

NOV 22 2011

ORDINANCE NO. 31A-256BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION I, IN GENERAL, BY AMENDING AND RENAMING SECTION 24-35, SIDEWALKS TO PEDESTRIAN ACCOMODATIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division I, In General, Section 24-35, Pedestrian accommodations.

Article II. Special Regulations

Division I. In General

**Sec. 24-35. Sidewalks *Pedestrian accommodations*.**

- (a) ~~Sidewalks~~ *Pedestrian accommodations* shall be required for all projects requiring site plan ~~or major subdivision~~ review ~~and residential developments~~ in accordance with the following:
- (1) ~~Sidewalks shall be built to VDOT standards and located within VDOT right-of-ways when they are to be publicly maintained. If sidewalks are to be privately maintained, they shall be built to standards acceptable to the county engineer or the planning commission. External sidewalks. Pedestrian accommodations shall be required for the subject property(ies) along all public roads as shown on the pedestrian accommodation master plan. In addition to corridors identified on the pedestrian accommodation master plan, sidewalks shall be required along at least one side of all roads built within a community character area sidewalk inclusion zone as specified on the pedestrian accommodation master plan.~~
- (2) ~~Sidewalk plans providing for internal pedestrian access between parking areas, buildings and public areas as well as access to abutting property shall be provided for multifamily residential development and for nonresidential development sites. Internal public streets. Pedestrian accommodation internal to a residential, commercial, office or industrial development with~~

~~public streets shall be required pursuant to the Secondary Street Acceptance Requirements found in 24VAC30-92, as amended.~~

- (3) ~~Sidewalks shall be provided along all existing public roads abutting property to be developed. Internal private streets.~~

~~a. Pedestrian accommodation internal to a residential, commercial, or office development with private streets shall be required on at least one side of all internal streets.~~

~~b. For development designated by the Comprehensive Plan as mixed use; moderate density residential; or the residential, commercial, and office sections of an economic opportunity area, pedestrian accommodations shall be required on both sides of the private streets.~~

~~c. Sidewalks on private streets shall not be required internal to industrial parks or industrial sections of areas designated economic opportunity on the Comprehensive Plan.~~

~~d. The planning director or his designee may approve alternative locations for pedestrian accommodations that are found to have equivalent connectivity as providing sidewalks along the roads internal to the development, such as paved connections between or from cul-de-sacs to other pedestrian accommodations.~~

- (4) ~~Sidewalks shall be provided for one block commencing at the entrance(s) on at least one side of all entrance roads serving residential developments which shall or would be expected to serve more than 500 vehicles per day based on the application of the Institute of Transportation Engineers' traffic generation rates to a projected density assigned to undeveloped land remaining within a proposed subdivision. Sidewalks shall be provided on one side of all roads which shall serve or would be expected to serve more than 1,000 vehicles per day based on the method listed above. Interconnectivity internal to a parcel. Pedestrian accommodations shall be required between parking areas, buildings, and public areas for residential, commercial, and office development sites. Pedestrian accommodation internal to a development shall link with any existing or master planned pedestrian accommodation along an abutting road~~

~~external to the development and any existing public transit stops. Development within industrial parks and industrial sections of the Economic Opportunity zone shall be required to meet applicable Americans with Disabilities Act (ADA) connectivity standards.~~

~~(5) Interconnectivity between parcels. Pedestrian accommodations shall be required between residential developments and adjoining schools, park, or recreational facilities as determined by the planning director or his designee. The property owner shall provide a connection internal to the development to the property line with the adjoining facility. This criterion may be waived by the planning director or his designee if the owner of the contiguous parcel objects to a connection or if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.~~

~~(b) Upon a favorable recommendation of the development review committee, the planning commission may modify the requirements listed in item (4) above; provided, that equivalent pedestrian facilities have been provided which adequately provide for pedestrian access within the development and to abutting property.~~

~~(c) Upon a favorable recommendation of the development review committee, the planning commission may modify the requirements listed in item (3) above; provided that:~~

~~(1) Sidewalks are provided along an existing public road as identified in the transportation element of the Comprehensive Plan; or~~

~~(2) Access to abutting properties has been provided for by way of a pedestrian connection constructed to the minimum standards listed in (d) below; or~~

~~(3) A combination of (1) and (2) above, have been provided in a manner and location acceptable to the development review committee.~~

~~(d) Where pedestrian connections are provided in accordance with (c)(2) above, such connections shall be constructed to the following minimum standards:~~

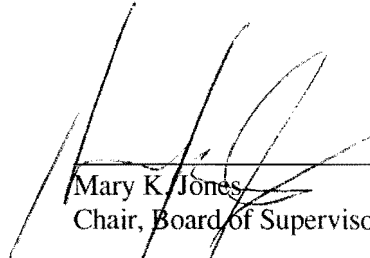
- ~~(1) Such pedestrian connections should avoid lands with greater than 25 percent slopes, areas subject to flooding, environmentally sensitive land or lands otherwise designated as a resource protection area.~~
- ~~(2) Such pedestrian connections shall be at least eight feet wide and constructed of an all-weather surface. In instances where a soft surface is provided, the surface shall be underlaid with filter cloth. In no case shall a multi-use pedestrian connection be closer than five feet to the property line of an adjoining residential property.~~
- ~~(3) The right-of-way and pedestrian connection shall be indicated on the final plat.~~
- ~~(b) Construction standards: Pedestrian accommodations required by 24-35(a) shall be built in accordance with the following construction standards:~~
  - ~~(1) Pedestrian accommodations shall be built to VDOT standards and located within VDOT right-of-way when they are to be publicly maintained. If accommodations are to be privately maintained, they shall be built to VDOT construction standards.~~
  - ~~(2) Right-of-way and pedestrian accommodations shall be shown on the final plat.~~
  - ~~(3) Sidewalks shall be paved and a minimum of five feet in width. Multi-use paths shall be paved and a minimum of eight feet in width. All pedestrian accommodations shall meet the requirements of the ADA's Accessibility Guidelines.~~
- ~~(c) Exemptions: Exemptions to this section may be granted by the planning director or his designee if:~~
  - ~~(1) a proposed temporary structure(s) will not be erected for more than six (6) months; or~~
  - ~~(2) a proposed addition to an existing structure is less than 1,000 square feet or no changes to the building footprint are proposed; or~~
  - ~~(3) the development is located within an office park with private streets in existence prior to November 22, 2011 and providing pedestrian accommodations along the frontage of the development site would not result in a safe and continuous connection to an existing or planned pedestrian accommodation or public transit stop.~~

- (d) *Exceptions: Exceptions to this section may be granted by the planning director or his designee if:*
- (1) *a pedestrian accommodation is otherwise required by this section and would be substantially damaged or need to be replaced as a result of a fully engineered roadway construction project implemented by the County or VDOT. The planning director or his designee may request dedication of sufficient right-of-way for pedestrian accommodations related to the road project in lieu of construction of the pedestrian requirement. The requirement to dedicate right-of-way shall be based on existing right-of-way, the design of the engineered project, and additional right-of-way that is needed; or*
  - (2) *in circumstances where topographical conditions make construction of pedestrian accommodations impractical, the planning director or his designee may approve an alternative alignment that is accessible by the public that differs from the pedestrian accommodation master plan. The alternative alignment shall link with adjacent pedestrian accommodations; or*
  - (3) *pedestrian accommodations shown on a master plan approved by the board of supervisors that differs from the pedestrian accommodation master plan.*

*If an exception is granted for (d)(1) or (d)(2) above, the applicant shall be required to pay into the pedestrian accommodation construction and maintenance fund in an amount determined by the engineering and resource protection division director or his designee. The amount shall be based on:*

- a. *projected engineering costs;*
  - b. *projected material costs;*
  - c. *projected labor and mobilization costs;*
  - d. *current topographical conditions of the site; and*
  - e. *linear feet of road frontage.*
- (e) *Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal*

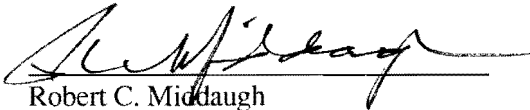
*the decision to the development review committee who shall forward a recommendation to the  
planning commission.*



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Mary K. Jones  
Chair, Board of Supervisors

ATTEST:



Robert C. Middaugh  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22<sup>nd</sup> day of November, 2011.