

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**November 22, 2011**

**7:00 P.M.**

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	<u>Page</u>
<b>A. CALL TO ORDER</b>	
<b>B. ROLL CALL</b>	
<b>C. MOMENT OF SILENCE</b>	
<b>D. PLEDGE OF ALLEGIANCE</b> – Zach Rauchwarg, a twelfth-grade student at Jamestown High School	
<b>E. PUBLIC COMMENT</b>	
<b>F. BOARD REQUESTS AND DIRECTIVES</b>	
<b>G. CONSENT CALENDAR</b>	
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<b>I. PUBLIC COMMENT</b>	
<b>J. REPORTS OF THE COUNTY ADMINISTRATOR</b>	
<b>K. BOARD REQUESTS AND DIRECTIVES</b>	
<b>L. ADJOURNMENT</b> to 4 p.m. on December 13, 2011	

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF NOVEMBER 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. CALL TO ORDER**

**B. ROLL CALL**

Mary K. Jones, Chairman, Berkeley District  
Bruce C. Goodson, Vice Chair, Roberts District  
James G. Kennedy, Stonehouse District  
James O. Icenhour, Jr., Powhatan District  
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator  
Leo P. Rogers, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Angela Shaw, a fourth-grade student at Rawls Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance.

**E. PUBLIC COMMENT**

1. Ms. Paulette Parker and Mr. Bill Pribble of the Williamsburg Community Health Care Foundation gave an overview of the School Health Improvement Project (SHIP). Students distributed healthy muffins to Board members.

2. Mr. John Bookless offered thanks to the Board for removing the County from the International Council for Local Environmental Initiatives (ICLEI).

3. Mr. Ed Oyer, 139 Indian Circle, discussed the capacity of schools; the amount of election mail he received; and stated that citizens are paying more attention to local elections.

**F. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson mentioned a public hearing being conducted by the Federal Communications Commission (FCC) at the James City County Library on proposed cell towers in Kingsmill.

Ms. Jones stated that she attended the grand opening of Food Lion and the County's Celebration of Business. She congratulated Busch Gardens for winning the John Smith Award.

Mr. Kennedy stated that he received his invitation to the Food Lion grand opening the day before the event and noted that political mail had been lost by the post office in Sandston, Virginia. He requested that a letter be written to the post master.

**G. CONSENT CALENDAR**

Mr. McGlennon made a motion to approve the Consent Calendar.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

1. Minutes –
  - a. October 25, 2011, Work Session
  - b. October 25, 2011, Regular Meeting
2. Grant Award – Bulletproof Vest Program (BVP) – \$6,890

**RESOLUTION**

**GRANT AWARD – BULLETPROOF VEST PROGRAM (BVP) - \$6,890**

WHEREAS, the James City County Police Department has been awarded a Bulletproof Vest Program (BVP) grant from the Office of Justice Programs’ Bureau of Justice Assistance for \$6,890 (\$3,445 grant/\$3,445 local match); and

WHEREAS, the grant requires a match of \$3,445, which is available in the Special Projects/Grants Fund; and

WHEREAS, the funds are to be used to purchase approximately ten replacement bulletproof vests for officers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation amendment to the Special Projects/Grants Fund:

Revenues:

BVP-FY 12	\$3,445
Special Projects/Grants Fund	<u>3,445</u>
Total	<u>\$6,890</u>

Expenditures:

BVP – FY 12	<u>\$6,890</u>
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3. Grant Appropriation – Neighbors Drive/Richmond Road Project Planning Grant – \$30,000

**RESOLUTION**

**GRANT APPROPRIATION – NEIGHBORS DRIVE/RICHMOND ROAD PROJECT**

**PLANNING GRANT – \$30,000**

WHEREAS, the Virginia Department of Housing and Community Development (VDHCD) has awarded James City County a \$30,000 Community Development Block Grant (CDBG); and

WHEREAS, the grant will fund the cost of engineering services for planning and conceptual design of infrastructure and, in part, County staff resources to complete housing inspections, property research, CDBG construction grant application preparation, and the project planning activities in the Neighbors Drive/Richmond Road area; and

WHEREAS, there is no local match required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following amendment to the Community Development Fund budget:

Revenue:

CDBG Project Planning Grant	<u>\$30,000</u>
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Expenditure:

CDBG Project Planning	<u>\$30,000</u>
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4. Grant Award – Virginia E-911 Services Board Public Safety Answering Point (PSAP) – \$2,000

**RESOLUTION**

**GRANT AWARD – VIRGINIA E-911 SERVICES BOARD PUBLIC SAFETY**

**ANSWERING POINT (PSAP) – \$2,000**

WHEREAS, the James City County Fire Department Emergency Communications Division has been awarded a \$2,000 grant from the Virginia E-911 Services Board under the Public Safety Answering Point (PSAP) Grant Program for the Wireless E-911 PSAP Education Program; and

WHEREAS, the funds are to be used for 9-1-1/public safety communications education and training; and

WHEREAS, the grant does not requires a local match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following budget appropriation to the Special Projects/Grants fund:

Revenue:

PSAP Grant-Education \$2,000

Expenditure:

PSAP Grant-Education \$2,000

- 5. Grant Award – Virginia Department of Emergency Management – \$34,692

**RESOLUTION**

**GRANT AWARD – VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT – \$34,692**

WHEREAS, the James City County Fire Department’s Division of Emergency Management has been awarded a Local Emergency Management Performance Grant (LEMPG) in the amount of \$34,692 from the Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security’s 2011 LEMPG grant cycle; and

WHEREAS, the funds are to be used toward the enhancement of the County’s Emergency Management Program; and

WHEREAS, the grant requires a 100 percent in-kind match, which is met through the Division of Emergency Management’s regular operating budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following budget appropriation to the Special Projects/Grants fund:

Revenue:

VDEM-LEMPG \$34,692

Expenditure:

VDEM-LEMPG \$34,692

6. Adoption of the James City County Emergency Operations Plan 2011

**RESOLUTION**

**ADOPTION OF THE JAMES CITY COUNTY EMERGENCY OPERATIONS PLAN 2011**

WHEREAS, the Commonwealth of Virginia and James City County recognize the threats that natural, technological, and human-caused hazards pose to citizens and property within our community; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the Board of Supervisors of James City County; and

WHEREAS, the Virginia Department of Emergency Management has reviewed the James City County Emergency Operations Plan; and

WHEREAS, the Board of Supervisors desires and the Virginia Department of Emergency Management requires the adoption of appropriate planned protective measures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Emergency Operations Plan dated October 2011.

**H. PUBLIC HEARINGS**

1. Case No. SUP-0006-2011. 126 Shellbank Drive Accessory Apartment

Ms. Leanne Reidenbach, Senior Planner, presented a request from property owner Mr. Roger Hunt for a Special Use Permit (SUP) to expand an existing legally nonconforming accessory apartment by 250 square feet in the First Colony Subdivision. Ms. Reidenbach stated that the proposal meets all requirements set forth in the County ordinances for accessory apartments and that staff recommends approval.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

**RESOLUTION**

**CASE NO. SUP-0006-2011. 126 SHELLBANK DRIVE ACCESSORY APARTMENT**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Roger Hunt has applied for an SUP to allow the expansion of an existing nonconforming accessory apartment on his single-family dwelling (“Apartment”); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted

on Case No. SUP-0006-2011; and

WHEREAS, the proposed Apartment is depicted on the plan prepared by Roger S. Guernsey, dated May 13, 2011, and entitled "Hunt Residence Alterations;" and

WHEREAS, the proposed Apartment will be constructed in its entirety on property zoned R-1, Limited Residential, further identified as Parcel (2-5) on James City County Real Estate Tax Map No. (45-1) in First Colony; and

WHEREAS, the Planning Commission, following its public hearing on October 5, 2011, voted 7-0 to recommend approval of Application No. SUP-0006-2011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP Application No. SUP-0006-2011, as described herein, pursuant to the following conditions:

1. **Plan:** This SUP shall be valid for one accessory apartment generally as shown on the plans drawn by Roger S. Guernsey, titled Hunt Residence Alterations, and dated May 13, 2011. The accessory apartment shall not exceed 35 percent of the total floor area of the dwelling.
2. **Deed Restriction:** Prior to the issuance of a Certificate of Occupancy (CO) for the accessory apartment expansion, the applicant shall be responsible for recording with the Clerk of the Circuit Court a deed restriction, approved by the County Attorney, on the property. The deed restriction shall stipulate that the accessory apartment shall be used, occupied, and maintained in accordance with the conditions set forth in the Board of Supervisors' resolution approving the SUP. A copy of the Board of Supervisors' resolution shall be attached to the deed restriction as an exhibit. A court-certified copy of the recorded deed restriction shall be submitted to Building Safety and Permits and the Proffer Administrator along with the CO application.
3. **Rental of Apartment:** The owner of the property shall occupy the principal dwelling as long as the accessory apartment is rented.
4. **Parking:** A minimum of three off-street parking spaces shall be maintained at all times for use by the occupants of the principal dwelling and the accessory apartment.
5. **Commencement:** Within 18 months of the issuance of this SUP, the accessory apartment shall receive a CO, or the SUP shall become void.
6. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-0009-2011. Hornsby Middle School Temporary Classroom Trailers

Mr. Jose Ribeiro, Senior Planner, stated that Mr. Bruce Abbott of AES Consulting Engineers applied for an SUP on behalf of the Williamsburg-James City County Public Schools for installation of three temporary classroom trailers at Hornsby Middle School until July 2017. The trailers are necessary to accommodate growing enrollment. Staff recommended approval of the application with conditions.

Ms. Jones noted that Superintendent of Schools Dr. Steven Constantino and Planning Commissioner

Rich Krapf were in attendance.

Mr. Icenhour asked for a better description of the plan for getting rid of the trailers. He stated that he was concerned that the trailers would be allowed for five years under this proposal.

Dr. Constantino explained that he had requested a full review of the issue including enrollment projections and a capacity study. In addition, he would review the analysis conducted by a citizen group on the issue. He stated that he would present the School Board with options for addressing the overcrowding issue at Hornsby Middle School.

Mr. Icenhour emphasized these trailers are a short-term solution.

Mr. Kennedy asked about spot redistricting.

Dr. Constantino stated that spot redistricting is an option.

Mr. Kennedy stated that he does not think trailers are a good option.

Ms. Jones opened the Public Hearing.

Mr. Ed Oyer expressed concern about how little space is used in Hornsby Middle School for core instruction.

In response to questions from Mr. Goodson and Mr. McGlennon, Dr. Constantino acknowledged that this request preceded the need, but stated that he expected the School Board to make a decision on how to address the overcrowding in February 2012 and that he did not want to request an SUP at the last minute if it is necessary.

Mr. Icenhour made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Goodson, McGlennon, Icenhour, Jones (4). NAY: Kennedy (1).

## **RESOLUTION**

### **CASE NO. SUP-0009-2011. HORNSBY MIDDLE SCHOOL**

#### **TEMPORARY CLASSROOM TRAILERS**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Bruce Abbott has applied, on behalf of Williamsburg-James City County Public Schools, for an SUP to install three temporary classroom trailers at Hornsby Middle School, located at 850 Jolly Pond Road, and further identified as James City County Real Estate Tax Map No. 3020100011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of an SUP for the installation of three temporary classroom trailers as described herein and shown on the attached site location maps with the following conditions:

1. No more than three classroom trailers shall be permitted at Hornsby Middle School.
2. This SUP for Hornsby Middle School shall expire on July 1, 2017.
3. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

**I. BOARD CONSIDERATIONS**

1. Resolution to Rescind Approval of Commercial Districts Zoning Ordinances

Mr. Middaugh stated that this item had been requested by Mr. Kennedy.

Mr. Kennedy made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

**RESOLUTION**

**TO RESCIND APPROVAL OF COMMERCIAL DISTRICTS ZONING ORDINANCES**

WHEREAS, the Board of Supervisors, at its October 11 meeting, approved amendments to the Commercial Districts Zoning Ordinances, specifically the following:

Article I, Section 24-11, Commercial Special Use Permits;  
Article III, Section 24-147, Development Review Committee Criteria;  
Article V, Division 9, Limited Business, LB;  
Article V, Division 10, General Business, B-1;  
Article V, Division 11, Limited Business/Industrial, M-1; and  
Article V, Division 12, General Industry, M-2; and

WHEREAS, the Chairman of the Planning Commission had identified discrepancies between what was considered by the Planning Commission and its Policy Committee, and the ordinances considered by the Board; and

WHEREAS, there are discrepancies between the version seen by the Board at its work session and the version that the Board considered at its October 11 meeting.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby rescinds the approval of the Commercial Districts Zoning Ordinances as described above at the October 11 meeting.

BE IT FURTHER RESOLVED that the Board of Supervisors directs the Planning Commission to review the Commercial Districts Zoning Ordinances at its December 7 meeting, address the known discrepancy of fast food restaurants, and ensure that no other discrepancies exist.

2. 2012 Legislative Agenda

Mr. Leo Rogers, County Attorney, stated that this was the last opportunity to review the Legislative Agenda before discussing it at the November 22, 2011, Board work session with the General Assembly delegation.

Mr. Goodson stated that he was not comfortable with the Main Street Fairness Act. He stated that it would be difficult for small businesses to administer and that it could discourage internet businesses from locating or staying in Virginia.

Mr. McGlennon stated that local vendors are required to charge a sales tax and are at a competitive disadvantage to internet vendors.

Mr. Kennedy stated that he does not support the item on the Legislative Agenda which states that the County supports the agendas of the Virginia Association of Counties (VACo), the Virginia Municipal League (VML), and the High Growth Coalition.

Mr. Goodson stated that he does not object to discussing the Main Street Fairness Act at the work session, but would prefer not to include it in the agenda.

The Board agreed to this strategy by consensus.

**J. PUBLIC COMMENT**

Mr. Ed Oyer continued his discussion regarding school capacity.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh reminded the public that the County offices are closed on Veterans Day and highlighted the events that are taking place during Veterans Day weekend.

**L. BOARD REQUESTS AND DIRECTIVES**

Mr. Kennedy stated that he did not want the Board to get into the habit of not going into Closed Session to make appointments. He said that sometimes discussion in Closed Session is necessary.

Mr. Goodson made a motion to appoint Ms. Robin Carson to the Economic Development Authority and to recommend Mr. Chris Kedrick to the Circuit Court Judge for appointment to the Board of Equalization.

**M. ADJOURNMENT to 4 p.m. on November 22, 2011.**

Mr. Icenhour made a motion to adjourn.

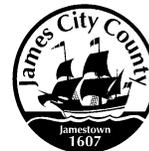
On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY:  
(0).

At 7:53 p.m., Ms. Jones adjourned the Board until 4 p.m. on November 22, 2011.

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Robert C. Middaugh  
Clerk to the Board

110811bos\_min



**MEMORANDUM COVER**

**Subject:** Colonial Community Corrections (CCC) Appropriation of Fund Balance - \$10,000

**Action Requested:** Shall the Board approve the resolution that appropriates the Colonial Community Corrections (CCC) fund balance?

**Summary:** The CCC fund balance has increased in the past year by over \$10,000. These funds will be used to replace a server that was purchased approximately 10 years ago and is no longer functioning. In addition, funding will allow CCC to convert the existing domain server to be utilized as the Citrix Server (needed to support remote access satellite offices). The current domain server has reached its data capacity (the hard drive is full), therefore not allowing for updates to PreTrial Community Corrections (PTCC), a State-supported and mandatory data system for community corrections and pretrial services. Lastly, funding will be used to support installation costs.

The CCC requests the appropriation of \$10,000 to fund the purposes outlined in this memorandum cover.

Staff recommends adoption of the attached resolution to appropriate funds.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**  
  
Doug Powell \_\_\_\_\_

**County Administrator**  
  
Robert C. Middaugh \_\_\_\_\_

**Attachments:**  
1. Memorandum  
2. Resolution

**Agenda Item No.:** G-2  
  
**Date:** November 22, 2011

MEMORANDUM

DATE: November 22, 2011  
TO: The Board of Supervisors  
FROM: Katie W. Green, Agency Director of Colonial Community Corrections  
SUBJECT: Colonial Community Corrections (CCC) Appropriation of Fund Balance - \$10,000

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The Colonial Community Corrections (CCC) fund balance has increased in the past year by over \$10,000. These funds will be used to replace and install an agency server that was purchased approximately 10 years ago and is no longer functioning.

Additionally, funding will allow CCC to convert the existing domain server to be utilized as the Citrix Server (needed to support stable remote access for satellite offices). The current domain server has reached its data capacity (the hard drive is full), therefore not allowing for updates to PreTrial Community Corrections (PTCC), a State-supported and required data system for community corrections and pretrial services.

Staff recommends approval of the attached resolution.

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Katie W. Green

CONCUR:

  
Emmett H. Harmon

KWG/nb  
CCCFundBal\_mem

Attachment

**RESOLUTION**

**COLONIAL COMMUNITY CORRECTIONS (CCC) APPROPRIATION OF**

**FUND BALANCE - \$10,000**

WHEREAS, Colonial Community Corrections (CCC) has accumulated a fund balance, as of June 30, 2011, of \$80,088; and

WHEREAS, funding will be used to fund operating costs and the unanticipated costs associated with replacing and installing a domain server.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the CCC for the purposes described above:

Revenue:

Fund Balance Revenue	<u>\$10,000</u>
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Expenditure:

Domain Server and Installation Costs	<u>\$10,000</u>
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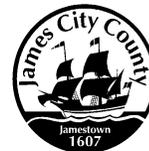
\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

CCCFundBal\_res



MEMORANDUM COVER

**Subject:** Grant Appropriation – National Fish and Wildlife Foundation Chesapeake Bay Stewardship Grant – \$75,000

**Action Requested:** Shall the Board approve the resolution appropriating \$75,000 to expand the existing Turf Love program?

**Summary:** A National Fish and Wildlife Foundation Chesapeake Bay Stewardship grant for \$75,000 has been awarded to James City County (JCC) to expand the existing Turf Love program for a period of 15 months to assist citizens in better managing fertilizers and turf irrigation activities. As part of the expanded program, the County will contract with Virginia Cooperative Extension (VCE) to encourage the installation of small-scale rain gardens on private property. Properly designed and installed rain gardens reduce runoff and allow pollutants to filter out through the garden plants and soil. The grant will fund an incentive of up to \$400 to defray the cost of rain garden supplies for each installed rain garden. VCE and County staff will evaluate the acceptability of rain gardens as a retrofit Best Management Practice (BMP) on private property and as an option to meet future Chesapeake Bay Total Maximum Daily Load (TMDL) requirements. Residential scale rain gardens and fertilizer management are seen as relatively low-cost approaches to reducing the amount of nutrients entering County waterways.

Staff recommends adoption of the attached resolution.

**Fiscal Impact:** None. Required match is currently available through in-kind services provided by master gardener volunteers and existing County staff and through program fees.

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**  
  
Doug Powell \_\_\_\_\_

**County Administrator**  
  
Robert C. Middaugh \_\_\_\_\_

**Attachments:**  
1. Memorandum  
2. Resolution

**Agenda Item No.:** G-3  
  
**Date:** November 22, 2011

**MEMORANDUM**

DATE: November 22, 2011

TO: The Board of Supervisors

FROM: Frances C. Geissler, Stormwater Director

SUBJECT: Grant Appropriation – National Fish and Wildlife Foundation Chesapeake Bay Stewardship Grant – \$75,000

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A National Fish & Wildlife Foundation Chesapeake Bay Stewardship grant for \$75,000 has been awarded to James City County (JCC) to implement measures to improve water quality in the Chesapeake Bay. James City County is one of only two Virginia local governments to receive funding through this highly competitive program. Grant funds will expand the existing Turf Love program for a period of 15 months to assist citizens in better managing fertilizers and turf irrigation activities. As part of the expanded program, JCC will contract with Virginia Cooperative Extension (VCE) to encourage the installation of small-scale rain gardens on private property. Rain gardens are shallow depressions that can be shaped to fit any landscape, collect rainwater, and allow it to soak into the ground. Properly designed and installed rain gardens reduce runoff and allow pollutants to filter out through the garden plants and soil. Residential scale rain gardens and fertilizer management are seen as relatively low-cost approaches to reducing the amount of nutrients entering County waterways, and ultimately into the Bay.

*Williamsburg-James City County Courthouse Rain Garden*



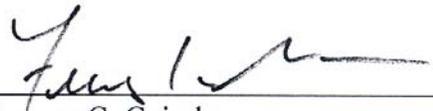
In addition to increased staff time for the Turf Love program, the grant will fund an incentive of up to \$400 to defray the cost of rain garden supplies for each installed rain garden. VCE and County staff will evaluate the acceptability of rain gardens as a retrofit stormwater management facility on private property and as an option to meet future Chesapeake Bay Total Maximum Daily Load (TMDL) requirements. All products developed through this grant, including rain gardens and nutrient management plans, will be credited towards meeting future Chesapeake Bay TMDL requirements in James City County.

The Turf Love program has been operating in James City County since 2004 and has developed 1,594

nutrient management plans, covering 811 acres, and offered spring and summer turf-care programs, reaching over 200 participants each year. Demand for the program continues to grow even with increasing plan fees. Participants pay \$30 - \$60 for planning services, which covers the cost of the soil tests, plans, and other related costs. Results show that Turf Love clients are following the plan recommendations and changing their turf management behavior. Over one-half of the clients changed their lawn fertilization practices to fertilize in the fall only, thus reducing spring nutrient runoff. Eighty percent of clients mulch their grass clippings, further reducing nutrient needs, and 75 percent only water in the morning, using less water. These results indicate that Turf Love clients are highly motivated and responsive to recommendations.

Promoting rain gardens through the existing, well-accepted Turf Love program builds on the inherent strengths of the program. The hope is that by adding a small incentive to install a rain garden, sufficient numbers of residential or commercial lots will participate to significantly reduce the amount of nutrients entering County waterways. Results of this 15-month effort will be used to develop future outreach and implementation programs with respect to the County's Chesapeake Bay TMDL implementation strategy.

Staff recommends adoption of the attached resolution.

  
\_\_\_\_\_  
Frances C. Geissler

CONCUR:

  
\_\_\_\_\_  
John T.P. Horne

FCG/gb  
GA\_CBSGrant\_mem

Attachment

**RESOLUTION**

**GRANT APPROPRIATION – NATIONAL FISH AND WILDLIFE FOUNDATION**

**CHESAPEAKE BAY STEWARDSHIP GRANT – \$75,000**

WHEREAS, the National Fish and Wildlife Foundation has awarded James City County a 2011 Chesapeake Bay Stewardship Grant in the amount of \$75,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the appropriation of funds as follows:

Revenue:

2011 Chesapeake Bay Stewardship Grant	<u>\$75,000</u>
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Expenditure:

2011 Chesapeake Bay Stewardship Grant	<u>\$75,000</u>
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Mary K. Jones  
Chairman, Board of Supervisors

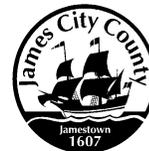
ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

GA\_CBSGrant\_res



**MEMORANDUM COVER**

**Subject:** Contract Award - Buildings D and E Renovation - \$941,400

**Action Requested:** Shall the Board approve the contract to David A. Nice Builders, Inc. in the amount of \$941,400 for the Buildings D and E Renovation?

**Summary:** This project consists of a major renovation of Building D and minor alterations to Building E, both located at the Government Complex.

Building D will be renovated to use as the County’s Administration Building. Divisions to be housed at the building include County Administration, County Attorney, Economic Development, and Communications.

Building E currently houses the James City Service Authority Administration, Building Safety and Permits, Engineering and Resource Protection, and Records Management. The main building dates from 1989. Building E will undergo a minor renovation and house the same departments/divisions.

In keeping with the Sustainable Building Policy adopted by the Board of Supervisors on March 23, 2010, Building D has been designed to achieve the Leadership in Energy and Environmental Design (LEED) Silver Rating. Building E will be part of this project, but will not be subject to LEED requirements.

Potential bidders were pre-qualified to submit a bid for the renovation work to ensure the successful contractor had LEED project experience. A Request for Qualifications was publicly advertised and five firms submitted their qualifications. All firms were determined to be qualified to submit bids for the renovation work. Four pre-qualified firms submitted bids and David A. Nice Builders, Inc. submitted the lowest responsive and responsible bid in the amount of \$941,400. There are sufficient funds available in the project budget for both the building renovation and the HVAC replacement. Furnishings are not included in this cost and will be submitted in the future.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** Funded through the Capital Improvements budget.

**FMS Approval, if Applicable:** Yes  No   
\_\_\_\_\_

**Assistant County Administrator**  
  
Doug Powell \_\_\_\_\_

**County Administrator**  
  
Robert C. Middaugh \_\_\_\_\_

**Attachments:**  
1. Memorandum  
2. Resolution

**Agenda Item No.:** G-4  
  
**Date:** November 22, 2011

**MEMORANDUM**

DATE: November 22, 2011  
 TO: The Board of Supervisors  
 FROM: John T. P. Horne, General Services Manager  
 SUBJECT: Contract Award - Buildings D and E Renovation - \$941,400

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This project consists of a major renovation to Building D and minor alterations to Building E, both located at the Government Complex.

Building D will be renovated for use as the County’s Administration Building. Divisions to be housed at the building include County Administration, County Attorney, Economic Development, and Communications. The main building dates from 1980. An addition was added in 1997 that enclosed an interior courtyard. The building is approximately 10,481 square feet.

Demolition work will include removal of a portion of the existing roofing, windows, doors, interior stud partitions, ceilings, HVAC systems, plumbing, and electrical systems. New work will include roofing, interior walls, doors, windows, ceilings, finishes, HVAC systems, plumbing and electrical/security/fire notification, and telecommunication systems.

Building E currently houses the James City Service Authority Administration, Building Safety and Permits, Engineering and Resource Protection, and Records Management. The main building dates from 1989. Building E will undergo a minor renovation and house the same departments/divisions. The building is approximately 9,109 square feet.

In keeping with the Sustainable Building Policy adopted by the Board of Supervisors on March 23, 2010, Building D has been designed to achieve the Leadership in Energy and Environmental Design (LEED) Silver Rating. Building E will be part of this project, but will not be subject to LEED requirements.

Potential bidders were pre-qualified to submit a bid for the renovation work to ensure the successful contractor had LEED project experience. A Request for Qualifications was publicly advertised and five firms submitted their qualifications. Five firms were determined to be qualified to submit bids for the renovation work. Four pre-qualified firms submitted bids in response to the Invitation for Bids for the renovation work as listed below:

<u>Firm</u>	<u>Amount</u>
David A. Nice Builders, Inc.	\$ 941,400
Henderson, Inc.	974,114
Virtexco Corp.	1,017,000
Kenbridge Construction Company	1,027,000

David A. Nice Builders, Inc. has been determined to be the lowest responsive and responsible bidder. Staff recommends approval of the attached resolution.

Contract Award - Buildings D and E Renovation - \$941,400

November 22, 2011

Page 2

  
John T.P. Horne

JTPH/gb

CA\_BldgsDE-Ren\_mem

Attachment

**RESOLUTION**

**CONTRACT AWARD - BUILDINGS D AND E RENOVATION - \$941,400**

WHEREAS, a Request for Qualifications to pre-qualify contractors for the Buildings D and E Renovation was publicly advertised and five firms submitted their qualifications. Five firms were determined to be qualified to submit bids for the renovation work; and

WHEREAS, four bids were submitted and David A. Nice Builders, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, sufficient funds are available in the project budget for both the building renovation and the HVAC replacement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award for the Buildings D and E Renovation to David A. Nice Builders, Inc. in the amount of \$941,400.

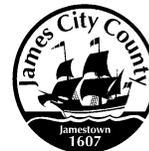
\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

CA\_BldgsDE-Ren\_res



**MEMORANDUM COVER**

**Subject:** Contract Award - Building D HVAC Replacement - \$506,944

**Action Requested:** Shall the Board of Supervisors approve the resolution to award the contract for the Building D HVAC upgrade?

**Summary:** Over the past decade, the Department of General Services has been incorporating Trane HVAC controls and equipment into County facilities. Standardization reduces equipment downtime and improves response time and customer service because parts will be on hand and interchangeable from facility to facility. In addition, troubleshooting and diagnosis of service issues requires less time. Standardization promotes safety because staff members can rely on their previous experience and training when servicing the equipment.

The Building D HVAC replacement includes the engineering and installation of Trane products to include an air handling unit, condensing units, and installation of a controls system. The HVAC equipment replacement is part of the building renovation. There are sufficient funds available in the project budget for both the renovation and the HVAC replacement.

General Services, in consultation with the Purchasing Office, determined that Damuth Trane is the only source practicably available to engineer and install the Trane HVAC controls and equipment. Damuth Trane submitted a proposal to engineer and install the new systems at a proposed cost of \$506,944. The proposed rates have been determined to be reasonable through comparison to other current County HVAC replacements and current construction cost indices.

Staff recommends approval of the attached resolution authorizing the sole source purchase of engineering and installation services from Damuth Trane in the amount of \$506,944 for Building D HVAC.

**Fiscal Impact:** Funding already available in the FY 12 Capital Improvements Program budget

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**  
  
Doug Powell \_\_\_\_\_

**County Administrator**  
  
Robert C. Middaugh \_\_\_\_\_

**Attachments:**  
1. Memorandum  
2. Resolution

**Agenda Item No.:** G-5  
  
**Date:** November 22, 2011

## M E M O R A N D U M

DATE: November 22, 2011

TO: The Board of Supervisors

FROM: John T. P. Horne, General Services Manager

SUBJECT: Contract Award - Building D HVAC Replacement - \$506,944

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Over the past decade, the Department of General Services has been incorporating Trane HVAC controls and equipment into County facilities. Currently, the County has 14 facilities being serviced and/or controlled by Trane products with future facilities incorporating Trane controls and equipment. This investment not only includes controls and equipment, but also training for our Service Technicians.

General Services is standardizing HVAC controls and equipment to Trane products to promote operational efficiency and safety. Standardization reduces equipment downtime and improves response time and customer service because parts will be on hand and interchangeable from facility to facility. In addition, troubleshooting and diagnosis of service issues requires less time. Standardization promotes safety because staff members can rely on their previous experience and training when servicing the equipment.

The Building D HVAC replacement includes the engineering and installation of Trane products to include an air handling unit, condensing units, outdoor water source heat pump, geothermal outside heat pump, associated duct work, and installation of a controls system. The HVAC equipment replacement is part of the overall Building D renovation. There are sufficient funds available in the project budget for both the renovation and the HVAC equipment replacement.

General Services, in consultation with the Purchasing Office, determined that Damuth Trane is the only source practicably available to engineer and install the Trane HVAC controls and equipment. Damuth Trane submitted a proposed cost of \$506,944. The proposed rates have been determined to be reasonable through comparison to other current County HVAC replacements and current construction cost indices.

Because this would be a sole source purchase over \$100,000, Board of Supervisors approval is necessary.

Staff recommends approval of the attached resolution authorizing the sole source purchase of engineering and installation services from Damuth Trane in the amount of \$506,944 for the Building D HVAC replacement.

  
John T.P. Horne

JTPH/gb  
CA\_BldgD-HVAC\_mem

Attachment

**RESOLUTION**

**CONTRACT AWARD - BUILDING D HVAC REPLACEMENT - \$506,944**

WHEREAS, the James City County Department of General Services is standardizing HVAC building controls and equipment in County facilities to promote operational efficiency and safety; and

WHEREAS, the Building D HVAC controls and equipment is within the Building D project budget and will be replaced during the renovation project; and

WHEREAS, it has been determined by General Services, in consultation with the Purchasing Office, that Damuth Trane is the only source practicably available to engineer and install the HVAC controls and equipment required; and

WHEREAS, Damuth Trane submitted a proposal to perform the required services, the proposed rates have been determined to be reasonable and adequate funds are available in the Capital Improvement budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$506,944 to Damuth Trane and Trane Corporate for the Building D HVAC controls and equipment.

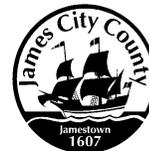
\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

CA\_BldgD-HVAC\_res



**MEMORANDUM COVER**

**Subject:** Approval of Patriots Colony Bond Refinancing through the Newport News Economic Development Authority (EDA)

**Action Requested:** Shall the Board approve the resolution that authorizes a refinancing of bonds for Patriots Colony?

**Summary:** The Board of Supervisors has been requested to approve a refinancing of currently existing tax exempt bonds by Patriots Colony. The refinancing has been approved by the Economic Development Authority (EDA) of the City of Newport News in an amount not to exceed \$25,000,000. The Board's approval is necessary because Patriots Colony is located in James City County. Section 147(f) of the Federal Tax Code provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds.

This bond issue was considered by the EDA of Newport News, instead of the James City County EDA, to preserve the bank qualified (BQ) interest of bond issues previously issued by the County's EDA in calendar year 2011. BQ interest is restricted to communities that borrow less than \$10 million in any one year. The County's EDA was consulted and approved the diversion of the refinancing to the Newport News EDA.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** None

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**  
  
Doug Powell \_\_\_\_\_

**County Administrator**  
  
Robert C. Middaugh \_\_\_\_\_

**Attachments:**  
1. Memorandum  
2. Resolution

**Agenda Item No.:** G-6  
  
**Date:** November 22, 2011

## M E M O R A N D U M

DATE: November 22, 2011

TO: The Board of Supervisors

FROM: Doug Powell, Assistant County Administrator

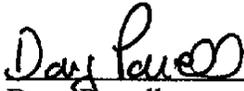
SUBJECT: Approval of Patriots Colony Bond Refinancing through the Newport News Economic Development Authority (EDA)

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The Board of Supervisors has been requested to approve a refinancing of currently existing tax exempt bonds by Patriots Colony. The refinancing has been approved by the Economic Development Authority (EDA) of the City of Newport News in an amount not to exceed \$25,000,000. The Board's approval is necessary because Patriots Colony, which operates a 150-unit continuing care retirement facility for the residence and care of the aged, consisting of a five-story apartment building, a one-story community center and eight one-story attached villa courtyards, is located in James City County. Section 147(f) of the Federal Tax Code provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds.

This bond issue was considered by the EDA of Newport News, instead of the James City County EDA, to preserve the bank qualified (BQ) interest rates of bond issues previously issued by the County's EDA in calendar year 2011. BQ interest is restricted to communities that borrow less than \$10 million in any one year. The County's EDA was consulted and approved the diversion of the refinancing to the Newport News EDA.

The County's Bond Counsel prepared the attached resolution and staff recommends that it be adopted.

  
\_\_\_\_\_  
Doug Powell

DP/nb  
PatColnyBnd\_mem

Attachment

## RESOLUTION

### APPROVAL OF PATRIOTS COLONY BOND REFINANCING THROUGH THE

#### NEWPORT NEWS ECONOMIC DEVELOPMENT AUTHORITY (EDA)

- WHEREAS, the Economic Development Authority of the City of Newport News, Virginia, whose principal business address is 2400 Washington Avenue, 3rd Floor, Newport News, Virginia, 23607 (the “Authority”), has conducted a joint public hearing, after notice, on November 4, 2011, a date within 60 days prior to the date of the adoption of this resolution, on behalf of the Authority, James City County, and the City of Newport News on the plan of financing of Patriots Colony, Inc. (the “Patriots Colony”), whose principal business address is 6000 Patriots Colony Drive, Williamsburg, Virginia 23187, and which is an affiliate of Riverside Healthcare Association, Inc. and a not-for-profit Virginia corporation described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), that is exempt from tax under Section 501(a) of the Code, for the issuance of the Authority’s revenue refunding bonds in an amount not to exceed \$25,000,000 (the “Bonds”) to assist Patriots Colony in (a) refinancing the outstanding principal balance of the \$30,500,000 Residential Care Facility Revenue Bonds (Patriots Colony Project), Series 1997 issued by the Industrial Development Authority of the County of James City, the proceeds of which financed the acquisition, construction and equipping of a 150-unit continuing care retirement facility for the residence and care of the aged, consisting of a five-story apartment building, a one-story community center and eight one-story attached villa courtyards, located at 6000 Patriots Colony Drive, Williamsburg, Virginia, 23187 on a site consisting of approximately 90 acres of land in James City County, Virginia (the “Project”) and (b) financing certain issuance costs incurred in connection with the issuance of the Bonds; and
- WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds; and
- WHEREAS, the Project is located in James City County, Virginia (the “County”), and the Board of Supervisors of the County (the “Board”) constitutes the highest elected governmental unit of the County; and
- WHEREAS, the Authority has requested the Board to ratify the public hearing and approve the issuance of the Bonds and the plan of financing to comply with Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the “Virginia Code”); and
- WHEREAS, a copy of the Authority’s resolution approving the issuance of the Bonds, subject to terms to be agreed upon, (the “Authority Resolution”), a record of the public hearing and a fiscal impact statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The recitals made in the first "WHEREAS" clause to this resolution are hereby adopted as part of this resolution.
2. The Board hereby ratifies the joint public hearing held on its behalf by the Authority on November 4, 2011, and the publication of notice thereof.
3. The Board hereby concurs in the Authority Resolution adopted by the Authority on November 4, 2011, a copy of which is attached hereto.
4. The Board hereby approves the issuance of the Bonds by the Authority for the benefit of Patriots Colony, to the extent required by Section 147(f) of the Code and by Section 15.2-4906 of the Virginia Code.
5. Ratification of the joint public hearing, concurrence in the Authority Resolution, and approval of the issuance of the Bonds and the plan of financing do not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or of Patriots Colony, and, as required by Virginia law, neither the Commonwealth of Virginia nor any political subdivision thereof, including the County and the Authority, shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore by Patriots Colony and its affiliates, and neither the faith and credit nor the taxing power of the Commonwealth or any political subdivision thereof, including the County and the Authority, shall be pledged thereto.
6. The County, including its elected representatives, officers, employees and agents, shall not be liable and hereby disclaims all liability for any damage to Patriots Colony, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.
7. This resolution shall take effect immediately upon its adoption.

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Mary K. Jones  
Chairman, Board of Supervisors

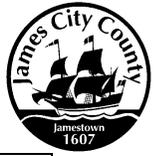
ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22 day of November, 2011.

PatColnyBnd\_res



**MEMORANDUM COVER**

**Subject:** 2012 Legislative Program

**Action Requested:** Shall the Board approve the resolution to adopt the 2012 Legislative Program?

**Summary:** The 2012 Legislative Program contains important issues that would benefit the County if adopted by the General Assembly at its 2012 session.  
  
Staff recommends approval of the attached resolution.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**  
  
Doug Powell \_\_\_\_\_

**County Administrator**  
  
Robert C. Middaugh \_\_\_\_\_

**Attachments:**  
1. Memorandum  
2. Resolution  
3. 2012 Draft Legislative Program

**Agenda Item No.:** G-7  
  
**Date:** November 22, 2011

**MEMORANDUM**

DATE: November 22, 2011  
TO: The Board of Supervisors  
FROM: Leo P. Rogers, County Attorney  
SUBJECT: 2012 Legislative Program

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Attached for your consideration is a resolution approving James City County's 2012 Legislative Program.

Staff recommends adoption of the attached resolution.

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Leo P. Rogers

LPR/gb  
2012LegProg\_mem2

Attachments

**RESOLUTION**

**2012 LEGISLATIVE PROGRAM**

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2012 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program and believes that it is in the best interest of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2012 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2012 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

2012LegProg\_res

**JAMES CITY COUNTY  
DRAFT 2012 LEGISLATIVE PROGRAM**

**Part I.        Legislation to be Introduced on Behalf of the County**

1-1.    INCLUSION OF JAMES CITY COUNTY AMONG THOSE LOCALITIES WHICH MAY ENACT AGRICULTURAL AND FORESTAL DISTRICTS OF LOCAL SIGNIFICANCE

Amend Virginia Code §§ 15.2-4402 and 15.2-4407 to include James City County among those localities which may establish agricultural and/or forestal districts of local significance.

1-2.    AMEND TAX REVENUE SHARE IN LOCAL TOURISM ZONES

Amend Virginia Code § 58.1-3851.1 to remove references to “one percent” of sales tax revenues in favor of the revenue collected from “the one percent sales tax.”

1-3.    INCREASED CIVIL CHARGES FOR INDIVIDUALS WHO VIOLATE CHESAPEAKE BAY PRESERVATION ORDINANCES

Amend Virginia Code § 10.1-2109.E(2) to permit localities to provide for a one-time payment of civil charges for each violation in an amount not to exceed \$25,000 for each violation.

1-4.    INCREASED CIVIL PENALTIES FOR OWNERS OF PROPERTY UPON WHICH EXCESSIVE TRASH AND/OR UNCUT GRASS IS PRESENT

Amend Virginia Code § 15.2-901.C to allow localities to assess civil penalties in the amount of \$200 for the first violation and up to \$1000 for each subsequent violation of an ordinance adopted pursuant to Virginia Code § 15.2-901.

1-5.    LOCALITY AGREEMENTS TO ADMINISTER VDOT PROJECTS

Amend Virginia Code § 33.1-75.3 to provide that the governing body of locality must agree to locally administer a Virginia Department of Transportation (VDOT) project. Such an amendment will assure local buy-in on VDOT projects and avoid an unfunded mandate.

1-6.    MAINTENANCE OF MEDIANS

James City County supports legislation authorizing the Virginia Department of Transportation (VDOT) to enter into median maintenance agreement with localities provided that there is no reduction in VDOT funding for the maintenance of state-owned medians.

**JAMES CITY COUNTY  
DRAFT 2012 LEGISLATIVE PROGRAM**

**Part II. Position/Legislation Supported by the County**

2-1. STATE FUNDING FOR TOURISM

The County urges the General Assembly to increase funding for the Virginia Tourism Corporation (“VTC”) to promote tourism in Virginia generally, and the Historic Triangle in particular.

2-2. APPLICATION OF TRANSIENT OCCUPANCY TAX TO TRAVEL COMPANIES AND INTERNET SALES

James City County supports a clarification of Virginia Code § 58.1-3819 et seq., to make sure that the transient occupancy tax applies to the entire amount charged for rooms by travel companies and on Internet sales regardless of any discounted rates paid by such companies for such rooms. This would provide equal taxing of room sales by Virginia businesses and Internet sales companies.

2-3. INTER-CITY RAIL IN SOUTHEAST VIRGINIA

The County supports planning for a commuter rail system from Richmond through the Peninsula to Virginia Beach to connect urban centers for commuters and provide transportation alternatives for tourism.

2-4. TRANSPORTATION FUNDING

James City County urges the General Assembly to address critical transportation infrastructure needs. Transportation should be addressed as a statewide issue rather than a regional or local issue.

2-5. MAINTENANCE OF NEW AND EXISTING SECONDARY ROADS

James City County opposes any legislation that would transfer to counties the responsibilities to construct, maintain or operate new or existing roads without adequate state funding.

2-6. BEHAVIORAL HEALTH AND COMPREHENSIVE SERVICES ACT (“CSA”) FUNDING

James City County urges the General Assembly to: 1) adequately fund the Medicaid waiver program to reduce the waiting list of individuals and families now eligible for services; 2) provide services to children with serious emotional disorders; and 3) to cover reasonable administrative costs for CSA programs. Adequate funding and services will help prevent the mentally ill from being released early from treatment, living on the streets, going to jail, or being inappropriately placed in residential facilities or other government programs.

2-7. SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT

James City County supports maintaining State funding for mental health and substance abuse treatment in jails and juvenile detention facilities given the overwhelming percentage of adults and juveniles in the system diagnosed with mental health and/or substance abuse conditions.

2-8. TAX EQUITY BETWEEN CITIES AND COUNTIES

James City County supports equal taxing authority for cities and counties.

2-9. STATE FUNDING FOR PUBLIC EDUCATION, PRE-K, K-12 AND HIGHER EDUCATION

The County supports restoring the funding cuts made to pre-K and K-12 funding. In addition, the County supports restoring the funding cuts made to higher education which could cripple some of the most prestigious higher education institutions in the world, including the College of William & Mary.

2-10. ADEQUATE FUNDING FOR PUBLIC LIBRARIES

James City County supports the State maintaining funding to public libraries to make sure that the State and the localities maintain their proportionate share of funding.

2-11. PROVIDE ADEQUATE FUNDING FOR STATE MANDATES

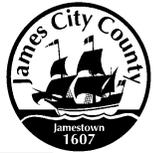
Given the difficult budget year faced by the Commonwealth and localities, James City County calls upon the General Assembly to oppose unfunded mandates and to reduce existing State mandates commensurate with any reduction in State funding to localities. This is consistent with Governor McDonald's initiative to reduce imposing unfunded mandates on localities.

2-12. MAIN STREET FAIRNESS ACT / STREAMLINED SALES TAX AGREEMENT

James City County supports legislation enabling Virginia to endorse the Streamlined Sales Tax Agreement and to become a full member of the Streamlined Sales Tax Governing Board.

2-13. LEGISLATIVE PROGRAMS OF THE VIRGINIA MUNICIPAL LEAGUE, THE VIRGINIA ASSOCIATION OF COUNTIES AND THE VIRGINIA COALITION OF HIGH GROWTH COMMUNITIES

James City County supports the legislative programs of the Virginia Municipal League, the Virginia Association of Counties and the Virginia Coalition of High Growth Communities.



**MEMORANDUM COVER**

**Subject:** Ordinance to Amend Chapter 7, Enterprise Zone, by Amending Section 7-2 and Section 7-8

**Action Requested:** Shall the Board adopt the ordinance amending Chapter 7, Enterprise Zone, Section 7-2 Boundaries of the James River Enterprise Zone and Section 7-8 Enterprise Zone Administrator?

**Summary:** The amendment to Section 7-2 refers to the County's Enterprise Zone Boundaries. This amendment will accept the Enterprise Zone boundary modifications approved June 8, 2011, by the Virginia Department of Housing and Community Development also in accordance with the resolution adopted by the Board of Supervisors of James City County, Virginia, on March 22, 2011. The boundaries of the James River Enterprise Zone are set forth on the map entitled "James River Enterprise Zone" revised June 8, 2011, which is on file in the office of the Enterprise Zone Administrator.

The amendment to Section 7-8 refers to the County's Enterprise Zone Administrator. This amendment proposes to change the Local Enterprise Zone Administrator from the County's Assistant Manager of Community Services to the Director of Economic Development or his designee.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**  
  
Doug Powell \_\_\_\_\_

**County Administrator**  
  
Robert C. Middaugh \_\_\_\_\_

**Attachments:**  
1. Memorandum  
2. Resolutaion  
3. Location Maps

**Agenda Item No.:** H-2  
  
**Date:** November 22, 2011

**MEMORANDUM**

DATE: November 22, 2011

TO: The Board of Supervisors

FROM: Russell C. Seymour, Director, Economic Development  
Telly D. Tucker, Assistant Director, Economic Development

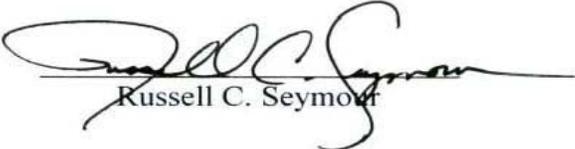
SUBJECT: Ordinance to Amend Chapter 7, Enterprise Zone, by Amending Section 7-2 and Section 7-8

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James City County's Enterprise Zone Amendment, approved on March 22, 2011, by the Board of Supervisors of James City County, Virginia, expanded the James River Enterprise Zone from 3,456 acres to 3,836 acres. This boundary amendment included the reallocation of 518 acres in the existing Zone and the addition of 380 new acres within the County. The amendment expanded the County's exiting Enterprise Zone to include a portion of the State Route-60 Corridor in the vicinity of Busch Corporate Center in the lower portion of the County, and created a non-contiguous zone area in upper James City County including the Stonehouse Commerce Park, Jacobs and Hankins Industrial Parks and a portions of the State Route-60 and State Route-30 Corridor. In addition to available land, these areas included a large number of existing businesses, which are now eligible to take advantage of incentives. This amendment was then submitted to the Virginia Department of Housing and Community Development and was approved June 8, 2011.

Attached for your consideration is an ordinance updating and revising Chapter 7, Enterprise Zone, of the County Code. Section 7-2 of the proposed ordinance will recognize the new boundaries and map entitled "James River Enterprise Zone" approved by the Board of Supervisors of James City County and the Virginia Department of Housing and Community Development. Section 7-8 of the proposed ordinance will recognize that the Enterprise Zone Administrator has been changed from the County's Assistant Manager for Community Services to the Director of Economic Development or his designee.

Staff recommends approval of the change to Section 7-2 and Section 7-8, Enterprise Zone, of the James City County Code.



Russell C. Seymour

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Telly D. Tucker

RCS/TDT/nb  
AmendChpt7\_mem

Attachments:

1. James River Enterprise Zone Map
2. Ordinance

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 7, ENTERPRISE ZONE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 7-2, BOUNDARIES OF THE JAMES RIVER ENTERPRISE ZONE; AND SECTION 7-8, ENTERPRISE ZONE ADMINISTRATOR.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 7, Enterprise Zone, is hereby amended and reordained by amending Section 7-2, Boundaries of the James River Enterprise Zone; and Section 7-8, Enterprise zone administrator.

**Chapter 7. Enterprise Zone**

**Section 7-2. Boundaries of the James River Enterprise Zone.**

The boundaries of the James River Enterprise Zone are as set forth on the map entitled, "James River Enterprise Zone" revised ~~September 28, 1995~~ *June 8, 2011*, which is on file in the office of enterprise zone administrator, the area of which has been declared an enterprise zone by the governor of the Commonwealth of Virginia for a period of 20 years in accordance with the Virginia Enterprise Zone Act.

**Section 7-8. Enterprise zone administrator.**

The enterprise zone administrator shall be the county's ~~assistant manager for community services~~ *director of economic development or his designee.*

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Mary Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

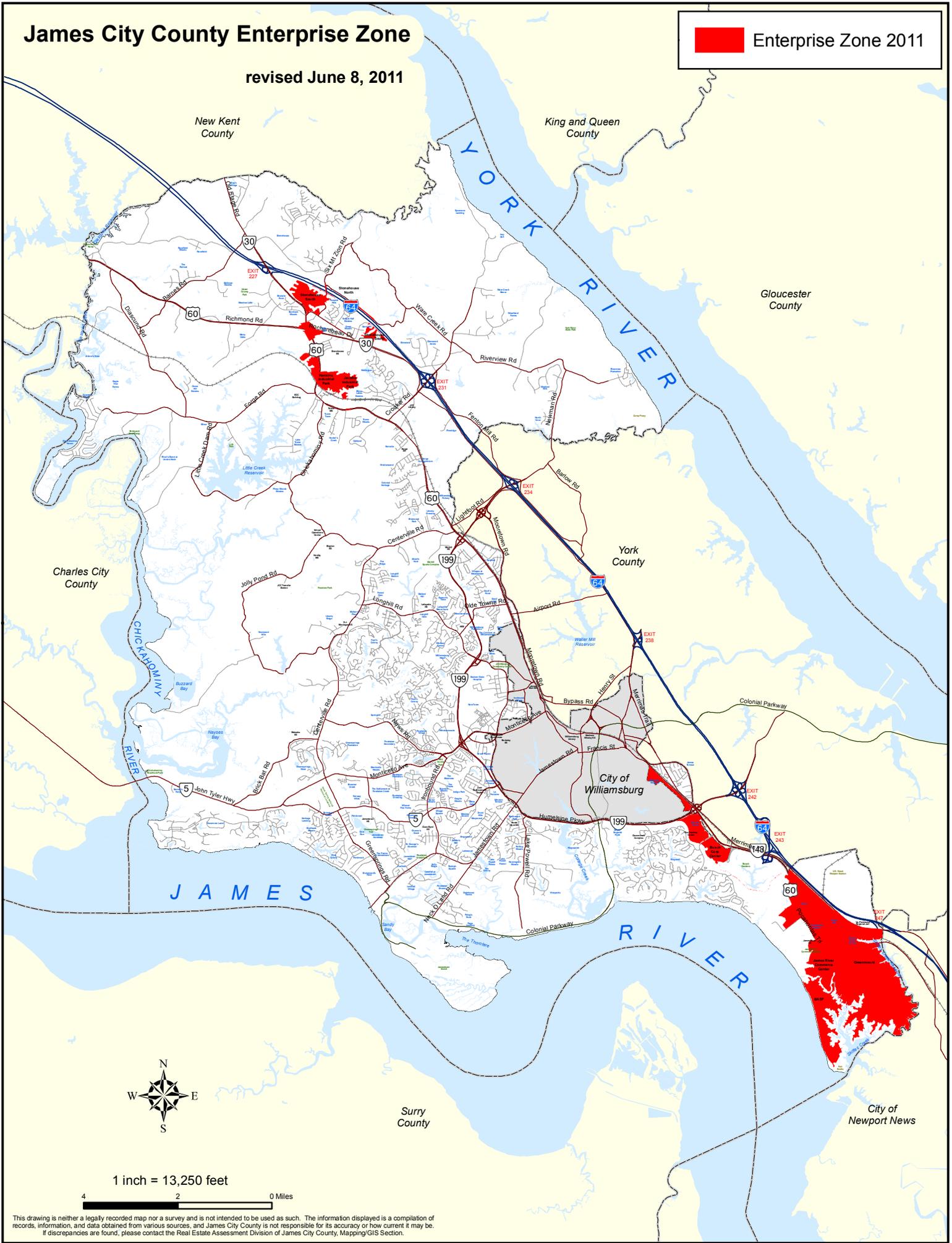
Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

AmendChpt7\_ord

# James City County Enterprise Zone

revised June 8, 2011

 Enterprise Zone 2011



1 inch = 13,250 feet

0 Miles

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.



**MEMORANDUM COVER**

**Subject:** Case No. Z-0001-2011. Forest Heights, Neighbors Drive, and Richmond Road Improvements

**Action Requested:** Shall the Board approve the attached resolution to rezone the Forest Heights, Neighbors Drive, and Richmond Road project area from R-2, General Residential, to MU, Mixed Use?

**Summary:** Within the 47.1-acre rezoning area, approximately 27.4 acres will be reconfigured through a combination of boundary line adjustments and subdivision to accommodate single-family detached residences. The Salvation Army use (approximately 19.7 acres) is also located within the rezoning area and is proposed to contain new offices, community meeting space and gym, and other accessory uses associated with the Salvation Army’s mission.

The proposed project will result in many significant benefits, including bringing nonconforming parcels into conformance with the zoning ordinance; many improvements to stormwater, road, and utility infrastructure; and housing rehabilitation and construction.

Staff finds the proposal to have substantial benefits and minimum additional impacts. It is compatible with the 2009 Comprehensive Plan. Staff recommends approval of this application and acceptance of the voluntary proffers.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**  
  
Doug Powell \_\_\_\_\_

**County Administrator**  
  
Robert C. Middaugh \_\_\_\_\_

- Attachments:**
- 1. Planning Commission Minutes
  - 2. Location Map
  - 3. Proffers
  - 4. Salvation Army Building Elevation
  - 5. Master Plan
  - 6. Community Impact Statement
  - 7. Resolution

**Agenda Item No.:** H-1  
  
**Date:** November 22, 2011

**REZONING-0001-2011. Forest Heights, Neighbors Drive, and Richmond Road Improvements Staff Report for the November 22, 2011, Board of Supervisors Public Hearing**

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

September 7, 2011, 7:00 p.m.  
November 22, 2011, 7:00 p.m.

**SUMMARY FACTS**

Applicant: This rezoning was initiated by a Board of Supervisors resolution dated July 12, 2011, in accordance with Section 24-13 of the Zoning Ordinance. The project is represented by Ms. Marion Paine of the County’s Office of Housing and Community Development (“OHCD”).

Land Owners: The attached resolution contains a list of property land owners (Attachment 7).

Proposal: Rezone the properties to allow for property line adjustments that will facilitate infrastructure improvements and bring the lots into conformance with the Zoning Ordinance.

Location: The project is located along the south side of Richmond Road between Premium Outlets and Villages at Westminster. Attachment 2 shows a location map.

Project Acreage: 47.1 acres

Existing Zoning: R-2, General Residential

Proposed Zoning: MU, Mixed Use

Comprehensive Plan: Low Density Residential (majority) and Moderate Density Residential

Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff finds the proposal to have substantial benefits and minimum additional impacts, and to be compatible with the 2009 Comprehensive Plan. Staff recommends approval of this application and acceptance of the voluntary proffers.

Staff Contact: Ellen Cook

Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

At its September 7, 2011 meeting, the Planning Commission recommended approval of this application by a vote of 6-0.

## **Proposed Changes Made Since Planning Commission Meeting**

Subsequent to the September 7, 2011, Planning Commission meeting, two proffers have been slightly amended. The first is the shared stormwater agreement proffer (6) which, at the advice of the County Attorney's office, was amended to remove sentences with details that can be worked out in the shared stormwater agreement itself. The second is the architectural elevations proffer (4), which was amended to include a reference to the building elevation title and date.

**Proffers:** Are signed and submitted in accordance with the James City County Proffer Policy (Attachment 3).

## **PROJECT DESCRIPTION**

Within the 47.1-acre rezoning area, approximately 27.4 acres will be reconfigured through a combination of boundary line adjustments and subdivision to accommodate single-family detached residences. The reconfigured single-family residential area includes a portion of the future Salvation Army site (through land exchanges), Forest Heights Road, Neighbors Drive, and properties from 5939 Richmond Road to 6059 Richmond Road.

The Salvation Army use (approximately 19.7 acres) is also located within the rezoning area, just to the north of Forest Heights Road. The site is proposed to contain new offices, community meeting space and gym, and other accessory uses associated with the Salvation Army's mission. The Salvation Army has provided a building elevation, which is included as Attachment 4 and is also referenced in proffer 4. The Salvation Army entrance is planned to be located on Forest Heights Road.

The proposed project will result in many significant benefits. Rezoning of the area to Mixed Use provides the flexibility required to bring the many nonconforming parcels into conformance with the zoning ordinance. Infrastructure improvements that are planned include: addressing currently uncontrolled and untreated drainage and stormwater; upgraded water and sewer mains; realignment, widening and pavement of Forest Heights Road and Neighbors Drive, safety improvements to Richmond Road, addition of open space and pedestrian amenities; and provision of streetlights and street trees. The proposed project will also include rehabilitation of homes (including energy audits and energy efficiency improvements), construction of homes to provide homeownership opportunities for low- and moderate-income households, and demolition of vacant, dilapidated dwellings.

Finally, to address future development, the master plan (Attachment 5) shows areas for potential future residential development on the Salvation Army site. The road improvements currently proposed have been designed to accommodate this additional traffic, but since the details on exact number, type, size and location of the units not currently known, no approval is being sought at this time. Any additional residential units in this location would require a master plan amendment to be approved by the Board of Supervisors.

OHCD has had many meetings to solicit neighborhood input and has worked directly with property owners on proposed boundary line adjustment paperwork. Additional information about these efforts is on page 7 of the Community Impact Statement (Attachment 6). The project is expected to be completed in two phases, starting with Forest Heights Road for which a Community Development Block Grant has already been awarded, followed by Neighbors Drive, for which OHCD is currently engaged in the process that is expected to lead to awarding of the second grant in 2012 or 2013.

## **Zoning Ordinance Consideration Items**

Due to the redevelopment nature of this project, this project will need several modifications and exceptions to applicable Zoning Ordinance requirements. As part of its motion to recommend approval of this case, the Planning Commission approved the perimeter buffer reduction described below.

### Perimeter Buffer Reduction.

Section 24-527 of the Zoning Ordinance requires a 50-foot buffer from existing public rights-of-way, and a 50-foot perimeter buffer in a mixed use district. The majority of the rezoning area meets these requirements. However, in three locations there are existing residences located within the buffer area and a reduction is sought in recognition of this fact. The first location is the perimeter buffer on 5939 Richmond Road at the east end of the project. The second location is the right-of-way buffer along the front of 6039, 6043, 6047, 6051, and 6059 Richmond Road, as well as the perimeter buffer along the side of 6059 Richmond Road at the west end of the project. The third location is at the rear (southern end) of the project at 170, 173, and 174 Forest Heights Road, where there are two existing platted lots and a JCSA pump station. Staff believes that the rezoning project meets the reduction criteria in the ordinance by virtue of item (c)(3), the unusual conditions of the property in that the structures and lots have been existing in their current locations for many years. Since this area is not designated Mixed Use on the Comprehensive Plan, the reduction also has to meet the criteria of not adversely impacting the public health, safety or welfare, and in being compatible with adjacent properties; staff finds that the proposal meets these criteria.

### Road Frontage Exception:

Section 19-40 of the Subdivision Ordinance requires that “each lot shall abut and have access to a proposed public street to be dedicated by the subdivision plat or to an existing publically dedicated street, unless otherwise specifically provided for in this chapter.” It is likely that several lots at the end of Forest Heights Road would be accessed via a shared driveway, but that the lots themselves would not have road frontage. While the area of these lots currently fronts on the existing gravel road, the proposed alignment of the paved public Forest Heights Road would terminate earlier, to preserve the opportunity of connecting to the rear of the Salvation Army property in a manner that avoids disturbing environmentally sensitive areas. Staff is supportive of this exception; however, this item will be considered at the development plan level once final details are known so no action is requested at this time.

## **PUBLIC IMPACTS**

### **Archaeology**

A Phase IA cultural resources assessment of the rezoning area was conducted in the fall of 2010. The assessment concluded that the houses do not appear to be potentially eligible for the National Register of Historic Places and recommended no further architectural survey work. The Phase IA includes a description of areas of high archaeological probability and recommends these areas for Phase I archaeological testing.

#### **Proffer:**

- Proffer #5. Preparation of Phase I Archeology study(ies) for a portion of the site identified in the Phase IA study.

### **Engineering and Resource Protection**

Stormwater drainage for the area along Forest Heights Road and Neighbors Drive will be collected by a new storm sewer system installed in the roadways. Additional swales along lot lines will also be provided to minimize or eliminate cross-lot drainage issues currently observed. Stormwater will be transported through the storm sewer system to one of two Best Management Practices (BMPs). Low Impact Development (LID) techniques will also be incorporated into the design since Special Stormwater Criteria applies to this site.

**Watershed:** Powhatan Creek

#### **Proffer:**

- Proffer #6. A Shared Maintenance Agreement will be developed to provide for routine and non-routine maintenance of the stormwater basin at 6001 Richmond Road.

**Engineering and Resource Protection Staff Comments:** Staff has reviewed the Community Impact Statement and Master Plan and concurs with the approach presented, while providing information that will need to be addressed at the development plan design stage.

## **Public Utilities**

Most of the rezoning area is already served by public water and sewer. As part of the project, the water mains will be upgraded, and better circulation will be achieved by creating a loop in the distribution system between Forest Heights Road and Neighbors Drive.

### **Proffer:**

- Proffer #7. Water conservation standards will be reviewed and approved by the JCSA.
- Proffer #1. EarthCraft, or equivalent, water conservation measures shall apply to County-owned lots and to rehabilitations on County property.

**Staff Comments:** Staff has reviewed the Community Impact Statement and Master Plan and concurs with the approach presented, while providing information that will need to be considered at the development plan design stage.

## **Transportation**

Trip generation for this project is below the threshold for preparation of a full traffic study. The summary study included in the Community Impact Statement projects average daily trips of approximately 1,270-1,586 including those from the Salvation Army facility and possible future residential development at the end of Forest Heights Road. This equates to worst case peak hour traffic of 110-138 vehicles per hour entering the rezoning area during the PM peak of Richmond Road.

**2007 County Traffic Counts:** On Richmond Road from Route 646, Lightfoot Road, to Olde Towne Road there were 24,646 trips.

**2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan):** On Richmond Road between Route 199 and the City of Williamsburg Line, 45,325 average annual daily trips (AADT) are projected – this is in the category of warranting improvement (from 4 to 6 lanes). However, Richmond Road is discussed more specifically in later Comprehensive Plan text, where it states that widening should be avoided.

**Road Improvements:** Proposed improvements to be made to Richmond Road include a 200-foot-long turn lane and 200-foot-long taper for westbound Richmond Road traffic entering Forest Heights Road, a right-turn taper for eastbound Richmond Road traffic entering Forest Heights Road, and elimination of the existing median crossover approximately 300 feet south of Neighbors Drive to correct a safety hazard. To prevent incorrect and unsafe turns in and out of Neighbors Drive, a concrete “pork chop” directional island will be installed. Finally, both Forest Heights Road and Neighbors Drive are planned for realignment, widening and paving. The final alignment for Neighbors Drive will be determined during the course of OHCD’s second planning grant. These improvements are shown on the master plan.

**VDOT Comments:** VDOT concurred with the improvements to Richmond Road and Forest Heights Road, and noted that the proposed project improves access management along this section of Richmond Road. The final alignment of Neighbors Drive will need to meet applicable VDOT regulations; OHCD anticipates consultation with VDOT will occur during the planning process. VDOT’s comment letter provides additional information that will need to be addressed at the development plan design stage.

## **Fiscal**

The Fiscal Impact Analysis found that the project initially creates a positive fiscal impact by investing in infrastructure and housing improvements to increase taxable value of the properties in the project area. However, as for nearly all residential projects, new housing on the remaining vacant lots will push the expected fiscal impact from positive to negative. The Fiscal Impact Analysis is included as Appendix A in the Community Impact Study.

## **Housing**

As noted above, the proposed project will include rehabilitation of homes (including energy audits and energy efficiency improvements), construction of homes to provide homeownership opportunities for low- and moderate-income households, and demolition of vacant dilapidated dwellings.

### **Proffers:**

- Proffer 2. A minimum of six housing units will be made available to low- and moderate-income households, either through Habitat for Humanity or through County programs.

### **Public Facilities**

This project is located within the Norge Elementary School, Toano Middle School and Warhill High School districts. Under the proposed Master Plan, the same overall number of lots is maintained. It is expected that houses will be built on the vacant lots once the infrastructure improvements are made, generating a total of approximately ten additional school children. Per the adequate public school facilities test adopted by the Board of Supervisors, all special use permit or rezoning applications should meet the test for adequate public school facilities. The test adopted by the Board uses the design capacity of a school, while the Williamsburg - James City County schools recognize the effective capacity as the means of determining student capacities. As shown in the table below, all three schools are projected to have sufficient capacity.

School	Design Capacity	Effective Capacity	Enrollment (2010)	Projected Students Generated	Enrollment + Projected Students
Norge	760	695	517	Approx. 5	522
Toano	775	822	678	Approx. 2	680
Warhill	*	1,441	1,149	Approx. 3	1,152

\* The WJCC School System no longer lists or uses design capacity in its documents.

### **Parks and Recreation**

The existing Forest Heights Road and Neighbors Drive do not have any pedestrian accommodations or recreation areas. The acreage of the passive open space park on Forest Heights Road, and the length of the multi-use trail along Richmond Road, meets the Parks and Recreation Master Plan guidance. Salvation Army representatives have indicated that additional recreation opportunities will be available on the Salvation Army site, once the facility is constructed. Sidewalks will be provided along one side of both improved Forest Heights and Neighbors Drive.

### **COMPREHENSIVE PLAN**

The majority of the project area is designated Low Density Residential (LDR) in the James City County 2009 Comprehensive Plan, with some area at the front of the western-most lots on Richmond Road designated Moderate Density Residential. LDR recommended uses include schools, churches, community-oriented facilities, very limited commercial establishments, and single-family homes. The Comprehensive Plan also recommends projects be located inside the Primary Service Area, provide affordable and workforce housing, and minimize impact on major roads by limiting access points.

The proposed project is located within the Primary Service Area, and consists of uses and densities that are in accordance with the recommendations of the Comprehensive Plan. Furthermore, the project will minimize impacts on major roads by limiting the access point to Salvation Army to Forest Heights Road. Staff finds the proposed development to be consistent with the 2009 Comprehensive Plan.

### **RECOMMENDATION**

Staff finds the proposal to have substantial benefits and minimum additional impacts, and to be generally compatible with the 2009 Comprehensive Plan. Staff recommends approval of this application and acceptance of the voluntary proffers.

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Ellen Cook

CONCUR:

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Allen J. Murphy, Jr.

EC/tlc  
Z-1-11improve

ATTACHMENTS:

1. Planning Commission Minutes
2. Location map
3. Proffers
4. Salvation Army building elevation, prepared by Guernsey Tingle Architects
5. Master plan
6. Community Impact Statement
7. Resolution

APPROVED MINUTES OF THE  
SEPTEMBER 7, 2011 PLANNING COMMISSION MEETING

Z-0001-2011, FOREST HEIGHTS ROAD, NEIGHBORS DRIVE AND RICHMOND ROAD IMPROVEMENTS

Ms. Ellen Cook stated the rezoning is a neighborhood improvement project coordinated by the Housing and Community Development staff. She stated 27.5 acres will be reconfigured using subdivisions and boundary line adjustments and will contain single family detached homes. The project also includes the site of a future Salvation Army building. The rezoning to Mixed Use gives the County enough flexibility to bring all of the parcels into Zoning Ordinance conformity. Infrastructure improvements will include stormwater facilities, improved water and sewer mains, improvement and realignment of Forest Heights Road, new pedestrian accommodations, streetlights, street trees, and open space. Dilapidated homes will be improved or demolished. Staff requests a buffer waiver to accommodate three residences within the perimeter buffer. Staff recommends approval of the rezoning and the setback waiver.

Mr. Basic asked staff to elaborate on the Salvation Army building footprint not being shown on the master plan.

Ms. Cook stated the master plan layout shows the general location of future uses. She stated the Salvation Army building will not exceed 30,000 square feet, its entrance will front Forest Heights Road, and staff has a copy of building elevations. Although the Salvation Army has not yet presented a site plan, staff is comfortable with the master plan as presented.

Mr. Al Woods asked if the impetus for the proposal was community or agency driven.

Ms. Cook stated Ms. Marion Paine with Housing and Community Development could better answer that question.

Ms. Marion Paine stated the Forest Heights community tried to have its own roads with the "Dirt Streets" program about 10 years ago, but it was not possible at the time. She stated that while Housing staff was looking for neighborhoods to improve, it met with Forest Heights' residents to see if the community still wanted road improvements. Housing staff has been working closely with the neighborhood since. The impetus for the project is coming from both community and agency.

Mr. Woods asked whether there was a groundswell of interest from the neighborhood.

Ms. Paine stated the residents had come to the County ten years ago with their proposal. She stated when the County asked them if they were still interested, they said yes.

Mr. Woods asked about the timetables attached to the block grant.

Ms. Paine stated funding expires in January 2013.

Mr. Woods asked if the County could not fund the project without the grant.

Ms. Paine stated that was true.

Mr. Woods asked about the scope of the funding.

Mr. Fraley asked if every involved property owner had agreed to the proposal. He asked, if so, does the County have documentation of those agreements.

Ms. Paine stated she had signed agreements from all but four property owners. The County is building houses for two of the four, and expects to work out agreements with them before the Board acts on the rezoning. They are reluctant to agree to sell their houses until they know what the County is building for them. Both of those owners support the project. One of the four lives out of state, and was difficult to contact, but the County now expects to have her agreement soon. The final owner has expressed interest, and the County is negotiating a dollar amount for her property.

Mr. Fraley stated the Board had wanted agreements with the final four property owners before bringing the proposal to them.

Ms. Paine stated that was correct. She stated staff does not intend to take the proposal before the Board before reaching agreements with all of the property owners.

Mr. Fraley asked about the intent to preserve open space through the formation of a homeowners' association.

Ms. Paine stated existing homeowners cannot be forced to join an association to maintain common areas. The newly built homes will be part of an association, and existing owners will be encouraged to join. The County has agreed to shared maintenance of the stormwater pond with the Salvation Army. Existing homeowners will gain use of the common areas if they join the HOA.

Mr. Fraley asked about the balance of new and existing homeowners.

Ms. Paine stated there would only be seven or eight new homeowners. She stated there are 53 existing properties.

Mr. Fraley asked if the seven or eight new homeowners would be be saddled with maintaining the common area if no existing homeowners join the HOA.

Ms. Paine stated the maintained common area is relatively small, including a park along Forest Heights Road and possibly a Neighbors Drive pocket park.

Mr. O'Connor asked if staff had an idea of how many people intended to join the HOA.

Ms. Paine stated she did not.

Mr. Vaughn Poller stated his office spoke with the County Attorney regarding this issue. He stated staff is focused on the infrastructure benefits made possible by the proposal. The pond drainage improvements will decrease Chesapeake Bay impacts. The Salvation Army's maintenance agreement with the County will balance costs.

Mr. Woods asked if the Salvation Army would work with the community to ensure the open space areas are maintained.

Ms. Paine stated the Salvation Army will make its new recreation center available to on-site residents. She stated the Salvation Army will be responsible for shared maintenance of the pond, but not the small park.

Ms. Paine began her presentation, stating that the Virginia Department of Housing and Community Development awarded a \$25,000 community block planning grant in 2009 to fund an area study. She stated staff developed a feasibility study and a conceptual plan based on door to door surveys, community meetings, public hearings, and home inspections within the neighborhood. The proposal allows bus and emergency vehicle access, improves traffic safety on Richmond Road, improves stormwater facilities, adds sidewalks, trails, and provides home improvements and energy retrofits. Eleven of the 64 parcels are County-owned. Boundary lines adjustments will be used to provide additional room to expand the right of way needed to bring the road up to Virginia Department of Transportation (VDOT) standards. Most of the existing dirt road lots are nonconforming and would need variances for boundary line adjustments. Rezoning to Mixed Use allows greater flexibility for the residential lots, homes, and the Salvation Army. No residents have objected to the proposal.

Mr. Fraley asked what materials would be used in the multi-use trail.

Ms. Paine stated the plan calls for 8' wide asphalt trails.

Mr. Fraley asked if the variances associated with the project would need to go to the Board of Zoning Appeals.

Mr. Adam Kinsman stated variances would not be required in a Mixed Use district.

Mr. Fraley opened the public hearing.

Mr. Gary Moore, 158 Forest Heights Road, stated the neighborhood needs the improvement. He stated that at a house fire in the neighborhood a man died since fire trucks could not get down the dirt roads or use neighborhood fire hydrants due to low pressure. Ambulances and school buses cannot enter the neighborhood either. The road washes out during storms and the neighbors repair it themselves. The neighborhood is willing to maintain the new park area. Most people in the neighborhood are ready to enjoy many of the benefits other people in the County already have.

Ms. Shirley Baker, 116 Forest Heights Road, stated she had endured the neighborhood's condition for 50 years. She stated the community wants better conditions. One of the neighborhood's children had been killed along Richmond Road about 30 years ago. She asked for the same improvements other communities have.

Mr. Allen Billups, 153 Forest Heights, stated the County had stopped maintaining the roads a few years after he moved into the neighborhood, about 18 years ago. He stated he had injured his back while working to maintain the road. The road is dark, dangerous, and the community needs it improved. The project was started ten years ago, and should be completed now with help from the Salvation Army and the County.

Ms. Connie Hudson, speaking for her mother who lives at 6043 Richmond Road, stated she supports the project. She stated the project would improve area conditions, should welcome the Salvation Army, and it would beautify Route 60 for all of the guests coming into the area. She thanked the County for finding the funding.

Mr. Fraley closed the public hearing.

Mr. Mike Maddocks stated this was a great project with the potential to improve the lives of residents.

Mr. Maddocks moved to recommend approval of the rezoning and to allow perimeter buffer reductions.

Mr. Joe Poole stated he supports the project. He stated the DRC saw the project several months ago and was excited about the proposal. Road improvements are crucial. The partnership between the County, neighborhood, the Salvation Army, and state is a win-win.

Mr. O'Connor stated he had spoken with Mr. Bill Cain with Engineering and Resource Protection, who stated the project would improve water quality downstream and have a significant positive environmental impact.

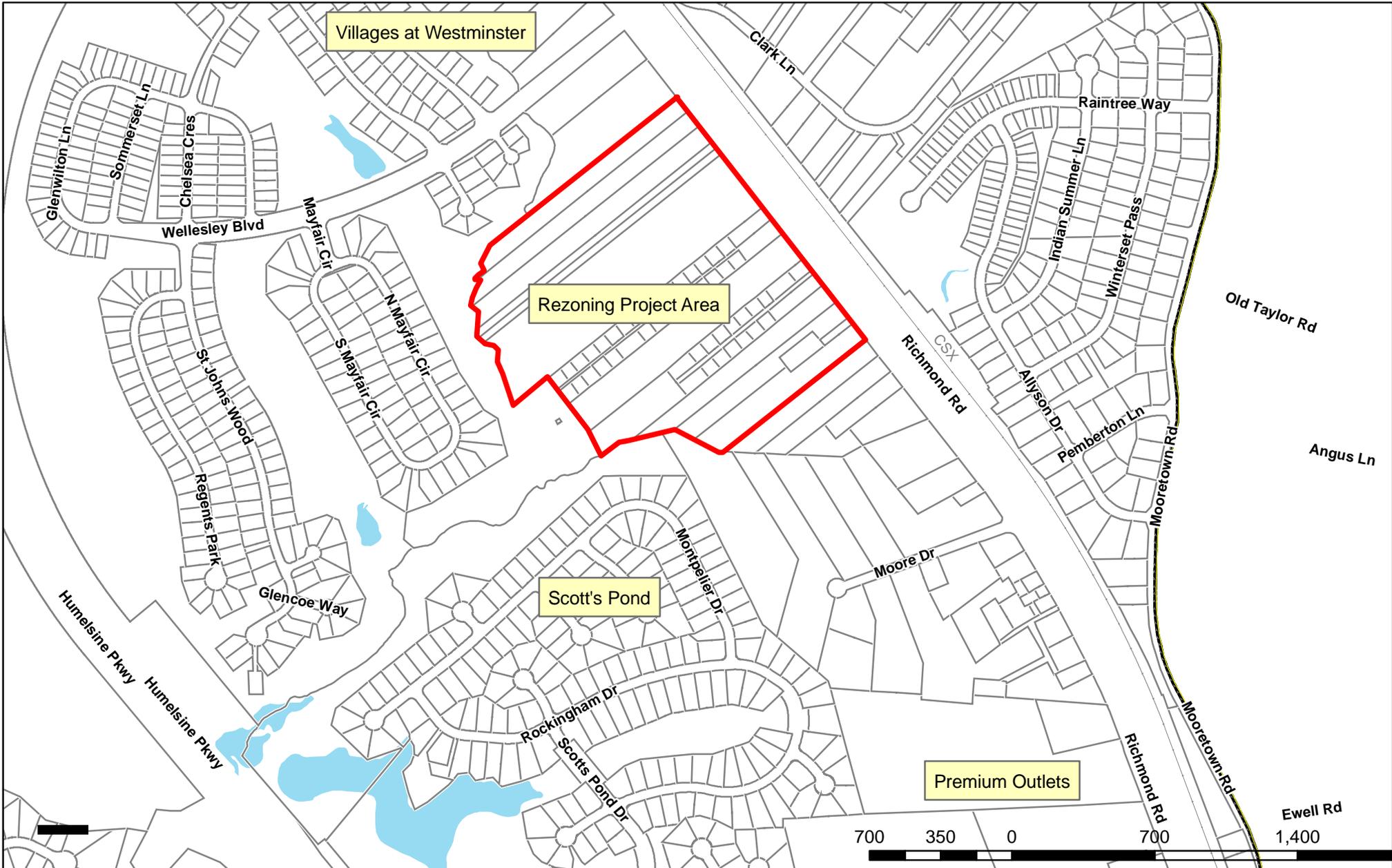
Mr. Woods stated he was disappointed to realize that despite the community's emphasis on the Comprehensive Plan and on citizens' quality of life, many Forest Heights residents do not have access to that quality of life. He stated he endorses the project.

Mr. Basic stated he supports the plan. He stated that although he would have liked to see the Salvation Army building footprint on the master plan, he is confident staff will take care of it.

Mr. Fraley stated the project is a great case of the County, the private sector, and citizens working together.

In a roll call vote, the Commission recommended approval of the rezoning and the setback waivers (6-0: Absent: Krapf).

# JCC-Z-0001-2011 Forest Heights, Neighbor's Drive, Richmond Road Improvements





DOING  
THE MOST  
GOOD™

William Booth, *Founder*  
Linda Bond, *General*  
David Jeffrey, *Territorial Commander*  
Major Kelly Igleheart, *Divisional Commander*

November 14, 2011

Mr. Keith Denny  
Housing Project Coordinator  
Office of Housing and Community Development  
5320 Palmer Lane, Suite 1A  
Williamsburg, VA 23188

RE: LAND EXCHANGE PROFFERS  
6015 RICHMOND ROAD  
WILLIAMSBURG, VA

Dear Keith:

Attached please find three (3) originals of the above referenced Proffers which have been executed by our Board of Trustees. Please process these and return two (2) fully executed originals to my attention at your earliest convenience.

Thank you for your patience and understanding as we work through this process. If I can be of any further assistance please don't hesitate to contact me.

May God bless you.

A Servant of God,

Major R. Andrew Wiley  
DIVISIONAL SECRETARY

Attachments: Three (3) copies of Proffers

PROFFERS

THESE PROFFERS are made this 20<sup>th</sup> day of October 2011 by the COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia (together with its successors and assigns, the "County"), and THE SALVATION ARMY, (together with its successors and assigns, the "Salvation Army" and together with the County, the "Owners").

A GEORGIA CORP.

RECITALS

- A. The County is the owner of eleven (11) certain parcels of land located in James City County, Virginia, described on the attached Exhibit A (the "County Property").
- B. The Salvation Army is the owner of one (1) certain parcel of land located in James City County, Virginia, described on the attached Exhibit B (the "Salvation Army Property").
- C. The County has applied to rezone the County Property on the attached Exhibit A from R-2, General Residential District to MU, Mixed Use District, with proffers.
- D. By resolution dated July 12, 2011, the County's Board of Supervisors initiated rezoning of the Salvation Army Property and an additional fifty-two (52) certain parcels, as described on the attached Exhibit C, from R-2 to MU, with proffers.
- E. The County has submitted a master plan entitled "Master Plan for Rezoning for Forest Heights Road/Neighbors Drive/Richmond Road Areas," prepared by AES Consulting Engineers dated 4/1/11 (the "Master Plan") in accordance with the County Zoning Ordinance.

NOW, THEREFORE, in consideration of the approval of the requested rezoning and pursuant to Section 15.2-2303 of the *Code of Virginia*, 1950, as amended, and the County Zoning Ordinance, the County and the Salvation Army agree that they shall meet and comply with the applicable following conditions. If the requested rezoning is not granted by the Board of Supervisors, these Proffers shall be null and void.

PROFFERS

**PART A.** The following proffers shall apply to the County Property only:

1. Water Conservation/Sustainable Building. For all County-owned and/or developed parcels, water conservation measures will be implemented to reduce the water usage in the home and to heat that water more efficiently. Such water conservation measures shall apply to

County-owned lots and to rehabilitations on County Property and include: conducting water leakage tests to ensure there are no bulk water leaks inside of the structure, replacement of old toilets and old showerheads in pre-existing bathrooms with new fixtures that meet the National Energy Policy Act standards for low flow, installation of high efficiency water heaters that meet Energy Star standards, and insulation of the first few feet of hot and cold water lines to reduce conductive losses and wasted water. Proof of EarthCraft Single Family Renovation certification, or equivalent documentation, shall be provided to the Planning Director within one month of issuance of a Certificate of Occupancy, or such other time as is agreed to in writing in advance by the Planning Director.

2. Affordable and Workforce Housing. A minimum of four (4) parcels shall be sold to Peninsula Habitat for Humanity (“Habitat”) on which Habitat will construct dwellings for low and moderate income households who qualify for Habitat’s homeownership program. In addition, a minimum of two (2) dwelling units shall be reserved and offered to a buyer at or below the Virginia Housing Development Authority income limits. The Planning Director shall be provided with a copy of the settlement statement for the sale of each of the six (6) units.
3. Owners Association. The County shall establish an owners’ association (the “Association”) in accordance with Virginia law, which all current property owners on Forest Heights Road and Neighbors Drive may voluntarily join, and all purchasers of County-owned and developed lots shall be required to join. The articles of incorporation, bylaws and restrictive covenants (together, the “Governing Documents”) creating and governing the Association shall be submitted to and approved by the County Attorney prior to issuance of any building permit for a County-owned or developed lot. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of dedicated open space and common areas.

**PART B.** The following proffer shall apply to the Salvation Army Property only:

4. Salvation Army Building Elevation. The Salvation Army shall submit the final architectural design of the Salvation Army building for the Planning Director’s review and approval prior to any final development plan approval. Such review shall ensure that the design, materials and colors of the building are reasonably consistent with the architectural elevations prepared by Guernsey Tingle Architects, titled “Salvation Army Corps Facility,” date stamped September 7, 2011, and submitted as a part of the rezoning application.

**PART C.** The following proffers shall apply to both the County Property and the Salvation Army Property:

5. Archaeology. Phase 1 Archaeological Study(ies) for the area recommended for Phase I archaeological testing as shown in Figure 5 of the Phase 1A Cultural Resources Assessment shall be submitted to the Planning Director for review and approval. A treatment plan shall be submitted and approved by the Planning Director for all sites in the Phase I study

that are recommended for a Phase 1 evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Planning Director or sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading, or construction activities thereon.

6. Shared maintenance agreement for the stormwater facilities. Owners agree to develop and execute a Shared Maintenance Agreement (the "Agreement") prior to issuance of any building permit on the Salvation Army Property. The Agreement shall provide for routine and non-routine maintenance of the stormwater basin to be located on the Property currently known as 6001 Richmond Road.
  
7. Water Conservation. Owners shall be responsible for developing and implementing water conservation standards which shall be submitted to and approved by the James City Service Authority prior to any final development plan approval(s). The standards shall address such water conservation measures as prohibitions on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

WITNESS the following signatures:

THE COUNTY OF JAMES CITY, VIRGINIA

BY: \_\_\_\_\_  
Robert C. Middaugh, County Administrator

COMMONWEALTH OF VIRGINIA

County of James City, to-wit:

The foregoing Proffers were acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by Robert C. Middaugh

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

Registration No. \_\_\_\_\_

THE SALVATION ARMY A GEORGIA CORP.

BY: *John R. Jones*

Its: JOHN R. JONES, TREASURER

STATE OF Georgia

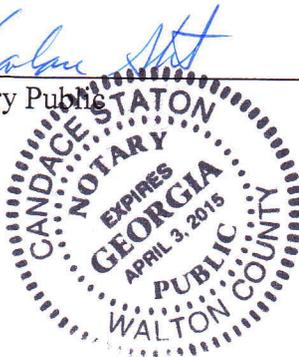
City/County of DeKalb, to wit:

The foregoing Proffers were acknowledged before me this 20 day of October, 2011, by JOHN R. JONES, TREASURER

*Candace Stetson*  
Notary Public

My Commission expires: 4/3/15

Registration No. \_\_\_\_\_





# Salvation Army Corps Facility

Williamsburg, Virginia

## RESOLUTION

CASE NO. Z-0001-2011. FOREST HEIGHTS, NEIGHBORS DRIVE,

### AND RICHMOND ROAD IMPROVEMENTS

WHEREAS, in accordance with 15.2-2204 of the Code of Virginia, 1950, as amended, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a public hearing scheduled on Zoning Case Z-0001-2011, with Master Plan, for rezoning approximately 47.1 acres from R-2, General Residential, to MU, Mixed Use, with proffers applicable to the properties owned by the County and the Salvation Army; and

WHEREAS, the properties are located at the following James City County Real Estate Tax Map Nos. and addresses:

Tax Map ID	Address	Property Owner
3220100083	101 FOREST HEIGHTS RD	JAMES CITY COUNTY
3220100084	100 FOREST HEIGHTS RD	JAMES CITY COUNTY
3220100085A	174 FOREST HEIGHTS RD	JAMES CITY SERVICE
3220400001	112 FOREST HEIGHTS RD	STATEWIDE, INC
3220400002	113 FOREST HEIGHTS RD	MEEKINS, ELAINE
3220400003	115 FOREST HEIGHTS RD	JOHNSON, INDIA
3220400004	116 FOREST HEIGHTS RD	BAKER-GEORGE, SHIRLEY L
3220400005	120 FOREST HEIGHTS RD	GILLEY, GIL G
3220400006	119 FOREST HEIGHTS RD	JAMES CITY COUNTY
3220400007	125 FOREST HEIGHTS RD	ASHLOCK, LEROY
3220400008	124 FOREST HEIGHTS RD	TAYLOR, HAZEL & MORRIS E
3220400009	128 FOREST HEIGHTS RD	BROWN, PERNELL NELSON &
3220400010	127 FOREST HEIGHTS RD	JAMES CITY COUNTY
3220400011	129 FOREST HEIGHTS RD	STILL, AMY
3220400012	132 FOREST HEIGHTS RD	JOHNSON, EDITH MAE
3220400013	136 FOREST HEIGHTS RD	STONE, JOHN SAMUEL
3220400014	133 FOREST HEIGHTS RD	STILL, AMY
3220400015	137 FOREST HEIGHTS RD	ANDERSON, DORRIS
3220400016	138 FOREST HEIGHTS RD	HOUSING PARTNERSHIPS FUNDING GROUP
3220400017	142 FOREST HEIGHTS RD	MATCHETT, MICHAEL S & AMBER R
3220400018	141 FOREST HEIGHTS RD	BARTLETT, BETTY J
3220400019	145 FOREST HEIGHTS RD	BARTLETT, BETTY J
3220400020	146 FOREST HEIGHTS RD	VANDERBILT MORTGAGE

3220400022	149 FOREST HEIGHTS RD	BILLUPS, ALLEN J &
3220400023	153 FOREST HEIGHTS RD	BILLUPS, ALLEN &
3220400024	154 FOREST HEIGHTS RD	BILLUPS, ALLEN &
3220400025	158 FOREST HEIGHTS RD	MOORE, GARY C & GERALINE M
3220400026	161 FOREST HEIGHTS RD	JAMES CITY COUNTY
3220400027	165 FOREST HEIGHTS RD	ROBINS, JOHN T & ROBINS, JASON S
3220400028	162 FOREST HEIGHTS RD	MOORE, GARY C & GERALINE M
3220400029	166 FOREST HEIGHTS RD	ROBINS, JOHN T & ROBINS, JASON S
3220400030	169 FOREST HEIGHTS RD	ROBINS, JOHN T & ROBINS, JASON S
3220400031	173 FOREST HEIGHTS RD	GUTIERREZ, RUBEN ARROYO TRUSTEE
3220400032	170 FOREST HEIGHTS RD	VILLAGES AT WESTMINSTER HOMEOWNERS AS
3220100086	138 NEIGHBORS DRIVE	G GILLEY INVESTMENTS LLC
3220100087	139 NEIGHBORS DRIVE	MARTIN, EDWARD E
3220100088	104 NEIGHBORS DRIVE	BRABHAM, DENNIS J III & CHRISTINA
3220100090	101 NEIGHBORS DRIVE	WALLACE, LETTIE BELL EST
3220100116	140 NEIGHBORS DRIVE	WALLACE, LEVI JR & WALLACE LEVI Z II
3220500001	134 NEIGHBORS DRIVE	JAMES CITY COUNTY
3220500002	130 NEIGHBORS DRIVE	JAMES CITY COUNTY
3220500003	126 NEIGHBORS DRIVE	PRIOR, JANIE M
3220500004	122 NEIGHBORS DRIVE	DE LEON, VICTOR A & JACQUELINE B
3220500005	118 NEIGHBORS DRIVE	KNOX-GIVENS, YULONDA D & ROBINSON, R
3220500006	116 NEIGHBORS DRIVE	SMITH, JEFFREY D & LYND A
3220500007	135 NEIGHBORS DRIVE	G GILLEY INVESTMENTS LLC
3220500008	131 NEIGHBORS DRIVE	JAMES CITY COUNTY
3220500009	127 NEIGHBORS DRIVE	JAMES CITY COUNTY
3220500010	123 NEIGHBORS DRIVE	PEOPLES, KRISTOPHER T & KATHARINE L
3220500011	119 NEIGHBORS DRIVE	O'SHEA, KEVIN F II & LISA A
3220500012	115 NEIGHBORS DRIVE	WALLACE, LETTIE BELL EST
3220100076	6059 RICHMOND ROAD	MAGERAS, ANGELO TRUSTEE & MAGERAS, N
3220100077	6051 RICHMOND ROAD	BAKER, RUSSELL & MARY LIFE ESTATE
3220100078	6047 RICHMOND ROAD	TAYLOR, STANFORD &
3220100079	6043 RICHMOND ROAD	ROBINSON, EUNICE
3220100080	6039 RICHMOND ROAD	GRAY, MEL & SHANISE KOTINA
3220100081	6015 RICHMOND ROAD	SALVATION ARMY (THE)
3220100085	6001 RICHMOND ROAD	JAMES CITY COUNTY
3220100089	5981 RICHMOND ROAD	HERTZLER, DAVID L
3220100089	5981 RICHMOND ROAD	HERTZLER, DAVID L
3220100091	5941 RICHMOND ROAD	JAMES CITY COUNTY
3220100092	5943 RICHMOND ROAD	SMITH, ELSIE M

3220100093	5941 RICHMOND ROAD	SMITH, MARTHA LEE MAURICE
3220100094	5947 RICHMOND ROAD	SMITH, MARTHA LEE M
3220100095	5939 RICHMOND ROAD	TAYLOR, ELSIE LIFE RIGHT

WHEREAS, the Planning Commission of James City County, following its public hearing on September 7, 2011, recommended approval by a vote of 6-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve Case No. Z-0001-2011 and accept the voluntary proffers.

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Mary K. Jones  
Chairman, Board of Supervisors

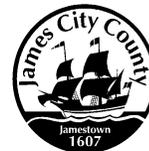
ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

Z-1-11improve\_res



**MEMORANDUM COVER**

**Subject:** Case Nos. ZO-0006-2011 and ZO-0014-2011. Development Standards Ordinance Amendments and Exterior Signage

**Action Requested:** Shall the Board of Supervisors approve the Development Standards ordinances and proposed Sound Wall Guidelines, Community Character Corridor (CCC) Buffer Landscape Treatment Guidelines, CCC Buffer Treatment Map, Outstanding Specimen Tree Option Guidelines, Streetscape Policy, and Pedestrian Accommodation Master Plan?

**Summary:** Staff has drafted ordinances, policies, guidelines, and maps for the development standards items including sound walls, outdoor lighting, landscaping, parking, private streets, pedestrian accommodations, timbering, floodplain, and exterior signage. Changes made to the ordinances since the last review by the Policy Committee in June 2011 as a result of Board requests, County Attorney office reviews, and Planning Commission feedback have been outlined in the attached memorandum.

At an advertised public hearing on October 5, 2011, the Planning Commission voted 6-1 to recommend approval of the Development Standards and Exterior Signage ordinances, Sound Wall Guidelines, CCC Buffer Landscape Treatment Guidelines and Map, Outstanding Specimen Tree Option Guidelines, Streetscape Policy, and Pedestrian Accommodation Master Plan subject to removing unrepresentative graphics from the Sound Wall Guidelines, adding "health, safety, and welfare" language back into statement of intent for the landscaping ordinance, and recommending Option 3 (50 foot buffers on A-1 properties outside the Primary Service Area (PSA) and along a CCC with selective timbering allowed within the buffer) for the Timbering ordinance.

Staff recommends approval of the Development Standards ordinances and the proposed Sound Wall Guidelines, CCC Buffer Landscape Treatment Guidelines and Map, Outstanding Specimen Tree Option Guidelines, Streetscape Policy and Pedestrian Accommodation Master Plan with the changes as proposed by the Planning Commission. Per previous Board direction, staff has forwarded Timbering ordinance language for Option 1 in Attachment No. 16 for Board approval.

**Fiscal Impact:**

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**  
  
Doug Powell \_\_\_\_\_

**County Administrator**  
  
Robert C. Middaugh \_\_\_\_\_

**Attachments:**  
  
18 Attachments

**Agenda Item No.:** H-3  
  
**Date:** November 22, 2011

## M E M O R A N D U M

DATE: November 22, 2011

TO: The Board of Supervisors

FROM: Tamara A. M. Rosario, Principal Planner

SUBJECT: Case Nos. ZO-0006-2011 and ZO-0014-2011. Development Standards Ordinance Amendments and Exterior Signage

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Staff has drafted final ordinance language, guidelines and policies for multiple items that fall into the development standards category. The following specific sections are included in this category:

- a. Sound Walls
- b. Outdoor Lighting
- c. Landscaping
- d. Parking Standards
- e. Private Streets
- f. Pedestrian Accommodations
- g. Timbering
- h. Floodplain
- i. Exterior Signs

The Policy Committee discussed initial proposals for the above items at meetings in February 2011, and the Board discussed these items at work sessions in February and March 2011. The Policy Committee considered draft ordinance and policy language in June, the Board discussed development standards at the July 26, 2011 work session, and the Planning Commission reviewed the items at a public hearing on October 5, 2011 (Attachment No. 1). The attached materials are associated with Stage III final review of development standards ordinances. In accordance with the adopted methodology, staff has completed the final ordinance text for the November 22, 2011, Board of Supervisors meeting. Strike-through versions of the ordinances to be used in consideration of adoption are attached, while clean versions of the proposed ordinances to be used for reference are included in the reading file.

Definitions that will be added or amended are included in Attachment No. 2. The amendment to the definitions section of the ordinance will be presented at the conclusion of the update process and will include definitions for all sections. The following list represents a brief summary of each of the above items and any changes incorporated as a result of the July 2011 Board work session and October 2011 Planning Commission meeting.

a. Sound Walls

Staff created a set of draft guidelines to assist in work with the Virginia Department of Transportation (VDOT) on sound wall design and construction. The intent is to communicate James City County's expectations for effective, aesthetically pleasing, and cost effective walls before any design work is done to better ensure certain standards are included in the final product.

*The Policy Committee supported staff's proposed guidelines and the Board requested changes to the policy to add emphasis on avoiding or reducing the need for sound walls through transportation planning practices. Changes in the introduction to the Sound Wall Guidelines reflect this. Staff also made additional edits for grammar and clarity.*

*The Planning Commission requested that staff remove graphics in the Sound Wall Policy that showed imprinted pictures on the wall so that those types of designs would not be encouraged on sound walls. This revision is reflected in Attachment No. 4.*

b. Outdoor Lighting

The draft ordinance revisions for outdoor lighting are intended to apply dark sky principles to areas of development other than the parking lot lighting regulations, to promote energy efficient designs, and to protect citizens against the adverse effects of light pollution. The highlights of the ordinance include requiring full cut-off fixtures for all outdoor lighting proposals, requiring all outdoor fixtures to be shown on lighting plans, and requiring Iso-footcandle diagrams for the illumination of horizontal surfaces. The new ordinance consolidates all outdoor lighting requirements into one new section of the zoning ordinance.

*The Policy Committee supported staff's proposal and suggested changing glare requirements for parking lots to allow spill-over for adjacent, off-site pedestrian accommodations. The Board did not request any changes. Since the Board work session, staff amended the ordinance to allow light to spill onto pedestrian accommodations in adjacent rights-of-way. Several changes were also made upon the advice of the County Attorney's office, namely restructuring the ordinance to improve flow. Staff also added information regarding the definition and waiver provisions for glare.*

c. Landscaping Ordinance

1. Tree Clearing and Protection

Staff incorporated new tree clearing and protection and phased clearing language into the existing landscaping section of the zoning ordinance, created a new Outstanding Specimen Tree Option (Attachment No. 9), and proposed amendments to the Streetscape Policy (Attachment No. 10). The Outstanding Specimen Tree Option gives developers an incentive to preserve outstanding specimen trees on development sites by providing five tree credits for every selected preserved tree. The amendments to the Streetscape Policy prescribe the amount of area between a proposed street tree and the existing right-of-way and adjust the suggested tree species list.

*The Policy Committee supported staff's proposals but suggested clarifying the requirements for tree clearing and protection plans whenever a site plan is required, expanding the required narrative to include language that states that no adverse impacts are created that result in damaged trees on adjacent properties, and clarifying language in the phased clearing section. The Committee also suggested clarifying the language in the introductions of the Outstanding Specimen Tree Option and the Streetscape Policy. All of the Policy Committee changes are reflected in the corresponding attachments.*

*During the work session, the Board requested that staff investigate incentivizing additional plantings to mitigate those lost through the development process, or linking the landscaping requirements or incentives to the Chesapeake Bay Preservation Ordinance and/or the Special Stormwater Criteria. Staff found that the County routinely receives expanded buffers, better site design features, conservation areas, minimized impervious cover, and contiguous open space through the legislative process. These are encouraged and accommodated, but not easily required, in the landscape ordinance. The Board also requested that staff investigate the possibility of drafting a Residential Tree Preservation Policy, which staff is still researching. Finally, upon the direction from the County Attorney's office, staff amended the tree clearing and protection provisions to better reflect enabling legislation in the State Code.*

*The Planning Commission requested that staff add language back into the Statement of Intent which states that one of the purposes of the landscaping section is to promote the public health, safety and welfare by providing for the preservation, installation and maintenance of trees and plant materials. This revision, as well as clarifications suggested by the County Attorney's office, is reflected in Attachment No. 6. Staff made additional changes to the Streetscape Guidelines Policy to specify when shrubs would be an appropriate substitution, to make the approval authority consistent with the landscape ordinance, and to clarify the bonding/surety process.*

2. Community Character Corridor (CCC) Buffer Treatments and Parking Lot Landscaping  
Staff drafted Community Character Corridor (CCC) buffer landscape treatments guidelines with sample drawings, a map designating the type of landscape treatment for every CCC in the County, and amendments to the ordinance to reference the buffer landscape treatment designations. The outdoor operations section was relocated to the landscape section to consolidate and simplify the requirements. Additional amendments were drafted for parking lot design and parking lot landscaping, primarily changing parking lot islands spacing from 150 feet to 90 feet and changing the spacing of parking lot trees from 75 feet to 99 feet. These changes are intended to reflect what the County typically receives in landscape proposals and to coordinate the parking lot design and parking lot landscaping sections. Other amendments to the parking lot landscape section include reducing the 35 percent evergreen tree requirement to 25 percent and requiring parking lot islands to be excavated and back filled with top soil to ensure suitable growing areas.

*The Policy Committee supported staff's proposals and suggested minor changes to clarify language in the buffer treatment descriptions. Staff made these changes in the attached version of the ordinance. The Board did not request any additional changes at its work session.*

d. Parking

The draft ordinance for parking standards includes the following updates: addition of an administrative waiver process by which applicants can propose an alternative number of spaces less than the ordinance requirement, establishment of a cap of 120 percent of the minimum parking requirement, an adjustment to uses in high demand parking, a requirement to internally connect commercial development in Community Commercial and Neighborhood Commercial designated land and an incentive to promote side and rear parking for commercial sites. Finally, as noted above, the parking bay size requirement is also being reduced from 150 feet to 90 feet to coordinate with changes in parking lot landscaping requirements.

*The Policy Committee supported staff's proposed ordinance revisions, and the Board did not request any changes at its work session.*

e. Private Streets

Staff drafted a new consolidated ordinance section that clarifies when and where private streets are permitted and provides a construction standard waiver provision when an unusual street feature is proposed that would not be generally permissible by VDOT (staff enforces VDOT construction standards for private streets). Additionally, the proposed ordinance section clarifies that private streets shall meet VDOT construction and geometric standards unless waived.

*The Policy Committee supported staff's proposed ordinance section. The Board did not request any changes.*

f. Pedestrian Accommodations

The draft ordinance for pedestrian accommodations includes the following highlights: adding a reference to the new Pedestrian Accommodation Master Plan; providing exemptions for small or temporary structures, industrial parks, and some office parks; referencing VDOT's Secondary Street Acceptance Requirements (SSARs) for pedestrian standards in the ordinance with parallel requirements for private streets; allowing a fee in-lieu-of constructing pedestrian accommodations option when they are shown on the Pedestrian Accommodation Master Plan and there are topographical hardships; providing the Planning Director with the ability to request right-of-way as a condition of any exception if needed; requiring internal connections to adjacent public facilities and to community amenities; and creating minimum construction standards based on VDOT's standards. The Master Plan is provided as a hard copy in Attachment No. 15, but can also be viewed online on the November 22, 2011, Board agenda page.

*The Board of Supervisors concurred with the Policy Committee's recommendation to change the Master Plan for Brick Bat Road from a sidewalk along a portion of the road to a multi-use path connecting Centerville Road to John Tyler Highway. This change is reflected in the attached revised Master Plan.*

g. Timbering

Based on feedback, staff researched surrounding and out-of-state localities and consulted with Mr. Billy Apperson of the Virginia Department of Forestry (DoF) to develop three draft ordinance options to address buffering and setbacks for timbering in A-1 areas outside the Primary Service Area (PSA).

*At the July 2011 work session, the Board asked staff to contact those property owners who would potentially be impacted by changes to the timbering ordinance. Staff mailed about 300 notifications and received eight responses. This information was provided to the Board as a reading file at its September 13, 2011, meeting. The Board directed staff to pursue Option 1, which addresses inconsistencies with State Code and comments from the DoF. No requirements for new buffers or pre-harvest plan submittals are included with this option, but staff anticipates developing a Memorandum of Agreement with the DoF for verbal notification of timbering operations.*

*The Planning Commission recommended that the Board adopt Option 3 for the Timbering ordinance. This option would require 50-foot buffers along A-1 property that is outside the PSA and located on a CCC. The option would allow selective timbering within the required buffer. Per previous Board direction, staff has forwarded Timbering ordinance language for Option 1 in Attachment No. 16 for Board approval. Given the Planning Commission's recommendation, the following table outlining Options 2 and 3 is provided for the Board's reference.*

<b>Summary of Options</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
State Code and Department of Forestry's (DoF) suggested changes	X	X	X
Memorandum of Agreement with DoF for verbal notification of timbering activity	X		
Pre-harvest plan required for timbering on any property		X	X
No buffers required for A-1 outside the PSA	X	X	
50' buffer for A-1 properties along Community Character Corridors outside the PSA with limited harvesting permitted within the buffer			X

h. Floodplain

Changes to the floodplain ordinance included increasing the freeboard requirement for construction, requiring hydrologic and hydraulic studies for any encroachment into the floodplain, referencing the Virginia Uniform Statewide Building Code for the purposes of requiring flood proof construction, and changing the definition of flood.

*Since the last review and at the Policy Committee's request, Section 24-596 was amended to clarify that the natural unfilled building site requirement only applies to buildings and would still permit other structures such as docks and piers.*

i. Exterior signs

*Since the Planning Commission meeting, staff has become aware of additional signage issues and proposes to defer consideration of the Exterior Signage ordinance until these issues can be discussed with the affected businesses. Therefore, the draft ordinance is not included in this packet and will be discussed at a future Board meeting.*

**RECOMMENDATION:**

At an advertised Public Hearing on October 5, 2011, the Planning Commission voted 6-1 to recommend approval of the Development Standards and Exterior Signage ordinances, Sound Wall Guidelines, CCC Buffer Landscape Treatment Guidelines and Map, Outstanding Specimen Tree Option Guidelines, Streetscape Policy, and Pedestrian Accommodation Master Plan subject to removing unrepresentative graphics from the Sound Wall Guidelines, adding "health, safety, and welfare" language back into statement of intent for the landscaping ordinance, and recommending Option 3 (50 foot buffers on A-1 properties outside the PSA and along a CCC with selective timbering allowed within the buffer) for the Timbering ordinance.

Staff recommends that the Board of Supervisors approve the Development Standards ordinances and the proposed Sound Wall Guidelines, CCC Buffer Landscape Treatment Guidelines and Map, Outstanding Specimen Tree Option Guidelines, Streetscape Policy, and Pedestrian Accommodation Master Plan with the changes as proposed by the Planning Commission. Per previous Board direction, staff has forwarded Timbering ordinance language for Option 1 in Attachment No. 16 for Board approval.

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Tamara A. M. Rosario

CONCUR:

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Allen J. Murphy, Jr.

TAMR/nb  
ZO6&14\_112211\_mem

Attachments:

1. Approved minutes of the October 5, 2011, Planning Commission Meeting
2. Development Standards Definitions
3. Sound Wall Resolution
4. Sound Wall Guidelines
5. Outdoor Lighting Ordinance
6. Landscape Ordinance
7. CCC Buffer Landscape Treatment Resolution and Guidelines
8. CCC Buffer Landscape Treatment Designation Map
9. Outstanding Specimen Tree Option Resolution and Guidelines
10. Streetscape Policy Resolution and Guidelines
11. Parking Ordinance
12. Private Streets Ordinance
13. Pedestrian Accommodations Ordinance
14. Pedestrian Accommodations Master Plan Resolution
15. Pedestrian Accommodations Master Plan
16. Timbering Ordinance
17. Floodplain Ordinance
18. Package of Clean Copies of above Ordinances (in Reading File)

**Approved Planning Commission Minutes, October 5, 2011**  
**ZO-0006-2011, Development Standards/ZO-0014-2011, External Signs**

Ms. Tammy Rosario stated staff has developed ordinance language, guidelines, and policies for sound walls, exterior signs, outdoor lighting, landscaping, parking standards, private streets, timbering, pedestrian accommodations and floodplains. She stated this language includes changes from the July Board work session. Staff also drafted a late item for the sign ordinance based on an outside request.

Mr. Poole asked if that was the document emailed to the Commission.

Ms. Rosario stated yes. She stated staff recommends approval of the development standards ordinance language, sound wall guidelines, outstanding specimen tree guidelines, streetscape policy, and pedestrian accommodations master plan.

Mr. Poole stated the County's first effort should be to avoid sound walls. He stated if they are used, the wall at the Midlands represents the gold standard. He asked staff to elaborate on the sound wall recommendations.

Ms. Rosario stated the County's first priority is to avoid sound walls, and the revised introduction to the guidelines includes this statement. She stated if walls cannot be avoided, the guidelines lay out design standards. Staff will work with VDOT to accomplish the guidelines.

Mr. Poole asked if plant material was a big part of that.

Ms. Rosario stated yes. She stated the guidelines covered the structure, building materials, and plant materials.

Mr. Poole stated one of the images on page 65 shows a sound wall with graphics on it. He stated he does not want to see that in the County.

Ms. Rosario stated the picture was not intended to promote graphics as a part of design guidelines but was a general illustration of texture. She stated staff would remove that image to be clear.

Mr. Poole stated he would rather see plant-covered walls rather than be able to see any sound walls.

Mr. Woods asked if he recalled correctly from a Policy Committee meeting that while the County can attempt to influence them, VDOT can move forward with its own criteria.

Ms. Rosario stated yes. She stated the policy does not bind VDOT, but gives staff a platform to work with the State.

Mr. Woods asked if the County can choose to upgrade from VDOT's baseline.

Ms. Rosario stated yes.

Mr. Woods asked if the County had taken advantage of the upgrades.

Mr. Murphy stated not until now. He stated the draft guidelines will give staff a platform to dialogue with VDOT. Staff intends to take advantage of VDOT's flexibility.

Ms. Rosario stated as an example, staff can seek additional plantings, which it has pursued in various existing locations along sound walls in the County.

Mr. Poole stated the wall should not be used for decorative statements, but covered with plant material.

Mr. Basic stated he wants to err on the side of having as many plantings as possible. He stated he would prefer staff remove images showing graphics from the guidelines.

Ms. Rosario stated staff would remove pictures depicting graphics on the walls and any references to graphics on the walls before the Board meeting.

Mr. Krapf stated he was concerned with the lack of timbering setbacks in A-1 outside the Primary Service Area (PSA) described on page 144. He stated this goes against the Comprehensive Plan. Community Character Corridors (CCC) are designated for specific reasons. He stated he was against not applying the CCC standards outside of the PSA. Timbering operations without buffers along Little Creek Dam Road look terrible. He stated he was in favor of extending the CCC buffers for timbering operations outside the PSA, but allowing selective harvests within the buffer to collect the weaker trees. He would not support that change to the proposed ordinance.

Ms. Rosario stated staff drafted three options dealing with buffers. She stated the Board directed staff at the work session to solicit citizen input from affected property owners outside of the PSA. Based on that feedback and direction from the Board, staff is presenting this option (Option 1) to the Commission this evening.

Mr. Poole stated he agreed with Mr. Krapf.

Mr. Fraley stated the Board rejected the Commission's original timbering setback recommendation for outside the PSA.

Mr. Woods stated the Commission should attach its own timbering recommendation to the vote. He stated that the Commission should not move from its original recommendation if it believes it is correct.

Mr. Basic stated Mr. Krapf's comments made sense and he would support them.

Mr. Krapf stated the Commission recommended timbering Option 3.

Mr. Basic stated the phrase "promote public health, safety, and welfare of the public" was stricken from the landscaping ordinance's statement of intent. He stated his profession relies on that phrase for developing performance standards. He asked staff to rework the phrase.

Ms. Rosario stated the County Attorney's office recommended striking the language.

Mr. Kinsman stated he was fine with reinserting the phrase.

Mr. Krapf moved to recommend approval of development standards with the following conditions: removal of the specified sound wall images from the guidelines; the addition of CCC timbering buffers outside of the PSA while allowing selective harvesting in the buffer for weak and diseased trees; and reinstatement of the language "promote public health, safety, and welfare of the public" in the landscape ordinance's statement of intent.

In a roll call vote, the Commission recommended approval (6-1: Yes: Basic, Maddocks, Woods, Krapf, Poole, Fraley; No: O'Connor). Mr. O'Connor noted that his vote was in regard to not supporting the extension of CCC buffer requirements for timbering outside the PSA.

Ms. Melissa Brown stated staff received an amendment request from Mr. Vernon Geddy to permit additional language on shopping center signs. She stated this would not increase signage size or type. Signs would become more flexible.

Mr. Fraley stated the Commission may not be able to deal with that request due to inadequate public advertising.

Mr. Murphy stated the Commission will not take action on that item.

Mr. O'Connor stated the Committee discussed how many monument signs the County would allow, including at the Norge Food Lion site. He asked if staff drafted a resolution.

Ms. Brown stated the update would allow the Norge Food Lion to use the primary monument, so it would not need to apply for a secondary monument. She stated staff opted to limit the height and structure of signs within a development, but not the number. Staff retains flexibility to consider those signs on a case-by-case basis.

Mr. Basic asked if staff could include a graphic showing how different sized fonts appear from the road on a 32 square foot sign.

Ms. Brown stated she would forward that to the Board.

Mr. Fraley opened the public hearing. Hearing none, Mr. Fraley closed the public hearing.

Mr. Fraley stated the Commission would have to re-vote on development standards due to having not opened the public hearing.

Mr. Krapf moved to recommend approval of development standards with the following conditions: removal of the specified sound wall images from the guidelines; the addition of CCC timbering buffers outside of the PSA while allowing selective harvesting in the buffer for weak and diseased trees; and reinstatement of the language "promote public health, safety, and welfare

of the public” in the landscape ordinance’s statement of intent. He also moved to recommend approval of the sign ordinance.

In a roll call vote, the Commission recommended approval (6-1: Yes: Basic, Maddocks, Woods, Krapf, Poole, Fraley; No: O’Connor).

## DEVELOPMENT STANDARDS DEFINITIONS\*

*\*Note that the below definitions are not under review for adoption at this time. They have been provided for context when reading proposed ordinances. The definitions will be part of a larger update to Article I, In General, Section 24-2, Definitions, which is scheduled for review in early 2012.*

### **Pedestrian Accommodations**

*Pedestrian Accommodations. A paved right-of-way for pedestrians and/or bicyclists that is separate and protected from the traveled portion of the roadway and is free of vehicular traffic that may include but is not limited to sidewalks and multiuse paths.*

### **Timbering**

*Timbering. Tree harvesting, cutting, or removal where the total amount of land on which tree cutting occurs exceeds 10,000 square feet, which is performed in accordance with accepted Virginia Department of Forestry best management practices for timber harvesting as determined by the state forester pursuant to § 10.1-1105 of the Code of Virginia, and which includes reforestation either by natural or artificial reforestation, or both.* However, timbering shall not include:

- (1) Harvesting, cutting, removal or other clearing of trees in accordance with an ~~approved~~ site plan, subdivision plan, or building permit *that is currently under review by the county or has received final approval*; or
- (2) *Removal of tree stumps or conduct of other land disturbing activities*; or
- ~~(2)~~ (3) *Removal of dead, diseased, dying, or insect damaged trees.*

### **Floodplain**

*Flood or flooding*

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from ~~the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.~~
  - (a) *the overflow of inland or tidal waters*; or,
  - (b) *the unusual and rapid accumulation or runoff of surface waters from any source.*
  - (c) *mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.*
- (2) The collapse or ~~subsistence~~ *subsidence* of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.

~~Floodplain~~ *Flood-prone area.* Any land area susceptible to being inundated by water from any source.

## **Outdoor Lighting**

*Footcandle. A measure of light falling on a surface. One (1) foot-candle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away. Foot-candle measurements shall be made with a photometric light meter and with a specified horizontal orientation.*

*Lighting fixture. A complete lighting unit consisting of the lamp, lens, optical reflector, housing and an electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.*

*Lighting fixture, directionally shielded. A lighting fixture which emits a light distribution where some light is emitted at or above a horizontal plane located at the bottom of a fixture. Such fixtures may contain visors, louvers or other types of shields or lenses which are designed to direct light onto a targeted area and to minimize stray light.*

*Lighting fixture, full cut-off. A lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the lighting fixture.*

*Lighting plan. A diagram depicting the location of all light poles and building mounted lighting fixtures in a specified area and a numerical grid of the maintained lighting levels that the fixture will produce in that specified area*

*Lumen. A quantitative unit measuring the amount of light emitted from a light source.*

**RESOLUTION**

**SOUND WALL DESIGN GUIDELINES**

WHEREAS, the Sound Wall Design Guidelines were recommended by the Policy Committee to assist in James City County's work with the Virginia Department of Transportation (VDOT) to ensure effective, aesthetically-pleasing sound walls in James City County when other planning solutions cannot avoid or mitigate the negative noise created by traffic; and

WHEREAS, the 2009 Comprehensive Plan identified the need to consider adopting a policy in coordination with VDOT that addresses the need for guidelines for sound wall design and landscape treatment; and

WHEREAS, the Policy Committee recommended endorsement of the Sound Wall Design Guidelines to the Planning Commission on February 7, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, endorsed the revisions to the Streetscape Guidelines Policy on October 5, 2011, by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the Sound Wall Design Guidelines dated November 22, 2011.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

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# SOUND WALL DESIGN GUIDELINES

November 22, 2011

Highway noise barriers tend to dominate their surroundings since they must be placed close to the roadway, frequently extend for thousands of feet along the right-of-way, and often must be over eight feet in height to be effective. The potential for adverse impact should be minimized by utilizing design principles in the planning process and by a thorough analysis of the site and existing conditions prior to design.

While it is James City County's intention to avoid the need for sound walls through effective land use and transportation planning, the need for such facilities may arise as the County grows. When other alternatives have been investigated and the remaining solution is a sound wall, these guidelines will establish a set of consistent specifications expected for building sound walls within the County. These specifications will help ensure that sound walls within the County are both effective sound barriers and aesthetically pleasing. The information below presents principle on eight design elements followed by specific guidelines for use within the County.

## I. PRINCIPLES OF LINE AND FORM

The line and form of a noise barrier are its two most dominant features. The line of a noise barrier is expressed as its outline in plan view, and as its top surface in elevation. Both are equally important visually to the motorist and highway neighbor. Long straight lines are monotonous and make a wall seem longer than it actually is. The effect on the motorist is that of being enclosed, as in a tunnel.

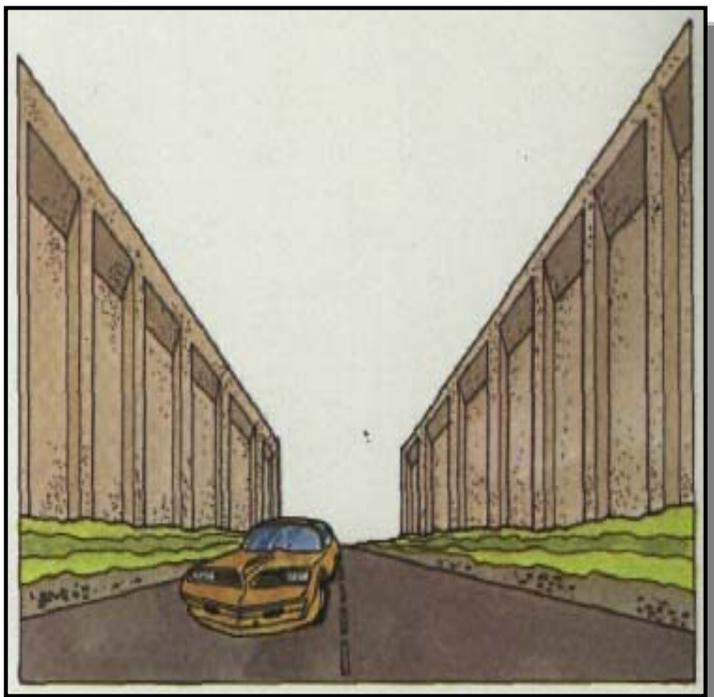


Figure 1 - Tunnel effect of high walls

High walls adjacent to a roadway tend to create anxiety in motorists - they slow down and unconsciously attempt to move away from the wall. The effect of a high, straight wall on the highway neighbor is that of forced enclosure. Corresponding negative attitudes about the wall may develop particularly if the wall is bare and without visual interest. Therefore the designer should consider the line of the noise barrier as a possible adverse visual impact and examine alternatives for reducing this impact.

The line of a noise barrier should reflect similar lines of the surrounding environment. In rolling terrain, a straight line seems out of place and attention is drawn to that line. However, in flat terrain, where

the horizon is visible as a straight line and the highway is straight, a straight line in a noise wall may be appropriate. A uniform top line of a wall would be appropriate in this case.

Where horizontal lines are evident in nearby structures, a horizontal line would be suitable in a noise wall. In a situation where the horizon is composed of alternating heights of buildings, an appropriate top line of a wall might vary in height as a reflection of the lines on the horizon.

Horizontal lines within the wall tend to make an object appear longer and lower. Vertical lines within the wall have the effect of added height and tend to make an object appear narrower. Sound walls tend to be long and high; therefore, both horizontal and vertical lines, if used improperly, may emphasize undesirable features in a wall. Horizontal lines are difficult to utilize in rolling terrain and should be avoided in this situation. Vertical lines should be avoided on extremely high walls. Combinations of horizontal and vertical lines may be effective where extreme height is a visual problem. The introduction of a vertical element is the key to proper visual balance. A vertical line should be distinct and massive enough to register as such. Noise barriers, as strong horizontals, need a correspondingly strong vertical for asymmetrical balance. Strong verticals may be designed into a wall through the use of pilasters, which further serve as structural support.

Plantings can be effective means of emphasizing vertical lines in a noise barrier. Columnar trees can be used even where space is limited. The use of vertical lines in the form of trees or through wall design should be as an accent, a balance with the horizontal. One should not replace predominantly horizontal with predominantly vertical lines. Care should be taken to achieve a balance between the vertical and the horizontal lines in noise barriers.

Sound walls which begin and end abruptly and consist of straight, unbroken lines often appear to be discordant elements in the landscape. These should appear to be a part of the highway scene wherever possible, and not give the impression of being placed as an afterthought. Walls should begin

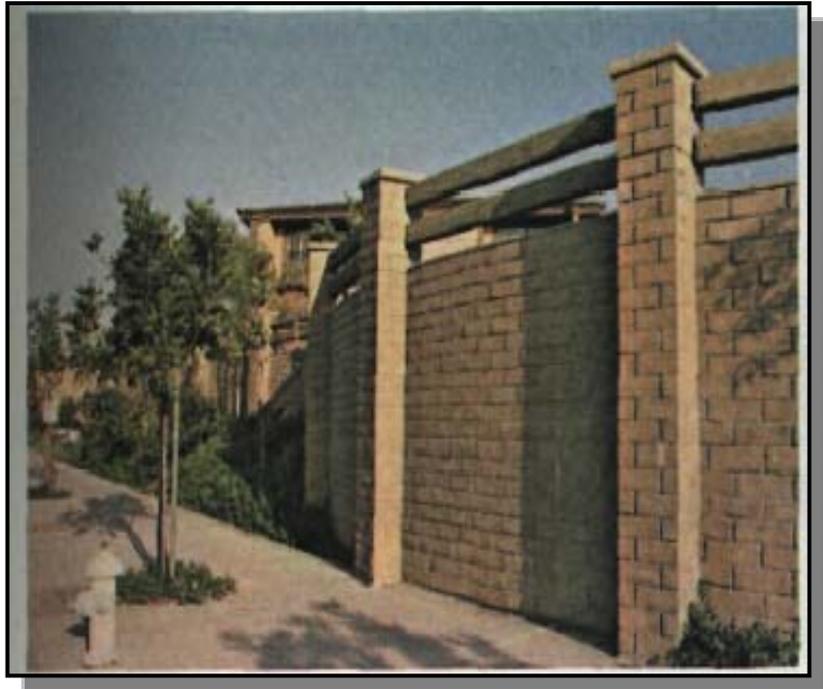


Figure 2 - Pilasters serve as vertical elements.

and end in a natural transition from ground plane to the desired height. Where space allows, the best transition is through the use of an earth berm or by tying the wall into the natural hillside. The line of the wall then appears to originate from the landscape.

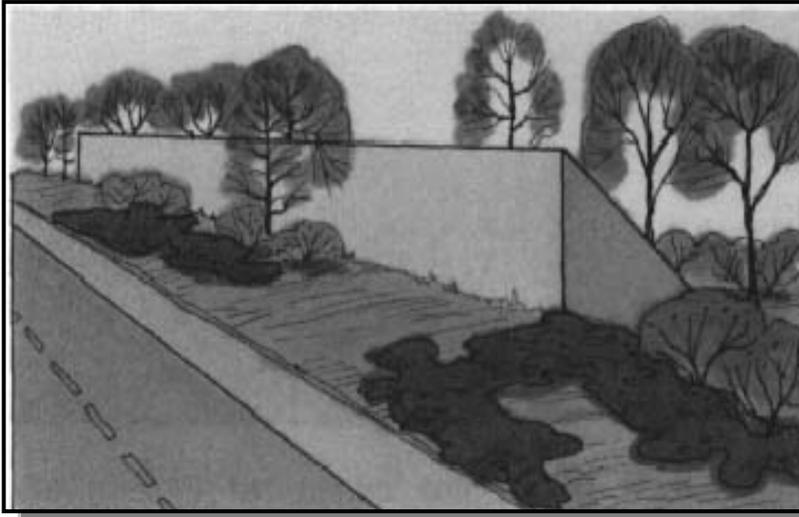


Figure 3 - Lines appear to be part of the landscape.

This may further be avoided by either gradually tapering the wall to a point near the ground or by stepping the wall in even increments until a point is reached where the wall is no longer visually dominant. Where possible, walls should tie into existing structures such as bridge abutments, retaining walls, etc., in order to achieve continuity of line.

Figure 4 – Plant materials help soften the wall.

The line of a wall may vary in plan view in order to reduce the straight line effect. A series of jogs in a wall serve to break the monotony of a straight wall and create pockets which may be used for plantings.

The breaks may further be used as transition points for change in texture, color, or wall height. The line may vary in a curvilinear manner to produce a serpentine wall, which likewise creates visual interest in a wall, and provides the opportunity for planting pockets.



Plantings also may be used to break an undesirable line in a wall. Trees in front of a wall soften the harsh lines; the eye perceives the form and outline of the trees as one with the line of the wall. Vines allowed to grow over a wall will likewise soften an otherwise highly visible hard line. Tree groupings should alternate on both sides of a wall - the viewer becomes less aware of the line of the wall since it becomes part of a composition of forms, rather than a separate element.

## **GUIDELINES FOR THE USE OF LINE AND FORM**

The lines and form designed into sound walls within James City County should mimic the lines and forms in the natural surroundings. If the terrain is rolling hills, then the lines and form of the wall should have horizontal and vertical elements and if the terrain is primarily flat then the design should incorporate predominantly horizontal lines.

## **II. PRINCIPLES OF COLOR**

Harmonious colors tend to soothe, contrasting colors tend to attract the eye, and clashing colors irritate. A sound wall placed along the highway may evoke similar responses in the motorist, depending upon the colors chosen. The motorist should be directed past a barrier with as little visual disruption as possible, because the primary attention of the driver should be on the road ahead and local traffic conditions. The colors chosen for the barrier should reflect and harmonize with the predominant colors of the highway environment in which it is placed. They should not attempt to match the color of trees, grass, or shrubbery because they are not related to such natural features by form. Rather, harmonious colors should be utilized. When used on structures in the landscape, earth colors (browns and grays of various tones) help to blend the structures into their environment. Structures which utilize these colors seem to belong to the landscape - they appear to be part of the landscape, rather than an unharmonious element added as an afterthought.

Color interest and variety may be achieved through the use of plant materials instead of by direct application on barriers. The added advantage of plantings is in seasonal variation of color. Plants which change color in spring, summer, and fall, when used in conjunction with a barrier, will impart a seasonal variation in the barrier as well. In most cases, the barrier should be of a neutral color which blends with the environment, rather than attracting attention.

## **GUIDELINES FOR THE USE OF COLOR**

The color of sound walls within James City County should be a natural earth tone that blends into the color of the existing terrain but does not match the color of plant materials that are to be placed in front of the wall. The wall should be a neutral color that will help the plant materials placed in front stand out. Walls that are over ten feet in height and one thousand feet in length should incorporate two

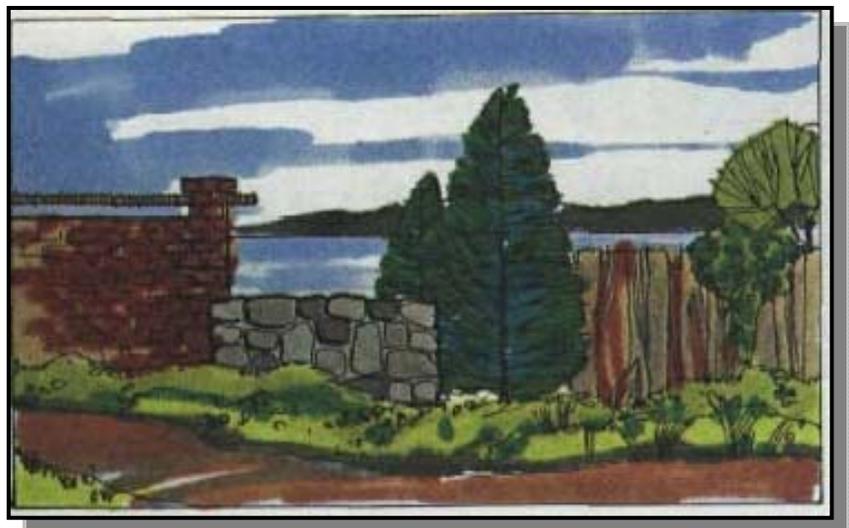


Figure 5 – Tone colors blend the walls with the landscape.

colors to break up monotony and give the wall some added interest. Incorporating more than two colors should only be applied to walls that are extremely large, and is not recommended for the smaller applications found in James City County.

The color of the plant materials selected to go in front of the walls should compliment but not match the color of the wall. The color of the plants should vary so as the motorist drives along it creates a progression of colors.

### III. PRINCIPLES FOR THE USE OF TEXTURE IN WALLS

The use of texture on sound walls helps to create a pleasant variety for both the motorist and the resident. A motorist views a barrier at speeds up to 55 mph and has little opportunity to examine details. Most details flash by in a blur. Walls present good opportunities for textural treatment. Texture should be used wherever possible for maximum visual potential. Cast-in-place and precast concrete has flexibility for variations in surface texture. Texture may be created during the casting process or applied afterward.

Figure 6 – A mixture of texture adds interest to the wall.



Exposed aggregate finishes create interesting textures, particularly where coarse aggregate is used in the mix. This is also effective when used alternately with other textures. The added advantage of exposed aggregate is low light-reflectance which helps to reduce the visual impact of the barrier. Wall colors can be varied, depending on the color of the aggregate.

Effects created in the casting process that result in areas of shadow help to create texture and break up the visual monotony of a plain wall. These may be created through the use of rustication strips or grooves placed in the forms, or by variation in the form itself. Horizontal overhangs or vertical jogs in a wall should be deep enough to cast a discernable shadow visible from a distance.

Perhaps the most visually effective method of creating texture in concrete is by using a combination of methods and textures, particularly for long and high barrier walls. Interesting effects may be obtained by varying the texture of a long section of wall; however, textures should be compatible and similar in contrast. Rarely should more than two textures be used on the same wall; the designer should avoid alternating textures in even, repetitive patterns. By varying the textures of the wall and textures of the plant materials the designer can create interest and break up monotony.

The texture between the plants and the wall should differ slightly and offer some contrast so the plants will stand out and not blend into the wall. Applying too many textures to the same wall can result in cluttered appearance that is not easily ignored by passing motorists.

### **CREATING TEXTURE WITH PLANTS**

Each type of noise barrier presents the opportunity for textural variation, which will aid in public acceptance of the barrier. Textural variation in earth berms can, perhaps, be best accomplished through the use of plantings. Plantings on the highway side should be arranged in large groupings or masses of a single plant type, size, or color. Plants with large leaves represent the coarsest textures and should be used "en masse" where this texture is desired. Massing should be in irregular, free-form patterns of varying size, rather than equally spaced and repetitive. There should be a contrast between the texture of the wall and the texture of the plants.

### **GUIDELINES FOR THE USE OF TEXTURE**

Sound walls within James City County should be designed so that the texture on the motorist side of the wall is a course texture that can be seen at high speeds and the residential side of the walls should have a fine texture that is easily seen by slow moving pedestrians.

James City County does not recommend using more than two textures on sound walls and using even, repetitive treatment of textures on long walls.

### **IV. PRINCIPLES OF CONTRAST**

A noise barrier may contrast with its surroundings by its line, form, texture, or color. In residential areas, the barrier should be unobtrusive and, therefore, low in contrast. On the highway side, a barrier should blend rather than contrast with the surroundings since high contrast is distracting to the driver. Plantings can either increase or decrease contrast of a noise barrier. Plantings that are similar in form, color and texture to other native plants present in the area help to reduce the contrast of a noise barrier. Plantings that are unique in form or color or that are dissimilar to native plants in an area tend to increase contrast. Likewise, to decrease contrast, plantings should be arranged in informal, natural groupings rather than in obvious, equally spaced, patterns.

Contrast may also be increased or decreased via color of the barrier itself. Where high contrast is desired, lighter colors or wall graphics may be used effectively. Darker, earth colors tend to reduce contrast. The designer should examine the site and surroundings in order to determine the predominant natural colors and choose similar or harmonious colors for the noise barrier where low contrast is desired.



**Figure 7 - Less contrast would have helped blend this wall into its surroundings.**

## **GUIDELINES FOR THE USE OF CONTRAST**

The design of sound walls in James City County should incorporate construction materials and plants that contrast slightly to their surroundings, helping to make the wall seem to be part of the landscape while contrasting enough to make the planting in front of the walls stand out. Line, form, color, and texture all contribute to contrast and each should be considered when choosing construction materials and plants.

### **V. PRINCIPLES OF SEQUENCE**

Travel on a highway is a continuous, ever-changing experience of vision and motion. A planned sequence of events creates interest for the moving observer; a static event creates monotony. A sound wall can create a pleasant visual experience for the motorist through a progression or planned sequence. The transition from ground plane to maximum barrier height should be a sequence of gradually increasing steps or a continuous sweeping line to help create this effect. A sequential experience may be created through the arrangement of plantings, by a gradual increase in height of trees and shrubs. Plant masses can be used to define a space by becoming, in effect, the walls of the enclosure. Varying the position of these masses with respect to the road creates a succession of confined and relatively open spaces. This pleasant feeling of motion and rhythm imparted to the moving observer tends to dramatize the experience of passing through the space.

## **GUIDELINES FOR SEQUENCING**

A sense of sequencing should be an element of all sound walls within James City County. Sequencing should be designed into the wall and the landscaping. Longer sound walls should have sequencing in the height of the wall and create areas that change the distance from the wall to the road. Indentations in the wall can create attractive niches that help break up the long expanse of wall and add a series of interesting spaces that change as the motorist moves by. Such indentations enable the designer to incorporate sequenced changes to the landscape and wall. Landscaping should be an informal design that changes as you progress along the wall. Groups of trees and shrubs should be utilized, repetitive treatments should be avoided. Treatment should change as the motorist moves along to pull the eye along the progression.

### **VI. PRINCIPLES OF DOMINANCE**

A dominant element attracts attention to itself in a visual scene. A noise barrier should not be the dominant feature along a highway. Dominance of a single element can be reduced through the introduction of other dominant elements which balance each other in the visual composition. Plantings in front of a barrier help to reduce visual dominance, particularly if the plantings are native varieties commonly found or present in an area. Color can also affect dominance. Brighter, contrasting colors make an object more dominant. Subdued, harmonious colors, similar to surrounding colors in intensity, tend to make an object less dominant. Wall design can also affect dominance of a noise barrier. Straight, high walls adjacent to the roadway appear imposing, an encroachment upon the space. Walls which step back in some way relieve this tight constricted feeling, and become less of a dominant element in the highway

environment. Similar patterns of dominance occur on the residential side of barriers, with equally similar effects upon the resident.

### **GUIDELINES FOR DOMINANCE**

Sound wall design within James City County should incorporate construction materials and plantings that reduce the visual dominance of the wall and emphasize the natural terrain and vegetation. The wall can appear to be part of the natural landscape by starting the placement of the wall from a wood line or berm and having the height increase as you progress and then decrease as you come to the end. The configuration of the wall should mimic the natural terrain and the landscaping should mimic the natural vegetation.

### **VII. PRINCIPLES OF LANDSCAPING**

The landscape treatment of sound walls should use plants that are similar to existing vegetation in the area and planted in an informal design that makes the wall appear to be part of the natural landscape. Repetitive uniform plantings should be avoided. Groups of plants placed in an informal pattern that pulls the eye along as you progress is preferred.

### **GUIDELINES FOR LANDSCAPING**

Sound walls built within James City County should always have landscaping installed in front and when possible have tall existing vegetation behind the wall. The County is aware



that it is not always possible for enough right of way area to be provided for landscaping. However every effort should be made to utilize as much area for landscaping that is practical. The landscape design should incorporate the design principles of line, form, texture color, dominance, sequencing, and dominance discussed above.

Figure 8 – Informal landscape design

## **PRINCIPLES FOR USE OF CONSTRUCTION MATERIALS**

There are a wide range of construction materials available for sound wall construction, ranging from wood, steel, rock, concrete, concrete block, and precast. All of these materials offer their own aesthetic and sound absorbing or sound reflecting properties. Typically the precast systems offer the most flexibility in design and are most often the most economical choice.



Figure 9 - Pre cast concrete systems are economical and attractive and offer a wide variety of styles.

## **CONSTRUCTION MATERIAL GUIDELINES**

All sound walls within James City County should utilize the most aesthetically pleasing products that offer suitable sound absorbing properties, and are readily available on the market today. Since sound walls are primarily funded by the Federal Government, efforts to keep cost below the \$30,000.00 per effected resident standard should be made. James City County would consider any construction material that can provide the proper noise abatement and costs within the proposed budget. Aesthetics should be the primary emphasis when choosing the type of construction material used, with cost also taken into consideration.

## **VIII. CONCLUSION**

The intent of these guidelines is to enable James City County to work closely with VDOT through the design process of sound walls. These guidelines will be made available to VDOT so the County's desired treatment of sound walls can be known before the design process begins. Once the design process begins the County shall be active in the public meetings portion. VDOT advertises the public meetings in local newspapers and sends out notices to the effected property owners. The meetings are typically held at local schools. It is the County's intent to have a representative at each of these meetings to advocate the design principles contained in these guidelines. The guidelines are intended to enhance the operation of these meetings by making the County's preferences known ahead of time and to ensure that the design of sound walls within the county are designed to be efficient sound mitigation facilities that are cost effective and aesthetically pleasing.

The following bullet points summarize the James City County's expectations for the design and construction of sound walls.

- The line and form of sound walls should mimic the line and form found in the natural landscape making the wall appear to belong as an element of the natural topography.
- Colors in sound walls should be earth tones that blend into the natural surroundings, and no more than two colors should be used.
- Textures used in sound walls should be compatible and similar in contrast. Rarely should more than two textures be used on the same wall. The textures of plant materials should contrast slightly with the texture of the wall to make the plants stand out.
- Sound walls should contrast with their surroundings only slightly so the wall blends into the natural landscape. Some contrast between the wall and plant materials should exist to make the plants stand out but not enough to be distracting.
- Sound walls should be designed to create a progression of line, form, color, texture and contrast known as sequencing. Sequencing should add changing interest to the wall and pull the eye along as one progresses along the wall.
- Sound walls within James City County should never dominate their surroundings. Sound walls should be designed to reduce the visual dominance of the wall and emphasize the natural terrain and vegetation.
- All sound walls in James City County should have landscaping installed in front when possible. Every effort should be made to provide a planting area. The landscape design should incorporate elements of line, form, color, texture, and contrast to reduce the visual dominance of the wall and make it blend into the natural surroundings. Landscaping should soften the wall and create a progression that pulls the eye along as one proceeds.
- Construction materials should be selected based on their aesthetic value and sound absorbing properties. The cost of materials should also be considered and an effort to keep cost below the proposed budget should be made.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, BY ADDING DIVISION 7, OUTDOOR LIGHTING, SECTION 24-129, STATEMENT OF INTENT; SECTION 24-130, LIGHTING PLAN SUBMISSION; SECTION 24-131, REQUIRED LIGHTING; SECTION 24-132, STANDARDS; SECTION 24-133, INSTALLATION OF LIGHTING FIXTURES; SECTION 24-134, MAINTENANCE; SECTION 24-135, SIGNS; AND SECTION 24-136, STREETLIGHTS IN RESIDENTIAL SUBDIVISIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, by adding Division 7, Outdoor Lighting, Section 24-129, Statement of intent; Section 24-130, Lighting plan submission; Section 24-131, Required lighting; Section 24-132, Standards; Section 24-133, Installation of lighting fixtures; Section 24-134, Maintenance; Section 24-135, Signs; and Section 24-136, Streetlights in residential subdivisions.

**Chapter 24. Zoning**

**ARTICLE II. SPECIAL REGULATIONS**

***DIVISION 7. OUTDOOR LIGHTING***

***Section 24-129. Statement of intent.***

*The intent of this ordinance is to require and set minimum standards for outdoor lighting to provide and control lighting in outdoor public places to promote public health, safety and welfare. These standards are intended to protect drivers and pedestrians from the glare of non-vehicular light sources; protect citizens and the night sky from nuisance glare and light trespass from improperly selected, placed,*

*aimed, applied, maintained or shielded light sources; promote energy efficient lighting design and operation; and protect and retain the intended visual character of the county.*

***Section 24-130. Lighting plan submission.***

*Where site lighting is required by this section, or is proposed by an applicant, lighting plans shall be submitted for county review and approval for site and subdivision plans. The lighting plan shall include the following:*

*(a) The layout of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed landscaping as shown on the landscape plan, and adjacent uses.*

*(b) The location of all proposed and existing light fixtures, including but not limited to, area, architectural, building entrance, canopy, soffit, landscape, flag, and sign.*

*(c) For all lighting of predominantly horizontal surfaces specified in section 24-132(a), an isofootcandle diagram that includes all light fixtures. The diagram shall depict the aiming angle of all fixtures and the projected foot-candle pattern to at least the 0.1 foot-candle level.*

*(d) Details for each light fixture, or category of light fixture, showing the type, pole design, mounting height, and wattage.*

*(e) Required Plan Notations:*

*(1) Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the county for review and approval prior to installation. Requests for substitutions shall be accompanied by a lighting plan that meets all requirements of this section and which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the approved plan.*

- (2) *The county may conduct a post-installation inspection to verify compliance with the requirements of this section and the approved lighting plan.*
- (3) *Upon written request by the applicant, the planning director may waive any requirement listed above after finding that such information would not be germane to the use and type of lighting proposed.*

**Section 24-131. Required lighting.**

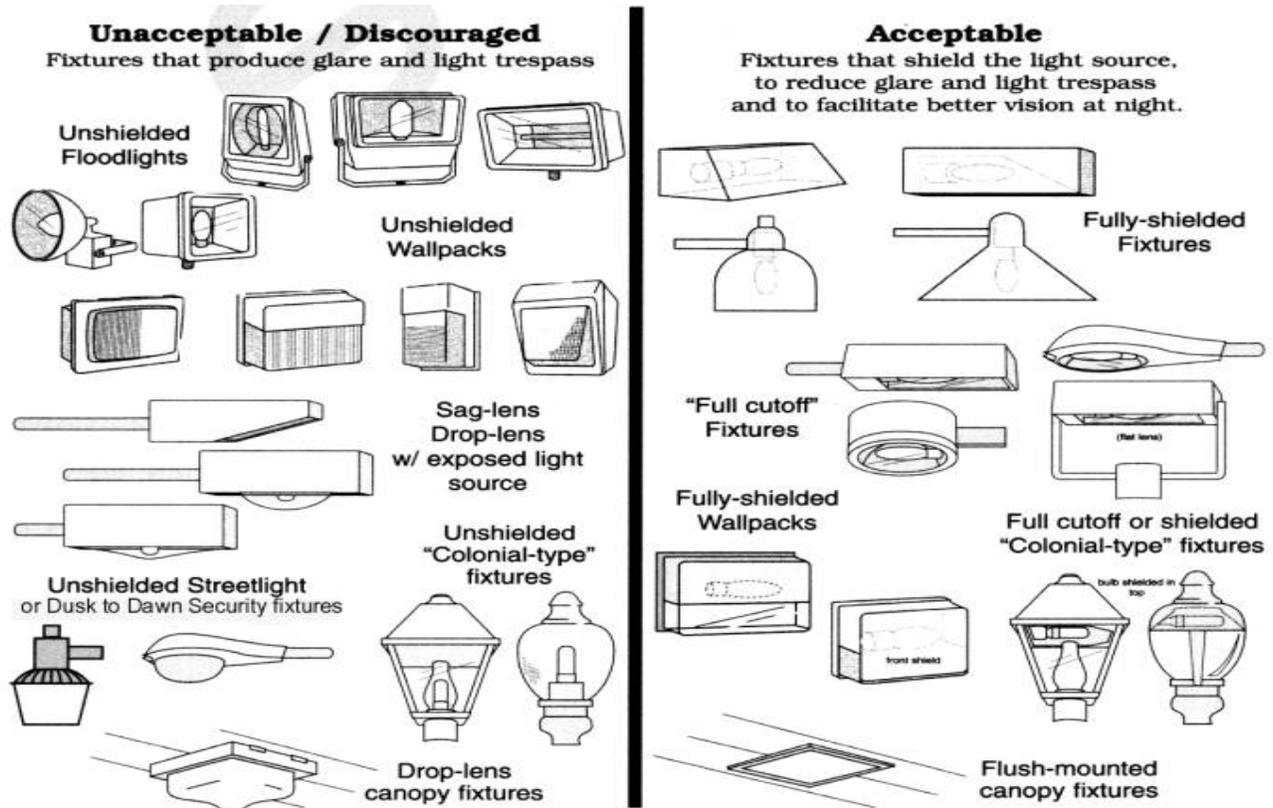
*Adequate lighting shall be provided for the building entrances and parking lots of uses which will be in operation at night. All other lighting proposed by an applicant (such as landscape lighting and sign illumination) is optional, but where proposed, must meet the requirements of this Division.*

**Section 24-132. Standards.**

*All lighting shall be aimed, located, designed, fitted and maintained in a way that will not present a hazard to drivers by impairing their ability to safely traverse the roadway and in a way that will not create a nuisance by projecting or reflecting objectionable light skyward or onto a neighboring use or property.*

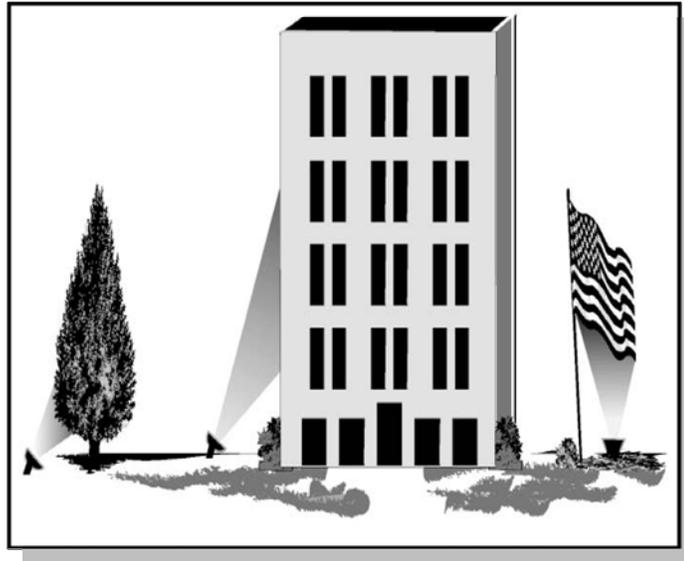
(a) *Lighting of predominantly horizontal surfaces. For the lighting of predominantly horizontal surfaces, light fixtures shall be full-cutoff fixtures that meet Illuminating Engineering Society of North America (IESNA) criteria, and shall be aimed straight down (see figure 1 below). Examples of predominantly horizontal surfaces include, but are not limited to, parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, under-canopy lighting (automotive-fuel dispensing facilities, drive-thrus, etc.), automotive sales areas, loading docks, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances.*

Figure 1 - Examples of unacceptable and acceptable light fixtures



(b) Lighting of predominantly non-horizontal surfaces. For the lighting of predominantly non-horizontal surfaces, light fixtures shall be full-cutoff or directionally shielded and shall be aimed and controlled so that light is confined, as much as possible, to the objects that are intended to be lit and does not project into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway (see figure 2). Examples of predominantly non-horizontal surfaces include, but are not limited to, buildings, facades, landscaping, signs, displays, flags, and statuary, when their uses are specifically permitted by the county. All outdoor lighting associated with illuminating signage shall be required to follow specifications for sign lighting found in article 2, division 3.

*Figure 2 – Lighting used for architectural and landscaping lighting shall be aimed and controlled so that light is confined, as much as possible, to the objects that are intended to be lit.*



*(c) Light trespass. Light trespass, defined as light intensity measured at 0.1 footcandle or higher extending beyond any property line or into the public right-of-way, shall be prohibited. In cases where there is a public pedestrian accommodation located within an adjacent public right-of-way, light intensity greater than 0.1 footcandle may cross into the right-of-way in order to light the pedestrian accommodation. In all other instances, the applicant may request a waiver to allow for a light intensity higher than 0.1 footcandle to extend beyond a property line upon written application to the planning director. In evaluating such a waiver, the planning director shall consider the type of lighting, impact on adjacent properties and roadways, and any circumstances that are unique to the property.*

*(d) Fixture height. Pole mounted light fixtures shall not exceed 30 feet in height. Height of the light fixture shall be the distance from ground or finished grade level to the highest point. Upon application to the planning director, the applicant may request a waiver to allow for the height to be raised to a height*

*in excess of 30 feet up to the height of the main structure on the property or a maximum of 60 feet above grade, whichever is less. Light fixtures mounted on poles which are intended for the illumination of athletic fields shall only be subject to the height limitations of the zoning district.*

*(e) Coordination with landscape plan. The applicant shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.*

*(f) Temporary lighting. Upon written request of the applicant, temporary use of spotlights, floodlights and other specialized lights which do not meet the standards specified above may be approved by the planning director. In this context, temporary lighting shall mean lighting used at events of a special or seasonal nature. Conditions may be attached to such approval at the discretion of the planning director.*

**Section 24-133. Installation of lighting fixtures.**

*(a) Poles and brackets for supporting light fixtures shall be those specifically manufactured for that purpose and shall be designed and rated for the light fixture and mounting accessory weights and wind loads involved.*

*(b) Pole foundations shall be designed to be consistent with manufacturer's wind load requirements and local soil conditions involved.*

**Section 24-134. Maintenance.**

*Light fixtures and ancillary equipment shall be maintained to meet the requirements of this ordinance.*

**Section 24-135. Signs.**

*All outdoor lighting used to illuminate signage shall be required to follow specifications for sign lighting found in article 2, division 3.*

***Section 24-136. Streetlights in residential subdivisions.***

*All outdoor lighting associated with streetlights in residential subdivisions shall only be required to follow the specifications found in Chapter 19, Subdivisions.*

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL; BY DELETING SECTION 24-41, OUTDOOR OPERATIONS AND STORAGE; BY AMENDING DIVISION 4, LANDSCAPING, BY AMENDING AND RENAMING SECTION 24-86, LANDSCAPING AND TREE PRESERVATION REQUIREMENTS WITH NEW NAME STATEMENT OF INTENT; BY AMENDING SECTION 24-87, ADMINISTRATION; BY RENUMBERING SECTION 24-88, MODIFICATION, SUBSTITUTION, TRANSFER, WITH NEW NUMBER 24-91; BY AMENDING AND RENUMBERING SECTION 24-89, TREE PROTECTION AND CRITERIA FOR TREE REMOVAL FOR ALL USES REQUIRING A LANDSCAPE PLAN, WITH NEW NUMBER 24-88; BY RENUMBERING SECTION 24-90, SIZE REQUIREMENTS FOR NEW PLANTINGS, WITH NEW NUMBER 24-92; BY AMENDING AND RENUMBERING SECTION 24-91, SUMMARY OF DEFINITIONS FOR TREES AND SHRUBS, WITH NEW NUMBER 24-93; BY RENUMBERING SECTION 24-92, PLANT MATERIAL STANDARDS, WITH NEW NUMBER 24-94; BY AMENDING AND RENUMBERING SECTION 24-93, TREE CREDITS, WITH NEW NUMBER 24-95; BY AMENDING AND RENUMBERING SECTION 24-94, GENERAL LANDSCAPE AREA STANDARDS, WITH NEW NUMBER 24-96; BY RENUMBERING SECTION 24-95, LANDSCAPE AREAS ADJACENT TO BUILDINGS, WITH NEW NUMBER 24-97; BY AMENDING AND RENUMBERING SECTION 24-96, LANDSCAPE AREA(S) ALONG RIGHT(S)-OF-WAY, WITH NEW NUMBER 24-98; BY AMENDING AND RENUMBERING SECTION 24-97, OFF-STREET PARKING LOT LANDSCAPING, WITH NEW NUMBER 24-99; BY AMENDING AND RENUMBERING SECTION 24-98, SCREENING, WITH NEW NUMBER 24-100; BY AMENDING AND RENUMBERING SECTION 24-99, LANDSCAPE REQUIREMENTS BY ZONING DISTRICT, WITH NEW NUMBER 24-101; AND BY ADDING NEW SECTIONS 24-89,

PHASED CLEARING PLAN; SUBMITTAL REQUIREMENTS; AND 24-90, GENERAL STANDARDS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-46, Reserved; by amending Division 4, Landscaping, Section 24-86, Statement of intent; Section 24-87, Administration; Section 24-88, Tree protection and criteria for tree removal for all uses requiring a landscape plan; Section 24-89 Phased clearing plan; submittal requirements; Section 24-90, General standards; Section 24-91, Modification, substitution, transfer; Section 24-92, Size requirements for new plantings; Section 24-93, Summary of definitions for trees and shrubs; Section 24-94, Plant material standards; Section 24-95, Tree credits; Section 24-96, General landscape area standards; Section 24-97, Landscape areas adjacent to buildings; Section 24-98, Landscape area(s) along right(s)-of-way; Section 24-99, Off-street parking lot landscaping; Section 24-100, Screening; and Section 24-101, Landscape requirements by zoning district.

## **Chapter 24. Zoning**

### **ARTICLE II. SPECIAL REGULATIONS**

#### **DIVISION 1. IN GENERAL**

##### **~~Section 24-41. Outdoor operations and storage.~~**

~~Any commercial or industrial operation or storage conducted in whole or in part out of doors shall:~~

- ~~(1) Set back a minimum of 35 feet from the right of way of any street identified on a functional classification with a right of way 50 feet or greater in width and 60 feet from the centerline of any street identified on a functional classification with a right of way less than 50 feet in width, except that the outdoor display of plant materials shall be set back ten feet from any road right of way 50 feet or greater in width and 35 feet from the centerline of any road right of way less than 50 feet in width; and~~
- ~~(2) Be well drained with adequate provisions to control storm drainage and erosion; and~~

- ~~(3) Where the ground cover would be routinely disturbed because of the nature of the activity to be conducted or because of vehicular traffic, the area shall be maintained in an all-weather surface; and~~
- ~~(4) Be screened from adjacent property by landscaping and fencing, except the outdoor displays for sale of vehicles, equipment, machinery and plant materials are exempt from the screening requirements where such screening would interfere with the visibility of the items for sale from a public road; and~~
- ~~(5) Be limited to uses and items to be stored which do not create noise, odor, dust or other objectionable effects. The effects of an activity shall be measured at the nearest property line.~~

#### DIVISION 4. LANDSCAPING

##### **Section 24-86. ~~Landscaping and tree preservation requirements.~~ *Statement of intent.***

The purpose of this ~~section~~ *division* is to promote the public health, safety and welfare by providing for the preservation *and planting of trees in order to safeguard and enhance residential and commercial real estate values; reduce noise, glare, and heat; conserve energy; buffer noise and wind; mitigate storm water runoff; protect properties from erosion; and provide habitats for wildlife.*

*These objectives will be realized through regulatory measures which seek to encourage planting of trees, discourage tree removal and promote preserving specimen trees. The preservation, installation, and maintenance of trees and plant materials which will:*

- (1) Ensure development which is consistent with the goals of the Comprehensive Plan related to natural resources, environmental and land use standards, community character corridors, and aesthetics;
- (2) Retain the historic and natural character of James City County by reducing the visual impact of signs, parking lots, buildings and structures and protecting, preserving and enhancing its natural physical wooded character with emphasis on preserving the existing tree canopy and other indigenous vegetation and providing such canopy and vegetation where it does not exist;

- (3) Minimize the environmental and land use impacts of developments associated with noise, glare, dust and movement; changes in appearance, character and value of neighboring properties; and effects on air and water quality, stormwater runoff, groundwater recharge and soil erosion by preserving existing tree canopies and indigenous vegetation and restoring such canopies and vegetation and providing other landscape features;
- (4) Promote traffic safety by controlling views and visually defining circulation patterns;
- (5) Provide more comfortable exterior spaces and conserve energy by preserving and providing tree canopies and other landscape features which provide shade and windbreaks; and
- (6) Ensure the location, type, and maintenance of plant materials creates and maintains a safe environment for users of the site.

**Section 24-87. Administration.**

- (a) *Landscape plan and tree clearing and protection plan; when required.* A landscape plan *and tree clearing and protection plan* is required for any site plan or residential *subdivision* plan for development subject to sections ~~24-98~~ *24-100* (f) and (g) and shall be submitted at the time of application for plan approval. The landscape plan shall be prepared and approved in accordance with article III, Site Plan. The landscape plans shall also indicate the location of all existing and planned utilities *and any proposed outstanding specimen tree. The tree clearing and protection plan shall be prepared and approved in accordance with section 23-10 (3) of the County's Chesapeake Bay Preservation Ordinance. The landscape plans shall also indicate the location of all existing and planned utilities, and any proposed designated outstanding specimen tree as defined in section 24-93 of the zoning ordinance; and*
- (b) *A narrative shall accompany the plan explaining how only trees necessary for the development of the site are proposed to be removed and that no adverse impacts are created on adjacent properties that result in damaged trees.*

~~(b)~~(c) *Landscape plan; who prepares.* A Virginia registered landscape architect, a member of the Virginia Society of Landscape Designers, or a Certified Virginia Nurseryman with experience preparing planting plans and landscape construction drawings, shall prepare landscape plans for projects that propose a new building or group of new buildings whose building footprint(s) exceeds 2,500 square feet; or propose site improvements which result in the disturbance of 5,000 or more square feet of land area.

~~(c)~~(d) *Plan requirements and determinations.* Where requirements of this section are based on zoning or planning designations, such designations shall be determined by the county zoning district map, Comprehensive Plan and Six-Year Secondary Road Plan and the official planning and zoning documents of the adjoining jurisdiction if applicable. Required landscape areas shall exclude any planned future right-of-way as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, ~~Peninsula Area~~ *Long Range* Transportation Plan, approved master plan, or any road plan adopted by the board of supervisors.

~~(d)~~(e) *Installation of required landscaping, performance guarantee.* Where a landscape plan is required, landscaping shall be installed and existing trees shall be preserved in conformance with the approved landscape plan. A certificate of occupancy shall not be issued until all landscaping has been installed in accordance with the approved landscape plan unless the installation of any incompletd landscaping is guaranteed as provided in section 24-8.

~~(e)~~(f) *Maintenance of landscaping.* The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials, fences and barriers as may be required by the provisions of this section. All plant materials, including existing trees preserved to meet the requirements of this section, shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. Fences and walls shall be maintained in good repair. Replacement material shall conform to the original intent of the approved landscape plan and any replacement planting shall meet the minimum requirements of this section.

**Section 24-8988. Tree protection and criteria for tree removal for all uses requiring a landscape plan.**

(a) *Standards for tree protection and impervious cover.* Existing mature trees shall be preserved except in impervious areas and impervious cover shall be limited to the extent permitted in the county's Chesapeake Bay Preservation Ordinance. Existing mature and specimen trees shall be integrated into the overall plan of development and shall be preserved so as to promote the intent of this section. The commission or planning director, depending upon the applicable review process, may require that certain mature trees or specimen trees be preserved upon determination that they contribute significantly to the character of the county and that preservation is necessary to satisfy the intent of this section. The purpose of this paragraph is to protect such trees and other amenities which could otherwise be lost due to careless site design or construction. All trees to be preserved shall be protected in accordance with the standards of this section.

(b) *Tree protection.*

- (1) All trees to be preserved shall be protected before, during and after the development process in accordance with specifications contained in the *Virginia Erosion and Sediment Control Handbook*. The applicant shall include a conservation checklist for review and approval by the ~~environmental~~ *engineering and resource protection* director which shall ensure that the specified trees will be protected in accordance with these specifications.
- (2) Groups of trees shall be preserved rather than single trees. Trees or groups of trees to be preserved shall be clearly marked in the field.
- (3) Trees and groups of trees to be preserved shall be enclosed by a substantial, temporary fence or barrier as specified by the ~~environmental~~ *engineering and resource protection* director. The location, type, and installation standards for protective tree fencing shall be clearly shown on the site plan. The fence or barrier shall be located and maintained outside the

dripline before commencement of clearing or grading. The fencing or barrier shall remain throughout construction and any subsequent grading or excavation unless otherwise approved on a clearing and grading plan. In no case shall materials, debris, fill, vehicles or equipment be stored within this enclosure, nor shall the topsoil layer be disturbed except in accordance with tree protection standards approved as part of the conservation checklist.

- (4) The developer shall be responsible for ensuring these areas are protected in accordance with this section. Where changes from the existing natural grade level are necessary, permanent protective structures, such as tree walls or wells, shall be properly installed in accordance with the *Virginia Erosion and Sediment Control Handbook*, as required by the ~~environmental engineering and resource protection~~ director.

(c) *Tree removal:*

Outside impervious areas, trees may be removed in accordance with sections ~~24-96 (e) (2) and (3)~~ ~~98 (f) (2) and (3)~~.

***Section 24-89. Phased clearing plan; submittal requirements.***

- (a) *“Phased clearing” means the clearing or grading of a parcel of land in distinct portions with the stabilization of each disturbed section before the cutting and removal of trees or grading of the next section. A phased clearing plan shall be required to be submitted with the tree clearing and protection plan on all sites upon which more than 25 acres are disturbed. The size of each phase will be established at site plan review and as approved by the planning director or Development Review Committee (DRC) and the planning commission for plans meeting the criteria of section 24-147. Phased clearing plans and grading plans shall be coordinated to provide a balancing of cut and fill operations to minimize the need to transport fill materials on- or off-site. Exemptions to these phased*

*clearing plan submittal requirements may be granted by the planning director for parcels that have an insignificant amount of existing trees or when it can be shown that clearing the site in portions would be impractical and that phasing would not provide any economical, environmental, or public benefit.*

**Section 24-90. General standards.**

- (a) *All tree removal shall be limited to the area required for the practical development of the site. No clear cutting shall be permitted except when it is shown that the complete removal of vegetation is necessary for the development of the site. Clear cutting is defined as removal of large areas of existing vegetation in areas not necessary for the construction of buildings and or the infrastructure associated with the development.*
- (b) *This ordinance strongly encourages the planting of trees native to eastern Virginia and/or adaptable to the coastal conditions and climate of James City County. As a resource for developing tree plans, the planning director or his designee shall maintain and make available to the public a list of desirable trees based on their adaptability to the climate of eastern Virginia.*

**Section 24-88 9I. Modification, substitution, transfer.**

(a) *Findings for acceptance of modifications, substitutions, or transfers.* The commission or planning director may modify, permit substitutions for any requirement of this section, or permit transfer of required landscaping on a site upon finding that:

- (1) Such requirement would not promote the intent of this section;

- (2) The proposed site and landscape plan will satisfy the intent of this section and its landscape area requirements to at least an equivalent degree as compared to a plan that strictly complies with the minimum requirements of this section;
- (3) The proposed site and landscape plan will not reduce the total amount of landscape area or will not reduce the overall landscape effects of the requirements of this section as compared to a plan that strictly complies with the minimum requirements of this section;
- (4) Such modification, substitution or transfer shall have no additional adverse impact on adjacent properties or public areas; and
- (5) The proposed site and landscape plan, as compared to a plan that strictly complies with the minimum requirements of this section, shall have no additional detrimental impacts on the orderly development or character of the area, adjacent properties, the environment, sound engineering or planning practice, Comprehensive Plan, or on achievement of the purposes of this section.

(b) *Cases for modifications, substitutions, or transfers.* Requests for modifications, substitutions or transfers may be granted in the following cases:

- (1) The proposed landscape plan, by substitution of technique, design or materials of comparable quality, but differing from those required by this section, will achieve results which clearly satisfy the overall purposes of this section in a manner clearly equal to or exceeding the desired effects of the requirements of this section;
- (2) The proposed landscape plan substantially preserves, enhances, integrates and complements existing trees and topography;
- (3) Where, because of unusual size, topography, shape or location of the property or other unusual conditions, excluding the proprietary interests of the developer, strict application of

- the requirements of this section would result in significant degradation of the site or adjacent properties;
- (4) The proposed landscape design or materials involve a readily discernible theme, historic or otherwise, or complements an architectural style or design;
  - (5) Where it is necessary to allow the subdivision of property on which commercial or industrial units will be for sale, for sale in condominium or for lease, and such units are constructed as part of a multiunit structure in which the units share common walls or are part of a multiple-structure development, and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan; or
  - (6) Where transfers of required landscape areas to other areas on a site are necessary to satisfy other purposes of this section, including transfers to increase screening or preserve existing trees, provided such transfers do not reduce overall landscape requirements for a development.

(c) *Process for requesting modifications, substitutions, or transfers.* Requests for modifications, substitutions or transfers shall be filed in writing with the planning director and shall identify the specific requirement of this section and the reasons and justifications for such request together with the proposed alternative. Depending upon whether the landscape plan is subject to commission or administrative review, the commission or planning director shall approve, deny, conditionally approve or defer action on such request and shall include a written statement certifying the above findings. The commission or planning director may require the applicant to provide plans, documentation or other materials to substantiate these findings.

In the case of approvals or conditional approvals, this statement shall include a finding as to the public purpose served by such recommendations, particularly in regard to the purposes of this section. The planning director shall notify the applicant in writing as to the reasons for such action within 30 days

of submittal of administrative plans meeting all applicable submittal criteria or within five working days of such decision by the commission.

**Section 24-90 92. Size requirements for new plantings.**

Planted trees and shrubs shall conform to the minimum size requirements outlined in the following table.

Size Requirements for New Plantings		
Category	Type	Minimum Size at Planting
Trees	Deciduous Shade Tree (D)	Minimum Caliper is= 1.5".
	Evergreen (E)	If multi-stemmed, minimum height shall be 8-feet. If single-stemmed, minimum caliper shall be 1.25" with minimum height of 8-feet.
Ornamental Tree	Single-Stemmed (D) or (E)	1.25" in caliper and 8-feet in height.
	Multi-Stemmed (D) or (E)	8-feet in height
Shrub	Low Growing Woody Plant having several permanent stems	18" if evergreen. 22" if deciduous.
Caliper - The diameter of a tree trunk measured 6" above-ground for nursery stock.		

**Section 24-91 93. Summary of definitions for trees and shrubs.**

Outlined below is a quick reference of the definitions for trees and shrubs. Please refer to section 24-2 for complete definitions of these terms.

Type	Character	Minimum Size
Specimen Tree	Free of disease and significant damage or which is notable by virtue of its outstanding size and quality for its particular species.	Diameter at breast height (DBH) is 24" or greater.
<i>Outstanding Specimen Tree</i>	<i>Free of disease and significant damage or which is notable by virtue of its outstanding size, form, shape, spread, and quality for its particular species as determined by the planning director or his designee per the Outstanding Specimen Tree Designation guidelines and form.</i>	<i>Trees designated as outstanding specimens by the planning director or his designee.</i>
Mature Tree	Free of disease and significant damage.	DBH is 8" or greater

Understory or Ornamental Tree	Trees that typically do not exceed a height of 40-feet at maturity. Understory are those trees typically found within a native plant community. Common understory examples include: Wax Myrtle, American Holly, and Dogwood. Examples of ornamental trees include Japanese Maple and Crape Myrtle.	
Overstory Tree	Trees that typically exceed a height of 40-feet at maturity. Common examples include: Loblolly Pine, Oaks, Red Maple, and London Plane Tree.	
Diameter at breast height (DBH) -The diameter of a tree trunk measured 4.5 feet from the ground.		

**Section 24-92 ~~94~~. Plant material standards.**

(a) All required plantings shall conform to the most recent edition of *American Standard for Nursery Stock*, published by the American Association of Nurserymen, and shall be planted in accordance with the most recent edition of *Guidelines for Planting Landscape Trees and Planting and Care of Trees and Shrubs*, published by the Virginia Cooperative Extension Service.

(b) Required planting materials shall be of a species that promotes the intent of this division and that is compatible with the proposed planting environment.

(c) Transplanting for the purpose of achieving a larger size tree may be approved, provided it is done in accordance with accepted horticultural and silvicultural practices.

**Section 24-93 ~~95~~. Tree credits.**

(a) Existing viable trees, preserved on the site in accordance with the tree protection standards outlined in section 24-89 ~~88~~ (b), may provide tree credits which shall reduce the number of new trees required to be installed.

(b) The trees to be saved shall be clearly identified on the landscaping plan *and tree clearing and protection plan*. The plans shall identify the specific location, number, size, and type of trees proposed to be saved and the requested tree credits.

(c) The amount of tree credit is outlined in the following chart.

<b>Tree Credits</b>	
Trees to be saved:	Tree Credits:
1 viable ornamental tree meeting the minimum size at planting as described in section <del>24-90-93</del> .*	1 planted ornamental tree.
3 viable trees meeting the minimum size at planting as described in section <del>24-90-93</del> .*	1 planted tree.
1 viable mature tree.	2 planted trees.
1 viable specimen tree.	3 planted trees.
<i>1 viable outstanding specimen tree as approved by the planning director or his designee.</i>	<i>5 planted trees</i>
No credit shall be given for any trees that are not protected in full compliance with the tree protection standards listed in section <del>24-89</del> 88(b).	
* The trees to be saved shall be “tagged” in the field <del>and the</del> <i>in order for</i> the planning director or his designee <del>shall to</del> inspect the trees to determine which trees are eligible to receive credit. Only those trees which are healthy, of the minimum size noted above, and are of a suitable quality shall be deemed acceptable for receiving credit.	

**Section ~~24-94~~ 96. General landscape area standards.**

(a) *Tree preservation and the minimum number required.* Existing trees shall be retained to the maximum extent possible in all landscape areas. All required landscape areas, other than landscape areas adjacent to buildings and within parking lots as required in sections ~~24-95 and 24-97~~ *and 24-99*, shall contain at least a minimum number of trees and shrubs as specified in the following chart:

<b>Quantity Requirements - General Landscape Area Standards</b>		
<b>AND</b>		
Number of Trees	Number of Shrubs	Per
1	3	400 square feet of total landscape area provided.

(b) *Size and mixture requirements.*

<b>Size and Mixture Requirements - General Landscape Areas</b>		
Percentage	Of	Shall Be:
At least 35%	Trees	Minimum Caliper of 2.5" at planting
Minimum of 15% and Maximum of 25%	Trees	Ornamental trees
At least 35%	Trees	Evergreen Trees which will achieve a minimum height of 40 feet at maturity.
At least 40%	Trees	Deciduous Shade Trees which will achieve a minimum height of 50 feet at maturity.
At least 35%	Shrubs	Evergreen

(c) *Distribution, mixture and placement.* Planted trees and shrubs shall be reasonably distributed throughout the site singly or in groups, with an appropriate mix of planting types and species which achieves the purposes of this section. Required landscape areas shall be designed so as to not create vehicular and pedestrian hazards.

**Section 24-95 97. Landscape areas adjacent to buildings.**

A landscape area which is a minimum of ten feet wide shall be provided adjacent to buildings. Up to one-half of this area may be transferred elsewhere on the site. This area shall contain a number of trees and shrubs equal to at least the minimums specified in the following chart.

Quantity Requirements - Adjacent to Buildings		
OR		
Number of Tree(s)	Number of Shrubs	Per
1 ornamental	5	200 square feet of planting area.

**Section 24-96-98. Landscape area(s) along right(s)-of-way.**

- (a) *Width requirements.* A landscape area having an average width as specified in the following chart shall be provided adjacent to any existing or planned road right-of-way.

Width Requirements for Landscape Areas along Right(s)-of-Way.			
<b>(1) Community Character Corridors</b>			
	Standard	Minimum width conditioned upon approval of planning director. Reference section 24-96-98(d) (e) for the criteria.	Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	50-feet	30-feet	20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	25-feet	20-feet	15-feet
<b>(2) All Other Roads</b>			
	Standard		Reduction for Lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	30-feet		20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	15-feet		15-feet
<b>(3) Further Reductions for Master Planned Communities with approved Design Guidelines.</b>			
The standards provided above can be further reduced for developments that are part of an approved master-planned community and have a governing set of design guidelines approved by the county. The design guidelines shall specify architectural standards, building placement and massing, parking location, sidewalks, street-lighting, streetscape standards, landscaping, signage, and other important community aesthetic features.			

(b) *Square footage calculation for landscape areas.* All landscape areas along a right-of-way shall contain a minimum amount of square footage which shall be equal to:

<b>Square Footage Calculation</b>
Square Footage = [Applicable Average Width Requirement] * [Length of Right-of-Way Frontage]

In no case shall any portion of any landscape area located more than 65 feet from the right-of-way of a community character corridor or 45 feet from the right-of-way along all other roads be counted toward meeting the requirements of this paragraph. All required square footage shall be contiguous and located in an area that is directly adjacent to the right-of-way except as provided for in section 24-96 98 (e)(f)(1).

(c) *Outdoor operations and storage.*

*Any commercial or industrial operation or storage conducted in whole or in part out-of-doors shall:*

- (1) Be screened from the right of way and conform to the landscape requirements in section 24-98 and 24-100 (a) of the zoning ordinance. Evergreen tree and shrub mixture requirements of section 24-94 (b) shall be used to screen the outdoor operations from the public right-of-way; and*
- (2) Be well drained with adequate provisions to control storm drainage and erosion; and*
- (3) Where the ground cover would be routinely disturbed because of the nature of the activity to be conducted or because of vehicular traffic, the area shall be maintained in an all-weather surface; and*
- (4) Be screened from adjacent property by landscaping and fencing, except that outdoor displays for sale of vehicles, equipment, machinery and/or plant materials shall be exempt from the screening requirements where such screening would materially interfere with the visibility of the items for sale from a public road; and*

(5) *Be limited to uses and items to be stored which do not create noise, odor, dust or other objectionable effects. The effects of an activity shall be assessed at the nearest property line.*

~~(c)~~(d) “Construction zone” setback for structures.

- (1) All structures shall be setback a minimum of 15-feet from the perimeter of the landscape area buffer required in section 24-96 98 (a). For example, if the required landscape area buffer measures 50-feet in width from the right-of-way, then the structure(s) shall be no closer than 65-feet from the right-of-way.
- (2) The “construction zone” setback shall be clearly delineated on the site plan.
- (3) This “construction zone” setback shall not apply to parking lots. Parking lots may be constructed up to the edge of the required landscape buffer provided no grading, tree removal, or land disturbance occurs within the required landscape buffer.

~~(d)~~(e) *Waiver criteria for landscape areas along community character corridors.* The average width requirement of the required landscape areas along community character corridors may be reduced by the planning director if number (1) and/or (2) provided below is satisfied. In no case shall the total reduction exceed 20 feet. In deciding whether a reduction in the standard landscape area width is warranted, the planning director shall consider the impact of proposed road and/or utility improvements on existing trees and vegetation. Planned road and/or utility improvements that will remove existing trees and vegetation will reduce the likelihood of a reduction in landscape area required. In approving a reduction request, the planning director may require additional plantings beyond the minimum ordinance requirements, alter the mixture of plantings provided, and/or specify the types of plantings to be used.

- (1) The applicant may achieve a maximum reduction of 10 feet by providing superior site design with a combination of elements such as:
  - a. Parking located away from public view behind buildings or screened by other architectural features (i.e. decorative brick walls);

- b. Innovative use of grading and topography to minimize visual impacts of parking and other unsightly features (i.e. dumpsters, HVAC equipment, loading areas, etc.);
  - c. Provision of pedestrian amenities beyond what the ordinance requires. Examples may include brick pavers to connect existing and planned pedestrian walkways, lighting, and benches; or
  - d. The use of monument style signs that are of a scale and type that complement the positive features of the surrounding architecture and streetscape. The use of wood, brick, or other natural features is recommended.
- (2) The applicant may achieve a maximum reduction of 15 feet by providing superior architecture and building materials that meet the following standards.
- a. The building architecture and materials complement the positive features of nearby existing or planned development and/or the character of Colonial Williamsburg and James City County;
  - b. Architecture and materials should be unique and not replicate standard and/or conventional prototypes; and
  - c. The proposed location of the building and parking areas shall not require the removal of specimen trees or large stands of viable mature trees.

~~(e)~~(f) *Right-of-way landscape area performance standards.*

- (1) Permitted breaks in landscape areas.
- a. All landscape areas along right-of-ways shall be continuous along the road right-of-way frontage, except where driveway, utility or other breaks running perpendicular to the right-of-way are necessary, and shall be designed in a manner that achieves the intent of this division.

- b. No new utilities, outside of those running parallel to permitted breaks in the required landscape areas, shall be located within the required landscape area(s) unless a waiver is granted by the planning director. The planning director shall grant a waiver only if the applicant can sufficiently demonstrate that there are unavoidable physical or regulatory constraints that warrant an intrusion into the landscape area.
- (2) Tree preservation and criteria for tree removal.
- a. All existing viable mature trees (eight inches or greater diameter at breast height (DBH)) and specimen trees (24 inches or greater DBH) shall be preserved within the required right-of-way landscape area. All understory trees of two inches or greater DBH shall be preserved.
  - b. The planning director or his designee may permit the removal of understory and overstory trees exceeding these size thresholds after an on-site inspection. The trees must be tagged to allow for easy identification. The planning director or his designee shall authorize removal of the tagged trees only if they are of poor quality, diseased, not consistent with the existing or planned plant species and design, poorly situated so as to interfere with the growth of other viable trees and/or shrubs, compromise safety, or interfere with other planned site improvements such as sidewalks and/or signs.
- (3) Buffer grooming and enhancement.
- a. Trees below the size thresholds stated above in paragraph (2) and underbrush may be hand-removed from the landscape area. No grading shall be permitted; however, hand grooming is permitted.
  - b. Overstory tree limbs may be removed/"limbed-up" to a maximum height of ten feet above the base of the tree. Understory tree limbs may be removed/"limbed-up" to a maximum height of

six feet. These height limitations shall not restrict the removal of dead, diseased, or injured tree limbs above the height limits mentioned above.

- (4) Tree protection required. The required landscape area shall be fully protected by a substantial, temporary fence or barrier with a minimum height of 40-inches. The location, type, and installation standards for this fence shall be clearly shown on the site plan. This fence shall be installed prior to the issuance of a land disturbance permit and shall remain standing until all construction activities on site have been completed.
- (5) Landscaping required. Required landscape areas shall be supplemented where necessary with planted trees and shrubs to achieve the minimum number of trees and shrubs specified in ~~paragraph~~ section 24-94 96.

*(6) Landscaping treatments of community character corridor buffers. Right of way landscape areas along community character corridors as designated on the Community Character Corridor Buffer Designation and Treatment Map shall be designed to meet the design standards found in the Community Character Corridor Buffer Treatment Guidelines as determined by the planning director.*

**Section 24-97 99. Off-street parking lot landscaping.**

Parking areas, accessory or otherwise, containing ten or more parking spaces shall contain landscaping and landscape areas in accordance with all of the following:

- (a) *Preservation of trees.* Parking lots shall be designed and constructed so that existing viable trees are preserved in a manner which will meet the intent and satisfy the requirements in this section to the maximum extent possible. Where such existing trees do not fully satisfy these requirements, additional trees shall be planted in an amount which meets or exceeds the stated minimum requirements. The requirements in this paragraph shall be in addition to other requirements stated in this section.

(b) *Landscape area and planting requirements.* Total landscape area within the parking lot shall at least meet the minimum standards specified in the following chart.

<b>(1) General Requirements for Parking Lot Landscaping.</b>	
<b>Percentage of Landscape Area Required within the Parking Lot</b>	<b>Based On:</b>
Minimum 10%	Surface Area of Parking, including drives & circulation areas, exclusive of any perimeter landscape areas or landscape areas around the building.
<b>Lots less than 65,000 square feet recorded or legally in existence prior to July 3, 1990</b>	
Minimum 7.5%	Surface Area of Parking, including drives & circulation areas, exclusive of any perimeter landscape areas or landscape areas around the building.

<b>(2) Quantity Requirements for Parking Lot Landscaping.</b>		
<b>AND</b>		
<b>Number of Trees</b>	<b>Number of Shrubs</b>	<b>Per</b>
1	2	5 parking spaces in the parking lot.
<b>Lots less than 65,000 square feet recorded or legally in existence prior to July 3, 1990</b>		
1	2	10 parking spaces in the parking lot.
As provided above, each mature existing tree or specimen tree may be counted toward meeting the required minimum number of trees, with one (1) viable mature tree substituting for two (2) planted trees and one viable specimen tree substituting for three planted trees. No credit shall be given for any mature or specimen tree which is not protected in full compliance with the tree protection standards in section 24- <del>89</del> 88 (b) above.		

<b>(3) Size and Mixture Requirements for Parking Lot Landscaping.</b>		
<b>Percentage</b>	<b>Of</b>	<b>Shall Be:</b>
At least <del>35%</del> 25%	Trees	Evergreen Trees which will achieve a minimum height of 40 feet at maturity.

At least 50%.	Trees	Deciduous Shade Trees with a 2.5 inch caliper which will achieve a minimum height of 50 feet at maturity.
At least 50%	Shrubs	Evergreen

(4) Minimum Spacing Requirements for Required Trees in Parking Areas
The required trees shall be spaced no more than <del>75</del> 99 feet apart throughout the parking lot. These trees shall be evenly and reasonably distributed throughout the parking lot in a manner that promotes the intent of this section.

(c) *Parking lot screening.* In addition to the above tree and shrub requirements, all parking lots shall be visually screened from public road rights-of-way by evergreen plantings or berms that create a screen a minimum of three feet in height. Such berms shall have a maximum side slope ratio of three horizontal feet to one vertical foot and a level crown with a minimum width of three feet for maintenance and planting purposes. Any berm shall be designed and constructed to ensure that proper erosion prevention and control practices have been utilized.

(d) *Special requirements for bus parking lots.* Bus parking areas shall contain landscape areas in accordance with the above requirements except that plantings shall be provided as follows:

(1) Quantity Requirements for Bus Parking Lots		
<b>AND</b>		
<b>Number of Trees</b>	<b>Number of Shrubs</b>	<b>Per</b>
1	2	2 bus parking spaces

(2) Size & Mixture Requirements for Bus Parking Lots		
Percentage	Of	Shall Be:
At least <del>35%</del> 25%	Trees	Evergreen Trees which will achieve a minimum height of 40 feet at maturity.

At least 50%	Trees	Deciduous Shade Trees with a 2.5 inch caliper which will achieve a minimum height of 50 feet at maturity.
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*(e) Excavation of parking lot islands.*

- 1) *All parking lot islands, peninsulas, and planting areas shall be excavated to remove all crusher run or parking lot base material and back filled with quality topsoil, except those areas where existing vegetation is to be preserved. The topsoil shall be high in organic matter and shall allow water to percolate readily. The excavation of these planting areas shall be to a minimum of 24” and will freely allow penetration of a hand-held probe to a minimum of 24”.*
- 2) *Inspection of these planting areas shall be conducted by engineering and resource protection inspectors during the construction process.*

**Section 24-98100. Screening.**

(a) *Transitional screening.* Transitional screening between conflicting land uses and districts shall be provided as required in this paragraph and in section 24-99 101. Such screening areas shall be left in their undisturbed natural state and supplemented where necessary in accordance with paragraph section 24-94 96 and with additional plantings to provide an effective visual screen. Such areas shall be continuous except where driveways, utilities and other breaks are necessary. All breaks shall cross transitional screening areas at right angles. Where such breaks are necessary, different design requirements may be imposed to achieve an equivalent screening effect. Transitional screening areas shall not contain accessory structures, storage, parking or loading.

(b) *Additional transitional screening requirements.* If the commission determines that noise, dust and debris, glare or other objectionable impacts created by a proposed development will have a

detrimental effect on adjoining properties which will not be adequately addressed by transitional screening required by this, section, the commission may increase minimum transitional screening requirements or setbacks and may require landscaping or architectural barriers which provide a visual screen between a proposed development and adjoining properties.

(c) *Objectionable features.* Objectionable features shall be visually screened by landscaping or architectural barriers from or by adjacent residential districts, agricultural districts which are designated for residential use on the Comprehensive Plan and public streets. ~~Objectional~~ *Objectionable* features may include, but are not limited to, the following: refuse areas, storage yards, and loading areas.

(d) *Stormwater management facilities, detention ponds, and best management practices (BMPs).* Stormwater management facilities, detention ponds, and BMPs that are visible from roads, adjoining properties, or open to public view shall be designed such that:

- (1) These facilities shall not be allowed within required landscape buffers along community character corridors (CCCs) unless a waiver is granted by the planning director. In order for the planning director to consider a waiver request, the applicant shall request a waiver in writing and shall present plans and documentation supporting the waiver request. The planning director shall consult with the ~~environmental~~ *engineering and resource protection* director and shall make a determination to approve or deny the waiver request within 30 days of its receipt. The waiver request will not be approved unless the applicant can document topographical or unusual physical constraints on the property that require placement of the BMP within the right-of-way landscape area;
- (2) The structural aspects (i.e. riser pipes, inlets, etc.) are hidden from public view and/or adjoining property owners view, or adequately screened from these views by innovative structural design, berms, and/or landscaping;

(3) The facility shall be well landscaped with an emphasis on making the facility appear more natural than man-made, as determined by the planning director; and

(4) The facilities shall be designed and landscaped in such a manner that they are sensitive to the character of the site and surrounding properties. Unless it can be demonstrated by the applicant that an alternative design better meets the intent of this section, the facilities shall be designed with a curvilinear shape, shall be designed to complement the existing topography of the site, and/or shall be designed and landscaped in a manner that visually reduces their size, and supports growth of wetlands vegetation.

(e) *Historic landmarks and buildings.* The commission may require screening of any use, or portion thereof, upon a determination that the use would otherwise have a negative visual impact on property listed on the Virginia Historical Landmarks Register.

(f) *Multiple frontage lots.* Lots with multiple frontages shall have screening provided between the rear of the principal use or building and the public right-of-way.

(g) *Residential developments not subject to article III, Site Plan.* Major subdivisions of residential developments, as defined in Chapter 19, shall conform with screening requirements for multiple frontage lots. Such developments shall also provide transitional screening along any property line which is adjacent to or across a peripheral public street from any multifamily, commercial or industrial zoning district. The amount of transitional screening shall be based on the zoning district adjacent to or across a peripheral public street from the proposed residential development. Such residential developments shall provide transitional screening in accordance with the requirements for the multifamily, commercial or industrial district contained in section 24-99 ~~101~~.

**Section 24-~~99~~101. Landscape requirements by zoning district.**

All uses and developments requiring a site plan and landscape plan in accordance with article III, Site Plan, and this section shall comply with the above requirements and those which follow. Where no landscape requirements are provided for a specific zoning district, the landscape plan shall be prepared in accordance with the requirements for the district which is deemed by the planning director to be the most similar to the character of the proposed use, situation and surrounding conditions. In making this determination, the following shall be considered: the characteristics of the proposed use and surrounding area, existing zoning and Comprehensive Plan designations and use regulations of this chapter. At a minimum, required setbacks and yards shall be provided as landscape areas which meet the requirements of this section.

(a) *R-5, Multifamily residential district:*

- (1) Setbacks: Setbacks from existing or planned peripheral roads, including peripheral roads shown on count approved development plans, shall contain a landscape area having an average width of 50 feet and meet requirements outlined in section 24-~~96~~ 98(b), ~~(c)~~ (d), and ~~(e)~~ (f). The balance of the setback and setbacks from internal streets shall contain existing trees and plantings in conformance with section 24-~~94~~ 96. This requirement shall not apply to single-family dwellings.
- (2) Yards: All required yards shall contain existing trees and plantings in conformance with section 24-~~94~~ 96. This requirement shall not apply to single family dwellings.
- (3) Transitional screening: For developments with 200 or less *fewer* units, a transitional screening area in accordance with section 24-~~98~~ 100, with a minimum width of 35 feet, shall be provided within the first 35 feet of yard area or setback from any property line when adjacent to or across a peripheral public street from any residential district other than R-5 or

any agricultural district designated for low-density residential or rural lands on the Comprehensive Plan. For larger developments, such transitional screening area shall be a minimum of 40 feet in width.

(b) *Manufactured home subdivision and manufactured home park:*

Perimeter Landscape Area: If the park fronts on a public right-of-way, then a landscape area shall be provided that meets the minimum requirements of section 24-174. In all other areas a perimeter landscape area shall be provided in accordance with section 24-174 around the entire site in addition to all other yard requirements in manufactured home subdivisions and parks.

(c) *LB, Limited Business District; B-1, General Business District; M-1, Limited Business/Industrial District; M-2, General Industrial District; RT, Research and Technology District.*

(1) Side and rear landscape area: A landscape area adjoining all side and rear property lines shall be provided which is at least 15 feet in width. Along the rear property lines, such landscape area may be reduced to a minimum of ten feet in width or five percent of the average lot depth, whichever is greater, on lots ~~with~~ less than 65,000 square feet which were recorded or legally in existence prior to July 3, 1990. Such landscape area shall be landscaped in accordance section 24-94 98. Such area may be broken by necessary driveways or utilities perpendicular to the property line.

(2) Special requirements for industrial uses: Landscape standards in section 24-94 96 and section 24-95 97 for certain landscape areas shall be reduced for all uses in M-2 or RT districts, or for industrial uses in M-1 districts, when the following requirements of this paragraph are met. For purposes of this section, industrial uses shall include any permitted use or use permitted by special use permit in an M-2 or RT district except automobile service stations, offices, employment agency~~s~~<sup>ies</sup>, or schools.

- a. Landscape areas along rights-of-way and side and rear property lines: Where such a landscape area is not adjacent to a public street, and the landscape area is adjacent to one of the industrial districts listed above, then the requirements provided in the following chart shall apply:

<b>Quantity Requirements</b>		
Number of Trees	Number of Shrubs	Per
1	0	600 square feet of total landscape area.

For such landscape areas, none of the deciduous trees shall be required to be of a 2-½ inch minimum caliper. All required trees shall meet the other minimum standards of this section; or

- b. Landscape areas adjacent to buildings: A landscape area which is a minimum of ten feet wide shall be provided adjacent to one-half of the perimeter of the building. Up to one-half of this landscape area may be eliminated where such landscape area would be along a portion of a buildings perimeter that is not visible from a public street, and that same side of the building is not visible from any district other than one of the industrial districts listed above. Such landscape area shall be landscaped in accordance with section 24-95 ~~97~~ unless a modification is granted under section 24-88 ~~91~~.

- (3) Transitional screening: Landscape areas along property lines of properties zoned LB, B-1, M-1, M-2, and RT shall be increased to the following widths when adjacent to or across a public street from a residential district or agricultural district if designated residential on the Comprehensive Plan:

<b>Transitional Screening</b>	
LB District	30 feet
B-1 District	35 feet
M-1 District	35 feet
M-2 District	50 feet
RT District	35 feet

Such landscape areas shall be exclusive of any planned future right-of-way and shall be left in an undisturbed natural state and supplemented with additional plantings to create a visual screen in accordance with section 24-98 **100**.

- (4) Landscape open space and impervious cover: As required in Chapter 23, Chesapeake Bay Preservation Ordinance, impervious cover shall not exceed 60 percent of the lot area except where an exception is approved in accordance with Chapter 23. Provided, however, in no case shall minimum landscape open space be less than that required below for the respective district:

<b>Required Landscape Open Space</b>	
<b>District</b>	<b>Percent of Total Lot Area</b>
LB District	35
B-1 District	30
M-1 District	30
M-2 District	25
RT District	30

- (d) *PUD, planned unit development district, MU, mixed use district:*

- (1) Landscape setbacks:

- (a) Landscape setbacks in PUD, planned unit development district. Setbacks from existing or planned peripheral public roads shall contain a landscape area having an average width in accordance with section 24-498, except for industrial and commercial uses which shall

have an average width of 30 feet in accordance with section 24-96 98(b), ~~(e)~~ (d), and ~~(e)~~ (f). The balance of that setback and setbacks from internal streets shall contain existing trees and plantings in conformance with section 24-94 96. Landscape requirements along internal streets shall not apply to single-family dwellings. Requirements of this paragraph shall not apply to active recreation playing areas designated on the master plan and approved in accordance with article V, division 14.

- (b) Landscape setbacks in mixed use, mixed use district. Setbacks from existing or planned peripheral roads, including peripheral roads shown on county approved development plans, shall contain a landscape area having a minimum width in accordance with section 24-96 98. The balance of that setback and setbacks from internal streets shall contain existing trees and plantings in conformance with section 24-94 96. Landscape requirements along internal streets shall not apply to single-family dwellings. Requirements of this paragraph shall not apply to active recreation playing areas designated on the master plan and approved in accordance with article V, division 14.
- (2) Yards: All yards shall contain existing trees and plantings in conformance with section 24-94 96. This requirement shall not apply to single-family dwellings or active recreation playing areas designated on the master plan and approved in accordance with article V, division 14 of this chapter.
- (3) Special requirements for industrial uses: Landscape standards in section 24-94 96 and section 24-95 97 for certain landscape areas shall be reduced for industrial uses in PUD and MU districts, when the following requirements of this paragraph are met. For purposes of this section, industrial uses shall include any permitted use or use permitted by special use permit in an M-2 or RT district except automobile service stations, offices, employment agencies, or schools.

- a. Landscape areas in setbacks and yards. Where such a landscape area is not adjacent to a public street, and the landscape area is adjacent to one of the districts or land bays listed above, no shrubs shall be required within such landscape area, and the required trees may be provided at a ratio of one tree per 600 square feet of landscape area. For such landscape areas, none of the deciduous trees shall be required to be of a 2-1/2 inch minimum caliper. All required trees shall meet the other minimum standards of this section; or
  - b. Landscape areas adjacent to buildings. A landscape area which is a minimum of ten feet wide shall be provided adjacent to one-half of the perimeter of the building. Up to one-half of this landscape area may be eliminated where such landscape areas would be along a portion of a buildings perimeter that is not visible from a public street, and that same side of building is not visible from any district other than one of the districts listed above. Such area shall be landscaped in accordance with section 24-95 97 unless a modification is granted under section 24-88 91.
- (4) Transitional screening.
- a. Residential. Where a multifamily or townhouse structure in a PUD district is located adjacent to or across a peripheral public street from an R-1, R-2, or R-6 residential district or agricultural district if designated low-density residential or rural lands on the Comprehensive Plan, a 35-foot wide transitional screening area in accordance with section 24-98 100 shall be provided within the first 35 feet of yard area or setback from any property line adjoining such district.
  - b. Commercial, industrial, public or institutional uses. Where a commercial, industrial, public or institutional use in a PUD district is located adjacent to or across a peripheral public street from any residential district or agricultural district if designated for

residential use on the Comprehensive Plan, transitional screening shall be provided in accordance with requirements for LB, B-1, M-1, M-2, or RT districts as required in section 24-99 **101** (c) (3). The applicable transitional screening requirements shall be determined by the planning director in accordance with section 24-99 **101**.

**Cross reference** - Chesapeake Bay Preservation regulations, Ch. 23.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

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## RESOLUTION

### COMMUNITY CHARACTER CORRIDOR (CCC) BUFFER TREATMENT GUIDELINES

#### AND MAP

WHEREAS, the Community Character Corridor (CCC) Buffer Treatment Guidelines and Map were created to establish three sets of landscape design guidelines for development along all CCC throughout the County; and

WHEREAS, the 2009 Comprehensive Plan identified the need to create and designate guidelines for CCC buffer landscape treatments; and

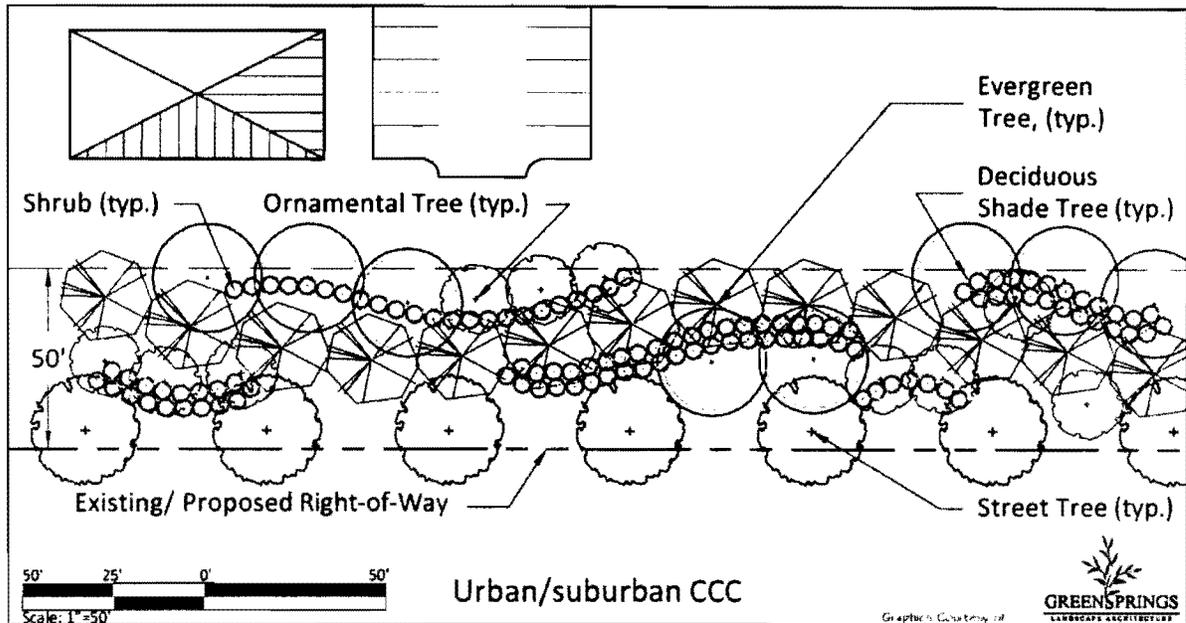
WHEREAS, the Policy Committee recommended endorsement of the CCC Buffer Treatment Guidelines and Map to the Planning Commission on February 3, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, endorsed the revisions to the CCC Buffer Treatment Guidelines and Map on October 5, 2011, by a vote of 6-1.

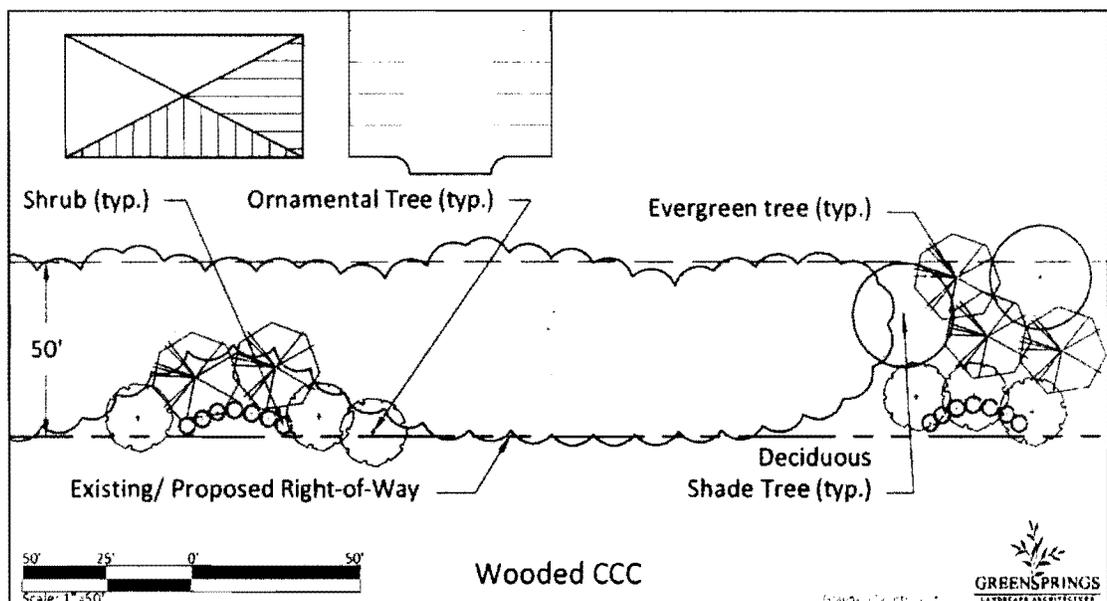
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following CCC Buffer Treatment Guidelines and the James City County CCC Type Designation and Buffer Treatment Map dated January 13, 2011:

**Purpose:** The Comprehensive Plan establishes a network of CCCs throughout the County, along which all commercial developments are required to provide a 50-foot average buffer and residential developments provide a 150-foot buffer. It is the purpose of these CCC Buffer Treatment Guidelines, in conjunction with the James City County CCC Type Designation and Buffer Treatment Map, to designate all corridors as a particular type (Urban/Suburban, Wooded, or Open/Agricultural) and to give guidance on the landscape treatment expected for each type. The descriptions and sample drawings below depict the landscaping style required for each corridor type to aid in creating appropriate landscape plans for developments along these corridors.

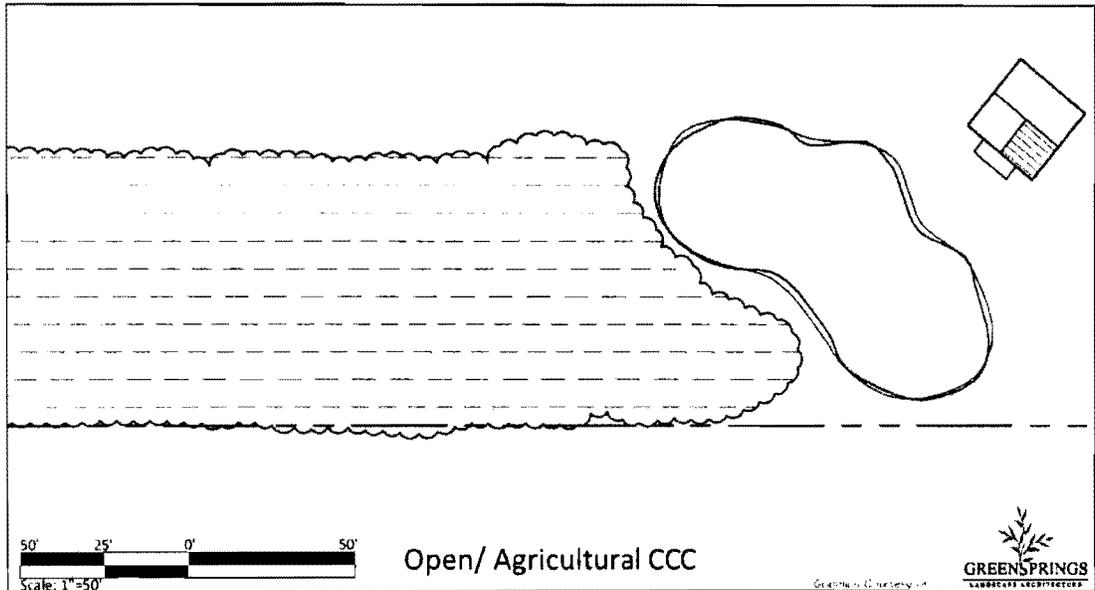
**Urban/Suburban CCCs** - *An Urban/Suburban CCC is characterized as having high to moderate traffic, commercial uses, and some residential uses. The predominant visual character of these corridors should be the built environment and the natural landscape, with parking and other auto-related areas as a secondary component. The buffer treatments should incorporate existing specimen and understory trees, required plantings, and any legislated enhancements such as over-sized landscape plants, the use of berms, and other desirable design features to complement and enhance the visual quality of the urban corridor. Auto-related activities such as parking lots and other outdoor operations should be screened with required evergreen plantings. In comparison to the Wooded and Open/Agricultural treatments, this treatment provides the applicant with the most visibility for the commercial use and the most flexibility in establishing a manicured and/or formal look. The corridors designated with this type of treatment are in Community Character Areas and other urban areas of the County that have mainly commercial uses. Roads in New Town, Five Forks, Toano, Norge, and Richmond Road are examples of the Urban/Suburban type of treatment.*



**Wooded CCCs** - A wooded CCC is characterized as having natural wooded areas along the road, with light to moderate traffic, and minimal existing or planned commercial development. The objective of the buffer is to visually screen the development from the road. Ideally, existing vegetation should be preserved or supplemented to create a wooded buffer that preserves open space and wildlife habitat to maintain the natural character of the County. Corridors appropriate for this type of treatment include areas that have existing vegetation consisting of mature trees and shrubs and that are mostly developed with residential uses. Corridors along John Tyler Highway, Centerville Road, Longhill Road, Greensprings Road, and Route 199 are examples of the wooded landscape type treatment. This type of treatment offers the least amount of visibility to the development, and the intent is to preserve the natural beauty of the development site. The design should be informal and natural.



**Open/Agricultural CCCs** - An Open/Agricultural CCC is characterized as a corridor located primarily in rural lands where farming and forestry activities are predominant or sought to be preserved. The objective of the Open/Agricultural designation is to preserve the view and integrity of farm fields and natural open spaces so they remain the dominant visual features. This type of treatment is appropriate for the agricultural areas that exist in the County. The Anderson's Corner roads, Forge Road, and Old Stage Road are examples of the Open/Agricultural treatment type.



Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

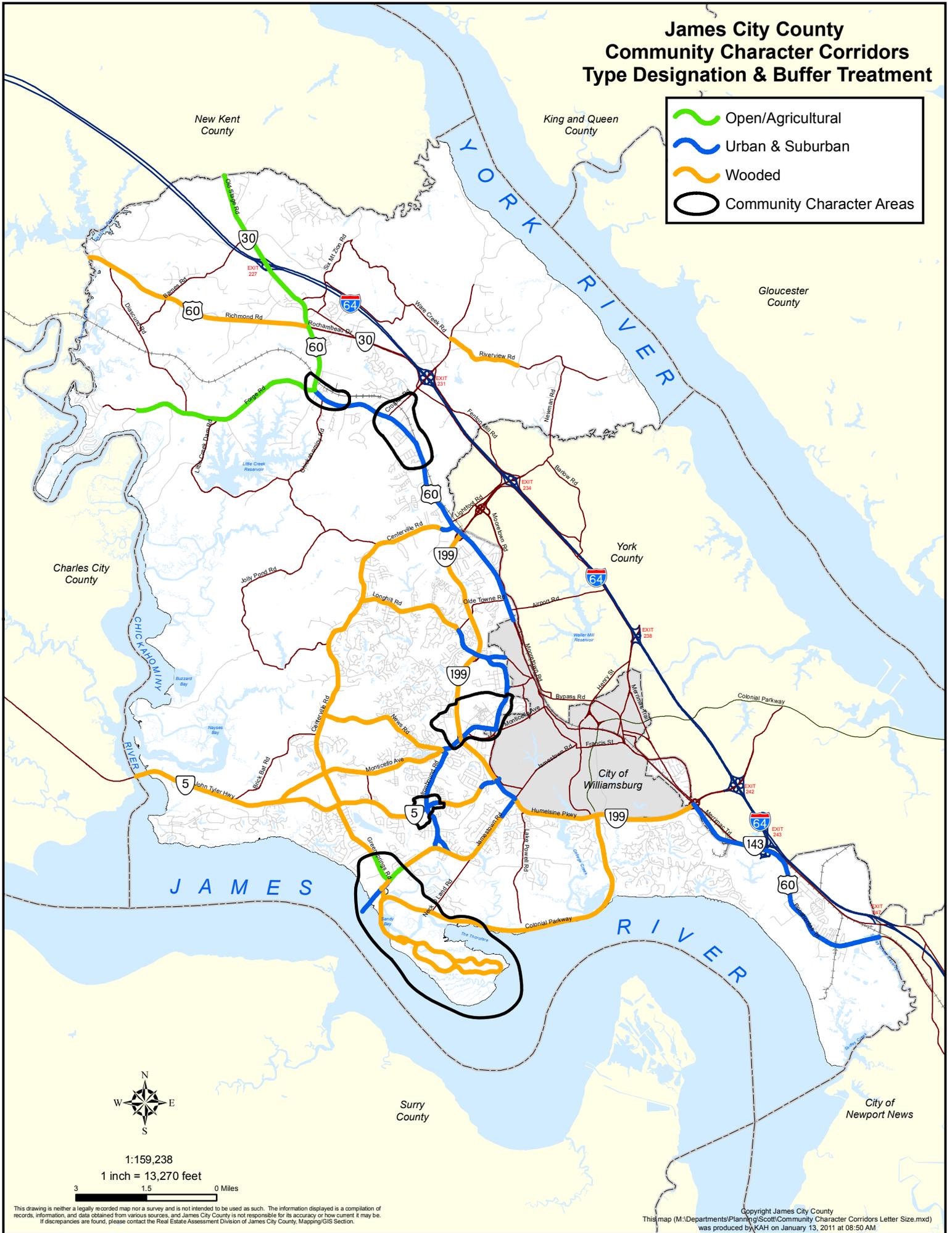
Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

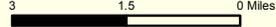
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# James City County Community Character Corridors Type Designation & Buffer Treatment

-  Open/Agricultural
-  Urban & Suburban
-  Wooded
-  Community Character Areas



1:159,238  
1 inch = 13,270 feet



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

## RESOLUTION

### OUTSTANDING SPECIMEN TREE OPTION GUIDELINES

WHEREAS, the Outstanding Specimen Tree Option Guidelines were established to give developers an incentive to preserve outstanding specimen trees during development; and

WHEREAS, the 2009 Comprehensive Plan identified the need to preserve more specimen trees in James City County during development; and

WHEREAS, the Policy Committee recommended endorsement of the Outstanding Specimen Tree Option Guidelines revision to the Planning Commission on February 7, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, endorsed the revisions to the Outstanding Specimen Tree Option Guidelines on October 5, 2011, by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following Outstanding Specimen Tree Option Guidelines:

**Purpose:**

The purpose of the Outstanding Specimen Tree Option is to identify, maintain, and protect designated outstanding specimen trees located within the County. It is the intent of the option to increase public awareness of specimen trees located in the County as well as to provide reasonable assurance that James City County's tree heritage will continue for future generations. The intent of this option is not to be regulatory or punitive but rather to heighten public consciousness by informing and educating the public of the benefits that specimen trees provide. The option is intended to be a means to preserve specimen trees during development of private or public property by giving developers an incentive for doing so. Five additional tree credits shall be given for preserving Outstanding Specimen Trees in accordance with section 24-95 of the Zoning Ordinance.

**Outstanding Specimen Tree Option Goals:**

1. To establish a process of designating and protecting outstanding specimen trees located on either public or private property.
2. To encourage proper maintenance, care and protection of designated trees.
3. To give developers an incentive to preserve outstanding specimen trees on development sites.

**Criteria for Requesting Outstanding Specimen Tree Designation:**

Any tree within the boundaries of the James City County that meets the following criteria as set forth below can be considered for an outstanding specimen tree designation with an Outstanding Specimen Tree Designation Request form.

1. Must be architecturally sound, true to its genetic form, and not topped or poorly pruned.
2. Be of exceptionally mature size and form, in healthy condition, free of disease, insect infestation, and storm damage.
3. Must be visible from publicly accessible location(s) after development.

In addition to meeting the three criteria above, any tree being considered for nomination as an outstanding specimen tree must meet at least one of the following descriptions:

1. Notable by virtue of its outstanding size and quality for its particular species as determined by the Planning Director or his designee.
2. Notable for its historic or cultural significance as determined by the Planning Director or his designee.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

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## RESOLUTION

### STREETSCAPE GUIDELINES POLICY

WHEREAS, the Streetscape Guidelines Policy was originally created to preserve or establish street trees in new residential areas of James City County during the special use permit and rezoning process; and

WHEREAS, the 2009 Comprehensive Plan identified the need to revise the Streetscape Guidelines Policy to allow flexibility with the choice of plant material and to limit the distance street trees are installed from the edge of curb; and

WHEREAS, the Policy Committee recommended endorsement of the Streetscape Guidelines Policy revision to the Planning Commission on February 7, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, endorsed the revisions to the Streetscape Guidelines Policy on October 5, 2011, by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

### **STREETSCAPE GUIDELINES POLICY**

#### **Goal Purpose**

*The purpose of this policy is twofold:*

- to preserve and/or establish tree canopies along residential streets, subdivision entrances, and common areas *within a subdivision, and*
- ~~Plant~~ *to encourage* planting *of* new trees appropriate to the climate and soils of James City County, while enhancing existing healthy, durable, and mature trees in these areas.

Tree preservation/planting shall be accomplished ~~such that within 20 years growing time, the minimum tree canopy over residential streets shall be 20%~~ *so when the trees reach maturity a substantial tree canopy is established over the street.* The environmental and aesthetic benefits from tree planting enhance the quality, character, and health of the community.

#### **Guidelines for Street Trees**

In all residential subdivisions, deciduous shade trees, ~~and/or~~ shrubs *when utility constraints are a concern*, shall be planted along all rights-of-way within and abutting the subdivision. Street tree plans shall be prepared by a Virginia Landscape Architect, *a certified Virginia Nurseryman, or a member of the Virginia Society of Landscape*

*Designers*, and shall be reviewed and approved by the ~~Director of Planning~~ *Director or designee*. The street tree plans shall adhere to the following guidelines:

1. Trees and/or shrubs shall be located within a minimum five-foot landscape preservation easement contiguous to ~~such or within the~~ right-of-way, *with Virginia Department of Transportation (VDOT) approval*. Every effort should be made to avoid conflict between the landscape preservation easement and the utilities during the design phase of the subdivision. If a conflict cannot be avoided, the landscape preservation easement shall be placed as close to the ~~right-of-way~~ *curb* as the design allows. *All landscape preservation easements shall be located within the first 30% of the distance from the edge of the curb (starting point) to the proposed edge of the building envelope (ending point).*
2. The *landscape preservation* easement shall contain, at a minimum, one tree per an average 40 linear feet of street on each side of the street or one shrub per an average 20 linear feet of street on each side of the street. The mix of trees and shrubs shall be approved by the ~~Director of Planning~~ *Director or designee*.
3. Trees and/or shrubs shall be spaced no greater than 75 feet apart along 60% *linear* of the street frontage.
4. All trees that are planted shall be native species or street trees commonly planted in the James City County area that are adapted to the soils and climate. At the time of planting, trees shall have a minimum caliper of 1½ inches. Shrubs are to be a minimum of 22 inches in height at the time of planting. Please refer to Table 1 for street tree suggestions. Although plant material is not restricted to the list provided, any trees or shrubs that are invasive or require extensive maintenance for disease or pest control will not be approved.
5. Existing trees which are within ~~20 feet of the edge of right of way~~ *the proposed landscape preservation easement*, and which are protected and preserved in accordance with the requirements of the Zoning Ordinance, may be used to satisfy this planting requirement if approved by the ~~Director of Planning~~ *Director or designee*. Canopies that are a mixture of existing and planted trees or shrubs shall have similar or complementary branch characteristics.
6. Plantings are to occur between November 1 and March 31 while the plant material is dormant to reduce the stress of transplanting. ~~Prior to final site plan approval the plantings and installation are to be bonded. In order to receive final site plan approval during the seasons when planting is not recommended, the applicant must post surety in an amount and form acceptable to the county attorney.~~

Upon completion of installation, *the Planning Director or his designee shall inspect the plantings as verification, or a Virginia Landscape Architect designer shall verify in writing a signed letter to the Planning Director or designee* that the specified trees or shrubs were installed in the locations shown on the plans. ~~A signed letter from the Landscape Architect shall be submitted to the Planning Division at the time of verification.~~

#### **Guidelines for Entrances and Common Areas**

Entrances shall be landscaped with native and/or climate and soil appropriate trees, shrubs, grasses, and ground covers except where the existing mature trees have been preserved or protected in such areas. Plant material to be used in these areas shall be specified from Table 2 or, if not on the list, meet the above criteria. Unless the ~~Director of Planning~~ *Director* or his designee determines that such landscape treatment is unnecessary, impractical, or in conflict with drainage, utilities, sight distance, or other required features of the subdivision, the cleared portions of the entrances and associated common areas in a residential subdivision shall be landscaped with a minimum of one tree and three shrubs per 400 square feet exclusive of roadways, sidewalks, recreation facilities or other impervious areas.

In wooded areas, entrance features including walls, fences and signs shall be minimized to reduce the amount of clearing to accommodate entrance roads. In no case shall clearing for entrance roads and abutting utility easements exceed 60 feet in width.

**Table 1. Suggested Street Trees**

*Acer campestre*, Hedge Maple\*  
*Acer rubrum*, Red Maple  
*Fraxinus pennsylvanica*, Green Ash (seedless cultivars)  
*Ginkgo biloba*, Maidenhair Tree (male cultivars)\*  
*Nyssa sylvatica*, Black Tupelo\*  
*Ostrya virginiana*, American Hophornbeam\*  
*Plantanus X acerifolia* London Planetree  
*Quercus palustris* Pin Oak  
*Quercus phellos*, Willow Oak  
*Quercus shumardii*, Shumard Oak  
*Ulmus parvifolia*, Lacebark Elm\*  
*Zelkova serrata*, Japanese Zelkova\*

\* *Trees recommended for thin planting strips or adjacent to sidewalks.*

This list is suggested. Trees used are not required to be from this list.

**Table 2. Suggested Plant Material for Entrances and Common Areas**

**Trees**

*Betula nigra*, River Birch  
*Carya ovata*, Shagbark Hickory  
*Cercis Canadensis*, Eastern Redbud  
*Cornus kousa*, Kousa Dogwood  
*Juniverus virginiana*, Eastern Redcedar  
*Pinus taeda*, Loblolly Pine

**Shrubs**

- Hamamelis virginiana*, Witch Hazel
- Ilex opaca*, Inkberry
- Ilex vomitoria*, Yaupon Holly
- Myrica cerifera*, Wax Myrtle
- Viburnum dentatum*, Arrowwood Viburnum

**~~Groundcovers and other Herbaceous Plants~~**

- ~~— *Calamagrostis acutiflora*, Feather Reed Grass~~
- ~~— *Ceratostigma plumbaginoides*, Plumbago~~
- ~~— *Coreopsis verticillata*, Threadleaf Coreopsis~~
- ~~— *Deschampsia caespitosa*, Tufted Hair Grass~~
- ~~— *Festuca cinerea*, Blue Fescue~~
- ~~— *Helictotrichon sempervirens*, Blue Oat Grass~~
- ~~— *Hemerocallis*, Daylily~~
- ~~— *Hypericum calycinum*, St. Johnswort~~
- ~~— *Liriope muscari*, Blue Lily turf~~
- ~~— *Miscanthus sinensis*, Japanese Silver Grass~~
- ~~— *Panicum virgatum*, Switch Grass~~
- ~~— *Potentilla fruticosa*, Bush Cinquefoil~~

This list is suggested. Plants used are not required to be from this list.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-55, GENERAL PROVISIONS; SECTION 24-57, PARKING LOT DESIGN; AND SECTION 24-59, MINIMUM OFF-STREET PARKING REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, Article II, Special Regulations, Division 2, Highways Streets, Parking and Loading is hereby amended and reordained by amending Section 24-55, General provisions; Section 24-57, Parking lot design; Section 24-59, Minimum off-street parking requirements.

## **Chapter 24. Zoning**

### **ARTICLE II. SPECIAL REGULATIONS**

#### **DIVISION 2. HIGHWAYS, STREETS, PARKING AND LOADING**

##### **Section 24-55. General provisions.**

(a) *Certificate of occupancy required and exemptions.* No certificate of occupancy shall be issued for any structure which does not comply with these requirements; however, structures already in use are exempted; provided that:

- (1) Such structure at the time of its erection complied with the provisions of all applicable ordinances of James City County;
- (2) Exempted buildings remain in continuous use and at no time remain vacant or unused for a continuous period of one year; and
- (3) No parking lot for any exempted property is enlarged or materially altered. If such a parking lot is to be enlarged or materially altered, the existing parking area as well as the new parking area shall be brought into conformance with this chapter; provided, however, the ~~planning commission~~

*planning director* may waive the setbacks and geometric design requirements found in sections 24-57 ~~(a), (b), and (f)~~ as they apply to existing parking areas, upon finding that the costs of complying with these standards would impose a severe hardship or that insufficient area exists to allow such revision.

For purposes of this section, "enlarged or materially altered" shall mean expansion or change in the parking lot which either increases the number of parking spaces by more than 15 percent or reduces the landscaped areas of the parking lot by more than 15 percent. Nothing in this section is intended to prohibit paving or surfacing of parking lots, the installation of curbs or bumpers, or other improvements which do not affect the number of spaces or the areas of the site dedicated to landscaped open space.

*(b) Location of off-street parking.*

- (1) Required off-street parking spaces shall be located on the same lot as the structure or use to which they are accessory or on a lot adjacent thereto which has the same zoning classification or a zoning classification that would allow the use that the parking will serve. The rights of use of any such adjacent property shall be secured by ownership, easement or similar recorded covenant or agreement approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.
- (2) Off-site parking spaces shall be permitted by the *planning director* ~~Development Review Committee (DRC)~~ which are not located on the same property or use they serve, provided they meet the criteria specified in this section. All such parking shall be easily and safely accessible to pedestrians. The rights of use of any such property and pedestrian walkways shall be provided for by ownership, easement or similar recorded covenant or agreement, approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.

*(3) Incentive to reduce visibility of off-street parking. Applicants of a development proposal that:*

*a. provides off-street parking to the side or rear of the site only;*

*b. provides parking that is screened by landscaping or a building;*

*c. is located along an urban/suburban community character corridor as designated on the James City County Community Character Corridors Type Designation and Buffer Treatment Map; and*

*d. complements the design standards of the corridor or area to the satisfaction of the planning director;*

*may request the planning director to grant one of the following incentives:*

*a. front building setback reduction;*

*b. front landscape area width reduction; or*

*c. minimum parking lot landscaping requirement reduction.*

*In no case shall a reduction be greater than 20 percent of the ordinance requirement.*

*(c) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.*

### **Section 24-57. Parking lot design.**

Parking areas shall be arranged for functional efficiency and safety for both vehicles and pedestrians and shall be designed to be amenable to surrounding property. Parking areas, accessory or otherwise, shall comply with the following:

(a) *Dimensions of parking bays and required islands.* The parking lot shall be constructed so that spaces are grouped into bays. At the end of each bay, a landscape island of at least nine feet in width and 15 feet in length shall be built to separate the bays from each other or from traffic lanes. When the parking bays contain double rows of parking spaces, the landscape island shall

be increased to nine feet in width and 30 feet in length. A parking bay may not be constructed to a length of more than ~~150~~ 90 feet without constructing a landscape island. The planning director may approve islands which vary from nine-foot by 15-foot or nine-foot by 30-foot rectangles in order to provide desirable geometric design features such as rounded corners and angles to facilitate maneuvering of automobile traffic. However, in no case shall the total area of an island be decreased as a result of such design change.

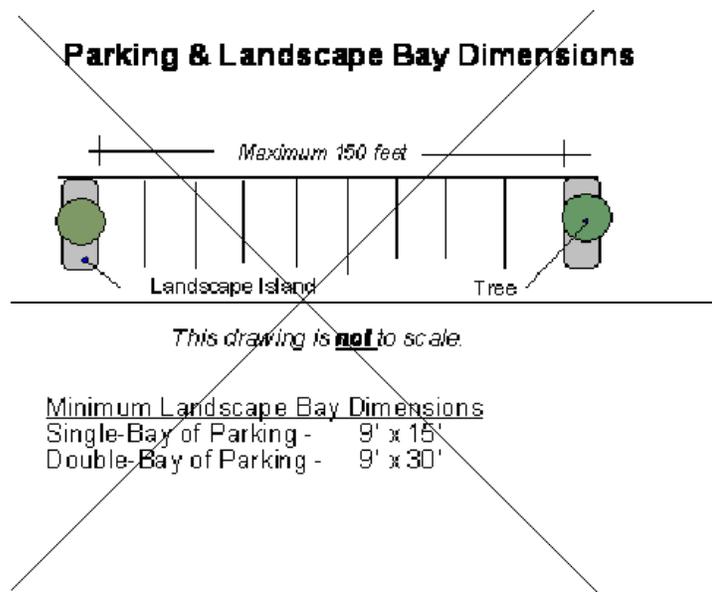
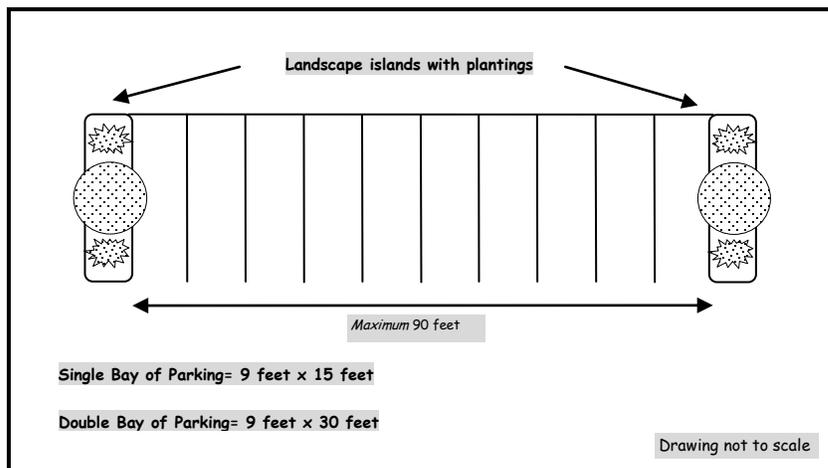


Figure 1-Parking Bays and Landscape Islands Dimensions



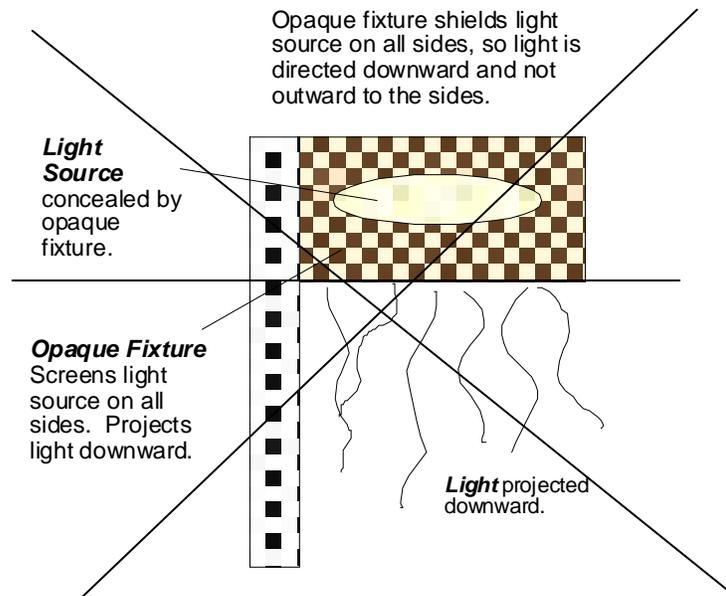
(b) *Protection of landscape areas and location of parking areas and drive aisles.* All landscape areas contiguous to parking bays shall be protected from intrusion by vehicles by ~~by~~ *through installation of* curbs or bumpers. Parking areas shall not be located within five feet of any building. Driveways shall not be located within five feet of any building except where vehicular access is necessary. The above-mentioned five-foot setback for parking areas and drives shall not be required for vehicle parking areas and drives (including those serving the parking area) located underneath a building or within a parking garage.

~~(c) *Required lighting.*~~

~~(1) Adequate lighting shall be provided if the uses which are served by the parking lot will be in operation at night.~~

~~(2) No lighting fixture shall exceed a height of 30 feet. Height of the light fixture shall be the distance from ground or finished grade level to the highest point of a luminary.~~

~~(3) The lighting in parking lots shall be directed so as not to produce glare on any adjacent property or public right of way. Luminaries shall be mounted on light poles horizontally and shall be recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side (refer to the following graphic). Plans detailing the illumination patterns (Iso footcandle diagrams) and specific design of all lighting fixtures shall be submitted for review along with the site plan.~~



~~(4) Upon application to the planning director, the applicant may request a waiver to allow for the height of the luminaries to be raised to a height in excess of 30 feet up to the height of the main structure on the property or a maximum of 60 feet above grade whichever is less. Such a waiver shall only be granted if the following conditions are met:~~

- ~~a. The horizontal distance of the luminary from any public right of way or adjacent residential or agricultural property shall be at least four times the height of the luminary.~~
- ~~b. The applicant shall demonstrate to the planning director that no glare will be shed upon adjacent properties and roadways by the placement of higher poles.~~

*(c) Connections to adjacent parcels. Commercial development designated as community commercial or neighborhood commercial on the Comprehensive Plan shall connect to similarly designated adjoining parcel(s) via a stub-out to the property line(s) with the objective of providing internal vehicular and pedestrian access between neighboring commercial parcels. The planning director may waive the connection requirement upon finding that such connection is found to be impractical or is opposed in writing by the adjacent property owner.*

**Section 24-59. Minimum off-street parking requirements.**

(a) *Residential uses.*

(1) *Minimum number of resident parking spaces.* The minimum number of off-street parking spaces required for residential uses is provided in the following table.

<b>Type of Residential Unit</b>	<b>Minimum Number of Spaces Required</b>
Single-Family Unit	2
Single-Family Unit with an accessory apartment	3
Townhouse Unit	2.5
1-Bedroom Apartment	1.5
2 or more Bedroom Apartment	2.2
Manufactured Home	2
Other Residential Units	1.5

Spaces in garages shall be counted towards the required minimum number of parking spaces for each dwelling. The parking space within the garage shall be large enough to provide an adequate parking space for a full size automobile and necessary space for ingress and egress out of the vehicle as determined by the zoning administrator. Building plans shall be submitted that demonstrate the adequacy of the garage(s) for accommodating parking, adequate ingress and egress out of the vehicle, and interior access to the residential unit.

(b) *Commercial uses.* Commercial and institutional uses shall be divided into various categories according to the parking demand which they generate, as follows:

*Category A - High demand.* High parking demand generators shall provide *a minimum of* one parking space per 200 square feet of retail and/or office floor area *but not more than 120 percent of the minimum requirement,* to include:

- ~~All other commercial uses not specified in Category B or C below.~~

- ~~▪ Arcades.~~
- Dance Halls/Clubs.
- Drug stores.
- ~~▪ Laundries and dry cleaners.~~
- Libraries.
- Lodges, civic clubs, fraternal organizations, service clubs, and private clubs.
- Post offices.
- ~~▪ Public billiard parlors and pool rooms.~~
- ~~▪ Retail stores, general.~~
- Retail food stores, bakeries and fish markets.
- ~~▪ Retail and service stores, including: antiques, arts and crafts, books, candy, coin, dressmaking, duplicating services, florist, furrier, garden supply, gift shops, greeting card, handicrafts, hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, novelty, office supply, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.~~
- *Convenience stores*
- *Liquor stores*
- *Truck stops*

*Category B - Moderate demand.* Moderate parking demand generators shall provide *a minimum of one parking space per 250 square feet of retail and/or office floor area but not more than 120 percent of the minimum requirement.* to include:

- *Arcades.*
- *All other commercial uses not specified in Category A or C.*
- Banks and *other* financial institutions.
- ~~Corporate~~, Business, *governmental* and professional offices.

- *Laundries and dry cleaners.*
- Lumber and building supply.
- Machinery sales and service.
- Photography, ~~studios and sales and~~ artist and sculptor *stores and* studios.
- Plumbing and electrical supply.
- *Billiard parlors and pool rooms.*
- *Retail and service stores, including the following stores: appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods.*
- *Retail stores, general.*
- ~~Tire, transmission, glass, body and fender, and other automotive product sales and service~~ *Automobile and trailer sales and service.*

*Category C - Uses with unique requirements. Category C uses shall provide minimum parking as stated below but not more than 120 percent of the minimum requirement:*

- (1) *Bowling alleys.* Three spaces per alley plus one space for every 200 square feet of accessory business use.
- (2) *Barber shops and beauty ~~shops~~ parlors.* At least three spaces plus two spaces for every barber or beautician chair.
- (3) *Furniture and carpet stores and/or show rooms.* One space for every 400 square feet of retail floor area.
- (4) *Hospitals.* Two parking spaces for every bed.

- (5) *Indoor vehicular sales show rooms.* One space for every 400 square feet of retail floor area.
- (6) *Medical office/clinic (reference (18) below for Veterinary Hospitals).* Seven spaces per practitioner, or one space per 250 square feet, whichever is greater.
- (7) *Mini-storage warehouses.* One space per 100 units, plus two spaces per on-site caretaker residence.
- (8) *Mortuaries and funeral homes.* The applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted industry standards, provide information on peak parking demands, shared parking opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.
- (9) *Motels, hotels, and tourist homes.* One space per rental unit plus four parking spaces for every 50 rental units plus one space per five persons to the maximum capacity of each public meeting and/or banquet room. Accessory uses (restaurants, bars, etc.) shall provide the number of parking spaces required for those uses individually.
- (10) *Nursing homes ~~or convalescent homes~~.* One space for every four residents, plus one parking space for each employee on the largest shift.
- (11) *Outdoor retail sales/display areas.* At least one space per 500 square feet of area.
- (12) *Outlet malls.* Five spaces per 1,000 square feet of retail floor area. For the purposes of this provision, an “outlet mall” shall be defined as four or more stores which (1) are physically connected or are otherwise arranged in an integrated manner, (2) share a common parking area, and (3) the majority of the individual stores primarily sell the goods of a single manufacturer or sell returned, discontinued, overstock, and/or similar goods.

- (13) *Planned shopping centers, excluding outlet malls*, with four or more stores using a common parking lot, shall provide parking spaces according to the following schedule:

Total Retail Floor Area per 1,000 square feet	Number of Spaces per 1,000 square feet
1 to 300,000	4
Over 300,000	4.5

Where a theater *or other place of public assembly* is proposed in conjunction with any shopping center which contains at least 60,000 square feet of retail floor area, the number of parking spaces required for the theater may be reduced by 25 percent of what would have been required under subsection (17) below.

- (14) *Recreation facilities*. For recreation facilities not listed herein, the applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted national park and recreation standards, provide information on peak parking demands, shared parking opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.
- (15) *Rental of rooms*. Rental of rooms to a maximum of three rooms shall provide off-street parking totaling one more parking space than the total number of rooms to be rented.
- (16) *Restaurants*. One space for every four seats based upon the maximum seating capacity allowed.
- (17) ~~Theaters, auditoriums, and~~ *Places of public assembly including houses of worship and public meeting halls*. One parking space per five seats based upon the planned seating capacity. For uses with bench seating, each 24 inches of bench shall be counted as one

seat. In calculating the number of seats, all resulting fractions shall be rounded up to the nearest whole number.

(18) *Veterinary hospitals.* Three spaces per examination or treatment room, plus one space per employee on the largest shift.

(c) *Industrial uses.* Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two employees on the largest shift.

(d) *All other uses - planning director determination.* Where the required number of parking spaces is not set forth for a particular use in the preceding subsections, where the applicant is uncertain as to final use or size of the structure or where there is no similar general type of use listed, the planning director shall determine the number of spaces to be provided.

(e) *Shared parking.* Shared use of required parking spaces may be permitted where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. The location of such shared parking area(s) shall also be in compliance with section 24-55 (b). Shared use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the planning director as part of the site plan review:

- (1) The names and addresses of the uses and of the owners or tenants that are sharing the parking;
- (2) The location and number of parking spaces that are being shared;
- (3) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
- (4) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses and perpetual maintenance of the shared parking facilities. The rights of use of any such lots and pedestrian walkways shall be provided for by ownership, easement or similar recorded covenant or agreement, approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.

(f) *Mass or alternate transportation plans.*

- (1) The minimum number of required parking spaces may be reduced upon the approval of a mass transportation or alternate transportation plan, which details arrangements for the mass or alternate transit of potential visitors to the site, including residents, employees, and customers. The plan shall also demonstrate that facilities exist or will be provided to accommodate the safe loading and unloading of mass transit passengers. A facility which provides a safe and comfortable waiting area for passengers shall also be provided.

Such plans shall be subject to the review and approval of the planning director and transit manager prior to the reduction of the number of required parking spaces.

- (2) Each lot for which the minimum number of parking spaces has been reduced shall show a reserve area sufficient in size to accommodate the number of parking spaces which were not required to be constructed.
- (3) Every approved mass transportation or alternate transportation plan shall be reviewed by the planning director and transit manager every two years. The purpose of the review is to ascertain whether the plan has the effect of significantly reducing the automobile traffic to and from the site, and whether the reduced number of parking spaces is sufficient to accommodate the automobile traffic to the site. The planning director and the transit manager shall make a determination to this effect.
- (4) In the event that the planning director and transit manager determine that an approved mass transportation plan or alternate transportation plan has not had the effect of significantly reducing automobile traffic to a site, and that the reduced number of parking spaces is not sufficient to accommodate the automobile traffic to a site, the owner shall construct the number of parking spaces necessary to meet the minimum required under this ordinance.

*(g) Parking Garages. The maximum parking requirement shall not be applicable for establishments utilizing parking garages.*

~~(g)~~ *(h) Appeals and waivers:*

- (1) *Appeals.* A property owner may appeal for a change of a commercial use from Category A to Category B or a less restrictive requirement ~~within Category C~~; however, the burden of proof shall be upon the applicant to show that the particular activity will not reasonably generate parking demand sufficient to justify the parking requirement of its present classification. Appeals for changes to ~~different~~ parking classifications shall be made to the *planning director* ~~planning commission~~.
- (2) *Waivers.* A property owner may be granted a waiver by the ~~planning commission~~ *planning director* from the ~~minimum 120 percent maximum~~ off-street parking ~~cap~~ requirements if it can be shown that due to unique circumstances a particular activity would ~~not reasonably~~ be expected to generate *more* parking demand ~~sufficient to justify the~~ *than that allowed by the maximum* parking requirement ~~cap~~. ~~Any waiver granted by the planning commission shall apply only to the number of spaces required and shall not allow a greater building area than would have been possible had the original parking requirement been enforced. The planning commission~~ *planning director shall make a determination if the requested additional parking is necessary. The applicant shall demonstrate efforts toward utilizing a shared parking agreement or implementing a parking management plan to meet demand. The planning director* may place conditions upon the granting of a waiver and may require that the parking area ~~not required upon the granting of the waiver~~ be landscaped in addition to the minimum landscaping requirements. ~~In the event the planning director disapproves plans applicable to this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.~~

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-42, SPECIAL PROVISIONS FOR TOWNHOUSE AND CONDOMINIUM DEVELOPMENT; DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, BY AMENDING AND RENAMING SECTION 24-62, PROVISIONS FOR PRIVATE STREETS IN QUALIFYING INDUSTRIAL PARKS WITH NEW NAME SPECIAL PROVISIONS FOR PRIVATE STREETS; ARTICLE IV, MANUFACTURED HOME PARKS, SECTION 24-181, STREETS REQUIRED; ARTICLE V, DISTRICTS, DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-290, STREET IMPROVEMENTS; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-314, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 24-497, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; AND DIVISION 15, MIXED USE, MU, SECTION 24-528, STREET IMPROVEMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-42, Special provisions for townhouse and condominium development; Division 2, Highways, Streets, Parking and Loading, Section 24-62, Special provisions for private streets; Article IV, Manufactured Home Parks, Section 24-181, Streets required; Article V, Districts, Division 5, Residential Planned Community District, R-4, Section 24-290, Street improvements; Division 6, Multifamily Residential District, R-5, Section 24-314, Requirements for improvements and design; Division 14, Planned Unit Development Districts, Section 24-497, Requirements for improvements and design; and Division 15, Mixed Use, MU, Section 24-528, Street improvements.

**Chapter 24. Zoning**  
**Article II. Special Regulations**

**Division 1. In General**

**Section 24-42. Special provisions for townhouse and condominium development.**

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

**Division 2. Highways, Streets, Parking and Loading**

**Section 24-62. ~~Provisions for private streets in qualifying industrial parks.~~ *Special provisions for private streets.***

(a) *Approval process.* ~~Private streets may be permitted within qualifying industrial parks upon approval of the board of supervisors. Such approval shall be requested in writing through the planning division. The request shall include a traffic impact study and square footage estimates for the proposed industrial park. The traffic impact study shall be prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the planning director. The traffic impact study shall address projected traffic generation; internal road needs including, but not limited to, circulation and capacity; external traffic; turning movements and distribution at each access point; traffic distribution; capacity of surrounding roads; and road and access improvements. Private streets shall be~~

coordinated with existing or planned streets on the approved master plan of development and the county comprehensive plan. Private streets shown on the final plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.

The construction of streets, whether public or private, shall be guaranteed prior to construction by appropriate surety, letter of credit, cash escrow, or other form of guarantee approved by the county attorney.

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

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

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

	<i>EO, Economic Opportunity</i>	✓	✓	✓	✓	✓
	✓: permitted with board approval	X: not permitted	B: By-right			

**(2) Qualifying Industrial Parks**

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

<b>Qualifying Industrial Park Square Footage Adjustments</b>	
<b>Use</b>	<b>Square Footage Credit</b>
Existing industrial/office/warehouse development	1
Other Permitted Development	0.75
Planned industrial/office/warehouse development	0.75
Other Permitted Development	0.5

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

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

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

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

~~(e)~~(4) To the extent streets are private rather than public, the applicant shall also submit assurances satisfactory to the county attorney that a property owner's community association or similar organization has been legally established under which the lots within the area of the final *development* plan ~~shall~~ *will* be assessed *for* the cost of maintaining ~~the~~ private streets; and that if *such* assessments ~~are not paid, it~~ shall constitute a pro rata lien upon the individual lots shown on the ~~final~~ *development* plan.

~~(d) — The uniqueness of each proposal for a qualifying industrial park requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities and the specifications for curbs, entrances, gutters, sidewalks, street lights and stormwater drainage be subject to modification from the specifications established in chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for a particular facility when the planning commission finds that such specifications are not required in the best interests of the occupants, workers or customers of the businesses located within a qualifying industrial park and that the modifications of such specifications are not inconsistent with the interests of the county.~~

*(b) Minimum Standards:*

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

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

It shall be the responsibility of the applicant to demonstrate to the satisfaction of the ~~planning commission~~ *development manager or his designee* with respect to any requested waiver or modification that:

- ~~(1)~~a. The waiver or modification shall result in design and construction that is in accordance with accepted engineering standards;
- ~~(2)~~b. The waiver or modification is reasonable because of the uniqueness of the ~~qualifying industrial park development~~ or because of the ~~large area of the qualifying industrial park development~~ within which the *nature and excellence of* design and construction will be coordinated, preplanned and controlled;
- ~~(3)~~c. Any waiver or modification pertaining to streets is reasonable with respect to the generation of vehicular traffic that is estimated to occur within the area of the ~~qualifying industrial park development~~;

~~(4) Any waiver or modification pertaining to sidewalks is justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic; and~~

~~(5)d. Traffic lanes of streets are sufficiently wide enough to carry the anticipated volume and speed of traffic and in no case shall two-lane roadways be less than 20 ten feet wide.; and~~

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

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

#### **Article IV. Manufactured Home Parks**

##### **Section 24-181. Streets required.**

Each manufactured home lot shall front on a public or private street. All *dedicated public* streets *shown on the development plan* shall meet the design and construction *standards requirements* of the Virginia Department of Transportation's *standards* or the county's subdivision ordinance, whichever is *more stringent greater*. *Such public streets shall be coordinated with the major transportation network shown in the Comprehensive Plan.* ~~The construction and maintenance of private streets shall be guaranteed by a surety bond, letter of credit, cash escrow or other form of surety approved by the county attorney and the environmental director.~~ Public streets shall be part of the Virginia Department of Transportation road system. *Private streets may be permitted per section 24-62.*

## Article V. Districts

### Division 5. Residential Planned Community District, R-4

#### Section 24-290. Street improvements.

(a) All dedicated public streets shown on the ~~final~~ *development* plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county subdivision ordinance, whichever is ~~greater~~ *more stringent*. Such public streets shall be coordinated with the major transportation network shown in the ~~county~~ Comprehensive Plan.

(b) Private streets may be permitted *in accordance with the provisions of section 24-62*. ~~upon approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the final plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.~~

~~The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of building safety and permits.~~

(c) ~~To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the planning commission that a property owner's community association or similar organization has been legally established under which the lots within the area of the final plan will be assessed for the cost of maintaining private streets and that such assessments shall constitute a pro rata lien upon the individual lots shown on the final plan.~~

(d) ~~The uniqueness of each proposal for a residential planned community requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities and the specifications for curbs, gutters, sidewalks, street lights and storm water drainage be subject to modification from the specifications established in Chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for a particular facility where the planning commission finds that such specifications are not~~

~~required in the interests of the residents of the residential planned community and that the modifications of such specifications are not inconsistent with the interests of the entire county.~~

~~It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with respect to any requested waiver or modification:~~

- ~~(1) That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;~~
- ~~(2) That the waiver or modification is reasonable because of the uniqueness of the residential planned community or because of the large area of the residential planned community within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;~~
- ~~(3) That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur within the area of the master plan;~~
- ~~(4) That any waiver or modification as to sidewalks in "B", "C", "D", or "E" density areas be justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic.~~
- ~~(5) That traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic and in no case less than ten feet wide; and~~
- ~~(6) That waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon soil tests for CBR value and erosion characteristics of the particular subgrade support soils in the area.~~

## Division 6. Multifamily Residential District, R-5

### Section 24-314. Requirements for improvements and design.

(f) *Streets.* All *dedicated public* streets *shown on the development plan* shall meet the design and construction requirements of the Virginia Department of Transportation's *standards* or the ~~requirements~~ of the county subdivision *ordinance, regulations,* whichever is ~~greater~~ *more stringent.* ~~All~~ *Such public* streets shall be ~~consistent~~ *coordinated* with the major ~~thoroughfare plan of~~ *transportation network shown* in the county Comprehensive Plan. *Private streets may be permitted in accordance with the provisions of section 24-62.* The traffic generated by a Multifamily Residential District, R-5, shall not exceed the capacity of adjoining thoroughfares. The daily traffic shall be determined by multiplying the number of proposed dwelling units by the appropriate trip generation rate as listed in the latest edition of a book entitled *Trip Generation* published by the Institute of Transportation Engineers and compared to the existing traffic and road capacity as determined by the highway engineer. ~~The construction of private streets shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of building safety and permits.~~

## Division 14. Planned Unit Development Districts

### Section 24-497. Requirements for improvements and design.

(d) *Street.* All *dedicated public* streets *shown on the development plan* shall meet the *design and construction* requirements of the Virginia Department of Transportation's *standards* or the ~~requirements of the county subdivision~~ *ordinance, regulations,* whichever is ~~greater~~ *more stringent.* *Such public* streets shall be coordinated with the major transportation network shown in the county Comprehensive Plan. ~~The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee~~

~~approved by the county attorney and environmental director. Private streets may be permitted upon the approval of the board of supervisors~~ *in accordance with the provisions of section 24-62.*

### **Division 15. Mixed Use, MU**

#### **Section 24-528. Street improvements.**

(b) Private streets may be permitted upon the approval of the board of supervisors *in accordance with the provisions of Sec. 24-62.* ~~and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the development plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.~~

~~The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and environmental director.~~

~~(c) To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the planning commission that a property owner's community association or similar organization has been legally established under which the lots within the area of the development plan will be assessed for the cost of maintaining private streets and that such assessments shall constitute a pro rata lien upon the individual lots shown on the development plan.~~

~~(d) The uniqueness of each proposal for a mixed use development requires that the specifications for the width, surfacing, construction and geometric design of streets with associated drainage and the specifications for curbs and gutters be subject to modification from the specifications established in chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for these facilities where the planning commission finds that such specifications are not required in the interests of the residents and property owners of the mixed use development and that the modifications of such specifications are not inconsistent with the interests of the entire county.~~

~~It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with respect to any requested waiver or modification:~~

- ~~(1) That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;~~
- ~~(2) That the waiver or modification is reasonable because of the uniqueness of the mixed use development or because of the large area of the mixed use development within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;~~
- ~~(3) That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur with the area of the master plan;~~
- ~~(4) That traffic lanes of streets are sufficiently wide enough to carry the anticipated volume and speed of traffic and in no case less than ten feet wide; and~~
- ~~(5) That waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon the soil tests for California Bearing Ratio value and erosion characteristics of the particular subgrade support soils in the area.~~

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION I, IN GENERAL, BY AMENDING AND RENAMING SECTION 24-35, SIDEWALKS TO PEDESTRIAN ACCOMODATIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-35, Pedestrian accommodations.

## **Article II. Special Regulations**

### **Division I. In General**

#### **Section 24-35. ~~Sidewalks~~ *Pedestrian accommodations.***

- (a) ~~Sidewalks~~ *Pedestrian accommodations* shall be required for all projects requiring site plan ~~or major subdivision~~ review ~~and residential developments~~ in accordance with the following:
- (1) ~~Sidewalks shall be built to VDOT standards and located within VDOT right of ways when they are to be publicly maintained. If sidewalks are to be privately maintained, they shall be built to standards acceptable to the county engineer or the planning commission.~~ *External sidewalks. Pedestrian accommodations shall be required for the subject property(ies) along all public roads as shown on the pedestrian accommodation master plan. In addition to corridors identified on the pedestrian accommodation master plan, sidewalks shall be required along at least one side of all roads built within a community character area sidewalk inclusion zone as specified on the pedestrian accommodation master plan.*
- (2) ~~Sidewalk plans providing for internal pedestrian access between parking areas, buildings and public areas as well as access to abutting property shall be provided for multifamily residential development and for nonresidential development sites.~~ *Internal public streets. Pedestrian accommodation internal to a residential, commercial, office or industrial development with*

*public streets shall be required pursuant to the Secondary Street Acceptance Requirements found in 24VAC30-92, as amended.*

- (3) ~~Sidewalks shall be provided along all existing public roads abutting property to be developed.~~

*Internal private streets.*

a. *Pedestrian accommodation internal to a residential, commercial, or office development with private streets shall be required on at least one side of all internal streets.*

b. *For development designated by the Comprehensive Plan as mixed use; moderate density residential; or the residential, commercial, and office sections of an economic opportunity area, pedestrian accommodations shall be required on both sides of the private streets.*

c. *Sidewalks on private streets shall not be required internal to industrial parks or industrial sections of areas designated economic opportunity on the Comprehensive Plan.*

d. *The planning director or his designee may approve alternative locations for pedestrian accommodations that are found to have equivalent connectivity as providing sidewalks along the roads internal to the development, such as paved connections between or from cul-de-sacs to other pedestrian accommodations.*

- (4) ~~Sidewalks shall be provided for one block commencing at the entrance(s) on at least one side of all entrance roads serving residential developments which shall or would be expected to serve more than 500 vehicles per day based on the application of the Institute of Transportation Engineers' traffic generation rates to a projected density assigned to undeveloped land remaining within a proposed subdivision. Sidewalks shall be provided on one side of all roads which shall serve or would be expected to serve more than 1,000 vehicles per day based on the method listed above.~~ *Interconnectivity internal to a parcel. Pedestrian accommodations shall be required between parking areas, buildings, and public areas for residential, commercial, and office development sites. Pedestrian accommodation internal to a development shall link with any existing or master planned pedestrian accommodation along an abutting road*

*external to the development and any existing public transit stops. Development within industrial parks and industrial sections of the Economic Opportunity zone shall be required to meet applicable Americans with Disabilities Act (ADA) connectivity standards.*

(5) *Interconnectivity between parcels. Pedestrian accommodations shall be required between residential developments and adjoining schools, park, or recreational facilities as determined by the planning director or his designee. The property owner shall provide a connection internal to the development to the property line with the adjoining facility. This criterion may be waived by the planning director or his designee if the owner of the contiguous parcel objects to a connection or if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.*

~~(b) Upon a favorable recommendation of the development review committee, the planning commission may modify the requirements listed in item (4) above; provided, that equivalent pedestrian facilities have been provided which adequately provide for pedestrian access within the development and to abutting property.~~

~~(c) Upon a favorable recommendation of the development review committee, the planning commission may modify the requirements listed in item (3) above; provided that:~~

~~(1) Sidewalks are provided along an existing public road as identified in the transportation element of the Comprehensive Plan; or~~

~~(2) Access to abutting properties has been provided for by way of a pedestrian connection constructed to the minimum standards listed in (d) below; or~~

~~(3) A combination of (1) and (2) above, have been provided in a manner and location acceptable to the development review committee.~~

~~(d) Where pedestrian connections are provided in accordance with (c)(2) above, such connections shall be constructed to the following minimum standards:~~

- ~~(1) Such pedestrian connections should avoid lands with greater than 25 percent slopes, areas subject to flooding, environmentally sensitive land or lands otherwise designated as a resource protection area.~~
  - ~~(2) Such pedestrian connections shall be at least eight feet wide and constructed of an all-weather surface. In instances where a soft surface is provided, the surface shall be underlaid with filter cloth. In no case shall a multi-use pedestrian connection be closer than five feet to the property line of an adjoining residential property.~~
  - ~~(3) The right-of-way and pedestrian connection shall be indicated on the final plat.~~
- (b) Construction standards: Pedestrian accommodations required by section 24-35(a) shall be built in accordance with the following construction standards:*
- (1) Pedestrian accommodations shall be built to VDOT standards and located within VDOT right-of-way when they are to be publicly maintained. If accommodations are to be privately maintained, they shall be built to VDOT construction standards.*
  - (2) Right-of-way and pedestrian accommodations shall be shown on the final plat.*
  - (3) Sidewalks shall be paved and a minimum of five feet in width. Multi-use paths shall be paved and a minimum of eight feet in width. All pedestrian accommodations shall meet the requirements of the ADA's Accessibility Guidelines.*
- (c) Exemptions: Exemptions to this section may be granted by the planning director or his designee if:*
- (1) a proposed temporary structure(s) will not be erected for more than six (6) months; or*
  - (2) a proposed addition to an existing structure is less than 1,000 square feet or no changes to the building footprint are proposed; or*
  - (3) the development is located within an office park with private streets in existence prior to November 22, 2011 and providing pedestrian accommodations along the frontage of the development site would not result in a safe and continuous connection to an existing or planned pedestrian accommodation or public transit stop.*

*(d) Exceptions: Exceptions to this section may be granted by the planning director or his designee if:*

*(1) a pedestrian accommodation is otherwise required by this section and would be substantially damaged or need to be replaced as a result of a fully engineered roadway construction project implemented by the County or VDOT. The planning director or his designee may request dedication of sufficient right-of-way for pedestrian accommodations related to the road project in lieu of construction of the pedestrian requirement. The requirement to dedicate right-of-way shall be based on existing right-of-way, the design of the engineered project, and additional right-of-way that is needed; or*

*(2) in circumstances where topographical conditions make construction of pedestrian accommodations impractical, the planning director or his designee may approve an alternative alignment that is accessible by the public that differs from the pedestrian accommodation master plan. The alternative alignment shall link with adjacent pedestrian accommodations; or*

*(3) pedestrian accommodations shown on a master plan approved by the board of supervisors that differs from the pedestrian accommodation master plan.*

*If an exception is granted for (d)(1) or (d)(2) above, the applicant shall be required to pay into the pedestrian accommodation construction and maintenance fund in an amount determined by the engineering and resource protection division director or his designee. The amount shall be based on:*

- a. projected engineering costs;*
- b. projected material costs;*
- c. projected labor and mobilization costs;*
- d. current topographical conditions of the site; and*
- e. linear feet of road frontage.*

*(e) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.*

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

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**RESOLUTION**

**JAMES CITY COUNTY 2011 PEDESTRIAN ACCOMMODATION MASTER PLAN**

WHEREAS, Action T3.10 in the 2009 Comprehensive Plan recommended updating the James City County Sidewalk Master Plan and amending the Zoning Ordinance in a manner that would increase accessibility, provide for more design and construction flexibility, and incorporate multi-use paths as an option for pedestrian accommodation in James City County; and

WHEREAS, the James City County 2011 Pedestrian Accommodation Master Plan ("Master Plan") has been drafted to satisfy Action T3.10 and shall be the binding resource determining pedestrian accommodation requirements external to a development unless otherwise permitted by the pedestrian accommodation ordinance; and

WHEREAS, on June 7, 2011, following a series of public meetings, the Policy Committee recommended approval of the Master Plan to the Planning Commission; and

WHEREAS, on October 5, 2011, following a public hearing, the Planning Commission recommended approval of the Master Plan by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the James City County 2011 Pedestrian Accommodation Master Plan dated September 2011 to be used as a binding document as referenced in the Zoning Ordinance amendments to Section 24-35 Pedestrian Accommodation to review subdivisions, site plans, special use permits, master plans, and rezonings in the County.

\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

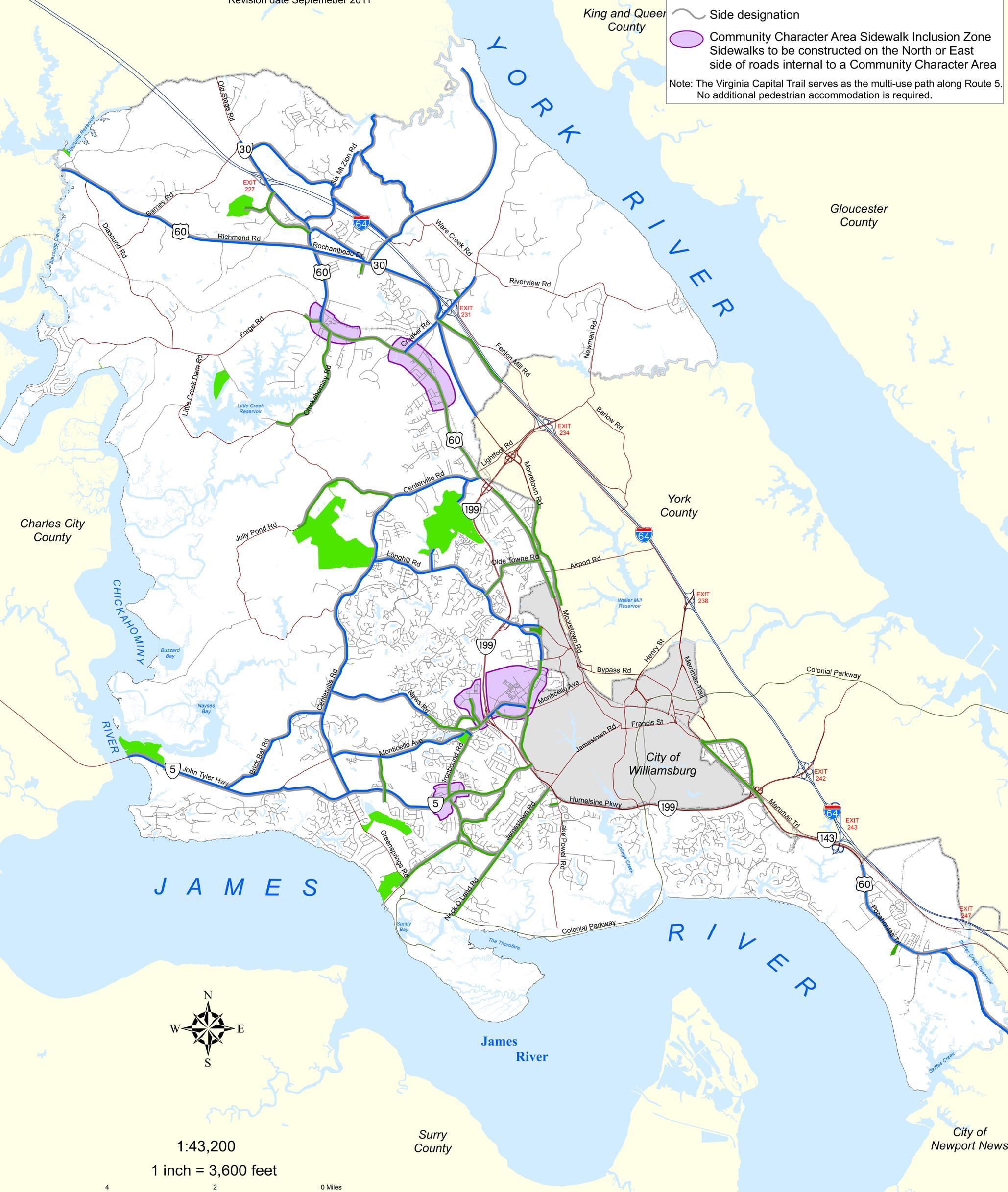
Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

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# James City County Draft 2011 Pedestrian Accommodation Master Plan

Revision date September 2011

-  Multi-Use
  -  Sidewalk
  -  Sidewalks both sides
  -  Side designation
  -  Community Character Area Sidewalk Inclusion Zone  
Sidewalks to be constructed on the North or East side of roads internal to a Community Character Area
- Note: The Virginia Capital Trail serves as the multi-use path along Route 5. No additional pedestrian accommodation is required.



1:43,200  
1 inch = 3,600 feet



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-43, BUFFER AND SETBACK REQUIREMENTS FOR TIMBERING ACTIVITIES; BY AMENDING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, PERMITTED USES; AND BY AMENDING SECTION 24-215, SETBACK REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-43, Buffer and setback requirements for timbering activities; by amending Article V, Districts, Division 2, General Agricultural District, A-1, Section 24-212, Permitted uses; and by amending Section 24-215, Setback requirements.

## **Chapter 24. Zoning**

### **ARTICLE II. SPECIAL REGULATIONS**

#### **DIVISION 1. IN GENERAL**

##### **Section 24-43. Buffer and setback requirements for timbering activities.**

The requirements in this section shall apply to timbering activities located in all districts. This section shall not apply to ~~timbering~~ *tree removal* activities conducted as part of ~~an approved~~ a site plan, subdivision plan, or building permit *that is currently under review by the county or has received final approval*. Approval of site plans, subdivision plans, or building permits shall be in accordance with other provisions of the zoning ordinance and shall not be governed or guided by the provisions of this section.

This section shall also not apply to timbering activities where all timbering is conducted outside of the buffers or setback for timbering listed in paragraph (1), (2) or (3) or for timbering within such buffers or setback for timbering to construct access drives having a maximum width of 30 feet. The following provisions shall apply to all timbering activities subject to this section except as otherwise noted:

- (1) *Buffer along public roads.* This paragraph shall not apply to the General Agricultural District, A-1. An undisturbed buffer at least 75 feet wide shall be maintained along all public roads. No trees or other vegetation shall be removed from this buffer except as permitted under this section.
- (2) *Buffer along community character corridor.* This paragraph shall not apply to the General Agricultural District, A-1. On all other property fronting on roads that are identified as community character corridors on the Comprehensive Plan, an undisturbed buffer at least 150 feet wide shall be maintained along the community character corridor on properties that are zoned residential. No trees or other vegetation shall be removed from this buffer except as permitted under this section.
- (3) *Setback for timbering.* In the General Agricultural District, A-1, ~~a setback for timbering shall be provided in accordance with section 24-215(e).~~ *for properties that are in the primary service area, all timbering activities shall be located a minimum of 50 feet from any public road right-of-way unless done in accordance with other provisions in section 24-43. This distance shall be known as the setback for timbering. In the general agricultural district, A-1, for properties outside the primary service area, there shall be no setback for timbering.*
- (4) *Buffer and setback for timbering measurement and determinations.* The width of required buffers and setbacks for timbering shall exclude any planned future right-of-way as designated on the Six-Year Primary or Secondary Road Plan.

- (5) *Tree protection.* Required buffer areas and setbacks for timbering shall be marked by painting trees along the interior edge of the buffer. Equipment, timber, or other materials shall not be placed within the buffer or setback for timbering area.
- (6) *Processing requirements.* Prior to commencing any timbering activities within a buffer or setback for timbering except for a 30-foot access drive, the property owner or agent shall complete an **timber buffer modification** application and submit it along with a James City County Tax Map (with topography ~~and planimetric detail at a scale of 1"=200'~~) to the planning director that shows the site's property lines, any existing and proposed driveway entrances, required buffer areas, and setbacks for timbering, and tree protection measures. The planning director shall determine whether to permit timbering activities within a buffer or setback for timbering in accordance with paragraphs (7) and (8) below. Upon approval of the application by the planning director, timbering activities within a buffer or setback for timbering may proceed. All timbering activities within a buffer or setback for timbering including location of driveways or any other land disturbing activities, shall take place only in those areas indicated on the approved map and in accordance with the methods approved by the planning director. The planning director shall have no more than ~~44~~ **ten working** days from the filing of such application to approve or disapprove the application. If disapproved, the planning director shall write a letter to the applicant identifying the revisions to be made to gain approval.
- (7) *Modifications.* The planning director may grant modifications to the buffer, setback for timbering, and tree protection requirements when, in the opinion of the planning director, an alternative design provides equivalent measures, or retains the rural character of the property, or when buffers, setbacks for timbering, or tree protection are unnecessary due to a site's physical conditions such as topography or presence of streambeds, wetlands or other natural features. The planning director may also permit tree removal within the buffer or setback for timbering when

trees are weakened, dying, diseased, or insect damaged, or, in the opinion of the state forester *or a certified horticulturalist*, unlikely to survive or such removal will enhance the long term effectiveness of the buffer or setback for timbering as a visual barrier.

- (8) *Partial timbering within a buffer or setback for timbering.* The planning director may approve partial timbering of buffer areas and setback for timbering and the use and type of equipment for partial timbering, after considering the following:
- a. The effect of the timbering on the long-term effectiveness of the buffer area, or setback for timbering and on adjacent roads and properties;
  - b. The anticipated development of the property and the surrounding area;
  - c. The condition of any adjacent dwelling or subdivision including whether the structures are abandoned or dilapidated;
  - d. Any recommendations of the state forester *or certified horticulturalist*, including recommendations on the use and type of equipment for partial timbering;
  - e. The health and diversity of trees with emphasis on protection of mixed hardwood trees, and the reforestation of the buffer or setback for timbering; and
  - f. The market value of the timber in the buffer or setback for timbering and the timber to be removed, and the market value of the timber on the balance of the property.
- (9) *Development review committee review.* The development review committee shall consider the timbering *buffer modification* application if there are unresolved problems between the applicant ~~or~~ *and* the planning director.
- (10) *Tree Replacement.* If timbering occurs within the buffers or setbacks for timbering described above in paragraphs (1), (2) and (3) and such timbering is not approved in accordance with paragraphs (7) and (8) above, trees shall be replaced at a ratio of one tree for each 800 square feet of area timbered. All replacement trees shall be of a species native to eastern Virginia. Such

trees shall meet the standards for trees stated in section 24-2. The number and type of trees and their placement shall be approved by the planning director.

All trees shall be planted within 30 days from the date the trees were removed from the buffer or setback unless such period does not fall within the planting season. In such cases, their replacement in the next planting season (October 1 through March 31) shall be guaranteed by entering into a written agreement with the county and furnishing to the county a certified check, bond with surety satisfactory to the county, or a letter of credit in an amount to cover all costs of the plantings and their installation as estimated by the planning director. Such written agreement shall be entered into and such financial guarantee shall be provided to the County within 30 days from the date the trees were removed. The form of the agreement, financial guarantee, or type of surety shall be to the satisfaction of and approved by the county attorney. If the improvements are not completed in a timely manner, the planning director shall proceed to complete the improvements by calling on the surety or financial guarantee. After the first full growing season (February 1 to November 30) after planting, any trees not in a healthy growing condition or determined to be dead, diseased, or dying, shall be replaced as determined by the planning director. Thereafter, all trees shall be maintained in a healthy growing environment and in a healthy growing condition.

The planning director may allow some or all of the trees required by this paragraph to be planted outside the buffer or off-site when, if in the opinion of the planning director, such an alternative mitigates the environmental, buffering, or wildlife habitat impacts of the tree removal.

- (11) *Violations and penalties.* Prior to any criminal or civil enforcement under this section, the administrator or his designee shall give five days written notice of the violation to the owner of

the property prior to commencing enforcement. The violation of any provision of this section concerning tree replacement in paragraph 10 above is subject to a civil fine pursuant to section 24-22. The violation of any other provisions in this section is subject to a criminal sanction under section 24-22.

## **ARTICLE V. DISTRICTS**

### **DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1**

#### **Section 24-212. Permitted uses.**

In the General Agricultural District, A-1, structures to be erected or land to be used shall be for the following uses:

~~Silviculture, with timbering in accordance with Section 24-215(c).~~

*Timbering in accordance with section 24-43.*

#### **Section 24-215. Setback requirements.**

(a) Structures, except those associated with intensive agricultural uses, shall be located a minimum of 50 feet from any street right-of-way which is 50 feet or greater in width. If the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 75 feet from the centerline of the street; except that where the minimum lot area is three acres or more, the minimum setback shall be 75 feet from any street right-of-way which is 50 feet or greater in width and 100 feet from the centerline of any street right-of-way less than 50 feet in width. Devices for nutrient management plans, pens, and structures associated with intensive agriculture shall be 250 feet from any dwelling not owned by the operator of the use, all property lines not associated with the use, all public roads, and 1,000 feet from platted residential subdivisions, residentially zoned districts, areas designated for residential use on the

comprehensive plan, schools, parks and playgrounds, recreation areas, public wells, water tanks and reservoirs.

(b) All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat will be allowed to adhere to these established setback lines.

~~(c) All timbering activities in the primary service area shall be located a minimum of 50 feet from any public road right of way unless done in accordance with section 24-43. This distance shall be known as the setback for timbering.~~

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VI, OVERLAY DISTRICTS, DIVISION 3, FLOODPLAIN AREA REGULATIONS, SECTION 24-588, COMPLIANCE AND LIABILITY; SECTION 24-590, DESIGNATION OF FLOODPLAIN DISTRICTS; SECTION 24-595 REGULATIONS FOR CONSTRUCTION; SECTION 24-596, REGULATIONS FOR SUBDIVISIONS AND SITE PLANS; SECTION 24-597 REGULATIONS FOR REPLACEMENT MANUFACTURED HOMES; AND SECTION 24-601, WATERCOURSE MODIFICATION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-588, Compliance and liability; Section 24-590, Designation of floodplain districts; Section 24-595, Regulations for construction; Section 24-596, Regulations for subdivisions and site plans; Section 24-597, Regulations for replacement manufactured homes; and Section 24-601, Watercourse modification.

**Chapter 24. Zoning**

**ARTICLE VI. OVERLAY DISTRICTS**

**DIVISION 3. FLOODPLAIN AREA REGULATIONS**

**Section 24-588. Compliance and liability.**

(a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of

these regulations and any other applicable ordinances and regulations; *including, but not limited to: the Virginia Uniform Statewide Building Code (USBC), the Virginia Industrialized Building Safety Regulations (IBSR), and the Manufactured Home Safety Regulations (MHSR).*

**Section 24-590. Designation of floodplain districts.**

(a) The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The minimum basis for the delineation of these districts shall be, but not limited to, the September 28, 2007, flood insurance study prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Agency (FIA), since other flood-prone areas exist in James City County which are not shown on the floodplain maps. To determine these areas, the 100-year flood elevations and floodways from federal, state and local sources may be used when available. Where the specific 100-year flood elevation cannot be determined for an area by using available sources of data, then the applicant for the proposed use, development and/or activity shall determine this elevation to the satisfaction of the county engineer in accordance with the hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall consider full development of the watershed and shall be submitted in sufficient detail to allow a thorough review by the county engineer.

Where flood elevations are provided by the FIA, these elevations shall not be changed except with FEMA approval. Local sources of floodplain *flood-prone area* data include, but are not limited to, the following reports: *Drainage Study of Upper Powhatan Creek Watersheds, Camp Dresser and McKee,*

*1987; Mill Creek-Lake Watershed Study, GKY and Associates, 1988; Powhatan Creek Floodplain Study, Williamsburg Environmental Group, 2008; Upper Powhatan Creek Floodplain Study, Williamsburg Environmental Group, 2010.*

**Section 24-595. Regulations for construction.**

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

- (1) In case of residential usage, the finished ~~grade~~ *elevation of the lowest floor, including the basement or cellar of the building*, shall be at least ~~one foot~~ *two feet* above the 100-year flood elevation ~~for the lowest floor, including basement or cellar of structure~~. For nonresidential structures, watertight floodproofing in accordance with the Virginia Uniform Statewide Building Code may be provided in lieu of the finished grade requirement described herein. Prior to issuance of a certificate of occupancy, the owner of any structure located in a floodplain district shall submit a completed elevation certificate or floodproofing certificate as appropriate to the director of building safety and permits.
- (2) Utility and sanitary facilities shall be floodproofed up to the level of *two feet above* the 100-year *base* flood *elevation*.
- (3) Encroachments, including fill, new construction, substantial improvements and other development are prohibited within the floodway *or any floodplain* district *having a 100-year elevation greater than 7-1/2 feet (North American Vertical Datum - NAVD, 1988)* unless it has been demonstrated through hydrologic and hydraulic analyses that the

proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. *Hydrologic and hydraulic analyses shall be undertaken by a professional engineer and shall be submitted in sufficient detail to allow a thorough review by the development manager or his designee.*

(4) All other federal and state permits shall be obtained by the applicant before a building permit can be issued.

(b) It shall be the responsibility of the applicant to provide this data, certified by a licensed surveyor or engineer or other source acceptable to the director of building safety and permits.

#### **Section 24-596. Regulations for subdivisions and site plans.**

The applicant of any subdivision of land or site plan within the county shall submit with his application a statement by a licensed surveyor or engineer as to whether or not any property shown on the plat or plan is at an elevation lower than the 100-year flood level. Where a 100-year flood level exists, the extent of this area shall be shown on the plat or plan. Further, the elevation of the finished surface of the ground at each building location shall be shown. Lots created after February 6, 1991, which are within a floodplain district having a 100-year flood elevation greater than 7-1/2 feet, shall contain a natural, unfilled building site at least one foot above the 100-year flood elevation adequate to accommodate all proposed ~~structures~~ *buildings*. All ~~structures~~ *buildings* shall be constructed solely within such building site *and outside of the 100-year flood plain.*

#### **Section 24-597. Regulations for replacement manufactured homes.**

(a) Replacement manufactured homes shall be elevated on a permanent foundation so that the lowest floor is ~~one foot~~ *two feet* above the level of the 100-year flood *elevation.*

(b) In floodplain areas, replacement manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in either of the following arrangements:

- (1) Over-the-top ties at each corner plus one frame tie at the middle of each side; or
- (2) Frame ties at each corner plus no less than five evenly spaced additional frame ties per side.

(c) All ties to the ground shall be able to carry a force of 4,800 pounds.

**Section 24-601. Watercourse modification.**

The Federal Insurance Administrator, adjacent jurisdictions and the Department of Conservation and Recreation, Division of ~~Soil and Water Conservation~~ *Dam Safety and Floodplain Management* shall be notified prior to the alteration or relocation of any watercourse. The flood-carrying capacity to such watercourse shall be maintained.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

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