

ADOPTED

ORDINANCE NO. 31A-169

MAY 28 1996

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 I, IN GENERAL, SECTION 20-2, DEFINITIONS; BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 20-43, BUFFER AND GREENBELT REQUIREMENTS FOR TIMBERING ACTIVITIES; BY AMENDING ARTICLE V. DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 20-212. PERMITTED USES; AND SECTION 20-215, SETBACK 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 20-2, Definitions; Section 20-43, Buffer, greenbelt and setback requirements for timbering activities; Section 20-212, Permitted uses; and Section 20-215, Setback requirements.

CHAPTER 20. ZONING

ARTICLE I. IN GENERAL

Sec. 20-2. Definitions.

Setback for timbering. The distance which any timbering activity must be set back from a public road right-of-way. It is an area in which no timbering shall occur except in accordance with section 20-43.

ARTICLE II. SPECIAL REGULATIONS

DIVISION 1. IN GENERAL

Sec. 20-43. Buffer, ~~and greenbelt and setback~~ requirements for timbering activities.

The requirements in this section shall apply to timbering activities located in all districts ~~except the General Agricultural District, A-1~~. This section shall not apply to timbering activities conducted as part of an approved site plan, subdivision plan, or building permit. 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), ~~and (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 greenbelt roads. ~~This paragraph shall not apply to the General Agricultural District, A-1~~. On ~~all other~~ property fronting on roads that are identified as greenbelt roads on the Comprehensive Plan, an undisturbed buffer at least 150 feet wide shall be maintained along the greenbelt road on properties that are zoned residential. No trees or other vegetation shall be removed from this buffer except as permitted under this section.

- (3) ~~Setback for timbering. In the General Agricultural District, A-1, a setback for timbering shall be provided in accordance with section 20-215(c).~~
- (3) (4) Buffer ~~and setback for timbering~~ measurement and determinations. The width of required buffers ~~and setback for timbering~~ shall exclude any planned future right-of-way as designated on the Six-Year Primary or Secondary Road Plan.
- (4) (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~~.
- (5) (6) Processing requirements. Prior to commencing any timbering activities within a buffer ~~or setback for timbering~~ except for a 30 foot access drive, the property owner or agent shall complete an application and submit it along with a James City County Tax Map (with topography and planimetric detail at a scale of 1"=200') to the planning director that shows the site's property lines, any existing and proposed driveway entrances, ~~and~~ required buffer ~~areas and setback for timbering~~ areas 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 6 ~~7~~ and 7 ~~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 14 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.

(6) (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, unlikely to survive or such removal will enhance the long term effectiveness of the buffer *or setback for timbering* as a visual barrier.

(7) (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, 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.

~~(8)~~ ~~(9)~~ Development Review Committee Review. The development review committee shall consider the timbering application if there are unresolved problems between the applicant or the planning director.

~~(9)~~ ~~10)~~ Buffer ~~Tree~~ Replacement. If timbering occurs within the buffers ~~or setbacks for timbering~~ described above in paragraphs (1) ~~and~~ (2) ~~and~~ (3) and such timbering is not approved in accordance with paragraphs ~~(6)~~ ~~(7)~~ and ~~(7)~~ ~~(8)~~ above, trees shall be replaced at a ratio of one tree for each 800 square feet of area timbered. Such trees shall meet the standards for trees stated in section 20-2. The number of trees and their placement shall be approved by the planning director.

ARTICLE V. DISTRICTS

DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

Sec. 20-212. Permitted uses.

In the General Agricultural District, A-1, structures to be erected or land to be used shall be for the following uses:

Silviculture, ~~with timbering in accordance with section 20-215(c).~~

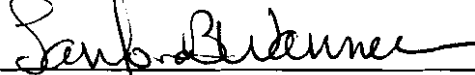
Sec. 20-215. Setback requirements.

(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 center line 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 center line of any street right-of-way less than 50 feet in width. Devices for nutrient management plans, pens, and structures associated with intensive agricultural uses shall be 250 feet from any dwelling not owned by the operator of the use, all property lines not associated with the use, all public roads, and 1,000 feet from platted residential subdivisions, residentially zoned districts, areas designated for residential use on the comprehensive plan, schools, parks and playgrounds, recreation areas, public wells, water tanks and reservoirs.

(b) All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat will be allowed to adhere to these established setback lines.

(c) *All timbering activities in the primary service area shall be located a minimum of 50 feet from any public road right-of-way unless done in accordance with section 20-43. This distance shall be known as the setback for timbering.*

ATTEST:


Sanford B. Wanner
Clerk to the Board


David L. Sisk, Chairman
Board of Supervisors

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of May, 1996.