

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**READING FILE**

**November 22, 2011**

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**FOR YOUR INFORMATION**

1. Clean Copy Ordinances

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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, 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.**

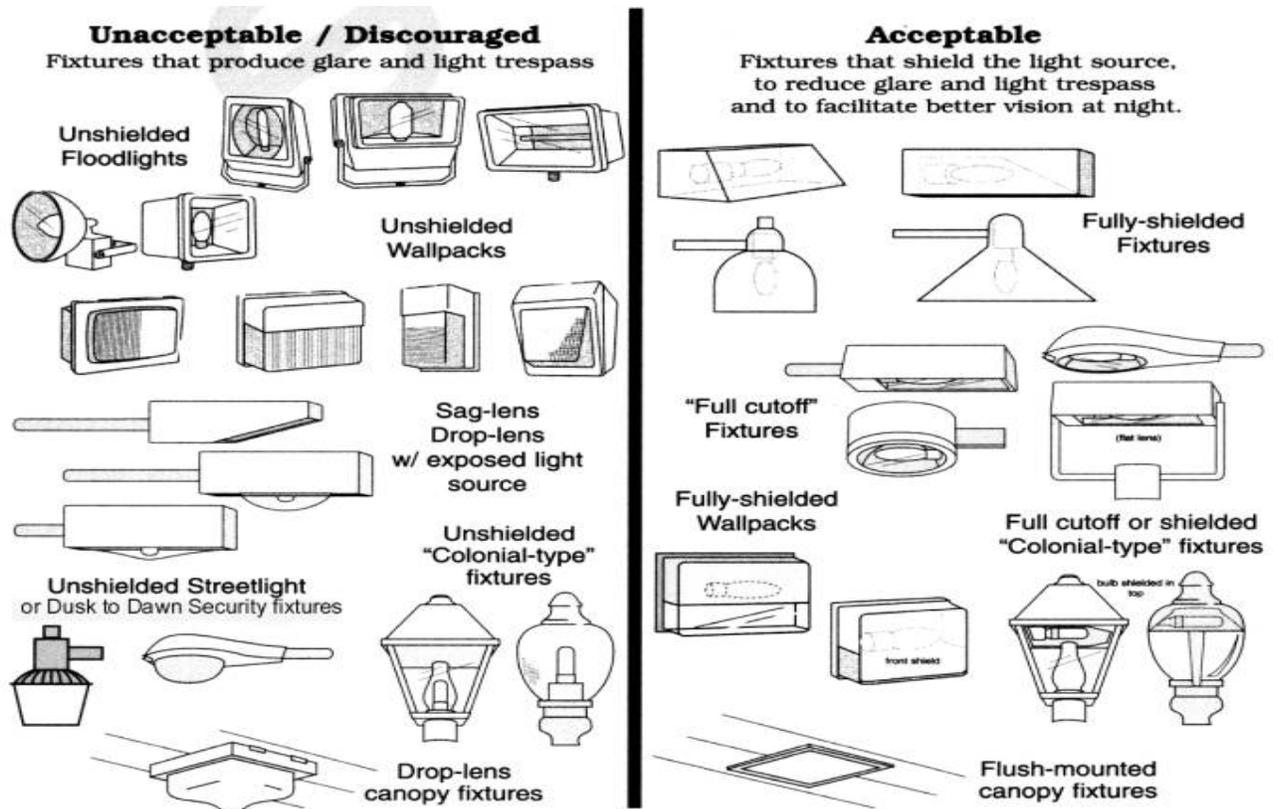
Adequate lighting shall be provided for the building entrances and parking lots of uses which will be in operation at night. All other lighting proposed by an applicant (such as landscape lighting and sign illumination) is optional, but where proposed, must meet the requirements of this Division.

**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.

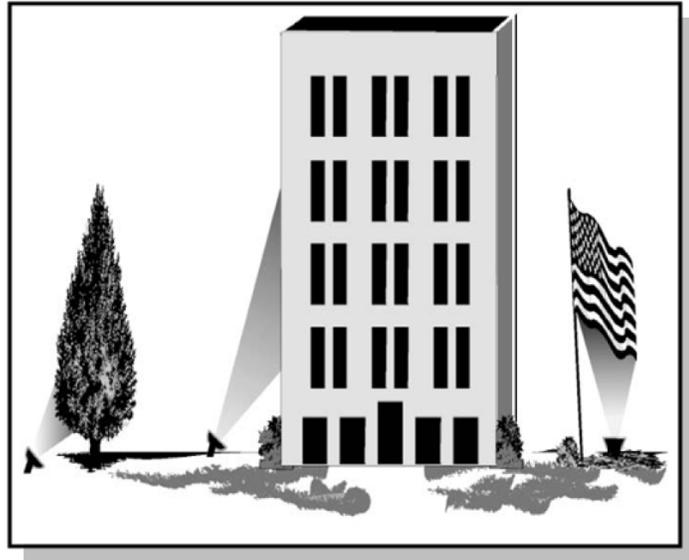
(a) Lighting of predominantly horizontal surfaces. For the lighting of predominantly horizontal surfaces, light fixtures shall be full-cutoff fixtures that meet Illuminating Engineering Society of North America (IESNA) criteria, and shall be aimed straight down (see figure 1 below). Examples of predominantly 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; AND 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, by amending Division 1, In General; and by amending Division 4, Landscaping; by amending 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**

**Chapter 24. Zoning**

**ARTICLE II. SPECIAL REGULATIONS**

**DIVISION 4. LANDSCAPING**

**Section 24-86. Statement of intent.**

The purpose of this 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 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 24-100 (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.

(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.

(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, Long Range Transportation Plan, approved master plan, or any road plan adopted by the board of supervisors.

(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.

(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 24-88. 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 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 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 engineering and resource protection director.

(c) Tree removal:

Outside impervious areas, trees may be removed in accordance with sections 24-98 (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 24-91. 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 24-92. Size requirements for new plantings.**

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

<b>Size Requirements for New Plantings</b>		
<b>Category</b>	<b>Type</b>	<b>Minimum Size at Planting</b>
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 24-93. 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 size and quality for its particular species.	Diameter at breast height (DBH) is 24" or greater.
Outstanding Specimen Tree	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.	Trees designated as outstanding specimens by the planning director or his designee.
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 24-94. 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 24-95. Tree credits.**

(a) Existing viable trees, preserved on the site in accordance with the tree protection standards outlined in section 24-88 (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 24-93.*	1 planted ornamental tree.
3 viable trees meeting the minimum size at planting as described in section 24-93.*	1 planted tree.
1 viable mature tree.	2 planted trees.
1 viable specimen tree.	3 planted trees.
1 viable outstanding specimen tree as approved by the planning director or his designee.	5 planted trees
No credit shall be given for any trees that are not protected in full compliance with the tree protection standards listed in section 24-88(b).	
* The trees to be saved shall be “tagged” in the field in order for the planning director or his designee to 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 24-96. 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 24-97 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>		
<b>Number of Trees</b>	<b>Number of Shrubs</b>	<b>Per</b>
1	3	400 square feet of total landscape area provided.

(b) Size and mixture requirements.

<b>Size and Mixture Requirements - General Landscape Areas</b>		
<b>Percentage</b>	<b>Of</b>	<b>Shall Be:</b>
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 24-97. 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.

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

**Section 24-98. 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.

<b>Width Requirements for Landscape Areas along Right(s)-of-Way.</b>			
<b>(1) Community Character Corridors</b>			
	Standard	Minimum width conditioned upon approval of planning director. Reference section 24-98 (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 24-98 (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.

(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 24-98 (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.

(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.
- (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 section 24-96.
- (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 24-99. 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.

(1) General Requirements for Parking Lot Landscaping.	
<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.

(2) Quantity Requirements for Parking Lot Landscaping.		
<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 24-88 (b) above.		

(3) Size and Mixture Requirements for Parking Lot Landscaping.		
Percentage	Of	Shall Be:
At least 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 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 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 24-100. Screening.**

(a) Transitional screening. Transitional screening between conflicting land uses and districts shall be provided as required in this paragraph and in section 24-101. Such screening areas shall be left in their undisturbed natural state and supplemented where necessary in accordance with section 24-96 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. 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 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 24-101.

**Section 24-101. 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 24-98(b), (d), and (f). The balance of the setback and setbacks from internal streets shall contain existing trees and plantings in conformance with section 24-96. This requirement shall not apply to single-family dwellings.
- (2) Yards: All required yards shall contain existing trees and plantings in conformance with section 24-96. This requirement shall not apply to single family dwellings.
- (3) Transitional screening: For developments with 200 or fewer units, a transitional screening area in accordance with section 24-100, 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 24-98. 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 24-96 and section 24-97 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 agencies, 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 24-97 unless a modification is granted under section 24-91.

- (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 24-100.

- (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 24-98(b), (d), and (f). The balance of that setback and setbacks from internal streets shall contain existing trees and plantings in conformance with section 24-96. 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 24-98. The balance of that setback and setbacks from internal streets shall contain existing trees and plantings in conformance with section 24-96. 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 24-96. 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 24-96 and section 24-97 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 24-97 unless a modification is granted under section 24-91.
- (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 24-100 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 24-101 (c) (3). The applicable transitional screening requirements shall be determined by the planning director in accordance with section 24-101.

**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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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 director

may waive the setbacks and geometric design requirements found in sections 24-57 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 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.

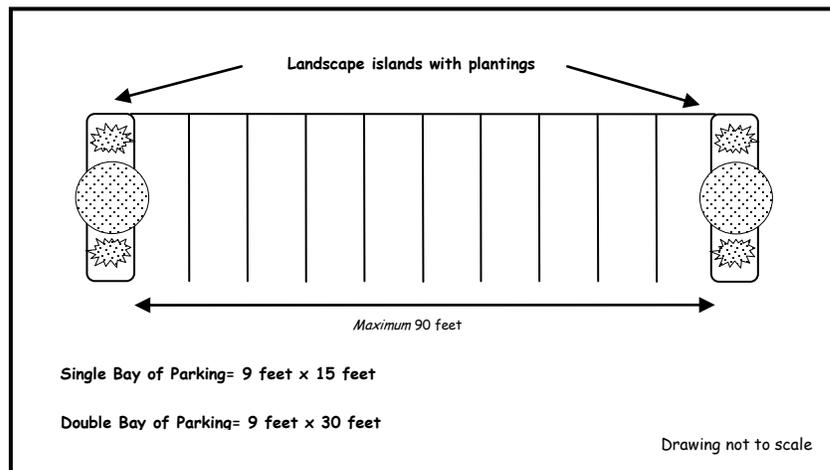
#### **Section 24-57. Parking lot design.**

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 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 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) 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:

- Dance Halls/Clubs.

- Drug stores.
- Libraries.
- Lodges, civic clubs, fraternal organizations, service clubs, and private clubs.
- Post offices.
- Retail food stores, bakeries and fish markets.
- 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.
- Business, governmental and professional offices.
- Laundries and dry cleaners.
- Lumber and building supply.
- Machinery sales and service.
- Photography, 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.
- 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 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. 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) 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.

(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; 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 parking classifications shall be made to the planning director.

(2) Waivers. A property owner may be granted a waiver by the planning director from the 20 percent maximum parking cap if it can be shown that due to unique circumstances a particular activity would be expected to generate more parking demand than that allowed by the maximum parking cap. The 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 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. Parking areas to serve townhouse and condominium development shall be constructed and certified in accordance with the Administrative Guidelines for Certification of Private Street Construction. Criteria to be considered under this requirement shall be strength of foundation soils and type and depth of pavement components. Until such time as the development manager or his designee has accepted and approved such certification, surety required to assure proper pavement construction shall not be released. Production and installation of base aggregate and wearing surface, or equivalent pavement design approved by the development manager or his designee, shall be certified as complying with ordinance requirements and approved plans.

**Division 2. Highways, Streets, Parking and Loading**

**Section 24-62. Special provisions for private streets.**

(a) Approval process.

(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
	R-1, Limited Residential	X	X	X	X
	R-1, with cluster overlay	X	X	X	X
	R-2, General Residential	X	X	X	X
	R-2 with cluster overlay	X	X	X	✓
	R-4, Residential Planned Community	✓	✓	✓	✓
	R-5, Multi-Family Residential	X	X	B	B
	R-5, with cluster overlay	X	X	B	B
	R-6, Low Density Residential	X	X	X	X
	R-8, Rural Residential	X	✓	X	X
	LB, Limited Business	X	X	X	X
	B-1, General Business	X	X	X	X
	M-1, Limited Business/Industrial	✓	X	X	X
	RT, Research & Technology	✓	X	X	X
	M-2, General Industrial	✓	X	X	X
	PUD, Planned Unit Development	✓	✓	✓	✓
	MU, Mixed Use	✓	✓	✓	✓
	PL, Public Land	X	X	X	X
EO, Economic Opportunity	✓	✓	✓	✓	

✓ : permitted with board approval      X: not permitted      B: By-right

(2) Qualifying Industrial Parks

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.

(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 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.

(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 development manager or his designee with respect to any requested waiver or modification that:

- a. The waiver or modification shall result in design and construction that is in accordance with accepted engineering standards;
- b. The waiver or modification is reasonable because of the uniqueness of the development or because of the development within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;
- 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 development;
- d. 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

- 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 requirements of the Virginia Department of Transportation's standards or the county's subdivision ordinance, whichever is more stringent. Such public streets shall be coordinated with the major transportation network shown in the Comprehensive Plan. 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 development plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county subdivision ordinance, whichever is more stringent. Such public streets shall be coordinated with the major transportation network shown in the Comprehensive Plan.

(b) Private streets may be permitted in accordance with the provisions of section 24-62.

## **Article V. Districts**

### **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 county subdivision ordinance, whichever is more stringent. Such public streets shall be coordinated with the major transportation network shown in the 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.

### **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 county subdivision ordinance, whichever is more stringent. Such public streets shall be coordinated with the major transportation network shown in the Comprehensive Plan. 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 section 24-62.

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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. Pedestrian accommodations.**

- (a) Pedestrian accommodations shall be required for all projects requiring site plan or major subdivision review in accordance with the following:
  - (1) 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) 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) 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) 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) 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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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 tree removal activities conducted as part of 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, 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 a timber buffer modification application and submit it along with a James City County Tax Map (with topography) 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 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 timber buffer modification application if there are unresolved problems between the applicant 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:

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.

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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 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 elevation of the lowest floor, including the basement or cellar of the building, shall be at least two feet above the 100-year flood elevation. 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 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 buildings. All 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 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 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.

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 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 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.

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