

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
August 15, 2006

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, August 15, 2006, in the Board Room, York Hall, by Chairman Walter C. Zarembo.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend Richard Holmes, Rising Sun Baptist Church, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Zarembo led the Pledge of Allegiance.

**PRESENTATIONS**

**EMPLOYEE RECOGNITION PROGRAM**

Chairman Zarembo congratulated Carolyn A. Thayer, Clerk of the Circuit Court's Office, for her 25 years of service to the County, and he presented her with her service pin and certificate.

**NEIGHBORHOOD OF THE YEAR AWARD**

Mr. McReynolds announced the winners of the Neighborhood of the Year Awards, and Chairman Zarembo presented to representatives of the following homeowners' associations a Neighborhood of the Year Award sign:

The Greenlands Homeowners Association	Beautification
Queens Lakes Community Association	Neighborhood Cooperation and Spirit
Yorkshire Downs Master Association	Safety

**CITIZENS COMMENT PERIOD**

Mr. Charles Addison Downey, Sr., 411 Yale Drive, Hampton, addressed the Board on his concerns regarding real estate assessment. He said he had property in Marlbank, and the property had grown in assessments beyond his ability to own the property and live in the house.

Chairman Zarembo asked Mr. McReynolds to apprise Mr. Downey of the tax relief program for senior property owners in the County.

**COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett reported that the Virginia Municipal League had finally sent out its draft of a model cable television ordinance, but he had not had a chance to read through the entire document. He stated there are gaps in the ordinance that localities will have to fill in, places where the statute will require the County to tailor an ordinance to the franchise agreement that the County currently has with Cox, and it would have to be paired up in some ways. He indicated that the County has an outside attorney with expertise particularly in federal communications issues, which includes cable TV, who can help with the County's ordinance.

August 15, 2006

## **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds reminded the Board and the citizens of the activities coming up over the Labor Day weekend. He said there would be a performance by Virginia Symphony in Yorktown at the Monument this year at 7:00 p.m. on September 2, and the Fife and Drum would perform before the symphony at 6:00 p.m. He also reminded the Board of its Regular Meetings scheduled for September on the 5th and the 19th.

## **MATTERS PRESENTED BY THE BOARD**

Mrs. Noll indicated she had attended the National Association of Counties conference in Chicago a couple of weeks ago, stating she wanted to see how it was organized because next year Virginia will be in charge of the conference, and because of the 400<sup>th</sup> celebration of the anniversary of Jamestown, it is a very important year. She also noted that she and Mr. McReynolds attended the opening of the new Williamsburg Sentara Hospital which has the highest state-of-the-art technology from which York's citizens can benefit. She said she would like for the Board prepare a proclamation for the York County's Little League because of their wonderful progression to the World Series.

Chairman Zaremba asked Mr. McReynolds to have a proclamation prepared and invite the team and its coaches and sponsors to a Board meeting for presentation.

Mr. Shepperd echoed Mrs. Noll's comments about the Little League, and he wished them the best for they have represented the State very well. He then spoke of the Moore's Creek drainage project, stating the Board has heard a lot about it being very expensive. He indicated the project is well on its way, and he gets a lot of questions about what is going on down in that area because the residents are seeing trees being removed and an old house that the County had to purchase being torn down. He stated the most dramatic aspect of this project will be when the road is cut through which will make traveling a little bit difficult, but the State and the County have assured him that it will be done in a manner that expedites the traffic. Mr. Shepperd then addressed the issue of the intersections of Big Bethel Road and Victory Boulevard, and Big Bethel Road and Hampton Highway where they will be going through a widening effort in the very near future. He stated they are very well traveled roads and it will affect probably 30,000 or 40,000 people that travel in some form or another down those roads. Mr. Shepperd then noted there hasn't been a storm in this area for a while, but the citizens have been hearing a lot of noise about storms, and hopefully a big one will not materialize. He asked the residents to take precautions and prepare for this kind of emergency in terms of evacuation routes and supplies. He stated the County learned a hard lesson with Isabel, and it is now time to be thinking about making preparations in case another storm should hit the area.

Mr. Burgett stated he hoped everyone has noticed how nice Route 17 is looking. He indicated the County does not have good enforcement against cars that are parked for sale along the road, but the medians look good and it is very attractive. He then addressed the Riverwalk, stating he has friends who constantly tell him they religiously go to the concerts and would not miss them. He stated it is estimated that between 15,000 and 20,000 people have attended the concerts, and there is one more to go, and the Virginia Symphony is scheduled to play during the Labor Day weekend along with other bands. He stated the Riverwalk has really become a place to go.

Mr. Bowman stated it has been a very nice summer, and he thought everybody must be on vacation because his emails and telephone calls have slowed down. He spoke of the fire that destroyed the Anchor Pools business. He stated the York County firefighters did an excellent job containing the emergency, and he expressed his appreciation to them for their hard work. He stated he hoped the owners will be able to rebuild and get their business back to normal very quickly.

Chairman Zaremba asked Mr. McReynolds for an update on the Boys Club initiative. He said he had had a number of calls from citizens in and around Yorktown who are interested in that initiative, and he knew it is a partnership between a number of different players, but it would be nice to know just where they are going with it. He also noted the grand opening of the new Williamsburg Sentara Hospital, stating there would soon be a grand opening for the new shopping center complex in that area. He stated it is going to be a marvelous facility anchored by

well known and popular markets such as Ukrops, and he asked if the County knew when it would be ready for opening.

Mr. McReynolds indicated the County had not received any information on the grand opening, but the stores were beginning to place stock in the facilities.

Chairman Zaremba said he also had heard many positive comments about the Riverwalk. He spoke concerning Mr. Downey's comments tonight about his tax assessments, and how important it is for the County's seniors to know just what the County offers to those who have fixed incomes and the breaks with regard to their property taxes. He asked that the information be televised again on Channel 46 for the benefit of those who may not be aware of the tax relief program. Chairman Zaremba then noted there was a boy scout troop present this evening, and he asked the scout master to come up and let the Board know which troop it was and why they were here tonight.

Mr. Chris Jordan noted he was the Scout leader of Troop 220 from St. Lukes Methodist church on Ella Taylor Road, and the scouts were working towards their eagle badges. He stated some of them were working on a communications merit badge, and some were working on a badge for citizenship in the community.

Chairman Zaremba thanked the boy scouts for coming out and wished them good luck with obtaining their badges.

#### **CONSENT CALENDAR**

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 4 and 5, respectively.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Shepperd, Zaremba  
Nay: (0)

Thereupon, the following resolutions were adopted:

#### **Item No. 4. COLONIAL SERVICES BOARD PERFORMANCE CONTRACT: Resolution R06-104**

##### **A RESOLUTION TO AUTHORIZE EXECUTION OF A CONTRACT BETWEEN THE COUNTY OF YORK AND THE COLONIAL SER- VICES BOARD FOR THE DELIVERY OF SERVICES**

WHEREAS, Section 37.1-195 of the Code of Virginia, 1950 as amended, requires each locality to establish, singly or in combination, a community services board for the provision of mental health, mental retardation, and substance abuse services to its residents; and

WHEREAS, pursuant to this statutory provision, the County of York has established the regional Colonial Community Services Board in conjunction with James City County and the Cities of Williamsburg and Poquoson; and

WHEREAS, Section 37.1-197(A)(2) requires local governments to review and act on the Annual Performance Contract with the Community Services Board and to make appropriate appointments to that Board; and

WHEREAS, the Board of Supervisors has reviewed the proposed Performance Contract between the County of York and the Colonial Community Services Board and found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of 2006, that the proposed FY2007 Annual Performance Contract between the County of York and the Colonial Community Services Board is approved and that the County Administrator be, and he hereby is, authorized to execute the agreement and to take all actions necessary to assure that services are delivered to the citizens of York County.

August 15, 2006

Item No. 5. VIRGINIA PUBLIC SCHOOL AUTHORITY BOND PROCEEDS: Resolution R06-110

A RESOLUTION OF THE BOARD OF SUPERVISORS OF YORK COUNTY DECLARING ITS INTENT TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS FOR SCHOOL PROJECTS

WHEREAS, the County of York, Virginia (the "County") is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Board of Supervisors of the County (the "Board") expects to pay or expects that the York County School Board will pay, after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction, and/or equipping of capital improvements for school projects (the "Project"); and

WHEREAS, the Board has determined that any moneys previously advanced no more than sixty (60) days prior to the date hereof, and those moneys to be advanced on and after the date hereof to pay the Expenditures, are available only for a temporary period and it is necessary to reimburse the County or the York County School Board for the Expenditures from the proceeds of one or more issues of tax-exempt bonds ("Bonds");

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of August, 2006, as follows:

Section 1. The Board adopts this declaration of official intent under Treasury Regulation Section 1.150-2.

Section 2. The Board reasonably expects to reimburse advances made or to be made by the County or the York County School Board on and after that date which is no more than sixty (60) days prior to the date hereof to pay the Expenditures with respect to the Projects. The maximum principal amount of the Bonds expected to be issued for the Projects is \$11,600,000.

Section 3. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Bonds to reimburse an Expenditure, no later than eighteen (18) months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure itself is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five (5) years.

Section 4. This resolution shall take effect immediately upon its passage.

**CLOSED MEETING.** At 6:47 p.m. Mr. Bowman moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Shepperd, Noll, Zarembo  
Nay: (0)

Meeting Reconvened. At 7:00 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-

**DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED  
MEETING**

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of August, 2006, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Noll, Bowman, Zaremba  
Nay: (0)

**APPOINTMENT TO THE ECONOMIC DEVELOPMENT AUTHORITY**

Mr. Bowman moved the adoption of proposed Resolution R06-101 that reads:

**A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY  
ECONOMIC DEVELOPMENT AUTHORITY**

WHEREAS, on June 30, 2006, the term of A. Travis Quesenberry expired on the York County Economic Development Authority; and

WHEREAS, Mr. Quesenberry has indicated he does not wish to be considered for reappointment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of August, 2006, that Dr. Charles Taylor be, and hereby is, appointed to the Economic Development Authority for a term of four years, such term to begin immediately, and to expire June 30, 2010.

On roll call the vote was:

Yea: (5) Shepperd, Noll, Bowman, Burgett, Zaremba  
Nay: (0)

**PUBLIC HEARINGS**

**APPLICATION NO. ZT-103-06, YORK COUNTY PLANNING COMMISSION**

Mr. Carter gave a presentation on Application No. ZT-103-06 to amend the York County Zoning Ordinance to revise the performance standards relating to accessory apartments. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 06-20.

Mr. Burgett said he wanted to make sure he understood that the regulations remain in place for the 600 square foot size, and that the Board was simply allowing an 800 square foot, as a matter of right, on the larger parcels.

Mr. Carter noted that the maximum size allowable by a matter of right situation would increase from 600 to 800 square feet.

August 15, 2006

Mr. Burgett asked how big an accessory apartment could be placed on the lot if it was not a true R20 lot.

Mr. Carter said it would increase from 600 to 800 square feet under the proposal. The standard regulations for accessory structures would apply whether it is a 600 square foot apartment or an 800 square foot apartment with the normal side yard, rear yard, and front yard requirements that would apply to any accessory structure whether it was a garage or an accessory apartment.

Mr. Burgett asked if the change were being recommended because there were a lot of requests for it or if it was just making things easier administratively.

Mr. Carter said that staff had looked at the average size apartment that has been approved and found that it was over 600 square feet but not over 800 square feet, and the Planning Commission's objective was to increase the number of situations that were approvable as a matter of right without having to go through the use permit process.

Chairman Zaremba indicated the Planning Commission was commissioned by the Board to try to come up with a proposal that would reduce the number of accessory apartment applications coming before the Board, and the materials before the Board reflected the Commission's recommendation.

Mr. Bowman asked how many of the previous applicants would not have come before the Board if this proposal had been in effect.

Mr. Carter stated it would have been five.

Mr. Bowman noted staff was trying to expedite the process for the homeowner, and it is not impacting on anything else that has to do with that permitting process such as the setbacks and the utilities.

Mr. Carter said that was correct, that all the performance standards would be the same.

Mrs. Noll asked if increasing the size of the accessory apartment impacts also on the footprint of the house.

Mr. Carter said it could result in a 200 square foot greater footprint for the detached structure.

Mrs. Noll asked if it would be just for the detached apartment and not if it were part of the house.

Mr. Carter said that if somebody did an attached addition to their house under this proposal they could do 800 square feet versus 600 square feet.

Mrs. Noll indicated she meant if the garage was attached to the house to begin with and the accessory apartment was put on top of the house.

Mr. Carter said that it might or might not increase the footprint and that it would vary from house to house.

Discussion followed on the sponsorship of the application.

Mr. Shepperd stated he had looked at the list, and it struck him that most of the ones that were sort of routine were the ones that were more rural residential. He asked if he was correct that when you are in rural residential with 50 acres and you want an accessory apartment, you still have to go through the special use permit.

Mr. Carter said that it was correct.

Mr. Shepperd said he did not recall the Board having addressed the issue in terms of the R20s and the R13s, other than the Board was really concerned about the impact on the community and the growth.

Mr. Carter said that what the trend had shown is that the amount of concern both on the part of the Commission, the Board, and the public was much greater when the lot size was small

and when the lot size was either at the minimum or very close to the minimum. He indicated there tended to be a good bit of interest in an application whether it was in RR or RC or R13. If the lot size was pretty substantial, he stated there did not seem to be much of an issue because there was plenty of room on which to put the detached structure, and there is plenty of room to build the addition to the house without really getting close to anyone else.

Mr. Shepperd asked Mr. Carter to remind him of why there is a requirement for special use permits on rural residential property.

Mr. Carter said it went back 3 years, and he thought there had been a concern about excessively large apartments and those that are detached.

Mr. Shepperd said he thought the Board put a limitation on the size anyway. He said you do not have an unrestricted opportunity, and he thought in this proposal there was something like a 1,000 foot.

Mr. Carter said that was correct and was the upper limit. He said that before there was that limit there was a 1,200 square foot apartment brought forward at one time; and by putting the upper limit at 1,000, the Board pretty much sent a message that the apartments need to be relatively small.

Mr. Shepperd asked if the limit was currently 1,000 feet. He stated he thought it was less and driven by percentage.

Mr. Carter said that it was possible under current regulation to go up to 1,000 square feet by use permit. He added that it only happened when the lot sizes were two or four times the minimum lot size either in RC, RR, or R20.

Chairman Zaremba then called to order a public hearing on Application No. ZT-103-06 that was duly advertised as required by law. Proposed Ordinance No. 06-20 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-103-06 TO AMEND SECTION 24.1-407, STANDARDS FOR ACCESSORY APARTMENTS, OF CHAPTER 24.1, ZONING (YORK COUNTY CODE) TO EXPAND THE OPPORTUNITIES FOR ACCESSORY APARTMENTS TO BE LOCATED ON CERTAIN RESIDENTIAL PROPERTIES AS A MATTER OF RIGHT

There being no one present who wished to speak concerning the subject application, Chairman Zaremba closed the public hearing.

Mr. Shepperd stated he had the sense that several of these applications had been in front of the Board, and they probably had gotten to a routine where it approved the ones in the rural residential area where they have larger pieces of land. He said he did not have a problem with that, but he did have a problem when there are smaller lots or smaller areas where there are a lot of houses, even though there is one big lot that is still zoned R13 or R20. He indicated he feels the use permit process provides an opportunity for the community to speak.

Discussion followed concerning subdivisions with restricted covenants.

Mr. Burgett expressed his agreement with Mr. Shepperd, stating he certainly shared his concerns. He said he had lived in his neighborhood 29 years, and they did not have any covenant restrictions or any homeowners association, and they would have no recourse should a neighbor decide to build a large accessory apartment if there was not a use permit requirement. He stated he felt 200 square feet was a pretty big increase in allowable size. Mr. Burgett stated he has no problem in the rural residential district with larger acreages, but he is concerned about his district, which has primarily older neighborhoods. He stated he is very concerned about their ability to have a voice; and at least with a use permit in those areas, they have recourse and they can come before the Board and object.

Mrs. Noll noted the Board had talked about this a while ago when the Board was getting so many requests as to why some of them were not just handled administratively. She stated she felt that perhaps the issue might be amended not to go to the larger 800 square feet for those that would be done by right, but maybe set it at 650 square feet or something of that nature.

August 15, 2006

Mrs. Noll indicated that the larger ones the Board would take a second look at, and she asked if that seemed more agreeable.

Mr. Bowman said he did not have any issues with this until Mr. Shepperd and Mr. Burgett voiced theirs. He asked if the people in the immediate area notified when an applicant has applied to build an accessory apartment.

Mr. Carter said they are notified only if there is a use permit application.

Mr. Bowman noted that a person could go ahead and build if the person had a by-right opportunity to do so, and the neighbor next door might not know until he looked out and noticed that an 800 square foot building was going up next to his property.

Mr. Carter noted that an 800 square foot garage could be done as a matter of right.

Mr. Bowman said he liked the citizens knowing that something like this was taking place and that they were able to provide input if they wished. He said even though an application seems like it is routine and the Board handles these things on a routine basis, sometimes it is good to provide the opportunity for comment even though the Board does not have input from the neighborhoods or the citizens, and the Board has to assume that silence is consent.

Chairman Zarembo stated the Board applauds the Planning Commission for taking the initiative to get on with standardizing the process for accessory apartments. He said what he was hearing was that the Board perhaps wants to provide some additional direction to the Planning Commission so that all the issues of the Board were addressed appropriately, and perhaps what the Board was going to do was to table the action and send it back to the Planning Commission with the guidance that the Board thinks these other issues need to be incorporated into the proposal. He asked with Shepperd if he would like to make a proposal.

Mr. Shepperd said the two parts of concern that he thought were of issue were the R20 and the R13 districts. He recommended pulling those two pieces from the resolution. He said he did not have a problem the RC and the RR because of the land size. He stated if the R20 and the R13 districts were taken out, the Board could pass the proposed ordinance as amended.

Mr. Bowman said that for clarification, that if the Board did the modification and pulled those two items, then the Board would be saying that the R20 and R13 would still come before the Board under a special use permit. He asked if that were correct.

Mr. Carter stated the current situation in the R20 district is that if the lot size is four times the minimum, and someone wants to build an attached accessory apartment, they can do that as a matter of right, and no use permit would be required. He said that what was being proposed by the Planning Commission is to take the four times standard down to two times. He said he was hearing the Board say it wanted to leave it status quo in the R20 district. If the Board adopted the ordinance as was just discussed, RC and RR would be five and one, which is the minimum lot size, and R20 matter-of-right situations would be 80,000 square feet for a detached apartment, and R13 would require a use permit no matter what the lot size.

Mr. Shepperd said according to what Mr. Carter had said, for R20 under the current status the by-right R20 actually ends up with a larger lot requirement than the RR because it only requires one acre.

Mr. Carter said that was true because RC and RR are currently twice the minimum to get into that matter-of-right realm. He stated what was proposed here is to take it down to the basic minimum for the district.

Mr. Shepperd said he wanted to move Ordinance No. 06-20(R) eliminating reference to the R20 and the R13 districts in the proposal.

Discussion followed to clarify the amendments made to proposed Ordinance No. 06-20 as recommended by Mr. Shepperd.

Mr. Carter clarified the changes that would be contained in proposed Ordinance No. 06-20(R) which would state that in paragraph B1 the numbers would remain as they are currently, 600 square feet and 25 percent so there would be no change, and in paragraph B2 the R20 line

would read 80,000 square feet and the R13 line would be struck. He said that anywhere in the proposal were it shows 800 square feet and 35 percent would become 600 square feet and 25 percent.

Mr. Shepperd then moved the adoption of proposed Ordinance No. 06-20(R) that reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-103-06 TO AMEND SECTION 24.1-407, STANDARDS FOR ACCESSORY APARTMENTS, OF CHAPTER 24.1, ZONING (YORK COUNTY CODE) TO EXPAND THE OPPORTUNITIES FOR ACCESSORY APARTMENTS TO BE LOCATED ON CERTAIN RESIDENTIAL PROPERTIES AS A MATTER OF RIGHT

WHEREAS, Section 24.1-407 of Chapter 24.1, Zoning, of the York County Code sets forth standards and conditions applicable to the establishment of accessory apartments in conjunction with single family detached residential uses; and

WHEREAS, Application No. ZT-103-06 has been sponsored by the Planning Commission to allow consideration of amendments that would provide additional opportunities for such apartments to be established as a matter of right rather than by special use permit; and

WHEREAS, the Commission has conducted a duly advertised public hearing and has recommended approval of the proposed amendments; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing and has determined that the proposed amendments would be consistent with good zoning practice;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the 15th day of August 2006, that Application No. ZT-103-06 be, and it is hereby, approved to amend Section 24.1-407 of the Zoning Ordinance to read as set forth below:

**Sec. 24.1-407. Standards for accessory apartments in conjunction with single-family detached dwellings.**

- (a) Not more than one (1) accessory apartment may be permitted in conjunction with a single-family detached dwelling.
- (b) Accessory apartments may be considered and authorized in accordance with the following schedule/procedures:
  - 1. Accessory apartments not exceeding 600 square feet or 25% of the floor area of the principal structure, whichever is less, and attached to the principal structure (the single-family detached dwelling unit), shall be permitted as a matter of right in the RC, RR, R20 and R13 zoning districts. Attached accessory apartments in excess of the 600 square feet/25% limitation, but not exceeding 800 square feet or 35% of the floor area of the principal structure, whichever is less, may be authorized by special use permit in the RC, RR, R20 and R13 zoning districts.
  - 2. Accessory apartments proposed in detached structures in the RC or RR zoning districts shall be permitted as a matter of right if the subject property meets the following minimum area requirements and the size of the accessory apartment does not exceed the 600 square feet or 25% of the principal structure floor area:

District	Minimum Area
RC	5 acres
RR	1 acre

Detached accessory apartments proposed on RC, RR properties of lesser area, and any proposed in the R20 and R13 zoning districts, shall require authorization by special use permit, and shall not exceed 800 square feet or 35% of the principal structure floor area, whichever is less.

- 3. Notwithstanding the above limitations, on property in the RC or RR zoning dis-

tracts which is at least twice as large as the applicable conventional development (i.e., not a "cluster" development) minimum lot size for that district/property, or on property in the R20 zoning district which is at least four times as large, an attached or detached accessory apartment shall be permitted as a matter of right provided that it does not exceed 800 square feet or 35% of the principal structure floor area, whichever is less. Upon authorization by special use permit, the maximum size of an accessory apartment, whether attached or detached, on properties meeting the above noted minimum area thresholds may be increased to 1,000 square feet or 49% of the floor area of the principal structure, whichever is less.

- (c) Access to an accessory apartment whether in the principal structure or in a detached accessory structure, shall be designed so that the premises continues to have the appearance from the principal street frontage of one single family detached dwelling unit and its customary accessory structures. No new entrance to accommodate an accessory apartment shall be installed on the front façade (facing the street) of an existing or proposed principal structure. The applicant shall be responsible for submitting sketches and/or plans to demonstrate compliance with this condition.
- (d) For the purposes of determining allowable floor area for an accessory apartment, all "habitable space," as defined and determined under the terms of the Building Code, shall be included in the calculation and shall be considered a part of the apartment. Space which does not meet the "habitable" criteria shall not be counted in floor area calculations for the accessory apartment.
- (e) Notwithstanding the provisions of Section 24.1-273(c) of this chapter, for the purposes of this section, the term "attached" shall be construed to require connection by enclosed, heated, habitable space. Structures which are merely attached by a wall or roof construction, or which are within ten (10) feet of the principal structure shall not be considered "attached."
- (f) The maximum number of bedrooms in an accessory apartment shall be one (1).
- (g) Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
- (h) Approval of accessory apartments shall be contingent upon prior certification by the health department that any on-site water supply and sewage treatment facilities are adequate to serve the total number of bedrooms proposed on the property (principal and accessory).
- (i) The accessory apartment shall be occupied only by family members or guests of the occupant of the single-family dwelling or by a bona fide medical/health caretaker or domestic employee of the occupant of the single family dwelling. The apartment shall not be offered to the general public (i.e., non-family members/non-guests) for rental or other occupancy arrangements.
- (j) All utilities serving the accessory apartment (e.g., electric, water, sewer, gas) shall be registered to the occupant of the principal residence. Registration/billing of utility accounts to different parties (e.g. the occupant of the principal residence and the occupant of the accessory apartment) shall be prohibited, even if separate meters for the principal residence and accessory apartment are used.
- (k) Prior to issuance of a Building Permit for the accessory apartment the property owner shall prepare and record with the Clerk of the Circuit Court, at his expense, a deed restriction on the property stipulating that the accessory apartment will be used, occupied and maintained in accordance with the above-noted restrictions and such others as may be prescribed by the York County Board of Supervisors in approving the special use permit. Such restrictions shall not be voided, in whole or in part, unless specifically authorized by the County Administrator in recognition of some subsequent change in the zoning restrictions applicable to accessory apartments or upon removal of the accessory apartment through demolition or alterations to the structure.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Shepperd, Zaremba  
Nay: (0)

#### NATURAL HAZARDS MITIGATION PLAN

Mr. Carter gave a presentation on proposed Resolution R06-96 to adopt the Peninsula Multi-Jurisdictional Natural Hazards Mitigation Plan. He reminded the Board that in February they had conducted a work session on the draft Peninsula Multi-Peninsula Jurisdictional Natural Hazards Mitigation Plan, and at that time the Board members received a briefing on the plan which was a joint effort on the part Hampton, Newport News, Williamsburg, James City and York Counties to develop a document that will enable those localities to remain eligible for pre- and post-disaster mitigation funding from FEMA. He stated the three mitigation goals that were developed and are proposed are to reduce impacts and losses from Natural Hazards, to promote an awareness of hazards and vulnerability, and to maximize the uses of available funding. He said there were series of mitigation strategies that were developed on a locality-by-locality basis. He added that the York County strategies numbered 13, and he reviewed the strategies. He stated staff recommended adoption of proposed Resolution R06-96 to officially adopt this plan on behalf of York County.

Discussion followed on the development of the mitigation plan.

Chairman Zaremba asked if any of the jurisdictions had adopted a resolution approving their respective part of the plan.

Mr. Carter stated that Newport News and James City County had approved the resolution, and he thought Williamsburg would be considering it soon. He noted that Hampton is scheduled for September approval.

Chairman Zaremba asked if there were any real issues that are controversial among the localities that have not yet adopted the resolution.

Mr. Carter stated that the localities that have adopted the plan had no issues come up during the adoption process, and he thought for the other localities it was just a matter of getting it scheduled for a meeting agenda.

Mr. Shepperd said there was a lot of good reference material in the plan and a lot of hard work by those developing it, and he commended those who had put the plan together.

Mrs. Noll said she had looked at some of the highlights of the plan and was fascinated with the historical highlights of the storms that the County has had in the past and the plans for the future. She commended all those involved and said there was a lot of good and important information in the plan.

Mr. Bowman asked that the plan be posted on the County's website for access by the citizens. He added that it was a very comprehensive document that contained great data, and he suggested that citizens go the part of the document that pertained to where they live in the County to see if they lived in a flood zone and find out the regularity of storms and hurricanes within their immediate area.

Chairman Zaremba then called to order a public hearing on proposed Resolution R06-96 that was duly advertised as required by law and is entitled:

#### A RESOLUTION TO ADOPT THE PENINSULA MULTI-JURISDICTIONAL NATURAL HAZARDS MITIGATION PLAN

There being no one present who wished to speak concerning the subject resolution, Chairman Zaremba closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution No. 06-96 that reads:

August 15, 2006

A RESOLUTION TO ADOPT THE PENINSULA MULTI-JURISDICTIONAL NATURAL HAZARDS MITIGATION PLAN

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to maintain eligibility to receive certain federal assistance; and

WHEREAS, the Peninsula Hazard Mitigation Planning Committee (PHMPC), representing the Counties of York and James City and the Cities of Hampton, Newport News and Williamsburg, was convened in order to study the region's risks from and vulnerabilities to natural hazards, and to make recommendations on mitigating the effects of such hazards on the Peninsula area; and

WHEREAS, the efforts of the PHMPC have resulted in the development of a plan entitled the Peninsula Multi-Jurisdictional Hazards Mitigation Plan and said plan has been prepared for review, consideration and adoption by each of the participating jurisdictions.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 15th day of August 15, 2006 that the Peninsula Multi-Jurisdictional Hazards Mitigation Plan, dated January 2006, be, and it is hereby, approved and adopted subject to the following amendments:

- Page 183, revise the Action Item introduction to read as follows:

**Recommended Action Item #1:** Consider and evaluate measures that could help reduce the risk of flooding to new and renovated structures. Potential changes to the County's floodplain management ordinance to address this objective might include:

- 1) adoption of a cumulative substantial improvement rule under which additions/renovations within a ten-year time frame that cumulatively equal 50 percent of a structure's appraised value would trigger a requirement to elevate the existing structure; and/or,
- 2) adoption of a two-foot freeboard above the Base Flood Elevation standard for any new or substantially improved structure.

- Page 183, revise the Schedule description to read as follows:

**Schedule:** Consideration and evaluation of options and alternatives by the Board of Supervisors should occur within five (5) years.

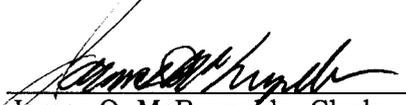
- Page 192, revise the Action Item introduction to read as follows:

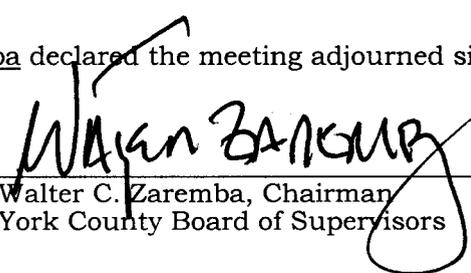
**Recommended Action Item #13:** Pursue all available opportunities for pre- or post-disaster grant funding to assist property owners who voluntarily wish to elevate their structures above the base flood level in order to reduce risk and mitigate repetitive flood losses.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Shepperd, Noll, Zaremba  
 Nay: (0)

Meeting Adjourned. At 7:54 p.m. Chairman Zaremba declared the meeting adjourned sine die.

  
 James O. McReynolds, Clerk  
 York County Board of Supervisors

  
 Walter C. Zaremba, Chairman  
 York County Board of Supervisors