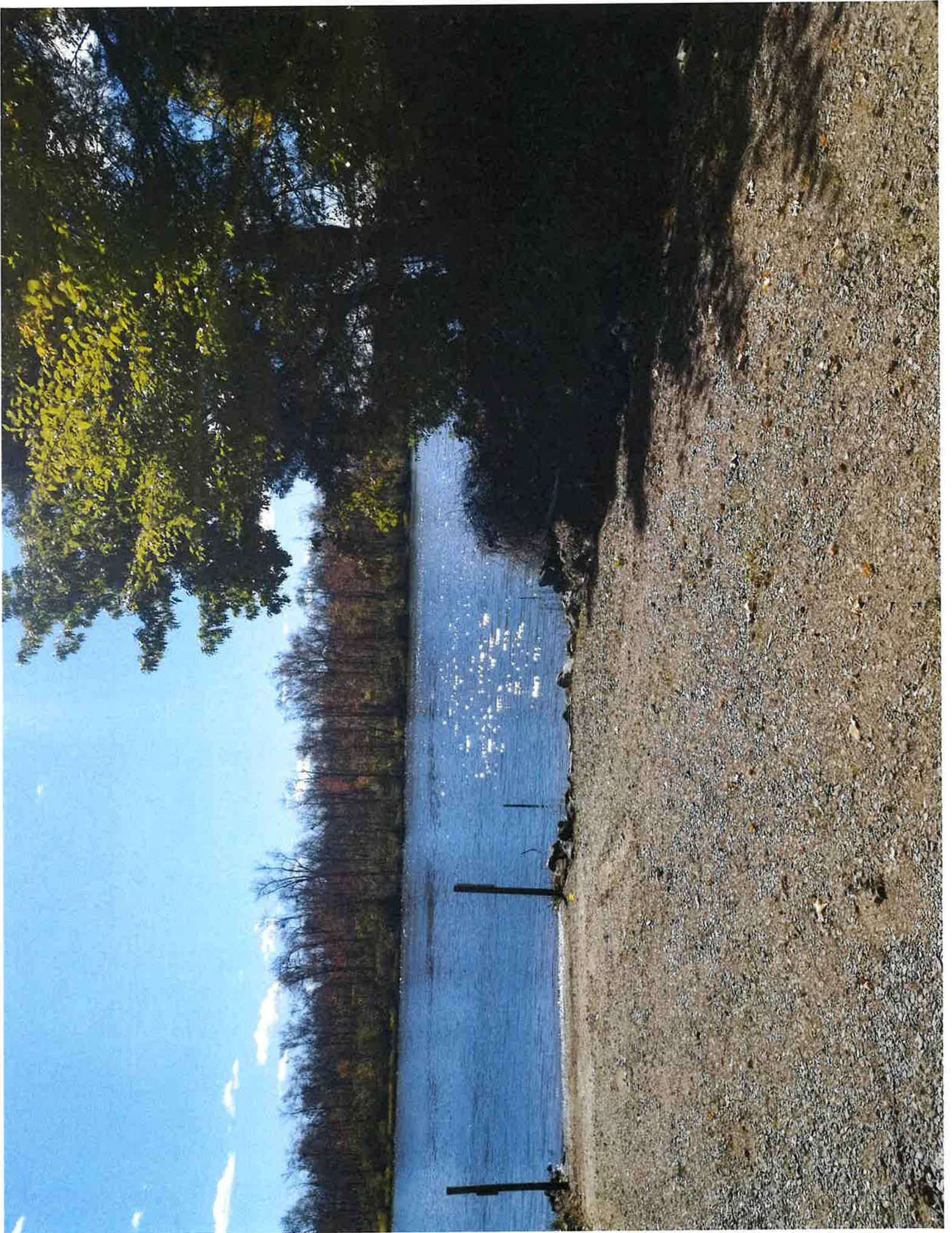


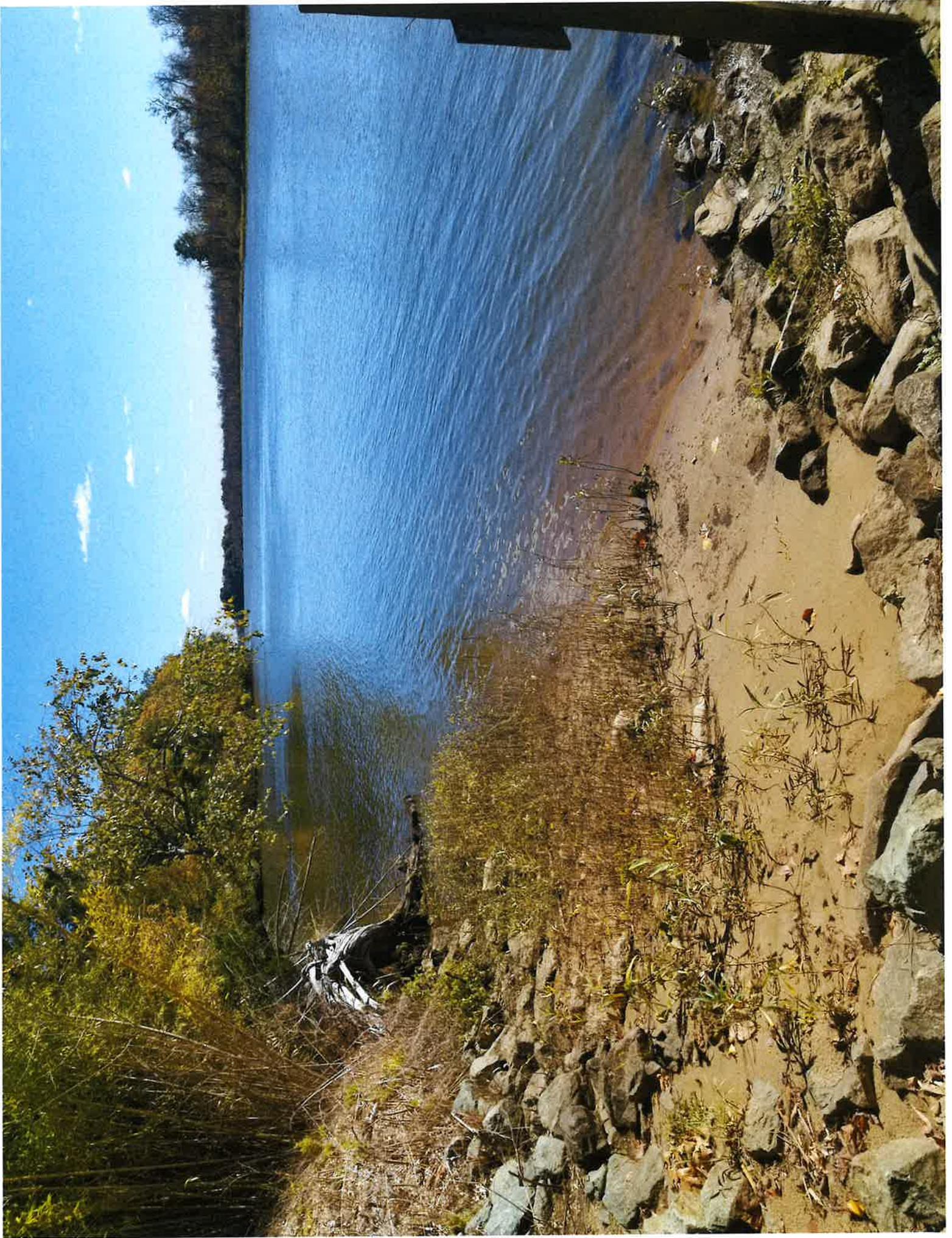




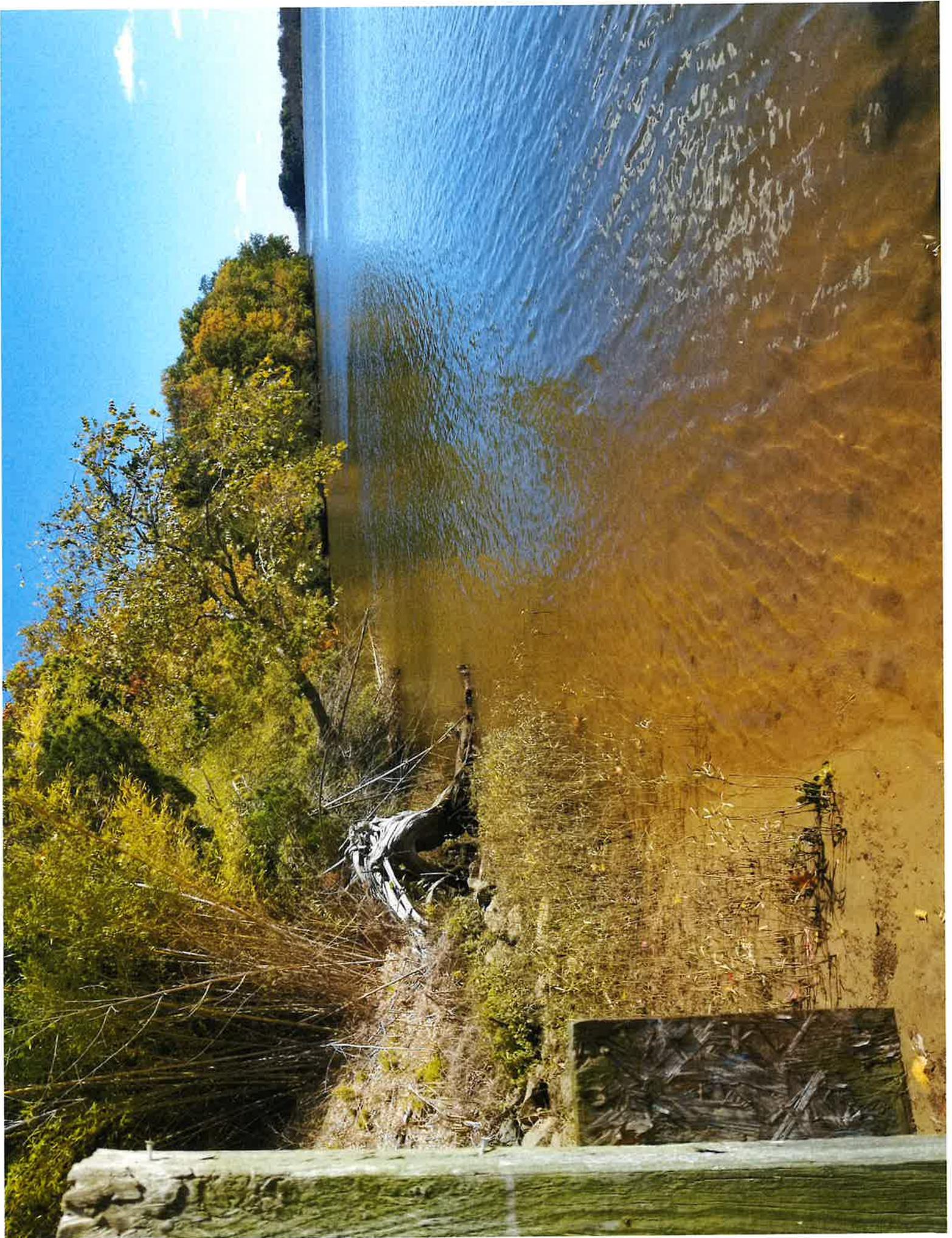




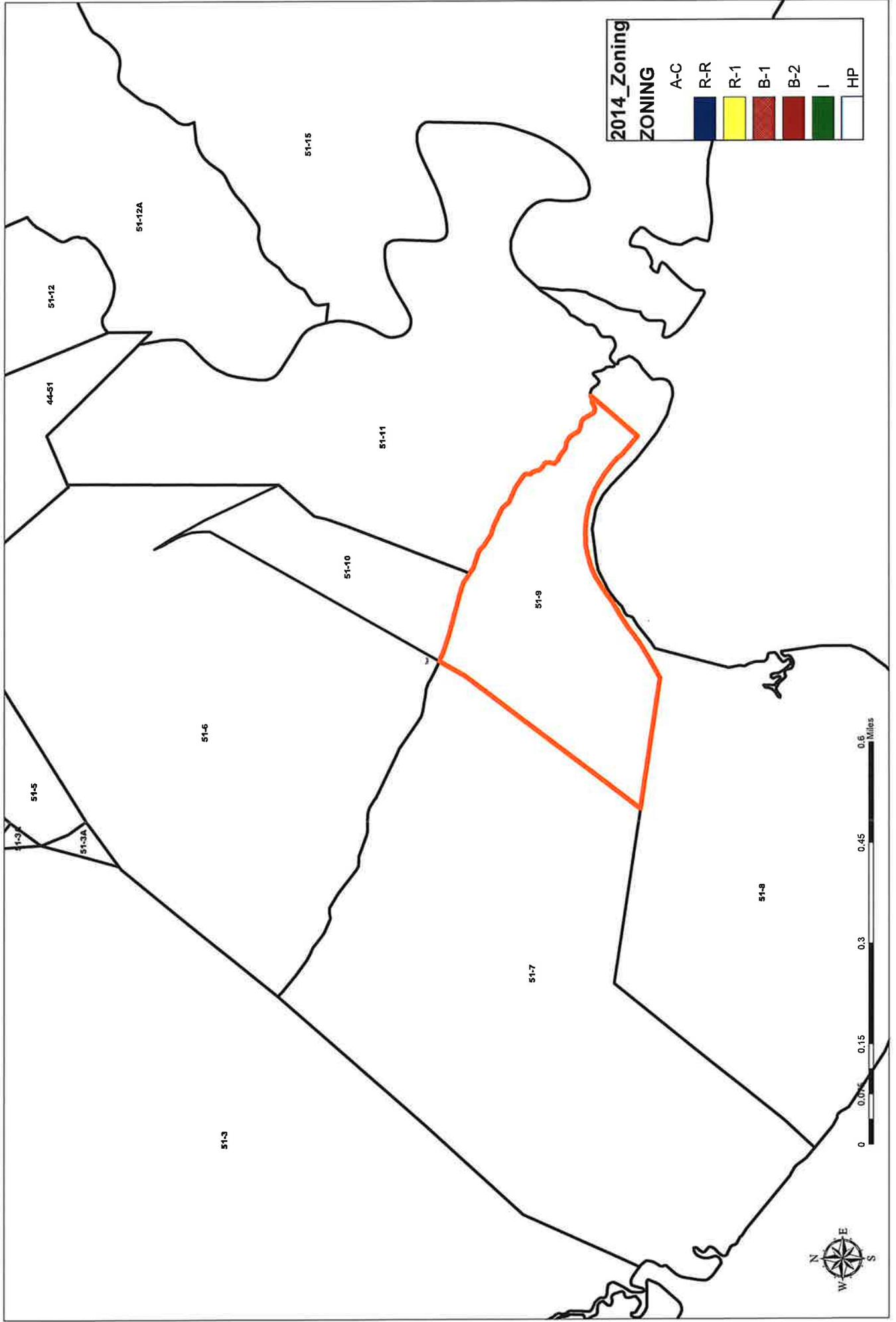








CASE # CUP-02-22
OWNER/APPLICANT: Liberty Hall VA, LLC
TAX MAP: 51-9



This map was created for planning purposes only. October 24, 2022 B. Brooks

CASE # CUP-02-22
OWNER/APPLICANT: Liberty Hall VA, LLC
TAX MAP: 51-9



This map was created for planning purposes only. October 24, 2022 B. Brooks

From: permitdivision@gmail.com
To: JPA.permits@mrc.virginia.gov
Subject: James Gottwald 5239 Green Level Road JPA
Date: Monday, August 1, 2022 9:08:07 AM
Attachments: [JPA King William James Gottwald 5239 Green Level Road.pdf](#)

Thanks, please get in touch with me if you have any questions

Mike Henrich
757 337 7225

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:

Home () _____

Work () _____

Fax () _____

Cell () _____

e-mail 804 513-1391 _____

_____ald@gmail.com

James Gottwald
5239 Green Level Road
King William Va 23086

State Corporation Commission Name and ID Number (if applicable) _____

2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:

Home () _____

Work () _____

Fax () _____

Cell () _____

e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

3. Authorized agent name* and complete mailing address (if applicable): Contact Information:

Home () _____

Work (757) 337 7225 _____

Fax () _____

Cell () _____

e-mail permitdivision@gmail.com _____

Gregory M. Henrich
P.O Box 1021
West Point VA

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

Construction of a Noncommercial pier
treated timber, open-pile
6'x25' walkway 10' wide by 35' Deck, 5x 94' of finger piers 2 1000LB Boat Lift
with 33' x 38' roof over boat slips with 3 ladders (roof 1254sqft)
38 timber piles, no greater than 12" diameter, to be installed with vibratory hammer
3 mooring piles
See attached description for further details
Site to be accessed from the water
No tree Clearing and/or grading required

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ___ Yes* ___ No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

Joe Foulis
Waterfront Construction & Design Inc
Po. Box 1553
West Point Va 23181

Contact Information:

Home () _____
Work () _____
Fax () _____
Cell () _____
email 804 815 8227
wncdi@cox.net

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Country Courier Inc.
PO Box 160
St. Stephens Church, VA 23148
*(direct billing to Applicant)

Telephone number

(804) 769.0259 _____

7. Give the following project location information:

Street Address (911 address if available) 5239 Green Level Road _____

Lot/Block/Parcel# 51-9 _____

Subdivision _____

City / County King William _____

ZIP Code 23086 _____

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

37.60437 _____

/ - 77.06755 _____

(Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

King William County 351 Courthouse Ln, King William, VA 23086

Continue to VA-30 W

2 min (0.3 mi)

Sharp right onto VA-30 W

2 min (1.3 mi)

Continue on State Rte 629 to your destination

13 min (7.4 mi)

5239 Green Level Rd (will need gate code to access property)

King William, VA 23086

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."
Primary, to gain access to navigable water.

Secondary, to provide safer means to debark from watercraft.

Part 1 - General Information (continued)

9. Proposed use (check one):
 Single user (private, non-commercial, residential)
 Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*
- Access to the work area will be via the water with the use of a barge.
No impacts to wetlands proposed
No Clearing, will have Land disturbance landward to install the walkway inside of the RPA
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? Yes No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$ _____
Approximate cost of that portion of the project that is channelward of mean low water:
\$ _____
13. Completion date of the proposed work: TBD - _____
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.
- The Lafferty Foundation Southern Property line
1048 Elsing Green Lane King William Va 23086
- Siegel Family Northern Property line
Lockgreen Circle Richmond Va 23226

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

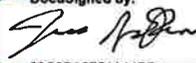
CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

James Gottwald

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

DocuSigned by:

09C68A2761A144BD...

Applicant's Signature

(Use if more than one applicant)

7/8/2022

Date

Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

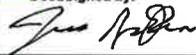
2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), James Gottwald, hereby certify that I (we) have authorized Gregory Henrich
(Applicant's legal name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

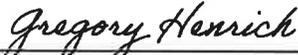
We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

DocuSigned by:


(Agent's Signature)
7/8/2022

(Use if more than one agent)

(Date)



(Applicant's Signature)
7/8/2022

(Use if more than one applicant)

(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), James Gottwald, have contracted Waterfront Construction and Design INC
(Applicant's legal name(s)) (Contractor's name(s))

to perform the work described in this Joint Permit Application, signed and dated TBD.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Waterfront Construction and Design

Contractor's name or name of firm

PO Box 1553 West Point, VA 23181

Contractor's or firms address

2705096470

Contractor's License Number

Contractor's signature and title

(use if more than one applicant)

Applicant's signature

Date

Southern Property line 1048 Elsing Green Lane King William Va 23086

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER’S ACKNOWLEDGEMENT FORM

I (we), The Lafferty Foundation, own land next to (across the water
(Print adjacent/nearby property owner’s name)

from/on the same cove as) the land of James Gottwald.
(Print applicant’s name(s))

I have reviewed the applicant’s project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

Adjacent/nearby property owner’s signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Northern Property line Lockgreen Circle Richmond Va 23226
Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Siegel Family, own land next to (across the water
(Print adjacent/nearby property owner's name)
from/on the same cove as) the land of James Gottwald.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT _____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

Adjacent/nearby property owner's signature(s)

Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.



Please review the 18-RP-17 enclosure before completing this form and note 18-RP-17 can only be used for proposed **PRIVATE USE** structure(s) that comply with the terms and conditions of 18-RP-17. Copies can be obtained online at <http://www.nao.usace.army.mil/Missions/Regulatory/RBregional/>.

- YES NO (1) Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17?
- YES NO (2) Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)?
- YES ~~NO~~ (3) Does the proposed structure(s) extend no more than 300 feet from MHW or OHW (including all channelward wetlands)?
- YES ~~NO~~ ~~N/A~~ (4) Does the proposed structure(s) attach to the upland at a point landward of MHW or OHW (including all channelward wetlands)?
- YES ~~NO~~ ~~N/A~~ (5) If the proposed structure(s) crosses wetland vegetation, is it an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?
- YES ~~NO~~ ~~N/A~~ (6) Does the proposed structure(s) include no more than two (2) boatlifts and no more than two (2) boat slips?
- YES ~~NO~~ ~~N/A~~ (7) Is the open-sided roof structure designed to shelter a boat ≤ 700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier ≤ 400 square feet?
- YES ~~NO~~ ~~N/A~~ (8) Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12" in diameter, and will less than or equal to 25 piles be installed channelward of MHW? 32 timber piles
- YES ~~NO~~ ~~N/A~~ (9) Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present?
- YES ~~NO~~ ~~N/A~~ (10) If the proposed structure(s) is to be located within an anadromous fish use area, the prospective permittee will adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline.
- (11) Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite?
- YES NO (12) Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat?
- YES NO (13) Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?
- YES NO (14) Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project?

- YES NO (15) Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?
- YES NO (16) Will the proposed structure(s) be located outside of any Designated Trout Waters?
- YES NO N/A (17) If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?
- YES NO N/A (18) If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?
- YES NO (19) Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure?
- YES NO (20) Will the proposed structure(s) be located on the property in accordance with the local zoning requirements?
- YES NO N/A (21) If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet?
- YES NO N/A (22) If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission's Habitat Management Division?
- YES ~~NO~~ (23) Does the permittee recognize this RP does not authorize any dredging or filling of waters of the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps?
- YES (24) Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.

IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.

Gregory Henrich
 Signature of Property Owner(s) or Agent
 7/9/2022

Date _____

5200 Greenbottle Road, Kate's Mill, VA

VMRC Number: _____

Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write “N/A” in the space provided.

Appendix A: (TWO PAGES) Projects for Access to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

1. Briefly describe your proposed project.

Construction of a Noncommercial pier
treated timber, open-pile
6'x25' walkway 10' wide by 35' Deck, 5x 94' of finger piers 2 1000LB Boat Lift
with 33' x 38' roof over boat slips with 3 ladders (Roof 1254sqft)
38 timber piles, no greater than 12" diameter, to be installed with vibratory hammer
3 mooring piles
See attached description for further details
Site to be accessed from the water
No tree Clearing and/or grading required

2. For private, noncommercial piers:

Do you have an existing pier on your property? ___ Yes ___ No

If yes, will it be removed? ___ Yes ___ No

Is your lot platted to the mean low water shoreline? Yes ___ No

What is the overall length of the proposed structure? 60' feet.

Channelward of Mean High Water? 17 feet.

Channelward of Mean Low Water? 14 feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands 60 square feet.

Tidal vegetated wetlands 0 square feet.

Submerged lands 1600 square feet.

What is the total size of any and all L- or T-head platforms? 350 sq. ft.

For boathouses, what is the overall size of the roof structure? 1250 sq. ft.

Will your boathouse have sides? ___ Yes ___ No.

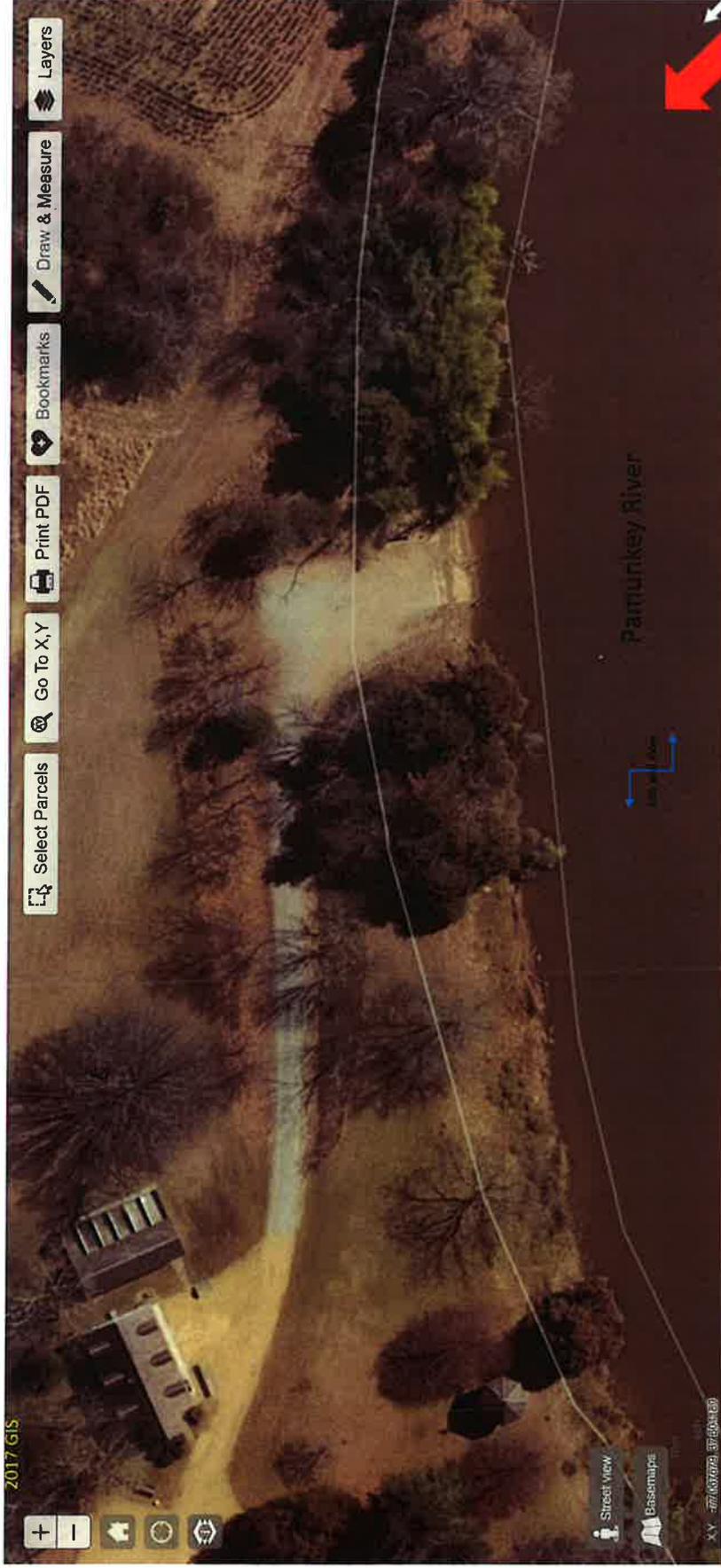
NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § 28.2-1203 A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § 28.2-1205 for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204.

James Gottwald
5239 Green Level Rd.
King William, VA



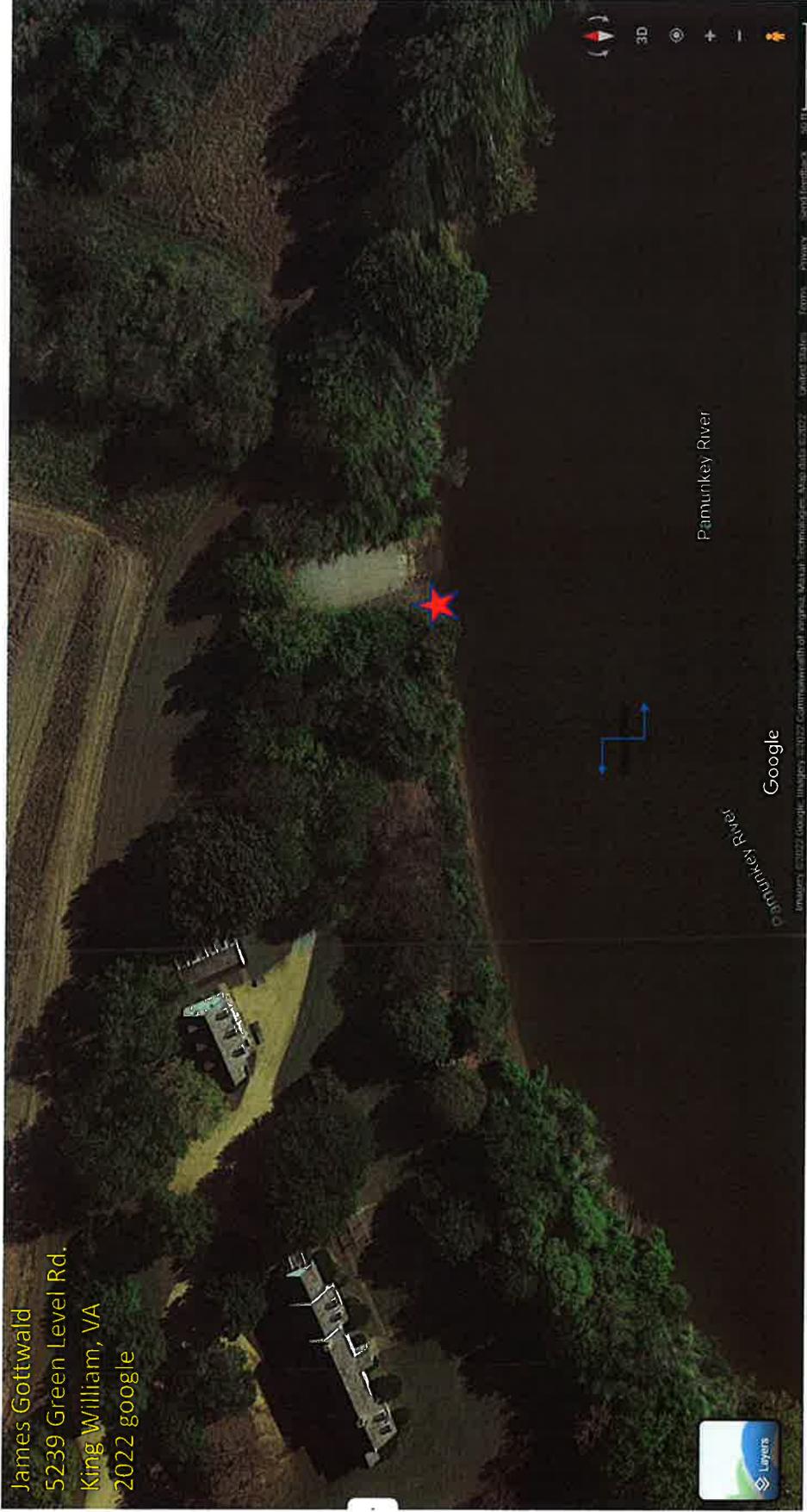
Received by VMRC August 1, 2022 /blh

James Gottwald
5239 Green Level Rd.
King William, VA



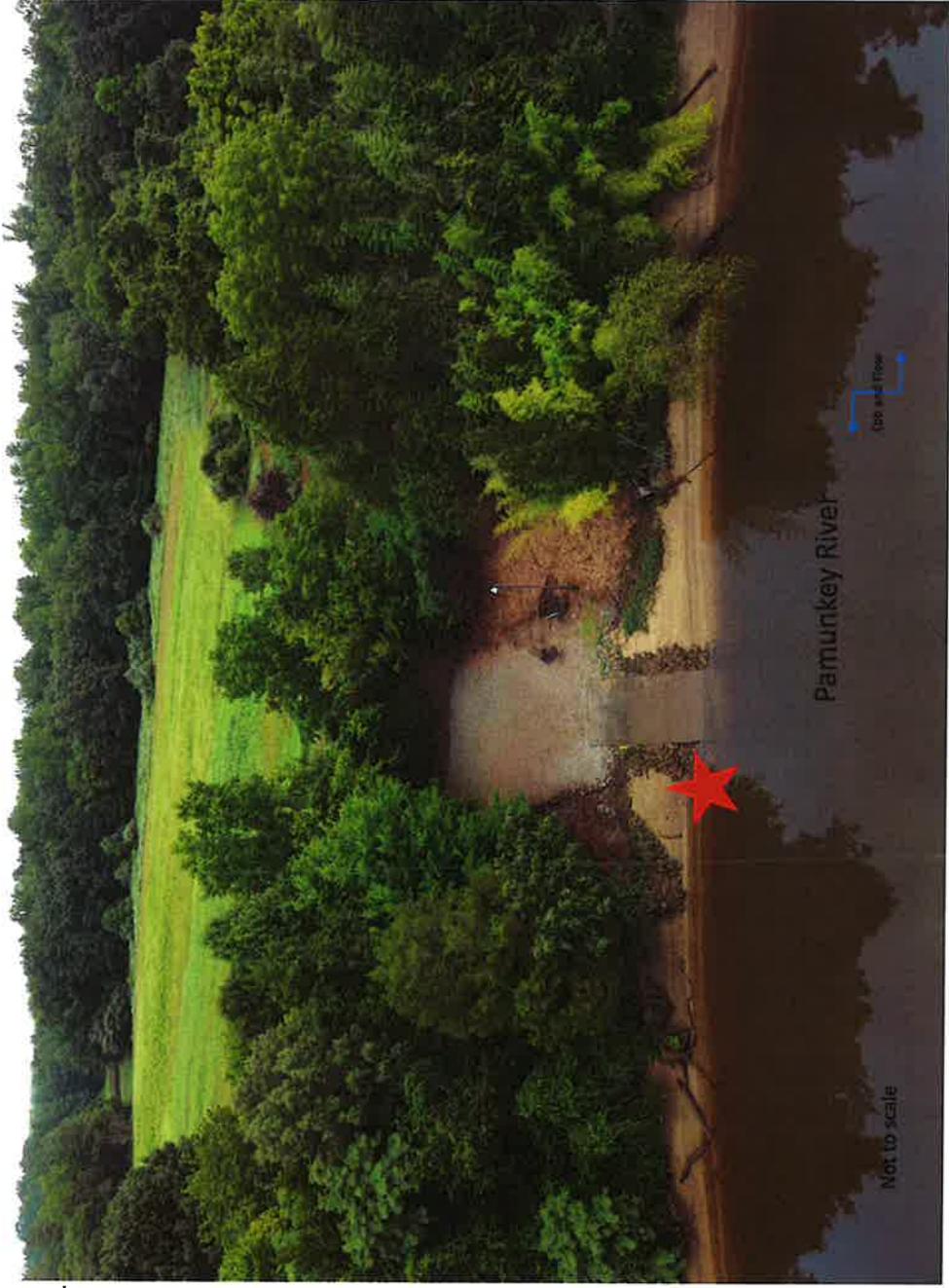
Received by VMRC August 1, 2022 /blh

James Gottwald
5239 Green Level Rd.
King William, VA
2022 google



Received by VMRC August 1, 2022 /blh

James Gottwald
5239 Green Level Rd.
King William, VA
Picture July 2022



Received by VMRC August 1, 2022 /blh

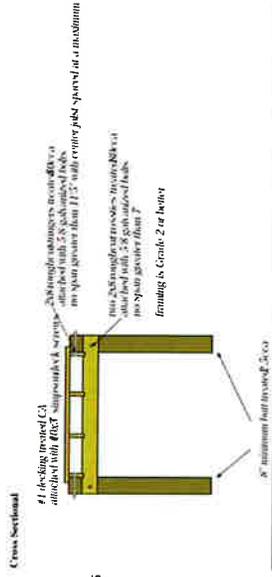
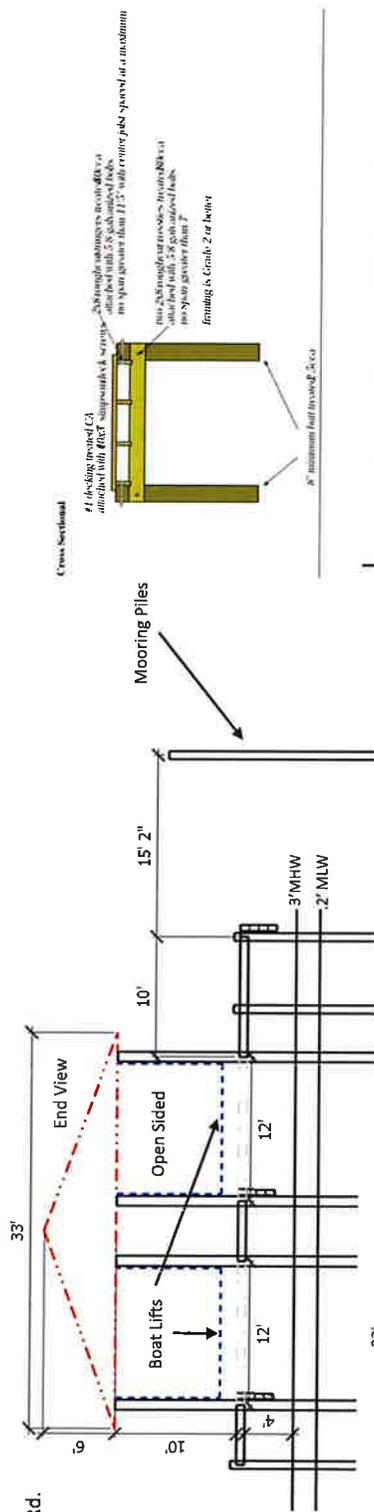
James Gottwald
5239 Green Level Rd.
King William, VA
Picture
July 2022



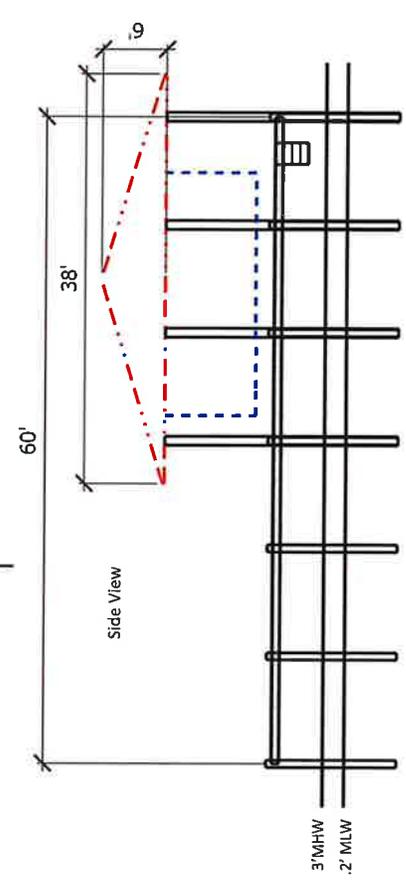
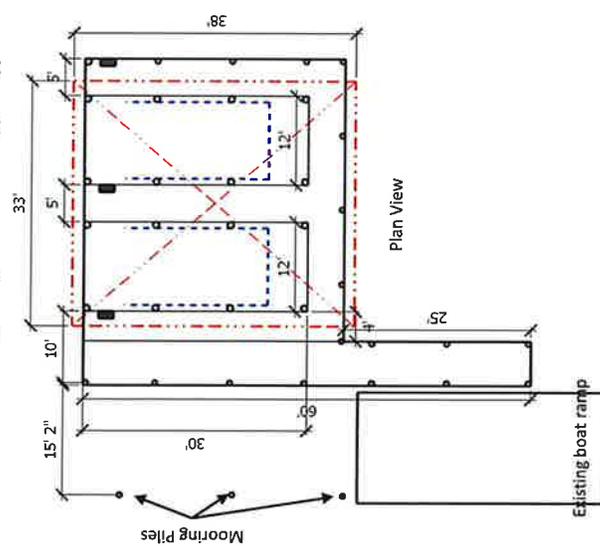
Received by VMRC August 1, 2022 /b/h

James Gottwald
 5239 Green Level Rd.
 King William, VA

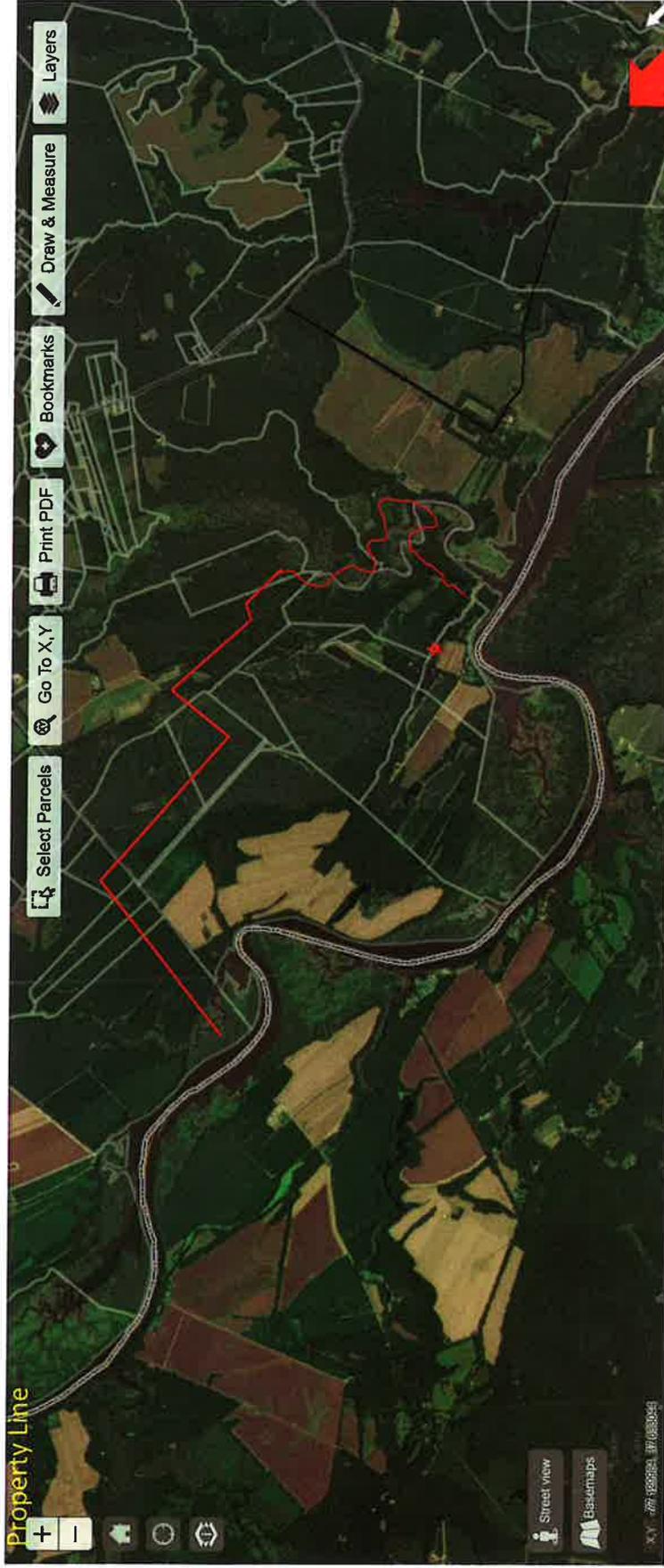
NOT TO SCALE



Piles for Walkway and Deck are 8" butt treated 2.5 cca
Stringers and Cross ties are 2 by 8 rough cut treated 2.5cca
Decking is #1 2 by 6 dress treated C/A
Deck is Fastened with 3" coated Deck screws



James Gottwald
5239 Green Level Rd.
King William, VA



Received by VMIRC August 1, 2022 /blh

James Gottwald
5239 Green Level Rd.
King William, VA

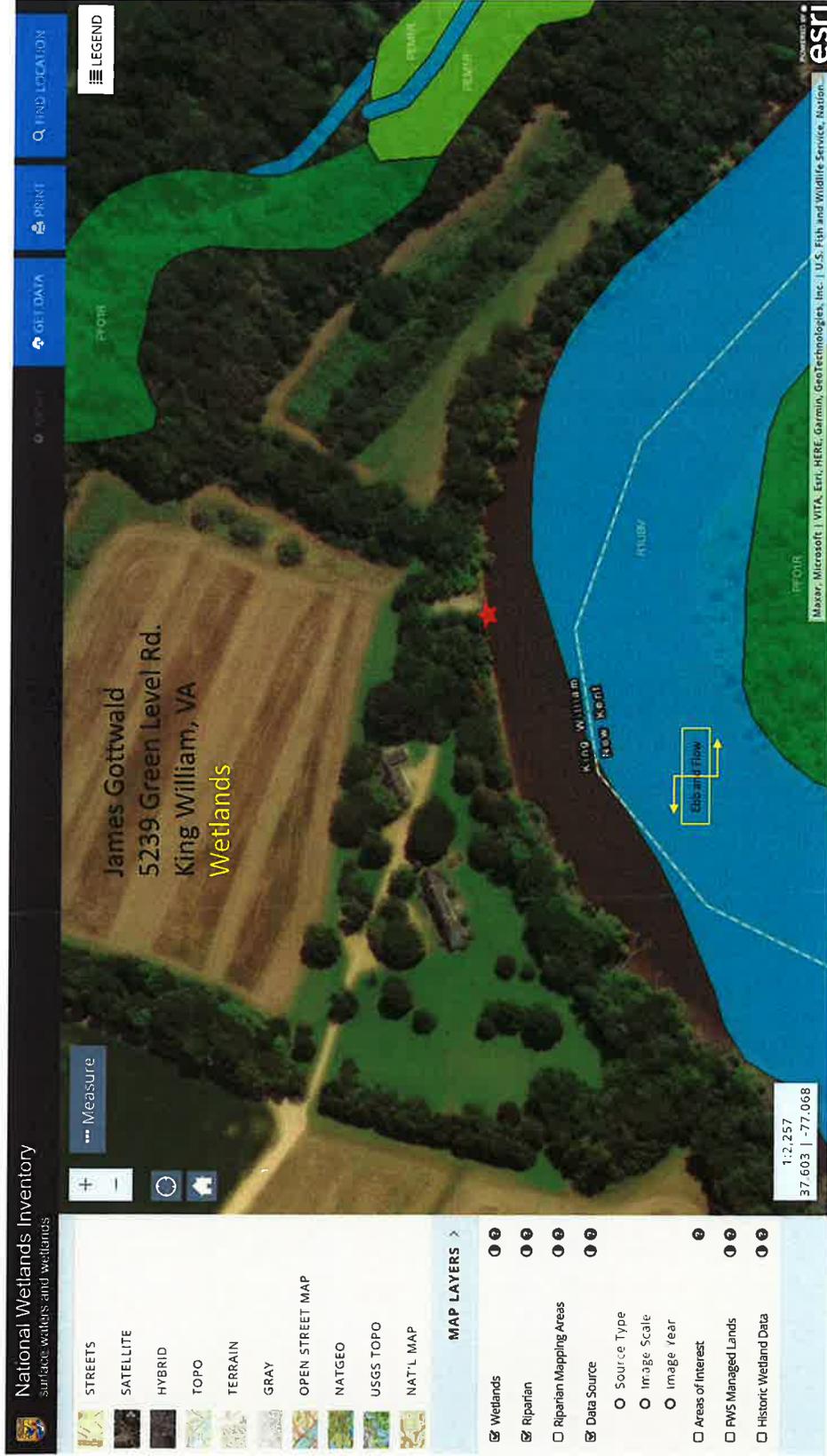


Received by VMRC August 1, 2022 /blh

James Gottwald
5239 Green Level Rd.
King William, VA



Received by VMRC August 1, 2022 /bilh



Received by VMRC August 1, 2022 /blh

Part 4 - Project Drawings

Plan view and cross-sectional view drawings are required for all projects. Application drawings do not need to be prepared by a professional draftsman, but they must be clear, accurate, and should be to an appropriate scale. If a scale is not used, all dimensions must be clearly depicted in the drawings. If available, a plat of the property should be included, with the existing and proposed structures clearly indicated. Distances from the proposed structure(s) to fixed points of reference (benchmarks) and to the adjacent property lines must be shown. A vicinity map (County road map, USGS Topographic map, etc.) must also be provided to show the location of the property. **NOTE:** The sample drawings have been included at the end of this section to provide guidance on the information required for different types of projects. Clear and accurate drawings are essential for project review and compliance determination. Incomplete or unclear drawings may cause delays in the processing of your application.

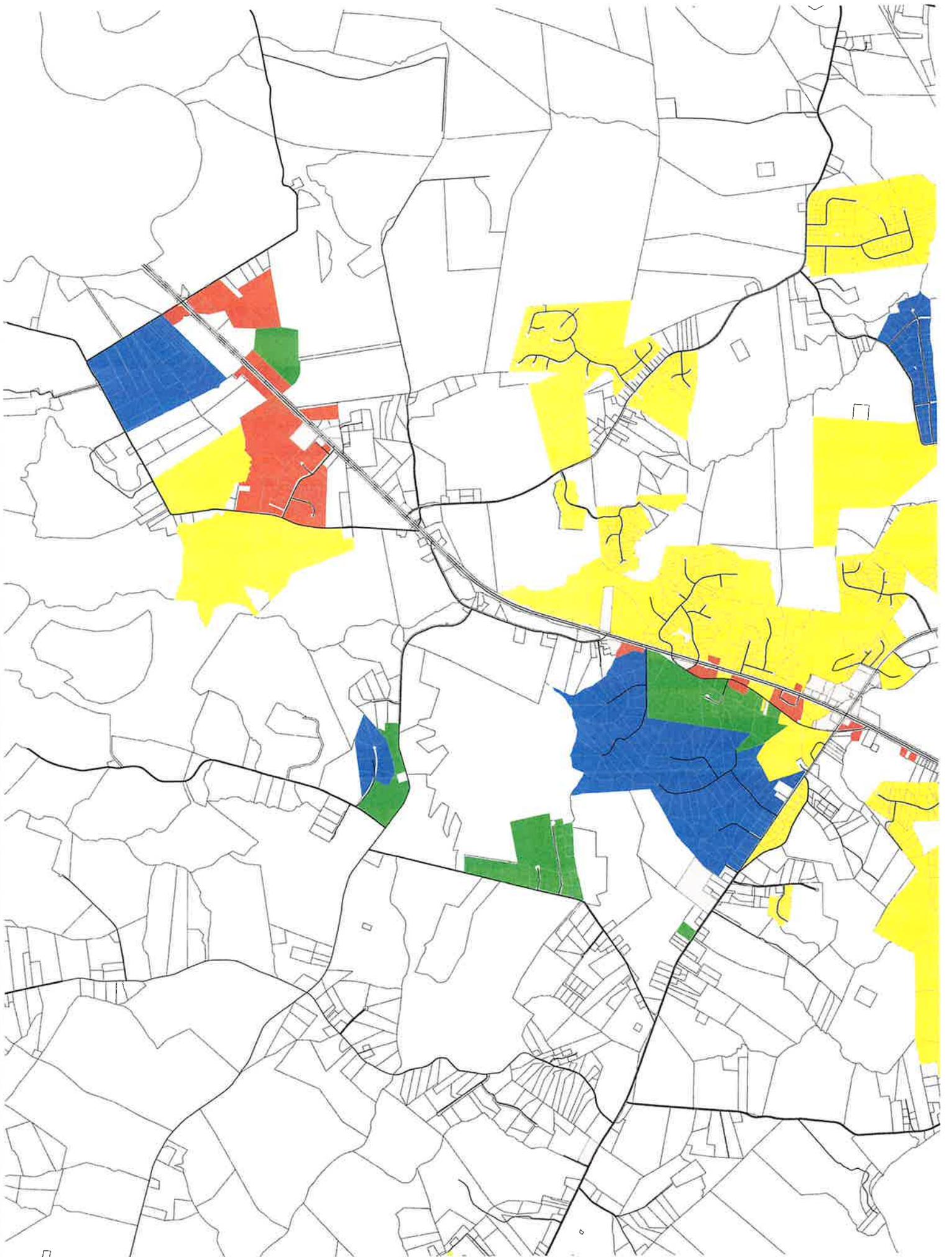
The following items must be included on ALL project drawings: (plan and cross-sectional, as appropriate)

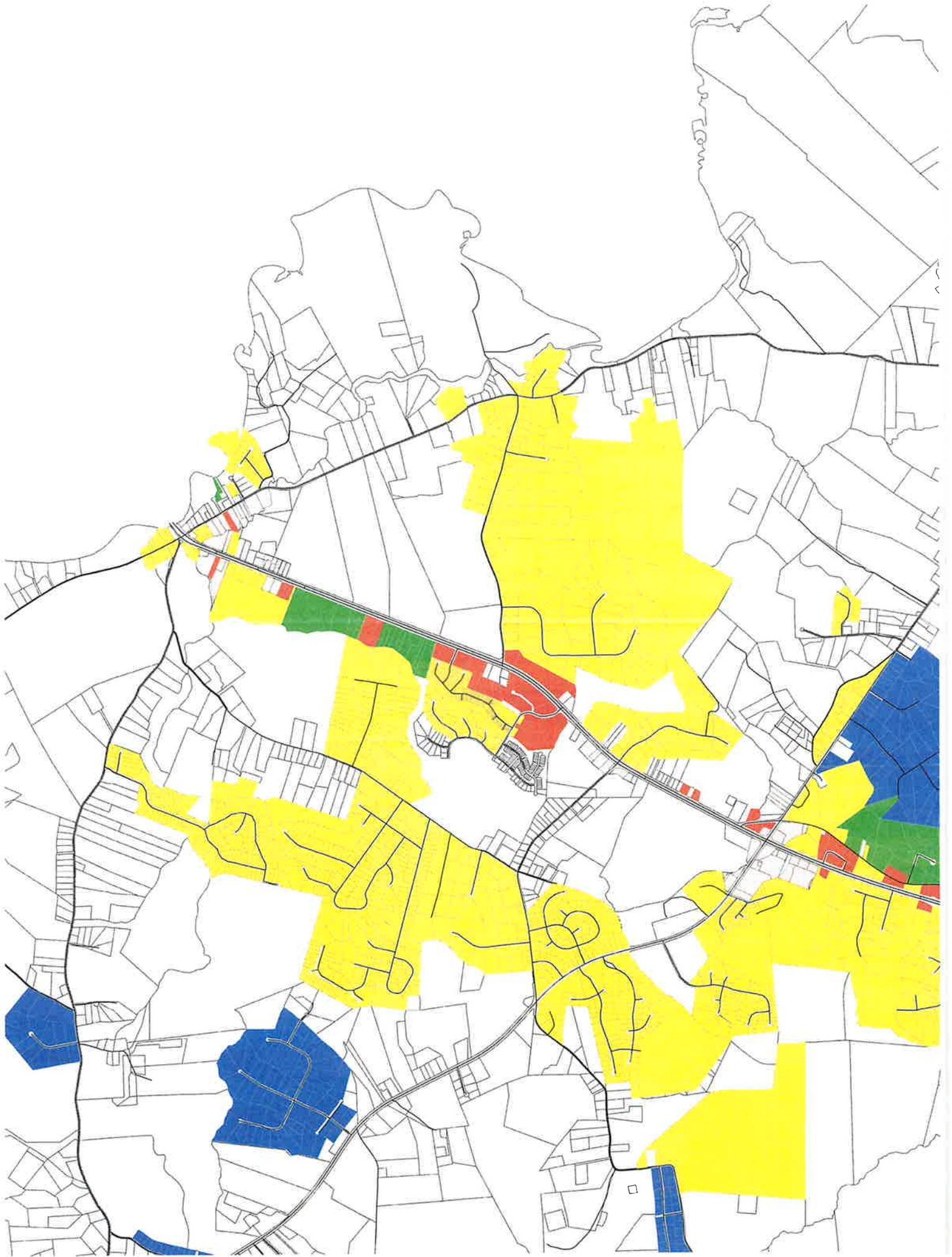
- name of project**
- north arrow**
- scale**
- waterway name**
- existing and proposed structures, labeled as such**
- dimensions of proposed structures**
- mean high water and mean low water lines**
- all delineated wetlands and all surface waters on the site, including the Cowardin classification (i.e., emergent, scrub-shrub, or forested) for those surface waters (if applicable)**
- limits of proposed impacts to surface waters, such as fill areas, riprap scour protection placement, and dredged areas, and the amount of such impacts in square feet and acres**
- ebb/flood direction**
- adjacent property lines and owner's name**
- distances from proposed structures to fixed points of reference (benchmarks) and adjacent property lines**

7a.

Review Zoning Map

Old Business





7b.

Discussion of TCO and PUD

Old Business

Sec. 86-131.8. Razing or demolition when certificate of approval denied.

1. In accordance with the Code of Virginia, §15.2-2306 A., addition to the right of appeal set forth in this division, the owner of a historic landmark, building, structure or improvement, the razing or demolition of which is subject to the restrictions of the HP district, shall, as a matter of right, be entitled to raze or demolish such landmark, building, or structure, provided that:
 - a. Applicant has applied to the Board of Supervisors for such right.
 - b. The owner has, for the period of time, set forth in the schedule set out in this section and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building, or structure, and the land pertaining thereto, to such County or municipality or to any person, firm, corporation, or government agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building, or structure and the land pertaining thereto.
 - c. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building, or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule contained in this section.
 - d. The time schedule for offers of sale shall be six (6) months.
2. The fact that an appeal has been made to the County circuit court from a decision of the Board of Supervisors shall not affect the right of the owner to make the bona fide offer to sell referred to in subsection (b) of this section. No offer to sell shall be made more than one year after a final decision by the Board of Supervisors, but thereafter the owner may renew his request to approve the razing or demolition of the historic landmark, building, or structure. The time schedule for offers to sell shall be in accordance with the Code of Virginia, §15.2-2306.

Sec. 86-131.9. Moving or Relocation.

No building or structure officially designated as a historic landmark or contributing building or structure within the district on the inventory map which accompanies this Ordinance shall be moved or relocated unless the same is approved by the HPARB and a Certificate of Appropriateness issued with right of direct appeal of an adverse decision to the Board of Supervisors shall be automatic and mandatory in the case of approval of the moving or relocation of a building or structure so designated as a historic landmark. The Zoning Administrator may approve the moving or relocation of the building or structure within the historic district, which has not been designated either as a historic landmark, contributing building or structure on said inventory map.

Secs. 86-132—86-135. Reserved.

Sec. 86-136. TCO Transportation Corridor Overlay District.

Sec. 86-136.1. Establishment.

For the purposes enumerated in section 86-100, a special overlay zoning district is hereby established to be known as the transportation corridor overlay (TCO) district.

Sec. 86-136.2. Boundaries.

The boundaries of the TCO district are hereby established on the County's zoning district map and made a part of the applicable regulations for all properties shown on the zoning district map. The TCO district boundaries are defined as follows:

1. *Route 360.* Properties with frontage on U.S. Highway 360 for its entire length through the County and extending 750 feet on either side from the centerline of such highway or to the depth of the property, whichever is less; and,
2. *Route 30.* Properties with frontage on State Highway 30, for its entire length through the County and extending 500 feet on either side from the centerline of State Highway 30, or to the depth of the property, whichever is less.

Sec. 86-136.3. Applicability.

Regulations in the TCO district shall apply to all sites developed, redeveloped, or expanded after the establishment of the district. The district shall not apply to those sites developed prior to its establishment, unless there is an expansion of floor area in excess of a cumulative total of 50 percent or 5,000 square feet, whichever is less. A one-time expansion consisting of 1,200 square feet or less of additional floor area shall be exempt from the requirements of the TCO district.

Sec. 86-136.4. Permitted uses.

Permitted uses in the TCO district are uses permitted in the underlying primary zoning.

Sec. 86-136.5. Standards of development.

All applications for development or redevelopment in the TCO district except those exempted by section 86-136.3 must satisfy the following standards as well as applicable provisions of article XVII of this ordinance (site plans).

1. *Frontage landscaping.* Along the property's border on U.S. Highway 360 or State Highway 30, a buffer shall be provided as follows:
 - a. A landscape buffer of at least 25 feet in width shall be landscaped with at least one deciduous tree, at least two inches in caliper measured six inches from the ground when planted, with branching no closer than five feet to the ground, or one evergreen tree, at least six feet in height when planted, for each 50 feet of lineal frontage; as well as at least one shrub, at least 18 inches in spread when planted, for each 30 feet of lineal frontage, planted and maintained at 24 inches in height or lower; and other ground cover reasonably dispersed throughout the buffer.
 - b. Vegetation planted in the buffer shall be of a type and/or positioned so as to not interfere with overhead or underground utility lines when fully grown.
 - c. All landscaping shall be installed in accord with good horticultural practices. The owner of the property shall be responsible for the maintenance, repair, and replacement of all required landscaping materials. All plant materials shall be maintained in a healthy, growing condition and free from refuse and debris at all times. All unhealthy, dying, or dead plant materials shall be replaced during the next planting season.
 - d. The buffer shall adhere to all sight distance requirements as determined by VDOT.
 - e. An additional buffer of ten feet along the property's frontage shall be preserved for future road or pedestrian improvements.
2. *Buffers.* Buffers shall be provided in accordance with the requirements of section 86-294.

King William County Zoning and Subdivision Ordinance

3. *Screening, loading, and storage.* Screening shall be required in accordance with the requirements of section 86-295. Loading docks shall be provided at the side or rear only. All outside storage shall be located only in the rear or side yard and shall be screened from view at the property line from a public road or adjoining A-C, R-R, or R-1.
4. *Installation of landscaping.* Required landscaping shall be installed in accordance with the requirements of section 86-293.
5. *Access.* Each B-1, B-2, or I development site shall be limited to one point of access for every 500 feet of frontage on U.S. Highway 360 or State Highway 30. To the extent feasible, parking areas shall be arranged so that circulation among or between various businesses can be accomplished without reentering a primary public highway. A-C, R-R, or R-1 parcels subdivided after the effective date of this section shall be required to share a single entrance on U.S. Highway 360 or State Highway 30.
6. *Building exteriors.* Building exteriors visible from U.S. Highway 360 or State Highway 30 shall be approved by the Zoning Administrator.
7. *Roofs.* Roofing materials shall consist of wood, tin, copper, slate, terra cotta, standing seam metal or dimensional fiberglass shingles. Pitched roofs shall be provided wherever practicable, and any flat roof shall have a parapet wall to screen from view at ground level at the property line the flat roof and any roof mounted equipment.
8. *Architectural.* All principal buildings within a single development project shall have a complementary architectural appearance with the use of similar building materials, scale, color and other architectural features.
9. *Signs.* All business identification signs shall be monument signs not to exceed 15 feet in height for individual businesses and 20 feet in height for businesses with multiple tenants. Pole signs and free-standing signs shall be prohibited. Electronic or digital signage, as permitted pursuant to article X, shall be equipped with a device to automatically dim the brightness during night or low-light conditions.
10. *Lighting.* Any on-site lighting shall be "shoe-box" style lighting fixtures, or equivalent, to conceal the lighting source and minimize spillover or glare on adjoining properties. Any lighting used under canopies shall be recessed to minimize glare. Lighting shall be reduced to no more than a security level following close of daily operations.
11. *Underground utilities.* Utility lines, including, but not limited to, electric, CATV, and telephone, shall be placed underground. This requirement applies to lines serving individual sites within the development as well as utility lines providing service to the development. Existing overhead utility lines may be extended to a terminal pole at the property line, as needed, and thence placed underground.

Sec. 86-137. Chesapeake Bay Preservation Area

State Law reference— Chesapeake Bay Preservation Act, Code of Virginia, §10.1-2100 et seq.; board to develop criteria, Code of Virginia, §10.1-2107; local Chesapeake Bay Preservation Areas, Code of Virginia, §10.1-2109; wetlands, Code of Virginia, §28.2-1300 et seq.; Ground Water Management Act of 1992, Code of Virginia, §62.1-254 et seq.

Sec. 86-137.1. Applicability.

The requirements of this article shall apply to all development and redevelopment involving land disturbance, the creation of a construction footprint or a change in an existing construction footprint. Agricultural activities and silvicultural activities are subject to the specific provisions applicable to those activities, as noted herein.

ARTICLE XIV: PLANNED UNIT DEVELOPMENT

Sec. 86-340. Purpose.

The purpose of this article is to enhance the quality of future development in the County by encouraging the integration of land planning, open space preservation, mixed-use, and cluster design. This purpose will be implemented through the establishment of:

1. A zoning district titled "Planned unit development" ("PUD"). Within districts, PUD projects may be planned, approved, and developed under the guidance and control of a plan of development; and,
2. Administration guidelines and standards, to be applied on a case-by-case basis using the process required for a change of zoning, as set out in this ordinance.

Sec. 86-341. Intent.

The intent of the PUD is enumerated in section 86-130.

Sec. 86-342. Applicability of PUD district provisions.

1. The PUD district is created as a separate district exclusive of other districts in these regulations. The use, height, and yard requirements shall be determined by the requirements and procedures set forth in this article and shall prevail over conflicting requirements of other zoning regulations.
2. Every PUD shall be served either by a public water and sewer supply in accordance with the County's policies regarding public utility service or by a central water and sewer system, if public facilities are not available.
3. The PUD may also involve subdivisions of land. Subdivisions of land are subject to the applicable requirements of the Subdivision Ordinance, and other development ordinances. Nothing in this article shall exempt an owner from meeting the requirements of such other ordinances; however, the master plan may also serve as the preliminary plat requirements for subdivisions. Accordingly, once a master plan has been approved under this article, such application may serve as an approved preliminary subdivision plat.
4. The PUD zoning district applies only to the special categories of projects described in this subsection, and then only to the specific land upon which such developments are planned and approved pursuant to procedures set forth in this ordinance for planned unit developments. Regulations established through the approval of a planned unit development district by the Board of Supervisors shall function as follows:
 - a. They shall be established to implement the goals and objectives in the County's comprehensive plan.
 - b. Subsequently, should the project for which the PUD zoning district was established be terminated for any reason, such district may be terminated upon the initiative of the Planning Commission or Board of Supervisors and after proper rezoning notices and hearings.
 - c. In cases where a special purpose zoning district's boundary are identified and adopted by reference to federal or state maps and associated regulations, such maps and/or regulations adopted by reference shall be considered to be part of the County zoning district map.

Sec. 86-343. General requirements.

1. *Establishment of the district.* A PUD district is to be established and recorded once an applicant's submission of a master plan of development and other supporting documentation is approved

King William County Zoning and Subdivision Ordinance

through the conditional zoning process by the Board of Supervisors. Applicant must follow the procedures for conditional zoning set out in article V of this ordinance and meet the requirements of this article.

2. *Annotation of zoning district map.* The zoning district map shall show, via use of an appropriate symbol, each PUD district established under this article. In addition, the Zoning Administrator shall keep an index of planned unit development districts, in the office where zoning records are maintained, and make such index available for public inspection. The index shall provide a direct reference to the ordinances that enabled the creation of the district. If a PUD district contains proffered conditions pursuant to article V of this ordinance, the indexing of such conditions shall be governed by the requirements of that article, and also be cross-indexed with the PUD-M district index.
3. Amendments to a PUD may be made following the same requirements and procedures established for rezoning approval, except that the planning director, at his or her discretion, may approve minor revisions to the application that improve the design and intent of the PUD. Additional land area may be added to an existing PUD if it is adjacent and/or would form a logical addition to the existing PUD. The procedure for adding additional land shall be the same as filing an original application.

Sec. 86-344. Uses.

Permitted uses and conditional uses are provided below:

Permitted and conditional uses shall be defined in the application and approved by the Board of Supervisors as a condition of rezoning.

Sec. 86-345. Application requirements.

1. Any application for a PUD must be preceded by a concept plan and pre-application meeting prior to any formal submission or consideration by the Planning Commission. The concept plan shall be submitted to the Zoning Administrator for consultation and discussion and shall include the location and components identified in sec. 86-19.3.a.iii. The Zoning Administrator may consult with the Planning Commission and area agencies, as appropriate. Although no formal action is required, an application will not be accepted until a concept plan has been submitted and reviewed.
2. After the concept plan and pre-application meeting, a formal application for a PUD district application shall be submitted. A complete application, eligible for public hearing, shall consist of a master plan, design manual, and community impact statement. The planning director, at his or her discretion, may establish additional application requirements for a PUD, and/or may modify requirements.
 - a. Master plan requirements:
 - i. The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner/developer.
 - ii. Jurisdiction/supervisor district and state.
 - iii. The northpoint, scale, and date. Plans shall be drawn at a scale of not less than one inch to 400 feet and depict the area within 2,000 feet of the property boundaries.
 - iv. Zoning and zoning district boundaries, both existing and proposed.
 - v. The existing owners and source of ownership for all parcels included in the PUD.
 - vi. The owner, tax map parcel, and source of ownership for adjoining parcels.

King William County Zoning and Subdivision Ordinance

- vii. An accurate boundary survey of the development tract showing the location and type of boundary evidence and a data reference for elevations to be used on plans and profiles, said elevations to be correlated, where practical, to U.S.G.S. or global positioning system ("G.P.S.") horizontal and vertical data.
 - viii. Vicinity sketch at a scale no greater than one inch to 2,000 feet. Sketch must be large enough to show the subject property and intersections (referenced to 0.01 mile to the nearest intersection) to two state roads with route numbers.
 - ix. Location of existing environmental, topographical, and historic resources including:
 - 1. Topography, at an interval of five feet.
 - 2. Aquifer recharge areas, based on available published information (USGS maps or other sources approved by the County).
 - 3. The location of ponds, streams, natural drainage swales, 100-year flood plains, all resource protection areas as defined under the Chesapeake Bay Preservation requirements and slopes of 25 percent or greater.
 - 4. Location of all historic structures and resources, as identified by the King William Historic Site survey, the Virginia Department of Historic Resources, or the National Register of Historic Places, which may include abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be clearly noted on the plan.
 - 5. Other existing natural features on the property, including tree masses, wood lines, and a depiction of any proposed modifications to the feature.
 - x. Proposed lot lines.
 - xi. Proposed square footage of commercial buildings.
 - xii. Designation of land uses with densities.
 - xiii. Locations of streets, parking, and pedestrian paths.
 - xiv. Designation of areas of common open space, with a description of proposed improvements and landscaping, where appropriate, and active and passive recreation areas.
 - xv. Location of proposed structures (commercial and residential), with designation of the type(s) of housing proposed. If attached structures are to be used, the number of units in each structure within the district shall be shown.
 - xvi. General location of water, wastewater, stormwater and permanent erosion and sediment control structures.
 - xvii. A statement explaining how the PUD complies with the policies and objectives of the comprehensive plan.
- b. Design manual requirements:
- i. An overall project description establishing the intended community characteristics, design themes, and elements to be incorporated into the project, to include concepts related to bulk and scale, physical relationships, and material composition.

King William County Zoning and Subdivision Ordinance

- ii. Descriptions, depictions, and typical drawings for the following:
 1. Proposed typical elevations for all structures, which shall include the following typical details:
 - a. Facade materials, including the use of color(s).
 - b. Building height, length, and depth.
 - c. Roof lines and materials.
 - d. Screening for the heating, air conditioning, and electrical systems used commercial, industrial, or multiple use buildings.
 - e. Signage.
 - f. Exterior lighting fixtures, both residential and nonresidential.
 - g. Landscape details, including typical plant materials to be used throughout the project, including typical planting details and location(s) for the following areas:
 - i. Frontage landscaping along major thoroughfares, and where proposed along common external boundaries.
 - ii. Internal buffers, where proposed.
 - iii. Internal roads.
 - iv. Common and public areas.
 - v. Parking lots.
 2. Neighborhood design characteristics including:
 - a. Internal road functional classifications.
 - b. Typical road section plans for each functional classification, to include both plan and cross section views.
 - c. Proposed setback lines for each type of road as described in "Sec. 86-305.2.b.2.b." above (if applicable).
 - d. Proposed build-to lines for each type of road as described in " Sec. 86-305.2.b.i." above (if applicable).
 - e. Typical streetscape design for each classification of road and/or impervious surface to be used.
 3. Pedestrian system, including type(s) of paving and/or impervious surface to be used.
 4. Lighting schematics including height and fixture type.
 5. A phasing schedule that sets forth the approximate number of residential units, by type or class, to be developed per year and an explicit link between the timing of the development of residential, nonresidential, and commercial components.
- c. Community impact statement to include:

King William County Zoning and Subdivision Ordinance

- i. Stormwater management plan;
- ii. Environmental impact analysis;
- iii. Traffic impact analysis;
- iv. Impact to schools;
- v. Emergency services/fire protection/police protection;
- vi. Libraries/parks and recreation;
- vii. Publicly provided utility services, such as water, sewer, and refuse disposal; [and]
- viii. Archaeological and historic site survey is required if a designated historic resource, as identified by the King William Historic site survey, the Virginia Department of Historic Resources, or the National Register of Historic Places, is located on the subject property or on a property immediately adjacent.

Sec. 86-346. Character of development.

PUD districts should encourage development form and character that is aesthetically pleasing and is different from conventional suburban development by providing the following characteristics:

1. Pedestrian orientation;
2. Neighborhood friendly streets and paths;
3. Interconnected streets and transportation networks;
4. Parks and open space amenities;
5. Neighborhood centers;
6. Appropriately scaled buildings and spaces;
7. Relegated parking;
8. Mixture of uses and use types;
9. Mixture of housing types and affordability; and
10. Environmentally sensitive design.

An application is not required to include every characteristic of the PUD development district as delineated above in order to be approved. Factors such as the size of the proposed district and surrounding uses may prevent the application from possessing every characteristic.

Sec. 86-347. General standards of development.

1. Standards applicable to entire district.
 - a. *Minimum district size.* The minimum district size shall be 15 acres.
 - b. *Density.* Density shall be determined at time of rezoning with compliance with the comprehensive plan. For purposes of this district, net developable area shall be defined as the gross acreage of the district minus all Chesapeake Bay Resource Protection Areas and all slopes of 25 percent or greater. For the purposes of this district, the acreage values used in the determination of density shall be the net developable area. The gross density of the single family residential shall not exceed five dwelling units per acre. The gross

King William County Zoning and Subdivision Ordinance

density of the attached units shall not exceed eight units per acre. The gross density of the multi-family shall not exceed 24 units per acre.

- c. *Streets.* All streets within the district shall be public, unless approved to be private streets by the Board of Supervisors. Private streets shall be built to Virginia Department of Transportation (VDOT) standards and would otherwise be acceptable for public maintenance. Where appropriate, streets shall be extended to the mixed-use development boundary to accommodate future, adjacent property development. Wherever practical, curb and gutter shall be used throughout the development. The Board of Supervisors reserves the right to permit other methods of stormwater removal.
- d. *Height.* All dwelling units including but not limited to, single family dwelling units and multiple family structures and all other commercial and institutional uses, including combined use structures, may be constructed to a height of three stories or 45 feet.
- e. *Gross floor area.* The total gross floor area of uses permitted in commercial areas shall be at least 200 square feet per dwelling unit approved on the master plan, but shall not exceed 1,000 square feet per dwelling unit approved on the master plan. Outdoor display service or sales areas shall be included in gross floor area calculations. The phasing plan shall fully describe the timing of installation of the commercial components to ensure they are commensurate with the residential portions of the project.
 - i. *Open space.* No less than 25 percent of the net developable area of the overall district shall be set aside as open space. This may include common open areas, plazas, areas improved for recreation, historic sites, natural preservation areas and any streetscape landscaping provided between various uses within the district. It shall not include yards of dwelling units or outdoor areas used in connection with a commercial or industrial use. Active and passive recreation may be provided within the open space. All recreation areas shall be designated on the master plan. When improved with playground equipment, playing fields, tennis courts, swimming pools, or other recreational facilities, such improvements shall be detailed on the master plan. All improvements shall be constructed in accordance with the phasing schedule approved with the master plan. The recreational areas and facilities shall be owned and maintained by residents' association.
 - ii. The required open space shall not contain more than 25 percent steep slopes, wetlands, utility easements, or other limitations. At least 15 percent of the open space shall be improved. Such improvements may include, but shall not be limited to, pedestrian ways, bicycle paths, play lots and playgrounds, tennis courts, clubhouses, and swimming pools.
 - iii. Open space shall be reasonably dispersed with a logical relationship throughout the site;
 - iv. Open space areas shall be designed and located to maximize public accessibility, and where possible, shall be connected by a pedestrian circulation system, including sidewalks, pathways and trails;
 - v. Open space shall emphasize inter-relationships between uses within the project and create visual connections between spaces;
 - vi. Improvements shall be configured to accommodate permitted, accessory, and conditional uses in an orderly relationship with one another, with the greatest amount of open area and with the least disturbance to natural features.
- f. *Minimum setback and lot size.* Within the PUD district, minimum lot size, minimum lot width and frontage and minimum setback ranges shall be specifically established during the

King William County Zoning and Subdivision Ordinance

review and approval of the concept plan. Specific setbacks may be approved administratively in the site plan process if they are in conformance with the established ranges. A modification to the concept plan will be required if the provided details are not within the established ranges. The following guidelines shall be used in establishing the building spacing and setbacks.

- i. Areas between buildings used as service yards, storage of trash, or other utility purposes should be designed to be compatible with adjoining buildings;
- ii. Building spacing and design shall incorporate privacy for outdoor activity areas (patios, decks, and the like.) associated with individual dwelling units, whenever feasible; and
- iii. Yards located at the perimeter of the mixed-use development district shall conform to the setback requirements of the adjoining district, or to the setback requirements of the PUD development district, whichever is greater.
- iv. In no case shall setbacks interfere with public safety issues such as intersection sight distance or utilities, including other public infrastructure such as Pedestrian paths, open space, and the like. Building restriction lines shall be shown on the final site plan.

g. *Landscaping.*

- i. Preservation of existing trees and shrubs shall be maximized to provide for continuity and improved buffering ability. Special attention shall be given to preserve all existing trees within 20 feet of existing bodies of water, such as lakes, streams, and wetlands. Trees to be retained shall be noted on the master plan, and a method of protection identified.
- ii. Streetscape buffers.
 1. Streetscape buffers, the minimum width along the existing public road upon which the development fronts, shall be agreed upon by the applicant and Board of Supervisors during plan submittal.
 2. The buffer shall be placed within an easement and the Property Owners' Association shall be charged with maintenance of the buffer. If any required tree, shrub, or other landscaping element shall die or be removed after issuance of the certificate of occupancy, the developer, his or her successors or assigns shall replace each by the end of the next planting season with trees or shrubs of the same or similar species, type, color, or character.
 3. The buffers shall contain a pedestrian path located along the frontage of the property and such pedestrian path shall be designed and constructed in accord with applicable VDOT standards and may contain utility easements and signs, but not water quality structures (i.e., BMPs).
 4. Streetscape buffers shall contain landscaping materials as outlined in article XI of this ordinance.
 5. Landscaping shall not obstruct the view of motorists using any street, private driveway, parking aisles, or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety. Streetscape buffers shall adhere to all sight distance requirements as determined by VDOT.

King William County Zoning and Subdivision Ordinance

- iii. Screening. Screening shall be required to conceal specific areas from both on-site and off-site views. Such areas shall be screened using an appropriate combination of plants, fencing, and masonry walls to adequately screen them from view, regardless of adjacent uses, adjacent districts, or other proximate landscaping material. Screening plantings shall be maintained in perpetuity and any dead or dying plants shall be removed within 30 days of notification by the Zoning Administrator and shall be replaced by the property owner during the next viable planting season. Specific areas to be screened include:
 - 1. Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers).
 - 2. Loading and service areas.
 - 3. Outdoor storage areas (including storage tanks).
 - 4. Ground-based utility equipment with size in excess of 12 cubic feet.
 - 5. Ground level mechanical units.
- iv. All vehicle parking areas shall include landscaping, both within the interior of the parking area and around its perimeter, to provide shade, screen views, mitigate runoff, and provide aesthetic appeal.
- v. Perimeters of the district, not along a street, should consider the adjacent uses and buffer and/or screen for the best transition of uses.
- vi. Any required landscaping shall be installed prior to the issuance of a certificate of occupancy.
- h. *Management of open space, private roads and other areas of common ownership:*
 - i. All common areas shall be deeded to a property owners association. The association and regulations shall be approved by the County attorney during final site plan approval and shall conform to the following requirements:
 - 1. The developer must establish the association concurrent with the recordation of the subdivision plat and prior to the sale of any lots.
 - 2. Membership in the property owner's association shall be mandatory for all property owners, present or future, within the PUD and said association shall not discriminate in its membership or shareholders.
 - 3. The association shall manage all open space, common areas and amenities; in addition, the association shall maintain all roads not maintained by VDOT.
 - 4. The association shall have the authority to assess fees and impose liens.
 - ii. The Board of Supervisors may approve conveyance of the open space and any open space easement to a qualifying nonprofit or governmental entity other than the property owners' association or the County, upon a finding that such a conveyance will achieve purposes of open space consistent with the character of the PUD district, that the conveyance will be beneficial to the future owners within the district and to the public, and that the purposes and resources of the entity and the proposed conveyance are consistent with the preservation of the open space and significant features. For the purposes of this section a qualifying nonprofit shall

King William County Zoning and Subdivision Ordinance

be an organization classified as nonprofit under the Internal Revenue Service definition.

- i. *Road access.* No residential use shall have direct access to any road outside of the district. Commercial use direct access may be approved by the Board of Supervisors on the master plan if the need for such is demonstrated by the applicant.
 - j. *Lighting.* Exterior lighting shall be provided throughout the development and typical fixtures will be provided as part of the design manual details. When selecting exterior lighting the following shall apply:
 - i. Cut off style lighting fixtures to conceal the lighting source and minimize spillover or glare on adjoining properties shall be used in all commercial areas.
 - ii. Any lighting used under canopies shall be recessed to minimize glare.
 - iii. Lighting intensity should be the minimum required to satisfy safety and security concerns.
 - iv. Lighting shall be reduced to no more than a security level following close of daily operations in all commercial areas.
 - k. *Signage.* Signs for the community will be coordinated in color and design and shall be either ground mounted or building mounted. A sign package showing the plan for signage on the property shall be submitted with the design manual as part of the master plan.
 - l. *Utilities.* Mixed use developments shall be in accordance with the following requirements:
 - i. All new utility lines including telephone, television cable, and electrical systems, and similar uses shall be installed underground.
 - ii. Mixed use developments shall be served by centralized water and sewer utilities, whether public or privately operated, and shall be designed and constructed to public standards as approved by the King William Utility Department and Hampton Roads Sanitation District.
 - iii. Private centralized utilities shall be maintained by a homeowner's association (unless otherwise operated by a public or private utility) which shall be established prior to final plat approval. Applicable homeowners' association documents shall be reviewed for consistency with the County's requirements by the County attorney prior to final plat approval.
2. *Standards applicable to the residential areas.* In addition to the standards referenced above, all development within the residential portions of the development shall conform to the following standards:
- a. A pedestrian path system, providing access to open space, neighborhoods, and development areas, shall be shown on the master plan. The detail of construction of the path shall be shown on the master plan.
 - b. Fire protection systems shall be placed throughout the residential areas to provide adequate access to hydrants.
3. *Standards applicable to the commercial development:*
- a. *General design:*

King William County Zoning and Subdivision Ordinance

- i. All commercial areas within the PUD shall have safe and convenient access to a collector street or major thoroughfare.
 - ii. Parking. The applicant shall establish parking regulations for consideration by the Board of Supervisors based upon a parking needs study or equivalent data. The parking regulations shall decrease impervious cover by reducing parking requirements and consider alternative transportation modes. The following additional requirements shall also apply within the mixed use development district:
 1. Parking shall be located predominantly to the side and/or rear of buildings;
 2. Parking areas shall include interior landscaped parking lot islands as well as landscaping along the perimeter;
 3. Parking areas are to be designed to facilitate pedestrian movement;
 4. Parking areas should encourage alternative forms of transportation by providing amenities such as bicycle parking and bicycle lanes; and
 5. Parking lots shall not create long expanses of empty street frontage.
- b. Architectural standards—Commercial structures.
- i. Façade design within the PUD shall be developed with a unified architectural theme. The standard of compatibility may be met through scale, materials, forms, and/or colors which may be embodied in architecture that is contemporary as well as traditional.
 - ii. Primary entrances to buildings shall be clearly identified and oriented towards the primary pedestrian paths. Facades shall be balanced and symmetrical without being overly complicated and monotonous.
 - iii. Building materials utilized for the front and side facades of the buildings shall be limited to brick, split-faced block, fluted block, tile, concrete tile, dryvit, or other simulated stucco (EIFS), real or simulated wood and/or glass. Standard concrete masonry block shall not be used for the front and side facades of any building.
 - iv. Roof design. Pitched roofs shall be provided wherever practicable. Rooflines shall be varied in order to add architectural interest and avoid the appearance of long, monotonous roofline expanses.
 - v. Roof material. Roofs, including Mansard and other decorative roofs, shall not be interpreted to be a part of any building facade. Roofing materials shall consist of wood, tin, copper, slate, terra cotta, standing seam metal or dimensional fiberglass shingles.
 - vi. Adjacent facades will be compatible with each other and architectural features such as setbacks, changes in building materials, canopies or differences in roof height will be used to add visual interest. Exterior walls fronting a promenade will not exceed 100 feet in length without altering the appearance of the building(s) by using a mixture of compatible building materials or, alternatively, by providing a variance in setback of at least two feet.
 - vii. Any mechanical units placed on the rooftops of buildings shall be screened by architectural features which are compatible with building facade architecture.
 - viii. Service and delivery loading docks will be located at the rear of structures, or wholly screened from view from any right-of-way.

King William County Zoning and Subdivision Ordinance

Sec. 86-348. Exceptions.

The Board of Supervisors may approve development plans that deviate from the standards of development if the site's topography, configuration, or other unique circumstance that prevents full compliance with the requirements. Any exception or deviation from standards specified in this article shall be granted only when such exception or deviation will not impair the health, safety, comfort and welfare of the inhabitants of the County. In any such case, the Board of Supervisors may impose conditions that will accomplish the purposes of the requirements to the maximum extent practicable.

Secs. 86-349—86-359. Reserved.

8a.

Minor Subdivision Ordinance

New Business

King William County Zoning and Subdivision Ordinance

member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent or parent of the owner.

- *Subdivision, farmstead* means a subdivision of two to seven lots where the lots are a minimum of 15 acres in size.
- *Subdivision, major* means a subdivision with more than four lots and may contain lots of less than 15 acres. The term "major subdivision" shall include any subdivision of more than four lots, which is designed and developed as a single unit, regardless of the number of owners and/or subdividers involved, or the number of parcels or tracts of land encompassed, by the subdivision. The term "major subdivision" shall also include any subdivision which initially contains fewer than five lots, but which is intended to become a subdivision of more than four lots at some future time through additions. Any proposed subdivision which standing alone would qualify as a minor subdivision, but which will adjoin an existing minor subdivision shall be classified as a major subdivision and shall meet all the requirements of this article pertaining thereto if the total number of lots in the two subdivisions exceeds four and:
 1. The proposed minor subdivision will be created from the remainder of the tract or parcel of land from which the existing subdivision was created, irrespective of any change of ownership of such remainder since the creation of the existing subdivision;
 2. Access to the proposed subdivision is through the existing minor subdivision;
 3. The two subdivisions have the same or similar names; or
 4. The lot numbering system for the two subdivisions suggests that the proposed subdivision is an expansion of the existing one.
- *Subdivision, minor* means a subdivision other than a major subdivision or a single-lot subdivision that results in the creation of no more than four platted lots.
- *Subdivision, single-lot* means a subdivision with only one lot, whether or not exempt from the requirements of Article XVIII - Division 3.
- *Substantial alteration* means an expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the resource management area only.
- *Tasting room* means an establishment with the primary purpose of serving alcoholic beverages, along with food, that are produced either on site or off site by the brewery, distillery, or winery that owns the tasting room.
- *Taxidermy* means the art of preparing, stuffing, and mounting the skins of animals, which may include freeze drying.
- *Temporary structure* means a structure that will not remain erected on a parcel for a length longer than 60 days. The erection of a temporary structure requires a temporary structure permit.
- *Tidal shore* means land contiguous to a tidal body of water between the mean low water level and the mean high water level.
- *Tidal wetlands* means vegetated and non-vegetated wetlands as deemed in the Code of Virginia §28.2-1300.
- *Townhouse development* means one or more single-family dwellings containing townhouses with accessory parking, open space, and recreational and management facilities.
- *Tract* means one or more parcels of land under the same ownership with at least one boundary in common between parcels.
- *Trade school* means a secondary school that teaches and certifies students in a skilled trade.

King William County Zoning and Subdivision Ordinance

3. *Multiple single-lot subdivisions.* Development of two or more single-lot subdivisions, for the purpose of circumventing the requirements pertaining to minor or farmstead subdivisions shall not be permitted.

Sec. 86–454. Minor residential subdivisions.

1. *Intent.* The requirements of this division are intended to be commensurate with the impact of small subdivisions, creating two to four lots, on the areas in which they are located. Thus, the regulations focus on access, lot sizes, and suitability of the land, abbreviated platting requirements and accelerated administrative processing.
2. *Multiple minor subdivisions.* Development of two or more adjoining minor subdivisions, for the purpose of circumventing the requirements of this division pertaining to major subdivisions shall not be permitted. Refer to the definition of "major subdivision".
3. *Improvements.* Improvements in minor subdivisions shall be installed in accordance with provisions 5. – 7. below.
4. *Streets.* As allowed by the State Code of Virginia §15.2-2241
 - a. *Generally.* There shall be only one access to an adjacent primary or secondary highway by a new street and no lot shall have direct access to an existing primary or secondary highway.
 - b. *New streets.* All streets in a proposed subdivision shall be designed and constructed in accordance with subdivision street standards of VDOT. Streets so designed and constructed shall be recommended by the County for inclusion in the state highway system. For streets that remain private, there shall be road maintenance agreements for each lot in the subdivision as provided for in Item i. of this section.
 - c. *Alignment and layout.* Street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining property should they decide to plat their own land and seek to provide convenient access to it. Where in the opinion of the agent it is necessary to provide for street access to adjoining property, right of way for proposed streets shall be extended to the property line. Half streets along the boundary of land proposed for subdivision shall not be permitted. The street layout shall be designed to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills, and preserving trees to the maximum extent feasible for a reasonable economic use of the land.
 - d. *Spacing.* Streets shall be spaced to allow for blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed arterial thoroughfares.
 - e. *Minor residential streets.* Minor residential streets, intended primarily for access to individual properties, shall be arranged to discourage their use by through traffic.
 - f. *Reduction of traffic impacts.* No residential lot shall be platted in a minor subdivision, which has its primary frontage on U.S. Highway 360 or State Highway 30. Reverse frontage lots having access only from a parallel secondary highway or from new public streets are required.
 - g. *Right of access.* Anyone who subdivides land shall provide right of access to public streets to meet the minimum requirements of VDOT. No land shall be reserved, held or controlled for the purpose of prohibiting access to streets and roads unless owned, held or controlled exclusively by the County or an agency of the state or federal government.

King William County Zoning and Subdivision Ordinance

- h. *Scenic roads.* Where an existing or proposed street or roadway is designated as a scenic road or byway on the comprehensive plan, of which the major thoroughfare plan is a part, the purpose and standards established for such roads to maintain their scenic and historic qualities shall be observed in the design and development of an adjacent subdivision, including but not limited to such factors as maintenance of existing alignments and natural vegetation, appropriate pavement design, and due care with respect to location and design of access points.
- i. *Maintenance of private streets.* Private streets must be maintained at a level that keeps the private street in compliance with the subdivision street standards of VDOT. Any private street must be owned and maintained by the developer, until such time as it is turned over to the ownership and maintenance of an approved homeowners' association.
- j. *Maintenance of public streets.* The subdivider shall provide for maintenance of all new or improved public streets until such time as the streets are accepted into the secondary highway system of VDOT. The subdivider or developer shall furnish to the County a maintenance and indemnifying bond with surety satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the maintenance of public streets until such time as they shall be reviewed at the end of each twelve month period and at such times the agent may require that the amount of the bond be increased to cover inflated maintenance costs.
- k. *Street names.* Proposed streets which are obviously in alignment with existing named streets shall bear the names of such existing streets. Names of proposed streets shall not duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court. Street names shall be indicated on all plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the Board of Supervisors.
- l. *Street signs.* Street identification signs of a design approved by the agent shall be installed at all intersections either by the subdivider or at their cost.
- m. *Construction of utilities.* All utilities constructed in or on public streets rights-of-way shall comply with the current land use permit manual of VDOT.

State Law reference— Coordination of streets with other streets, Code of Virginia, §15.2-2241(2); acceptance of dedication of right-of-way, Code of Virginia, §15.2-2241(5).

5. Lots.

- a. *Generally.* Lots in minor subdivisions shall comply with the requirements of this section.
- b. *Lot arrangement.* The lot arrangement, design and orientation, shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- c. *Remnants.* Remnants or parcels of land below minimum area, including parcels which fail percolation tests, which may be left over after subdivision of a tract, shall be incorporated to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.
- d. *Suitability for sewage disposal.* If on-site disposal systems are to be utilized in a minor subdivision, the plat shall not be approved until the health official affixes his signature to a statement on the plat certifying that the lots are generally suitable for the installation of such on-site systems.

King William County Zoning and Subdivision Ordinance

6. *Easements.*

- a. *Generally.* Easements in minor subdivisions shall be reserved as indicated in this section.
- b. *Required.* Where alleys are not provided in appropriate locations, easements of not less than 15 feet in width shall be provided where necessary to meet public utility requirements. Easements of greater width may be required along lot line or across lots where necessary for the extension of trunk sewers or other primary utility lines.

Drainage easements. Where a proposed subdivision is traversed by any stream, watercourse or drainageway, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, watercourses and drainageways, in accordance with standards established by the County.

- c. *Utilities.* All utilities, poles or underground conduits for electric power lines or communication lines shall be placed in alleys if such are provided or in easements appropriately located, generally along the rear or side lot lines whenever this is possible.

State Law reference— Drainage, Code of Virginia, §15.2-2241(3).

- 7. *Monuments.* All lot corners shall be marked with iron pipe not less than three-fourths inch in diameter or iron rod not less than one-half inch in diameter, and not less than 24 inches long and driven so as to be flush with the finished grade.

State Law reference— Monuments, Code of Virginia, §15.2-2241(7).

- 8. *Performance guarantee.* The Code of Virginia §15.2-2241 (11)(B) provides that, prior to approval of the final plat, the subdivider shall file with the agent a performance guarantee to ensure that improvements required by this ordinance or proposed by the subdivider are installed in accordance with approved plats and plans.

- a. Such guarantee shall either be:
 - i. A certified check or a personal, corporate or property bond with cash escrow or other method of performance guarantee approved by the Agent and sufficient to cover the cost of all improvements as estimated by the agent, furnished by the subdivider; or
 - ii. Evidence of the existence of agreements between the subdivider and a qualified contractor for the installation and completion of the improvements and the contractor's performance bond with surety for the benefit of the County and the subdivider, and satisfactory to the Agent, in an amount to cover the cost of all improvements as estimated by the agent.
- b. Within 30 days after receipt of written notice by the subdivider of completion of part or all of any facilities or improvements required to be constructed by this article, the agent shall either grant a periodic partial or final complete release of any bond, escrow, letter of credit or other performance guarantee required by this section, or notify the subdivider or developer in writing of non-receipt of approval by applicable state agency or of any specified defects or deficiencies in construction and suggested corrective measures. If no such action is taken by the agent within the 30-day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after expiration of such 30-day period and there is an additional request in writing sent by certified mail, return receipt, to the County Administrator. The agent shall act within ten working days of receipt of the request; then if no action is taken, the request shall be deemed approved and final release granted to the subdivider. The agent shall not refuse to make a periodic partial or final complete release of a bond, escrow, letter of credit or other performance guarantee for any reason not directly related to specified defects in

King William County Zoning and Subdivision Ordinance

construction of the facilities covered by such bond, escrow, letter of credit or other performance guarantee.

- c. Upon written request by the subdivider, the agent shall be required to make periodic partial releases of such bond, escrow, letter of credit or other performance guarantee in a cumulative amount equal to 80 percent of the original amount for which the bond, escrow, letter of credit or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the agent or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least 30 percent of the facilities covered by any bond, escrow, letter of credit or other performance guarantee to the subdivider. For the purpose of final release, the term "acceptance" is deemed to mean when such public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and for operating such facility upon acceptance.
- d. For the purposes of this section a certificate of partial or final completion of such facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to §54.1-408 of the Code of Virginia or from a department or agency designated by the agent may be accepted without requiring further inspection of such facilities.

Sec. 86–455. Farmstead subdivisions.

1. *Intent.* The intent of this division shall be to preserve the rural heritage of our farms, forests and historic resources by minimizing the impact of small residential subdivisions in the agricultural/forestal (A-C) district of the County, by creating two to seven lots with a minimum lot size of 15 acres. Thus, the regulations focus on access, lot sizes, visual impacts, suitability of the land, abbreviated platting requirements and accelerated administrative processing.
2. *Streets.* As allowed by the State Code of Virginia §15.2-2241
 - a. *Generally.* For two-lot subdivisions, a shared access shall be provided on a 50-foot-wide easement extending from the existing public road to cover the entrance of both lots. Access for farmstead subdivisions with three to seven lots shall be to a new public street. There shall be only one access to an adjacent primary or secondary highway by a new street and no lot shall have direct access to an existing primary or secondary highway.
 - b. *New streets.* Public streets in a proposed subdivision shall be designed and constructed in accordance with subdivision street standards of VDOT. Streets so designed and constructed shall be recommended by the County for inclusion in the state highway system. For streets that remain private, there shall be road maintenance agreements for each lot in the subdivision as provided for in Item f. of this section. The following shall be minimum specifications for any private street in a farmstead subdivision:
 - i. *Right-of-way.*
 1. *Minimum 50 feet of right-of-way.*
 2. *Minimum 20 feet travel surface width.*
 3. *Minimum 2 feet shoulder on each side.*
 - ii. *Road surface.*
 1. *Minimum six-inch compacted travel surface depth.*
 2. Subgrade shall be prepared by excavation and removal of all vegetative cover, root mat, and topsoil. Drainage systems must provide relief for