

ORDINANCE NO. 31A-342

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, BY AMENDING AND RENAMING SECTION 24-35, PEDESTRIAN ACCOMMODATIONS; AND BY AMENDING ARTICLE III, SITE PLAN, BY AMENDING SECTION 24-151, REVIEW CRITERIA GENERALLY.

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, by amending and renaming Section 24-35, Pedestrian accommodations; and by amending Article III, Site Plan, by amending Section 24-151, Review criteria generally.

Chapter 24. Zoning

Article II. Special Regulations

Division 1. In General

ADOPTED

AUG 14 2018

**Board of Supervisors
James City County, VA**

Sec. 24-35. Pedestrian *and bicycle* accommodations.

- (a) Pedestrian *and bicycle* accommodations shall be required for all projects requiring site plan or major subdivision review in accordance with the following:
- (1) ~~External sidewalks.~~ Pedestrian *and bicycle* accommodations shall be required for the subject property(ies) along all public roads as shown on the pedestrian accommodation master plan *and the regional bikeways 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) *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) *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) *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 *and bicycle* 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) Construction standards: Pedestrian *and bicycle* accommodations required by section 24-35(a) shall be built in accordance with the following construction standards:
 - (1) ~~Pedestrian~~ *If accommodations are to be publicly maintained, the* 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~~ *The accommodations* shall be shown on the final plat and/or site plan.
 - (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.~~
 - (3) *If accommodations are to be privately maintained, they shall meet the following requirements:*
 - (a) *Sidewalks shall be paved and a minimum of five feet in width and be built to VDOT construction standards;*
 - (b) *Multi-use paths shall be paved and a minimum of eight feet in width and shall be built to paved trail standards in the Parks and Recreation Greenways Master Plan;*
 - (c) *All pedestrian accommodations shall meet the requirements of the ADA's Accessibility Guidelines;*
 - (d) *Width criteria for private accommodations may be reduced with approval by the planning director or designee if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.*
- (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 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; *or*
 - (4) *Land disturbance on the project area is less than 2,500 square feet; or*
 - (5) *The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.*
- (d) Exceptions: Exceptions to this section may be granted by the planning director or ~~his~~ designee if:
- (1) A pedestrian *or bicycle* 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 *or bicycle* accommodations related to the road project in lieu of construction of the pedestrian *or bicycle* 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 *or bicycle* 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 *or bicycle* accommodations *are* shown on a master plan *or corridor plan* approved by the board of supervisors that differs from the pedestrian accommodation master plan or the *regional bikeways plan*.
- If an exception is granted for (d)(1) or (d)(2) above, the applicant shall be required to pay into the pedestrian *or bicycle* accommodation construction and maintenance fund in an amount determined by the county engineer 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.

Article II. Special Regulations

Sec. 24-151. Review criteria generally.

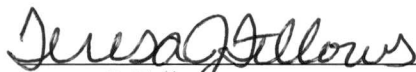
The planning director, zoning administrator, the planning commission, or its designee shall review and consider site plans with respect to:

- (1) Intensity of land use including developable acreage, density and adequate provisions for open space and recreational facilities as appropriate to the site usage and to the Comprehensive Plan Development Standards;
- (2) Design and layout of the site including all existing and proposed buildings, exterior signs, recreation facilities, garbage and trash disposal facilities, sedimentation and erosion controls, storm drainage, stormwater management, sanitary sewage disposal, and water supply locations on the site including line sizes, areas to be landscaped with approximate arrangement and plant types and sizes indicated, and provisions for pedestrian and vehicular traffic movements within and adjacent to the site. Particular emphasis shall be placed upon the review of on-site aesthetics; public safety features; environmental, historic and vegetative preservation; efficient layout of buildings, parking areas, and off-street loading and unloading, and movement of people, goods and vehicles (including emergency vehicles) from access roads within the site, between buildings and vehicles. Vehicular access to the site shall be designed to aid overall traffic flow and to permit vehicles, including emergency vehicles, safe means of ingress and egress;
- (3) Design standards contained in this chapter as they relate to traffic circulation, parking, lighting, performance standards, location of structures, building and landscape, setbacks, yard requirements, height and building coverage limits shall apply, where applicable, to site plan approval. The design criteria established in the county subdivision ordinance, *and improvements required by agencies including the Virginia Department of Transportation and the James City Service Authority shall be shown on the plan before final approval of the site plan.*



Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2018.