

MEMORANDUM

DATE: February 9, 2023

TO: The Policy Committee

FROM: Jose R. Ribeiro, Senior Planner II/Landscape Planner
Suzanne Yeats, Planner

SUBJECT: ORD-22-0004. Amendments to the Zoning Ordinance Regarding Community Recreation Facilities in Residential Districts

Introduction

At its meeting on April 12, 2022, the Board of Supervisors adopted an Initiating Resolution to consider possible amendments to the James City County Zoning Ordinance regarding community recreation facilities (Attachment No. 1).

Request for Further Research

Staff has analyzed the Ordinances relating to recreation facilities, commercial and community, and presented their findings to the Policy Committee at its meeting held on December 8, 2022. During the discussion, the Policy Committee requested further investigation and provided a list of questions to be addressed.

How widespread is the problem? How many complaints have been received? Are homeowners associations (HOAs) handling the problem?

Complainants	Is an HOA present in the related neighborhood?	Are there other entities present in this neighborhood?	HOA or other entity actions in response to complaint(s).
1	No	Yes, a Recreation Association. The complainant was not a member of the Recreation Association.	There is not an HOA in this neighborhood. County staff is not able to comment on actions taken by the Recreation Association.
Summary of Issues Presented by the Complainant			
<ul style="list-style-type: none">-Recreation facility being used by outside recreation groups and also for non-recreational uses (fundraisers, private parties, other organizations).-Parking outside facility parking areas (on streets).-Increased traffic, vehicles making unsafe traffic movements.-Safety issue for residents and children from increased traffic generally, and also specifically in terms of children crossing to a bus stop.-Neighborhood children unable to use the facility due to outside group use.-Lack of information to neighborhood residents about activities and schedules.-Ownership of the recreation facility not by the neighborhood but by an outside group whose members did not live in the neighborhood, perceived lack of accountability to neighbors.-Noise.			

How would the new Ordinance be enforced?

- The Zoning Administrator is empowered to administer and enforce the requirements of the Zoning Ordinance.

What specific activities would be covered? Sports? Weddings? Card Games?

- Staff would evaluate each proposal based on the language of the Ordinance. If the draft language under consideration were adopted, staff would evaluate whether the recreation facility “included the recurring use of by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.” Key considerations would be one-time versus recurring use, and whether the make-up of the team, organization, or other entities using the facility on a recurring basis were primarily residents (50% or greater) of the neighborhood the facility is located in.

What conditions would apply to the Special Use Permit (SUP)?

- Conditions would vary on a case-by-case basis; staff would review each case and work to mitigate impacts such as noise, visual impact, or traffic. Staff would also review the duration of the proposed use and the location of use: i.e., indoor clubhouse, outdoor athletic fields, swimming pools, etc. (See additional discussion under the next question.)

Are there other ways to handle this problem if it is a problem?

There are some general regulations or resources that may be pertinent to issues noted above and they include:

- Noise. The County has noise regulations in [Section 15-20](#) which are written to address “excessive noise” and would apply in residential zoned districts or areas.
- Lighting. The County has standards for lighting in the Zoning Ordinance that are designed in part to limit light trespass. Unless they pre-dated the Ordinance, recreation facilities would be built in accordance with these standards, and any new lighting would require a site plan amendment to demonstrate compliance.
- Parking. The County has standards for minimum numbers of parking space within the Zoning Ordinance. New or expanded facilities would require site plans that demonstrate compliance with the minimum number of spaces required.
- Structure Height. Each zoning district has height limitation standards.
- Parking on Streets. The County has a mix of private streets and public streets. For public streets, [Section 13-36](#) permits the County Administrator to restrict or prohibit parking upon County-maintained roads and streets, and roads part of the state secondary system within the County, and may designate the time, place, and manner vehicles may be allowed to park.
- Unsafe Driving. The Police Department is able to assist in monitoring and enforcing traffic laws.

Staff is not aware of existing regulations that would be pertinent for issues directly related to the items listed below, other than any proffers that may be applicable within specific neighborhoods.

- The exact nature of use of a recreation facility;
- Duration of use of a recreation facility (either daily hours of operation or number of months per year);
- Resident/non-resident status of use of a recreation facility;
- Evaluation of the volume of traffic in relation to a particular road and its capacities/geometry; and
- Visual impacts of the facility (other than height and lighting described above).

Prior Analysis

Currently, the James City County Zoning Ordinance defines recreation facilities and further classifies them as being either “commercial” or “community” and is written as follows:

Recreation facility, Commercial. A place designed and equipped for the conduct of leisure-time activities, sports, or other customary and usual recreation activities and which is operated as a business.

Recreation facility, Community. A place designed and equipped for recreational activities by the inhabitants of a residential or mixed use project and which is operated for noncommercial purposes by a developer, homeowners association, nonprofit organization, or a governmental agency.

In the existing Ordinance, community recreation facilities are a permitted use in most residential and mixed use districts as shown in the table below:

DISTRICT	Permitted	SUP
A-1, General Agricultural		SUP
R-1 Limited Residential	P	
R-2, General Residential	P	
R-3, Residential Redevelopment	P	
R-4, Residential Planned Community	P	
R-5, Multifamily Residential	P	
R-6, Low Density Residential	P	
R-8, Rural Residential		SUP
PUD, Planned Unit Development	P	
MU, Mixed Use	P	
EO, Economic Opportunity	P	

It has come to staff’s attention that some neighborhoods’ community recreation facilities are being used by groups and team sports not affiliated with the neighborhood. This type of use does not make it Commercial.

Recreational Facility, as currently defined; however, such additional group and team sport use does bring with it the potential for impacts such as increased vehicular traffic, noise, lighting, and a duration of use not commonly found with typical neighborhood facilities. The purpose of the Initiating Resolution and this Ordinance amendment would be to classify community recreation facilities with recurring use by outside entities as a Specially Permitted Use, allowing public input, analysis, and mitigation of impacts, as determined.

The draft language on the next page articulates an example of draft language within a use list which could be used for residential and mixed use zoning districts.

Commercial Uses		Permitted	SUP
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.	P	
	Community recreation facilities, consisting of athletic facilities including but not limited to a clubhouse, swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use of by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		SUP

Staff looks forward to discussion and feedback from the Policy Committee on the approach above. Staff could then proceed with developing the draft Ordinance language for a future Policy Committee or Planning Commission meeting.

JRR/SY/ap

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Attachments:

1. Initiating Resolution