AGENDA

JAMES CITY COUNTY BOARD OF SUPERVISORS REGULAR MEETING

COUNTY GOVERNMENT CENTER BOARD ROOM

101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

January 9, 2024

5:00 PM

- A. CALL TO ORDER
- B. ROLL CALL
- C. MOMENT OF SILENCE
- D. PLEDGE OF ALLEGIANCE
- **E.** PRESENTATION(S)
 - 1. James City County's FY2023 Audit Presentation
- F. PUBLIC COMMENT
- G. CONSENT CALENDAR
- H. PUBLIC HEARING(S)
 - 1. Pre-Budget Public Hearing
 - 2. AFD-23-0001. 1105 Stewarts Road Barnes Swamp AFD Addition
 - 3. SUP-23-0026. 206 The Maine Detached Accessory Apartment
 - 4. SUP-23-0028. 9273 Richmond Road Contractor's Office and Warehouse
 - 5. ORD-22-0001. Amendments for Scenic Roadway Protection
 - 6. Comprehensive Plan Amendment: Community Character Corridor and Short-Term Rental Development Standards Revision
 - 7. Ordinance to Amend and Reordain Chapter 20, Taxation, of the Code of the County of James City, Virginia, by Amending Article I, Exemption of Certain Persons From Real Estate Taxes, Section 20-10, Qualifications for Exemption and Section 20-11, Amount of Exemption
- I. BOARD CONSIDERATION(S)
- J. BOARD REQUESTS AND DIRECTIVES
- K. REPORTS OF THE COUNTY ADMINISTRATOR
- L. CLOSED SESSION

- 1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
- a. Appointment Williamsburg Area Transit Authority Board of Directors
- b. Appointments VPPSA Board of Directors
- c. Appointments Historic Triangle Bicycle Advisory Committee
- d. Appointments Board of Equalization
- e. Appointments Planning Commission
 - f. Appointment Williamsburg Regional Library Board of Trustees
- 2. Certification of Closed Session

M. ADJOURNMENT

1. Adjourn until _____ pm on January _____, 2024 for the Business Meeting

County of James City, Virginia Audit Executive Summary

January 8, 2024





Agenda

- Client Service Team
- Results of the Audit
- Corrected and Uncorrected Misstatements
- Internal Control Communication
- Qualitative Aspects of Accounting Practices
- Independence Considerations
- Other Required Communications
- Other Matters
- Financial Reporting and Auditing Changes

This information is intended solely for the use of Board of Supervisors of the County of James City, Virginia and is not intended to be, and should not be, used by anyone other than these specified parties.



Client Service Team

County Board of Supervisors

Rob Churchman Engagement Director

Laura Harden Second Partner Reviewer

Steve Siegel Firm Technical Director

Rob Churchman Engagement Director

Michael Rinehart Senior Manager

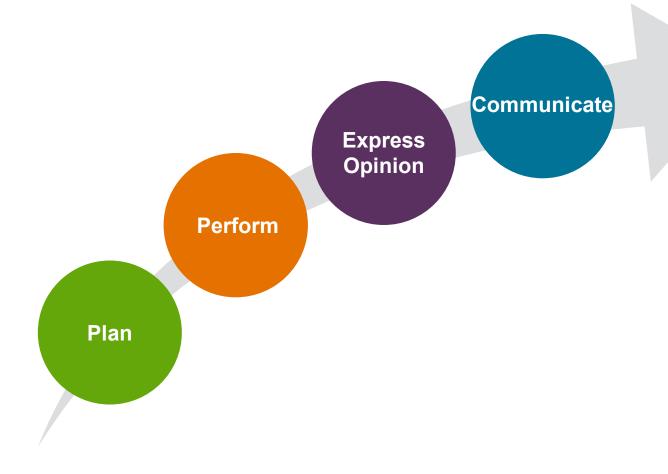
Alyssa Gore Senior



Results of the Audit – Financial Statements

We have audited the financial statements of the County of James City, Virginia (the "County"), as of and for the year ended June 30, 2023, and we have issued our report thereon dated January 8, 2024.

We have issued unmodified opinions on the financial statements.

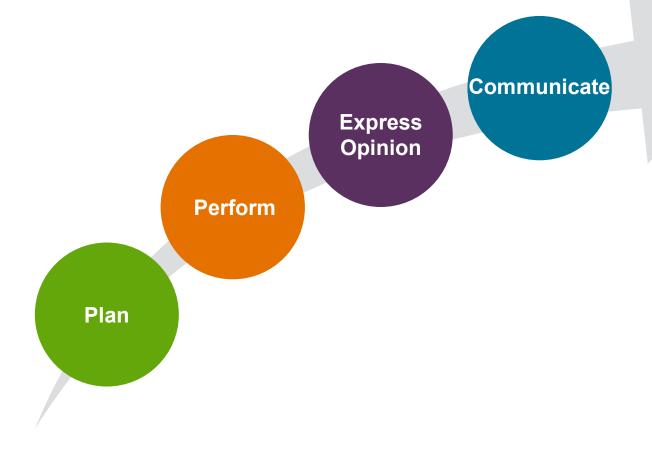




Results of the Audit – Government Auditing Standards and the Specifications

We identified no instances of noncompliance required to be reported under *Government Auditing Standards* or the *Specifications for Audits of Counties, Cities, and Towns*, issued by the Auditor of Public Accounts of the Commonwealth of Virginia.

We reported a material weakness in internal control over financial reporting related to the restatement of fiduciary activities' beginning net position.

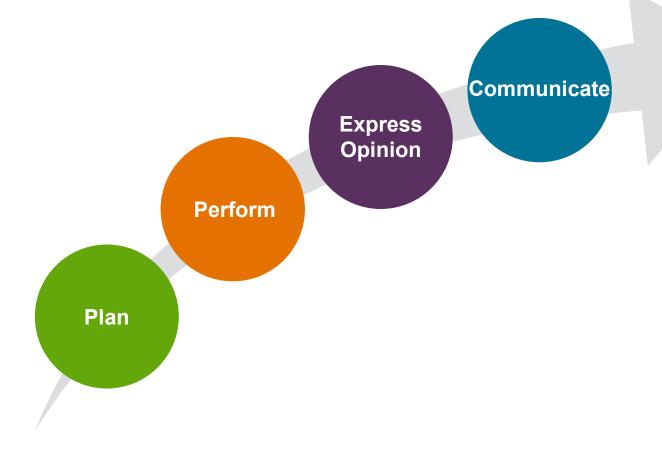




Results of the Audit – Single Audit

We have issued an unmodified opinion on the County's compliance with each major federal program.

We identified no material weaknesses in internal control over compliance in accordance with the Uniform Guidance.





Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management.

Corrected Misstatements

One misstatement related to fiduciary beginning net position.

Uncorrected Misstatements

None noted.



Internal Control Communication

In planning and performing our audit, we considered internal control over financial reporting ("internal control") as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the County's internal control. Accordingly, we do not express an opinion on the effectiveness of the County's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified. In addition, because of inherent limitations in internal control, including the possibility of management override of controls, misstatements due to error or fraud may occur and not be detected by such controls.



Internal Control Communication

Material Weakness

▶ A material weakness is a deficiency, or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the County's financial statements will not be prevented, or detected and corrected, on a timely basis.

Significant Deficiency

▶ A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

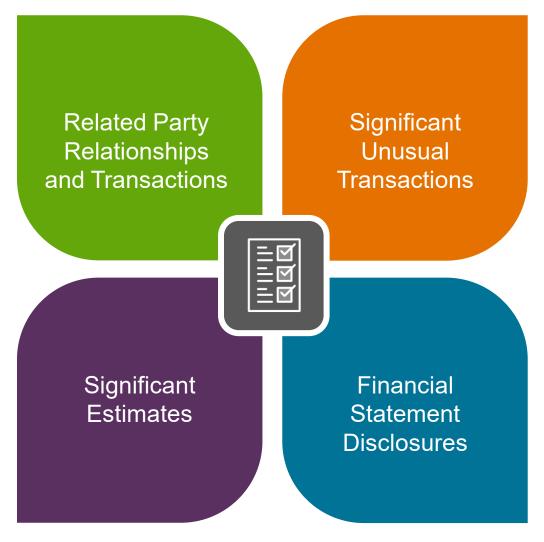
We reported a material weakness in internal control over financial reporting related to the restatement of fiduciary activities' beginning net position



Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the County are described in Note 1 to the financial statements.

As described in Note 1, the County adopted accounting policies related to its accounting for conduit debt by adopting GASB Statement No. 91, Conduit Debt Obligations and leases by adopting GASB Statement No. 96, Subscription-Based Information Technology Arrangements.

All other existing accounting policies remained unmodified from the prior year.

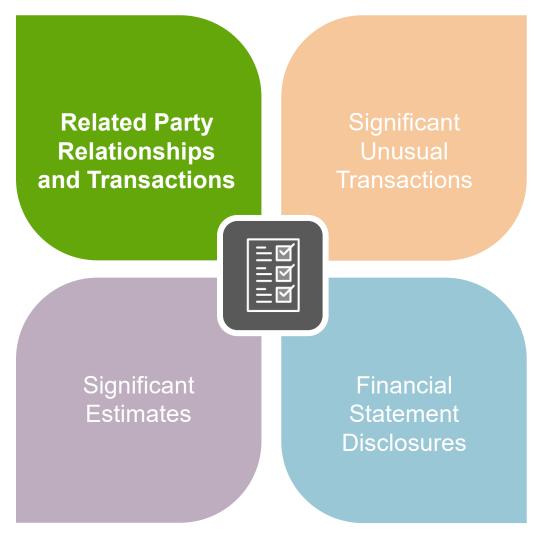




As part of our audit, we evaluated the County's identification of, accounting for, and disclosure of the County's relationships and transactions with related parties as required by professional standards.

We noted none of the following:

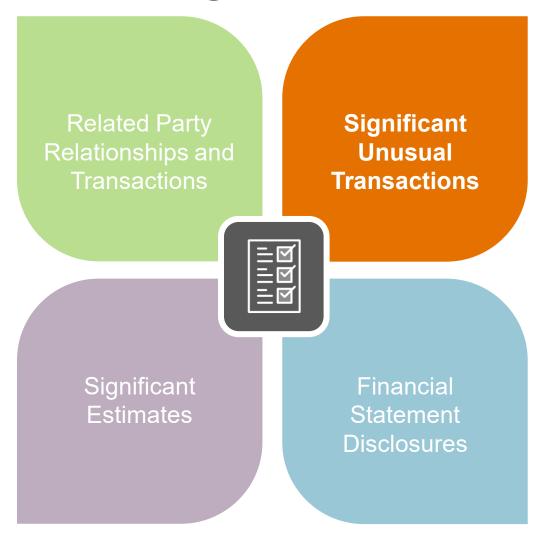
- Related parties or related party relationships or transactions that were previously undisclosed to us;
- Significant related party transactions that have not been approved in accordance with the County's policies or procedures or for which exceptions to the County's policies or procedures were granted;
- Significant related party transactions that appeared to lack a business purpose;
- Noncompliance with applicable laws or regulations prohibiting or restricting specific types of related party transactions;
- Difficulties in identifying the party that ultimately controls the County.





We noted no transactions entered into by the County during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

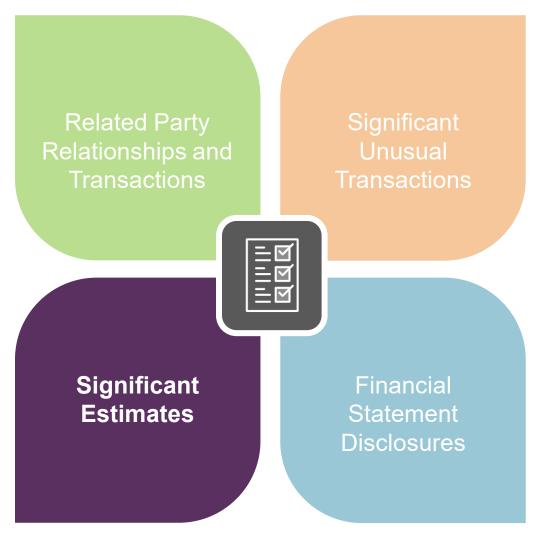
For purposes of this letter, professional standards define significant unusual transactions as transactions that are outside the normal course of business for the County or that otherwise appear to be unusual due to their timing, size, or nature. We noted no significant unusual transactions during our audit.





Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were:

- Allowance for doubtful accounts on taxes receivable.
- Capital assets depreciable lives.
- Actuarially computed pension and OPEB assets, liabilities, expenses and deferred flows of resources.

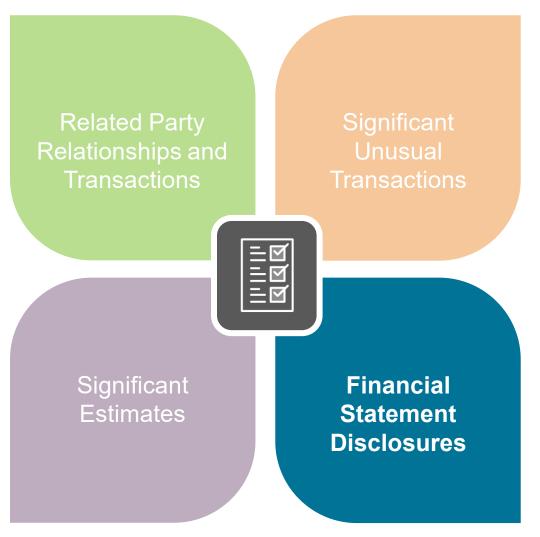




The financial statement disclosures are neutral, consistent, and clear.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users.

We did not note any disclosures that were particularly sensitive to the financial statements.





Independence Considerations

Nonattest Services

- ▶ Complete the appropriate section of and sign the Data Collection Form.
- For all nonattest services we perform, you are responsible for designating a competent employee to oversee the services, make any management decisions, perform any management functions related to the services, evaluate the adequacy of the services, and accept overall responsibility for the results of the services.

Independence Conclusion

- ▶ We are not aware of any other circumstances or relationships that create threats to auditor independence.
- ▶ We are independent of the County and have met our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audits.



Other Required Communications

Difficulties Encountered

We encountered no significant difficulties in dealing with Finance management in performing and completing our audit.

We did experience some delays in obtaining certain tax information from the Commissioner of Revenue, which was required to be tested by us per the Auditor of Public Accounts' Specifications.

Disagreements with Management

Includes
disagreements on a
financial accounting,
reporting, or auditing
matter, whether or not
resolved to our
satisfaction, that could
be significant to the
financial statements or
the auditor's report.

We are pleased to report that no such disagreements arose during the course of our audit.

Auditor Consultations

We noted no matters that are difficult or contentious for which the auditor consulted outside the engagement team.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated the date of our audit report.



Other Required Communications

Management Consultations

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations.

To our knowledge, there were no such consultations with other accountants.

Other Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year.

These discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Fraud and Illegal Acts

As of the date of this presentation no fraud, illegal acts, or violations of laws and regulations noted.

Going Concern

No events or conditions noted that indicate substantial doubt about the County's ability to continue as a going concern.



Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis (the "MD&A") and the required supplementary information other than MD&A, as listed in the table of contents, be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.



Other Matters

Other Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the County's basic financial statements. The accompanying Other Supplementary Information, as listed in the table of contents, and the Schedule of Expenditures of Federal Awards, as required by Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Other Supplementary Information and the Schedule of Expenditures of Federal Awards are fairly stated, in all material respects, in relation to the basic financial statements as a whole





Other Matters

Other Information

Management is responsible for the other reporting information included in the Annual Comprehensive Financial Report. The other reporting comprises the Introductory and Statistical Sections but does not include the basic financial statements and our auditor's report thereon. Our opinion on the basic financial statements does not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.





Financial Reporting and Auditing Changes

These standards will be effective for the County in the upcoming years and may have a significant impact on the County's financial reporting.

We would be happy to discuss with management the potential impacts on the County's financial statements and how we may be able to assist in the implementation efforts.

GASB
Statement No. 99 –
Omnibus 2022
(portions applicable in 2023 and 2024)

Audit standards
SAS 143-145
related to auditing estimates, use of specialists, and risk assessment

GASB
Statement No. 101 –
Compensated
Absences (2025)



Questions

About Cherry Bekaert LLP

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Contact

Rob Churchman

Partner

rchurchman@cbh.com

(804) 673-5733



MEMORANDUM

DATE: January 9, 2024

TO: The Board of Supervisors

FROM: Sharon B. McCarthy, Director of Financial and Management Services

SUBJECT: Pre-Budget Public Hearing - FY2025-FY2026 Budget

The purpose of this public hearing is to invite comments and suggestions from citizens for the upcoming County Budget. The comments and suggestions made at this pre-budget Public Hearing will help guide staff in preparing a budget proposal for the Board's review in May. No Board action is requested at this time.

AGRICULTURAL AND FORESTAL DISTRICT-23-0001. 1105 Stewarts Road Barnes Swamp AFD Addition Staff Report for the January 9, 2024, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant: Mr. Taylor Pruitt

Landowners: Mr. Taylor and Ms. Samantha Pruitt

Proposal: Addition of \pm 46.95 acres to the Barnes

Swamp Agricultural and Forestal District

(AFD).

Location: 1105 Stewarts Road

Tax Map/Parcel No.: 0240100011

Project Acreage: ± 46.95 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Ben Loppacker, Planner

PUBLIC HEARING DATES

AFD Advisory

Committee: October 19, 2023, 4:00 p.m.

Planning Commission: December 6, 2023, 6:00 p.m.

Board of Supervisors: January 9, 2024, 5:00 p.m.

FACTORS FAVORABLE

- 1. Staff finds that this addition to the Barnes Swamp AFD would not adversely affect surrounding development and is consistent with the core of the District.
- 2. Staff finds the proposal consistent with the 2045 Comprehensive Plan Land Use (LU) Action 6.1.1.
- 3. Impacts: This proposal is not anticipated to generate any impacts that require mitigation.

FACTORS UNFAVORABLE

1. As this proposal is not anticipated to generate any impacts that require mitigation, staff finds no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp AFD. Staff recommends that the Board of Supervisors approve the proposed addition, subject to the proposed conditions.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its October 19, 2022, meeting, the AFD Advisory Committee voted 7-0 to recommend approval of the addition request to the Planning Commission and Board of Supervisors, subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its December 6, 2023, meeting, the Planning Commission voted 7-0 to recommend approval of the addition request to the Board of Supervisors, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT-23-0001. 1105 Stewarts Road Barnes Swamp AFD Addition Staff Report for the January 9, 2024, Board of Supervisors Public Hearing

CHANGES SINCE PLANNING COMMISSION MEETING

Following the Planning Commission meeting, staff has revised the Habitat Core and Agricultural Assets data found under the Natural and Cultural Assets table of this staff report. Staff provides the following corrections:

- The habitat core rank changed to reflect a qualitative value.
- The habitat core percentage of the parcel was corrected.

PROJECT DESCRIPTION

- Mr. Taylor Pruitt has applied to enroll ± 46.95 acres of land located at 1105 Stewarts Road into the Barnes Swamp AFD. The subject parcel is currently undeveloped and forested.
- The subject parcel is within one mile of the core parcels in the Barnes Swamp AFD and is contiguous with other parcels currently in the District, which is consistent with the criteria listed in the *Code of Virginia* (see Attachment No. 4).
- The applicant intends to use the property for recreational purposes and potentially tenant farming on the cleared portion of the property (approximately five acres). The applicant does not plan to pursue any timbering activities and there are no plans for future development.
- Per the United States Department of Agriculture's (USDA's) Soil
 Survey of James City and York Counties and the City of
 Williamsburg, Virginia, the parcels consist of the following soils:

Soil Type	Erosion Hazard	Equipment Limitation	Seedling Mortality	Windthrow Hazard
10C, Craven fine sandy loam, 6-10% slopes	Slight	Moderate	Slight	Slight
11C, Craven- Uchee complex, 6-10% slopes	Slight	Moderate	Slight	Slight
14B, Emporia fine sandy loam, 2-6% slopes	Slight	Slight	Slight	Slight
15F, Emporia complex, 25- 50% slopes	Moderate	Severe	Slight	Slight

DISTRICT HISTORY

- The Barnes Swamp AFD was created in 1986 for a term of four years and originally consisted of 29 parcels totaling ± 1,838.71 acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014, 2018, and 2022 with various additions and withdrawals taking place during those periods.
- If this addition is approved, the District would consist of approximately 1,885.66 acres.

SURROUNDING ZONING AND DEVELOPMENT

All surrounding properties are zoned A-1, General Agricultural, and designated Rural Lands in the 2045 Comprehensive Plan. Existing land uses on adjacent properties include single-family residences and undeveloped forested land, as well as the Diascund Reservoir, which is located north of the property on the other side of Stewarts Road.

NATURAL AND CULTURAL ASSETS

The site is identified as having natural and cultural assets on the Natural & Cultural Assets Plan maps (and/or other supplemental resources such as the USDA's Natural Resources Conservation Service Web Soil Survey) as follows:

ASSET	PRESENCE	IMPACT
Habitat	Present on	1. All habitat cores identified in the
Core	Site	Natural & Cultural Assets Plan are
		important ecologically. The core on
		this property is ranked as having
		middle ecological value compared
		to other cores in the County. It is not
		of heightened priority.
		2. The portion of this parcel identified
		as habitat core is 41.43 acres or
		88% of the parcel. All this area
		would be included in the AFD.
Habitat	Present on	1. This corridor, listed in the plan as
Corridors	Site	"local connection - small road or
		train track," connects the habitat
		core on this site to a core located
		along the Diascund Reservoir with
		highest ecological value and
		heightened priority.
		2. The corridor straddles the eastern
		property line. The portion of the
		corridor on this property would be
		included in the AFD.
Agricultural	Present on	15.4 acres or 32.9% of the property
Assets	Site	is rated prime farmland. All the
		property with prime farmland soils
		would be included in the AFD.

2045 COMPREHENSIVE PLAN

The subject parcel is designated Rural Lands on the 2045 Comprehensive Plan Land Use Map. Appropriate uses in Rural Lands include traditional agricultural and forestal activities. LU Action 6.1.1 of the 2045 Comprehensive Plan states that the County shall "Support both the use value assessment and AFD programs to the maximum degree allowed by the Code of Virginia. Explore extending the terms of the County's Districts." Staff finds this application to be consistent with both the Rural Lands designation and LU Action 6.1.1.

PUBLIC IMPACTS

This proposal is not anticipated to generate any impacts that require mitigation.

STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp AFD. Staff recommends that the Board of Supervisors approve the proposed addition, subject to the proposed conditions.

BL/ap AFD23-1_1105StewRdBSAdd

Attachments:

- 1. Ordinance
- 2. Location Map
- 3. Barnes Swamp AFD Map
- 4. Barnes Swamp AFD 2022 Renewal Ordinance
- 5. State Code § 15.2-4305 Regarding AFD Application Criteria
- 6. State Code § 15.2-4310 Regarding AFD District Additions
- 7. Applicant's Narrative
- 8. Unapproved Minutes of the October 19, 2023, AFD Advisory Committee Meeting
- 9. Unapproved Minutes of the December 6, 2023, Planning Commission Meeting

ORDINANCE NO.

AGRICULTURAL AND FORESTAL DISTRICT-23-0001.

1105 STEWARTS ROAD BARNES SWAMP AFD ADDITION

- WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board") to add ± 46.95 acres of land owned Mr. Taylor and Ms. Samantha Pruitt located at 1105 Stewarts Road, further identified as James City County Real Estate Tax Map Parcel No. 0240100011, to Agricultural and Forestal District (AFD) No. 05-86, which is generally known as the "Barnes Swamp Agricultural and Forestal District" (the "Application"); and
- WHEREAS, at its October 19, 2023, meeting, the AFD Advisory Committee voted 7-0 to recommend approval of the Application; and
- WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its December 6, 2023, meeting, after which the Commission voted 6-0 to recommend approval of the Application; and
- WHEREAS, a public hearing was advertised and held by the Board of Supervisors.
- NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of James City County, Virginia, hereby adds ± 46.95 acres located at 1105 Stewarts Road and identified as James City County Real Estate Tax Map Parcel No. 0240100011, (the "Property") to AFD-05-86, which is generally known as the "Barnes Swamp Agricultural and Forestal District" (the "District") with the following conditions:
 - 1. That pursuant to Sections 15.2-4309 of the Act, the Board of Supervisors requires that any parcel in the District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

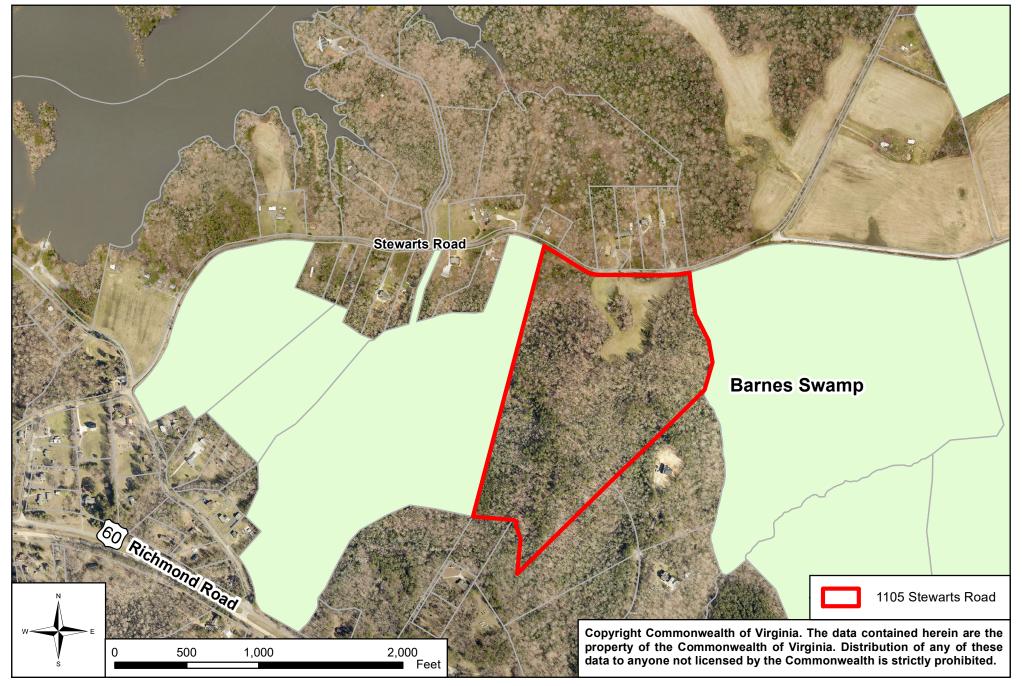
c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

		????????? Chairman, Board of Supervisors			_
ATTEST:					
		AYE	NAY	ABSTAIN	ABSENT
	NULL ICENHOUR				
Teresa J. Saeed Deputy Clerk to the Board	MCGLENNON LARSON				
ry	HIPPLE				
Adopted by the Bo January, 2024.	oard of Supervisors of Ja	mes City	County,	Virginia, this	s 9th day of

 $AFD23-1_1105StewRdBSAdd\text{-}ord$

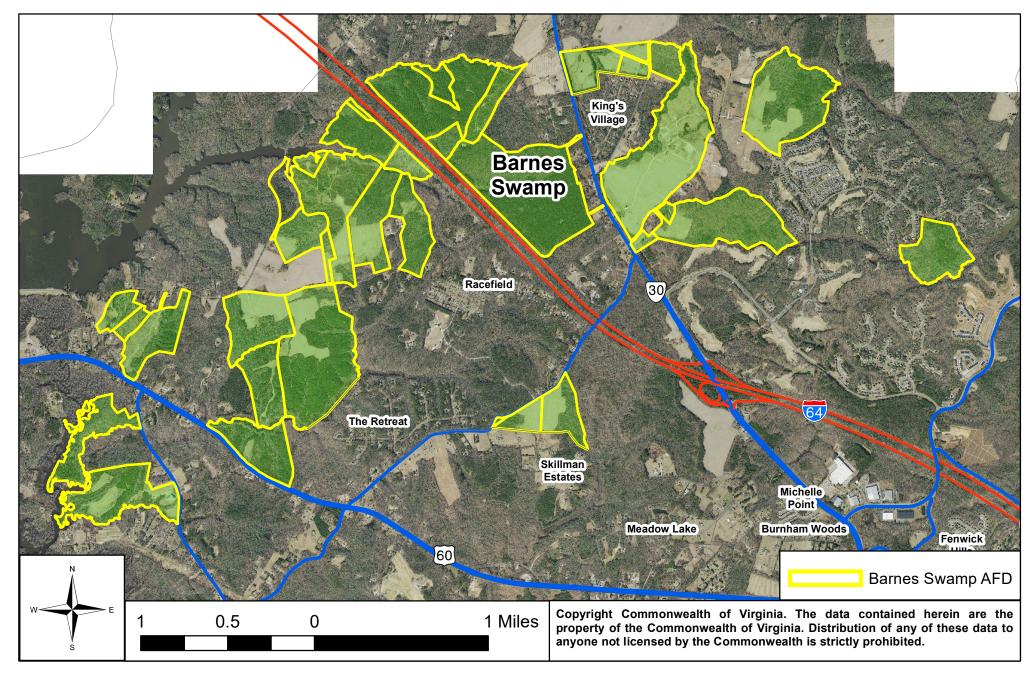
JCC AFD-23-0001, 1105 Stewarts Road Barnes Swamp AFD Addition





JCC AFD-22-0003 Barnes Swamp Agricultural Forestal District





ADOPTED

SEP 13 2022

ORDINANCE NO. <u>167A-18</u>

Board of Supervisors James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-22-0003

BARNES SWAMP 2022 RENEWAL

- WHEREAS, James City County has completed a review of the Barnes Swamp Agricultural and Forestal District (the "District"); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and
- WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on July 21, 2022, voted 6-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on August 3, 2022, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the District with the conditions listed below.
- NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:
 - 1. The Barnes Swamp Agricultural and Forestal District (the "District") is hereby continued to October 31, 2026, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
 - 2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the District:

Owner	Parcel No.	Acres
Arline H. Bowmer Estate	0240100012	62.19
Berta L. Bowmer Estate	0240100013	18.90
Berta L. Bowmer Estate	0240100014	25.84
Alex L. Penland	0240100029	55.90
Maynard P. Phelps & Joy L. Barnes	0310100001	108.47
Leah R. Fry & Craig A. Beck	0310100001A	10.00
Maynard P. Phelps	0310100001B	10.23
Timothy & Joan Mills	0310100002	23.84
Katherine L. Hockaday, Ann Blair	0310100003	39.26
Hall Martin, & Justin Ray Martin		
Elizabeth O. Harwood	0320100001	43.53
Stephen E. & Rebecca Murphy, Trustee	0320100002	13.86
Frederick C. Johnson, Trustee	0320100002A	17.20
Betty Johnson & Lynn Fischer	0320100003	19.08
Betty Johnson & Lynn Fischer	0320100003A	93.99

Owner	Parcel No.	Acres
Robert M. Dzula	0320100004	28.08
Jane Farmer & Betty Rady	0330100003	70.00
Jane Farmer & Betty Rady	0330100004	70.00
Arline H. Bowmer, Estate	0330100006	96.75
Steven & Michelle Johnson	0340800003	52.63
Steven & Michelle Johnson	0340800005	68.43
John A. Richardson	0410100005	42.00
John A. Richardson	0410100006	10.00
Jonathan C. Kinney, Trustee	0410100010	196.30
Niceland Farm, LLC	0420100008	188.68
Cherri U. Spellmeyer, Trustee	0420100014	134.00
Donald A Hazelwood	0420100018	4.77
Pamaka, LLC	0420100020	112.44
Pamaka, LLC	0430100014A	1.12
Pamaka, LLC	0430100015	19.99
Pamaka, LLC	0430100016	36.84
Donald A. Hazelwood	0440100001	6.12
David K. & Karen P. Hogue	0540100001	60.77
Charles & Dianne Hasbrouck	0920100001	97.50
Shelton & Jennifer Daniels	1010100001	61.62
	Total:	1.838.71

- 3. That pursuant to Sections 15.2-4309 of the Act, the Board of Supervisors requires that any parcel in the District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
 - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

ATTEST:		VOTES	S		
		AYE	<u>NAY</u>	ABSTAIN	<u>ABSENT</u>
Deross Sacod	ICENHOUR				-
Teresa J. Sagod	HIPPLE LARSON				
Deputy Clerk to the Board	SADLER				
	MCGLENNON				

Chairman, Board of Supervisors

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2022.

AFD22-3BnsSwpRen-res

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 43. Agricultural and Forestal Districts Act

§ 15.2-4305. Application for creation of district in one or more localities; size and location of parcels

On or before November 1 of each year or any other annual date selected by the locality, any owner or owners of land may submit an application to the locality for the creation of a district or addition of land to an existing district within the locality. Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land. No land shall be included in any district without the signature on the application, or the written approval of all owners thereof. A district may be located in more than one locality, provided that (i) separate application is made to each locality involved, (ii) each local governing body approves the district, and (iii) the district meets the size requirements of this section. In the event that one of the local governing bodies disapproves the creation of a district within its boundaries, the creation of the district within the adjacent localities' boundaries shall not be affected, provided that the district otherwise meets the requirements set out in this chapter. In no event shall the act of creating a single district located in two localities pursuant to this subsection be construed to create two districts.

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1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 1998, c. 833;2011, cc. 344, 355.
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The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

1

10/7/2019

Code of Virginia Title 15.2. Counties, Cities and Towns Subtitle IV. Other Governmental Entities Chapter 43. Agricultural and Forestal Districts Act

§ 15.2-4310. Additions to a district

Additional parcels of land may be added to an existing district at any time by following the process and application deadlines prescribed for the creation of a new district.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 2011, cc. 344, 355.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

1

11/29/2023 12:00:0

Applicant Narrative for AFD-23-0001:

Current plans for 1105 Stewarts Rd are private recreational use and demolition of the collapsed house and surrounding vegetation (less than 0.5 acres).

Future plans for 1105 Stewarts Rd are private recreational use and potentially tenant farming on the cleared portion of the property (approximately 5 acres). My wife and I do not plan to pursue any timbering activities. No timber report or forest management plan will be included.

MINUTES JAMES CITY COUNTY AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE

ORGANIZATIONAL MEETING

101-A Mounts Bay Road, Williamsburg, VA 23185 Large Conference Room October 19, 2023 4:00 PM

A. CALL TO ORDER

Mr. Chris Taylor called the Agricultural and Forestal District (AFD) Advisory Committee meeting to order at 4 p.m.

B. ROLL CALL

Present:

Chris Taylor, Chair Bruce Abbott, Vice Chair Richard Bradshaw (arrived late) Loretta Garrett David Hogue Sue Sadler (participated remotely) Sandy Wanner

Absent:

Will Harcum Payten Harcum

Staff:

Susan Istenes, Planning Director Josh Crump, Principal Planner Ben Loppacker, Planner I Beth Klapper, Community Development Assistant

C. MINUTES

1. Minutes of the January 19, 2023, Organizational Meeting

Ms. Garrett motioned to approve the meeting minutes from January 19, 2023.

Mr. Abbott seconded the motion.

On a voice vote, the motion was approved 7-0.

D. OLD BUSINESS

There was no old business for discussion.

E. **NEW BUSINESS**

1. AFD-23-0001- 1105 Stewarts Road- Barnes Swamp AFD Addition

Mr. Abbott motioned to recommend approval of AFD-23-0001 of the proposed addition to the Barnes Swamp AFD to Planning Commission and the Board of Supervisors.

Ms. Garrett seconded the motion.

On a voice vote, the motion was approved 7-0.

F. DISCUSSION ITEMS

Presentation by Jim Wallace of the Colonial Soil and Water Conservation District on the Virginia Agricultural Cost Share Program.

G. ADJOURNMENT

Mr. Abbott made a motion to adjourn.

Ms. Garrett seconded the motion.

On a voice vote, the meeting was adjourned at approximately 4:30 p.m.

Unapproved Minutes of the December 6, 2023, Planning Commission Regular Meeting

AFD-23-0001. 1105 Stewarts Road Barnes Swamp AFD Addition

Mr. Ben Loppacker, Planner, addressed the Commission with the details of the Agricultural and Forestal District (AFD) application. He noted the applicant intended to use the property for recreational uses and potential tenant farming on the cleared portion of the property, which was approximately five acres. Mr. Loppacker stated the applicant had no desire in developing or timbering the property. He noted a recent staff update to the acreage designated as prime farmland and the ranking of the habitat core located within the property. Mr. Loppacker stated the AFD Advisory Committee recommended approval of the application by a 7-0 vote at its October 19, 2023, Regular Meeting. He noted staff recommended approval by the Planning Commission to the Board of Supervisors.

Mr. Haldeman referenced the applicant's potential to timber by-right. Mr. Loppacker referenced Condition No. 3 regarding that point.

Mr. Polster opened the Public Hearing.

As there were no speakers, Mr. Polster closed the Public Hearing. Mr. O'Connor made a motion to approve the AFD application.

Mr. Polster addressed his concern with AFD criteria, adding he was pleased with the staff report's addition of the Natural and Cultural Heritage piece. He noted the prime agricultural land was included in that component. Mr. Polster cited the importance of the prime habitat components also. He noted state environmental criteria and the significance of this land.

SPECIAL USE PERMIT-23-0026. 206 The Maine Detached Accessory Apartment Staff Report for the January 9, 2024, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant: Mr. Jason Buckley, Promark Custom

Homes, Inc.

Landowners: Mr. James Keith Ducker and Ms. Johanna

M. Kroenlein

Proposal: To build a detached garage to include a

356-square-foot accessory apartment.

Location: 206 The Maine

Tax Map/Parcel No.: 4540200076

Property Acreage: ± 1.35 acres

Zoning: R-1, Limited Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Tess Lynch, Planner II

PUBLIC HEARING DATES

Planning Commission: December 6, 2023, 6:00 p.m.

Board of Supervisors: January 9, 2024, 5:00 p.m.

FACTORS FAVORABLE

- 1. With the proposed conditions, staff finds the proposal will not impact the surrounding zoning and development.
- 2. With the proposed conditions, staff finds the proposal consistent with the recommendations of the 2045 Comprehensive Plan.
- 3. The proposal meets the requirements of Section 24-32(b) of the Zoning Ordinance.
- 4. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. With the proposed conditions, staff finds no factors unfavorable.

SUMMARY STAFF RECOMMENDATION

Staff recommends approval subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its December 6, 2023, meeting, the Planning Commission voted to recommend approval of this application by a vote of 7-0.

CHANGES SINCE PLANNING COMMISSION MEETING

A copy of the plat was added to the Master Plan.

PROJECT DESCRIPTION

Mr. Jason Buckley has applied for a Special Use Permit (SUP) to allow a detached accessory apartment to be constructed within a detached accessory structure. The detached garage will be approximately 1,120 square feet, and the proposed apartment would be approximately 356 square feet or approximately 32% of the floor area.

R-1, Limited Residential, allows detached accessory apartments as a specially permitted use in accordance with Section 24-32(b) of the Zoning Ordinance, which states that detached accessory apartments, where approved, shall comply with the following requirements (staff comments in *italics*):

- 1. Only one accessory apartment shall be created per lot.
 - Only one accessory apartment is proposed with this application.
- 2. The accessory apartment may not occupy more than 50% of the floor area of the accessory structure and shall meet all setback, yard, and height regulations applicable to accessory structures in the zoning district in which it is located.
 - The proposed apartment unit will occupy approximately 32% of the accessory structure's floor area (1,120 square feet).
- 3. The accessory apartment shall not exceed 400 square feet in size and shall meet all setback, yard, and height regulations applicable to accessory structures in the zoning district in which it is located.
 - The proposed apartment unit will be approximately 356 square feet.

4. The property owner or an immediate family member as defined in Section 19-17 of the Subdivision Ordinance shall reside in either the single-family dwelling or the accessory apartment.

Per the applicant, the property owners will reside in the single-family dwelling in the future, but do not currently. Condition No. 4 mitigates this by requiring the property owners to provide to the Director of Planning a notarized affidavit stating that they or an immediate family member intend to reside in the single-family dwelling or the accessory apartment within 12 months from the issuance of the Certificate of Occupancy.

5. Approval from the Virginia Department of Health shall be required where the property is served by an individual well and/or sewer disposal system.

Not applicable. The lot is served by public water/sewer.

6. The accessory structure shall be so designed such that the size and scale of the structure is compatible with surrounding structures.

The apartment will be located within a new detached garage on the same property where a single-family residence currently exists. The single-family structure is approximately 3,759 square feet. Staff finds the proposed garage consistent and compatible with the surrounding residential dwelling units and structures.

7. Off-street parking shall be required in accordance with Section 24-54 of this chapter.

Staff analysis: Section 24-59 states that the minimum off-street parking required for a single-family unit with an accessory apartment is three parking spaces. The detached accessory structure will have a three-car garage in the bottom portion of the structure as well as the driveway, which meets the Ordinance

requirement for three parking spaces.

Staff has reviewed the proposed design and finds that all requirements have been met.

PLANNING AND ZONING HISTORY

• There have been no previous legislative cases associated with this parcel.

SURROUNDING ZONING AND DEVELOPMENT

- Adjacent properties are all zoned R-1, Limited Residential. The property is bound by the James River to the south.
- Properties surrounding this parcel are also designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map.

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Public Transportation: Vehicular	No Mitigation Required	 The proposal is not anticipated to generate traffic exceeding a typical residential use. The subject property is located on a local road.
Public Transportation: Bicycle/Pedestrian	No Mitigation Required	- Bicycle and pedestrian accommodations are not required per the Pedestrian Accommodation Master Plan.
Public Safety	No Mitigation Required	 Fire Station 5 on Monticello Avenue is approximately 2.9 miles from the proposed detached accessory garage. Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
Public Schools	No Mitigation Required	- Staff finds this project does not generate impacts that require mitigation.
Public Parks and Recreation	No Mitigation Required	- Staff finds this project does not generate impacts that require mitigation.
Public Libraries and Cultural Centers	No Mitigation Required	- Staff finds this project does not generate impacts that require mitigation.
Groundwater and Drinking Water Resources	No Mitigation Required	 The property receives public water and sewer. The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
Watersheds, Streams, and Reservoirs Project is located in the College Creek Watershed.	No Mitigation Required	 The Stormwater and Resource Protection Division has reviewed this application and had no objections. This project will need to demonstrate full compliance with environmental regulations at the development plan stage, but no other specific environmental impacts have been identified for mitigation. There are special flood hazard and Resource Protection Areas on the property. However, this project will be located outside of these areas.

SPECIAL USE PERMIT-23-0026. 206 The Maine Detached Accessory Apartment Staff Report for the January 9, 2024, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Cultural/Historic	No Mitigation Required	- The subject property has been previously disturbed and has no known cultural resources on-site.
Nearby and Surrounding Properties	No Mitigation Required	- Traffic is anticipated to be typical of a residential home. The subject property must adhere to the County's Noise Ordinance.
Community Character	No Mitigation Required	- The Maine is not a Community Character Corridor, and this parcel is not located within a Community Character Area.
Covenants and Restrictions	No Mitigation Required	- Staff is not aware of any covenants or restrictions on the property that prohibit the proposed use.

2045 COMPREHENSIVE PLAN

The site is designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map. The adopted 2045 Comprehensive Plan includes "single family and multifamily units, accessory units, cluster or cottage homes on small lots, recreation areas" within lands designated Low Density Residential.

Staff finds the proposal is consistent with the recommendations of the adopted 2045 Comprehensive Plan.

PROPOSED SUP CONDITIONS

Proposed conditions are provided in Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal compatible with surrounding zoning and development and consistent with the recommendations of the adopted 2045 Comprehensive Plan.

Staff therefore recommends approval of the proposed SUP subject to the proposed conditions.

TL/md SUP23-26 206TheMaineDApt

Attachments:

- 1. Resolution
- 2. Location Map
- 3. Master Plan
- 4. Garage Accessory Apartment Layout
- 5. Lot Layout

Unapproved Minutes of the December 6, 2023 Planning Commission Meeting

RESOLUTION

CASE NO. SUP-23-0026. 206 THE MAINE DETACHED ACCESSORY APARTMENT

- WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. Jason Buckley, of Promark Custom Homes, Inc., has applied for an SUP on behalf of Mr. James Keith Ducker and Ms. Johanna M. Kroenlein, to build a detached garage to include a 356-square- foot accessory apartment at 206 The Maine and, further identified as James City County Real Estate Tax Map Parcel No. 4540200076 (the "Property"); and
- WHEREAS, the Planning Commission, following its public hearing on December 6, 2023, recommended approval of Case No. SUP-23-0026 by a vote of 7-0; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-23-0026; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code (the "County Code"), does hereby approve the issuance of Case No. SUP-23-0026 as described herein with the following conditions:
 - 1. <u>Master Plan</u>. This Special Use Permit ("SUP") shall be valid for a detached accessory apartment (the "Project") located at 206 The Maine and, further identified as James City County Real Estate Tax Map Parcel No. 4540200076 (the "Property"). Development of the Project on the Property shall be in accordance with Section 24-32(b) of the James City County Code (the "County Code"), as amended, and shall occur generally as shown on the exhibit entitled, "206 The Maine Detached Accessory Apartment," dated December 21, 2023 (the "Master Plan"), with any deviations considered pursuant to Section 24-23(a)(2) of the County Code, as amended.
 - 2. <u>Recordation</u>. A certified copy of the Board of Supervisors' SUP resolution shall be recorded against the Property in the Williamsburg/James City County Circuit Court prior to issuance of any Certificate of Occupancy for the Project. Proof of recordation shall be provided to the Zoning Administrator.
 - 3. <u>Certificate of Occupancy</u>. Within 24 months from the issuance of this SUP, a permanent Certificate of Occupancy for the Project shall be issued, or the SUP shall become void.
 - 4. <u>Dwelling Occupied</u>. Within 12 months from the issuance of the Certificate of Occupancy, the property owner(s) shall submit a notarized affidavit to the Director of Planning stating that they or an immediate family member as defined by Section 19-17 of the Subdivision Ordinance intend to reside in either the single-family dwelling or the accessory apartment, or the SUP shall become void.

- 5. <u>Access</u>. No new ingress/egress points shall be created to The Maine.
- 6. *Parking*. Off-site parking for this use shall be prohibited.
- 7. <u>Severance Clause</u>. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

	C	hairman,	Board of	Supervisors	
ATTEST:		VOTE	S		
		AYE	NAY	ABSTAIN	ABSENT
Teresa J. Saeed	NULL ICENHOUR MCGLENNON				
Deputy Clerk to the Board	LARSON HIPPLE				

SUP23-26_206MaineDAApt-res

SUP-23-0026 206 The Maine Detached Accessory Apartment Jamestown 1607





SUP-23-0026, 206 The Maine Detached Accessory Apartment

Property Information

4540200076

James Keith Ducker and Johanna M.
Kroenlein
206 The Maine
Williamsburg, VA 23185

Zoning: R-1, Limited Residential Comp. Plan: Low Density Residential

Acres: 1.35

General Notes

- 1. Site is served by public water and sewer.
- 2. Property is located in a FEMA floodplain zone.
- 3. Property does contain Resource Protection Area.
- 4. Property has an existing driveway.

December 21, 2023



Sheet Index

- Cover Page
- LocationMap
- 3. Site Photos
- 4. Plat

Adjacent Properties

4540200077

Rollin E. Collins and Marlene E. Collins

208 The Maine

Williamsburg, VA 23185-1425

R-1, Limited Residential

4540200089

Barbara Kent Hudgins Trustee and George M. Hudgins, Jr. Trustee

203 The Maine

Williamsburg, VA 23188-1458

R-1, Limited Residential

4540200090

Robert E. Hamilton

201 The Maine

Williamsburg, VA 23185-1458

R-1, Limited Residential

4540200075

Donald L. Alexander Trustee and Alice Alexander Trustee

9808 Lake Meadow Pl.

Henrico, VA 23238

R-1, Limited Residential

15-1

Swann's Point Plantation

P.O. Box 2700

Newport, RI 02840

15-1A

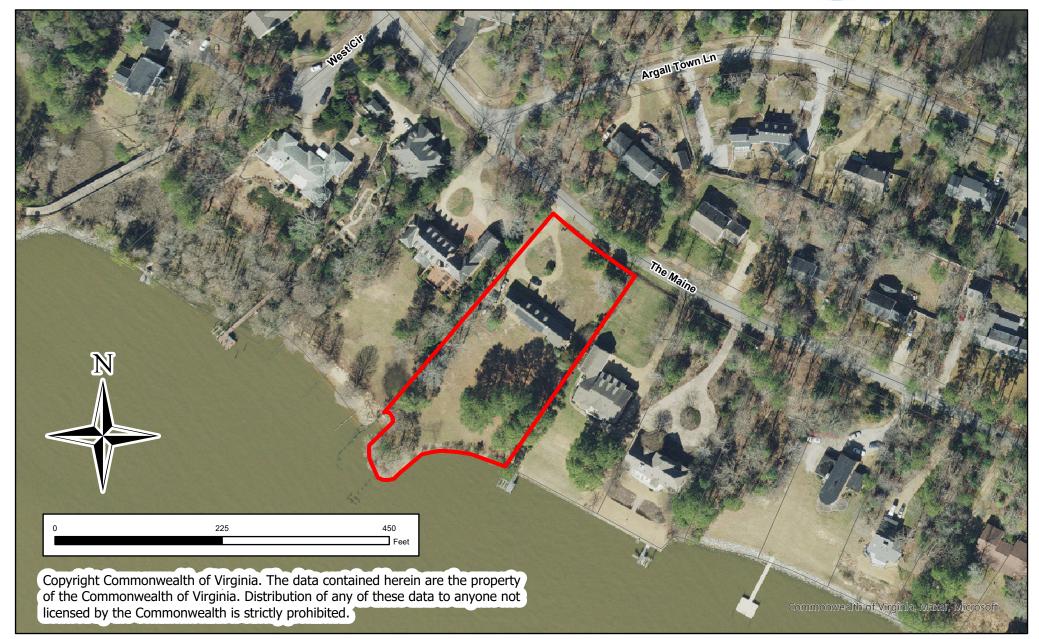
National Park Service

1849 C St. NW

Washington, D.C. 20240

SUP-23-0026 206 The Maine Detached Accessory Apartment Jamestown 1607









NOTES:

- 1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 33, PG. 48.

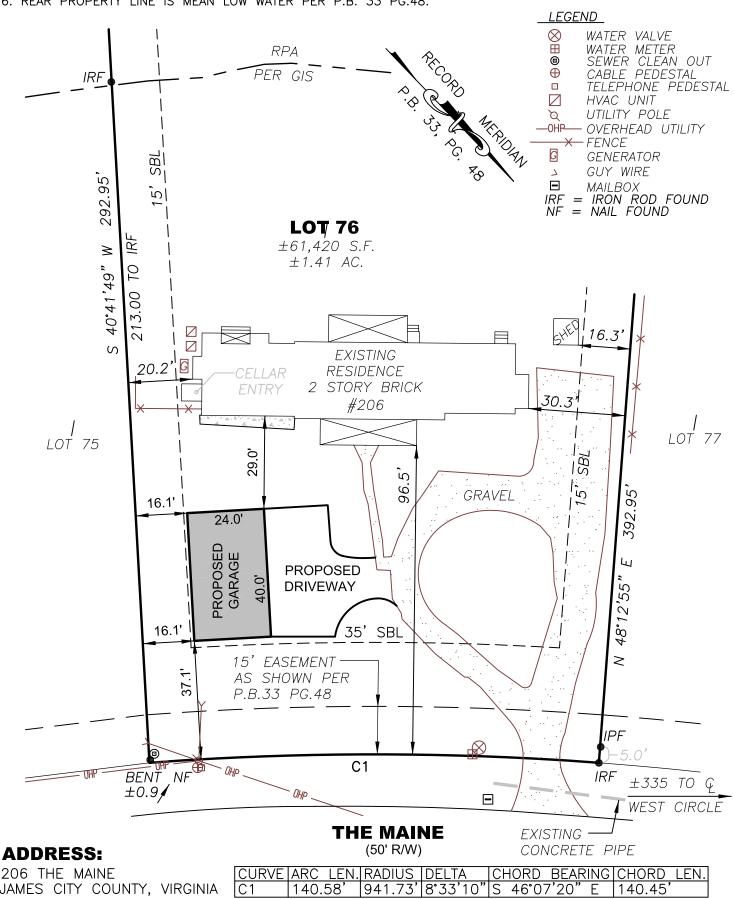
 2. THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.

 3. LOT LIES IN F.I.R.M. ZONE "X" ZONE "VE" (ELEV 12) ACCORDING TO FLOOD INSURANCE RATE MAP
- #51095C0181D DATED DECEMBER 16, 2015. PROPOSED GARAGE FALLS IN ZONE "X".

 4. WETLANDS, IF ANY, WERE NOT LOCATED FOR THIS SURVEY.

 5. UNDERGROUND UTILITIES WERE NOT LOCATED.

 6. REAR PROPERTY LINE IS MEAN LOW WATER PER P.B. 33 PG.48.



UN Gunol MATTHEW H. CONNOLL Lic. No. 2053 9/27/2023 SURVE SURVEYOR

JAMES CITY COUNTY, VIRGINIA

REFERENCES: P.B.33 PG.48 P.B.30 PG.2 P.B.21 PG.9

DATE: 9/27/23

SCALE: 1"=30'

JOB# 23-022

CAD File 23-022.dwg PARTIAL PHYSICAL SURVEY OF LOT 76, SECTION THREE SHOWING PROPOSED GARAGE FIRST COLONY

PROMARK CUSTOM HOMES JAMES CITY COUNTY

VIRGINIA

LandTech Resources, Inc. Engineering and Surveying Consultants

205 E Bulifants Blvd., Williamsburg, Virginia 23188 Telephone: 757—565—1677 Fax: 757—565—0782 Web: landtechresources.com

Page 4 of 4

GENERAL NOTES:

- ALL FINISHES AND FIXTURES TO BE PER OWNERS SPECIFICATIONS. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH 2018 VRC
- 1.1 HEADERS FOR ALL EXTERIOR OPENINGS PER TABLE R602.7(1) UNLESS NOTED OTHERWISE.
- 1.2 HEADERS FOR ALL INTERIOR OPENINGS PER TABLE R602.7(2) UNLESS NOTED OTHERWISE. 1.3 DOUBLE FLOOR JOISTS UNDER ALL WALLS RUNNING PARALLEL TO THE FLOOR JOISTS.
- 1.4 FINISHED GRADE TO SLOPE 6" FOR A DISTANCE OF 10'-O AWAY FROM THE HOUSE TO AN
- APPROVED DRAINAGE SYSTEM. 1.5 FOUNDATION HEIGHTS SHOWN IN SECTIONS AND ELEVATIONS ARE NORMAL. ACTUAL FOUNDATION HEIGHT SHALL BE DETERMINED BY GRADE. THE BOTTOM OF THE FOOTING SHALL BE LOCATED BELOW THE LOCAL FROST LINE AND TOP OF FOUNDATION 8" MINIMUM
- ABOVE GRADE (EXCEPT FOR SLAB ON GRADE APPLICATIONS). 1.6 SEE VRC R602.3(1) FOR FASTENER SCHEDULE.
- 1.7 WHEN A DIMENSIONAL LUMBER IS SPECIFIED TO FORM A BUILT-UP POST, EACH MEMBER SHALL BE NAILED TO THE PREVIOUS @ 6" O.C. W/ 10d NAILS. NAIL FROM BOTH SIDES IF POSSIBLE. BUILT-UP COLUMNS >3 PLIES SHALL BE NAILED IN ACCORDANCE WITH THE CURRENT NDS
- 1.8 WIND/HURRICANE ANCHORING METHODS SHOWN ON THESE DRAWINGS MAY BE ALTERDED PROVIDED THE ALTERNATE METHOD IS IN ACCORDANCE WITH VRC SECTION R301 AND IS STRUCTURALLY SOUND, AND APPROVED BY THE BUILDING OFFICIAL.
- 1.9 MOISTURE CONTENT OF FRAMING LUMBER SHALL NOT EXCEED 19% PRIOR TO DRYWALL APPLICATION.
- 1.10 LAMINATED BEAMS, IF SPECIFIED SHALL BE INSTALLED PER MANUFACTURERS RECOMMENDATIONS 1.11 ROOF COVERING AND FLASHING SHALL BE INSTALLED PER SECTIONS R802, R803, R806, R807, R903.1 OF THE VRC.
- 1.12 EXTERIOR OF BUILDING SHEATHED ENTIRELY IN 1/2" PLYWOOD OR 7/16" OSB.
- 1.13 PROVIDE CHEMICAL TERMITICIDE TREATMENT PER SECTION R318.1 OF THE VIRGINIA RESIDENTIAL CONSTRUCTION CODE AS REQUIRED.
- 1.14 BUILDER IS RESPONSIBLE FOR ASSURING ALL BUILDING CODES ARE COMPLIED WITH. IF THERE IS A CONFLICT BETWEEN THIS DRAWING AND THE BUILDING CODE, THE BUILDING CODES SHALL TAKE PRECEDENCE. 1.15 DIMENSIONS TO THE EXTERIOR OF THE BUILDING ARE TO THE EXTERIOR SHEATHING LINE.
- 1.16 MANUFACTURED TRUSSES AND ALL BRACING AND ANCHORAGE PER MANUFACTURER'S RECOMMENDATIONS.

FINISH NOTES:

- 2.1 ALL DOORS ARE 6'-8" TALL UNLESS OTHERWISE NOTED.
- 2.2 ALL WINDOW HEADERS ARE AT 6'10 FOR 8'-0 CEILINGS AND 7'-10 FOR 9'-0 CEILINGS, UNLESS OTHERWISE NOTED.
- 2.3 IF NO ATTIC ACCESS IS SHOWN ON THE PLAN, FIELD LOCATE A 24"x48" PULL DOWN
- STAIR TO ALL ATTIC SPACES. 2.4 ALL WINDOWS LOCATED IN HAZARDOUS LOCATIONS PER SECTION [B] R308.4
- PER THE VRC BUILDING CODE SHALL BE GLAZED WITH TEMPERED GLASS OR SIMILAR SAFETY MEASURES.
- 2.5 ACCESSIBLE SPACES UNDER STAIRS SHALL HAVE WALLS AND SOFFITS PROTECTED ON THE ENCLOSED SIDE WITH 1/2" DRYWALL AND AT LEAST 1 COAT DRYWALL TAPE AND MUD.
- 2.6 ALL INTERIOR WALLS TO BE COVERED IN 1/2" DRYWALL W/ 3 COATS DRYWALL COMPOUND. GARAGE CEILINGS TO BE COVERED IN 5/8" TYPE-X FIRE RATED DRYWALL IF ROOM OVER GARAGE. IN ACCORDANCE WITH SECTION R302.6 AND TABLE R302.6 OF THE VRC.
- 2.7 BATHROOM WALLS AND CEILING SHALL BE COVERED IN 1/2' MOISTURE RESISTANT DRYWALL (GREENBOARD), OR CEMENT BACKERBOARD AS REQUIRED FOR TILE.
- 2.8 IT IS NOT THE INTENT OF THIS DRAWING TO EXCLUDE ALTERNATE PRODUCTS OF EQUAL MERIT. WHERE A PARTICULAR MAKE AND MANUFACTURER IS SPECIFIED, SUBSTITUTIONS MAY BE MADE PROVIDED THE SUBSTITUTION IS FUNCTIONALLY, STRUCTURALLY, AND TECHNICALLY ADEQUATE AND IS APPROVED BY THE HOMEOWNER AND /OR BUILDING INSPECTOR.

FOUNDATION NOTES:

- 3.1 FOOTING/FOUNDATION DESIGN MAY BE MODIFIED BASED ON SOIL REPORT.
- 3.2 FOUNDATION AND FOOTINGS ARE BASED ON THE PREMISE THAT THE PROPOSED BUILDING SITE POSSESSES AVERAGE, FIRM, SUITABLE SOIL CONDITIONS (2000 LB BEARING CAPACITY). IF UNUSUAL OR QUESTIONABLE CONDITIONS EXIST,
- A STRUCTURAL OR CIVIL ENGINEER SHOULD REVIEW THE SITE AND THESE PLANS
- AND MAKE RECOMMENDATIONS PRIOR TO THE BEGINING OF ANY PORTION OF THE WORK. 3.3 ANCHOR BOLTS SHALL BE INSTALLED PER SECTION R403.1.6 OF THE VRC. WHERE THE MUDSILL DOES NOT END ON AN ANCHOR BOLT, A SIMPSON STRONG-TIE GALVANIZED TITEN THREADED ANCHOR MAY BE USED ON EITHER SIDE OF THE JOINT AS APPROVED BY
- THE BUILDING INSPECTOR. 3.4 ALL UNDER FLOOR GRADING SHALL BE CLEARED OF ALL VEGETATION AND ORGANIC
- MATERIAL PER SECTION R408.6 OF THE VRC. 3.5 ALL REINFORCING STEEL SHALL BE IN ACCORDANCE WITH ASTM A-615, GRADE 60 SPECIFICATIONS.
- 3.6 CONCRETE PROTECTION FOR REINFORCING AS WELL AS PLACING AND FABRICATION OF REINFORCING STEEL SHALL BE IN ACCORDANCE WITH THE AMERICAN CONCRETE INSTITUTE "BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE" (ACI-318-02).
- 3.7 CONTINUOUS REINFORCING SHALL LAP 40 DIAMETERS UNLESS NOTED OTHERWISE.
- 3.8 BEFORE PLACING CONCRETE ALL REINFORCING STEEL AND EMBEDDED ITEMS SHALL BE PROPERLY LOCATED, ACCURATELY POSITIONED AND MAINTAINED IN PLACE.
- 3.9 EARTH FORMED FOUNDATIONS SHALL CONFORM TO THE SHAPE, LINES AND DIMENSIONS AS SHOWN ON THE FOUNDATION PLANS, THE EXCAVATIONS SHALL BE ADEQUATELY PROTECTED UNTIL THE CONCRETE IS PLACED. DO NOT ALLOW WATER TO ACCUMULATE OR STAND IN THE EXCAVATED BOTTOMS.

PLUMBING NOTES:

- 4.1 PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH SECTION M2101 OF THE VRC. 4.2 PROVIDE 2X6 BLOCKING (VERTICAL ORIENTATION, FLUSH WITH FACE OF STUD) @ 36" ABOVE FINISHED FLOOR AROUND ALL BATHTUBS, SHOWER STALLS AND TOILETS FOR FUTURE HANDICAP ACCESSIBLE HANDRAILS.
- 4.3 IF NOT SHOWN, PROVIDE ACCESS TO MECHANICALS FOR JETTED TUB, WALK-IN TUB PER MANUFACTURER'S RECOMMENDATIONS.

SITE NOTES:

- 5.1 CONTRACTOR SHALL NOTIFY "MISS UTILITIES OF VIRGINIA" AT 800-522-7001 A MINIMUM OF THREE DAYS TO START OF ANY EXCAVATIONS OR EARTH WORK.
- 5.2 CARE SHALL BE EXERCISED DURING THE GRADING OPERATIONS AT THE SITE. IF PROBLEMS SUCH AS DEGRADATION OF THE BEARING MATERIAL ARISE, THE OPERATIONS IN THE AREA AFFECTED SHALL BE HALTED AND THE OWNER'S GEOTECHNICAL CONSULTANT SHALL EVALUATE THE CONDITION.
- 5.3 THE SURFACE OF THE EXPOSED SUBGRADE SHALL BE INSPECTED TO CHECK FOR POCKETS OF SOFT OR UNSUITABLE MATERIAL. EXCAVATE AS REQUIRED TO REMOVE UNSUITABLE SOIL.
- 5.4 FILL ALL EXCAVATED AREAS WITH APPROVED NO 57 STONE TO GRADE.
- 5.5 IF SOFT POCKETS ARE ENCOUNTERED IN THE FOOTING EXCAVATIONS, THE UNSUITABLE MATERIAL SHALL BE REMOVED AND THE FOOTINGS TO BE LOCATED AT A LOWER ELEVATION. ALTERNATIVELY, THE PROPOSED FOOTING ELEVATIONS MAY BE RE-ESTABLISHED BY BACKFILLING WITH NO 57 STONE.
- 5.6 WHERE WATER IS ENCOUNTERED IN THE BOTTOM OF THE EXCAVATION, OR BASE MATERIAL IS TOO WET TO COMPACT, FILL EXCAVATION WITH 12" TO 18" WORKING MAT OF CRUSHED STONE. 5.7 CONTRACTOR SHALL TAKE ALL CARE NECESSARY TO PREVENT UNDERMINING OF ANY EXISTING

ELECTRICAL NOTES:

STRUCTURES DURING CONSTRUCTION.

- 7.1 RECEPTACLES AND TV OUTLETS SHALL BE MOUNTED 12" ABOVE FINISHED FLOOR. 7.2 BATHROOM RECEPTACLES SHALL BE GFI MOUNTED 42" ABOVE FINISHED FLOOR. 7.3 IF NOT SHOWN ON PLAN, TWO EXTERIOR RECEPTACLES SHALL BE FIELD LOCATED AT 12" ABOVE FINISHED FLOOR.
- 7.4 TELEPHONE RECEPTACLES TO BE MOUNTED AT 12" ABOVE FINISHED FLOOR TABLE MODELS, 54" ABOVE FINISHED FLOOR W/ COVER PLATE FOR WALL MODEL.
- 7.5 SWITCHES SHALL BE MOUNTED AT 48" ABOVE FINISHED FLOOR.
- 7.6 SMOKE DETECTORS SHALL BE INSTALLED IN ALL SLEEPING AREAS PLUS ONE PER FLOOR AT A MINIMUM OF 3'-O FROM ANY HVAC DUCT OPENINGS, AND SHALL BE PERMANENTLY WIRED TOGETHER WITH A BATTERY BACKUP.
- 7.7 LIGHTING AND ELECTRICAL LAYOUT PER OWNER'S WALK THROUGH. ALL WORK TO BE PERFORMED BY A CLASS "A" ELECTRICAL CONTRACTOR OR MASTERS LEVEL ELECTRICIAN

FRAMING NOTES:

- 8.1 PER R502.7 JOISTS SHALL BE SUPPORTED LATERALLY AT ENDS BY FULL DEPTH SOLID BLOCKING NOT LESS THAN 2" NOM THICKNESS: OR BY ATTACHMENT TO FULL DEPTH HEADER, BAND OR RIM JOIST, OR TO AN ADJOINING STUD OR SHALL BE OTHERWISE PROVIDED W/ LATERAL SUPPORT TO PREVENT ROTATION.
- 8.2 WHEN THERE IS USABLE SPACE BOTH ABOVE AND BELOW CONCEALED SPACE OF FLOOR/CEILING ASSEMBLY DRAFTSTOPS SHALL BE INSTALLED SO THAT CONCEALED SPACE DOES NOT EXCEED 1000 SF., DRAFTSTOPPING SHAL CIVIDE SPACE EVENLY.
- 8.3 FIREBLOCKING MATERIAL FOR PENETRATIONS OF WIRES, VENTS, PIPE DUCTS AND CABLES SHALL BE 3M "FIRE BARRIER CP25" AND FIRE RESISTANT MINERAL WOOL ASTM E-84 PER VRC 602.8 #4

DESIGN LOAD CRITERIA

ROOF TRUSSES	
TRUSS LOAD	PSF
TOP CORD LIVE LOAD TOP CORD DEAD LOAD BOTTOM CORD LIVE LOAD* BOTTOM CORD DEAD LOAD	20 PSF 10 PSF 20 PSF 10 PSF
TOTAL LOAD	40 PSF
LIVE LOAD DEFLECTION	L/360

*TRUSS LOAD NOTES: DESIGN BCLL = 20 PSF 2. WITH HABITABLE STORAGE:

DESIGN BCLL = 40 PSF

RAFIERS	
RAFTERS W/ INTERIOR FINISH	PSF
LIVE LOAD DEAD LOAD	20 PSF 15 PSF
TOTAL LOAD	35 PSF
LIVE LOAD DEFLECTION	L/240
RAFTERS W/O INTERIOR FINISH	PSF
RAFTERS W/O INTERIOR FINISH LIVE LOAD DEAD LOAD	PSF 20 PSF 10 PSF
LIVE LOAD	20 PSF
LIVE LOAD DEAD LOAD	20 PSF 10 PSF

WIND RATINGS	
WIND SPEED	115 MPH
WIND GUST	3 SEC GUST

$\overline{}$		
	LIVING SPACES	
	FLOOR LOAD	PSF
	LIVE LOAD DEAD LOAD	40 PSF 10 PSF
	TOTAL LOAD	50 PSF
	LIVE LOAD DEFLECTION	L/360
	GI FEPING SPACES	

LIVE LOAD DEFLECTION

JLLLI IIVO DI MOLO	
FLOOR LOAD	PSF
LIVE LOAD DEAD LOAD	30 PSF 10 PSF
TOTAL LOAD	40 PSF
LIVE LOAD DEFLECTION	L/360

EXTERIOR WALLS 8' WALL 9' WALL INTERIOR WALLS PSF PLF CEILING JOISTS PSF 20 PSF DEAD LOAD

30 PSF

L/240

WINDOW & DOOR HEADER SIZES

ROOF LOAD	ROOF LOAD ONLY			ROOF LOAD + 1 STORY (CLEAR SPAN)			ROOF + 2 STORY (CLEAR SPAN)		
SIZE	MAX. SPAN	Z	SIZE	MAX. SPAN	NJ	SIZE	MAX. SPAN	NJ	
(2)-2X4	3'-1"	1	(2)-2X4	2'-3"	1	(2)-2X4	1'-8"	1	
(2)-2X6	4'-7"	1	(2)-2X6	3'-4"	1	(2)-2X6	2'-6"	1	
(2)-2X8	5'-9"	1	(2)-2X8	4'-3"	1	(2)-2X8	3'-3"	1	
(2)-2X1O	6'-10"	2	(2)-2X1O	5'-0"	2	(2)-2X1O	3'-10"	2	
(2)-2X12	8'-1"	2	(2)-2X12	5'-11"	2	(2)-2X12	4'-6"	2	

(1) BASED ON TABLE NO. R602.7(1) IRC 2018 (2) HEADER MATERIAL SHALL BE SOUTHERN PINE NO. 2. (3) ALL HEADERS INCLUDE 1/2" PLY SPACER TO MATCH 3 1/2" WALL. 4) BASED ON 30 PSF SNOW LOAD & BUILDING WIDTH 24 FT



SH

ADDRESS

DISCLAIMER

THE CONTRACTOR/BUILDER SHALL ASSUME ALL RESPONSIBILITY TO INSURE COMPATIBILITY OF THESE PLANS WITH THE SITE CONDITIONS. RESIDENTIAL DESIGN SOLUTIONS, INC. ASSUMES NO RESPONSIBILITY FOR THE SAFE CONDITIONS OR THE USE OF THESE DRAWINGS DURING THE CONSTRUCTION PHASE.

RESIDENTIAL DESIGN SOLUTIONS, INC. ASSUMES NO RESPONSIBILITY FOR ANY CHANGES PERFORMED TO THE DRAWINGS AFTER THEIR COMPLETION AND DISTRIBUTION. ONLY QUALIFIED PERSONNEL SUCH AS A DESIGNER, ARCHITECT, CONTRACTOR, OR STRUCTURAL ENGINEER SHOULD ATTEMPT ANY MODIFICATIONS. MINOR CHANGES MAY PRODUCE SEVERE PROBLEMS TO UNSUSPECTED AREAS.

THESE PLANS SHOULD BE REVIEWED BY THE CONTRACTOR/BUILDER FOR CURRENT LOCAL CODE REQUIREMENTS.

DIMENSIONS PRIOR TO COMMENCING CONSTRUCTION.

THE CONTRACTOR/BUILDER SHOULD VERIFY ALL CONDITIONS AND

RESIDENTIAL DESIGN SOLUTIONS, INC. HAS NOT VERIFIED THAT THESE DRAWINGS MEET STRUCTURAL, FOUNDATION, AND OR SOIL CONDITIONS FOR A SPECIFIC SITE. THE CONTRACTOR/BUILDER SHALL TAKE ALL RESPONSIBILITY TO INSURE THAT ALL LOCAL CODES HAVE BEEN MET. ALL MECHANICAL. ELECTRICAL AND PLUMBING REQUIREMENTS SHALL BE VERIFIED PRIOR TO COMMENCING CONSTRUCTION. NO MECHANICAL, ELECTRICAL AND/OR PLUMBING DRAWINGS HAVE BEEN PROVIDED. CONTRACTOR/BUILDER TO SIZE COOLING AND HEATING LOAD

THESE PLANS SHOULD NEVER BE SCALED. ALL DIMENSIONS SHOULD

BE READ OR CALCULATED

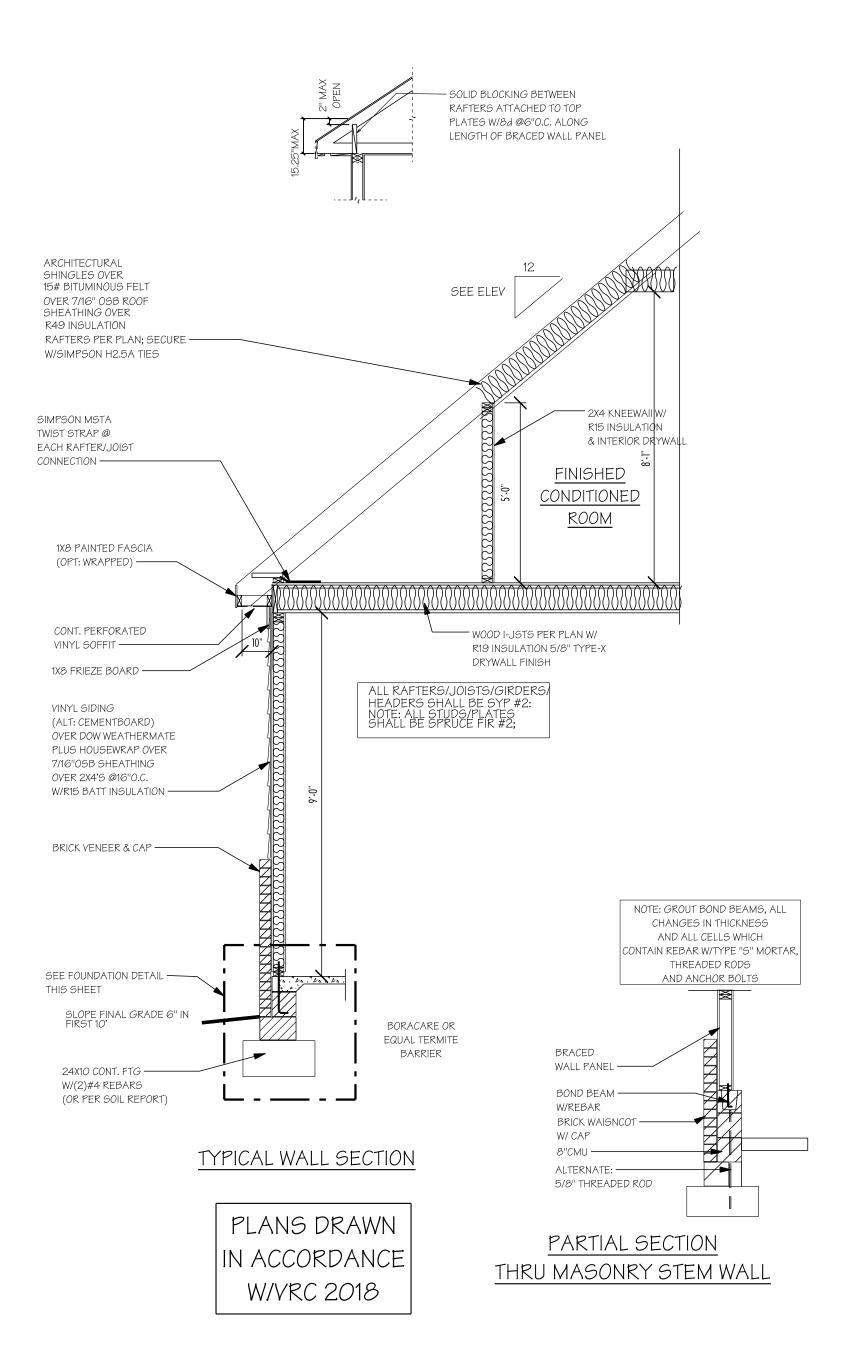
REQUIREMENTS PER ALL LOCAL CODES BEING CONCERNED W CLIMATE CONDITIONS AND BUILDING ORIENTATION EVERY ATTEMPT HAS BEEN MADE TO PR

COMPLETE DRAWINGS. RESIDENTIAL DE GUARANTEE AGAINST HUMAN ERRO

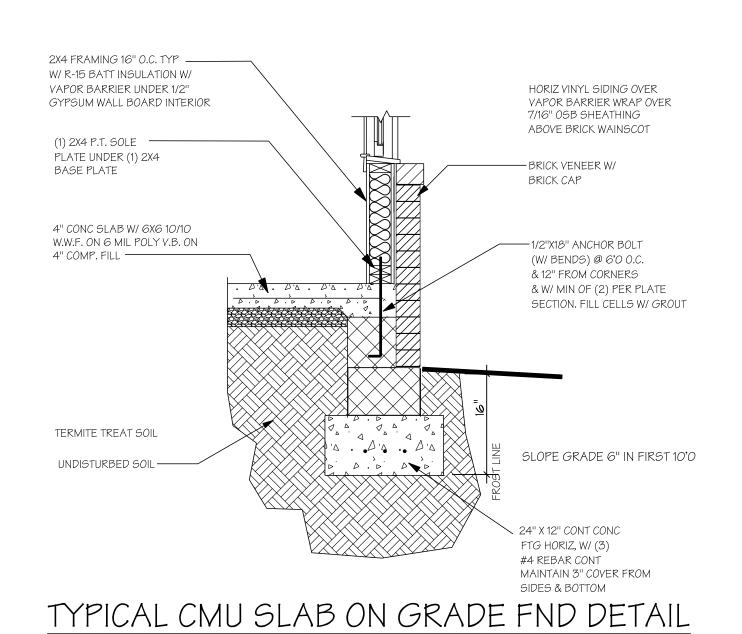
CAROL CASON DESIGNER, AIBD 1/4" = 1'-0" C22-0729 DUCKER Tuesday, September 26, 2023

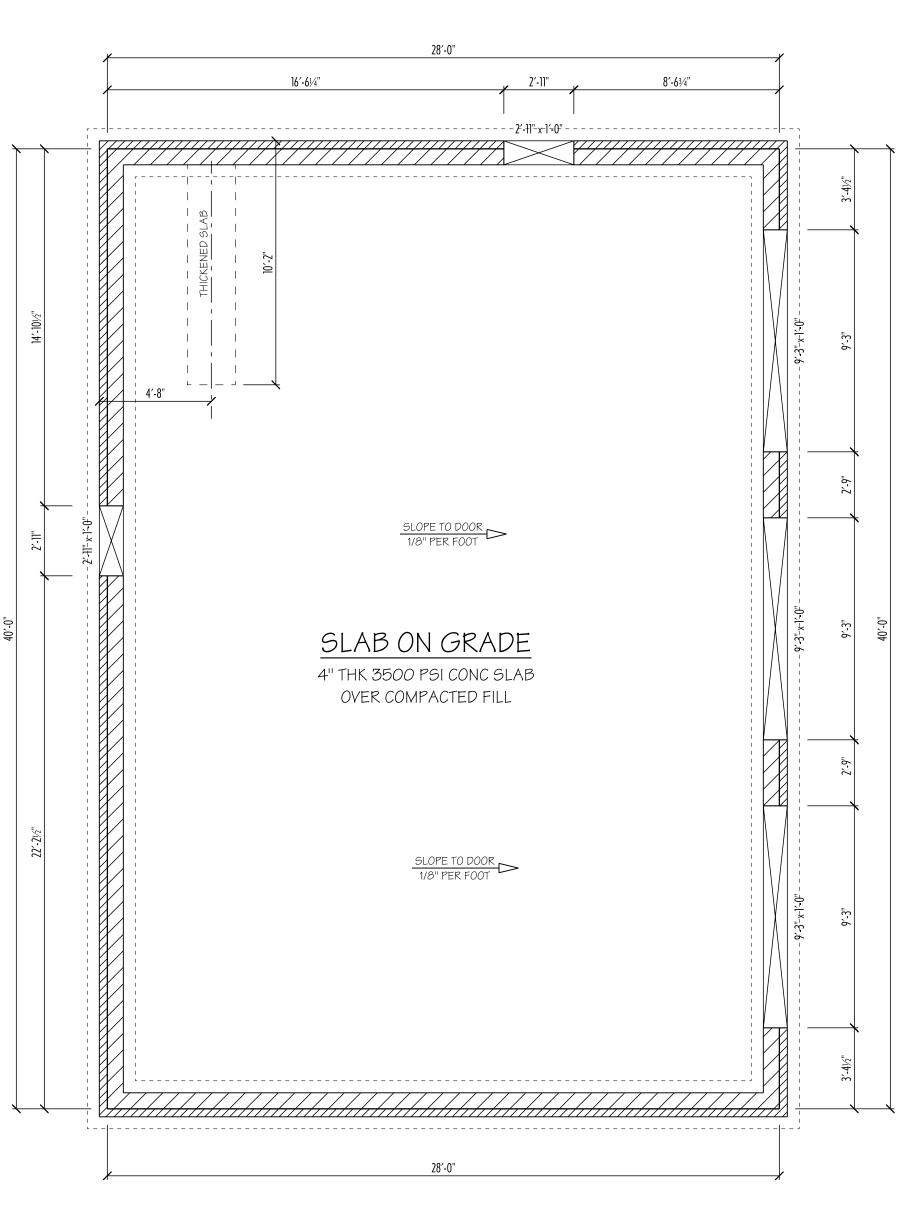
SHEET NO.

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TYP WALL SECTION SCALE: 3/8" = 1'-0"





FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

AG AR. DUCKER

DRAWN BY:

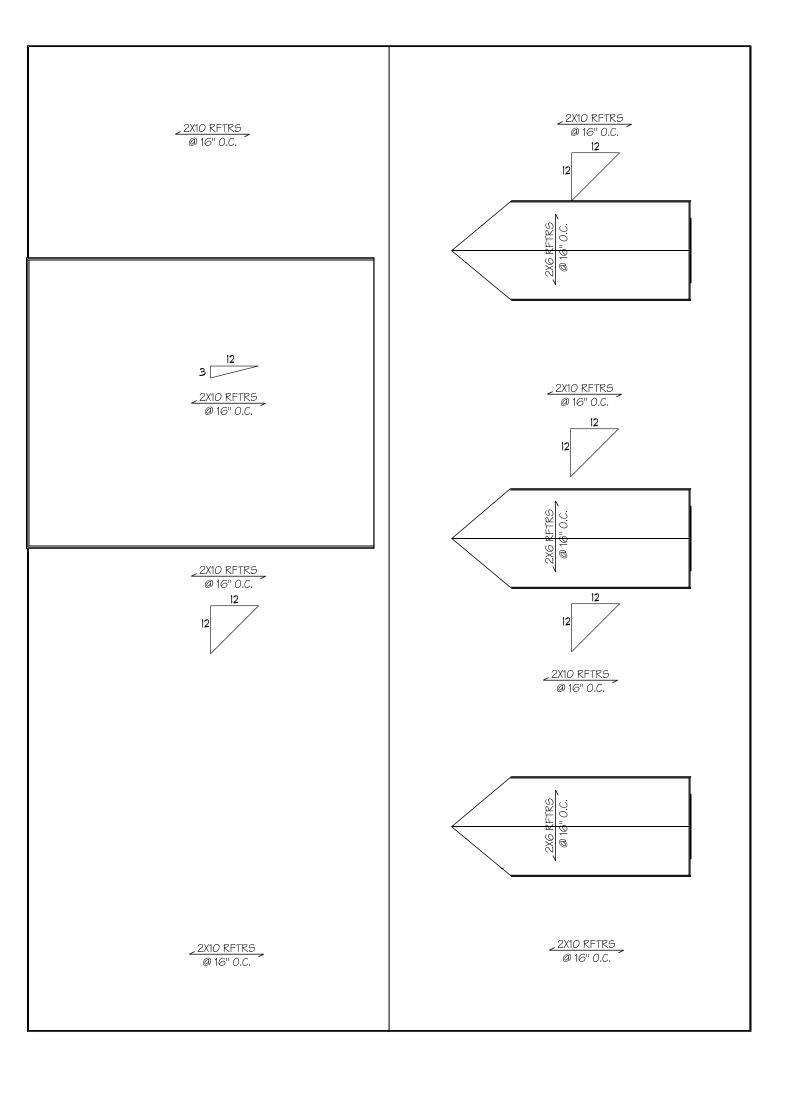
CAROL CASON
DESIGNER, AIBD

SCALE:
As Noted
PROJECT:
C22-0729 DUCKER

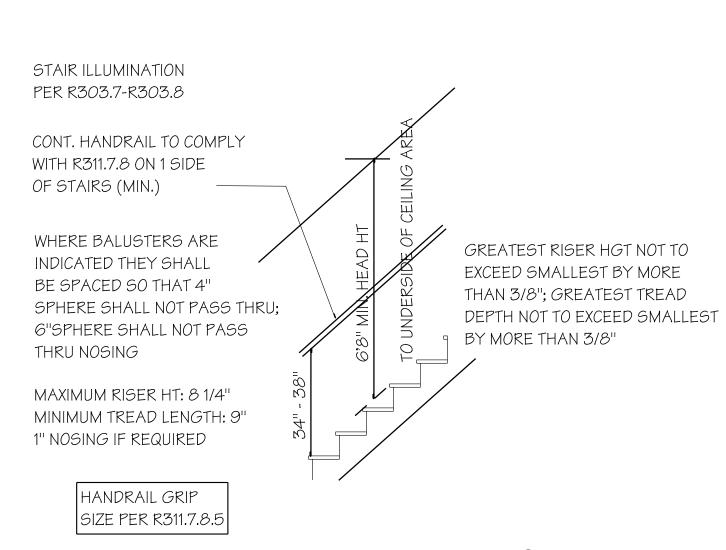
DATE:
Tuesday, September 26, 2023

<u>ADDRESS</u>

SHEET NO.

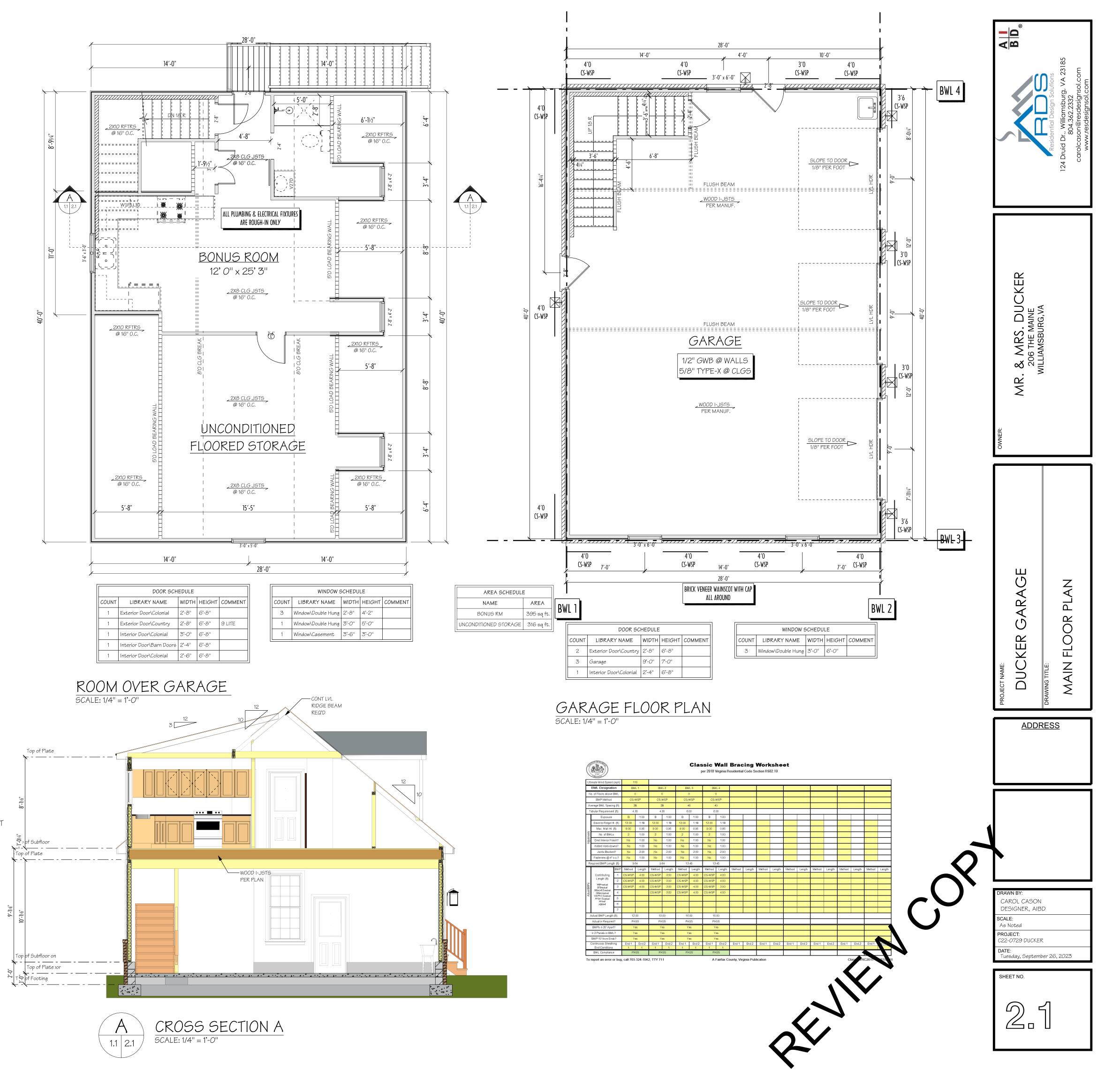






TYP. STAIR SECTION

HANDRAILS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF EACH CONT. RUN OF TREADS W/4 OR MORE RISERS



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RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"



LEFT ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

DRAWN BY:

CAROL CASON

DESIGNER, AIBD

SCALE:

1/4" = 1'-0"

PROJECT:

C22-0729 DUCKER

ARAGE

DUCKER

<u>ADDRESS</u>

DATE: Tuesday, September 26, 2023 SHEET NO.

3.1

RESTRICTIVE NOTICE: ARCHITECTURAL DRAWINGS
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NOTES:

- 1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 33, PG. 48.

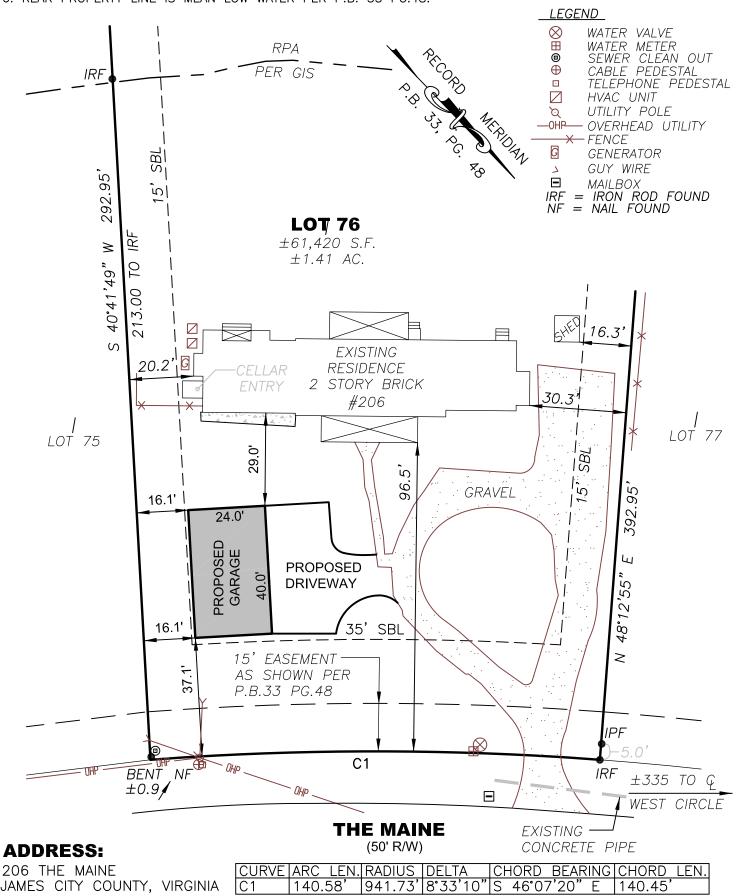
 2. THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.

 3. LOT LIES IN F.I.R.M. ZONE "X" ZONE "VE" (ELEV 12) ACCORDING TO FLOOD INSURANCE RATE MAP
- #51095C0181D DATED DECEMBER 16, 2015. PROPOSED GARAGE FALLS IN ZONE "X".

 4. WETLANDS, IF ANY, WERE NOT LOCATED FOR THIS SURVEY.

 5. UNDERGROUND UTILITIES WERE NOT LOCATED.

 6. REAR PROPERTY LINE IS MEAN LOW WATER PER P.B. 33 PG.48.



UN Gunol MATTHEW H. CONNOLL Lic. No. 2053 9/27/2023 AND SURVE

JAMES CITY COUNTY, VIRGINIA

REFERENCES: P.B.33 PG.48 P.B.30 PG.2 P.B.21 PG.9

DATE: 9/27/23

SCALE: 1"=30'

PARTIAL PHYSICAL SURVEY OF LOT 76, SECTION THREE SHOWING PROPOSED GARAGE FIRST COLONY

PROMARK CUSTOM HOMES

VIRGINIA JAMES CITY COUNTY

LandTech Resources, Inc.

Engineering and Surveying Consultants 205 E Bulifants Blvd., Williamsburg, Virginia 23188 Telephone: 757—565—1677 Fax: 757—565—0782 Web: landtechresources.com

23-022.dwg

JOB# 23-022 SURVEYOR CAD File

Unapproved Minutes of the December 6, 2023 Planning Commission Regular Meeting

SUP-23-0026. 206 The Maine Detached Accessory Apartment

Ms. Tess Lynch, Planner II, addressed the Commission with the details of the application. She noted the property owners currently were not living on-site. Ms. Lynch stated a condition was included requiring the property owners to submit confirmation on their intent to live in the house or in the apartment within 12 months of issuance of the Certificate of Occupancy. She noted staff recommended the Planning Commission's approval of the application with the proposed conditions to the Board of Supervisors.

Mr. Polster opened the Public Hearing.

As there were no speakers, Mr. Polster closed the Public Hearing.

Mr. Krapf made a motion to recommend approval of SUP-23-0026. 206 The Maine Detached Accessory Apartment and associated conditions.

On a roll call vote, the Commission voted to recommend approval of the SUP with conditions. (7-0)

Mr. Haldeman noted accessory housing was a recommendation for the Workforce Housing Taskforce in a desire to make workforce housing more affordable at the lower end. He noted the condition requirement of a family member living in the accessory housing detracted from that policy. Mr. Haldeman stated that component was part of the Ordinance which he had supported, but he was hopeful of more progress toward addressing workforce housing affordability.

Mr. Polster cited an SUP for an accessory apartment which was approved and then later turned into an Airbnb.

Mr. Krapf asked if the requirement was a family member residing in either the main residence or accessory apartment. He questioned if that presented the opportunity for a non-family member to occupy the other dwelling.

Ms. Lynch confirmed yes that the owner only needed to live in one of the structures. Mr. Haldeman expressed his thanks for the clarification.

SPECIAL USE PERMIT-23-0028. 9273 Richmond Road Contractor's Office and Warehouse Staff Report for the January 9, 2024, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant: Ms. Erin Martin, Crossroad Custom

Builders, Inc.

Landowner: Mr. Shawn Lemon, Crossroad Properties

Proposal: To allow for the construction of an

approximately 6,000-square-foot building to be used as a contractor's office and

warehouse.

Location: 9273 Richmond Road

Tax Map/Parcel No.: 1010100005

Property Acreage: ± 4.34

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area:

(PSA) Outside

Staff Contact: Suzanne Yeats, Planner

PUBLIC HEARING DATES

Planning Commission: December 6, 2023, 6:00 p.m.

Board of Supervisors: January 9, 2024, 5:00 p.m.

FACTORS FAVORABLE

- 1. The proposal includes adequate off-street parking.
- 2. With the proposed conditions, staff finds the proposal compatible with surrounding zoning and development and consistent with the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan.*
- 3. Impacts: See Impact Analysis on Pages 3-5.

FACTORS UNFAVORABLE

1. With the attached Special Use Permit (SUP) conditions, staff finds that there are no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Staff finds the proposal is compatible with surrounding zoning and development and consistent with the 2045 Comprehensive Plan. Staff recommends the Board of Supervisors approve this application subject to the proposed conditions (Attachment No. 1).

PLANNING COMMISSION RECOMMENDATION

At its December 6, 2023, meeting, the Planning Commission voted 7-0 to recommend approval of this application with a motion to amend Condition No. 8 language to state "Machinery and small equipment will be stored behind the building and heavy construction equipment will not be permitted on the Property" (see Attachment 1, Condition No. 8, for the proposed condition as amended by the Planning Commission).

PROPOSED CHANGES MADE SINCE PLANNING COMMISSION MEETING

None.

PROJECT DESCRIPTION

Ms. Erin Martin has applied for an SUP to allow for the construction and operation of a contractor's office and warehouse to be located at 9273 Richmond Road, on property zoned A-1, General Agricultural, to accommodate both current business operations and anticipated growth. According to information provided by the applicant, the existing operation is a professional contractor's business that specializes in the building of custom homes, additions, or interior improvements and proposes the following organizational structure and activities:

- There are a total of 12 employees (including the owner). Roughly half of the employees work on-site and the other half work out in the field daily;
- The proposal includes a 6,000-square-foot building which designates 2,000 square feet for a contractor's office and 4,000 square feet as a warehouse;
- The dedicated office space will be utilized to meet with clients to discuss individual projects and no retail sales will occur on the Property;
- The dedicated warehouse will be utilized to store materials, equipment, and woodshop area;
- Currently, deliveries are sent to job sites directly. With the advent of the proposed warehouse, the applicant anticipates receiving one

major delivery per month and distributing smaller deliveries to work sites using company vehicles on an as-needed basis; and

• The hours of operation will be Monday through Friday, 7:30 a.m. to 5:30 p.m.

The owner purchased the property in 2020 as a residence; it is currently occupied and will remain as such. The proposed contractor's office and warehouse is approximately 75 feet from Richmond Road and would be visible from the right-of-way. The proposed parking lot is approximately 55 feet from Richmond Road and will be visually screened from the right-of-way. Mature trees surround the project site providing a natural buffer from adjacent properties.

PLANNING AND ZONING HISTORY

• There have been no legislative cases associated with the property.

SURROUNDING ZONING AND DEVELOPMENT

- All surrounding parcels are zoned A-1, General Agricultural.
- All surrounding parcels are designated Rural Lands on the 2045 Comprehensive Plan.

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Public Transportation: Vehicular	Mitigated	 The new contractor's office/warehouse will not exceed 100 peak hour trips. Virginia Department of Transportation (VDOT) requires a commercial entrance to accommodate any commercial traffic (CE-1 standards and specifications). The existing horseshoe shaped driveway will be redesigned to a single commercial entry. VDOT will review the commercial entry design during the site plan review.
Public Transportation: Bicycle/Pedestrian	No Mitigation Required	- Per the Adopted Regional Bikeways Map and Pedestrian Accommodations Master Plan, neither a bike lane nor pedestrian accommodations are required.
Public Safety	Mitigated	 Fire Station 1 on Forge Road serves this area of the County and is approximately 6.2 miles from the property. The Fire Department has reviewed the proposal and does not have concerns with the Master Plan. During the site plan and building permit application processes, the Fire Department will provide additional review and comments.
Public Schools	No Mitigation Required	- N/A since no residential dwelling units are proposed.
Public Parks and Recreation	No Mitigation Required	- N/A since no residential dwelling units are proposed.
Public Libraries and Cultural Centers	No Mitigation Required	- Staff finds this project does not generate impacts that require mitigation.
Groundwater and Drinking Water Resources	No Mitigation Required	 The property is on a private well and septic. The Virginia Department of Health has reviewed the proposal and does not have concerns with the Master Plan. During the site plan and building permit application processes, the Fire Department will provide additional review and comments.

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Watersheds, Streams, and Reservoirs Project is located in the Diascund Creek Watershed.	Mitigated	 The Master Plan shows a conceptual layout for stormwater management facilities. This project will need to demonstrate full compliance with environmental regulations at the development plan stage, but no other specific environmental impacts have been identified for mitigation. There are no special flood hazard nor resource protected areas on the property. Condition Nos. 9, 10, 11, 12, and 13 address the impervious cover capture for existing and proposed site improvements, stormwater best management practice design, a spill prevention and pollutant containment plan, limiting forested open space to 25% of the required water quality associated with the Project, and the application of Special Stormwater Criteria.
Cultural/Historic	No Mitigation Required	 Per Section 24-145 of the Zoning Ordinance, this proposal includes an archaeological study and will be evaluated at the site plan stage should this application be approved. A natural resource inventory was not required.
Nearby and Surrounding Properties	Mitigated	 Condition Nos. 2, 3, and 4 limit sales (no sales shall occur), hours of operation, and deliveries. Condition Nos. 6 and 7 state the project will need to demonstrate full compliance with lighting, landscaping, and screening regulations in the Zoning Ordinance at the development plan stage. Condition No. 8 states no outdoor storage is allowed, and dumpsters shall be screened by landscaping or fencing.
Community Character	No Mitigation Required	 This portion of Richmond Road is designated as a Wooded Community Character Corridor and is not designated as a Community Character Area. Condition No. 5 requires the Director of Planning to review and approve all new building elevations, colors, and future expansions as consistent with submitted elevations (Attachment No. 4).

SPECIAL USE PERMIT-23-0028. 9273 Richmond Road Contractor's Office and Warehouse Staff Report for the January 9, 2024, Board of Supervisors Public Hearing

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Covenants and Restrictions	No Mitigation Required	- The applicant has verified that she is not aware of any covenants or restrictions on the property that prohibit the proposed use.

NATURAL AND CULTURAL ASSETS

The site is identified as having natural and cultural assets on the Natural & Cultural Assets Plan maps, supplemented by information from the Natural Resources Conservation Service - Web Soil Survey website. Data points are included for information purposes below:

ASSET	PRESENCE	IMPACT			
Habitat Core	Present on Site	1. All habitat cores identified in			
		the Natural & Cultural Assets			
		Plan are important ecologically.			
		The core on this property is			
		ranked as having lower			
		ecological value compared to			
		other cores in the County. It is			
		not of heightened priority.			
		2. The portion of this parcel			
		identified as habitat core is 2.38			
		acres or 54.8% of the property.			
		The project area encroaches			
		into the area identified as a			
		habitat core.			
Corridors	Not Applicable	Not Applicable			
Agricultural	Present on Site	1.8 acres or 36.8% of the			
Assets		Property is rated prime			
		farmland. The project area is			
		outside the area designated as			
		prime farmland.			

2045 COMPREHENSIVE PLAN

The site is designated Rural Lands on the 2045 Comprehensive Plan Land Use Map.

Per the adopted Comprehensive Plan, appropriate primary uses include traditional agricultural and forestal activities, but also innovative agriculture, horticulture, silviculture, specialty or niche farming, commercial and noncommercial equine opportunities, agritourism, rural-based public or commercial recreation, rural-support businesses and certain public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, appropriately scaled and located direct agricultural or forestal-support uses (including agri-business and ecotourism), home-based occupations, or certain uses which require very low-intensity settings relative to the site in which it will be located may be considered in the case of a case-by-case review, provided such uses are compatible with the natural and rural character of the area and are in accordance with the Rural Lands Development Standards.

According to the Rural Lands Development Standards, uses should reflect and enhance the rural character of the County. Particular attention should be given to locating structures and uses outside of sensitive areas, and maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and uses.

Typically, office uses of this size and nature are encouraged to be located in commercially or industrially zoned or designated areas inside the PSA. While not agricultural or forestal use, staff finds the proposed scale of the business would be a very low-intensity operation which would not negatively impact the natural and rural character of the area. Further, staff finds that the undisturbed vegetation located along the perimeter surrounding the Project will provide a natural buffer from all surrounding properties.

SPECIAL USE PERMIT-23-0028. 9273 Richmond Road Contractor's Office and Warehouse Staff Report for the January 9, 2024, Board of Supervisors Public Hearing

The site, existing and proposed structures, and parking necessary for the Project would be accessible by a single entrance. Staff further finds that proposed Condition No. 7 (Landscape and Screening) and proposed Condition No. 8 (Outdoor Storage and Dumpsters) in conjunction with the layout of the Master Plan, will help ensure the use is screened and buffered from adjacent properties and road rights-of-way.

STAFF RECOMMENDATION

Overall, staff finds that the proposal is compatible with surrounding zoning and development and is consistent with the adopted 2045 Comprehensive Plan and Zoning Ordinance. Staff recommends the Board of Supervisors approve the SUP with the proposed conditions as amended (see Attachment No. 1).

SY/ap SUP23-28 9273RchRd

Attachments:

- 1. Resolution
- 2a. Location Map A
- 2b. Location Map B
- 3. Master Plan
- 4. Building Elevations
- 5. Unapproved Minutes of the December 6, 2023, Planning Commission Meeting

RESOLUTION

CASE NO. SUP-23-0028. 9273 RICHMOND ROAD

CONTRACTOR'S OFFICE AND WAREHOUSE

- WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Ms. Erin Martin, on behalf of Crossroad Custom Builders, Inc., has applied for an SUP to allow for the construction of an approximately 6,000-square-foot building to be used as a contractor's office and warehouse on property located at 9273 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 1010100005 (the "Property"); and
- WHEREAS, the Planning Commission, following its public hearing on December 6, 2023, recommended approval of Case No. SUP-23-0028 by a vote of 7-0; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-23-0028; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-23-0028 as described herein with the following conditions:
 - 1. <u>Master Plan</u>. This Special Use Permit (the "SUP") shall be valid for the construction and operation of a contractor's office and warehouse, and accessory uses thereto (the "Project"), on property located at 9273 Richmond Road and further identified as James City County Real Estate Tax Map Parcel No. 1010100005 (the "Property"). The Project shall be developed and constructed substantially in accordance with the Master Plan titled "SUP-23-0028 9273 Richmond Road Contractor's Office and Warehouse for Crossroad Custom Builders" prepared by LandTech Resources, Inc., dated November 17, 2023 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the James City County Zoning Ordinance, as amended.
 - 2. <u>Limitations</u>. No retail sales shall occur on the Property.
 - 3. *Hours of Operation*. The hours of operation for the Project shall be limited to Monday through Friday, 7:30 a.m. to 5:30 p.m.
 - 4. <u>Deliveries</u>. Deliveries, including trash pickup, shall be limited to Monday through Friday, 8 a.m. to 5 p.m.

- 5. <u>Architectural Review</u>. All building elevations, colors, and future expansions shall be generally consistent with the building elevations shown on the document entitled "Proposed Office and Warehouse," date stamped November 14, 2023. The colors and building materials shall be submitted to the Director of Planning or designee for review and approval prior to final site plan approval.
- 6. <u>Lighting</u>. Prior to site plan approval, if any exterior lighting is proposed for the Project, the Director of Planning or designee shall review and approve a lighting plan for the Property. All new light poles shall not exceed sixteen (16) feet in height from finished grade. There shall be no light trespass, defined as light intensity measured 0.1-foot candle or higher, extending beyond the boundaries of the Property. Lights shall be operated by a motion detector or be able to be turned on as needed. Lights shall not be routinely illuminated from dusk until dawn.
- 7. <u>Landscape and Screening Plan</u>. Prior to site plan approval, a landscape and screening plan shall be submitted to the Director of Planning or designee for review and approval. The landscape and screening plan shall provide, at a minimum, native and evergreen plantings and fencing that shall effectively screen the storage and/or parking areas associated with the Project from public roads and adjacent properties. Tree clearing on the Property shall be limited to that shown on the landscape plan. A minimum of 50% of the new plantings shall be species native to eastern Virginia.
- 8. <u>Outdoor Storage and Dumpsters</u>. Machinery and small equipment shall be stored behind the building and heavy construction equipment shall not be permitted on the Property. All dumpsters shall be screened by landscaping native to eastern Virginia and fencing as shown on the site plan approved by the Director of Planning.
- 9. <u>Impervious Cover Capture</u>. All proposed impervious cover on the Property resulting from the proposed site improvements shall be captured and conveyed to on-site stormwater management facilities. Special Stormwater Criteria credit(s), for the capture and conveyance of existing impervious cover to proposed on-site stormwater management facilities, shall be determined by the Director of Stormwater and Resource Protection Division.
- 10. <u>Stormwater Best Management Practice (BMP) Design</u>. All stormwater BMPs shall meet or exceed the criteria of the appropriate Virginia Stormwater BMP Clearinghouse Design Specifications Nos. 1 through 17, as determined by the Director of Stormwater and Resource Protection Division.
- 11. <u>Spill Prevention and Containment Plan</u>. Prior to approval of the site plan for the Project, a Spill Prevention Control and Countermeasure Plan (the "SPCCP") for the Property shall be submitted to the County Director of Stormwater and Resource Protection Division or designee for review and approval. The SPCCP shall outline spill prevention and pollutant containment measures and procedures necessary for the operation of the Project and activities conducted on the Property.

- 12. <u>Virginia Runoff Reduction Method</u>. The Forested Open Space (the "FOS") land use category may be used to account for a maximum of 25% of the required water quality associated with the Project. The purchase of offsite nutrient credits toward needed water quality associated with the Project will not be allowed. Should FOS be used in the Virginia Runoff Reduction Method calculations, the area of FOS must meet the criteria set forth in Virginia Stormwater BMP Clearinghouse, Design Specification No. 2: Sheet Flow to a Vegetated Filter Strip or Conserved Open Space. The declared FOS area must treat sheet flow from the Project, in accordance with the Virginia Stormwater BMP Clearinghouse design specification criteria. The proposed use of FOS on the Property, disconnected from any drainage patterns of the Facility, will not be allowed.
- 13. <u>Special Stormwater Criteria</u>. The application of Special Stormwater Criteria practices are required for the Project and shall be shown on the site plan. The number of practices required shall be per Table SSC-1 of the Stormwater Resource Protection Division's form entitled, "Stormwater-Special Criteria (SSC) in James City County, Virginia." Practices to be used for the Project shall be approved by the Director of Stormwater and Resource Protection Division.
- 14. <u>Site Plan</u>. A site plan shall be required for this Project. Final approval of the site plan shall be obtained within 36 months of issuance of this SUP, or the SUP shall become void.
- 15. <u>Severability</u>. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of

	_					
	Chair, Board of Supervisors					
ATTEST:	VOTES					
		<u>AYE</u>	<u>NAY</u>	ABSTAIN	ABSENT	
	NULL					
Teresa J. Saeed	_ ICENHOUR					
Deputy Clerk to the Board	MCGLENNON LARSON					
Deputy Clerk to the Bourd	HIPPLE					
	THEFLE					

SUP23-28 9273RchRd-rev-res

January, 2024.

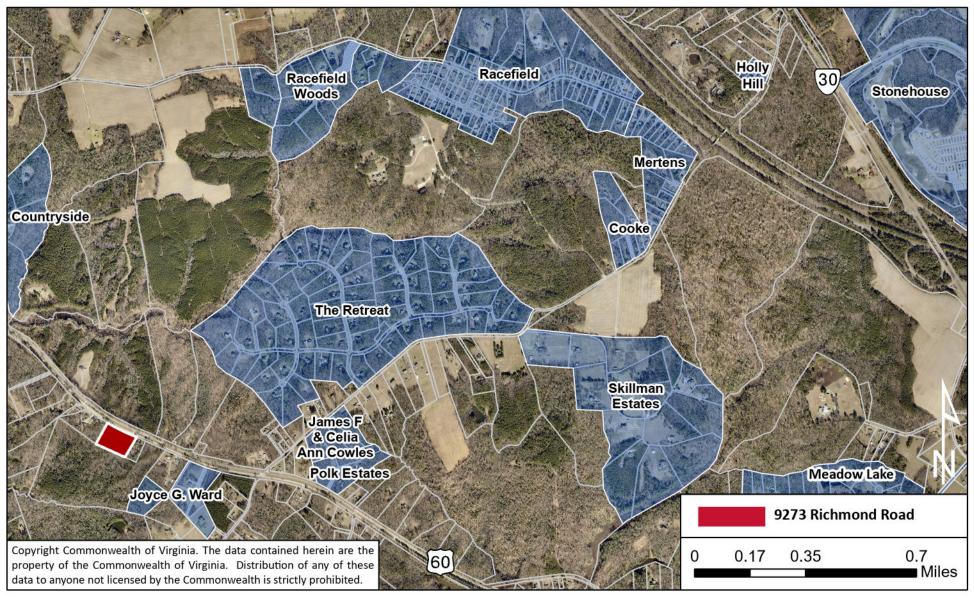
JCC-SUP-23-0028 9273 Richmond Road Contractor's Office Warehouse





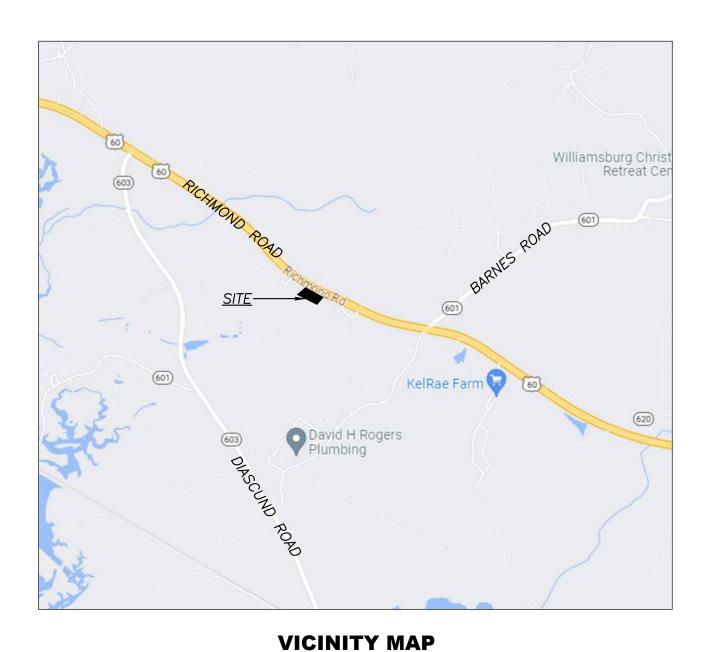
SUP-23-0028 9273 Richmond Road Contractor's Office & Warehouse SUP





SUP-23-0028

9273 RICHMOND ROAD CONTRACTOR'S OFFICE AND WAREHOUSE FOR **CROSSROAD CUSTOM BUILDERS**



GENERAL NOTES

- A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.
- ELEVATION SHOWN HEREON ARE IN FEET AND ARE GPS DERIVED NAVD88.
- WETLANDS, IF ANY, WERE NOT RESEARCHED OR LOCATED FOR
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND
- PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY
- PANEL #51095C0036D, DATED DECEMBER 16, 2015.
- LOT SERVED BY PRIVATE WATER AND SEWER. PROPERTY LINE SHOWN PER DEED LEGAL DESCRIPTION &
- MONUMENTATION FOUND.
- TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
- SECTION 24-98 OF THE JAMES CITY COUNTY ZONING ORDINANCE WILL BE VERIFIED AND INSTALLED AT THE SITE PLAN PHASE.
- 10. ALL NEW UTILITIES WILL BE PLACED UNDERGROUND.
- BUSINESS HOURS FROM 7:00 A.M. TO 5:00 P.M.
- 12. THERE ARE APPROXIMATELY 20-25 CUSTOMERS/VISITORS THAT VISIT THE PROPERTY PER WEEK.

LEGEND ■ MAIL BOX SIGN <u>...</u> WELL -OHP OVERHEAD UTILITY X LIGHT POLE IRF = IRON ROD FOUND CMF = CONCRETE MONUMENT FOUND CONCRETE

PROJECT OVERVIEW

This is the proposed location for Crossroad Custom Builders office and work shop space. We are a residential construction company with 10 employees. The structure is to be an approximately 50'x120' metal building structure with the Richmond Road side of the building, built out to be an approximately 1,600 sf office space. The remaining space of the building would be left as open shop space for wood working and materials and tool inventory to support the business efforts with 3 or 4 garage doors.

SITE INFORMATION

PARCEL ID: 1010100005

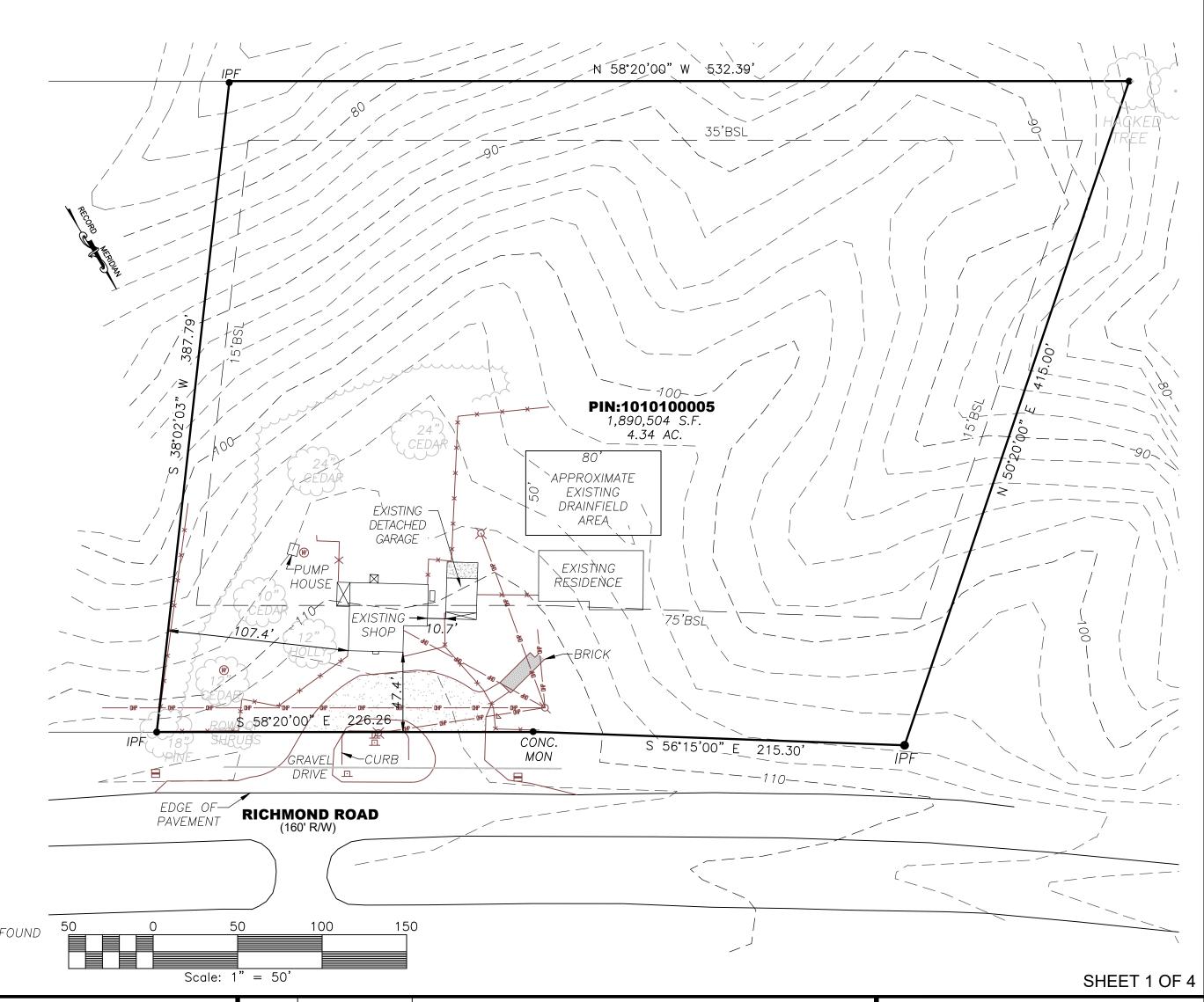
1,890,504 S.F. / 4.34 AC. TOTAL AREA: ZONING DISTRICT: A1 GENERAL AGRICULTURE EXISTING SITE IS MOSTLY WOODED AS SHOWN

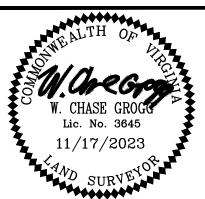
BUILDING SETBACK (SBL)

35' REAR: 15' SIDE:

EXISTING ADDRESS:

9273 RICHMOND ROAD JAMES CITY COUNTY, VIRGINIA





DATE: 09/19/2023

DRAWN BY: AR

PROJECT No. 22-017 FILE NAME: 22-017.DWG

REFERENCES:

DEED INST.#200015403

EXISTING SITE CONDITIONS EXHIBIT OF PIN: 1010100005 FOR

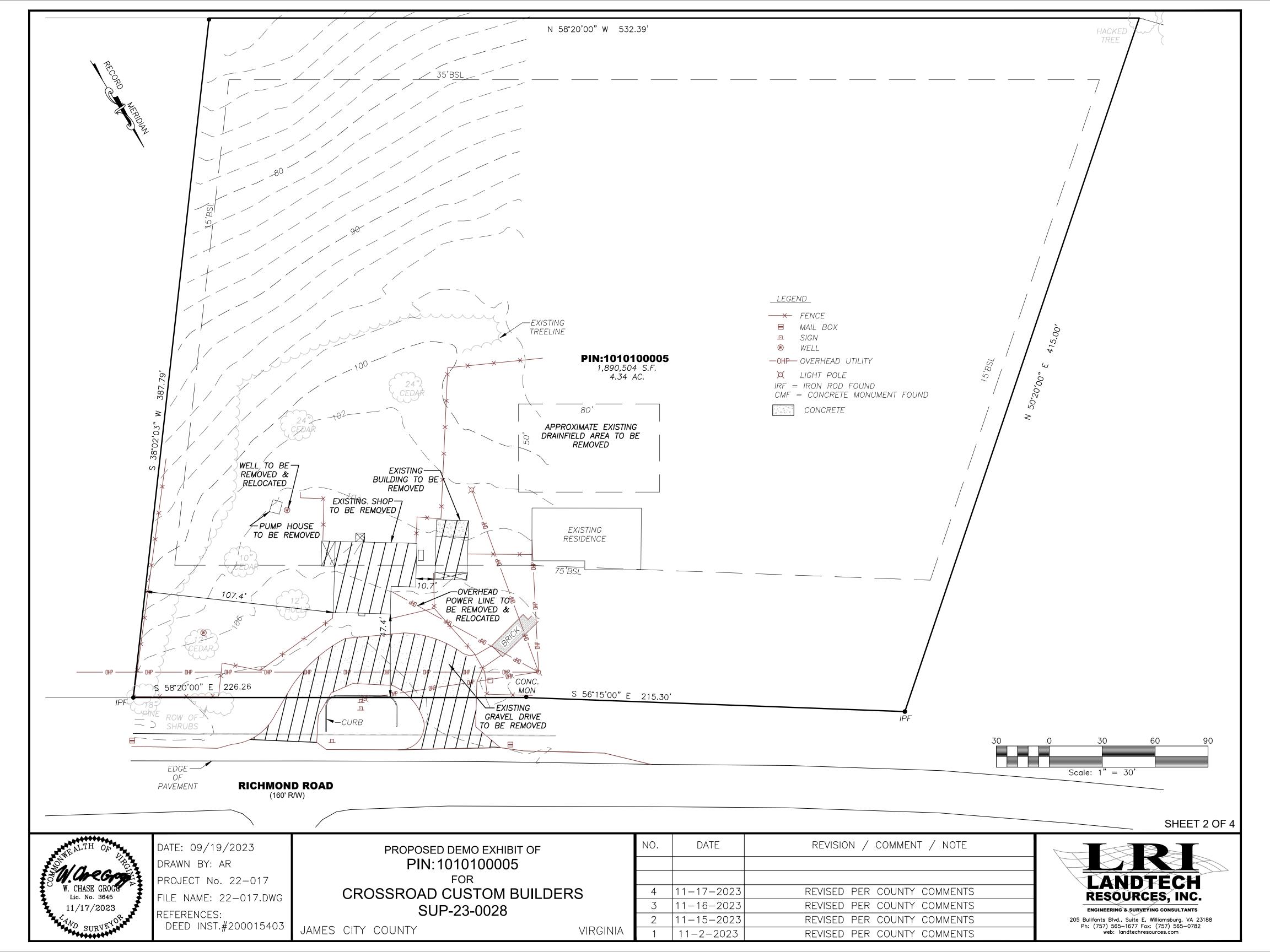
CROSSROAD CUSTOM BUILDERS SUP-23-0028

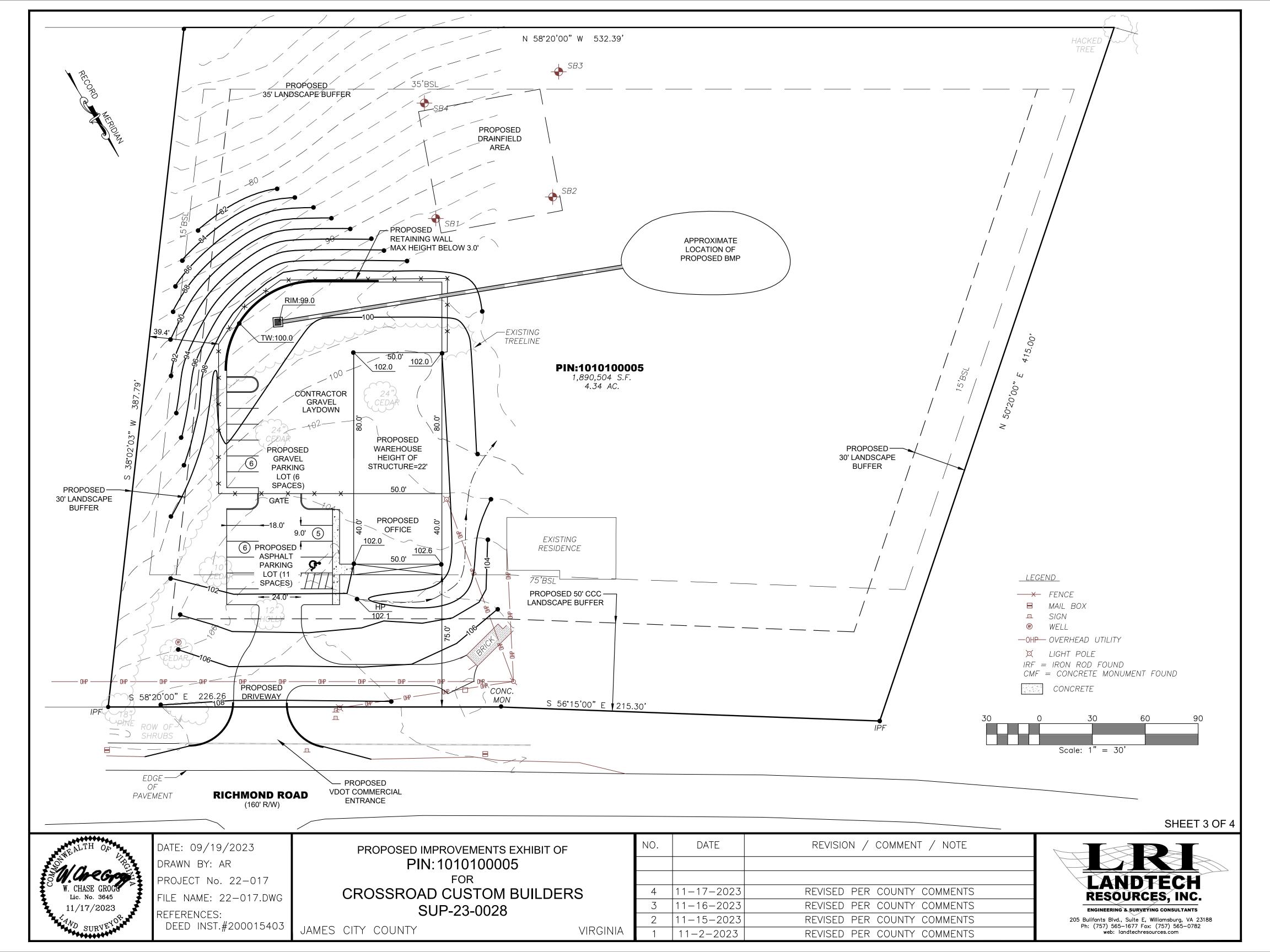
JAMES CITY COUNTY

	NO.	DATE	REVISION / COMMENT / NOTE
RS	4	11-17-2023	REVISED PER COUNTY COMMENTS
	3	11-16-2023	REVISED PER COUNTY COMMENTS
	2	11-15-2023	REVISED PER COUNTY COMMENTS
VIRGINIA	1	11-2-2023	REVISED PER COUNTY COMMENTS



ENGINEERING & SURVEYING CONSULTANTS 205 Bulifants Blvd., Suite E, Williamsburg, VA 23188 Ph: (757) 565–1677 Fax: (757) 565–0782 web: landtechresources.com





SITE STATISTICS

SITE ADDRESS:

9273 RICHMOND ROAD

UTILITIES:

PRIVATE WATER: SEWER: PRIVATE

EXISTING SITE AREA: 189,204.7 S.F. / 4.34 ACRES

PIN #: 1010100005

CURRENT ZONING: A-1 (GENERAL AGRICULTURE)

EXISTING USE: SINGLE FAMILY RESIDENCE

EXISTING IMPERVIOUS AREA: 7,697 S.F. / 0.18 ACRES IMPERVIOUS AREA REMOVED: 4,722 S.F. / 0.13 ACRES PROPOSED IMPERVIOUS AREA: 19,912 S.F. / 0.47 ACRES TOTAL IMPERVIOUS AREA: 22,887 S.F. / 0.53 ACRES

PROPOSED OFFICE BUILDING AREA: PROPOSED WAREHOUSE BUILDING AREA: 4,000 S.F.

8 SPACES (1 SPACE PER 250 S.F. OF OFFICE) REQUIRED OFFICE PARKING:

5 SPACES (1 SPACE PER 2 EMPLOYEES ON THE REQUIRED WAREHOUSE PARKING:

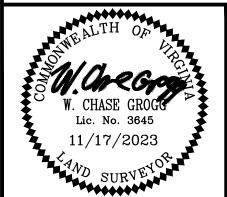
VIRGINIA

LARGEST SHIFT - LARGEST SHIFT = 10 EMPLOYEES) TOTAL REQUIRED PARKING: 120% INCREASE IN REQUIRED PARKING: 16 SPACES

ADA ACCESSIBLE PARKING SPACE: 1 SPACE

PROPOSED PARKING SPACES: 17 SPACES

SHEET 4 OF 4



DATE: 09/19/2023 DRAWN BY: AR PROJECT No. 22-017

FILE NAME: 22-017.DWG

REFERENCES: DEED INST.#200015403

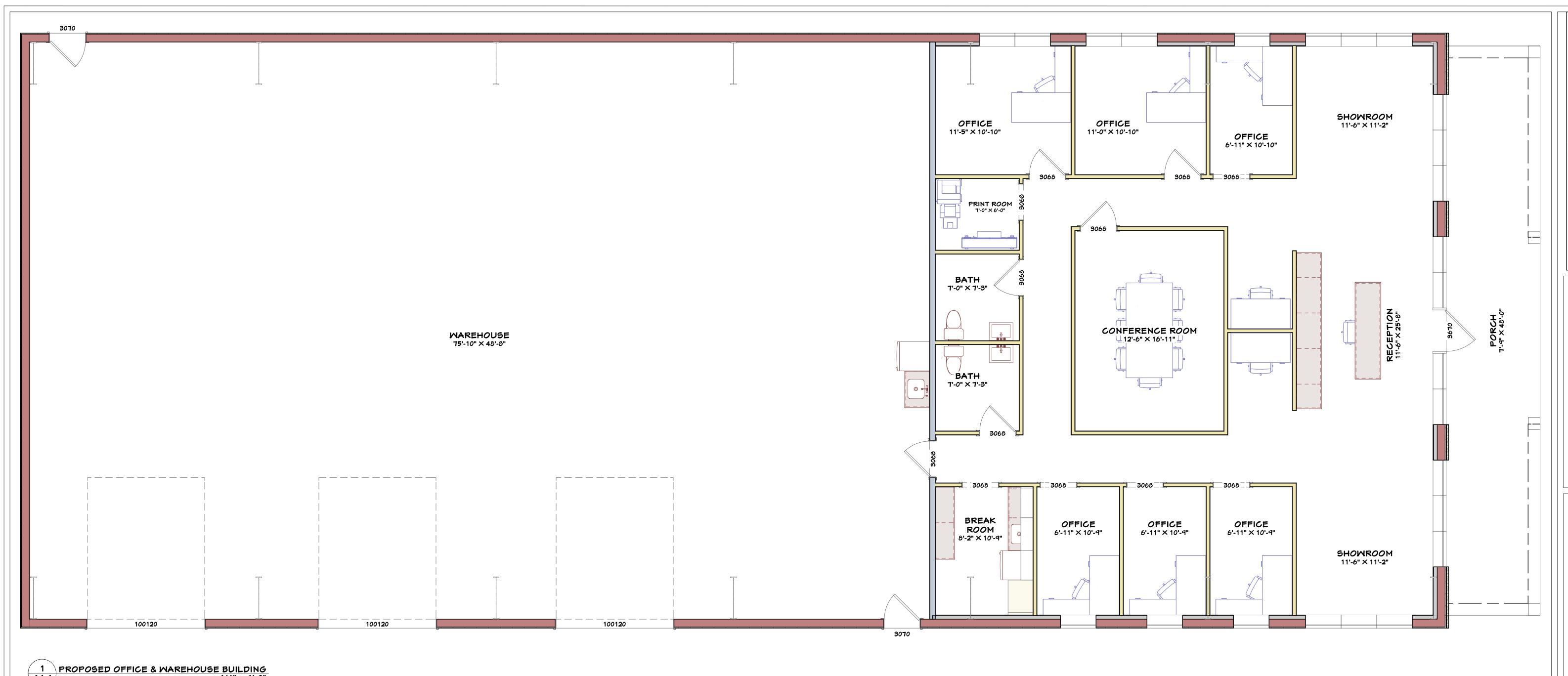
NOTES FOR PIN: 1010100005 FOR CROSSROAD CUSTOM BUILDERS SUP-23-0028

JAMES CITY COUNTY

	NO.	DATE	REVISION / COMMENT / NOTE
	4	11-17-2023	REVISED PER COUNTY COMMENTS
	3	11-16-2023	REVISED PER COUNTY COMMENTS
	2	11-15-2023	REVISED PER COUNTY COMMENTS
١	1	11-2-2023	REVISED PER COUNTY COMMENTS



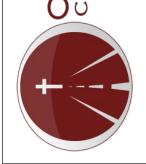
205 Bulifants Blvd., Suite E, Williamsburg, VA 23188 Ph: (757) 565—1677 Fax: (757) 565—0782 web: landtechresources.com







CROSSROAD CUSTOM BUILDERS



DATE:

11/14/2023

SCALE: AS NOTED

SHEET:

A1.1

Unapproved Minutes of the December 6, 2023, Planning Commission Regular Meeting

SUP-23-0028. 9273 Richmond Road Contractor's Office and Warehouse

Ms. Suzanne Yeats, Planner, addressed the Commission with details of the application. She noted recent correspondence to the Commission regarding removal of Condition No. 12. Ms. Yeats stated the removal was based on Condition No. 7 ensuring sufficient screening. She cited additional details on this point. Ms. Yeats noted staff recommended the Planning Commission recommend approval of the SUP to the Board of Supervisors. Ms. Yeats noted proposed conditions were provided if approved. She stated the applicant was also available for any questions.

Mr. Haldeman referenced Condition No. 8's prohibition of heavy construction equipment storage but heavy trucks and cement mixers were permitted. He questioned the difference.

Ms. Yeats noted the difference was based on the purpose of the business' use. She stated after conferring with the applicant that most of the trucks would be used off-site.

Mr. Haldeman noted the trucks would not be stored there, but the condition granted permission for storage. He added he was curious about that point with regard to the similar size of the equipment and other factors.

Ms. Yeats noted she did not have a stronger response for the distinction.

Mr. Haldeman asked about Condition No. 4 and special stormwater criteria credits. He inquired how the criteria credit worked.

Ms. Yeats noted that was Condition No. 13 and addressed additional criteria beyond the standard stormwater criteria. She stated James City County had specific stormwater criteria to ensure adequate water quality and pollution prevention.

Mr. Haldeman asked about the credit. He referenced Condition No. 9 and inquired if an additional benefit came from addressing the points cited in the condition.

Ms. Yeats noted she would provide more details to Mr. Haldeman on the credits. Mr. Haldeman noted he wanted the information for himself and thanked Ms. Yeats. Mr. Polster opened the Public Hearing.

Mr. Shelton Daniels, 9334 Richmond Road, addressed the Commission and referenced his property on the PowerPoint map. He thanked Mr. Haldeman for his question on the outdoor heavy equipment as noted in Condition No. 8. Mr. Daniels addressed the contradiction regarding the heavy equipment in addition to noise concerns and other factors. He referenced Condition No. 15

which noted the SUP was not severable and asked if the SUP conveyed to the new and future owner. Mr. Daniels questioned how this space would look and be used in 20+ years as he would still be on his property. He expressed concerns regarding the property and future use, adding the proposed uses listed in the staff report were incompatible with the Comprehensive Plan land uses. Mr. Daniels expressed his concern for additional commercialization across the street from his farm.

As there were no additional speakers, Mr. Polster closed the Public Hearing.

Mr. Haldeman expressed concerns with Condition No. 8 and the undesirable views of cement mixers and tractor trailer storage. He noted he was in favor of business expansion in the County, but that condition was an issue.

Mr. O'Connor addressed Condition No. 7 and the buffering and planting requirements. He noted the landscaping plan, when submitted, would need compliance with the screening requirement regarding roadways and adjacent properties.

Mr. Polster agreed with Mr. Haldeman's concern regarding the ambiguity on the large truck aspect. He referenced previous cases where screening and equipment types had been addressed. Mr. Polster noted concerns about traffic and heavy equipment had been a concern regarding the solar farm on Route 60. He questioned the scope of that impact. Mr. Polster asked staff and the County Attorney's Office if there was any clarification on that point.

Ms. Istenes noted the applicant could possibly address the questions regarding the type and size of equipment that would be stored on-site. She stated she was not sure of the storage area location based on the site plan. Ms. Istenes noted further clarification from the applicant and Ms. Yeats would be helpful.

Mr. Shawn Lemon, owner of Crossroad Custom Builders, Inc., addressed the Commission stating there was no intention to have concrete mixers nor were any owned by his company. He added several 6-foot x 12-foot cargo trailers and one flatbed trailer for a small tractor were owned by the company. Mr. Lemon stated a small area was behind the building for equipment parking and it was not visible from the road. He noted he was unsure why those specific truck types were included as permissible in the conditions.

Mr. Haldeman asked if those vehicle types could be stricken from the conditions.

Mr. Lemon replied he had no problem with that change.

Mr. Polster asked for clarification on which condition and the wording. Mr. Haldeman specified the equipment types for removal.

Ms. Yeats read the revised Condition No. 8 for clarification.

Mr. O'Connor addressed striking machinery and certain terms and the implications of removing certain criteria.

Discussion ensued on clarifying language.

Mr. Polster asked the County Attorney's Office if the SUP remained in perpetuity except if any of the conditions were violated, then could the SUP be rescinded.

Ms. Liz Parman, Deputy County Attorney, responded that was correct. She noted it was a land use permit and therefore ran with the land. Ms. Parman stated if any of the conditions were violated then the Board of Supervisors could revoke the permit.

Mr. Polster asked if violations occurred, then the enforcement piece would come before the Board of Supervisors and the Planning Commission would be aware.

Ms. Parman confirmed yes.

Mr. Haldeman made a motion recommending approval of SUP-23-0028. 9273 Richmond Road Contractor's Office and Warehouse with attached conditions and amendments to Condition No. 8.

Ms. Istenes asked if everyone was clear on the amendments. Staff and the Planning Commission confirmed yes.

On a roll call vote, the Commission voted to recommend approval. (7-0)

MEMORANDUM

DATE: January 9, 2024

TO: The Board of Supervisors

FROM: Thomas Wysong, Principal Planner

Jose L. Ribeiro, Senior Landscape Planner II

John Risinger, Senior Planner

SUBJECT: ORD-22-0001. Amendments for Scenic Roadway Protection

Introduction

As part of the ORD-22-001 process, at its July 25, 2023, meeting, the Board of Supervisors directed Planning staff to prepare draft language for the previously reviewed setback concept for A-1 zoned property abutting roadways designated Open-Agricultural Community Character Corridor (CCC) and located outside the Primary Service Area (PSA) within the Comprehensive Plan. Specifically, the Board directed staff to revise the setback concept to include tiering to ensure all property owners would still retain a buildable envelope on their property.

Board of Supervisors Directed Revisions

Planning staff has prepared the requested draft language per the Board's directive. For A-1 zoned property abutting roadways designated Open-Agricultural CCC and located outside the PSA, the proposed setback concept would permit lots with a depth of 300 feet or less to have the 75-foot setback requirement, lots with a depth greater than 300 feet but less than 500 feet to have a setback requirement of 200 feet, and lots with a depth greater than 500 feet to have the 400-foot setback (see Attachment No. 1).

Policy Committee Recommendation

This Board directed revised concept was presented to the Policy Committee at its October 12, 2023, meeting. The Policy Committee recommended approval of the revised concept by a 3-1 vote. The other Ordinance items included as part of ORD-22-001 were recommended for approval by the Policy Committee at its April 13, 2023, meeting.

Planning Commission Recommendation

At its November 1, 2023, Regular Meeting, the Planning Commission recommended denial of the attached draft language of the six Ordinances by a 5-2 vote.

Changes Since the Planning Commission Meeting

Pursuant to guidance received from the County Attorney's Office, non-substantive revisions have been made to the proposed language for the setback requirement in the A-1 Zoning District so that the section will consistently use the "street right-of-way" terminology (see Attachment Nos. 1 and 7).

ORD-22-0001 History and Summary

At its meeting on October 26, 2021, the Board of Supervisors unanimously adopted the 2045 James City County Comprehensive Plan: *Our County, Our Shared Future*. The adopted plan includes the following

ORD-22-0001. Amendments for Scenic Roadway Protection January 9, 2024 Page 2

strategy within the Goals, Strategies, and Actions (GSAs) portion of the Land Use (LU) Chapter that focuses on preserving scenic roadways:

LU 6.3 - To help retain the character of Rural Lands, develop additional zoning and subdivision tools (e.g., scenic easement dedication requirements, increased minimum lot sizes, increased setbacks, and/or overlay districts) to protect and preserve scenic roadways such as Forge Road. Consider 400-foot setbacks along Community Character Corridors outside the PSA.

Aligning with this adopted strategy, the Board of Supervisors adopted an Initiating Resolution pertaining to the Zoning Ordinance and Subdivision Ordinance (see Attachment No. 13) at its meeting on November 23, 2021. The Initiating Resolution directs staff to consider additional requirements in both the Zoning Ordinance and Subdivision Ordinance to preserve scenic roadways such as Forge Road.

The Policy Committee has met multiple times to provide staff direction on how to proceed with this amendment and has worked under the direction of the Board of Supervisors to develop buffering and setback requirements.

For this Ordinance amendment, the portion of those CCCs located outside the PSA within the Comprehensive Plan are considered those scenic roadways referenced in GSA LU 6.3, which are listed below:

- 1. Forge Road (classified as "Open/Agricultural")
- 2. Old Stage Road (classified as "Open/Agricultural")
- 3. Richmond Road (classified outside the PSA as "Wooded")
- 4. Monticello Avenue (classified outside the PSA as "Wooded")
- 5. John Tyler Memorial Highway (classified outside the PSA as "Wooded")
- 6. Riverview Road (classified as "Wooded")

Following the guidance of the Board of Supervisors of the tiered approach, the Policy Committee determined 400 feet as the appropriate setback and tool for the open Open-Agricultural CCC type. For Wooded CCCs, the following is proposed:

- Propose landscape buffer requirements along Wooded CCCs located outside the PSA to include a 100-foot-wide buffer average for commercial projects (Attachment Nos. 3 and 9).
- Propose a 200-foot-wide buffer average requirement for major residential developments along Wooded CCCs located outside the PSA (Attachment Nos. 4, 5, 10, and 11).
- Propose a timbering setback of at least 50 feet on properties along Wooded CCCs outside the PSA (see Attachment Nos. 14 and 15 for revised text) (Attachment Nos. 6 and 12).

Furthermore, to provide flexibility for structures made nonconforming by this proposed setback, staff has prepared language that permits said nonconforming structures to expand, provided said expansion is not further within the setback (Attachment Nos. 2 and 8).

Staff Recommendation

Overall, staff finds this draft language will fulfill the intent of the Initiating Resolution for ORD-22-0001. Planning staff recommends the Board approve the attached six Ordinances.

ORD-22-0001. Amendments for Scenic Roadway Protection January 9, 2024 Page 3

TW/JLR/JR/md ORD22-1AmendScenicRP-mem

Attachments:

- 1. Ordinance to Amend the A-1 Zoning District, Setback Requirements
- 2. Ordinance to Amend the Nonconformities Section of the Zoning Ordinance as it Pertains to Expansion/Improvements to Nonconforming Uses
- 3. Ordinance to Amend the Zoning Ordinance as it Pertains to Landscape Area(s) along Right(s)-of-Way
- 4. Ordinance to Amend the A-1 Zoning District, Buffer Requirements
- 5. Ordinance to Amend the Subdivision Ordinance as it Pertains to Buffer Requirements
- 6. Ordinance to Amend the Zoning Ordinance as it Pertains to Buffer and Setback Requirements for Timbering Activities
- 7. Ordinance to Amend the A-1 Zoning District, Setback Requirements Clean Copy
- 8. Ordinance to Amend the Nonconformities Section of the Zoning Ordinance as it Pertains to Expansion/Improvements to Nonconforming Uses Clean Copy
- 9. Ordinance to Amend the Zoning Ordinance as it Pertains to Landscape area(s) along Right(s)-of-Way Clean Copy
- 10. Ordinance to Amend the A-1 Zoning District, Buffer Requirements Clean Copy
- 11. Ordinance to Amend the Subdivision Ordinance as it Pertains to Buffer Requirements Clean Copy
- 12. Ordinance to Amend the Zoning Ordinance as it Pertains to Buffer and Setback Requirements for Timbering Activities Clean Copy
- 13. Initiating Resolution
- 14. Approved Minutes of the November 1, 2023, Planning Commission Regular Meeting

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, 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 V, Districts, Division 2, General Agricultural District, A-1, Section 24-215, Setback requirements.

Chapter 24. Zoning

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-215. Setback requirements.

- (a) Except for those street rights-of-way identified in section 24-215 (c), 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 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) For parcels abutting a portion of a street right-of-way designated an Open/Agricultural Community Character Corridor and located outside of the primary service area on the Comprehensive Plan Future Land Use Map, structures shall be located a minimum of 400 feet from the street right-of-way. For those parcels containing a lot depth greater than 300 feet but less than or equal to 500 feet as of January 1, 2023, structures shall be located a minimum of 200 feet from the street right-of-way. For those parcels containing a lot depth of 300 feet or less or those parcels approved as a flag lot as of January 1, 2023, the applicable setback shall be pursuant to section 24-215 (a).

Ordinance to Amend and Reordain Chapter 24. Zoning Page 2

		???????? Chairman,	Board of	f Supervisors	
ATTEST:		VOTE	S		
ATTEST.		<u>AYE</u>	<u>NAY</u>	ABSTAIN	ABSENT
	NULL				
	ICENHOUR				
Tamas I Caral	MCGLENNON				
Teresa J. Saeed	LARSON				
Deputy Clerk to the Board	HIPPLE				
Adopted by the Boar	d of Supervisors of Jame	es City Co	ounty, Vi	rginia, this 9th	n dav of Januarv
2024.				-6, 41110 / 41	

Sec24-215StbkOpAG-ord

|--|

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VII, NONCONFORMITIES, SECTION 24-633. EXPANSIONS/IMPROVEMENTS TO NONCONFORMING USES.

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 VII, Nonconformities, Section 24-633, Expansions/improvements to nonconforming uses.

Chapter 24. Zoning

Article VII. Nonconformities

Sec. 24-633. Expansion/improvements to nonconforming uses.

- (a) Restriction for structure. A nonconforming use may be extended throughout any part of a structure originally arranged or designed for such activity; provided, that current parking requirements shall be adhered to upon such extension.
- (b) Restriction for area. Any permitted expansion shall occur only on the lot occupied by the nonconforming use or structure and no area of any lot not originally devoted to the nonconforming use shall be utilized for any aspect of such expansion notwithstanding the combination of lots to bring a nonconforming structure into compliance.
- (c) One-family dwellings. For a nonconforming one-family dwelling use, the dwelling may be expanded without limitation, except as provided for in this chapter. In addition, new or expanded residential accessory structures and uses (such as a storage shed, garage, swimming pool, etc.) may be permitted subject to the provisions of this chapter. Expansion of the dwelling and new or expanded accessory structures and uses shall meet all current zoning requirements, including height, yard and setbacks, for the zoning district in which they are located or the R-1 zoning district if such dwelling is not located in a zoning district where a residential use is permitted. In no case shall a nonconforming one-family dwelling be modified to accommodate additional dwelling units.
- (d) Business or industrial uses. For uses in any district where the activity is permitted in the zoning district in which the lot is located, but where the current zoning requirements (including, but not limited to, parking, yards, setbacks, landscaping, screening and buffering, height, signs, lot coverage, connection to public sewer and water) are not met, expansion of the building, and expansion of the land area within the lot devoted to activities other than buildings, may be approved, provided all current zoning requirements applicable to the expansion are met.
- (e) Businesses or industrial uses not connected to public water and sewer. Expansion of a use meeting all zoning requirements except for connection to public water and public sewer may be permitted upon approval of a special use permit excepting the use from the public water and public sewer requirements.
- (f) Expansion allowance resulting from right-of-way dedication. Existing business or industrial uses which are permitted within any district and which have been made nonconforming with respect to open space, perimeter landscape requirements or setback requirements as a result of a right-of-way dedication to the county or the Virginia Department of Transportation without compensation shall be

Ordinance to Amend and Reordain Chapter 24. Zoning Page 2

allowed to expand in accordance with the current zoning ordinance under the conditions which existed prior to the dedication.

- (g) *Miscellaneous changes*. Minor alterations, cosmetic modifications, interior renovations and similar changes for nonconforming uses or structures may be permitted, subject to the following standards:
 - (1) Such changes shall not increase the land area occupied by any aspect of the nonconforming use and shall not increase the gross floor area of any nonconforming structure; and,
 - (2) Such construction shall meet all current zoning ordinance requirements for the zoning district in which the nonconforming use is located or the zoning district assigned by the zoning administrator as a part of the nonconforming use verification process, whichever requirements are more strict.
- (h) Expansion required by law. Improvements may be made to the nonconforming use or structure for the sole purpose of accessibility or public safety when such improvements are necessitated by a local, state, or federal law. Such improvements may be approved by the zoning administrator and are not subject to paragraphs (d) and (g) of this section.
- (i) Expansion allowance for Community Character Corridor-Open/Agricultural. Existing structures or uses that are permitted within any district and which have been made nonconforming as a result of the establishment of the setback requirements per section 24-215 (c) shall be allowed to expand, provided the expansion does not further encroach within the setback than the existing structure or use.

		???????? Chairman,	Board of	f Supervisors	_
ATTEST:		VOTES			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
	NULL ICENHOUR				
	MCGLENNON				
Teresa J. Saeed	_ MCGLENNON LARSON				
Deputy Clerk to the Board	HIPPLE				

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of January,

Sec24-633ExpImpNCUse-ord

2024.

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 4, LANDSCAPING, SECTION 24-98, LANDSCAPE AREA(S) ALONG RIGHT(S)-OF-WAY.

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 4, Landscaping, Section 24-98, Landscape area(s) along right(s)-of-way.

Chapter 24. Zoning

Article II. Special Regulations

Division 4. Landscaping

Sec. 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.

	Width Requiren	nents for Landscape Areas along	Right(s)-of-Way.
(1) Community	y Character Corr	idors	-
	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
(2) Wooded Co	mmunity Charact	er Corridors Outside the Primary S	Service Area
	Standard		Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	100-feet		20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	50-feet		15-feet

(23) All Othe	er Roads	
	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

(34) Further Reductions for Master Planned Communities with Approved Design Guidelines.

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:

Square Footage Calculation	Calculation
Square Footage = [Applicable Average Width Requirement] * [Length of Right-of-Way Frontage]	ement] * [Length of Right-of-Way Frontage]

In no case shall any portion of any landscape area located more than 125 feet from the right-of-way of a Wooded Community Character Corridor outside the Primary Service Area, 65 feet from the right-of-way of all other Community Character Corridors 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 subsection(s) (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 rights-of-way shall be continuous along the road right-of-way frontage, except where driveway, utility or other breaks running perpendicular to the rightof-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 handremoved 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.

Ordinance to Amend and Reordain Chapter 24. Zoning Page 5

		???????? hairman,	Board of	f Supervisors	_
ATTEST:		VOTES	S		
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
	NULL				
	ICENHOUR				
T ~ 1	MCGLENNON				
	LARSON HIPPLE				
Adopted by the Board of S 2024.	upervisors of Jame	es City Co	unty, Vi	rginia, this 9th	ı day of January
Sec24-98CommLndscp-ord					

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-223, BUFFER 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 V, Districts, Division 2, General Agricultural District, A-1, Section 24-223, Buffer requirements.

Chapter 24. Zoning

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-223. Buffer requirements.

- (a) Right-of-way buffer. Within any major subdivision approved under this division, there shall be planned and maintained buffers along all external existing and planned road rights-of-way, as follows:
 - (1) The minimum right-of-way buffer on Wooded Community Character Corridors located outside the primary service area as defined in the comprehensive plan shall be 200 feet.
 - (2) The right-of-way buffer shall be planted in accordance with section 24-96, General landscape area standards and shall also adhere to the Community Character Corridor Buffer Treatment Guidelines and Map.
 - (3) Waiver provisions. The planning director may reduce the buffer depth requirements specified in (1) of this section for residential developments when:
 - (i) The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or
 - (ii) The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 100 feet. The planning director may also, in the event of granting a waiver, require additional landscaping as determined on a case-by-case basis.

(b) Requirements for buffers. All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the planning director or designee. Soil stockpiles and staging areas shall not be permitted within any

buffer, except that temporary soil stockpiles may be allowed upon approval by the planning director under the following circumstances:

- (1) The buffer in which the temporary stockpile is to occur is non-wooded, defined as having no mature trees.
- (2) The stockpile shall not be visible from a Community Character Corridor or Community Character Area unless the soil stockpiling is needed for approved berming in that buffer.
- (3) Stockpiles shall not exceed 35 feet in height.
- (4) Stockpiles shall be temporary, with a time limit of six months.
- (5) Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.
- (6) Stockpiling shall conform with any applicable requirements of the Virginia erosion and sediment control regulations, the Virginia erosion and sediment control handbook and county erosion and sediment control program policies.
- (c) Limitations on buffers. Structural BMPs such as wet and dry ponds shall not generally be permitted in the buffers, except that the planning director may approve them under the following circumstances:
 - (1) The need is necessitated by site conditions rather than economic factors; and
 - (2) The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.
- (d) Improvements allowable within buffers. An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning director. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at a different angle to the property line upon approval of the planning director.
- (e) Roads within buffers. Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning director.
- (f) Appeals. In the event the planning director disapproves the items specified in this section or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. Any appeal shall be in writing and may be subject to fees as specified in article I of this chapter.

Ordinance to Amend and Reordain Chapter 24. Zoning Page 3

		???????? Chairman,	Board o	f Supervisors	_
ATTEST:	NULL ICENHOUR	VOTES AYE	S <u>NAY</u> —	ABSTAIN	ABSENT
Teresa J. Saeed Deputy Clerk to the Board	MCGLENNON LARSON HIPPLE				
Adopted by the Board of 2024.	Supervisors of Jame	es City Co	ounty, Vi	rginia, this 9th	n day of January
Sec24-223BufferReq-ord					

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-73.2, BUFFER REQUIREMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivision, is hereby amended and reordained by amending Article III, Requirements for Design and Minimum Improvements, Section 19-73.2, Buffer requirement.

Chapter 19. Subdivisions

Article III. Requirements for Design and Minimum Improvements

Sec. 19-73.2 Buffer requirement.

Buffering shall be required for all major subdivisions abutting a roadway designated a Wooded Community Character Corridor and located outside the primary service area, as identified on the Land Use Plan Map in the Comprehensive Plan in accordance with section 24-223 of the zoning ordinance.

		Board o	f Supervisors	_
	VOTES	S		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
NULL ICENHOUR				
MCGLENNON LARSON HIPPLE				
	NULL ICENHOUR MCGLENNON LARSON	VOTES AYE NULL ICENHOUR MCGLENNON LARSON	VOTES	Chairman, Board of Supervisors VOTES AYE NAY ABSTAIN NULL

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of January,

Sec19-73.2BufferReq-ord

2024.

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.

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.

Chapter 24. Zoning

Article II. Special Regulations

Division 1. In General

Sec. 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 except that those parcels adjacent to Wooded Community Character Corridors shall have a 50-feet-wide 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 a 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 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.

Ordinance to Amend and Reordain Chapter 24. Zoning Page 4

Sec24-43TimberStbk-ord

		???????? Chairman,	Board of	f Supervisors	
ATTEST:		VOTE	S		
ATTEST.		AYE	NAY	ABSTAIN	ABSENT
	NULL ICENHOUR MCGLENNON				
Teresa J. Saeed	LARSON				
Deputy Clerk to the Board	HIPPLE				
Adopted by the Box 2024.	ard of Supervisors of Jame	es City Co	ounty, Vi	rginia, this 9th	n day of January

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, 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 V, Districts, Division 2, General Agricultural District, A-1, Section 24-215, Setback requirements.

Chapter 24. Zoning

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-215. Setback requirements.

- (a) Except for those street rights-of-way identified in section 24-215 (c), 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 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) For parcels abutting a portion of a street right-of-way designated an Open/Agricultural Community Character Corridor and located outside of the primary service area on the Comprehensive Plan Future Land Use Map, structures shall be located a minimum of 400 feet from the street right-of-way. For those parcels containing a lot depth greater than 300 feet but less than or equal to 500 feet as of January 1, 2023, structures shall be located a minimum of 200 feet from the street right-of-way. For those parcels containing a lot depth of 300 feet or less or those parcels approved as a flag lot as of January 1, 2023, the applicable setback shall be pursuant to section 24-215 (a).

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AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VII, NONCONFORMITIES, SECTION 24-633. EXPANSIONS/IMPROVEMENTS TO NONCONFORMING USES.

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 VII, Nonconformities, Section 24-633, Expansions/improvements to nonconforming uses.

Chapter 24. Zoning

Article VII. Nonconformities

Sec. 24-633. Expansion/improvements to nonconforming uses.

- (a) Restriction for structure. A nonconforming use may be extended throughout any part of a structure originally arranged or designed for such activity; provided, that current parking requirements shall be adhered to upon such extension.
- (b) Restriction for area. Any permitted expansion shall occur only on the lot occupied by the nonconforming use or structure and no area of any lot not originally devoted to the nonconforming use shall be utilized for any aspect of such expansion notwithstanding the combination of lots to bring a nonconforming structure into compliance.
- (c) One-family dwellings. For a nonconforming one-family dwelling use, the dwelling may be expanded without limitation, except as provided for in this chapter. In addition, new or expanded residential accessory structures and uses (such as a storage shed, garage, swimming pool, etc.) may be permitted subject to the provisions of this chapter. Expansion of the dwelling and new or expanded accessory structures and uses shall meet all current zoning requirements, including height, yard and setbacks, for the zoning district in which they are located or the R-1 zoning district if such dwelling is not located in a zoning district where a residential use is permitted. In no case shall a nonconforming one-family dwelling be modified to accommodate additional dwelling units.
- (d) Business or industrial uses. For uses in any district where the activity is permitted in the zoning district in which the lot is located, but where the current zoning requirements (including, but not limited to, parking, yards, setbacks, landscaping, screening and buffering, height, signs, lot coverage, connection to public sewer and water) are not met, expansion of the building, and expansion of the land area within the lot devoted to activities other than buildings, may be approved, provided all current zoning requirements applicable to the expansion are met.
- (e) Businesses or industrial uses not connected to public water and sewer. Expansion of a use meeting all zoning requirements except for connection to public water and public sewer may be permitted upon approval of a special use permit excepting the use from the public water and public sewer requirements.

- (f) Expansion allowance resulting from right-of-way dedication. Existing business or industrial uses which are permitted within any district and which have been made nonconforming with respect to open space, perimeter landscape requirements or setback requirements as a result of a right-of-way dedication to the county or the Virginia Department of Transportation without compensation shall be allowed to expand in accordance with the current zoning ordinance under the conditions which existed prior to the dedication.
- (g) *Miscellaneous changes*. Minor alterations, cosmetic modifications, interior renovations and similar changes for nonconforming uses or structures may be permitted, subject to the following standards:
 - (1) Such changes shall not increase the land area occupied by any aspect of the nonconforming use and shall not increase the gross floor area of any nonconforming structure; and,
 - (2) Such construction shall meet all current zoning ordinance requirements for the zoning district in which the nonconforming use is located or the zoning district assigned by the zoning administrator as a part of the nonconforming use verification process, whichever requirements are more strict.
- (h) Expansion required by law. Improvements may be made to the nonconforming use or structure for the sole purpose of accessibility or public safety when such improvements are necessitated by a local, state, or federal law. Such improvements may be approved by the zoning administrator and are not subject to paragraphs (d) and (g) of this section.
- (i) Expansion allowance for Community Character Corridor-Open/Agricultural. Existing structures or uses that are permitted within any district and which have been made nonconforming as a result of the establishment of the setback requirements per section 24-215 (c) shall be allowed to expand, provided the expansion does not further encroach within the setback than the existing structure or use.

Sec24-633ExpImpNCUse-ord-final

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 4, LANDSCAPING, SECTION 24-98, LANDSCAPE AREA(S) ALONG RIGHT(S)-OF-WAY.

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 4, Landscaping, Section 24-98, Landscape area(s) along right(s)-of-way.

Chapter 24. Zoning

Article II. Special Regulations

Division 4. Landscaping

Sec. 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.

Width Requirements for Landscape Areas along Right(s)-of-Way.			
(1) Communi	ty Character Co	rridors	· · · · · · · · · · · · · · · · · · ·
	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
(2) Wooded Community Character Corridors Outside the Primary Service Area			
	Standard		Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	100-feet		20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	50-feet		15-feet

(3) All Other	Roads	
	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

(4) Further Reductions for Master Planned Communities with Approved Design Guidelines.

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:

Square Footage Calculation			
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 125 feet from the right-of-way of a Wooded Community Character Corridor outside the Primary Service Area, 65 feet from the right-of-way of all other Community Character Corridors *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 subsection(s) (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 rights-of-way shall be continuous along the road right-of-way frontage, except where driveway, utility or other breaks running perpendicular to the rightof-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 handremoved 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.

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-223, BUFFER 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 V, Districts, Division 2, General Agricultural District, A-1, Section 24-223, Buffer requirements.

Chapter 24. Zoning

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-223. Buffer requirements.

- (a) Right-of-way buffer. Within any major subdivision approved under this division, there shall be planned and maintained buffers along all external existing and planned road rights-of-way, as follows:
 - (1) The minimum right-of-way buffer on Wooded Community Character Corridors located outside the primary service area as defined in the comprehensive plan shall be 200 feet.
 - (2) The right-of-way buffer shall be planted in accordance with section 24-96, General landscape area standards and shall also adhere to the Community Character Corridor Buffer Treatment Guidelines and Map.
 - (3) Waiver provisions. The planning director may reduce the buffer depth requirements specified in (1) of this section for residential developments when:
 - (i) The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or
 - (ii) The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 100 feet. The planning director may also, in the event of granting a waiver, require additional landscaping as determined on a case-by-case basis.

(b) Requirements for buffers. All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the planning director or designee. Soil stockpiles and staging areas shall not be permitted within any

buffer, except that temporary soil stockpiles may be allowed upon approval by the planning director under the following circumstances:

- (1) The buffer in which the temporary stockpile is to occur is non-wooded, defined as having no mature trees
- (2) The stockpile shall not be visible from a Community Character Corridor or Community Character Area unless the soil stockpiling is needed for approved berming in that buffer.
- (3) Stockpiles shall not exceed 35 feet in height.
- (4) Stockpiles shall be temporary, with a time limit of six months.
- (5) Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.
- (6) Stockpiling shall conform with any applicable requirements of the Virginia erosion and sediment control regulations, the Virginia erosion and sediment control handbook and county erosion and sediment control program policies.
- (c) Limitations on buffers. Structural BMPs such as wet and dry ponds shall not generally be permitted in the buffers, except that the planning director may approve them under the following circumstances:
 - (1) The need is necessitated by site conditions rather than economic factors; and
 - (2) The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.
- (d) Improvements allowable within buffers. An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning director. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at a different angle to the property line upon approval of the planning director.
- (e) Roads within buffers. Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning director.
- (f) Appeals. In the event the planning director disapproves the items specified in this section or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. Any appeal shall be in writing and may be subject to fees as specified in article I of this chapter.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-73.2, BUFFER REQUIREMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivision, is hereby amended and reordained by amending Article III, Requirements for Design and Minimum Improvements, Section 19-73.2, Buffer requirement.

Chapter 19. Subdivisions

Article III. Requirements for Design and Minimum Improvements

Sec. 19-73.2. Buffer requirement.

Buffering shall be required for all major subdivisions abutting a roadway designated a Wooded Community Character Corridor and located outside the primary service area, as identified on the Land Use Plan Map in the Comprehensive Plan in accordance with section 24-223 of the zoning ordinance.

Sec19-73.2BufferReq-ord-final

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.

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.

Chapter 24. Zoning

Article II. Special Regulations

Division 1. In General

Sec. 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 except that those parcels adjacent to Wooded Community Character Corridors shall have a 50-feet-wide 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 a 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 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.

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE AND

SUBDIVISION ORDINANCE TO PROVIDE ADDITIONAL REQUIREMENTS TO PROTECT

AND PRESERVE SCENIC ROADWAYS SUCH AS FORGE ROAD

- WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the "Virginia Code"), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the "Board"), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent and required by public necessity, convenience, general welfare, or good zoning practice; and
- WHEREAS, section 15.2-2253 of the Virginia Code and County Code Section 19-10 authorize the Board to request the Planning Commission to prepare and recommend amendments to the Subdivision Ordinance; and
- WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance and Subdivision Ordinance.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.
- BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Planning Commission to prepare and recommend amendments to Chapter 19, Subdivisions, in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Subdivision Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

ATTEST:		VOTES		
		AYE NAY	ABSTAIN	ABSENT
Marra Sand	SADLER	V _		
Teresa J. Saeod	ICENHOUR			
Deputy Clerk to the Board	LARSON MCGLENNON			
	HIPPLE	~		

Michael J. Himble chairman, Board of Supervisors

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of November, 2021.

InitConsdForgeRd-res

Approved Minutes of the November 1, 2023, Planning Commission Regular Meeting

ORD-22-0001. Amendments for Scenic Roadway Protection

Mr. Thomas Wysong, Senior Planner II, addressed the Commission citing specifics of the adopted 2045 Comprehensive Plan regarding land use criteria for preservation of County scenic roadways. He noted the Board of Supervisors adopted an Initiating Resolution that pertained to the Zoning Ordinance and Subdivision Ordinance in 2021. Mr. Wysong further noted the Initiating Resolution directed staff to consider additional requirements in both the Zoning and Subdivision Ordinances to preserve scenic roadways such as Forge Road. He stated the term scenic roadway was not defined in the County Code, but with the Comprehensive Plan as guidance, the Policy Committee identified a portion of the CCC, outside the PSA, such as Forge Road, for the sake of this Ordinance. Mr. Wysong noted Forge Road, Old Stage Road, Richmond Road, Monticello Avenue, John Tyler Memorial Highway, and Riverview Road with the latter four classified as Wooded CCCs. He cited classifications and specifics for CCCs, adding the Policy Committee had recommended preservation tools specific to the road types.

Mr. Wysong noted the setback requirements in the draft Ordinance before the Commission. He further noted a proposed amendment to the Comprehensive Plan was slated for presentation later in the meeting which proposed removal of a portion of Old Stage Road outside the PSA from the Agricultural CCC category. Mr. Wysong stated he would speak in more detail on that point later. He continued noting additional criteria regarding tiered setback requirements. He added the tiered system was specifically recommended by the Board of Supervisors. Mr. Wysong noted the specific draft language as directed by the Policy Committee regarding landscape buffering along Wooded CCCs, outside the PSA, for inclusion of a 100-foot buffer average for commercial projects. He continued noting a 200-foot-wide buffer average for major residential projects along Wooded CCCs, outside the PSA and a proposed minimum 50-foot timbered setback on properties located along Wooded CCCs, outside the PSA. Mr. Wysong stated the Policy Committee voted in favor 3-1 of the draft language at its October 12, 2023, meeting. He noted a post-meeting amendment for authorization to the major subdivision buffering. Mr. Wysong stated staff recommended the Planning Commission approve the draft language to the Board of Supervisors for approval at its December 12, 2023, Regular Meeting.

Mr. O'Connor referenced the 400-foot setback with 40 nonconforming structures and four exempt parcel structures. He questioned the exemption.

Mr. Wysong explained no tiered system was used initially and the structures nonconforming to the 400-foot setback were removed. He explained 14 residents were nonconforming with 22 nonconforming structures for a total of 36.

Mr. O'Connor questioned if a barn, a stable, shed, greenhouse, and roadside vegetable stand would be considered as structures and not allowed within the 400-foot setback.

Mr. Wysong confirmed yes.

Mr. Polster opened the Public Hearing.

Mr. Polster closed the Public Hearing as there were no speakers.

Mr. O'Connor noted his initial and continued opposition to this point. He further noted the preservation of the rural character of Forge Road, in particular, was impacted by restrictions to a number of permitted uses. Mr. O'Connor stated unwanted uses had been incorporated into SUPs. He noted the impact of the 400-foot buffer to a horse owner who wanted a paddock and referenced other diminishments to landowners. Mr. O'Connor stated he would not support this Ordinance amendment nor the Comprehensive Plan amendment (Item No. 4).

Mr. Krapf noted his support of the 400-foot setback for numerous reasons. He cited community citizen surveys during the Comprehensive Plan revisions, adding the highest scoring item was preservation of the rural lands and viewsheds within those lands. Mr. Krapf stated the importance as a visual component of the beauty and its desirability to live in James City County. He noted the agricultural use of the land and local farmer markets, adding this action preserved a significant feature of the County. Mr. Krapf further noted the new construction at the 400-foot setback along Forge Road. He referenced the Photoshop analysis of properties at the various setbacks and the visual impact. Mr. Krapf addressed several points including the potential for future compensation for the 400-foot setbacks or other factors. He noted his support of this item.

Mr. Haldeman stated his strong support of the Wooded character buffering. He noted he was amenable to a smaller setback of 250 feet versus 400 feet but concurred with Mr. Krapf's comment on the Photoshop depictions at those setbacks. He noted his support of this item in its entirety.

Mr. O'Connor addressed the question of open lands in a rural landscape or promotion of agricultural uses. He noted if agricultural uses were wanted then why were solar farms being placed on agricultural land. Mr. O'Connor questioned the intent.

Mr. Polster concurred with Mr. Haldeman on the Wooded character buffering. He noted review of Barhamsville Road as Wooded and not Agricultural at the next Comprehensive Plan review. Mr. Polster further noted he had no objection to the 400-foot setback but rather the unintended consequences. He cited Old Hickory Church on Forge Road as an example.

Several Commissioners noted it was St. John Baptist Church.

Mr. Polster noted if St. John Baptist Church had wanted to put in a paved parking lot they would not be allowed to do so. He added the preacher had a mobile home and if he wanted a permanent one he would be able to do so. Mr. Polster noted if anything happened to the church and the congregation could not start rebuilding within a year then they would not be able to do so due to the lack of the 400-foot setback. He referenced accessory structures outside of the feeding areas at horse farms along the beginning of Forge Road. Mr. Polster noted if those structures were wooden and older then they were not replaceable if they collapsed. He further noted these were unintended consequences. Mr. Polster stated he was not in support, but not

based on the 400-foot setback, but rather the unintended consequences. He noted other points such as the accessory structures for consideration.

Mr. Krapf stated the accessory structures were not detriments to the rural vista in his opinion and they served a practical use. He noted Policy Committee discussion on several of these points. He cited reference to concern of an overlay district. Mr. Krapf stated the draft Ordinance language was good, but added there were valid revisions to consider in the future, particularly in reference to Mr. Polster's points.

Discussion ensued on legally nonconforming uses.

Mr. Rose noted he aligned with the majority of the Commissioners' comments with the exception of the solar farm use. He stated he felt solar farms were a totally appropriate use in agricultural land. Mr. Rose noted the definition and interpretation of rural vista and the Comprehensive Plan and the varied responses to that phrase. He further noted allowing landowners to use their land accordingly. Mr. Rose stated he felt the 400-foot setback was excessive in this case, adding he felt this was a flawed plan that may not have these necessary issues addressed. Mr. Rose stated he was not in support.

Ms. Null commented on rural lands and corridors and how they looked. She noted this language limited a landowner's ability to put up a roadside vegetable stand. Ms. Null stated she was not in support as she felt this language lacked leeway for change.

Mr. Rodgers stated he felt 400 feet was an excessive amount. He noted he was not in support as the Ordinance was drafted.

Mr. Krapf made a motion to approve the draft language of ORD-22-0001. Mr. Polster asked Ms. Istenes to verify the yes and no vote designations.

Ms. Istenes stated a vote of yes for the motion would show support of the amendments as presented by staff.

On a roll call vote, the motion failed. (2-5)

Mr. Haldeman noted the Board of Supervisors had requested a draft Ordinance amendment to protect scenic viewsheds. He asked if the Policy Committee reworked this language to a more acceptable form or was this forwarded to the Board in its current language.

Ms. Istenes noted the Commission would be making a recommendation to the Board based on the language presented at the current meeting. She further noted this item would continue to move forward to the Board with the Planning Commission's recommendation not to support the amendments. Ms. Istenes added the Board would then consider the amendments at the Public Hearing during its meeting for a final vote.

Ms. Parman noted a motion to recommend denial would be appropriate on the Planning Commission's decision.

Mr. Rodgers made a motion to deny the draft language of ORD-22-0001.

Mr. Polster noted the importance of conveying to the Board where the Planning Commission was on the language. He further noted three to four Commissioners were accepting of the 400- foot setback of which the unintended consequences are a part. Mr. Polster added there were no issues with the Wooded component as that piece had been supported all along. He wanted the Board to know the Commission's areas of concern. He asked if there were other exceptions for consideration as part of this motion or leave the matter as currently presented.

Mr. Krapf questioned language to address accessory structures.

Mr. Polster concurred. He noted with the denial motion, he wanted the motion to convey the consensus was for the Wooded piece and for the possibility of the accessory facilities. Mr. Polster asked if the Commissioners were in agreement on those points.

Mr. O'Connor noted the Commission was mixed on the 400-foot setback piece. Discussion ensued. On a roll call vote, the motion to deny was approved. (5-2)

MEMORANDUM

DATE: January 9, 2024

TO: The Board of Supervisors

FROM: Thomas Wysong, Principal Planner

Jose L. Ribeiro, Senior Landscape Planner II

John Risinger, Senior Planner

SUBJECT: Comprehensive Plan Amendment: Community Character Corridor and Short-Term Rental

Development Standards Revision

Introduction

At its September 12, 2023, meeting, the Board of Supervisors directed Planning staff to prepare a focused and limited amendment to the Comprehensive Plan to include only the following two items (see Attachment No. 2):

- 1. Revise the Community Character Corridor (CCC) Table CC-1: County CCC designations list such that the portion of Old Stage Road located outside of the Primary Service Area will no longer be classified as a Community Character Corridor.
- 2. Remove the following recommended development standard for short-term rentals: "Be operated in such a manner that the property owner will continue to live and reside on the property during the rental." The other three criteria will remain and continue to be used in staff's evaluation of these applications. Staff's approach and review process for short-term rentals will not change because of this amendment.

Draft Revision

The proposed revisions to the adopted Comprehensive Plan regarding Old Stage Road are provided in Attachment Nos. 3 and 4. The proposed revision to the adopted Comprehensive Plan regarding the recommended development standards for short-term rentals is provided in Attachments Nos. 5 and 6.

Policy Committee Recommendation

At its October 12, 2023, meeting, the Policy Committee recommended approval of the proposed amendment to the CCC Table by a vote of 3-1. The Policy Committee unanimously recommended denial of the proposed amendment to the short-term rental by a vote of 4-0.

Planning Commission Recommendation

At its November 1, 2023, meeting, the Planning Commission recommended approval of the proposed amendment to the CCC Table by a vote of 6-1 and recommended denial of the proposed amendment to the short-term rental recommendations by a vote of 6-1.

Recommendation

Planning staff recommends the Board approve both revisions, per the rationale presented by the Board of Supervisors in the approved Initiating Resolution (see Attachment No. 2).

Comprehensive Plan Amendment: Community Character Corridor and Short-Term Rental Development Standards Revision
January 9, 2024
Page 2

TW/JLR/JR/ap CPAmdCCC-STR-rev-mem

Attachments:

- 1. Comprehensive Plan Amendment Resolution
- 2. Initiating Resolution
- 3. CCC Comprehensive Plan Revisions Strikethrough
- 4. CCC Comprehensive Plan Revisions Clean Copy
- 5. Short-Term Rental Comprehensive Plan Revisions Strikethrough
- 6. Short-Term Rental Comprehensive Plan Revisions Clean Copy
- 7. Approved Minutes of the November 1, 2023, Planning Commission Regular Meeting

RESOLUTION

AMENDMENT OF THE JAMES CITY COUNTY

COMPREHENSIVE PLAN: OUR COUNTY, OUR SHARED FUTURE:

JAMES CITY COUNTY 2045 COMPREHENSIVE PLAN

- WHEREAS, at its October 26, 2021, meeting, the Board of Supervisors of James City County adopted the James City County Comprehensive Plan: *Our County, Our Shared Future: James City County 2045 Comprehensive Plan* (the "Comprehensive Plan"); and
- WHEREAS, under Section 15.2-2229 of the Virginia Code, the Board of Supervisors may consider amendments to the Comprehensive Plan; and
- WHEREAS, at its September 12, 2023, meeting, the Board of Supervisors initiated an amendment to the Comprehensive Plan to (1) revise the Community Character Designation category such that the portion of Old Stage Road located outside of the Primary Service Area is no longer included within this category and (2) remove the recommendation that short-term rentals be operated in a manner such that the property owner will continue to live and reside on the property during the rental.
- WHEREAS, at its November 1, 2023, meeting, the Planning Commission held a public hearing on the amendment of the Comprehensive Plan and recommended approval of the amendment to the Community Character Designation category by a roll call vote of 6-1; and recommended denial of the amendment to the short-term rental recommendation by a roll call vote of 6-1; and
- WHEREAS, at its January 9, 2024, meeting, the Board of Supervisors held a public hearing on the amendment of the Comprehensive Plan to revise the Community Character Designation category such that the portion of Old Stage Road located outside of the Primary Service Area is no longer included within this category as identified in the proposed text amendment of the Comprehensive Plan; and

- WHEREAS, at its January 9, 2024, meeting, the Board of Supervisors held a public hearing on the amendment of the Comprehensive Plan to remove the recommendation that short-term rentals be operated in a manner such that the property owner will continue to live and reside on the property during the rental as identified in the proposed text amendment of the Comprehensive Plan; and
- WHEREAS, the Board of Supervisors desires to approve such amendments to the Comprehensive Plan.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Comprehensive Plan and Future Land Use Map by (1) revising the Community Character Designation category such that the portion of Old Stage Road located outside of the Primary Service Area is no longer included within this category and (2) removing the recommendation that short-term rentals be operated in a manner such that the property owner will continue to live and reside on the property during the rental.

		?????????? Chairman,		f Supervisors	_
ATTEST:		VOTE	S		
		<u>AYE</u>	<u>NAY</u>	ABSTAIN	ABSENT
	NULL ICENHOUR				
Teresa J. Saeed	LARSON				
Deputy Clerk to the Board	MCGLENNON				
Deputy Clerk to the Board	HIPPLE				
	HIFFLE				

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of

CPAmdCCC-STRrev-res

January, 2024.

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENT TO THE COMPREHENSIVE PLAN

TO REVISE THE COMMUNITY CHARACTER CORRIDOR DESIGNATION CATEGORY

AND TO REMOVE A RECOMMENDATION THAT SHORT-TERM RENTALS BE

OPERATED IN A MANNER WHERE THE OWNER RESIDES ON THE PROPERTY

DURING THE RENTAL

- WHEREAS, at its October 26, 2021, meeting, the Board of Supervisors of James City County, Virginia, adopted the James City County Comprehensive Plan, Our County, Our Shared Future: James City County 2045 Comprehensive Plan (the "Comprehensive Plan"); and
- WHEREAS, under Section 15.2-2229 of the Virginia Code, the Board of Supervisors may consider amendments to the Comprehensive Plan; and
- WHEREAS, at its July 25, 2023, meeting, the Board of Supervisors, in response to concerns regarding the development pressure on Forge Road and in coordination with fulfilling "ORD-22-0001: Amendments for Scenic Roadway Protection" requested staff prepare a limited amendment to said Comprehensive Plan to revise the Community Character Corridor Designation list such that the portion of Old Stage Road located outside of the Primary Service Area no longer be classified as a Community Character Corridor; and
- WHEREAS, also at its July 25, 2023, meeting, the Board of Supervisors, in response to concerns from the County Attorney's Office regarding the Comprehensive Plan's recommendation that short-term rentals "be operated in a manner such that the property owner will continue to live and reside on the property during the rental" may run afoul of recent jurisprudence, requested that staff remove such recommendation from the short-term rental section.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate an amendment to the Comprehensive Plan to (1) revise the Community Character Designation category such that the portion of Old Stage Road located outside of the Primary Service Area is no longer included within this category and (2) remove the recommendation that short-term rentals be operated in a manner such that the property owner will continue to live and reside on the property during the rental.

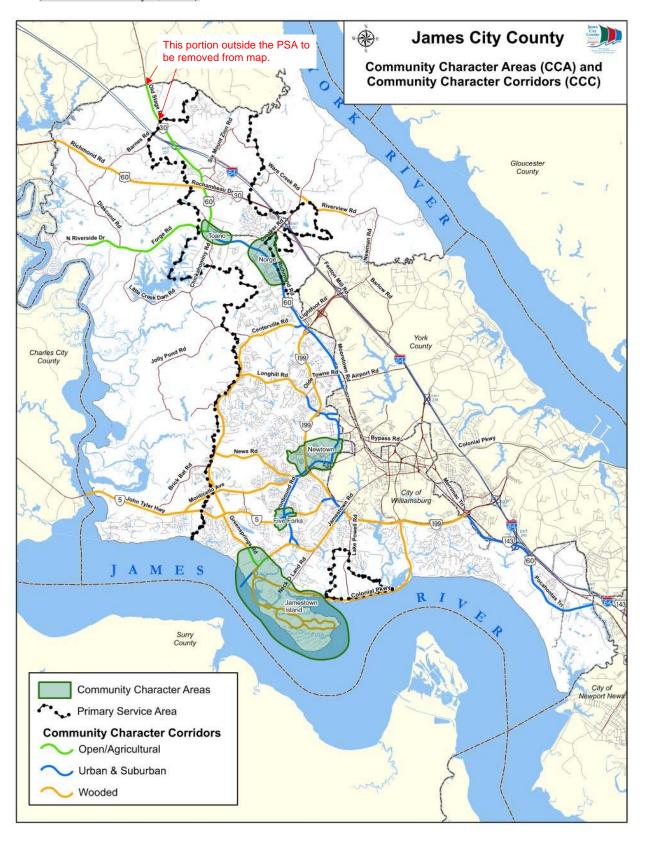
ATTEST:		VOTES	3		
^ 00		<u>AYE</u>	<u>NAY</u>	ABSTAIN	ABSENT
Diesa Sacod	SADLER ICENHOUR		-		
Teresa J. Saeed	MCGLENNON			-	
Deputy Clerk to the Board	LARSON				-
	HIPPI F	./			

Chairman, Board of Supervisors

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of September, 2023.

InitConsCCC-STRnt-res

Map CC-1. Community Character Areas and Community Character Corridors (Amended January 9, 2024)



Community Character Corridors

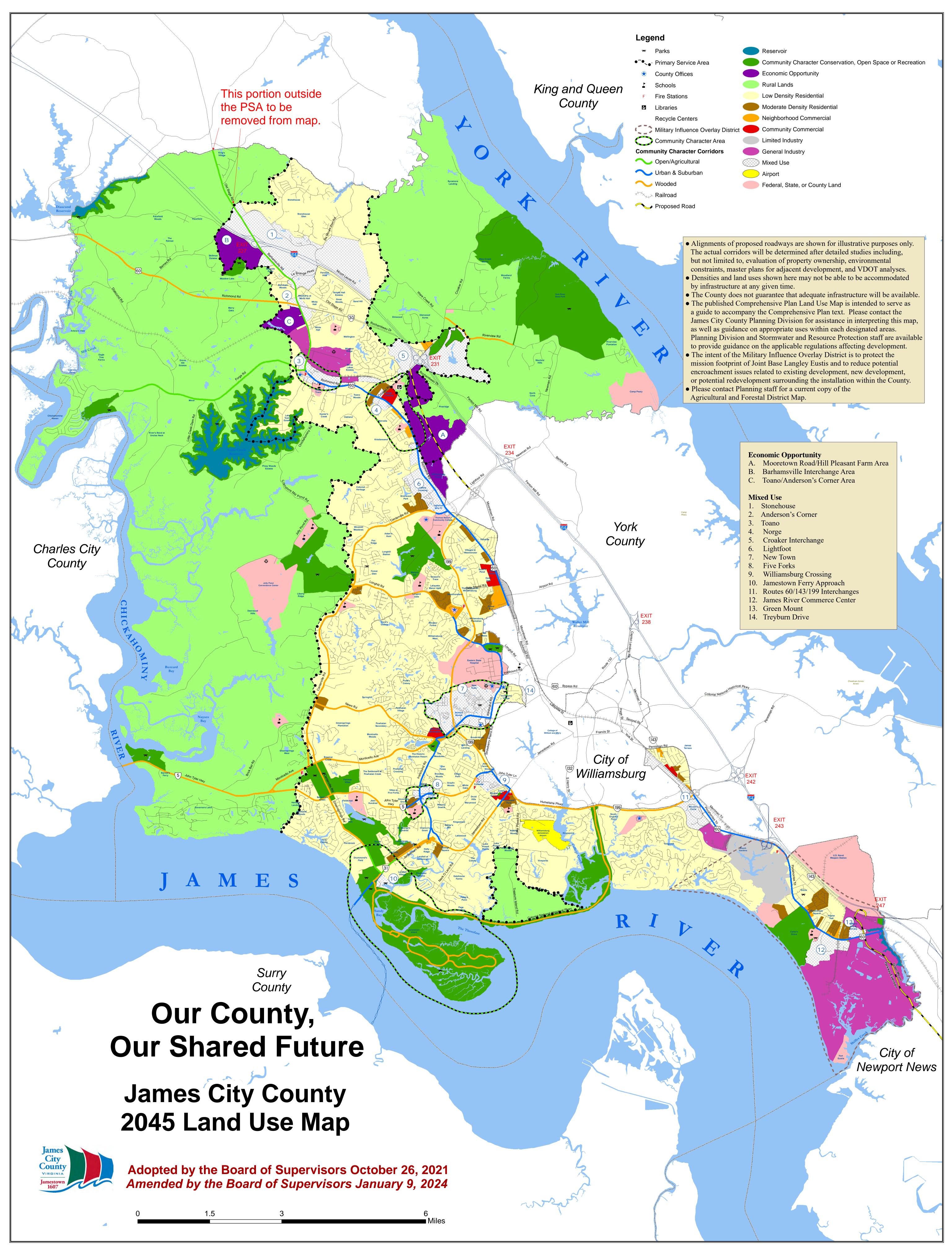
Community Character Corridors (CCCs) are roads in the County that were previously designated as greenbelt roads, described in the 1991 Comprehensive Plan as entrance corridors and roads which promoted the rural, natural, or historic character of the County. In 1997 they were adopted as CCCs and have played an instrumental role in helping to preserve the original character of these roads. More attention has been given to the roads which are considered to be entrance corridors, or gateways, because they set the important first impression that many visitors have of the area.

Since the 1997 Comprehensive Plan, each plan has identified the following three types of CCCs and their corresponding goals: Open/Agricultural, Wooded, and Urban/Suburban. Some roads have more than one designation depending on the location within the County.

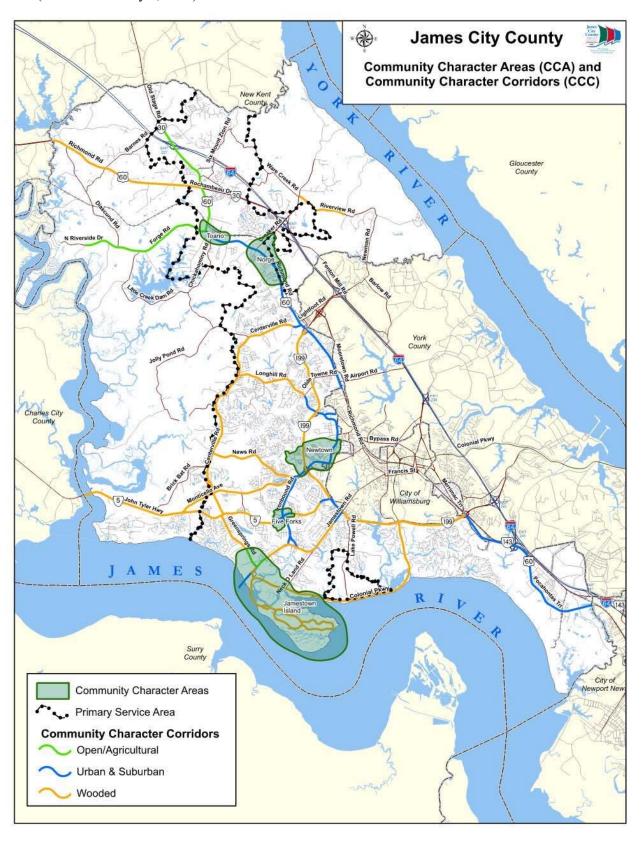
Table CC-1. County CCC Designations (Amended January 9, 2024)

Road	Open/ Agricultural	Wooded	Urban/ Suburban
Centerville Road	8	X	X
Colonial Parkway		X	
DePue Road			X
Forge Road	X		
Greensprings Road	X	X	
Humelsine Parkway (Route 199)		X	X
Ironbound Road from Jamestown Road to News Road			X
Ironbound Road from Strawberry Plains Road to City of			X
Williamsburg border			Λ
Jamestown Road		X	X
John Tyler Highway		X	X
Longhill Road		X	X
Monticello Avenue		X	X
News Road		X	
Old Stage Road and Barhamsville Road from Anderson's			
Corner (intersection of Routes 30 and 60) to New Kent	X		
County border the intersection of Barnes Road and Route			
30			
Pocahontas Trail south of Humelsine Parkway to Newport News border			X
Richmond Road from Anderson's Corner to New Kent		X	
County border		Λ	
Richmond Road from Anderson's Corner to City of	X		X
Williamsburg border	Λ		Λ
Riverview Road from Croaker Road to the entrance of		X	
York River State Park		Λ	
Sandy Bay Road from Ironbound Road to Jamestown Road			X

The County has created standards and guidelines for how CCC buffers are to be treated during development and how to preserve the unique community character along these key corridors throughout the County. To give better guidance regarding landscape treatments along the different Community Character Corridors, in January 2011, the Board of Supervisors adopted buffer treatment guidelines and a map showing the location of the corridors and their buffer type designations.



Map CC-1. Community Character Areas and Community Character Corridors (Amended January 9, 2024)



Community Character Corridors

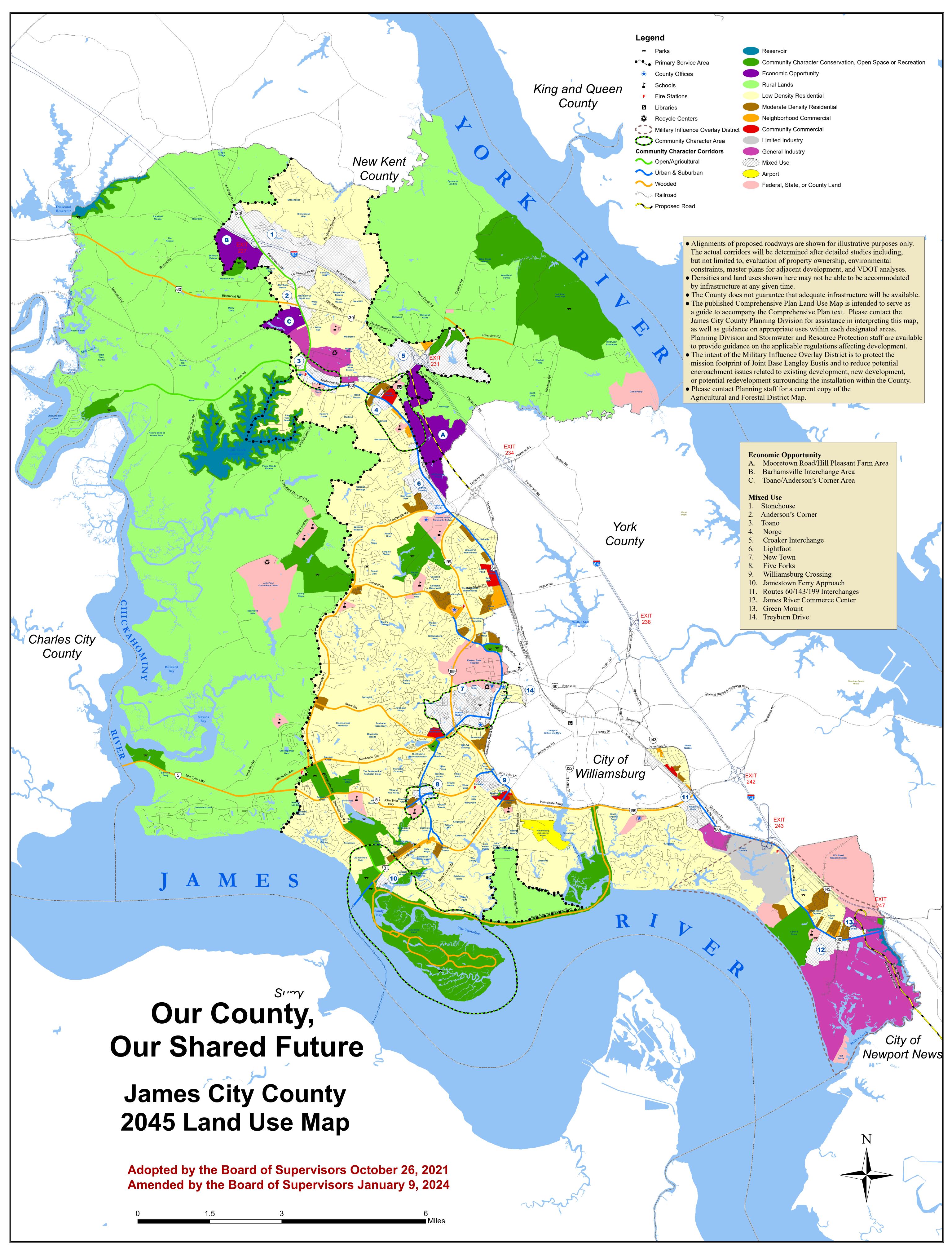
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Greensprings Road	X	X	
Humelsine Parkway (Route 199)		X	X
Ironbound Road from Jamestown Road to News Road			X
Ironbound Road from Strawberry Plains Road to City of Williamsburg border			X
Jamestown Road		X	X
John Tyler Highway		X	X
Longhill Road		X	X
Monticello Avenue		X	X
News Road		X	
Old Stage Road and Barhamsville Road from Anderson's			
Corner (intersection of Routes 30 and 60) to the intersection of Barnes Road and Route 30	X		
Pocahontas Trail south of Humelsine Parkway to Newport News border			X
Richmond Road from Anderson's Corner to New Kent County border		X	
Richmond Road from Anderson's Corner to City of Williamsburg border	X		X
Riverview Road from Croaker Road to the entrance of York River State Park		X	
Sandy Bay Road from Ironbound Road to Jamestown Road			X

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Short-Term Rentals (Amended January 9, 2024)

The short-term rental of private residential property facilitated through companies such as Airbnb has emerged as an alternative to traditional short-term rentals such as hotels or timeshares. As of 2020, James City County does not have a specific definition for short-term rentals in the Zoning Ordinance, but historically has permitted "tourist homes" and "rental of rooms" within certain districts, either by-right or with a special use permit. In districts where an SUP is required for short-term rentals, conditions are stipulated that are intended to protect the residential nature of the surrounding area and ensure that updated Certificates of Occupancy are issued within a certain time period.

The Zoning Ordinance currently defines "tourist home" as a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients. Historically, the "tourist home" use has applied to traditional bed and breakfast-style businesses, where a proprietor rents out rooms for short-term stays, and provides services such as meals and basic housekeeping. The current ordinance allows up to five rooms to be rented within a tourist home, and the definition has been interpreted to allow the proprietor to live on- or off-site. "Rental of rooms" is not specifically defined in the Zoning Ordinance, but has typically applied to situations where a homeowner rents a specific number of rooms (usually to a maximum of three) on a short-term basis. Unlike tourist homes, "rental of rooms" does not allow the owner/proprietor to live off-site. The long term rental of a dwelling or room under a traditional lease does not fall under the short-term rental category.

Many, but not all, residential districts require a special use permit for either tourist homes or rental of rooms, which allows for a legislative review process and conditions to be stipulated which protect the character of the surrounding area. Certain commercial districts allow tourist homes byright, but rental of rooms is not permitted at all. It is important to note that even if a tourist home or rental of rooms is permitted by-right in a particular location through the Zoning Ordinance, business licensure and an updated Certificate of Occupancy to ensure compliance with commercial fire and building codes would still be required.

Due to the unique impacts that can arise from transient residents in short-term rentals, the County should continue to carefully consider the impacts these uses can have on a community's quality of life. The thriving rural character of James City County continues to offer a variety of agri-tourism opportunities, for which short-term rentals may provide a truly unique opportunity and experience; one that provides economic benefits to rural property owners but does not directly compete with more conventional tourism-based opportunities inside the PSA. If located within a residential context, short-term rentals should serve to complement the residential character of the area rather than altering its nature. Therefore, while every location can be considered uniquely, short-term rentals are most appropriately located subject to the following development standards:

- Be located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use or Economic Opportunity;
- Be located on the edge or corner of an existing platted subdivision, rather than internal to it;
- Be located on a major road; and
- Be operated in a manner such that the property owner will continue to live and reside on the property during the rental.

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 and
- Be located on a major road.

Approved Minutes of the November 1, 2023, Planning Commission Regular Meeting

Comprehensive Plan Amendment: Community Character Corridor and Short-Term Rental Development Standards Revision

Mr. Wysong addressed the Commission with the details of the September 12, 2023, Board of Supervisors meeting where Planning staff was directed to prepare a very focused and very limited amendment to the Comprehensive Plan to include only these two items. He noted the first item was the revision of the CCC table list that included the portion of Old Stage Road, outside of the PSA, would no longer be classified as a CCC. Mr. Wysong further noted the second item was removal of the recommended development standard for short-term rentals regarding the property owner living and residing on the property during rental. He stated the other three criteria would remain in effect for staff's use in evaluating applications. Mr. Wysong noted staff's review process would remain unchanged with this amendment. He stated the Policy Committee, at its October 12, 2023, meeting, recommended approval of the amendment to the CCC table by a 3-1 vote. Mr. Wysong noted the development standard for short-term rentals was unanimously recommended for denial by a 4-0 vote. He further noted Planning staff recommended the Planning Commission recommend approval of both revisions to the Board.

Mr. O'Connor questioned if the CCC revision would allow the Board to remove Forge Road and allow for the 400-foot setback.

Mr. Wysong noted the revision would remove Old Stage Road.

Mr. O'Connor questioned if it would preserve the 400-foot setback on Forge Road.

Mr. Wysong responded essentially yes. He added the category revision would only include Forge Road. Mr. Wysong noted if the Board approved the revision, then the 400-foot setback would only apply to Forge Road as it was the only road in this category.

Mr. O'Connor questioned if that point was due to the 400-foot setback not working for both Old Stage Road and Forge Road.

Mr. Wysong confirmed yes. He added the setback would work, but noted the Board saw no value in doing that.

Mr. Polster opened the Public Hearing.

Mr. Polster closed the Public Hearing as there were no speakers.

Mr. O'Connor reiterated some earlier points of revisions to the Comprehensive Plan and unintended consequences. He noted he was not in support of this amendment for two reasons: the 400-foot setback on Forge Road and intermittent, spot amendments to the Comprehensive Plan.

Mr. Haldeman noted he had no objections to spot amendments as it was difficult to see everything. He further noted he had no objections to Old Stage Road's removal from the CCC designation. Mr. Haldeman indicated his support of the revision.

Mr. Krapf commented the Comprehensive Plan was not stagnant but evolved where necessary for particular situations. He noted his support of the amendment revision.

Mr. Rose indicated he was not in support of the revision.

Mr. Rodgers noted he was in favor of the ability to spot fix the Comprehensive Plan.

Mr. Polster noted the 400-foot setback in the CCC. He further noted he was in favor of removal of the area outside the PSA and not in the CCC. Mr. Polster concurred with Mr. Haldeman on the point regarding the intersection of Anderson's Corner to Interstate 64 and its reclassification from Open Agricultural to Wooded CCC at the next Comprehensive Plan update. He noted a 100-foot setback was already included in the property at that location. Mr. Polster addressed the second piece of this item which referenced the short-term rental criteria. He asked Ms. Parman about the reasoning behind the decision.

Ms. Parman noted this recommendation was to remove one of the performance standards for short-term rentals which required owners to live on-site. She cited a recent opinion from the 5th Circuit that a residency requirement such as that discriminates against interstate commerce. Ms. Parman noted while James City County was not in the 5th Circuit jurisdiction, it was a persuasive opinion that could potentially be applied in the County's circuit. She further noted the County Attorney's Office felt that performance standard should be omitted.

Mr. Polster asked the location of the 5th Circuit.

Ms. Parman responded Louisiana was the appeal location.

Mr. Polster asked if any other Virginia localities had been considered in this performance standard decision. He questioned if Hampton, Newport News, Danville, or the City of Richmond had issues and what policies these localities implemented. Mr. Polster also inquired if these localities had policies which were in conflict with the recent 5th Circuit opinion.

Ms. Parman stated she had not reviewed those localities' policies, but she would obtain that information.

Mr. Polster noted he had seen recent articles which addressed that same requirement. He further noted references to a sign-in log in addition to fire and safety inspections which were not currently required. Mr. Polster addressed decisions over the past few years regarding the on-site criteria. He noted he was not in support of the short-term rental change but was in support of the CCC.

Discussion ensued.

Mr. Krapf asked Mr. Polster to clarify that his comment was to retain the residency requirement in the performance factors.

Mr. Polster confirmed yes. He noted a better solution and language were needed. Mr. Polster further noted other comparable localities were experiencing this same situation and he recommended reviewing their policies on this point.

Mr. Krapf stated his viewpoint, adding the on-site residency component created a filter on short-term rentals. He discussed that point in more depth.

Mr. O'Connor asked for a point of clarification regarding an approval or denial motion. Ms. Istenes suggested two votes as the topics were distinctly separate.

Mr. Polster requested a motion on the CCC component.

Mr. Haldeman made a motion for recommendation of approval for the Comprehensive Plan amendment for Community Character Corridor revision.

On a voice vote, the Commission approved the motion. (6-1) Mr. Polster sought a motion on the short-term rental piece.

Mr. Haldeman made a motion for recommendation of approval for the short-term rental development standards revision.

Mr. O'Connor questioned if the motion was to remove the performance standard. Mr. Haldeman confirmed yes.

Mr. Polster asked that the motion be restated.

Mr. Haldeman made a motion to deny the short-term rental development standards revision. On a voice vote, the Commission approved the denial motion. (6-1)

MEMORANDUM

DATE: January 9, 2024

TO: The Board of Supervisors

FROM: Richard W. Bradshaw, Commissioner of the Revenue

SUBJECT: Ordinance to Amend and Reordain Chapter 20, Taxation, of the Code of the County of

James City, Virginia, by Amending Article II, Exemption of Certain Persons from Real Estate Taxes, Section 20-10, Qualifications for Exemption and Section 20-11, Amount of

Exemption

Currently, elderly and disabled residents are eligible for real estate tax exemptions, if they are 65 years old or are permanently and totally disabled. Furthermore, citizens must not exceed \$45,000 of total combined annual income of household or have combined net worth (such as stocks, bonds, bank accounts, etc.) exceeding \$200,000. Persons qualifying shall be exempt from real estate taxes in an amount not to exceed the annual real estate rate multiplied by the first \$120,000 of assessed real estate value.

These rates and qualification criteria have been set at these levels since 2010. In order to acknowledge changing conditions, I recommend the following changes, to go into effect starting next fiscal year:

- Raising the qualifying income to \$55,000
- Raising the exemption to cover the first \$150,000

Staff recommends approval of the attached ordinance authorizing the new real estate tax exemption rates and qualifying criteria.

RWB/md Ch20-10QualEx-mem

Attachments

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, EXEMPTION OF CERTAIN PERSONS FROM REAL ESTATE TAXES, SECTION 20-10, QUALFICATIONS FOR EXEMPTION AND SECTION 20-11, AMOUNT OF EXEMPTION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Article II, Exemption of Certain Persons from Real Estate Taxes, Section 20-10, Qualifications for exemption and Section 20-11, Amount of exemption.

Chapter 20. TAXATION

ARTICLE II. EXEMPTION OF CERTAIN PERSONS FROM REAL ESTATE TAXES

Sec. 20-10. Qualifications for exemption.

Such exemption may be granted for any fiscal year following the date that the head of the household and/or his or her spouse occupying such dwelling, to include permanently sited mobile or manufactured homes, as defined in section 36-85.3 of the Code of Virginia, 1950, as amended, and owning title or partial title thereto, becomes permanently and totally disabled or reaches the age of 65 and in addition:

- (a) The total combined income as of December 31 of the immediately preceding calendar year, without regard to whether a tax return is actually filed, from all sources of the owners of the dwelling living therein and of the owners' relatives and non-relatives living in the dwelling except for bona fide tenants or bona fide paid care givers of the owners does not exceed \$45,000.00 \$55,000.00; and
- (b) The net combined financial worth, including equitable interests, as of December 31 of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding ten acres, upon which it is situated does not exceed \$200,000.00 \$150,000.00.

Sec. 20-11. Amount of exemption.

Any person or persons qualifying under section 20-10 shall be exempt from real estate taxes in an amount not to exceed the annual real estate tax rate multiplied by the first \$120,000 \$150,000.00 of assessed real estate value.

Ordinance to Amend and Reordain Chapter 20. Taxation Page 2

		????????? hairman,		f Supervisors	_
ATTEST:		VOTE	S		
		AYE	NAY	ABSTAIN	ABSENT
Teresa J. Saeed Deputy Clerk to the Board	NULL ICENHOUR MCGLENNON LARSON HIPPLE				
Adopted by the Board of January, 2024.	of Supervisors of Ja	mes City	County,	Virginia, this	s 9th day of
ORD20-10QualEx-ord					

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, EXEMPTION OF CERTAIN PERSONS FROM REAL ESTATE TAXES, SECTION 20-10, QUALFICATIONS FOR EXEMPTION AND SECTION 20-11, AMOUNT OF EXEMPTION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Article II, Exemption of Certain Persons from Real Estate Taxes, Section 20-10, Qualifications for exemption and Section 20-11, Amount of exemption.

Chapter 20. TAXATION

ARTICLE II. EXEMPTION OF CERTAIN PERSONS FROM REAL ESTATE TAXES

Sec. 20-10. Qualifications for exemption.

Such exemption may be granted for any fiscal year following the date that the head of the household and/or his or her spouse occupying such dwelling, to include permanently sited mobile or manufactured homes, as defined in section 36-85.3 of the Code of Virginia, 1950, as amended, and owning title or partial title thereto, becomes permanently and totally disabled or reaches the age of 65 and in addition:

- (a) The total combined income as of December 31 of the immediately preceding calendar year, without regard to whether a tax return is actually filed, from all sources of the owners of the dwelling living therein and of the owners' relatives and non-relatives living in the dwelling except for bona fide tenants or bona fide paid care givers of the owners does not exceed \$55,000.00; and
- (b) The net combined financial worth, including equitable interests, as of December 31 of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding ten acres, upon which it is situated does not exceed \$150,000.00.

Sec. 20-11. Amount of exemption.

Any person or persons qualifying under section 20-10 shall be exempt from real estate taxes in an amount not to exceed the annual real estate tax rate multiplied by the first \$150,000.00 of assessed real estate value.

ORD20-10QualEx-ord-final