

ADOPTED

MAY 14 1996

ORDINANCE NO. 31A-168

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 4, LANDSCAPING, SECTION 20-86, LANDSCAPING AND TREE PRESERVATION REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-86, Landscaping and tree preservation requirements.

ARTICLE II. SPECIAL REGULATIONS

DIVISION 4. LANDSCAPING

Sec. 20-86. Landscaping and tree preservation requirements.

(C) General Requirements for All Uses Requiring a Landscape Plan:

(2) Site landscaping and tree protection requirements:

- (a) General Landscape Area Standards: Existing trees shall be retained to the maximum extent possible in all landscape areas. Such trees may be removed to accommodate necessary utilities or drainage structures or where necessary to abate demonstrable public health or safety hazards. All required landscape areas, other than landscape areas adjacent to buildings and within parking lots, as required below in paragraph (C)(2)(b) and (C)(2)(e), shall contain a number of trees equal to at least one tree and three shrubs per 400 square feet of total landscape area provided.

At least 35 percent of these trees shall have a minimum caliper of 2 ½ inches. Fifteen to 25 percent of the required trees shall be ornamental trees. At least 25 percent of the total required trees and 25 percent of the required shrubs shall be evergreen. All required plantings shall conform with 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. Required planting materials shall be of a species that promotes the intent of this section and that is compatible with the proposed planting environment. 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.

Each mature existing tree may be counted toward meeting the required minimum number of trees, with one viable mature tree substituting for two planted trees and one viable specimen tree substituting for three planted trees. However, no credit shall be given for any mature tree or specimen tree which is not protected in full compliance with the tree protection standards above in paragraph (C)(1). In such cases, planted trees shall be provided as required above. 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.

- (b) 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 one ornamental tree or five shrubs per 200 square feet of planting area provided.

- (c) **Landscape Area Along Right-of-Way:** A landscape area having an average width of 30 feet shall be provided adjacent to any existing or planned public road right-of-way. Such landscape areas may be reduced to an average width of 20 feet or ten 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. Any required landscape area along a right-of-way shall have a minimum width of 15 feet. All landscape areas along a right-of-way shall contain a minimum amount of square footage which shall be determined by multiplying the applicable average width requirement above times the length of the right-of-way frontage. In no case shall any portion of any landscape area located more than 45 feet from the right-of-way be counted toward meeting the requirements of this paragraph. All landscape areas along right-of-ways shall be continuous along the road right-of-way frontage, except where driveway, utility or other breaks are necessary, and shall be designed in a manner that achieves the intent of this section. All existing viable trees or specimen trees shall be preserved within this landscape area and protected in accordance with the above tree protection standards in paragraph (C)(1). Such landscape area shall be supplemented where necessary with planted trees and shrubs to achieve the minimum number of trees and shrubs specified in paragraph (C)(2)(a) above.

- (d) **Screening:**

1. **Transitional screening.** Transitional screening between conflicting land uses and districts shall be provided as required in this paragraph and in paragraph (D). Such screening areas shall be

left in their undisturbed natural state and supplemented where necessary in accordance with paragraph (C)(2)(a) 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 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.

2. Additional transitional screening requirements. If the commission determines that noises 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.
3. Objectionable features. Objectionable features shall be visually screened by landscaping or architectural barriers from or by adjacent residential districts, agricultural districts which are designated for residential use on the comprehensive Plan and public streets. Objectional features may include, but are not limited to, the following: refuse areas, storage yards, loading areas, and detention ponds.
4. 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.

5. 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.
 6. Residential developments not subject to article III, Site Plan. Major subdivisions of residential developments, as defined in Chapter 17, 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 paragraph (D).
- (e) Off-Street Park 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:
1. 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.
 2. Landscape area. Total landscape area within the parking lot, exclusive of any perimeter landscape areas or any landscape areas around the building, shall not be less than ten percent

of the surface area of the parking lot, including drives and circulation areas. On lots or parcels having less than 65,000 square feet which were recorded or legally in existence prior to July 3, 1990, total landscape area within the parking lot shall not be less than 7.5 percent of the surface area of the parking lot including drives and circulation areas.

3. **Planting requirements.** Landscape areas within a parking lot shall contain a minimum of one tree and two shrubs for each five parking spaces in the parking lot. On lots or parcels having less than 65,000 square feet which were recorded or legally in existence prior to July 3, 1990, landscape areas within the parking lot shall contain a minimum of one tree and two shrubs for each ten parking spaces in the parking lot. At least 50 percent of the required trees shall be deciduous shade trees with a 2 ½-inch minimum caliper and at least 25 percent of the required shrubs shall be evergreen. As provided above, each mature existing tree or specimen tree may be counted toward meeting the required minimum number of trees, with one viable mature 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 paragraph (C)(1) above. Required trees shall be reasonably distributed throughout the parking lot in a manner that promotes the intent of this section and shall be spaced no more than 75 feet apart throughout the parking lot. In addition to the above tree and shrub requirements, all parking lots shall be visually screened from public road right-of-ways by evergreen plantings or berms. 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.

4. 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: one tree and two shrubs shall be provided for each two bus parking spaces, with at least 50 percent of the required trees consisting of deciduous shade trees with a 2 ½-inch minimum caliper and, in addition to the foregoing tree and shrub requirements, bus parking areas shall be visually screened from all public road right-of-ways by evergreen landscaping or berms to the maximum extent possible. Any berms shall meet the requirements of paragraph 3. above.

(D) 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.

(3) LB, Limited Business District; B-1, General Business District; M-1, Limited Business/Industrial District; M-2, General Industrial District; M-3, Limited Industrial:

- (a) 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 with paragraph (C)(2)(a) above. Such area may be broken by necessary driveways or utilities perpendicular to the property line.

(b) Special Requirements for Industrial Uses: Landscape standards in paragraphs (C)(2)(a) and (C)(2)(b) for certain landscape areas shall be reduced for all uses in M-2 or M-3 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 M-3 district except automobile service stations, offices, employment agency, or school.

- 1. 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, 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 ½ inch minimum caliper. All required trees shall meet the other minimum standards of this section; or*
- 2. 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 building's 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 paragraph (C)(2)(b) unless a modification is granted under paragraph (B)(5).

(b) Transitional Screening: Landscape areas along property lines of properties zoned LB, B-1, M-1, M-2 and M-3 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:

LB District	30 Feet
B-1 District	35 Feet
M-1 District	35 Feet
M-2 District	50 Feet
M-3 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 paragraph (C)(2)(d) above.

(c) Landscape Open Space and Impervious Cover: As required in Chapter 19B, 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 19B. Provided, however, in no case shall minimum landscape open space be less than that required below for the respective district:

<i>District</i>	<i>Percent of Total Lot Area</i>
LB	35
B-1	30
M-1	30

M-2	25
M-3	30

(4) ~~PUD, planned unit development district, MU, mixed use district.~~

(a) **Setbacks:** Setbacks from existing or planned peripheral public street right-of-ways shall contain a landscape area having an average width of 30 feet in accordance with paragraph (C)(2)(c) above. The balance of that setback and setbacks from internal streets shall contain existing trees and plantings in conformance with paragraph (C)(2)(a) above. 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) **Yards:** All yards shall contain existing trees and plantings in conformance with paragraph (C)(2)(a) above. 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.

~~(c) **Special Requirements for Industrial Uses:** Landscape standards in paragraphs (C)(2)(a) and (C)(2)(b) 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 M-3 district except automobile service stations, offices, employment agency, or school.~~

~~1. **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~~

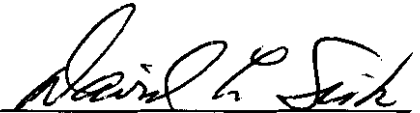
be provided at a ratio of one tree per 600 square feet of landscape area. For such landscape areas, none of the deciduous trees shall be required to be of a 2 1/2 inch minimum caliper. All required trees shall meet the other minimum standards of this section; or

2. *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 building's 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 paragraph (C)(2)(b) unless a modification is granted under paragraph (B)(5).*

~~(c)~~ Transitional Screening.

1. 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 paragraph (C)(2)(d) above shall be provided within the first 35 feet of yard area or setback from any property line adjoining such district.
2. 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 M-3 districts as required in paragraph (D)(3)(b) above. The applicable transitional screening requirements shall be determined by the planning director in accordance with paragraph (D) above.



David L. Sisk, Chairman
Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
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TAYLOR	ABSENT
MAGOON	AYE
DEPUE	AYE
EDWARDS	NAY
SISK	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 1996.