

ADOPTED

MAR 26 1996

ORDINANCE NO. 31A-167

BOARD OF SUPERVISORS
JAMES CITY COUNTY

VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-2, DEFINITIONS; BY AMENDING ARTICLE II, SPECIAL REGULATIONS, BY ADDING SECTION 20-43, BUFFER AND GREENBELT REQUIREMENTS FOR TIMBERING ACTIVITIES; BY AMENDING ARTICLE V. DISTRICTS, DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 20-232, PERMITTED USES; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 20-252, PERMITTED USES; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 20-287, PERMITTED USES; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 20-305, PERMITTED USES; DIVISION 7, LOW-DENSITY RESIDENTIAL DISTRICT, R-6, SECTION 20-328, PERMITTED USES; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 20-348, PERMITTED USES; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 20-368, PERMITTED USES; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 20-390, PERMITTED USES; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 20-411, PERMITTED USES; DIVISION 12, GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 20-436, PERMITTED USES; DIVISION 13, LIMITED INDUSTRIAL DISTRICT, M-3, SECTION 20-461, PERMITTED USES; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 20-499, PERMITTED USES; DIVISION 15, MIXED USE, MU, SECTION 20-521, PERMITTED USES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-2, Definitions; by adding Section 20-43, Buffer and greenbelt requirements for timbering activities; by amending Section 20-232, Permitted uses; Section 20-252, Permitted uses; Section 20-287, Permitted uses; Section 20-305, Permitted uses; Section 20-328, Permitted uses; Section 20-348, Permitted uses; Section 20-368, Permitted uses; Section 20-390, Permitted uses; Section 20-411,

Permitted uses; Section 20-436, Permitted uses; Section 20-461, Permitted uses; Section 20-499, Permitted uses;
Section 20-521, Permitted uses.

CHAPTER 20. ZONING

ARTICLE I. IN GENERAL

Sec. 20-2. Definitions

Greenbelt Road. A road shown and identified on the Land Use Plan Map in the Comprehensive Plan as having a Greenbelt.

Timbering. Tree harvesting, cutting, or removal where the total amount of land on which tree cutting occurs exceeds 10,000 square feet. However, timbering shall not include:

- (1) *Harvesting, cutting, removal or other clearing of trees in accordance with an approved site plan, subdivision plan, or building permit; or*
- (2) *Removal of dead, diseased, dying, or insect damaged trees.*

ARTICLE II. SPECIAL REGULATIONS

DIVISION 1. IN GENERAL

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

The requirements in this section shall apply to timbering activities located in all districts except the General Agricultural District, A-1. This section shall not apply to timbering activities conducted as part of an approved site plan, subdivision plan, or building permit. Approval of site plans, subdivision plans, or building permits shall be in accordance with other provisions of the zoning ordinance and shall not be governed or guided by the provisions of this section. This section shall also not apply to timbering activities where all timbering is conducted outside of the buffers listed in paragraph (1) and (2) or for timbering within such buffers to construct access drives having a maximum width of 30 feet. The following provisions shall apply to all timbering activities subject to this section:

- (1) Buffer along public roads. An undisturbed buffer at least 75 feet wide shall be maintained along all public roads. No trees or other vegetation shall be removed from this buffer except as permitted under this section.*

- (2) Buffer along greenbelt roads. On property fronting on roads that are identified as greenbelt roads on the Comprehensive Plan, an undisturbed buffer at least 150 feet wide shall be maintained along the greenbelt road on properties that are zoned residential. No trees or other vegetation shall be removed from this buffer except as permitted under this section.*

- (3) *Buffer measurement and determinations. The width of required buffers shall exclude any planned future right-of-way as designated on the Six-Year Primary or Secondary Road Plan.*
- (4) *Tree protection. Required buffer areas 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 area.*
- (5) *Processing requirements. Prior to commencing any timbering activities within a buffer except for a 30 foot access drive, the property owner or agent shall complete an application and submit it along with a James City County Tax Map (with topography and planimetric detail at a scale of 1"=200') to the planning director that shows the site's property lines, any existing and proposed driveway entrances and required buffer areas and tree protection measures. The Planning Director shall determine whether to permit timbering activities within a buffer in accordance with Paragraphs 6 and 7 below. Upon approval of the application by the planning director, timbering activities within a buffer may proceed. All timbering activities within a buffer, including location of driveways or any other land disturbing activities, shall take place only in those areas indicated on the approved map and in accordance with the methods approved by the Planning Director. The planning director shall have no more than 14 days from the filing of such application to approve or disapprove the application. If disapproved, the planning director shall write a letter to the applicant identifying the revisions to be made to gain approval.*
- (6) *Modifications. The planning director may grant modifications to the buffer 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 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 when trees are weakened, dying, diseased, or insect damaged, or, in the opinion of the state forester, unlikely to survive or such removal will enhance the long term effectiveness of the buffer as a visual barrier.

(7) *Partial timbering within a buffer. The planning director may approve partial timbering of buffer areas 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 and on adjacent roads and properties;*
- b. *The anticipated development of the property and the surrounding area;*
- c. *The condition of any adjacent dwelling or subdivision including whether the structures are abandoned or dilapidated;*
- d. *Any recommendations of the state forester, including recommendations on the use and type of equipment for partial timbering;*
- e. *The health and diversity of trees with emphasis on protection of mixed hardwood trees, and the reforestation of the buffer; and*

f. The market value of the timber in the buffer and to be removed, and the market value of the timber on the balance of the property.

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

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

ARTICLE V. DISTRICTS

DIVISION 3. LIMITED RESIDENTIAL DISTRICT, R-1

Sec. 20-232. Permitted uses.

Timbering in accordance with Section 20-43.

DIVISION 4. GENERAL RESIDENTIAL DISTRICT, R-2

Sec. 20-252. Permitted uses.

Timbering in accordance with Section 20-43.

DIVISION 5. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4

Sec. 20-287. Permitted uses.

Timbering in accordance with Section 20-43.

DIVISION 6. MULTIFAMILY RESIDENTIAL DISTRICT, R-5

Sec. 20-305. Permitted uses.

Timbering in accordance with Section 20-43.

DIVISION 7. LOW-DENSITY RESIDENTIAL DISTRICT, R-6

Sec. 20-328. Permitted uses.

Timbering in accordance with Section 20-43.

DIVISION 8. RURAL RESIDENTIAL DISTRICT, R-8

Sec. 20-348. Permitted uses.

Timbering in accordance with Section 20-43.

DIVISION 9. LIMITED BUSINESS DISTRICT, LB

Sec. 20-368. Permitted uses.

Timbering in accordance with Section 20-43.

DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 20-390. Permitted uses.

Timbering in accordance with Section 20-43.

DIVISION 11. LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1

Sec. 20-411. Permitted uses.

Timbering in accordance with Section 20-43.

DIVISION 12. GENERAL INDUSTRIAL DISTRICT, M-2

Sec. 20-436. Permitted uses.

Timbering in accordance with Section 20-43.

DIVISION 13. LIMITED INDUSTRIAL DISTRICT, M-3

Sec. 20-461. Permitted uses.

Timbering in accordance with Section 20-43.

DIVISION 14. PLANNED UNIT DEVELOPMENT DISTRICTS

Sec. 20-499. Permitted uses.

Timbering in accordance with Section 20-43.

DIVISION 15. MIXED USE, MU

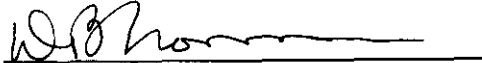
Sec. 20-521. Permitted uses.

Timbering in accordance with Section 20-43.



David L. Sisk, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of March,
1996.