

A G E N D A  
JAMES CITY COUNTY PLANNING COMMISSION  
OCTOBER 5, 2011 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES  
  
September 7, 2011 Regular Meeting
4. COMMITTEE / COMMISSION REPORTS
  - A. Development Review Committee (DRC)
  - B. Policy Committee
  - C. Regional Issues Committee / Other Commission Reports
5. PUBLIC HEARING CASES
  - A. SUP-0004-2011/MP-0001-2011, St. Bede Catholic Church Mausoleum Addition
  - B. MP-0002-2011/Z-0003-2011, New Town Settler's Market (Sec. 9) Master Plan Amendment
  - C. SUP-0006-2011, Shellbank Drive Accessory Apartment
  - D. ZO-0006-2011, Development Standards/ZO-0014-2011, External Signs
6. PLANNING DIRECTOR'S REPORT
7. COMMISSION DISCUSSIONS AND REQUESTS
8. ADJOURNMENT

## **SPEAKER'S POLICY**

The Commission encourages public participation, but also wants to remind speakers to use decorum when speaking during the public comment or during public hearings.

Please keep in mind the following when speaking:

1. Courtesy between the speaker and the audience is expected at all times.
2. Speakers shall refrain from obscenity, vulgarity, profanity, cursing, or swearing.
3. Every petition, communication, or address to the Commission shall be in respectful language and is encouraged to be submitted in writing.
4. Public comments should be for the purposes of allowing members of the public to present planning or land use related matters, which, in their opinion, deserve attention of the Commission.
5. The public comment period shall not serve as a forum for debate with staff or the Commission.
6. Citizens should refrain from using words or statements, which from their usual construction and common acceptance are orchestrated as insults, personal attacks, or a breach of peace.
7. The public comment section at the beginning of meetings are provided as a courtesy by the Planning Commission for citizens to address the Commission regarding items not scheduled for public hearing. These public comment sections are not required by law.



A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF SEPTEMBER, TWO-THOUSAND AND ELEVEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Jack Fraley  
Joe Poole III  
Al Woods  
Mike Maddocks  
Tim O'Connor  
Chris Basic

Staff Present:

Allen Murphy, Director of Planning/Assistant  
Development Manager  
Adam Kinsman, Deputy County Attorney  
Chris Johnson, Principal Planner  
Ellen Cook, Senior Planner  
Russell Seymour, Director of Economic Development  
Vaughn Poller, Director of Housing and Community  
Development  
Marion Paine, Community Development Planner

Absent:

Mr. Rich Krapf

Mr. Jack Fraley called the meeting to order at 7:00 p.m.

Mr. Fraley welcomed Mr. Chris Basic to the Planning Commission. He stated Mr. Basic replaces Reese Peck as the Berkeley representative and will fill out the remainder of Mr. Peck's term.

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

There being none, Mr. Fraley closed the public comment period.

3. MINUTES

Mr. Joe Poole moved for approval of the August 3<sup>rd</sup> minutes.

In a unanimous voice vote, the minutes were approved (6-0: Absent: Krapf).

4. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Poole stated the August 31<sup>st</sup> meeting was cancelled due to a lack of cases.

## B. POLICY COMMITTEE

Mr. Fraley stated the August 30<sup>th</sup> meeting was cancelled due to the hurricane. He stated at the September 1<sup>st</sup> meeting, the Committee discussed Residential and Multi-Use districts. At the September 6<sup>th</sup> meeting, the Committee discussed Nonconformities and creation of a residential redevelopment district, R-3. The next meeting, on September 15<sup>th</sup>, will discuss signs, wireless communication facilities, administrative procedures, submittal requirements, and the creation of an affordable housing policy.

## 6. PUBLIC HEARINGS

### A. Z-0001-2011, Forest Heights Road, Neighbors Drive, Richmond Road, Road Improvements

Ms. Ellen Cook stated the rezoning is a neighborhood improvement project coordinated by the Housing and Community Development staff. She stated 27.5 acres will be reconfigured using subdivisions and boundary line adjustments and will contain single family detached homes. The project also includes the site of a future Salvation Army building. The rezoning to Mixed Use gives the County enough flexibility to bring all of the parcels into Zoning Ordinance conformity. Infrastructure improvements will include stormwater facilities, improved water and sewer mains, improvement and realignment of Forest Heights Road, new pedestrian accommodations, streetlights, street trees, and open space. Dilapidated homes will be improved or demolished. Staff requests a buffer waiver to accommodate three residences within the perimeter buffer. Staff recommends approval of the rezoning and the setback waiver.

Mr. Basic asked staff to elaborate on the Salvation Army building footprint not being shown on the master plan.

Ms. Cook stated the master plan layout shows the general location of future uses. She stated the Salvation Army building will not exceed 30,000 square feet, its entrance will front Forest Heights Road, and staff has a copy of building elevations. Although the Salvation Army has not yet presented a site plan, staff is comfortable with the master plan as presented.

Mr. Al Woods asked if the impetus for the proposal was community or agency driven.

Ms. Cook stated Ms. Marion Paine with Housing and Community Development could better answer that question.

Ms. Marion Paine stated the Forest Heights community tried to have its own roads with the “Dirt Streets” program about 10 years ago, but it was not possible at the time. She stated that while Housing staff was looking for neighborhoods to improve, it met with Forest Heights’ residents to see if the community still wanted road improvements. Housing staff has been working closely with the neighborhood since. The impetus for the project is coming from both community and agency.

Mr. Woods asked whether there was a groundswell of interest from the neighborhood.

Ms. Paine stated the residents had come to the County ten years ago with their proposal. She stated when the County asked them if they were still interested, they said yes.

Mr. Woods asked about the timetables attached to the block grant.

Ms. Paine stated funding expires in January 2013.

Mr. Woods asked if the County could not fund the project without the grant.

Ms. Paine stated that was true.

Mr. Woods asked about the scope of the funding.

Mr. Fraley asked if every involved property owner had agreed to the proposal. He asked, if so, does the County have documentation of those agreements.

Ms. Paine stated she had signed agreements from all but four property owners. The County is building houses for two of the four, and expects to work out agreements with them before the Board acts on the rezoning. They are reluctant to agree to sell their houses until they know what the County is building for them. Both of those owners support the project. One of the four lives out of state, and was difficult to contact, but the County now expects to have her agreement soon. The final owner has expressed interest, and the County is negotiating a dollar amount for her property.

Mr. Fraley stated the Board had wanted agreements with the final four property owners before bringing the proposal to them.

Ms. Paine stated that was correct. She stated staff does not intend to take the proposal before the Board before reaching agreements with all of the property owners.

Mr. Fraley asked about the intent to preserve open space through the formation of a homeowners' association.

Ms. Paine stated existing homeowners cannot be forced to join an association to maintain common areas. The newly built homes will be part of an association, and existing owners will be encouraged to join. The County has agreed to shared maintenance of the stormwater pond with the Salvation Army. Existing homeowners will gain use of the common areas if they join the HOA.

Mr. Fraley asked about the balance of new and existing homeowners.

Ms. Paine stated there would only be seven or eight new homeowners. She stated there are 53 existing properties.

Mr. Fraley asked if the seven or eight new homeowners would be saddled with maintaining the common area if no existing homeowners join the HOA.

Ms. Paine stated the maintained common area is relatively small, including a park along Forest Heights Road and possibly a Neighbors Drive pocket park.

Mr. O'Connor asked if staff had an idea of how many people intended to join the HOA.

Ms. Paine stated she did not.

Mr. Vaughn Poller stated his office spoke with the County Attorney regarding this issue. He stated staff is focused on the infrastructure benefits made possible by the proposal. The pond drainage improvements will decrease Chesapeake Bay impacts. The Salvation Army's maintenance agreement with the County will balance costs.

Mr. Woods asked if the Salvation Army would work with the community to ensure the open space areas are maintained.

Ms. Paine stated the Salvation Army will make its new recreation center available to on-site residents. She stated the Salvation Army will be responsible for shared maintenance of the pond, but not the small park.

Ms. Paine began her presentation, stating that the Virginia Department of Housing and Community Development awarded a \$25,000 community block planning grant in 2009 to fund an area study. She stated staff developed a feasibility study and a conceptual plan based on door to door surveys, community meetings, public hearings, and home inspections within the

neighborhood. The proposal allows bus and emergency vehicle access, improves traffic safety on Richmond Road, improves stormwater facilities, adds sidewalks, trails, and provides home improvements and energy retrofits. Eleven of the 64 parcels are County-owned. Boundary line adjustments will be used to provide additional room to expand the right of way needed to bring the road up to Virginia Department of Transportation (VDOT) standards. Most of the existing dirt road lots are nonconforming and would need variances for boundary line adjustments. Rezoning to Mixed Use allows greater flexibility for the residential lots, homes, and the Salvation Army. No residents have objected to the proposal.

Mr. Fraley asked what materials would be used in the multi-use trail.

Ms. Paine stated the plan calls for 8' wide asphalt trails.

Mr. Fraley asked if the variances associated with the project would need to go to the Board of Zoning Appeals.

Mr. Adam Kinsman stated variances would not be required in a Mixed Use district.

Mr. Fraley opened the public hearing.

Mr. Gary Moore, 158 Forest Heights Road, stated the neighborhood needs the improvement. He stated that at a house fire in the neighborhood a man died since fire trucks could not get down the dirt roads or use neighborhood fire hydrants due to low pressure. Ambulances and school buses cannot enter the neighborhood either. The road washes out during storms and the neighbors repair it themselves. The neighborhood is willing to maintain the new park area. Most people in the neighborhood are ready to enjoy many of the benefits other people in the County already have.

Ms. Shirley Baker, 116 Forest Heights Road, stated she had endured the neighborhood's condition for 50 years. She stated the community wants better conditions. One of the neighborhood's children had been killed along Richmond Road about 30 years ago. She asked for the same improvements other communities have.

Mr. Allen Billups, 153 Forest Heights, stated the County had stopped maintaining the roads a few years after he moved into the neighborhood, about 18 years ago. He stated he had injured his back while working to maintain the road. The road is dark, dangerous, and the community needs it improved. The project was started ten years ago, and should be completed now with help from the Salvation Army and the County.

Ms. Connie Hudson, speaking for her mother who lives at 6043 Richmond Road, stated she supports the project. She stated the project would improve area conditions, should would welcome the Salvation Army, and it would beautify Route 60 for all of the guests coming into the area. She thanked the County for finding the funding.

Mr. Fraley closed the public hearing.

Mr. Mike Maddocks stated this was a great project with the potential to improve the lives of residents.

Mr. Maddocks moved to recommend approval of the rezoning and to allow perimeter buffer reductions.

Mr. Joe Poole stated he supports the project. He stated the DRC saw the project several months ago and was excited about the proposal. Road improvements are crucial. The partnership between the County, neighborhood, the Salvation Army, and state is a win-win.

Mr. O'Connor stated he had spoken with Mr. Bill Cain with Engineering and Resource Protection, who stated the project would improve water quality downstream and have a significant positive environmental impact.

Mr. Woods stated he was embarrassed that despite the Commission's work to improve quality of life for citizens, many citizens do not have the opportunity to have the quality of life the County attempts to achieve. He stated he endorses the project.

Mr. Basic stated he supports the plan. He stated that although he would have liked to see the Salvation Army building footprint on the master plan, he is confident staff will take care of it.

Mr. Fraley stated the project is a great case of the County, the private sector, and citizens working together.

In a roll call vote, the Commission recommended approval of the rezoning and the setback waivers (6-0: Absent: Krapf).

B) ZO-0004-2011, COMMERCIAL DISTRICTS

Mr. Chris Johnson stated staff has reviewed the four commercial districts, special use permit (SUP) triggers, and DRC review criteria since the Board adopted zoning update methodology in June 2010. He stated the Committee and Board reviewed draft ordinances multiple times. Staff incorporated Business Climate Task Force recommendations and other changes intended to increase predictability, flexibility, transparency, and improve the business climate. Staff has switched some uses from SUP to permitted, added new commercial uses, and reworded the

ordinances for additional clarity. SUP and DRC triggers and review criteria have been amended based on Commission and Board feedback. Staff recommends approval of the six ordinances.

Mr. Poole stated the tables are much more reader friendly. He stated allowing caretakers to live at their businesses make sense, but asked how the County regulates it.

Mr. Johnson stated he was not aware of anyone living on a commercial property in a residential caretaker capacity. He stated staff would review any potential living quarters during the development review process.

Mr. Basic stated the language in each of the commercial districts seems to indicate pump stations are on the SUP table while other language reads "...the following shall not require a SUP...pump stations.'

Mr. Johnson stated that language is in all four districts and is meant to differentiate between private and public water connections. He stated the ordinance requires an SUP to extend service authority's line while allowing exemptions for private communities.

Mr. Basic asked if that language could be clarified.

Mr. Johnson stated staff would attempt to clarify the language before presentation to the Board.

Mr. Poole stated that in the ordinance, 'Economic Development Manager' is capitalized, while 'planning director' and other titles are not.

Mr. Johnson stated staff will review the language before presentation to the Board.

Mr. Fraley opened the public hearing.

There being none, Mr. Fraley closed the public hearing.

Mr. Maddocks moved to recommend approval of the six ordinances.

Mr. Poole stated he would support five of the six ordinances. He stated he was not prepared to support revised commercial SUP triggers in absence of an outcry from the business community that the thresholds need to be raised from 10,000 square feet to 20,000 square feet. The Planning Commission has been very flexible in working with applicants.

Mr. Maddocks moved to withdraw Section 24-11, Article 1, SUP Requirements For Certain Commercial Uses, from his motion.

In a unanimous roll call vote, the Commission recommended approval of the four commercial districts and DRC review criteria (6-0: Absent: Krapf).

Mr. Johnson stated the increase in thresholds from 10,000 to 20,000 square feet applied to the SUP triggers in Section 24-11. He stated SUPs would still come before the Commission and Board, only using the modified threshold. Staff left the 30,000 square feet DRC threshold as-is, but with new exemptions added.

Mr. Russell Seymour stated staff looked at ways of making the process, with checks and balances intact, more streamlined, cleaner, and smoother to assist businesses mid-sized businesses. He stated an additional layer of review for a proposal less than 20,000 square feet is unmerited, particularly in commercially zoned areas.

Mr. Fraley stated the traffic trip generator trigger is unchanged. He stated it would trigger most things that he would be concerned with, including fast food and supermarkets.

Mr. Basic stated he had once worked with a landowner interested in starting a business. He stated he told the landowner legislative review can add 8 months to the process and cost tens of thousands of dollars. Some prospective business owners opt not to try due to the additional time and expense. Traffic triggers will still catch truly intensive projects. He stated he supported increasing the thresholds.

Mr. Woods stated the County does not have the data that a 10,000 square foot threshold has been onerous. He stated the County is attempting to create an inviting economic development impression, although it is uncertain if it will work. He stated there may be commercial developments that would not trigger traffic thresholds, but are problematic down the road.

Mr. Maddocks asked if the impetus to streamline came from the Business Climate Task Force study.

Mr. Murphy stated yes.

Mr. Maddocks stated the Business Climate Task Force study identified some inefficiencies that could be corrected.

Mr. Johnson stated the Board-accepted Business Climate Task Force report provided for changing ordinances to improve the County's perceived business friendliness and to review whether the County's legislative process was catching too many proposals. He stated roughly half of the commercial SUPs over the past decade would have been administrative site plans if the thresholds had been 20,000 square feet. Staff is uncomfortable increasing the thresholds any further at this time. Staff increased other thresholds for specific by-right commercial uses. Traffic triggers will still capture proposals that warrant a legislative review. The changes move towards Business Climate task Force recommendations without losing too much control.

Mr. Basic asked if he could remember the uses of the half of commercial SUPs that would have been administrative with a 20,000 square foot threshold.



Mr. Johnson stated he can forward that information to the Commission and Board. He stated it is difficult to quantify the businesses that found the County's process too much and located elsewhere. Staff does not want to have an arbitrary measure that prevents someone from pursuing a business opportunity.

Mr. Poole stated many citizens tell the Commission the county is growing too quickly. He stated he wanted empirical data showing minimal impacts from those commercial SUP proposals that would have been administratively reviewed under the revised threshold to answer his off-site impact concerns. Some smaller commercial proposals can impact a nearby residential neighborhood, while some larger proposals do not.

Mr. Johnson stated staff added differentiations recognizing commercial developments impact neighboring residential areas and sometimes require additional review. There have been 25 commercial SUPs over the past decade, averaging out to 2 or 3 annually.

Mr. O'Connor stated the landscaping and lighting ordinances have been rewritten to address adjacent property impacts. He stated traffic triggers would provide for greater reviews. He could support increasing the thresholds.

Mr. Poole stated a 40,000 storage unit may create no impacts, while a 12,500 tattoo parlor would be different. He stated it all depends on the case's nuances. Although the difference is two or three cases a year, if those developments are in a highly visible area or near seniors or families, there is no way to gauge impacts.

Mr. Basic stated the more intense uses would still trigger traffic generation SUP.

Mr. Fraley stated he is confident professional staff will review all of the projects. He stated one of the larger impetuses for the ordinance update is to clarify the language for businesses and citizens. The aura of a business-unfriendly James City is frustrating, although there is no empirical data, and it is difficult to know how to take anecdotal data. These are modest changes to improve perception of the County. The County will not be able to maintain its quality of life without solid economic development. He could accept the changes.

Mr. Maddocks moved to recommend approval of Section 24-11.

In a roll call vote, the Commission recommended approval (5-1: Yes: Basic, O'Connor, Woods, Maddocks, Fraley; No: Poole; Absent: Krapf).

## 7. PLANNING DIRECTOR'S REPORT

Mr. Murphy had no additional comments.

8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Fraley stated Mr. Poole is the September Board Representative.

Mr. Fraley stated the DRC's membership now includes Mr. Poole, Mr. Krapf, Mr. O'Connor, and Mr. Basic. The stated the Policy Committee's membership now includes Mr. Krapf, Mr. Woods, Mr. O'Connor, Mr. Maddocks, and himself.

Mr. Fraley stated the Commission will thank Mr. Reese Peck for his service soon.

9. ADJOURNMENT

Mr. Maddocks moved to adjourn.

The meeting was adjourned at 8:20 p.m.

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Jack Fraley, Chairman

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Allen J. Murphy, Secretary



## MEMORANDUM COVER

**Subject:** Addition of six (6) mausoleum buildings at St. Bede Catholic Church

**Action Requested:** Shall the Planning Commission recommend approval of the requested master plan and SUP amendments to allow the construction of six mausoleum buildings?

**Summary:**

St. Bede Catholic Church proposes to add a mausoleum complex to the existing church site on Ironbound Road. Each of the six buildings has a proposed footprint of approximately 10,000 square feet. The applicant has indicated that construction of the buildings (including clearing of the property) will be phased out over the years.

Staff finds the proposal to be consistent with the Zoning Ordinance and compatible with the 2009 Comprehensive Plan.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes ☐ No x ☒

**Development Manager**

Steven W. Hicks

**Planning Director/Assistant  
Development Manager**

Allen J. Murphy, Jr. \_\_\_\_\_

**Deputy County Attorney**

Adam R. Kinsman \_\_\_\_\_

**Economic Development Director**

Russell C. Seymour \_\_\_\_\_

**Attachments:**

List all attachments

**Agenda Item No.:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**SUP-0004-2011/MP-0001-2011, St. Bede Catholic Church Mausoleum Addition**  
**Staff Report for the October 5, 2011 Planning Commission Public Hearing**

*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**PUBLIC HEARINGS** **Building F Board Room; County Government Complex**

Planning Commission: October 5, 2011 7:00 p.m.  
Board of Supervisors: November 8, 2011 7:00 p.m. (tentative)

**SUMMARY FACTS**

Applicant: Mr. William Holt of Kaufman & Canoles

Land Owner: St. Bede Parish, Catholic Diocese of Richmond

Proposal: To amend the adopted master plan and SUP conditions to allow the construction of six mausoleum buildings and accessory uses on the property

Location: 3686 Ironbound Road

Tax Map/Parcel: 3830100018

Parcel Size: 42.8 acres

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff finds the proposal consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors with the conditions listed in the staff report.

Staff Contact: Jose Ribeiro, Planner Phone: 253-6685

**PROJECT DESCRIPTION**

In 2000, the Board of Supervisors approved a special use permit request (SUP-0015-2000) allowing the construction of a 38,000 square foot house of worship on a 42.8 acre property located at 3686 Ironbound Road. Since the sanctuary and associated parking was constructed, the church has sought and received approval of several accessory amendments by the DRC including a prayer garden, columbarium, rectory building and widening of the access road for exiting vehicles.

The current application proposes an amendment to the existing special use permit and master plan to allow the construction of six identically shaped and sized mausoleum buildings (labeled on the master plan as Buildings A through F), each with a footprint of approximately 10,000 square feet and capacity for 1,530 crypts for a total of 9,180 crypts at build-out. The applicant has indicated that this project will be phased over many years and that the building nearest to residences within the Meadows subdivision

(Building F) would be the last of the six buildings to be constructed. The project site is located on the western portion of the property, near the entrance road and separated from Ironbound Road by a 150-foot vegetative buffer located within a natural open space easement. The undeveloped perimeter of the property, approximately 21.5 acres, was placed in a natural open space easement in 2001.

The master plan also shows future additions which are not associated with the mausoleums: a parking area for 190 vehicles, a building and a bell tower. These proposals, labeled on the master plan as “future”, are not part of this SUP request and will require separate legislative action and approval at a later date. Houses of worship and cemeteries thereto are a specially permitted use in R-8 zoning district. While there are structural differences between cemeteries and mausoleums, the primary purpose of both is the internment of human remains.

The mausoleums would be open to the public for visitation and prayer seven days a week during daylight hours. Funeral services would be conducted in the main sanctuary of the church and internment ceremonies would occur within the mausoleum building prior to internment. The mausoleum would also offer storage and display of urns holding cremation remains.

The church site has frontage on Ironbound Road, a Community Character Corridor according to the 2009 Comprehensive Plan. The site is surrounded by residential developments with similar comprehensive plan designations.

In March of 2011, the applicant submitted a conceptual plan and architectural elevations for the proposed mausoleum project to the DRC for feedback. The DRC reviewed the materials and reacted positively to the proposal. Concerns regarding potential visual impact on Ironbound Road and adjacent residential developments were raised; however, these have been addressed.

## **PUBLIC IMPACTS**

### **Archaeology Impacts:**

The site is not identified as a highly sensitive area on the James City County Archaeological Assessment and does not require any additional study.

### **Engineering and Resource Protection:**

According to the master plan, the current impervious surface for the entire site is 5.51 acres, or approximately 12 percent of the property. The addition of the mausoleum project will increase the site's impervious area to 7.44 acres, or 17 percent of the entire property. Areas not discharging to the existing BMP north of the entrance road will be handled by additional stormwater management facilities.

**Staff comments:** Staff has reviewed the conceptual stormwater management plan narrative and master plan and concurs with the approach presented, while providing information that will need to be addressed at the development plan design stage.

### **Public Utilities:**

The mausoleum project will be served by public water and sewer. Refer to SUP conditions no. 12 and 13.

**Staff comments:** JCSA Staff has reviewed the master plan application and concurs with information provided by the applicant, while providing information that will need to be considered at the development plan design stage.

### **Transportation:**

The addition of the mausoleum will have minimal traffic impacts since trip generation from this new use will be less than the existing church facility because peak use for the mausoleum and the church are not likely to occur simultaneously. A total of ten parking spaces (including two accessible parking stalls) are proposed as part of the project. Existing parking areas adjacent to the location of the mausoleum buildings

will also be used as additional parking areas for the mausoleum.

- **2007 County Traffic Counts:** On Ironbound Road from John Tyler Highway to News Road there were 10,967 trips.
- **2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan):** On Ironbound Road between Monticello Avenue and John Tyler Highway, 25,298 average daily trips (AADT) are projected-this is in the category of warranting improvement (from 2 to 4 lanes).

**VDOT Staff comments:** The District has reviewed the proposed and concurs with information provided by the applicant. No road improvements are recommended by VDOT to mitigate the impacts of this proposal.

### **COMPREHENSIVE PLAN**

The entire site is designated Low Density Residential (LDR) in the James City County 2009 Comprehensive Plan. LDR recommended uses include schools, churches, community-oriented facilities, very limited commercial establishments, and single family homes. New development should be compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed.

At build-out, the mausoleum project will be approximately 60,000 square feet but broken down into six smaller buildings of 10,000 square feet, each 30 feet in height. The proposed buildings will be buffered from Ironbound Road by an existing 150-foot wooded buffer with an average tree canopy height of 49 feet. Residences within the Meadows are separated from the mausoleum project by a 50-foot perimeter natural open space easement and additional enhanced landscaping (condition 9) to be proposed by the applicant as part of this proposal. Adjacent residential property to the south of the church property is located 200 feet from the proposed mausoleum location (approximately 100 feet of which under a natural open space easement).

The architecture of the mausoleum buildings will be similar to the existing church (attachment 4). The proposal is not expected to generate noise, smoke, dust, odor, vibration or light.

### **RECOMMENDATION**

Staff finds the proposal consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors with the conditions listed in the staff report.

Staff notes that conditions no. 2 through no 7 are restated from the original SUP application in 2000.

1. **Master Plan.** This Special Use Permit (the “SUP”) amends the adopted SUP conditions for JCC Case SUP-0015-2000 and shall be valid for the construction of six mausoleum buildings, each approximately 10,000 square feet in size, on the property located at 3686 Ironbound Road and further identified as JCC Parcel Number No. 3830100018 (the “Property”). Development of the Property shall be generally in accordance with the Master Plan entitled “Master Plan for Special Use Permit, St. Bede Catholic Church Mausoleum Addition” prepared by Bowman Consulting dated March 21, 2011 and revised on May 26, 2011 (the “Master Plan”) with such minor changes as the Planning Director determines does not change the basic concept or character of the development. Structures identified on the Master Plan as “future” shall require issuance of a new special use permit amendment.
2. **Resource Protection Area.** The location of any Resource Protection Area shall be identified by the developer and shall be indicated on any site plan or development plans which is submitted to James City County for approval. This identification must be approved by the James City County Engineering and Resource Protection Division prior to the issuance of preliminary site plan

approval.

3. **Bike Lanes.** The applicant shall construct a five-foot wide VDOT standard shoulder bike lane along the front of the property adjacent to Ironbound Road (State Route 615). If turn lanes or other road, drainage, or utility improvements are required by VDOT along other portions of Ironbound Road ("Ironbound Road Improvements"), the applicant shall either construct additional five-foot wide VDOT standard shoulder bike lanes along the Ironbound Road Improvements, as required by the Planning Director or his designee, or construct the Ironbound Road Improvements in such a way that subsequent installation of the bike lanes shall not require relocation of the Ironbound Road Improvements. The intent of this condition is that the County will only need to add base material and pavement for the additional bike lanes that do not adjoin the front property line. The construction of the required bike lanes shall be completed prior to issuance of a Certificate of Occupancy or, in the alternative, the applicant may provide and maintain a cash escrow account with an agreement in a form suitable to the County Attorney to insure the construction of the improvements when similar improvements are completed on both sides of the Property along Ironbound Road at which time the cash escrow account shall be released.
4. **Road Improvements.** The applicant shall implement the road improvements recommended by the traffic study "St. Bede Catholic Church Traffic Impact Study, James City County, Virginia" prepared by LandMark Design Group, March 20, 2000. If additional right-of-way and/or improvements are required by the Virginia Department of Transportation, the additional right-of-way shall be acquired and dedicated prior to final site plan approval and the additional improvements shall be constructed prior to the issuance of any Certificate of Occupancy.
5. **Signs.** Free-standing signs within 50 feet of the Ironbound Road right-of-way, as may exist from time to time, shall be ground mounted, monument style and shall be approved by the Planning Director or his designee prior to final site plan approval.
6. **Dumpsters.** All dumpsters shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
7. **Sidewalk.** The applicant shall provide and construct a four-foot wide paved sidewalk along the portion of the property frontage on Ironbound Road adjacent to any turn lanes and associated improvements required by VDOT connecting to existing sidewalk adjacent to the Meadows. Sidewalk shall be completed prior to a certificate of occupancy for the first mausoleum building on the property.
8. **Architectural Elevations.** Prior to final site plan approval, the Planning Director, or his designee, shall review and approve and final building elevations and architectural design for the mausoleum. Such building(s) shall be reasonably consistent, as determined by the Planning Director or his designee, with the architectural elevation titled "A New Mausoleum Development Study for: St. Bede, Williamsburg, VA" submitted with this special use permit application and prepared by Ingram Construction Co., Inc., date stamped April 20, 2011.
9. **Landscape Plan.** A landscape plan shall be submitted and approved by the Planning Director or his designee prior to final site plan approval for any building shown on the Master Plan. The landscape shall address the need for supplemental evergreen trees materials, in the area of the Master Plan identified as "Additional Plantings." The supplemental evergreen trees shall meet 125 percent of the County's Landscaping Ordinance requirements for size, be an upright species that reaches a mature height of at least 30 feet and retains its lower branches as it matures. The

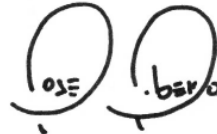
supplemental evergreen trees shall not be planted in a linear row but located throughout the area identified on the Master Plan as “Additional Plantings”. A minimum of 12 trees will be required to satisfy this condition, and they shall be installed within one growing season following the issuance of a Certificate of Occupancy for the construction of any building on the property. The intent of this condition is to help mitigate the visual impacts of the development from residences within the Meadows.

- 10. Lighting.** All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. “Glare” shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
- 11. Meadows buffer.** A minimum 50-foot wide undisturbed buffer, including the additional plantings as shown on the master plan, shall be maintained along the property lines adjoining lots in The Meadows.
- 12. Water Conservation Agreement.** “The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards shall include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
- 13. Irrigation.** In the design phase, the developer and designer engineer shall include the design of stormwater systems that can be used to collect stormwater for outdoor water use not met by existing wells for the Property. Only surface water collected from surface water impoundments (“the impoundments”) or existing wells may be used for irrigating the Property (the “irrigation”). In no circumstances shall James City Service Authority (the “JCSA”) public water supply be used for Irrigation, except as otherwise provided by this condition.
- 14. Phased Clearing.** The owner shall limit clearing to only those portions of the development area necessary for the construction of the site for the mausoleum buildings as they are developed in phases sequentially, starting with the building closest to the entrance road (Building A/B on the Master Plan) and ending with the building closest to the residences within the Meadows (Building F on the Master Plan). Phased clearing shall include clearing for roads, sidewalks, trails, building sites, utility connections, earthwork and grading, soil stockpiles and stormwater management. The limits of clearing for each phase of construction shall be subject to the approval of the Engineering and Resource Protection Director or his designee prior to final approval of any development plan for construction of any portion of development shown on the Master Plan.
- 15. Drainage.** Any special collection, discharge or treatment systems associated with mausoleum internment operations are not permitted to discharge to surface, groundwater or natural/manmade receiving channel systems and must comply with all applicable Health Department, JCSA, County Illicit Discharge or State Virginia Pollutant Discharge Elimination System (VPDES) regulations.



**16. Commencement of Construction.** If construction of the mausoleum has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations for the first mausoleum building on the property.

**17. Severance Clause.** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

A handwritten signature in black ink, appearing to read "Jose Ribeiro", written over a horizontal line.

Jose Ribeiro, Planner

**ATTACHMENTS:**

1. Master Plan (under separate cover)
2. Location Map
3. Conceptual Stormwater Management Plan Narrative with Exhibit (drawing under separate cover)
4. Draft Architectural Elevations and Floor Plan (under separate cover)
5. Sight Line Views from Ironbound Road to Project Area submitted by the applicant.
6. Proposed Clearing Area Exhibit. (under separate cover)
7. Correspondence from Mr. Carkner dated July 11, 2011
8. Correspondence from Mrs. Dunleavy
9. Correspondence from Mr. Lombardi dated September 24, 2011

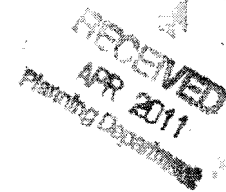


# MP-0001-2011/SUP-0004-2011

## St. Bede Mausoleum Addition





**CONCEPTUAL STORMWATER MANAGEMENT PLAN NARRATIVE**

Attached please find an Exhibit of the revised Master Plan for the Special Use Permit, which shows the locations of the stormwater management facilities proposed in connection with this project. Water quality measures for the proposed improvements will be required and will comply with James City County's BMP Point System.

The previously approved site plans for the church campus showed an additional parking area (A) between the northern property line and the existing northern parking bays. This additional parking area was incorporated in the stormwater management planning for the initial site improvements but was never constructed. The existing BMP (B) north of the entrance road was designed to handle the water quality and quantity for all the parking areas to the north of the entrance road and loop, both present and future areas. The above mentioned additional parking area (A) will not be constructed as part of any improvements to the St. Bede property.

Since the additional parking area (A) will not be constructed, there is excess capacity for quality and quantity control in the existing BMP (B). A portion of the mausoleum site will directly discharge to the existing BMP. Those areas not discharging to the existing BMP will be handled by stormwater management facilities (C) such as bio-retention, grassed swales, forebays, and underground storage to control the water quality and quantity volumes generated by the proposed impervious areas. The location of such facilities is shown generally on the attached Exhibit as (C).

The proposed future parking areas to the south of the circle drive will have dry swales (D) to handle the water quantity and quality for the runoff generated from the new impervious surfaces. These facilities will control the required storm events and reduce the runoff volume discharging to the existing pond (E) to the south of the property.

Previously, a site plan (SUP.0015-2000) for additional parking, driveways, and a rectory was approved by the County. Only the parking area to the west of the church building has been constructed along with all the utilities, including a closed drainage system with rain tanks. There is also a stormwater management

feature (F) to the south of the church building which was originally a temporary sediment trap that has become a permanent facility. Water quality and quantity will be addressed by these two existing drainage systems for any future building addition and revised layout of the parking area near the church building. The majority of the future building addition will be directed to the existing closed drainage and rain tank system and a portion of the stormwater from the future building addition will discharge to the existing stormwater management facility (F) that will be modified to handle the increase in impervious area.

The stormwater runoff from the circular driveway will continue to be collected and discharged to the north as is the case today. All stormwater management facilities, both existing and proposed, will be designed, checked, and modified to insure that the County's BMP Point System is complied with for water quality and that water quantity control adheres to the original design constraints and does not increase the discharge volume of the existing pond (E) during the 1/10/100 year storm events.

# St. Bede Mausoleum

## Sight Line Views From Ironbound Road to Project Area

### PHOTO LEGEND

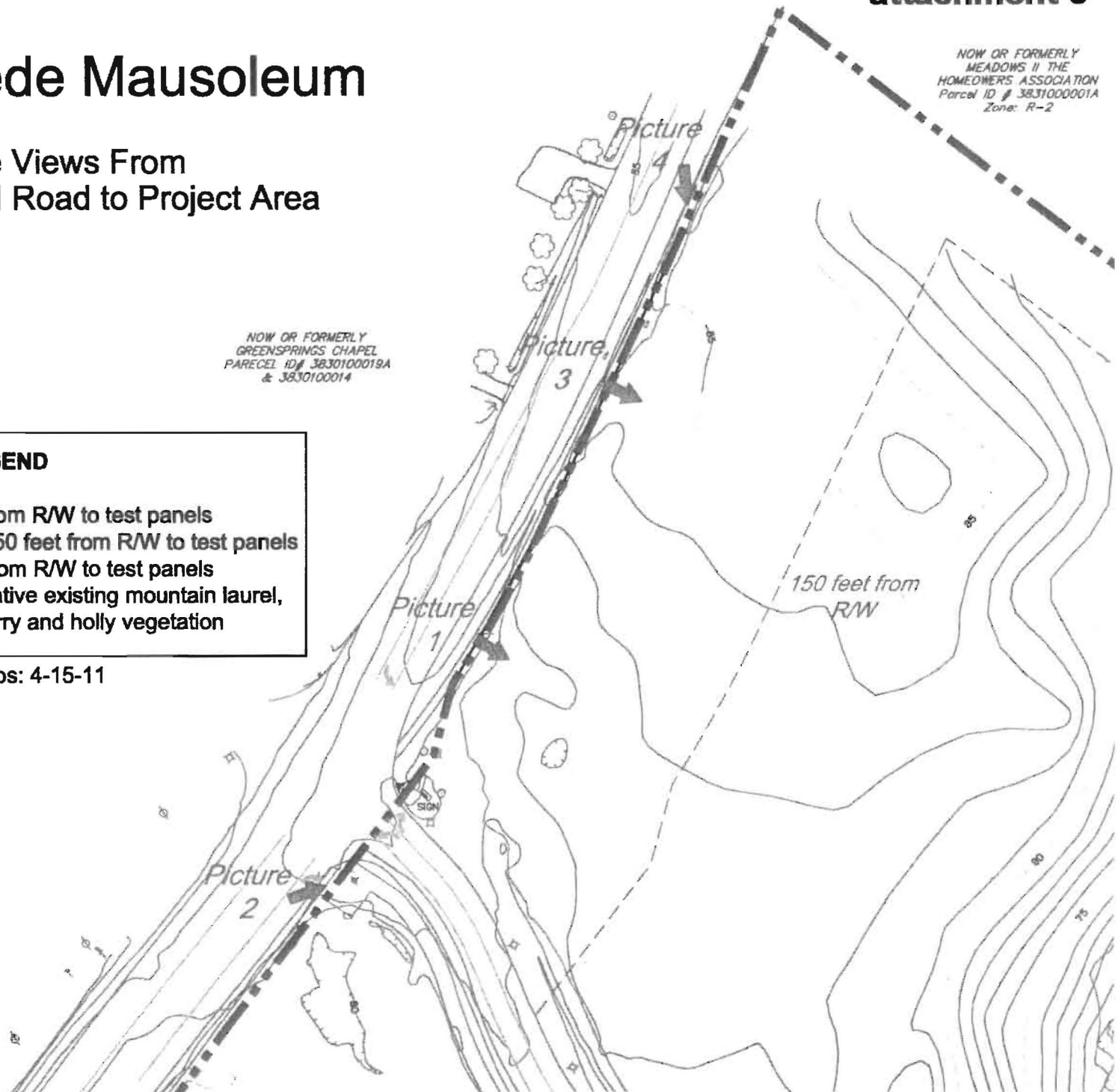
1. 150 feet from R/W to test panels
2. oblique, 150 feet from R/W to test panels
3. 150 feet from R/W to test panels
4. representative existing mountain laurel, bayberry and holly vegetation

Date of Photos: 4-15-11

NOW OR FORMERLY  
GREENSPRINGS CHAPEL  
PARCEL ID# 3830100019A  
& 3830100014

NOW OR FORMERLY  
MEADOWS II THE  
HOMEOWNERS ASSOCIATION  
Parcel ID # 3831000001A  
Zone: R-2

NOW OR FORMERLY  
POW-HATAN ASSOCIATES  
PARCEL ID# 3830100019





1



**"WELCOME HOME"**

A Program For Returning Catholics  
Begins Soon

**757-229-3700**

† ST. BEDE CATHOLIC CHURCH †









**Ronald E. Carkner  
3140 Parkside Lane  
Williamsburg, VA 23185  
(757) 345-3267**

**July 11, 2011**

**James City County Planning Commission Members  
101-A Mounts Bay Road  
Williamsburg, VA 23187**

**Re: Proposed St. Bede Mausoleum Review**

**Dear Planning Committee Members:**

I am writing as a St. Bede attendee and James City County resident regarding the subject proposed mausoleum project. While I am not per se opposed to the project idea I am very concerned about the scale of the project so close to a residential neighborhood. Such a large scale will increase the probability of post burial health issues that, while are not common, do occur particularly in warmer climates.

**Size & Visiblity Issues:** The proposed nine thousand (9,000) crypt size seems well beyond the scale necessary to support future St. Bede parishioner burials. At approximately one hundred (100) burials per year it would take fifteen (15) years just to fill the crypts in one building or ninety (90) years to fill the six (6) proposed buildings. Of course the answer is that the edifice is designed to allow for burial of Catholics well beyond our geographical borders. Do we really want that many bodies in what is largely a residential area? I think not. It is tough enough to sell houses now let alone having 9,000 corpses as neighbors. I wonder how many other cemeteries outside of major metropolitan areas have mausoleums with 9,000 crypts. Likewise, such a large mausoleum could become somewhat of a local tourist curiosity similar to Forest Lawn in California with accompanying traffic issues.

We have been told that the buildings will not be visible from local roads. However, given the variety of trees currently on the property it seems reasonable that the structure will be visible during the leaf drop season or nearly six (6) months per year.

**Potential Environmental / Health Issues:** We were told that a reputable and experienced mausoleum builder would build the structures. That may well be so, however, a few minutes spent "Googling" mausoleum problems yields stories of leaking crypts, exploding caskets and insect infestations, among others.

Mausoleums are marketed as a "clean and dry" alternative to burial. In reality, gases and fluids can build up (especially in so-called "sealer" caskets), leading sometimes to leaks or even explosions that breach the crypt. Mausoleum odors are from the decomposition process, which occurs naturally as the body goes through the decaying process. Hot summer days can quickly deactivate embalming chemicals and speed up the decay process. In a mausoleum the body will decay more rapidly. Organic acids can corrode and rot the casket, and noxious gases have been known to cause caskets to explode. These mausoleum odors can be incredibly overwhelming, and as a result of the embalming chemicals and the fumes coming in response to decomposition, they can also pose a health hazard to workers and visitors.

The second problematic issue that is commonplace for most mausoleums is the phorid or coffin fly. While they are in the larval stage of development, coffin flies feed on the decomposing bodies within the crypt spaces. When they come out from the casket as adult flies, they cause a terrible danger in spreading sickness whenever they land. Often, they are looking for moisture, and it is very common for them to fly into the eyes, nose and mouths of site visitors or workers in the structure. The flies tend to be so small that a lot of folks mistake them as gnats.

While these issues are thankfully not everyday occurrences such a large mausoleum clearly increases the chances for such problems. Again, in a residential neighborhood, such potential problems should be resolved before they become problems.

The way to do that with the proposed St. Bede mausoleum is to either deny the Church the right to build any such structure or to vastly scale back the project so that the parishioners of St. Bede who choose mausoleum entombment may have that choice but also reducing the risks to nearby residents.

The St. Bede property does not need to be a mass burial ground opportunity for all of Virginia's catholic population. Please deny the project or greatly reduce the scope.

Sincerely submitted,

Ronald E. Carkner

Members of Planning Commission  
James City County, Virginia

Dear Commissioners:

Re: St. Bede Mausoleum Project SUP-0004-2011

While I hope to attend the October meeting in person, I respectfully request you read and consider my comments re the above project since there is a distinct possibility that I may have to out of town on that evening.

I am concerned with the size of the project and in particular with the closeness of Building # 6 to the residential area next to the property. There is only 55 feet from the edge of Building #6 to the lot line of a house. The 50 feet is a required buffer all around St. Bede's. It is almost impossible to maneuver heavy construction equipment in just 5' of space and not disturb the buffer.

To the best of my knowledge, the Church has not put forth any reason why they need so many units or so many buildings. So I assume that the number called for is simply as many units as could possibly fit on the property. There is an admission that they won't all be built at one time and perhaps never built out to the full extent requested. In view of the concerns of the neighbors, I request the Board to consider either eliminating the last building altogether or at a minimum setting this side yard to no less than 65 feet. In addition, under no circumstances should the entire lot be cleared for the whole project when there is considerable question that it will ever be required. Further, it is very likely that the number and size of individual vaults vs. niches in each building will change due to changes in costs and requirements of buyers over several years. That alone may change configuration of individual buildings. In view of these circumstances, I believe that permission NOT be granted for the entire project at this time.

I further request that the commission carefully review the parking spaces needed. At present, other than 10 handicapped spaces near building #1, the project is relying on existing parking for funerals. While I agree that the current parking would be available since funerals would not be happening during normal Mass times, the parking seems far removed from the later buildings. At a minimum, it would seem that some additional handicapped spots would have to be added for the later buildings, further removed from the only road going onto the mausoleum area.

Finally, I urge the commission to be very vigilant re landscape requirements. At first a 50 foot buffer around the whole perimeter sounds sufficient, and may well be. It might not be adequate however in fall and winter. I know from personal experience (10 years on the environmental and the planning commission in another town) that what is lush and screened at 100 feet, does not look the same when half of it is gone and the foliage has fallen. There are

usually several "holes" in unexpected places. Provision should be made for additional evergreen plantings of sufficient size (we required 4') to OBSCURE the parking lot and buildings from adjacent properties, at all seasons.

For the record, I have been a parishioner of St. Bede's for over 14 years, since we moved here. I am not opposed to the project per se but I do think the Church should be more sensitive to the concerns of our neighbors. I believe the increase of the side yard and reduction in overall size of the project would go a long way to ease their concerns.

Sincerely,

Frances Dunleavy  
108 Worksop (Ford's Colony)  
Williamsburg, VA 23188

## attachment 9



Mr. Jack Fraley, Chairman  
J.C.C. Planning Commission  
101 "A" Mounts Bay Road  
Williamsburg, VA 23188

RE: Case # MP-001-2011/SUP-004-2001  
St. Bede Catholic Church Mausoleum Addition

September 24, 2011

Dear Commissioners:

When the Roman Catholic community wanted to build St Bede's church just behind the properties in the Meadows I did not object. Property owners were promised that St. Bede's would be a good neighbor, and I realized that having a church adjacent to our community was better than a lot of options. When asked to help St. Bede's fundraising I lent my scriptwriting expertise and my voice to a video that they produced. I mention this because I believed the church when they said they would be a good neighbor.

When the actual plan for the church was put into effect I was concerned that they pushed the parking lots toward the edges of the property instead of using that area nearest to the neighborhood for the entrance road, and I don't think it's fair that the people departing church onto Ironbound Road on Sundays get priority over traffic traveling along the road. Still the church has not been a bad neighbor until now.

The mausoleums would be a clear violation of the promise of the church to be good neighbors. The neighborhood is against them...they would be an unsightly blot on the Meadows and nearby residential areas, they would reduce property values, and pose a health risk.

When the church was proposed it was said that the goal for constructing the new facility was to allow all Williamsburg Roman Catholic's to worship at the same table. The construction of these unsightly and unhealthy mausoleums would do nothing to further that goal. The real reason for this breach of promise is the money to be made from this purely commercial endeavor... and that's not good enough to potentially destroy the neighborhood.

I am confident that you will side with the residents of your community and rule that this proposal is far outside the parameters of the Master Plan and reject any amendments needed to allow this project to move forward.

Sincerely,

Michael J. Lombardi  
145 Old Field Road  
Williamsburg, VA 23188





## MEMORANDUM COVER

**Subject:** Z-0003-2011/MP-0002-2011 New Town Settler's Market (Section 9) Master Plan and Proffer Amendment

**Action Requested:** Shall the Planning Commission recommend approval of the rezoning and master plan amendment for New Town Settler's Market (Section 9) subject to provided proffers to the Board of Supervisors?

**Summary:**

Mr. James Peters has applied to amend the master plan, proffers, and design guidelines for Z-0016-2005/MP-0015-2005, New Town Section 9, to reduce the maximum permitted residential density, separate the residential and commercial uses, and change the layout of the residential area of Section 9. The property is located at 4509 and 4520 Casey Blvd, is zoned MU, Mixed Use, and is designated Mixed Use on the Comprehensive Plan. The proposed master plan would allow up to 120 for-sale residential units and 350,000 square feet of commercial space. The rezoning application is necessary to amend the proffers to reference the revised design guidelines and master plan.

Staff finds reduced impacts from the originally approved master plan to be compatible with the Zoning Ordinance and the 2009 Comprehensive Plan and recommends the Planning Commission recommend approval of this application and acceptance of the voluntary proffers to the Board of Supervisors.

Staff also recommends that the Planning Commission approve an overall setback modification for buildings fronting on Casey Blvd., Settler's Market Blvd., and the Yield St. so long as building siting is in accordance with the master plan and design guidelines.

**Fiscal Impact:** The Fiscal Impact Analysis found that the project initially creates a positive fiscal impact. However, as for nearly all residential projects, the fiscal impact moves from the positive to negative in the longer term as new households generate increased need for County services. It is also important to note that this FIA only examines the residential component of Section 9 as that is what is being amended. Additionally, the proposed commercial development in Section 9 will serve to offset the negative fiscal impacts of the new residential unites.

**FMS Approval, if Applicable:** Yes ☒ No ☐

**Development Manager**

Steven W. Hicks 

**Planning Director/Assistant**

**Development Manager**

Allen J. Murphy, Jr. \_\_\_\_\_

**Deputy County Attorney**

Adam R. Kinsman \_\_\_\_\_

**Economic Development Director**

Russell C. Seymour \_\_\_\_\_

**Attachments:**

1. Staff report
2. Location map
3. Proffers
4. Master plan (under separate cover)
5. Community impact statement (under separate cover)

**Agenda Item No.:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**REZONING-0003-2011/MASTER PLAN-0002-2011. New Town Settler's Market (Section 9)**  
**Master Plan and Proffer Amendment.**  
**Staff Report for the October 5, 2011, Planning Commission Public Hearing**

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

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**PUBLIC HEARINGS**

Planning Commission:

**Building F Board Room; County Government Complex**

October 5, 2011

7:00 p.m.

Board of Supervisors:

November 8, 2011 (tentative)

7:00 p.m.

**SUMMARY FACTS**

Applicant:

James Peters, AES Consulting Engineers

Land Owner:

FCP Settler's Market, L.L.C.

Proposal:

Amendment to existing Section 9 master plan to reduce the number of residential units from between 215-279 to 120, amend design guidelines, remove mixed use buildings, and revise the layout of the residential area.

Location:

4509 and 4520 Casey Boulevard

Tax Map/Parcel Nos.:

3843300001C and 3843300002B

Parcel Size:

9.3 acres

Zoning:

MU, Mixed Use, with amended proffers.

Comprehensive Plan:

Mixed Use

Primary Service Area:

Inside

**STAFF RECOMMENDATION**

Staff finds reduced impacts from the originally approved master plan to be compatible with the Zoning Ordinance and the 2009 Comprehensive Plan and recommends the Planning Commission recommend approval of this application and acceptance of the voluntary proffers to the Board of Supervisors.

Staff also recommends that the Planning Commission approve an overall setback modification for buildings fronting on Casey Blvd., Settler's Market Blvd., and the Yield St. so long as building siting is in accordance with the master plan and design guidelines.

Staff Contact: Leanne Reidenbach

Phone: 253-6685

**Proffers:** Are signed and submitted in accordance with the James City County Proffer Policy. Aside from the master plan and design guideline references, all other proffers tied to the original rezoning (Z-0016-2005/MP-0015-2005) will remain in effect for the revised application. Staff has made a comparison between the cash contributions proffered by the original rezoning and current proffer guidelines to mitigate 2011 impacts for the FCP Plan. Overall, the proffer guidelines suggest contributions that are \$457,253 higher than the original plan. This amount includes a credit for \$337,041, which is what the previous developer has already contributed to mitigate impacts of Section 9. The increase is due to changes to the proffer guidelines for Parks and Recreation and schools and adjusted cash contributions for



library, fire/EMS, water, and transportation improvements. Staff notes that suggested cash contributions are general guides and that determination of whether a proffered amount is sufficient to offset the impacts of a proposed development shall be made on a case-by-case basis at the Board's discretion. In this case, as mentioned, the impacts are reduced based on the originally approved plans.

#### **New Town Design Review Board:**

The New Town Design Review Board (DRB) reviewed and approved the final proposal for the binding and illustrative master plans and the revised design guidelines at its meeting on September 15, 2011.

#### **PROJECT DESCRIPTION**

Mr. James Peters has applied to amend the master plan, proffers, and design guidelines for New Town Section 9, to reduce the maximum permitted residential density, separate the residential and commercial uses, and change the layout of the residential area of Section 9. The proposed master plan would allow up to 120 for-sale residential units and 350,000 square feet of commercial space. The rezoning application is necessary to amend the proffers to reference the revised design guidelines and master plan.

#### **Project History**

In 2006, AIG Baker received approval from the Board of Supervisors for a master planned mixed use community in Section 9 of New Town (also known as Settler's Market). This master plan permitted development of between 215 and 278 dwelling units of varying types and between 401,945 and 426,342 square feet of commercial space. In September 2007, the Planning Division approved a site plan for this area allowing 334,600 commercial square feet and 204 residential units (note that this excludes the 67,736 commercial square feet approved for the Wal-Mart parcel).

FCP Settler's Market L.L.C. purchased the property within the last year and submitted a conceptual plan for changes to the commercial portion of Section 9 (areas south of Settler's Market Blvd. and west of Casey Blvd.). The plan reduced proposed commercial square footage by about 100,000 square feet and the Development Review Committee (DRC) found the plan consistent with the original master plan. Amendments proposed for the residential section differed from the approved master plan so a public hearing is required.

#### **Zoning Ordinance Consideration Items**

The applicant has requested a modification to the Mixed Use District setback requirements. The ordinance lists criteria when the Planning Commission may grant such modifications and similar setback modifications have been granted by the DRC for other sections of New Town, including the original Section 9 site plan. The requested modification serves to integrate this part of the development with surrounding mixed use development. The master plan specifies frontage areas and build-to lines for buildings closer than 50 feet to the major internal roads (Casey Blvd., Settler's Market Blvd., and the Yield St.) and this reduction would allow the placement of the new buildings to be consistent with existing development in Section 9 and with the urban character in the rest of New Town.

Staff has included a recommendation that the Commission approve this modification request concurrently with their review of the rezoning and master plan amendment so long as proposed buildings meet the frontage requirements on the master plan and the design guidelines.

#### **PUBLIC IMPACTS**

##### **Archaeology**

A Phase I and Phase II archaeological assessment were previously conducted on the entire parcel in conjunction with SP-0074-2006. The reports indicated that no further work was necessary.

##### **Engineering and Resource Protection**

The majority of the stormwater infrastructure was installed by the previous developer. The current owner is gathering information regarding the as-built conditions of the systems.

**Watershed:** Powhatan Creek

**Engineering and Resource Protection Staff Comments:** Staff has reviewed the Community Impact Statement and Master Plan and concurs with the current proposal, while providing information that will need to be addressed at the development plan design stage.

### **Public Utilities**

This project area is served by public water and sewer. Much of the water and sewer infrastructure was installed by the original owner and there are existing water conservation guidelines in place for this section of New Town.

**James City Service Authority Staff Comments:** Staff has reviewed the Community Impact Statement and Master Plan and concurs with the current proposal, while providing information that will need to be considered at the development plan design stage.

### **Transportation**

The applicant submitted a revised traffic study demonstrating reduced trip generation between the original Section 9 plan ("AIG Plan") and the revised reduced intensity plan ("FCP Plan") due to the decrease in density and intensity of the project.

**2007 County Traffic Counts:** On Monticello Ave. from Ironbound Rd. to Route 199 there were 19,466 trips.

**2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan):** On Monticello Ave. between Ironbound Rd. and Route 199, 32,202 average annual daily trips (AADT) are projected – this is in the category of warranting improvement (from 4 to 6 lanes).

**Road Improvements:** No road improvements are proposed in conjunction with the FCP Plan. VDOT currently has fully funded improvements to Monticello Ave. from the Route 199 intersection to the News Rd. intersection to help improve the level of service (LOS) of the corridor. This has been referred to as the West Monticello Plan in past legislative cases. This project has been surveyed and design will start October 2011. Estimated construction of these improvements will begin in winter 2013.

**Proffers:** The previous developer proffered and constructed several improvements during the initial development of the AIG Plan including traffic signals, pedestrian crossings, turn lanes at the Monticello Ave./Casey Blvd. intersection, and a contribution of \$68,800 for off-site road improvements in the Monticello Ave. corridor (implementation of the West Monticello Plan). These proffers are not proposed to change; however, the estimated cost for the West Monticello Plan has increased from \$860,000 in 2006 to \$3.1 million in 2011. While the proportion of trips contributed to the News Rd. intersection has decreased with the FCP Plan, there is a difference of approximately \$96,200 between what AIG has already contributed and the amount that a new proposal could contribute to mitigate its traffic impacts. Again, there are no additional funds necessary for VDOT's current design of the West Monticello Plan improvements.

**VDOT Comments:** VDOT concurred that since the intensity of the development is proposed to be reduced, no additional road improvements would be warranted. VDOT noted that the proposed reduction will result in a minimal change in the anticipated impacts outlined in the traffic impact study submitted by Courthouse Commons in 2010. Despite signal retiming and identified improvements by Courthouse Commons and with the West Monticello Plan, VDOT noted that Monticello Ave. would still experience a reduction in intersection levels of service at News Rd. and Monticello Marketplace.

**Staff Comments:** The original New Town proffers included the commitment to maintaining an overall LOS C (with flexibility for an LOS D for select turning movements) at seven specific intersections. As each section of New Town has gone through rezoning, specific TIAs have been prepared to demonstrate that this standard is met. The last TIA in New Town was for Sections 7&8 and the AIG Plan for Section 9, which demonstrated that these LOS criteria would be met. The LOS deficiency noted at the Monticello Ave./News Rd. intersection was planned to be mitigated through the West Monticello Plan improvements that were discussed above.

Overall there were minimal changes in traffic impact between the AIG Plan and the FCP Plan that were the result of the revised development proposal. Most changes can be attributed to the reduction in the scope of the West Monticello Plan, different 2010 existing conditions, and traffic contributed by Courthouse Commons.

### **Fiscal**

The Fiscal Impact Analysis found that the project initially creates a positive fiscal impact. However, as for nearly all residential projects, the fiscal impact moves from positive to negative in the longer term as new households generate increased need for County services. It is also important to note that this FIA only examines the residential component of Section 9 as that is what is being amended. Additionally, the proposed commercial development in Section 9 will serve to offset the negative fiscal impacts of the new residential units.

### **Housing**

One of the benefits of previous New Town projects and this development has been the inclusion of mixed cost and affordable housing units. The AIG Plan included a proffer for 3% of constructed residential units to be offered at a price at or below \$154,000. FCP has indicated that this proffer will still be fulfilled under the revised proposal.

### **Public Facilities**

This project is located within the Rawls Byrd Elementary School, Berkeley Middle School and Lafayette High School districts. Using the current student generation rate, the approved AIG Plan would have been expected to generate 33 school children. The FCP Plan is expected to generate 19 school children. Per the Adequate Public Schools Facilities Test, all rezonings should meet this test.

School	Design Capacity*	Effective Capacity#	Enrollment (2010)	Projected Students Generated by Proposal	Enrollment + Projected Students
Rawls Byrd	638	500	467	8	475
Berkeley	725	884	886	4	890
Lafayette	1,250	1,314	1,108	7	1,115

*\* Design capacity is no longer used by WJCC Schools as a measure of determining available classroom space. Instead, effective capacity is used.*

*# The Effective Capacity represents the "realistic and practical" number of students that the school facility can house as calculated by Moseley Architects in December 2004. Effective capacities were revised in 2010.*

The elementary and high school has sufficient capacity to accommodate the new development, but Berkeley Middle School is already over capacity. The FY12 CIP includes funding for converting James Blair back to a middle school in FY17. Since the reopening of James Blair is anticipated more than three years from the date of this application, the proposal does not meet the Adequate Public Schools Facilities Test at the middle school level. Since the FCP Plan reduces the number of students added to the middle school by four, the FCP Plan would reduce the need for added capacity and is an overall positive change in terms of adequate school facilities.

### **Parks and Recreation**

The applicant has indicated that Settler's Market residents would be incorporated into the existing New Town HOA and would have access to recreation amenities provided in Sections 2-8.

### **COMPREHENSIVE PLAN**

The site is designated Mixed Use on the 2009 Comprehensive Plan Land Use Map. Recommended uses for the New Town Mixed Use area include principal uses of commercial, office, and limited industrial

with some residential as a secondary use. The development in this area should be governed by a detailed master plan which provides guidelines for street, building, open space design, and construction. The Plan also supports provision of full integration of affordable units within residential developments and supports expectations that developments maintain the levels of service of adjacent roadways and provide internal connectivity between commercial, residential, and office uses to encourage alternative routes.

Section 9 is proposed to be developed as a mixture of commercial and residential uses and is currently guided by a master plan. With this amendment, the commercial and residential units would be separated by Settler's Market Boulevard, but would both still be components of the project. The applicant has submitted design guidelines (see attachment 3) that address architecture, materials, scale, pedestrian accommodations, and streetscapes. Staff finds the proposed development to be consistent with the 2009 Comprehensive Plan. Under the existing proffers, this project would also further the provision of affordable housing units in the County. Finally, the reduction of residential units proposed by this amendment (and reduction of commercial square footage proposed administratively) and anticipation of the West Monticello Plan helps to lessen the impacts that the FCP Plan has on the surrounding transportation network when compared to projected impacts of the AIG Plan.

### **RECOMMENDATION**

Staff finds reduced impacts from the originally approved master plan to be compatible with the Zoning Ordinance and the 2009 Comprehensive Plan and recommends the Planning Commission recommend approval of this application and acceptance of the voluntary proffers to the Board of Supervisors.

Staff also recommends that the Planning Commission approve an overall setback modification for buildings fronting on Casey Blvd., Settler's Market Blvd., and the Yield St. so long as building siting is in accordance with the master plan and design guidelines.

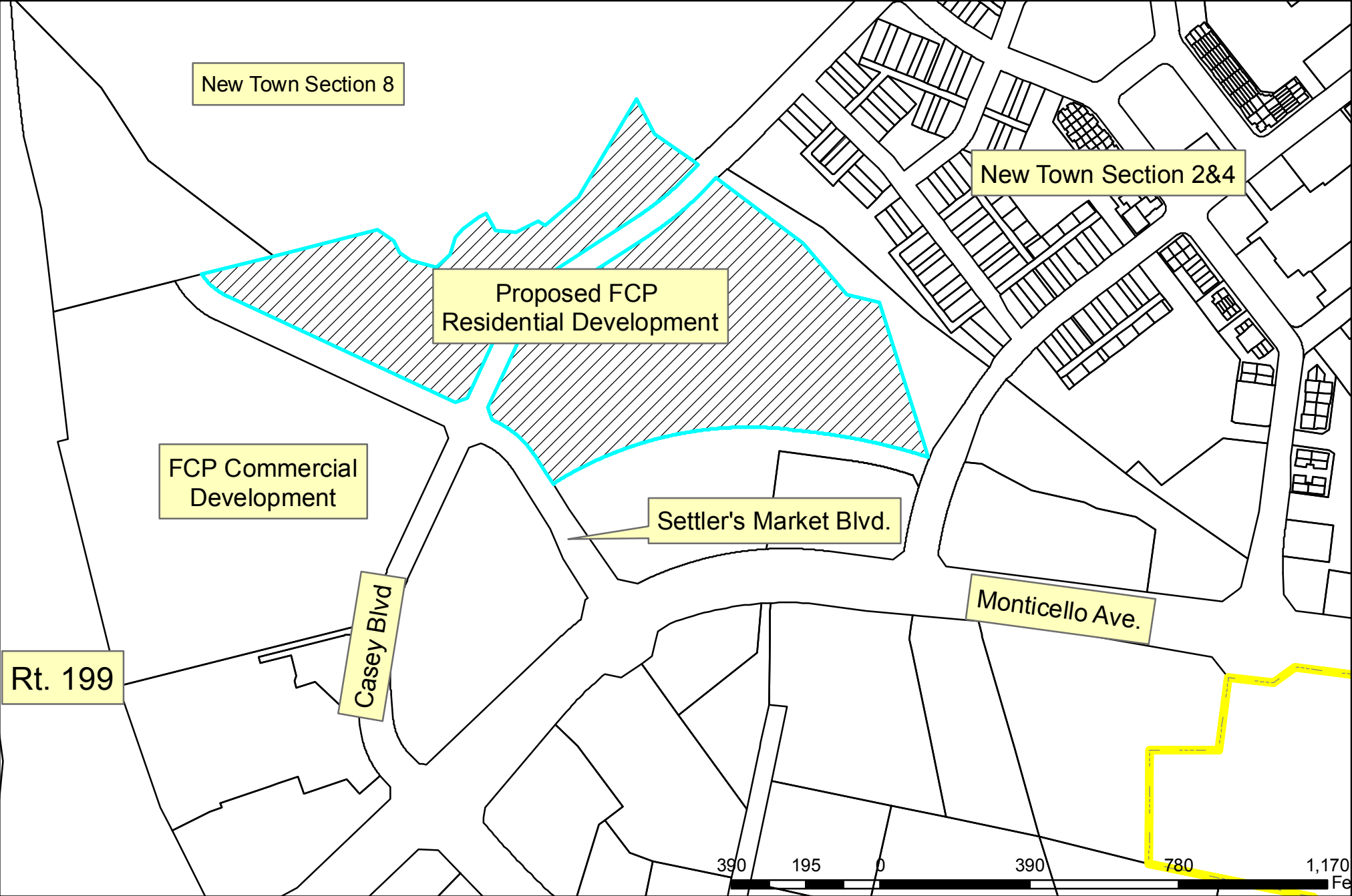
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Leanne Reidenbach

### **ATTACHMENTS:**

1. Location Map
2. Proffers
3. Master Plan (under separate cover)
4. Community Impact Statement (under separate cover)

# MP-0002-2011/Z-0003-2011 New Town Settler's Market (Section 9) Master Plan Amendment



Tax Parcels: 3843300001C and 3843300002B

Prepared by and return to:  
Vernon M. Geddy, III, Esquire  
Geddy, Harris, Franck & Hickman, L.L.P.  
1177 Jamestown Road, Williamsburg, VA 23185

**FIRST AMENDMENT TO NEW TOWN - SECTION 9 -  
SETTLER'S MARKET AT NEW TOWN - PROFFERS**

This First Amendment to New Town – Section 9 – Settler's Market at New Town – Proffers is made this 15th day of September, 2011 by FCP SETTLER'S MARKET II, LLC, a Virginia limited liability company ("Owner"), to be indexed as "Grantor," and the COUNTY OF JAMES CITY, VIRGINIA (the "County"), to be indexed as Grantee.

**RECITALS**

**R-1.** Owner is the owner of certain real property in James City County, Virginia, being more particularly described on Exhibit A attached hereto and made a part hereof (the "FCP II Property"). The FCP II Property is a part of Section 9 of New Town and is subject to (i) New Town – Section 9 – Settler's Market at New Town – Proffers dated March 17, 2006 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 060017870 (the "Existing Proffers"); (ii) a master plan entitled "Settler's Market at New Town, Master Plan" dated December 22, 2005 (the "Existing Master Plan"); and (iii) design guidelines entitled "Settler's Market at New Town, Design Guidelines" dated December 5, 2005 (the "Existing Design Guidelines").

**R-2.** Owner has applied to the County to amend the Existing Master Plan and Existing Design Guidelines as they apply to the FCP II Property only and, in connection therewith, desires to amend the Existing Proffers.

**R-3.** Owner has submitted to the County (i) an amended master plan of the FCP II Property entitled "New Town, A Portion of Section 9, Master Plan Amendment" made by AES

Consulting Engineers dated June 22, 2011 and revised August 31, 2011 (the "FCP II Master Plan") and (ii) an amendment to the Existing Design Guidelines applicable to the FCP II Property entitled "Settler's Market at New Town, Design Guidelines Amendment" prepared by AES Consulting Engineers and Hopke & Associates, Inc. dated June 22, 2011, revised September 2, 2011 (the "FCP II Guidelines").

#### **AMENDMENT TO PROFFERS**

1. With respect to the FCP II Property only, the defined terms "Section 9 Master Plan" and "Section 9 Guidelines" used in the Existing Proffers shall mean and refer to the FCP II Master Plan and FCP II Guidelines, respectively. With respect to all other portions of Section 9, the meaning of those defined terms in the Existing Proffers shall remain unchanged.

2. Except as specifically amended hereby, the Existing Proffers remain unchanged and in effect.

[signature appears on next page]

WITNESS the following signature.

FCP SETTLER'S MARKET II, LLC

By: FCP Settler's Market Member, LLC,  
its Class A Member and General Manager

By: FCP Fund I Trust, its Sole Member

By: *Esko I. Roehonen*

*District of Columbia*  
~~STATE OF VIRGINIA~~

~~CITY OF WILLIAMSBURG~~, to-wit:

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of Sept.,  
2011, by *Esko I. Roehonen* as President of FCP Fund I Trust, sole  
member of FCP Settler's Market Member, LLC, Class A Member and Manager of FCP Settler's  
Market II, LLC, on behalf of the company.

*Dorothy A. Leggin* (SEAL)  
Notary Public

My Commission expires: \_\_\_\_\_  
Registration No. \_\_\_\_\_

DOROTHY A. LEGGIN  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires June 14, 2012



## **EXHIBIT "A"**

### **FCP II Property Legal Description**

#### **Parcel C**

All of that certain real property situated in James City County, Commonwealth of Virginia, described as Parcel C, as shown on the plat made by Ronald W. Eads, L.S., dated July 10, 2007, last revised January 28, 2008, entitled "PLAT OF SUBDIVISION, BOUNDARY LINE ADJUSTMENT, AND PROPERTY LINE EXTINGUISHMENT OF THE PROPERTIES OWNED BY AK) BAKER WILLIAMSBURG, L.L.C. AND SETTLERS MARKET DEVELOPERS, LLC, NEW TOWN SECTION 9, 'SETTLER'S MARKET AT NEWTOWN'", as attached to Affidavit of Plat recorded March 27, 2008, among the Clerk's Office of the Circuit Court of James City County, Virginia, as Instrument No. 080008540, LESS and EXCEPT those portions of the above described parcel contained within proposed Casey Boulevard and Settlers Market Boulevard, and shown on said plat as dedicated, or to be dedicated, to public use.

IT BEING a portion of the same property conveyed to FCP Settler's Market II, LLC from Union Bank, N.A. by Deed dated January 31, 2011 and recorded in the Clerk's Office of the Circuit Court of James City County, Virginia as Instrument Number 110003643.

#### **Parcel 2B**

That certain parcel or lot of land located in James City County, Virginia shown and set out as "Parcel #2B (508,959 S.F.±; 11.684 AC.±)" on the plat entitled "Plat of Subdivision, Parcel 2A, New Town, Section 9, "Settler's Market at New Town," Property of FCP Settler's Market, LLC. (FCP I)," consisting of Sheets 1 through 3, made by AES Consulting Engineers and dated April 20, 2011, which plat is recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City as Instrument No. 110011912.

Together with all and singular the buildings and improvements thereon, the rights and privileges, tenements, hereditaments, easements and appurtenances unto the land belonging or in anywise appertaining.

Subject, however, to all easements, conditions, and restrictions of record affecting said property.

This is a portion of the same property conveyed unto FCP Settler's Market II, LLC by Deed dated June 22, 2011 from FCP Settler's Market, LLC and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City as Instrument Number 110013932.



## MEMORANDUM COVER

**Subject:** SUP-0006-2011, 126 Shellbank Drive Accessory Apartment

**Action Requested:** Shall the Planning Commission recommend approval of the special use permit for an accessory apartment at 126 Shellbank Drive with provided conditions?

**Summary:** Roger Hunt has proposed an approximately 250 square foot expansion of an existing nonconforming accessory apartment on his home in First Colony to house his parents.

Staff recommends the Planning Commission recommend approval of this proposal to the James City County Board of Supervisors with the conditions stated in the attached staff report.

**Fiscal Impact:** Please state fiscal impact, if applicable. N/A

**FMS Approval, if Applicable:** Yes ☐ No ☒

**Development Manager**

Steven W. Hicks

**Planning Director/Assistant  
Development Manager**

Allen J. Murphy, Jr. \_\_\_\_\_

**Deputy County Attorney**

Adam R. Kinsman \_\_\_\_\_

**Economic Development Director**

Russell C. Seymour \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Location map
3. Proposed floor plan and elevations

**Agenda Item No.:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**SPECIAL USE PERMIT - 0006-2011. 126 Shellbank Drive Accessory Apartment.  
Staff Report for the October 5, 2011 Planning Commission Public Hearing**

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

October 5, 2011            7:00 p.m.  
November 8, 2011        7:00 p.m. (tentative)

**SUMMARY FACTS**

Applicant:                                Roger Hunt

Land Owner:                             Robert and Sylvia Hunt Life Estate

Proposal:                                 250 square foot expansion of an existing non-conforming accessory apartment on their existing 2,111 square foot single family dwelling to be occupied by elderly parents.

Location:                                 126 Shellbank Drive, First Colony

Tax Map/Parcel Nos.:                 4510200005

Parcel Size:                              0.885 acres

Zoning:                                    R-1, Limited Residential

Comprehensive Plan:                  Low Density Residential

Primary Service Area:                 Inside

**STAFF RECOMMENDATION**

Staff recommends the Planning Commission recommend approval of this proposal to the James City County Board of Supervisors with the conditions stated below. Staff finds the proposal to be compatible with the surrounding zoning and development since the completed apartment will maintain the appearance of a single-family residence and will retain the residential character of the area. Staff also finds the proposal to be consistent with the 2009 Comprehensive Plan.

Staff Contact:    Leanne Reidenbach

Phone: 253-6876

**PROJECT DESCRIPTION**

Mr. and Mrs. Roger Hunt have applied for a special use permit to allow the expansion of their existing single family dwelling for the purpose of adding an accessory apartment to be occupied by their elderly parents. The house was originally built in the 1960's and included an accessory apartment for family use at that time. The apartment has been used continuously to house family members. The Hunts have proposed to expand this existing nonconforming accessory apartment to make it more handicap accessible for use by Mr. Hunt's elderly parents and bring the apartment into compliance with the Zoning Ordinance.

The finished area of the existing main house is approximately 2,111 square feet and the existing accessory apartment is approximately 500 square feet. The applicant is proposing to add approximately 250 square feet onto the rear and front of the existing accessory apartment.

R-1, Limited Residential, allows accessory apartments as specially permitted uses in accordance with Section 24-32 of the James City County Code. Section 24-32 states “Accessory apartments shall comply with the following requirements:

- (1) Only one accessory apartment shall be created within a single-family dwelling;
- (2) The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence. New entrances shall be located on the side or rear of the building and the apartment may not occupy more than 35 percent of the floor area of the dwelling;
- (3) For purposes of location and design, the accessory apartment is part of the main structure and shall meet all setback, yard, and height regulations applicable to main structures in the zoning district in which it is located; and
- (4) Off-street parking shall be required in accordance with section 24-54 of this chapter.”

Staff has reviewed the proposed design and is satisfied all requirements have been met. Only one accessory apartment is proposed, with entrances on the side of the structure from the existing front porch into the proposed sunroom. The proposed apartment addition will compose 35% of the floor area of the dwelling in order to provide enough room to make it handicap accessible. In R-1, Limited Residential, the side yard setback is 15 feet and the rear yard setback is 35 feet; both of these are met with the proposal as no expansions are proposed to the side and there is approximately 165 feet to the rear yard setback.

#### **Access and Parking**

The existing driveway is accessed from Shellbank Drive. Section 24-59 of the Zoning Ordinance requires single family residences with accessory apartments to provide three parking spaces. There is an existing gravel pull-off on the side of the driveway that is sufficient to fit two cars. An additional car can park at the end of the driveway in proximity to the existing side entrance to the apartment.

#### **Public Utilities**

The project is inside the Primary Service Area however it is served by private well and septic. The Virginia Department of Health (VDH) has reviewed the proposal and deemed that Construction Clearance from VDH would be required. The applicant has already secured this clearance for the proposed expansion. No expansion to the drainfield is necessary as no new bedrooms are proposed to be added.

#### **Surrounding Zoning and Land Use**

The property is surrounded by R-1, Limited Residential property within First Colony and is bordered by the James River on the front of the property. Even with the expansions, the size of the dwelling is still in line with the adjacent residences. In order to minimize potential impacts to the existing neighborhoods, staff proposes the attached conditions.

#### **COMPREHENSIVE PLAN**

This site is designated Low Density Residential on the 2009 Comprehensive Plan Land Use Map. Recommended uses include single-family homes, duplexes, accessory units, cluster housing, and recreation areas. The Comprehensive Plan also recognizes least-cost housing as serving a significant public benefit, particularly when it provides housing opportunities for elderly citizens, and promotes accessory apartments as a way to achieve this goal. The proposal, with the attached conditions, is consistent with the land use designation and housing strategies identified in the 2009 Comprehensive Plan.

#### **RECOMMENDATION**

Staff recommends the Planning Commission recommend approval of this proposal to the James City County Board of Supervisors with the conditions stated below.

1. **Plan:** This Special Use Permit shall be valid for one (1) accessory apartment generally as shown on the plans drawn by Roger S. Guernsey, titled Hunt Residence Alterations, and dated May 13, 2011. The accessory apartment shall not exceed 35% of the total floor area of the dwelling.

2. **Deed Restriction:** Prior to the issuance of a certificate of occupancy for the accessory apartment expansion, the applicant shall be responsible for recording with the Clerk of the Circuit Court a deed restriction, approved by the County Attorney, on the property. The deed restriction shall stipulate that the accessory apartment shall be used, occupied and maintained in accordance with the conditions set forth in the Board of Supervisors' resolution approving the SUP. A copy of the Board of Supervisors' resolution shall be attached to the deed restriction as an exhibit. A court-certified copy of the recorded deed restriction shall be submitted to Building Safety and Permits and the Proffer Administrator along with the certificate of occupancy application.
3. **Rental of Apartment:** The owner of the property shall occupy the principle dwelling as long as the accessory apartment is rented.
4. **Parking:** A minimum of three (3) off-street parking spaces shall be maintained at all times for use by the occupants of the principle dwelling and the accessory apartment.
5. **Commencement:** Within 18 months of the issuance of this special use permit, the accessory apartment shall receive a Certificate of Occupancy, or the special use permit shall become void.
6. **Severance Clause** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Leanne Reidenbach

ATTACHMENTS:

1. Location map
2. Proposed floor plan and elevations

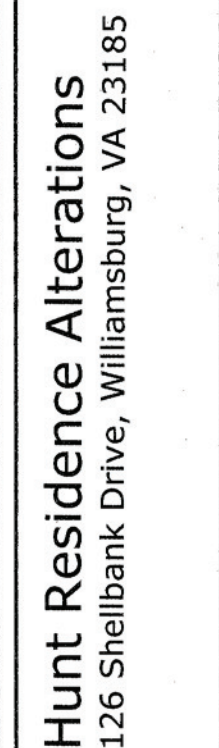
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## 126 Shellbank Dr. Accessory Apartment

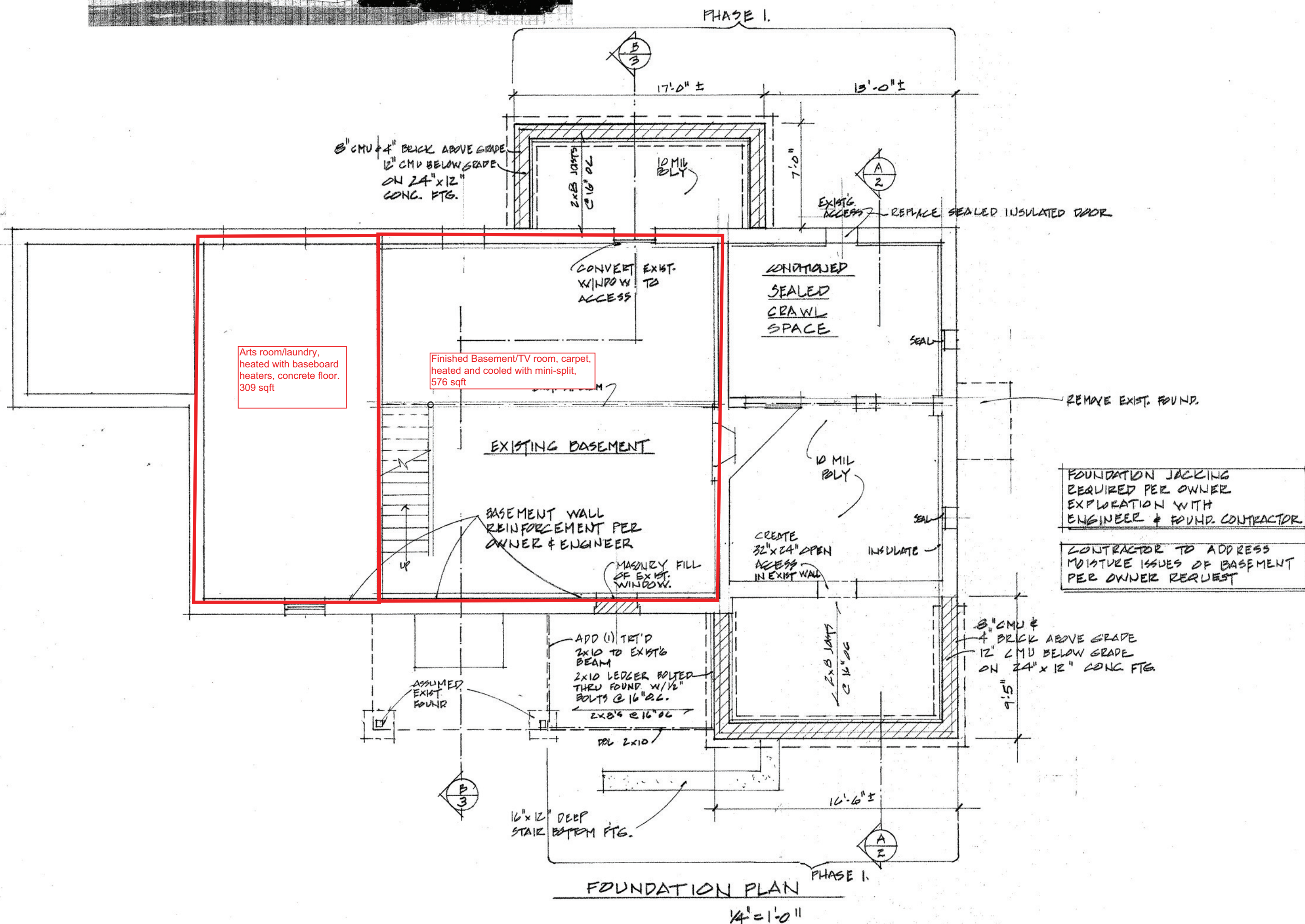
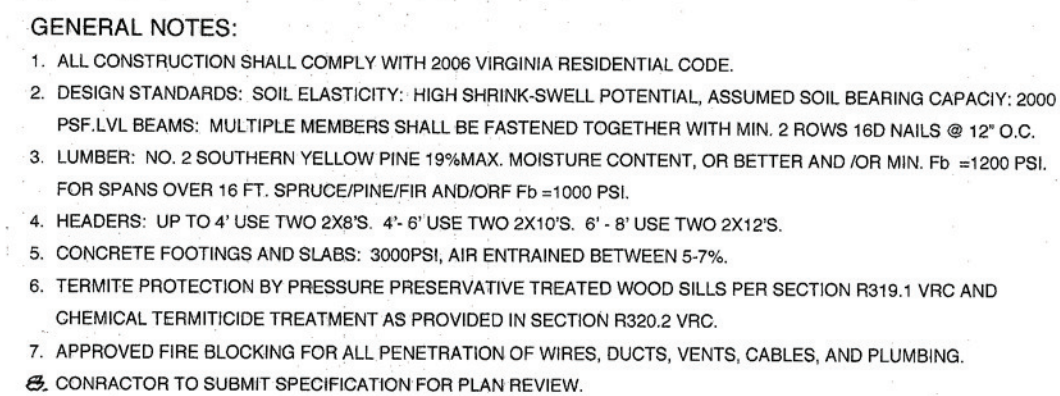




**Roger S. Guernsey, Architect**  
113 Shellbank Drive, Williamsburg, VA 23185  
757-229-9496  
rogerguernsey@gmail.com



Date	5.13-11
Scale	AS SHOWN
Drawn	RSG
Job #	21013
Sheet	1
Of	4 Sheets



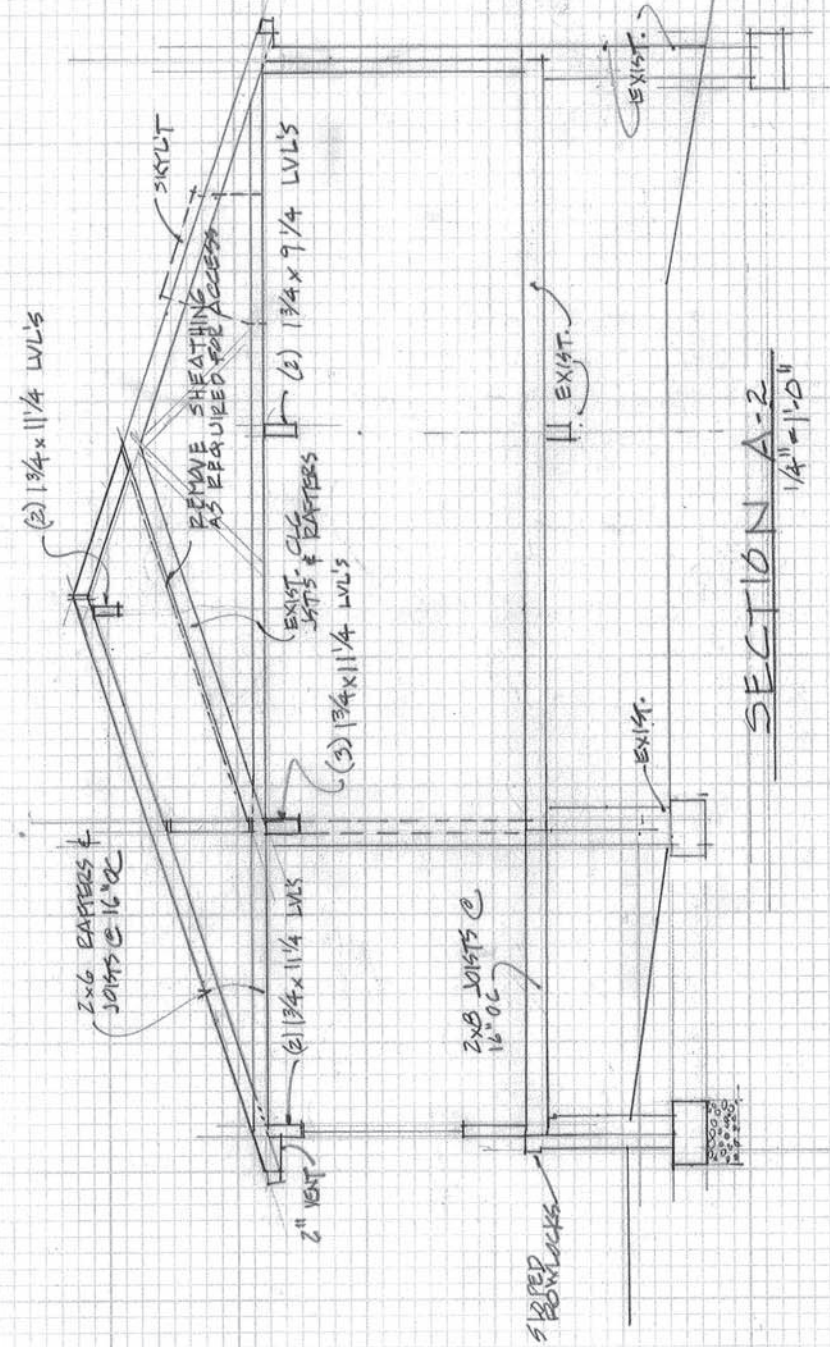
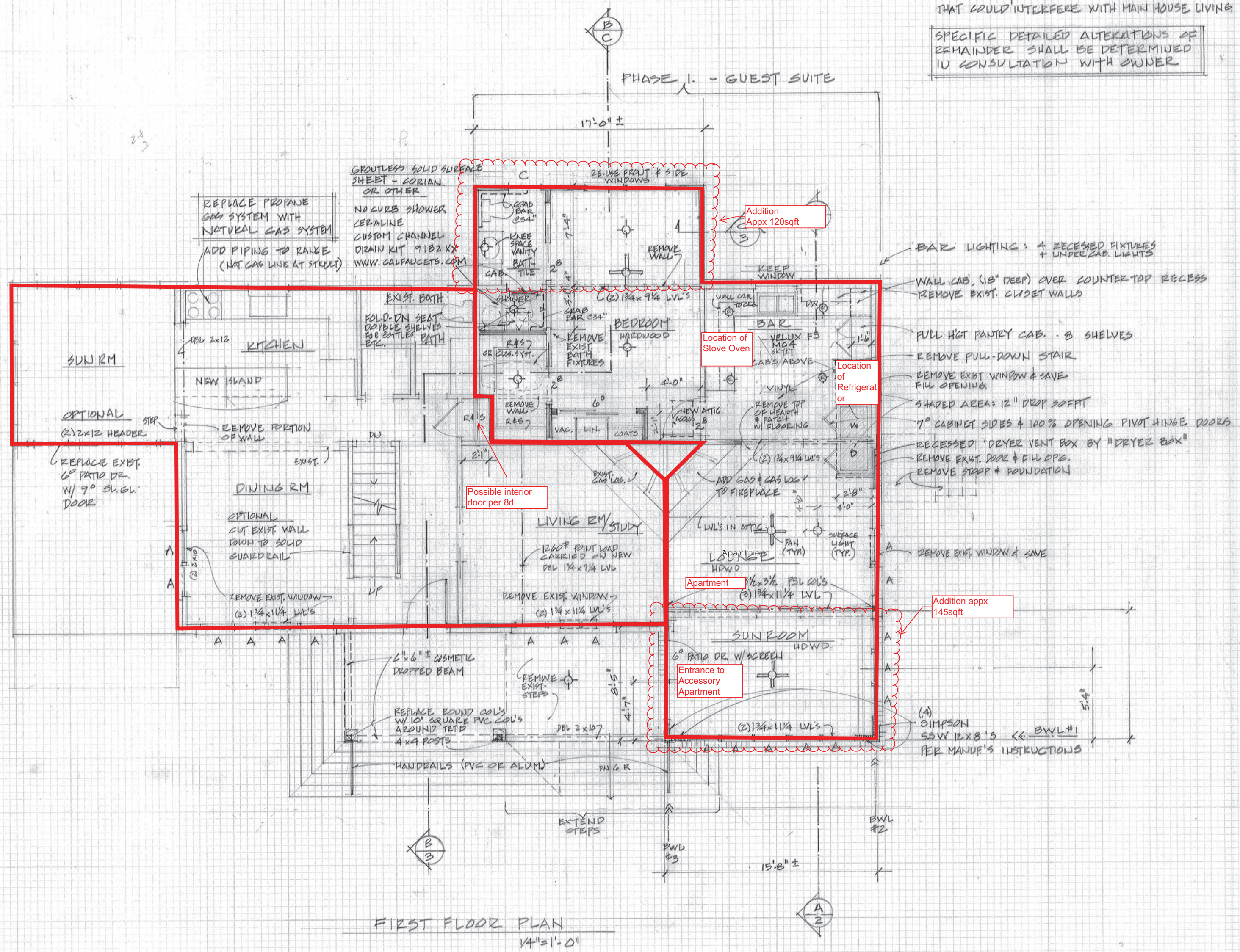


WINDOW SCHEDULE		
MARK	SIZE	TYPE
A	2' x 5'	CASEMENT
B	2' x 4'	"
C	2' x 3'	"

**PHASINGS:**

GUEST SUITE ALTERATIONS ARE TO BE COMPLETE WITH A CERTIFICATE OF OCCUPANCY PRIOR TO STARTING WORK THAT COULD INTERFERE WITH MAIN HOUSE LIVING.

SPECIFIC DETAILED ALTERATIONS OF REMAINDER SHALL BE DETERMINED IN CONSULTATION WITH OWNER.



FIRST FLOOR PLAN  
1/4" = 1'-0"

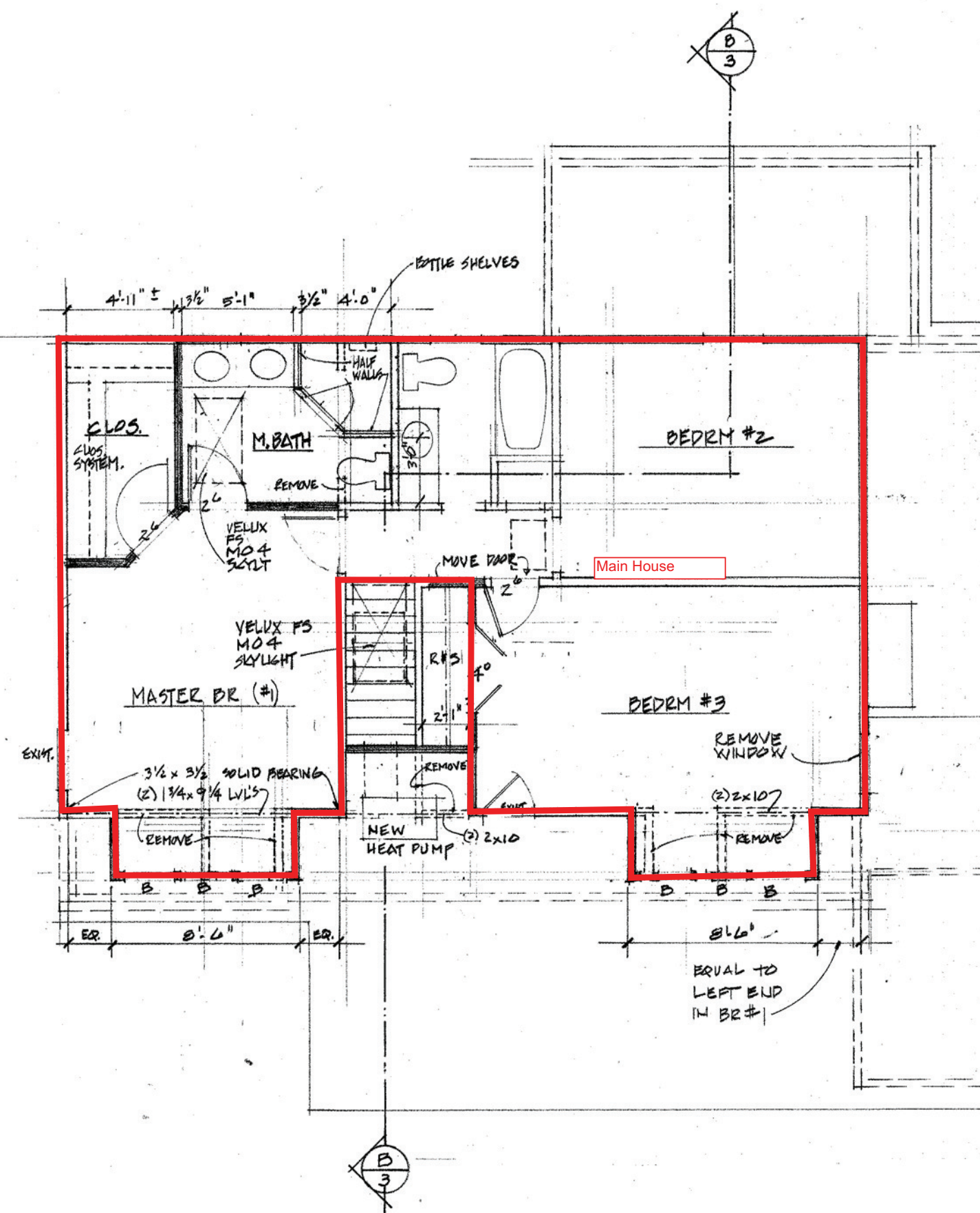
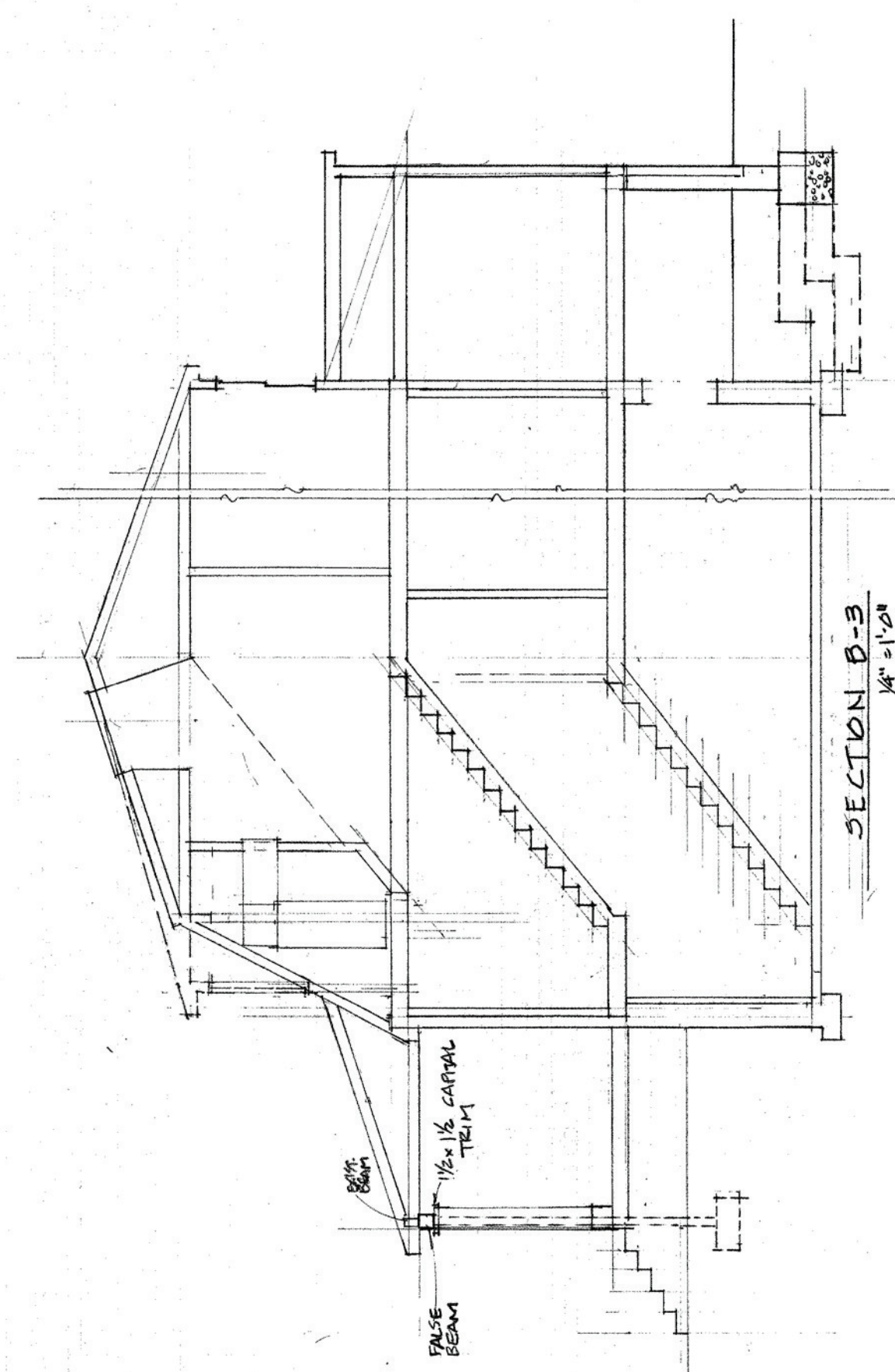
REVISIONS	BY
B/E/11	WGC

**Roger S. Guernsey, Architect**  
113 Shellbank Drive, Williamsburg, VA 23185  
757-229-9496  
rogerguernsey@gmail.com

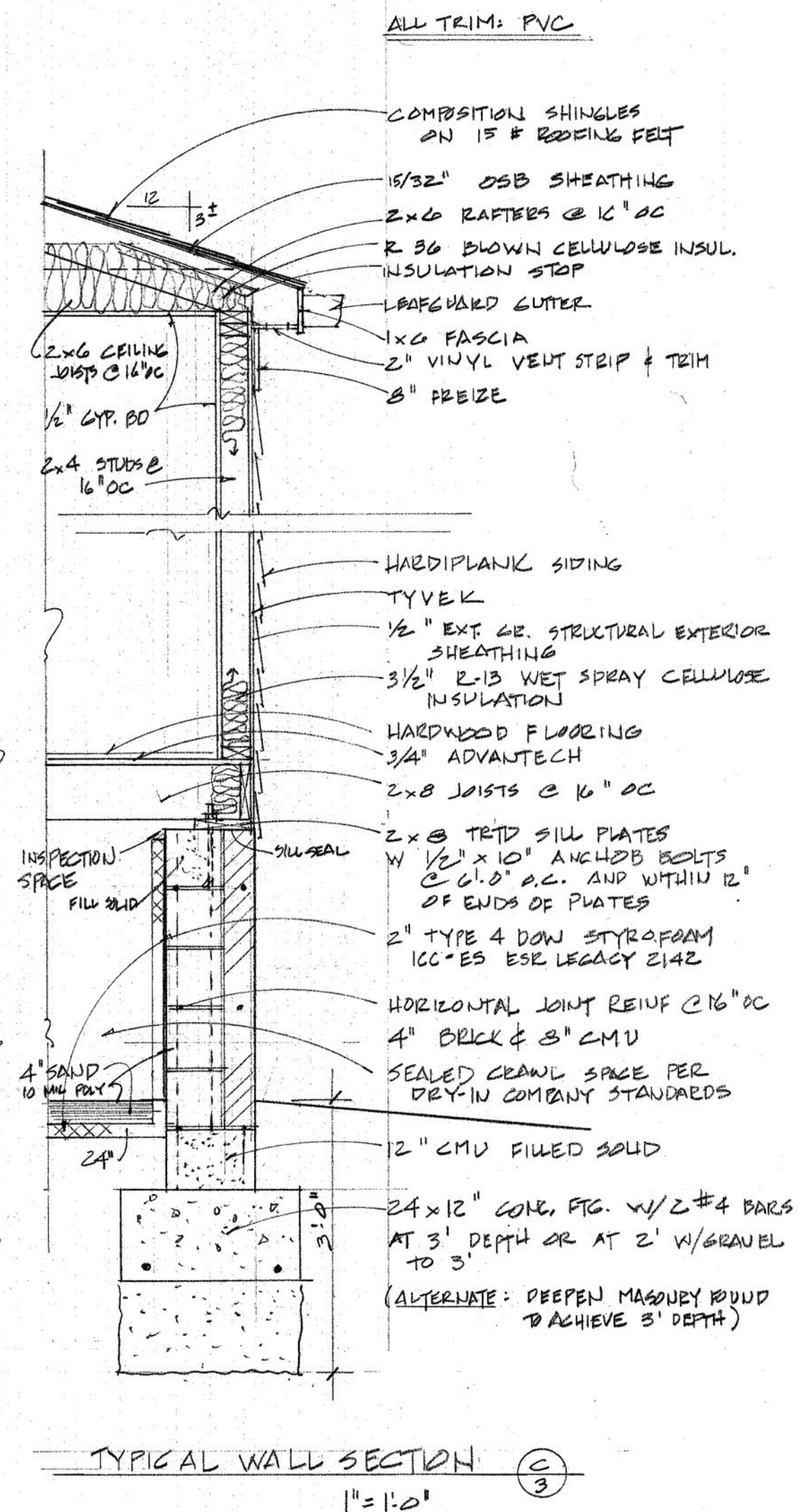
**Hunt Residence Alterations**  
126 Shellbank Drive, Williamsburg, VA 23185

Date	5-13-11
Scale	AS SHOWN
Drawn	PSG
Job #	21013
Sheet	2
Of 4	Sheets





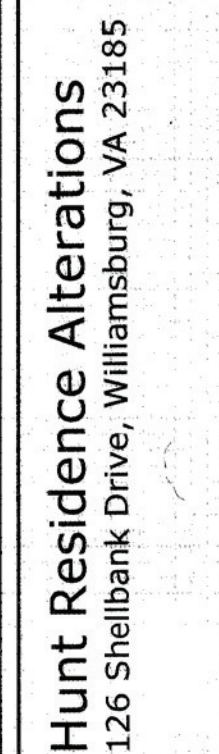
SECOND FLOOR PLAN  
1/4" = 1'-0"  
(PHASE 2 CONSTRUCTION)



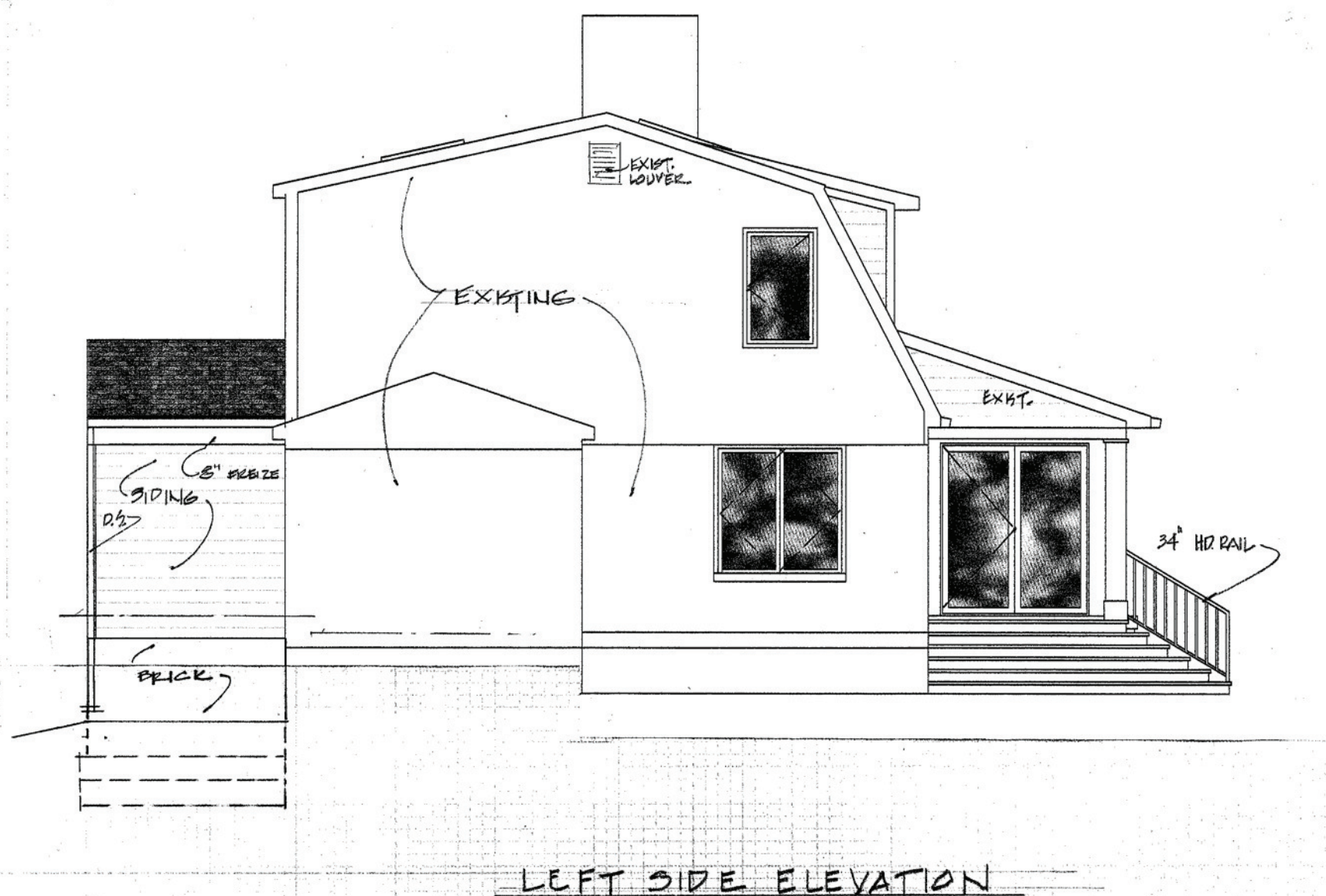
TYPICAL WALL SECTION (C  
3)



**Roger S. Guernsey, Architect**  
113 Shellbank Drive, Williamsburg, VA 23185  
757-229-9496  
rogerguernsey@gmail.com



Date	5-13-11
Scale	$\frac{1}{4}'' = 1'-0''$
Drawn	RSG
Job	#21013
Sheet	4
Of	4 Sheets







## MEMORANDUM COVER

**Subject:** ZO-0006-2011, Development Standards Ordinance Amendments and ZO-0014-2011, Exterior Signage

**Action Requested:** Shall the Planning Commission recommend approval of the Development Standards ordinances and proposed sound wall guidelines, community character buffer landscape treatment guidelines, community character corridor buffer treatment map, outstanding specimen tree option guidelines, streetscape policy, and Pedestrian Accommodation Master Plan to the Board of Supervisors?

**Summary:** Staff has drafted ordinances, policies, guidelines, and maps for the development standards items including sound walls, outdoor lighting, landscaping, parking, private streets, pedestrian accommodations, timbering, floodplain, and exterior signage. Changes made to the ordinances since the last review by the Policy Committee in June as a result of Board requests and County Attorney office reviews have been outlined in the attached memo.

Staff recommends that the Planning Commission recommend approval of the attached development standards ordinances, policies, guidelines, and maps to the Board of Supervisors.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes ☐ No ☒

**Development Manager**  
Steven W. Hicks \_\_\_\_\_

**Planning Director/Assistant  
Development Manager**  
Allen J. Murphy, Jr. \_\_\_\_\_

**Deputy County Attorney**

Adam R. Kinsman \_\_\_\_\_

**Economic Development Director**

Russell C. Seymour \_\_\_\_\_

**Attachments:**

List all attachments

1. Minutes of the July 26, 2011 Board of Supervisors work session
2. Development standards definitions
3. Sound wall guidelines
4. Outdoor lighting ordinance
5. Landscape ordinance
6. CCC buffer landscape treatment guidelines
7. CCC buffer landscape treatment designation map
8. Outstanding specimen tree option guidelines
9. Streetscape policy (amended)
10. Parking ordinance
11. Private streets ordinance
12. Pedestrian accommodations ordinance
13. Pedestrian accommodations master plan
14. Timbering ordinance
15. Floodplain ordinance
16. Exterior sign ordinance

**Agenda Item No.:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## MEMORANDUM

DATE: October 5, 2011

TO: Planning Commission

FROM: Luke Vinciguerra, Planner  
Scott Whyte, Senior Landscape Planner  
Leanne Reidenbach, Senior Planner II  
Melissa C. Brown, Zoning Administrator

SUBJECT: ZO-0006-2011, Development Standards Ordinance Amendments  
ZO-0014-2011, Exterior Signs

---

Staff has drafted final ordinance language, guidelines and policies for multiple items that fall into the development standards category. The following specific sections are included in this category:

1. Sound walls
2. Exterior signs
3. Outdoor lighting
4. Landscaping
5. Parking standards
6. Private streets
7. Pedestrian accommodations
8. Timbering
9. Floodplain

The Policy Committee discussed initial proposals for the above items at meetings in February 2011, and the Board discussed these items at work sessions in February and March 2011. The Policy Committee considered draft ordinance and policy language in June and the Board discussed development standards at the July 26, 2011 work session.

The attached materials are associated with Stage III final review of development standards ordinances. Staff is anticipating bringing the final ordinances before the Board of Supervisors in November for final adoption. Definitions that will be added or amended are included in attachment 2. The amendment to the definitions section of the ordinance will be presented at the conclusion of the update process and will include definitions for all sections. The following list represents a brief summary of each of the above items and any change incorporated as a result of the July Board work session.

1. Sound walls

Staff created a set of draft guidelines to assist in work with the Virginia Department of Transportation (VDOT) on sound wall design and construction. The intent is to communicate James City County's expectations for effective, aesthetically pleasing, and cost effective walls before any design work is done to better ensure certain standards are included in the final product.

*The Policy Committee supported staff's proposed guidelines and the Board requested changes to the policy to add emphasis on avoiding or reducing the need for sound walls through transportation planning practices. Changes in the introduction to the sound wall guidelines reflect this. Staff also did made additional edits for grammar and clarity.*

ZO-0006-2011, Development Standards Ordinance Amendments  
ZO-0014-2011, Exterior Signs

October 5, 2011 Planning Commission

2. Exterior signs

The draft ordinance for exterior signs includes updates that permit setback reductions to less than five feet from the property line when it can be demonstrated that the line of sight for motorists is not affected and such location maintains consistency with surrounding signage. Also, the ordinance includes requirements to limit directional signs to no more than seven feet in height. Finally, staff proposes adding changeable, digital LED fuel pricing when permitted in accordance with Section 24-73(m) to the exclusions listed in the definition for flashing signs.

*The Policy Committee supported staff's proposed ordinance revisions with the request that staff consider the impact of changes to location requirements for freestanding signage. Staff has removed the requirement for locating the freestanding sign at the entrance.*

3. Outdoor Lighting

The draft ordinance revisions for outdoor lighting are intended to apply dark sky principles to areas of development other than the existing parking lot lighting regulations, to promote energy efficient designs, and to protect citizens against the adverse effects of light pollution. The highlights of the ordinance include requiring full cut-off fixtures for all outdoor lighting proposals, requiring all outdoor fixtures to be shown on lighting plans, and requiring Iso-footcandle diagrams for the illumination of horizontal surfaces. The new ordinance consolidates all outdoor lighting requirements into one new section of the zoning ordinance.

*The Policy Committee supported staff's proposal and suggested changing glare requirements for parking lots to allow spill-over for adjacent, off-site pedestrian accommodations. The Board did not request any changes. Since the Board work session, staff has amended to the ordinance to allow light to spill onto pedestrian accommodations in adjacent rights of way. Several changes were also made upon the advice of the County Attorney's office, namely restructuring the ordinance to improve flow. Staff also added information regarding the definition and waiver provisions for glare.*

4. Landscaping Ordinance

a. Tree Clearing and Protection

Staff incorporated new tree clearing and protection and phased clearing language into the existing landscaping section of the zoning ordinance, created a new Outstanding Specimen Tree Option, and proposed amendments to the Streetscape Policy. The Outstanding Specimen Tree Option gives developers an incentive to preserve outstanding specimen trees on development sites by providing five tree credits for every selected preserved tree. The amendments to the Streetscape Policy prescribe the amount of area between a proposed street tree and the existing right of way and adjust the suggested tree species list.

*The Policy Committee supported staff's proposals but suggested clarifying the requirements for tree clearing and protection plans whenever a site plan is required, expanding the required narrative to include language that states that no adverse impacts are created that result in damaged trees on adjacent properties, and clarifying language in the phased clearing section. The Committee also suggested clarifying the language in the introductions of the Outstanding Specimen Tree Option and the Streetscape Policy. During the work session, the Board requested that staff investigate incentivizing additional plantings to mitigate those lost through the development process, or linking the landscaping requirements or incentives to the Chesapeake Bay Preservation Ordinance and/or the Special Stormwater Criteria. Staff found that the County routinely receives expanded buffers, better site design features, conservation areas, minimized*

*impervious cover, and contiguous open space through the legislative process. These are encouraged and accommodated, but not easily required, in the landscape ordinance. The Board also requested that staff investigate the possibility of drafting a Residential Tree Preservation Policy, which staff is still researching. Finally, upon the direction from the County Attorney's office, staff amended the tree clearing and protection provisions to better reflect enabling legislation in the state code.*

b. Community Character Corridor Buffer Treatments and Parking Lot Landscaping

Staff drafted Community Character Corridor (CCC) buffer landscape treatments guidelines with sample drawings, a map designating the type of landscape treatment for every CCC in the County, and amendments to the ordinance to reference the buffer landscape treatment designations. The outdoor operations section was relocated to the landscape section to consolidate and simplify the requirements. Additional amendments were drafted for parking lot design and parking lot landscaping, primarily changing parking lot islands spacing from 150' to 90' and changing the spacing of parking lot trees from 75' to 99'. These changes are intended to reflect what the County typically receives in landscape proposals and to coordinate the parking lot design and parking lot landscaping sections. Other amendments to the parking lot landscape section include reducing the 35% evergreen tree requirement to 25% and requiring parking lot islands to be excavated and back filled with top soil to ensure suitable growing areas.

*The Policy Committee supported staff's proposals and suggested minor changes to clarify language in the buffer treatment descriptions. Staff made these changes in the attached version of the ordinance. The Board did not request any additional changes.*

5. Parking

The draft ordinance for parking standards includes the following updates: addition of an administrative waiver process by which applicants can propose an alternative number of spaces less than the ordinance requirement, establishment of a cap of 120% of the minimum parking requirement, an adjustment to uses in high demand parking, a requirement to internally connect commercial development in Community Commercial and Neighborhood Commercial designated land, a reduction in the maximum parking bay size requirement to be consistent with the landscape ordinance, and an incentive to promote side and rear parking for commercial sites.

*The Policy Committee supported staff's proposed ordinance revisions, and the Board did not request any changes at its work session.*

6. Private Streets

Staff drafted a new consolidated ordinance section that clarifies when and where private streets are permitted and provides a construction standard waiver provision when an unusual street feature is proposed that would not be generally permissible by VDOT (staff enforces VDOT construction standards for private streets). Additionally, the proposed ordinance section clarifies that private streets shall meet VDOT construction and geometric standards unless waived.

*The Policy Committee supported staff's proposed ordinance section. The Board did not request any changes.*

7. Pedestrian Accommodations

The draft ordinance for pedestrian accommodations includes the following highlights: adding a reference to the new Pedestrian Accommodation Master Plan; providing exemptions for small or

temporary structures, industrial parks, and some office parks; referencing VDOT's Secondary Street Acceptance Requirements (SSARs) for pedestrian standards in the ordinance with parallel requirements for private streets; allowing a fee in-lieu-of constructing pedestrian accommodations option when they are shown on the Pedestrian Accommodation Master Plan and there are topographical hardships; providing the Planning Director with the ability to request right-of-way as a condition of any exception if needed; requiring internal connections to adjacent public facilities and to community amenities; and creating minimum construction standards based on VDOT's standards.

*The Board of Supervisors concurred with the Policy Committee's recommendation to change the Master Plan for Brick Bat Road from a sidewalk along a portion of the road to a multi-use path connecting Centerville Road to John Tyler Highway. This change is reflected in the attached revised Master Plan.*

8. Timbering

Based on feedback, staff researched surrounding and out-of-state localities and consulted with Billy Apperson of the Virginia Department of Forestry (DoF) to develop three draft ordinance options to address buffering and setbacks for timbering in A-1 areas outside the Primary Service Area.

*At the July work session, the Board asked staff to contact those property owners who would potentially be impacted by changes to the timbering ordinance. Staff mailed about 300 notifications and received 8 responses. This information was provided to the Board as a reading file at its September 13 meeting. The Board directed staff to pursue option 1, which addresses inconsistencies with State Code and comments from the DoF. No requirements for new buffers or pre-harvest plan submittals are included with this option, but staff anticipates developing a memorandum of agreement with the DoF for verbal notification of timbering operations.*

9. Floodplain

Changes to the floodplain ordinance included increasing the freeboard requirement for construction, requiring hydrologic and hydraulic studies for any encroachment into the floodplain, referencing the Virginia Uniform Statewide Building Code for the purposes of requiring flood proof construction, and changing the definition of flood.

*Since the last review and at the Policy Committee's request, Section 24-596 was amended to clarify that the natural unfilled building site requirement only applies to buildings and would still permit other structures such as docks and piers.*

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the Development Standards ordinances and the proposed Sound Wall Guidelines, Outstanding Specimen Tree Option Guidelines, Streetscape Policy, and Pedestrian Accommodation Master Plan to the Board of Supervisors.

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Luke Vinciguerra

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Scott Whyte

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Leanne Reidenbach

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Melissa C. Brown

CONCUR:

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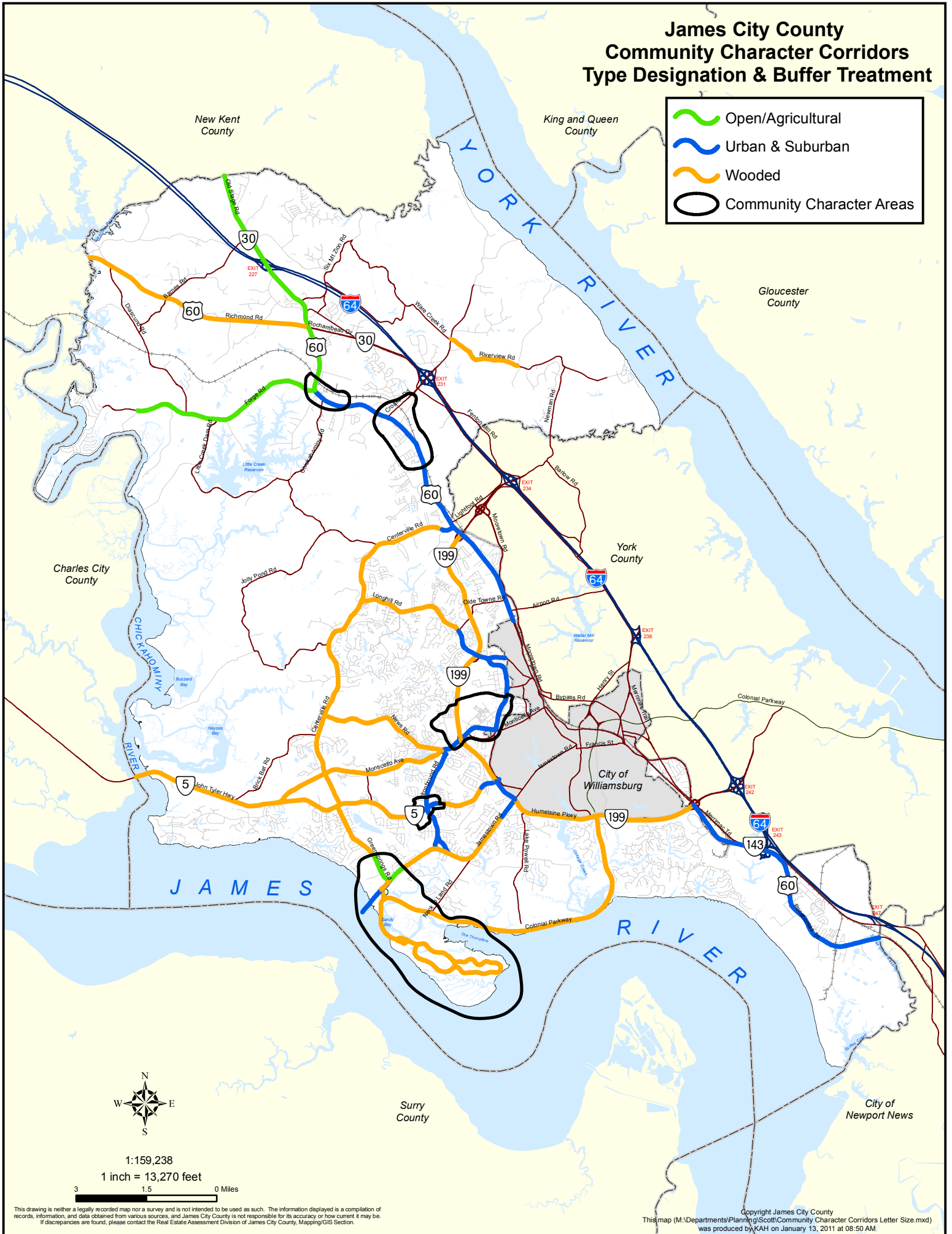
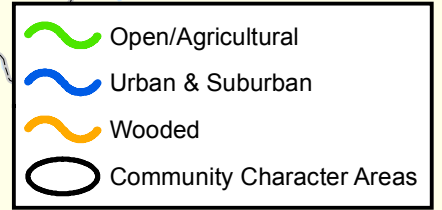
Steven W. Hicks

Attachments:

1. Minutes of the July 26, 2011 Board of Supervisors work session
2. Development standards definitions
3. Sound wall guidelines
4. Outdoor lighting ordinance
5. Landscape ordinance
6. CCC buffer landscape treatment guidelines
7. CCC buffer landscape treatment designation map
8. Outstanding specimen tree option guidelines
9. Streetscape policy (amended)
10. Parking ordinance
11. Private streets ordinance
12. Pedestrian accommodations ordinance
13. Pedestrian accommodations master plan
14. Timbering ordinance
15. Floodplain ordinance
16. Exterior sign ordinance



# James City County Community Character Corridors Type Designation & Buffer Treatment



## DEVELOPMENT STANDARDS DEFINITIONS\*

*\*Note that the below definitions are not under review for adoption at this time. They have been provided for context when reading proposed ordinances. The definitions will be part of a larger update to Article I, In General, Section 24-2, Definitions, which is scheduled for review in early 2012.*

### **Pedestrian Accommodations**

*Pedestrian Accommodations. A paved right-of-way for pedestrians and/or bicyclists that is separate and protected from the traveled portion of the roadway and is free of vehicular traffic that may include but is not limited to sidewalks and multiuse paths.*

### **Timbering**

*Timbering. Tree harvesting, cutting, or removal where the total amount of land on which tree cutting occurs exceeds 10,000 square feet, which is performed in accordance with accepted Virginia Department of Forestry best management practices for timber harvesting as determined by the state forester pursuant to § 10.1-1105 of the Code of Virginia, and which includes reforestation either by natural or artificial reforestation, or both.* 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 *that is currently under review by the county or has received final approval*; or
- (2) *Removal of tree stumps or conduct of other land disturbing activities; or*
- ~~(2)~~ (3) Removal of dead, diseased, dying, or insect damaged trees.

### **Floodplain**

*Flood or flooding*

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from ~~the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.~~
  - (a) *the overflow of inland or tidal waters; or,*
  - (b) *the unusual and rapid accumulation or runoff of surface waters from any source.*
  - (c) *mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.*
- (2) The collapse or ~~subsistence~~ *subsidence* of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.

~~Floodplain~~ *Flood-prone area.* Any land area susceptible to being inundated by water from any source.

## **Outdoor Lighting**

*Footcandle. A measure of light falling on a surface. One (1) foot-candle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away. Foot-candle measurements shall be made with a photometric light meter and with a specified horizontal orientation.*

*Lighting fixture. A complete lighting unit consisting of the lamp, lens, optical reflector, housing and an electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.*

*Lighting fixture, directionally shielded. A lighting fixture which emits a light distribution where some light is emitted at or above a horizontal plane located at the bottom of a fixture. Such fixtures may contain visors, louvers or other types of shields or lenses which are designed to direct light onto a targeted area and to minimize stray light.*

*Lighting fixture, full cut-off. A lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the lighting fixture.*

*Lighting plan. A diagram depicting the location of all light poles and building mounted lighting fixtures in a specified area and a numerical grid of the maintained lighting levels that the fixture will produce in that specified area*

*Lumen. A quantitative unit measuring the amount of light emitted from a light source.*

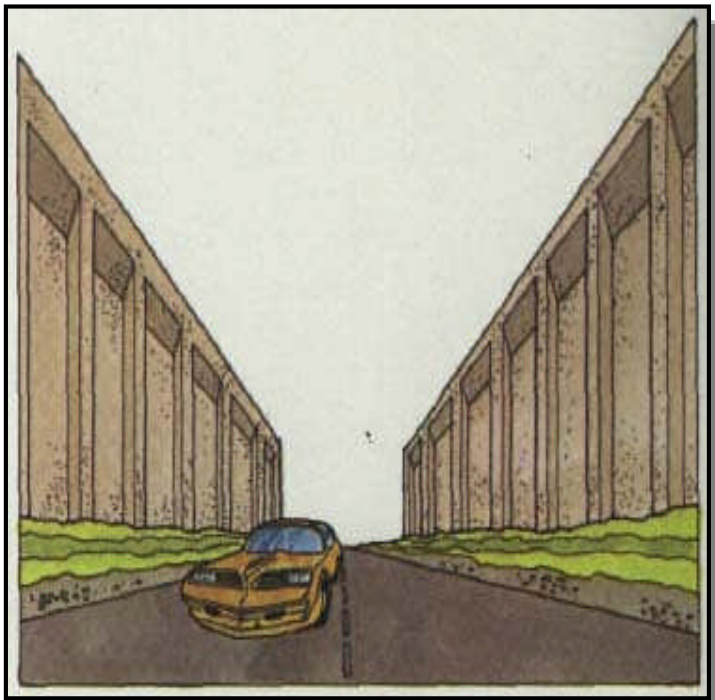
## SOUND WALL DESIGN GUIDELINES

Highway noise barriers tend to dominate their surroundings since they must be placed close to the roadway, frequently extend for thousands of feet along the right-of-way, and often must be over eight feet in height to be effective. The potential for adverse impact should be minimized by utilizing design principles in the planning process and by a thorough analysis of the site and existing conditions prior to design.

While it is James City County's intention to avoid the need for sound walls through effective land use and transportation planning, the need for such facilities may arise as the County grows. When other alternatives have been investigated and the remaining solution is a sound wall, these guidelines will establish a set of consistent specifications expected for building sound walls within the County. These specifications will help ensure that sound walls within the County are both effective sound barriers and aesthetically pleasing. The information below presents principle on eight design elements followed by specific guidelines for use within the County.

### I. PRINCIPLES OF LINE AND FORM

The line and form of a noise barrier are its two most dominant features. The line of a noise barrier is expressed as its outline in plan view, and as its top surface in elevation. Both are equally important visually to the motorist and highway neighbor. Long straight lines are monotonous and make a wall seem longer than it actually is. The effect on the motorist is that of being enclosed, as in a tunnel. High walls adjacent to a roadway tend to create anxiety in motorists - they slow down and unconsciously attempt to move away from the wall. The effect



of a high, straight wall on the highway neighbor is that of forced enclosure. Corresponding negative attitudes about the wall may develop particularly if the wall is bare and without visual interest. Therefore the designer should consider the line of the noise barrier as a possible adverse visual impact and examine alternatives for reducing this impact.

The line of a noise barrier should reflect similar lines of the surrounding environment. In rolling terrain, a straight line seems out of place and attention is drawn to that line. However, in flat terrain, where the horizon is visible as a straight line and the highway is straight, a straight line in a noise wall may be appropriate.

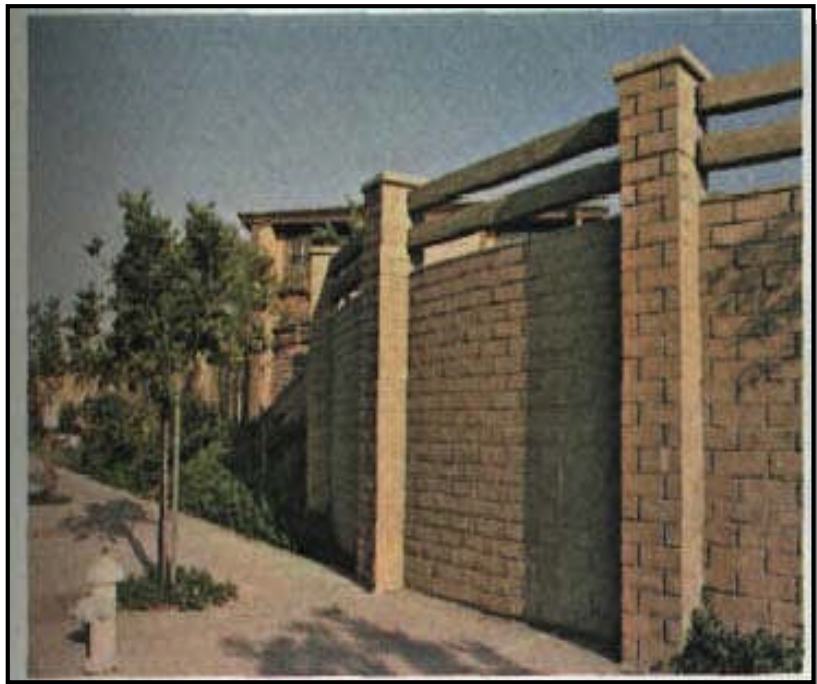
A uniform top line of a wall would be appropriate in this case.

Where horizontal lines are evident in nearby structures, a horizontal line would be suitable in a noise wall. In a situation where the horizon is composed of alternating heights of buildings, an appropriate top line of a wall might vary in height as a reflection of the lines on the horizon.

Horizontal lines within the wall tend to make an object appear longer and lower. Vertical lines within the wall have the effect of added height and tend to make an object appear narrower. Sound walls tend to be long and high; therefore, both horizontal and vertical lines, if used improperly, may emphasize undesirable features in a wall. Horizontal lines are difficult to utilize in rolling terrain and should be avoided in this situation. Vertical lines should be avoided on extremely high walls. Combinations of horizontal and vertical lines may be effective where extreme height is a visual problem. The introduction of a vertical element is the key to proper visual balance. A vertical line should be distinct and massive enough to register as such. Noise barriers, as strong horizontals, need a correspondingly strong vertical for asymmetrical balance. Strong verticals may be designed into a wall through the use of pilasters, which further serve as structural support.

Plantings can be effective means of emphasizing vertical lines in a noise barrier. Columnar trees can be used even where space is limited. The use of vertical lines in the form of trees or through wall design should be as an accent, a balance with the horizontal. One should not replace predominantly horizontal with predominantly vertical lines. Care should be taken to achieve a balance between the vertical and the horizontal lines in noise barriers.

Sound walls which begin and end abruptly and consist of straight, unbroken lines often appear to be discordant elements in the landscape. These should appear to be a part of the highway scene wherever possible, and not give the impression of being placed as an afterthought. Walls should begin





and end in a natural transition from ground plane to the desired height. Where space allows, the best transition is through the use of an earth berm or by tying the wall into the natural hillside. The line of the wall then appears to originate from the landscape.

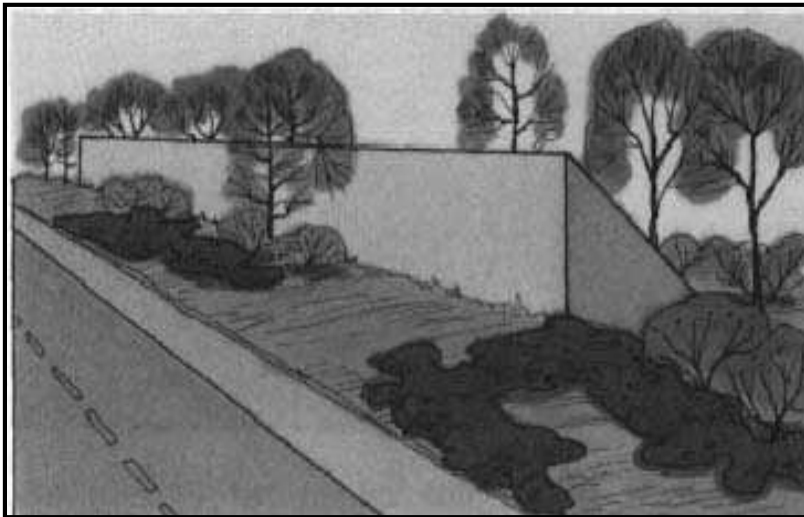


Figure 3 - Lines appear to be part of the landscape.

The line of a wall may vary in plan view in order to reduce the straight line effect. A series of jogs in a wall serve to break the monotony of a straight wall and create pockets which may be used for plantings.

The breaks may further be used as transition points for change in texture, color, or wall height. The line may vary in a curvilinear manner to produce a serpentine wall, which likewise creates visual interest in a wall, and provides the opportunity for planting pockets.



Figure 4 – Plant materials help soften the wall.

Plantings also may be used to break an undesirable line in a wall. Trees in front of a wall soften the harsh lines; the eye perceives the form and outline of the trees as one with the line of the wall. Vines allowed to grow over a wall will likewise soften an otherwise highly visible hard line. Tree groupings should alternate on both sides of a wall - the viewer becomes less aware of the line of the wall since it becomes part of a composition of forms, rather than a separate element.

## **GUIDELINES FOR THE USE OF LINE AND FORM**

The lines and form designed into sound walls within James City County should mimic the lines and forms in the natural surroundings. If the terrain is rolling hills, then the lines and form of the wall should have horizontal and vertical elements and if the terrain is primarily flat then the design should incorporate predominantly horizontal lines.

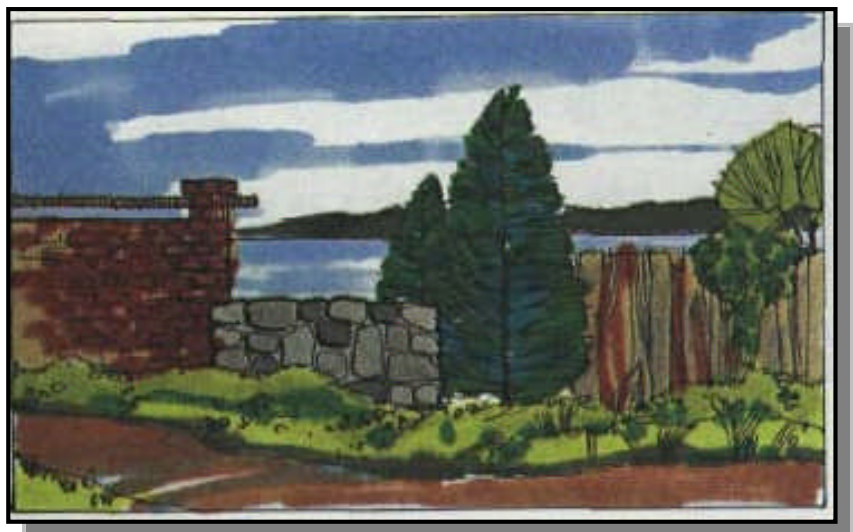
## **II. PRINCIPLES OF COLOR**

Harmonious colors tend to soothe, contrasting colors tend to attract the eye, and clashing colors irritate. A sound wall placed along the highway may evoke similar responses in the motorist, depending upon the colors chosen. The motorist should be directed past a barrier with as little visual disruption as possible, because the primary attention of the driver should be on the road ahead and local traffic conditions. The colors chosen for the barrier should reflect and harmonize with the predominant colors of the highway environment in which it is placed. They should not attempt to match the color of trees, grass, or shrubbery because they are not related to such natural features by form. Rather, harmonious colors should be utilized. When used on structures in the landscape, earth colors (browns and grays of various tones) help to blend the structures into their environment. Structures which utilize these colors seem to belong to the landscape - they appear to be part of the landscape, rather than an unharmonious element added as an afterthought.

Color interest and variety may be achieved through the use of plant materials instead of by direct application on barriers. The added advantage of plantings is in seasonal variation of color. Plants which change color in spring, summer, and fall, when used in conjunction with a barrier, will impart a seasonal variation in the barrier as well. In most cases, the barrier should be of a neutral color which blends with the environment, rather than attracting attention.

## **GUIDELINES FOR THE USE OF COLOR**

The color of sound walls within James City County should be a natural earth tone that blends into the color of the existing terrain but does not match the color of plant materials that are to be placed in front of the wall. The wall should be a neutral color that will help the plant materials placed in front stand out. Walls that are over ten feet in height and one thousand feet in length should incorporate two



**Figure 5 – Tone colors blend the walls with the landscape.**



colors to break up monotony and give the wall some added interest. Incorporating more than two colors should only be applied to walls that are extremely large, and is not recommended for the smaller applications found in James City County.

The color of the plant materials selected to go in front of the walls should compliment but not match the color of the wall. The color of the plants should vary so as the motorist drives along it creates a progression of colors.

### **III. PRINCIPLES FOR THE USE OF TEXTURE IN WALLS**

The use of texture on sound walls helps to create a pleasant variety for both the motorist and the resident. A motorist views a barrier at speeds up to 55 mph and has little opportunity to examine details. Most details flash by in a blur. Walls present good opportunities for textural treatment. Texture should be used wherever possible for maximum visual potential. Cast-in-place and precast concrete has flexibility for variations in surface texture. Texture may be created during the casting process or applied afterward.

**Figure 6 – A mixture of texture adds interest to the wall.**



Exposed aggregate finishes create interesting textures, particularly where coarse aggregate is used in the mix. This is also effective when used alternately with other textures. The added advantage of exposed aggregate is low light-reflectance which helps to reduce the visual impact of the barrier. Wall colors can be varied, depending on the color of the aggregate.

Effects created in the casting process that result in areas of shadow help to create texture and break up the visual monotony of a plain wall. These may be created through the use of rustication strips or grooves placed in the forms, or by variation in the form itself. Horizontal overhangs or vertical jogs in a wall should be deep enough to cast a discernable shadow visible from a distance.

Perhaps the most visually effective method of creating texture in concrete is by using a combination of methods and textures, particularly for long and high barrier walls. Interesting effects may be obtained by varying the texture of a long section of wall; however, textures should be compatible and similar in contrast. Rarely should more than two textures be used on the same wall; the designer should avoid alternating textures in even, repetitive patterns. By varying the textures of the wall and textures of the plant materials the designer can create interest and break up monotony.

The texture between the plants and the wall should differ slightly and offer some contrast so the plants will stand out and not blend into the wall. Applying too many textures to the same wall can result in cluttered appearance that is not easily ignored by passing motorists.

### **CREATING TEXTURE WITH PLANTS**

Each type of noise barrier presents the opportunity for textural variation, which will aid in public acceptance of the barrier. Textural variation in earth berms can, perhaps, be best accomplished through the use of plantings. Plantings on the highway side should be arranged in large groupings or masses of a single plant type, size, or color. Plants with large leaves represent the coarsest textures and should be used "en masse" where this texture is desired. Massing should be in irregular, free-form patterns of varying size, rather than equally spaced and repetitive. There should be a contrast between the texture of the wall and the texture of the plants.

### **GUIDELINES FOR THE USE OF TEXTURE**

Sound walls within James City County should be designed so that the texture on the motorist side of the wall is a course texture that can be seen at high speeds and the residential side of the walls should have a fine texture that is easily seen by slow moving pedestrians.

James City County does not recommend using more than two textures on sound walls and using even, repetitive treatment of textures on long walls.

### **IV. PRINCIPLES OF CONTRAST**

A noise barrier may contrast with its surroundings by its line, form, texture, or color. In residential areas, the barrier should be unobtrusive and, therefore, low in contrast. On the highway side, a barrier should blend rather than contrast with the surroundings since high contrast is distracting to the driver. Plantings can either increase or decrease contrast of a noise barrier. Plantings that are similar in form, color and texture to other native plants present in the area help to reduce the contrast of a noise barrier. Plantings that are unique in form or color or that are dissimilar to native plants in an area tend to increase contrast. Likewise, to decrease contrast, plantings should be arranged in informal, natural groupings rather than in obvious, equally spaced, patterns.

Contrast may also be increased or decreased via color of the barrier itself. Where high contrast is desired, lighter colors or wall graphics may be used effectively. Darker, earth colors tend to reduce contrast. The designer should examine the site and surroundings in order to determine the predominant natural colors and choose similar or harmonious colors for the noise barrier where low contrast is desired.



Figure 7 - Less contrast would have helped blend this wall into its surroundings.

## **GUIDELINES FOR THE USE OF CONTRAST**

The design of sound walls in James City County should incorporate construction materials and plants that contrast slightly to their surroundings, helping to make the wall seem to be part of the landscape while contrasting enough to make the planting in front of the walls stand out. Line, form, color, and texture all contribute to contrast and each should be considered when choosing construction materials and plants.

### **V. PRINCIPLES OF SEQUENCE**

Travel on a highway is a continuous, ever-changing experience of vision and motion. A planned sequence of events creates interest for the moving observer; a static event creates monotony. A sound wall can create a pleasant visual experience for the motorist through a progression or planned sequence. The transition from ground plane to maximum barrier height should be a sequence of gradually increasing steps or a continuous sweeping line to help create this effect. A sequential experience may be created through the arrangement of plantings, by a gradual increase in height of trees and shrubs. Plant masses can be used to define a space by becoming, in effect, the walls of the enclosure. Varying the position of these masses with respect to the road creates a succession of confined and relatively open spaces. This pleasant feeling of motion and rhythm imparted to the moving observer tends to dramatize the experience of passing through the space.

## **GUIDELINES FOR SEQUENCING**

A sense of sequencing should be an element of all sound walls within James City County. Sequencing should be designed into the wall and the landscaping. Longer sound walls should have sequencing in the height of the wall and create areas that change the distance from the wall to the road. Indentations in the wall can create attractive niches that help break up the long expanse of wall and add a series of interesting spaces that change as the motorist moves by. Such indentations enable the designer to incorporate sequenced changes to the landscape and wall. Landscaping should be an informal design that changes as you progress along the wall. Groups of trees and shrubs should be utilized, repetitive treatments should be avoided. Treatment should change as the motorist moves along to pull the eye along the progression.

### **VI. PRINCIPLES OF DOMINANCE**

A dominant element attracts attention to itself in a visual scene. A noise barrier should not be the dominant feature along a highway. Dominance of a single element can be reduced through the introduction of other dominant elements which balance each other in the visual composition. Plantings in front of a barrier help to reduce visual dominance, particularly if the plantings are native varieties commonly found or present in an area. Color can also affect dominance. Brighter, contrasting colors make an object more dominant. Subdued, harmonious colors, similar to surrounding colors in intensity, tend to make an object less dominant. Wall design can also affect dominance of a noise barrier. Straight, high walls adjacent to the roadway appear imposing, an encroachment upon the space. Walls which step back in some way relieve this tight constricted feeling, and become less of a dominant element in the highway

environment. Similar patterns of dominance occur on the residential side of barriers, with equally similar effects upon the resident.

### **GUIDELINES FOR DOMINANCE**

Sound wall design within James City County should incorporate construction materials and plantings that reduce the visual dominance of the wall and emphasize the natural terrain and vegetation. The wall can appear to be part of the natural landscape by starting the placement of the wall from a wood line or berm and having the height increase as you progress and then decrease as you come to the end. The configuration of the wall should mimic the natural terrain and the landscaping should mimic the natural vegetation.

### **VII. PRINCIPLES OF LANDSCAPING**

The landscape treatment of sound walls should use plants that are similar to existing vegetation in the area and planted in an informal design that makes the wall appear to be part of the natural landscape. Repetitive uniform plantings should be avoided. Groups of plants placed in an informal pattern that pulls the eye along as you progress is preferred.

### **GUIDELINES FOR LANDSCAPING**

Sound walls built within James City County should always have landscaping installed in front and when possible have tall existing vegetation behind the wall. The County is aware



that it is not always possible for enough right of way area to be provided for landscaping. However every effort should be made to utilize as much area for landscaping that is practical. The landscape design should incorporate the design principles of line, form, texture color, dominance, sequencing, and dominance discussed above.

Figure 8 – Informal landscape design.



## **VIII. PRINCIPLES FOR USE OF CONSTRUCTION MATERIALS**

There are a wide range of construction materials available for sound wall construction, ranging from wood, steel, rock, concrete, concrete block, and precast. All of these materials offer their own aesthetic and sound absorbing or sound reflecting properties. Typically the precast systems offer the most flexibility in design and are most often the most economical choice.

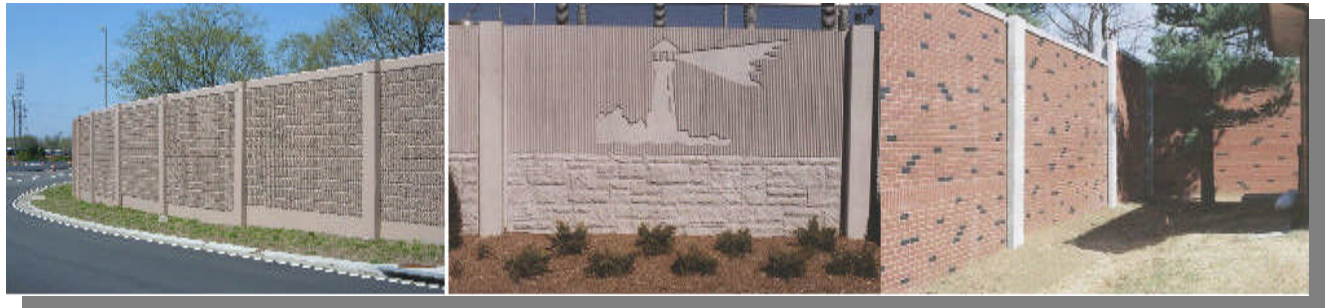


Figure 9 Pre cast concrete systems are economical and attractive and offer a wide variety of styles.

## **CONSTRUCTION MATERIAL GUIDELINES**

All sound walls within James City County should utilize the most aesthetically pleasing products that offer suitable sound absorbing properties, and are readily available on the market today. Since sound walls are primarily funded by the Federal Government, efforts to keep cost below the \$30,000.00 per effected resident standard should be made. James City County would consider any construction material that can provide the proper noise abatement and costs within the proposed budget. Aesthetics should be the primary emphasis when choosing the type of construction material used, with cost also taken into consideration.

## **IX. CONCLUSION**

The intent of these guidelines is to enable James City County to work closely with VDOT through the design process of sound walls. These guidelines will be made available to VDOT so the County's desired treatment of sound walls can be known before the design process begins. Once the design process begins the County shall be active in the public meetings portion. VDOT advertises the public meetings in local newspapers and sends out notices to the effected property owners. The meetings are typically held at local schools. It is the County's intent to have a representative at each of these meetings to advocate the design principles contained in these guidelines. The guidelines are intended to enhance the operation of these meetings by making the County's preferences known ahead of time and to ensure that the design of sound walls within the county are designed to be efficient sound mitigation facilities that are cost effective and aesthetically pleasing.

The following bullet points summarize the James City County's expectations for the design and construction of sound walls.

- The line and form of sound walls should mimic the line and form found in the natural landscape making the wall appear to belong as an element of the natural topography.
- Colors in sound walls should be earth tones that blend into the natural surroundings, and no more than two colors should be used.
- Textures used in sound walls should be compatible similar in contrast. Rarely should more than two textures be used on the same wall. The textures of plant materials should contrast slightly with the texture of the wall to make the plants stand out.
- Sound walls should contrast with their surroundings only slightly so the wall blends into the natural landscape. Some contrast between the wall and plant materials should exist to make the plants stand out but not enough to be distracting.
- Sound walls should be designed to create a progression of line, form, color, texture and contrast known as sequencing. Sequencing should add changing interest to the wall and pull the eye along as one progress along the wall.
- Sound walls within James City County should never dominate their surroundings. Sound walls should be designed to reduce the visual dominance of the wall and emphasize the natural terrain and vegetation.
- All sound walls in James City County should have landscaping install in front when possible. Every effort should be made to provide a planting area. The landscape design should incorporate elements of line, form, color, texture, and contrast to reduce the visual dominance of the wall and make it blend into the natural surroundings. Landscaping should soften the wall and create a progression that pulls the eye along as one proceeds.
- Construction materials should be selected based on their aesthetic value and sound absorbing properties. The cost of materials should also be considered and an effort to keep cost below the proposed budget should be made.

**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, BY ADDING DIVISION 7, OUTDOOR LIGHTING, SECTION 24-129, STATEMENT OF INTENT; SECTION 24-130, LIGHTING PLAN SUBMISSION; SECTION 24-131, REQUIRED LIGHTING; 24-132, STANDARDS; SECTION 24-133, INSTALLATION OF LIGHTING FIXTURES; SECTION 24-134, MAINTENANCE; SECTION 24-135, SIGNS; SECTION 24-136, STREETLIGHTS IN RESIDENTIAL SUBDIVISIONS.

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, by adding Division 7, Outdoor Lighting, Section 24-129, Statement of intent; Section 24-130, Lighting plan submission; Section 24-131, Required lighting; 24-132, Standards; Section 24-133, Installation of lighting fixtures; Section 24-134, Maintenance; Section 24-135, Signs; Section 24-136, Streetlights in residential subdivisions.

Chapter 24. Zoning  
Article II. Special Regulations  
*Division 7. Outdoor Lighting*

*Section 24-129. Statement of intent.*

*The intent of this ordinance is to require and set minimum standards for outdoor lighting to provide for and control lighting in outdoor public places so as to promote public health, safety and welfare. These standards are intended to protect drivers and pedestrians from the glare of non-vehicular light sources; protect neighbors, and the night sky from nuisance glare and light trespass from improperly selected,*



*placed, aimed, applied, maintained or shielded light sources; promote energy efficient lighting design and operation; and protect and retain the intended visual character of the county.*

**Section 24-130. Lighting plan submission.**

*Where site lighting is required by this section, or is proposed by an applicant, lighting plans shall be submitted for county review and approval for site and subdivision plans. The lighting plan shall include the following:*

*(a) The layout of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed landscaping as shown on the landscape plan, and adjacent uses.*

*(b) The location of all proposed and existing light fixtures, including but not limited to, area, architectural, building entrance, canopy, soffit, landscape, flag, and sign.*

*(c) For all lighting of predominantly horizontal surfaces specified in Section 24-132(a), an isofootcandle diagram that includes all light fixtures. The diagram shall depict the aiming angle of all fixtures and the projected foot-candle pattern to at least the 0.1 foot-candle level.*

*(d) Details for each fixture, or category of fixture, showing the type, pole design, mounting height, and wattage.*

**(e) Required Plan Notations:**

*(1) Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the county for review and approval prior to installation. Requests for substitutions shall be accompanied by a lighting plan that meets all requirements of this section and which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the approved plan.*

*(2) The county reserves the right to conduct post-installation inspections to verify compliance with the requirements of this section and the approved lighting plan commitments, and if deemed necessary, to require remedial action at no expense to the county.*

*(f) Upon written request by the applicant, the planning director may waive any requirement listed above after finding that such information would not be germane to the use and type of lighting proposed.*

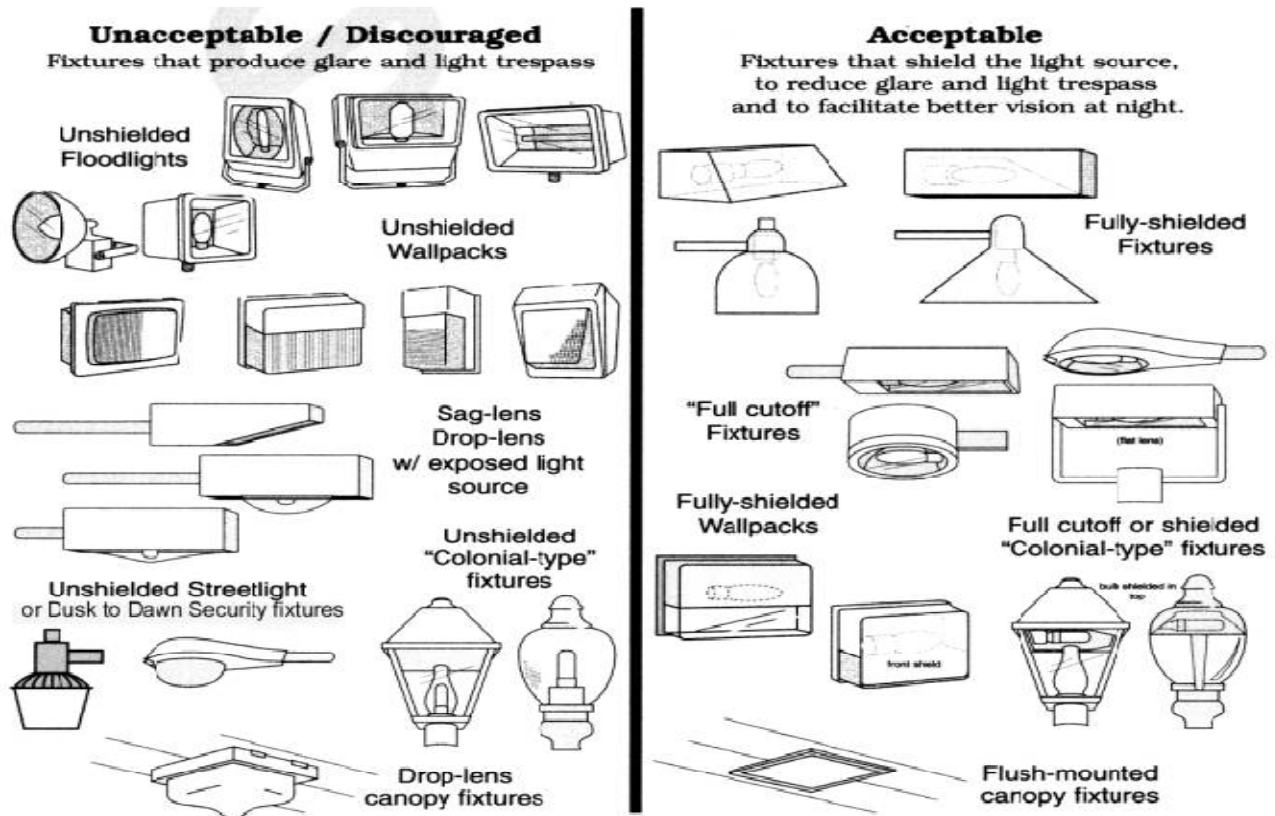
**Section 24-131. Required lighting.**

*Adequate lighting shall be provided for the entrance and parking lot of uses which will be in operation at night. All other lighting proposed by an applicant (such as landscape lighting and sign illumination) is optional, but where proposed, must meet the requirements of this Division.*

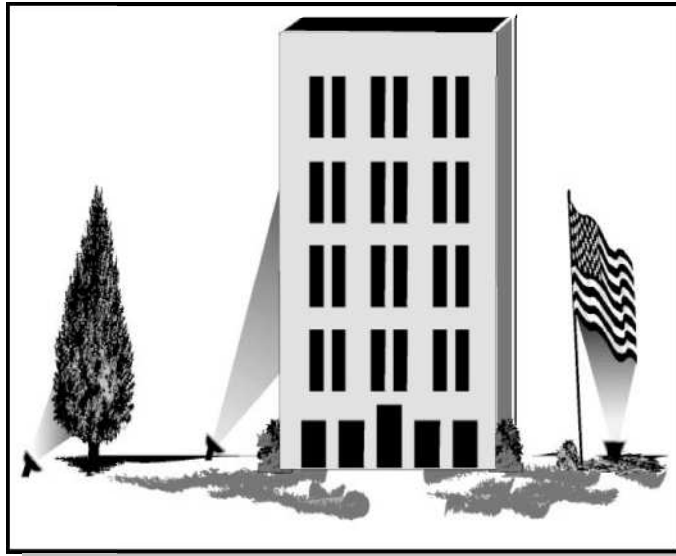
**Section 24-132. Standards.**

*All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers by impairing their ability to safely traverse the roadway and so as not to create a nuisance by projecting or reflecting objectionable light skyward or onto a neighboring use or property.*

*(a) Lighting of predominantly horizontal surfaces. For the lighting of predominantly horizontal surfaces, light fixtures shall be full-cutoff fixtures that meet Illuminating Engineering Society of North America (IESNA) criteria, and shall be aimed straight down (see graphic below). Examples of predominantly horizontal surfaces include, but are not limited to, parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, under-canopy lighting (automotive-fuel dispensing facilities, drive-thrus, etc.), automotive sales areas, loading docks, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances.*



*(b) Lighting of predominantly non-horizontal surfaces. For the lighting of predominantly non-horizontal surfaces, light fixtures shall be full-cutoff or directionally shielded and shall be aimed and controlled so that light is confined, as much as possible, to the objects that are intended to be lit and does not project into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway. Examples of predominantly non-horizontal surfaces include, but are not limited to, buildings, facades, landscaping, signs, displays, flags, and statuary, when their use is specifically permitted by the county. All outdoor lighting associated with illuminating signage shall be required to follow specifications for sign lighting found in Article 2, Division 3.*



***Lighting used for architectural/landscaping lighting shall be aimed and controlled so that light is confined, as much as possible, to the objects that are intended to be lit.***

*(c) Light trespass. Light trespass, defined as light intensity measured at 0.1 foot-candle or higher extending beyond any property line or into the public right-of-way, shall be prohibited. In cases where there is a public pedestrian accommodation located within an adjacent public right-of-way, light intensity greater than 0.1 foot-candle may cross into the right-of-way in order to light the pedestrian accommodation. In all other instances, the applicant may request a waiver to allow for a light intensity higher than 0.1 foot-candle to extend beyond a property line only upon written application to the planning director. In evaluating such a waiver, the planning director shall consider the type of lighting, impact on adjacent properties and roadways, and any circumstances that are unique to the property and are not applicable generally to other property.*

*(d) Fixture height. Pole mounted fixtures shall not exceed 30 feet in height. Height of the light fixture shall be the distance from ground or finished grade level to the highest point. Upon application to the planning director, the applicant may request a waiver to allow for the height to be raised to a height in excess of 30 feet up to the height of the main structure on the property or a maximum of 60 feet above*

*grade, whichever is less. Fixtures mounted on poles which are intended for the illumination of athletic fields shall only be subject to the height limitations of the zoning district.*

*(e) Coordination with landscape plan. The applicant shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.*

*(f) Temporary lighting. Upon written request of the applicant, temporary use of spotlights, floodlights and other specialized lights which do not meet the standards specified above may be approved by the planning director. In this context, temporary lighting shall mean lighting used at events of a special or season nature. Conditions may be attached to such approval at the discretion of the planning director.*

*Section 24-133. Installation of lighting fixtures.*

*(a) Poles and brackets for supporting light fixtures shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved.*

*(b) Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved.*

*Section 24-134. Maintenance*

*Light fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this ordinance.*

*Section 24-135. Signs.*

*All outdoor lighting used to illuminate signage shall be required to follow specifications for sign lighting found in Article 2, Division 3.*

*Section 24-136. Streetlights in residential subdivisions.*

*All outdoor lighting associated with streetlights in residential subdivisions shall only be required to follow the specifications found in Chapter 19 Subdivision Ordinance.*

**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; BY DELETING SECTION 24-41, OUTDOOR OPERATIONS AND STORAGE; AND BY AMENDING AND RENAMING SECTION 24-86, LANDSCAPING AND TREE PRESERVATION REQUIREMENTS; BY AMENDING SECTION 24-87, ADMINISTRATION; BY RENUMBERING SECTION 24-88, MODIFICATION, SUBSTITUTION, TRANSFER, WITH NEW NUMBER 24-91; BY AMENDING AND RENUMBERING SECTION 24-89, TREE PROTECTION AND CRITERIA FOR TREE REMOVAL FOR ALL USES REQUIRING A LANDSCAPE PLAN, WITH NEW NUMBER 24-88; BY RENUMBERING SECTION 24-90, SIZE REQUIREMENTS FOR NEW PLANTINGS, WITH NEW NUMBER 24-92; BY AMENDING AND RENUMBERING SECTION 24-91, SUMMARY OF DEFINITIONS FOR TREES AND SHRUBS, WITH NEW NUMBER 24-93; BY RENUMBERING SECTION 24-92, PLANT MATERIAL STANDARDS, WITH NEW NUMBER 24-94; BY AMENDING AND RENUMBERING SECTION 24-93, TREE CREDITS, WITH NEW NUMBER 24-95; BY AMENDING AND RENUMBERING SECTION 24-94, GENERAL LANDSCAPE AREA STANDARDS, WITH NEW NUMBER 24-96; BY RENUMBERING SECTION 24-95, LANDSCAPE AREAS ADJACENT TO BUILDINGS, WITH NEW NUMBER 24-97; BY AMENDING AND RENUMBERING SECTION 24-96, LANDSCAPE AREA(S) ALONG RIGHT(S)-OF-WAY, WITH NEW NUMBER 24-98; BY AMENDING AND RENUMBERING SECTION 24-97, OFF-STREET PARKING LOT LANDSCAPING, WITH NEW NUMBER 24-99; BY AMENDING AND RENUMBERING SECTION 24-98, SCREENING, WITH NEW NUMBER 24-100; BY AMENDING AND RENUMBERING SECTION 24-99, LANDSCAPE REQUIREMENTS BY ZONING DISTRICT, WITH NEW NUMBER 24-101; AND BY ADDING NEW SECTIONS 24-89, PHASED CLEARING PLAN; SUBMITTAL REQUIREMENTS; AND 24-90, GENERAL STANDARDS.



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, by amending Division 1, In General; and by amending Division 4, Landscaping; by amending Section 24-86, Statement of intent; Section 24-87, Administration; Section 24-88, Tree protection and criteria for tree removal for all uses requiring a landscape plan; Section 24-89 Phased clearing plan; submittal requirements; Section 24-90, General standards; Section 24-91, Modification, substitution, transfer; Section 24-92, Size requirements for new plantings; Section 24-93, Summary of definitions for tree shrubs; Section 24-94, Plant material standards; Section 24-95, Tree credits; Section 24-96, General landscape area standards; Section 24-97, Landscape areas adjacent to buildings; Section 24-98, Landscape area(s) along right(s)-of-way; Section 24-99, Off-street parking lot landscaping; Section 24-100, Screening; Section 24-101, Landscape requirements by zoning district.

## Chapter 24

### Article II. Special Regulations

#### Division 1. In General

##### ~~Sec. 24-41. Outdoor operations and storage.~~

~~Any commercial or industrial operation or storage conducted in whole or in part out of doors shall:~~

- ~~(1) Set back a minimum of 35 feet from the right of way of any street identified on a functional classification with a right of way 50 feet or greater in width and 60 feet from the centerline of any street identified on a functional classification with a right of way less than 50 feet in width, except that the outdoor display of plant materials shall be set back ten feet from any road right of way 50 feet or greater in width and 35 feet from the centerline of any road right of way less than 50 feet in width; 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 the outdoor displays for sale of vehicles, equipment, machinery and plant materials are exempt from the screening requirements where such screening would 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 measured at the nearest property line.~~

## Article II. Special Regulations

### Division 4. Landscaping

Sec. 24-86. ~~Landscaping and tree preservation requirements.~~ *Statement of intent.*

~~The purpose of this section is to promote the public health, safety and welfare by providing for the preservation, installation and maintenance of trees and plant materials which will:~~

*The purpose of this article is to promote the preservation and planting of trees in order to safeguard and enhance residential and commercial real estate values; reduce noise, glare, and heat; conserve energy; buffer noise and wind; mitigate storm water runoff; protect properties from erosion; and provide habitats for wildlife.*

*These objectives will be realized through regulatory measures which seek to encourage planting of trees and discourage their removal and promote preserving specimen trees. The preservation, installation, and maintenance of plant materials will:*

- (1) Ensure development which is consistent with the goals of the Comprehensive Plan related to natural resources, environmental and land use standards, Community Character Corridors, and aesthetics;
- (2) Retain the historic and natural character of James City County by reducing the visual impact of signs, parking lots, buildings and structures and protecting, preserving and enhancing its natural physical wooded character with emphasis on preserving the existing tree canopy and other indigenous vegetation and providing such canopy and vegetation where it does not exist;

- (3) Minimize the environmental and land use impacts of developments associated with noise, glare, dust and movement; changes in appearance, character and value of neighboring properties; and effects on air and water quality, stormwater runoff, groundwater recharge and soil erosion by preserving existing tree canopies and indigenous vegetation and restoring such canopies and vegetation and providing other landscape features;
- (4) Promote traffic safety by controlling views and visually defining circulation patterns;
- (5) Provide more comfortable exterior spaces and conserve energy by preserving and providing tree canopies and other landscape features which provide shade and windbreaks; and
- (6) Ensure the location, type, and maintenance of plant materials creates and maintains a safe environment for users of the site.

Sec. 24-87. Administration.

- (a) *Landscape plan and tree clearing and protection plan; when required.* A landscape plan *and tree clearing and protection plan* is required for any site plan or subdivision plan for development subject to sections 24-100 (f) and (g) and shall be submitted at the time of application for plan approval. The landscape plan shall be prepared and approved in accordance with article III, Site Plan. The landscape plans shall also indicate the location of all existing and planned utilities *and any proposed outstanding specimen tree. The tree clearing and protection plan shall be prepared and approved in accordance with section 23-10 (3) of the County's Chesapeake Bay Preservation Ordinance. The landscape plans shall also indicate the location of all existing and planned utilities, and any proposed designated outstanding specimen tree as defined in section 24-93 of the zoning ordinance;*
- (b) *A narrative shall accompany the plan explaining how only trees necessary for the development of the site are proposed to be removed and that no adverse impacts are created on adjacent properties.*

~~(b)~~(d) *Landscape plan; who prepares.* A Virginia registered landscape architect, a member of the Virginia Society of Landscape Designers, or a Certified Virginia Nurseryman with experience preparing planting plans and landscape construction drawings, shall prepare landscape plans for projects that propose a new building or group of new buildings whose building footprint(s) exceeds 2,500 square feet; or propose site improvements which result in the disturbance of 5,000 or more square feet of land area.

~~(c)~~(e) *Plan requirements and determinations.* Where requirements of this section are based on zoning or planning designations, such designations shall be determined by the county zoning district map, Comprehensive Plan and Six-Year Secondary Road Plan and the official planning and zoning documents of the adjoining jurisdiction if applicable. Required landscape areas shall exclude any planned future right-of-way as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, ~~Peninsula Area~~ Long Range Transportation Plan, approved master plan, or any road plan adopted by the board of supervisors.

~~(d)~~(f) *Installation of required landscaping, performance guarantee.* Where a landscape plan is required, landscaping shall be installed and existing trees shall be preserved in conformance with the approved landscape plan. A certificate of occupancy shall not be issued until all landscaping has been installed in accordance with the approved landscape plan unless the installation of any incompletd landscaping is guaranteed as provided in section 24-8.

~~(e)~~(g) *Maintenance of landscaping.* The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials, fences and barriers as may be required by the provisions of this section. All plant materials, including existing trees preserved to meet the requirements of this section, shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. Fences and walls shall be maintained in good repair. Replacement material shall conform to the original intent of the approved landscape plan and any replacement planting shall meet the minimum requirements of this section.

Sec. 24-8988. Tree protection and criteria for tree removal for all uses requiring a landscape plan.

(a) *Standards for tree protection and impervious cover.* Existing mature trees shall be preserved except in impervious areas and impervious cover shall be limited to the extent permitted in the county's Chesapeake Bay Preservation Ordinance. Existing mature and specimen trees shall be integrated into the overall plan of development and shall be preserved so as to promote the intent of this section. The commission or planning director, depending upon the applicable review process, may require that certain mature trees or specimen trees be preserved upon determination that they contribute significantly to the character of the county and that preservation is necessary to satisfy the intent of this section. The purpose of this paragraph is to protect such trees and other amenities which could otherwise be lost due to careless site design or construction. All trees to be preserved shall be protected in accordance with the standards of this section.

(b) *Tree protection.*

- (1) All trees to be preserved shall be protected before, during and after the development process in accordance with specifications contained in the *Virginia Erosion and Sediment Control Handbook*. The applicant shall include a conservation checklist for review and approval by the ~~environmental~~ *the engineering and resource protection* director which shall ensure that the specified trees will be protected in accordance with these specifications.
- (2) Groups of trees shall be preserved rather than single trees. Trees or groups of trees to be preserved shall be clearly marked in the field.
- (3) Trees and groups of trees to be preserved shall be enclosed by a substantial, temporary fence or barrier as specified by the *engineering and resource protection* director. The location, type, and installation standards for protective tree fencing shall be clearly shown on the site plan. The fence or barrier shall be located and maintained outside the dripline before

commencement of clearing or grading. The fencing or barrier shall remain throughout construction and any subsequent grading or excavation unless otherwise approved on a clearing and grading plan. In no case shall materials, debris, fill, vehicles or equipment be stored within this enclosure, nor shall the topsoil layer be disturbed except in accordance with tree protection standards approved as part of the conservation checklist.

- (4) The developer shall be responsible for ensuring these areas are protected in accordance with this section. Where changes from the existing natural grade level are necessary, permanent protective structures, such as tree walls or wells, shall be properly installed in accordance with the *Virginia Erosion and Sediment Control Handbook*, as required by the **engineering and resource protection** director.

(c) *Tree removal:*

Outside impervious areas, trees may be removed in accordance with *sections 24-98 (f) (2) and (3)*.

***Sec. 24-89. Phased clearing plan; submittal requirements.***

- (a) *“Phased clearing” means the clearing or grading a parcel of land in distinct portions with the stabilization of each section before the cutting and removal of trees or grading of the next section. A phased clearing plan shall be required to be submitted with the tree clearing and protection plan on all sites disturbing greater than 25 acres. The size of each phase will be established at site plan review and as approved by the planning director or Development Review Committee (DRC) and the commission for plans meeting the criteria of section 24-147. Phased clearing plans and grading plans shall be coordinated to provide a balancing of cut and fill operations to minimize the need to transport fill materials on or off site. Exemptions to these phased clearing plan submittal requirements may be granted by the planning director for parcels that have an insignificant amount of existing trees or when it can be shown that*

*clearing the site in portions would be impractical and that phasing would not provide any economical, environmental, or public benefit.*

*Sec. 24-90. General standards.*

*(a) All tree removal shall be limited to the area required for the practical development of the site. No clear cutting shall be permitted except when it can be shown that the removal of vegetation is necessary for the development of the site. Clear cutting is defined as removal of large areas of existing vegetation in areas not necessary for the construction of buildings and or the infrastructure associated with the development.*

*(b) This ordinance strongly encourages the planting of trees native to Eastern Virginia and/or adaptable to the coastal conditions and climate of James City County. As a resource for developing tree plans, the planning director or his designee shall maintain and make available to the public a list of desirable trees based on their adaptability to the climate of Eastern Virginia.*

*Sec. 24-88 91. Modification, substitution, transfer.*

*(a) Findings for acceptance of modifications, substitutions, or transfers.* The commission or planning director may modify, permit substitutions for any requirement of this section, or permit transfer of required landscaping on a site upon finding that:

- (1) Such requirement would not promote the intent of this section;*
- (2) The proposed site and landscape plan will satisfy the intent of this section and its landscape area requirements to at least an equivalent degree as compared to a plan that strictly complies with the minimum requirements of this section;*
- (3) The proposed site and landscape plan will not reduce the total amount of landscape area or will not reduce the overall landscape effects of the requirements of this section as compared to a plan that strictly complies with the minimum requirements of this section;*



- (4) Such modification, substitution or transfer shall have no additional adverse impact on adjacent properties or public areas; and
  - (5) The proposed site and landscape plan, as compared to a plan that strictly complies with the minimum requirements of this section, shall have no additional detrimental impacts on the orderly development or character of the area, adjacent properties, the environment, sound engineering or planning practice, Comprehensive Plan, or on achievement of the purposes of this section.
- (b) *Cases for modifications, substitutions, or transfers.* Requests for modifications, substitutions or transfers may be granted in the following cases:
- (1) The proposed landscape plan, by substitution of technique, design or materials of comparable quality, but differing from those required by this section, will achieve results which clearly satisfy the overall purposes of this section in a manner clearly equal to or exceeding the desired effects of the requirements of this section;
  - (2) The proposed landscape plan substantially preserves, enhances, integrates and complements existing trees and topography;
  - (3) Where, because of unusual size, topography, shape or location of the property or other unusual conditions, excluding the proprietary interests of the developer, strict application of the requirements of this section would result in significant degradation of the site or adjacent properties;
  - (4) The proposed landscape design or materials involve a readily discernible theme, historic or otherwise, or complements an architectural style or design;
  - (5) Where it is necessary to allow the subdivision of property on which commercial or industrial units will be for sale, for sale in condominium or for lease, and such units are constructed as part of a multiunit structure in which the units share common walls or are part of a multiple-

structure development, and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan; or

- (6) Where transfers of required landscape areas to other areas on a site are necessary to satisfy other purposes of this section, including transfers to increase screening or preserve existing trees, provided such transfers do not reduce overall landscape requirements for a development.

(c) *Process for requesting modifications, substitutions, or transfers.* Requests for modifications, substitutions or transfers shall be filed in writing with the planning director and shall identify the specific requirement of this section and the reasons and justifications for such request together with the proposed alternative. Depending upon whether the landscape plan is subject to commission or administrative review, the commission or planning director shall approve, deny, conditionally approve or defer action on such request and shall include a written statement certifying the above findings. The commission or planning director may require the applicant to provide plans, documentation or other materials to substantiate these findings.

In the case of approvals or conditional approvals, this statement shall include a finding as to the public purpose served by such recommendations, particularly in regard to the purposes of this section. The planning director shall notify the applicant in writing as to the reasons for such action within 30 days of submittal of administrative plans meeting all applicable submittal criteria or within five working days of such decision by the commission.

Sec. 24-90 ~~90~~ 92. Size requirements for new plantings

Planted trees and shrubs shall conform to the minimum size requirements outlined in the following table.

Size Requirements for New Plantings		
Category	Type	Minimum Size at Planting
Trees	Deciduous Shade Tree (D)	Minimum Caliper is= 1.5".
	Evergreen (E)	If multi-stemmed, minimum height shall be 8-feet. If single-stemmed, minimum caliper shall be 1.25" with minimum height of 8-feet.
Ornamental Tree	Single-Stemmed (D) or (E)	1.25" in caliper and 8-feet in height.
	Multi-Stemmed (D) or (E)	8-feet in height
Shrub	Low Growing Woody Plant having several permanent stems.	18" if evergreen. 22" if deciduous.
Caliper - The diameter of a tree trunk measured 6" above-ground for nursery stock.		

Sec. 24-94 ~~93~~. Summary of definitions for trees and shrubs

Outlined below is a quick reference of the definitions for trees and shrubs. Please refer to section 24-2 for complete definitions of these terms.

Type	Character	Minimum Size
Specimen Tree	Free of disease and significant damage or which is notable by virtue of its outstanding size and quality for its particular species.	Diameter at breast height (DBH) is 24" or greater.
<i>Outstanding Specimen Tree</i>	<i>Free of disease and significant damage or which is notable by virtue of its outstanding size, form, shape, spread, and quality for its particular species as determined by the planning director or his designee per the Outstanding Specimen Tree Designation Guidelines and Form.</i>	<i>Trees designated as outstanding specimens by the planning director or his designee.</i>
Mature Tree	Free of disease and significant damage.	DBH is 8" or greater
Understory or Ornamental Tree	Trees that typically do not exceed a height of 40-feet at maturity. Understory are those trees typically found within a native plant community. Common understory examples include: Wax Myrtle, American Holly, and Dogwood. Examples of ornamental trees include Japanese Maple and Crape Myrtle.	

Overstory Tree	Trees that typically exceed a height of 40-feet at maturity. Common examples include: Loblolly Pine, Oaks, Red Maple, and London Plane Tree.	
Diameter at breast height (DBH) -The diameter of a tree trunk measured 4.5 feet from the ground.		

Sec. 24-92 ~~94~~. Plant material standards

(a) All required plantings shall conform to the most recent edition of *American Standard for Nursery Stock*, published by the American Association of Nurserymen, and shall be planted in accordance with the most recent edition of *Guidelines for Planting Landscape Trees and Planting and Care of Trees and Shrubs*, published by the Virginia Cooperative Extension Service.

(b) Required planting materials shall be of a species that promotes the intent of this division and that is compatible with the proposed planting environment.

(c) Transplanting for the purpose of achieving a larger size tree may be approved, provided it is done in accordance with accepted horticultural and silvicultural practices.

Sec. 24-93 ~~95~~. Tree credits.

(a) Existing viable trees, preserved on the site in accordance with the tree protection standards outlined in section 24-89 ~~88~~ (b), may provide tree credits which shall reduce the number of new trees required to be installed.

(b) The trees to be saved shall be clearly identified on the landscaping plan ~~and tree clearing and protection plan~~. The plans shall identify the specific location, number, size, and type of trees proposed to be saved and the requested tree credits.

(c) The amount of tree credit is outlined in the following chart.

Tree Credits	
Trees to be saved:	Tree Credits:

1 viable ornamental tree meeting the minimum size at planting as described in section 24-90-93.*	1 planted ornamental tree.
3 viable trees meeting the minimum size at planting as described in section 24-90-93.*	1 planted tree.
1 viable mature tree.	2 planted trees.
1 viable specimen tree.	3 planted trees.
<i>1 viable outstanding specimen tree as approved by the planning director or his designee.</i>	<i>5 planted trees</i>
No credit shall be given for any trees that are not protected in full compliance with the tree protection standards listed in section 24-89-88(b).	
* The trees to be saved shall be “tagged” in the field <del>and the</del> <i>in order for</i> the planning director or his designee <del>shall to</del> inspect the trees to determine which trees are eligible to receive credit. Only those trees which are healthy, of the minimum size noted above, and are of a suitable quality shall be deemed acceptable for receiving credit.	

Sec. 24-94 96 General landscape area standards.

(a) *Tree preservation and the minimum number required.* Existing trees shall be retained to the maximum extent possible in all landscape areas. All required landscape areas, other than landscape areas adjacent to buildings and within parking lots as required in sections 24-97 and 24-99, shall contain at least a minimum number of trees and shrubs as specified in the following chart:

Quantity Requirements - General Landscape Area Standards		
AND		
Number of Trees	Number of Shrubs	Per
1	3	400 square feet of total landscape area provided.

(b) *Size and mixture requirements.*

Size and Mixture Requirements - General Landscape Areas		
Percentage	Of	Shall Be:
At least 35%	Trees	Minimum Caliper of 2.5" at

		planting
Minimum of 15% and Maximum of 25%	Trees	Ornamental trees
At least 35%	Trees	Evergreen Trees which will achieve a minimum height of 40 feet at maturity.
At least 40%	Trees	Deciduous Shade Trees which will achieve a minimum height of 50 feet at maturity.
At least 35%	Shrubs	Evergreen

(c) *Distribution, mixture and placement.* Planted trees and shrubs shall be reasonably distributed throughout the site singly or in groups, with an appropriate mix of planting types and species which achieves the purposes of this section. Required landscape areas shall be designed so as to not create vehicular and pedestrian hazards.

Sec. 24-95 ~~97~~. Landscape areas adjacent to buildings.

A landscape area which is a minimum of ten feet wide shall be provided adjacent to buildings. Up to one-half of this area may be transferred elsewhere on the site. This area shall contain a number of trees and shrubs equal to at least the minimums specified in the following chart.

Quantity Requirements - Adjacent to Buildings		
OR		
Number of Tree(s)	Number of Shrubs	Per
1 ornamental	5	200 square feet of planting area.

Sec. 24-96 ~~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.

<b>Width Requirements for Landscape Areas along Right(s)-of-Way.</b>			
<b>(1) Community Character Corridors</b>			
	Standard	Minimum width conditioned upon approval of planning director. Reference section 24-96 <del>98(d)</del> (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
<b>(2) All Other Roads</b>			
	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
<b>(3) Further Reductions for Master Planned Communities with approved Design Guidelines.</b>			
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:

<b>Square Footage Calculation</b>
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 65 feet from the right-of-way of a Community Character Corridor 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 24-96 98 ~~(e)~~(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;*
- (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 the outdoor displays for sale of vehicles, equipment, machinery and plant materials are exempt from the screening requirements where such screening would 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 measured at the nearest property line.*

~~(e)~~(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 24-96 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.

~~(d)~~**(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 number (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.
- ~~(e)~~ **(f)** *Right-of-way landscape area performance standards.*
- (1) Permitted breaks in landscape areas.
- a. All landscape areas along right-of-ways shall be continuous along the road right-of-way frontage, except where driveway, utility or other breaks running perpendicular to the right-of-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 hand-removed 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 paragraph section 24-94 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.*

Sec. 24-97 99. Off-street parking lot landscaping.

Parking areas, accessory or otherwise, containing ten or more parking spaces shall contain landscaping and landscape areas in accordance with all of the following:

(a) *Preservation of trees.* Parking lots shall be designed and constructed so that existing viable trees are preserved in a manner which will meet the intent and satisfy the requirements in this section to the maximum extent possible. Where such existing trees do not fully satisfy these requirements, additional trees shall be planted in an amount which meets or exceeds the stated minimum requirements. The requirements in this paragraph shall be in addition to other requirements stated in this section.

(b) *Landscape area and planting requirements.* Total landscape area within the parking lot shall at least meet the minimum standards specified in the following chart.

(1) General Requirements for Parking Lot Landscaping.	
Percentage of Landscape Area Required within the Parking Lot	Based On:
Minimum 10%	Surface Area of Parking, including drives & circulation areas, exclusive of any perimeter landscape areas or landscape areas around the building.
Lots less than 65,000 square feet recorded or legally in existence prior to July 3, 1990	

Minimum 7.5%	Surface Area of Parking, including drives & circulation areas, exclusive of any perimeter landscape areas or landscape areas around the building.
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(2) Quantity Requirements for Parking Lot Landscaping.		
AND		
Number of Trees	Number of Shrubs	Per
1	2	5 parking spaces in the parking lot.
Lots less than 65,000 square feet recorded or legally in existence prior to July 3, 1990		
1	2	10 parking spaces in the parking lot.
As provided above, each mature existing tree or specimen tree may be counted toward meeting the required minimum number of trees, with one (1) viable mature tree substituting for two (2) planted trees and one viable specimen tree substituting for three planted trees. No credit shall be given for any mature or specimen tree which is not protected in full compliance with the tree protection standards in section 24-89 (b) above.		

(3) Size and Mixture Requirements for Parking Lot Landscaping.		
Percentage	Of	Shall Be:
At least <del>35%</del> 25%	Trees	Evergreen Trees which will achieve a minimum height of 40 feet at maturity.
At least 50%.	Trees	Deciduous Shade Trees with a 2.5 inch caliper which will achieve a minimum height of 50 feet at maturity.
At least 50%	Shrubs	Evergreen

(4) Minimum Spacing Requirements for Required Trees in Parking Areas
The required trees shall be spaced no more than <del>75</del> 99 feet apart throughout the parking lot. These trees shall be evenly and reasonably distributed throughout the parking lot in a manner that promotes the intent of this section.

(c) *Parking lot screening.* In addition to the above tree and shrub requirements, all parking lots shall be visually screened from public road rights-of-way by evergreen plantings or berms that create a screen a minimum of three feet in height. Such berms shall have a maximum side slope ratio of three horizontal feet to one vertical foot and a level crown with a minimum width of three feet for maintenance and planting purposes. Any berm shall be designed and constructed to ensure that proper erosion prevention and control practices have been utilized.

(d) *Special requirements for bus parking lots.* Bus parking areas shall contain landscape areas in accordance with the above requirements except that plantings shall be provided as follows:

(1) Quantity Requirements for Bus Parking Lots		
AND		
Number of Trees	Number of Shrubs	Per
1	2	2 bus parking spaces

(2) Size & Mixture Requirements for Bus Parking Lots		
Percentage	Of	Shall Be:
At least <del>35%</del> 25%	Trees	Evergreen Trees which will achieve a minimum height of 40 feet at maturity.
At least 50%	Trees	Deciduous Shade Trees with a 2.5 inch caliper which will achieve a minimum height of 50 feet at maturity.

*(e) Excavation of parking lot islands.*

*1) All parking lot islands, peninsulas, and planting areas shall be excavated to remove all crusher run or parking lot base material and back filled with quality top soil, except those areas where existing vegetation is to be preserved. The top soil shall be high in organic*

*matter and will allow water to percolate. The excavation of these planting areas shall be to a minimum of 24" and will freely allow penetration of a hand-held probe to a minimum of 24".*

*2) Inspection of these planting areas shall be conducted by engineering and resource protection inspectors during the construction process. Failure to comply with these requirements can result in a stop work order issued by the inspectors.*

Sec. 24-98~~100~~. Screening.

(a) *Transitional screening.* Transitional screening between conflicting land uses and districts shall be provided as required in this paragraph and in section 24-~~101~~. Such screening areas shall be left in their undisturbed natural state and supplemented where necessary in accordance with paragraph section 24-94 and with additional plantings to provide an effective visual screen. Such areas shall be continuous except where driveways, utilities and other breaks are necessary. All breaks shall cross transitional screening areas at right angles. Where such breaks are necessary, different design requirement may be imposed to achieve an equivalent screening effect. Transitional screening areas shall not contain accessory structures, storage, parking or loading.

(b) *Additional transitional screening requirements.* If the commission determines that noise, dust and debris, glare or other objectionable impacts created by a proposed development will have a detrimental effect on adjoining properties which will not be adequately addressed by transitional screening required by this, section, the commission may increase minimum transitional screening requirements or setbacks and may require landscaping or architectural barriers which provide a visual screen between a proposed development and adjoining properties.

(c) *Objectionable features.* Objectionable features shall be visually screened by landscaping or architectural barriers from or by adjacent residential districts, agricultural districts which are designated for residential use on the Comprehensive Plan and public streets. Objectional features may include, but are not limited to, the following: refuse areas, storage yards, and loading areas.

(d) *Stormwater management facilities, detention ponds, and best management practices (BMPs).*

Stormwater management facilities, detention ponds, and BMPs that are visible from roads, adjoining properties, or open to public view shall be designed such that:

- (1) These facilities shall not be allowed within required landscape buffers along Community Character Corridors (CCCs) unless a waiver is granted by the planning director. In order for the planning director to consider a waiver request, the applicant shall request a waiver in writing and shall present plans and documentation supporting the waiver request. The planning director shall consult with the *engineering and resource protection* director and shall make a determination to approve or deny the waiver request within 30 days of its receipt. The waiver request will not be approved unless the applicant can document topographical or unusual physical constraints on the property that require placement of the BMP within the right-of-way landscape area;
- (2) The structural aspects (i.e. riser pipes, inlets, etc.) are hidden from public view and/or adjoining property owners view, or adequately screened from these views by innovative structural design, berms, and/or landscaping;
- (3) The facility shall be well landscaped with an emphasis on making the facility appear more natural than man-made, as determined by the planning director; and
- (4) The facilities shall be designed and landscaped in such a manner that they are sensitive to the character of the site and surrounding properties. Unless it can be demonstrated by the applicant that an alternative design better meets the intent of this section, the facilities shall be designed with a curvilinear shape, shall be designed to complement the existing topography of the site, and/or shall be designed and landscaped in a manner that visually reduces their size, and supports growth of wetlands vegetation.



(e) *Historic landmarks and buildings.* The commission may require screening of any use, or portion thereof, upon a determination that the use would otherwise have a negative visual impact on property listed on the Virginia Historical Landmarks Register.

(f) *Multiple frontage lots.* Lots with multiple frontages shall have screening provided between the rear of the principal use or building and the public right-of-way.

(g) *Residential developments not subject to article III, Site Plan.* Major subdivisions of residential developments, as defined in Chapter 19, shall conform with screening requirements for multiple frontage lots. Such developments shall also provide transitional screening along any property line which is adjacent to or across a peripheral public street from any multifamily, commercial or industrial zoning district. The amount of transitional screening shall be based on the zoning district adjacent to or across a peripheral public street from the proposed residential development. Such residential developments shall provide transitional screening in accordance with the requirements for the multifamily, commercial or industrial district contained in section 24-~~101~~.

Sec. 24-~~99~~~~101~~. Landscape requirements by zoning district.

All uses and developments requiring a site plan and landscape plan in accordance with article III, Site Plan, and this section shall comply with the above requirements and those which follow. Where no landscape requirements are provided for a specific zoning district, the landscape plan shall be prepared in accordance with the requirements for the district which is deemed by the planning director to be the most similar to the character of the proposed use, situation and surrounding conditions. In making this determination, the following shall be considered: the characteristics of the proposed use and surrounding area, existing zoning and Comprehensive Plan designations and use regulations of this chapter. At a minimum, required setbacks and yards shall be provided as landscape areas which meet the requirements of this section.

(a) *R-5, Multifamily residential district:*

- (1) Setbacks: Setbacks from existing or planned peripheral roads, including peripheral roads shown on count approved development plans, shall contain a landscape area having an average width of 50 feet and meet requirements outlined in section 24-96 98(b), ~~(c)~~ (d), and ~~(e)~~ (f). The balance of the setback and setbacks from internal streets shall contain existing trees and plantings in conformance with section 24-94 96. This requirement shall not apply to single-family dwellings.
- (2) Yards: All required yards shall contain existing trees and plantings in conformance with section 24-94 96. This requirement shall not apply to single family dwellings.
- (3) Transitional screening: For developments with 200 or less units, a transitional screening area in accordance with section 24-98 100, with a minimum width of 35 feet, shall be provided within the first 35 feet of yard area or setback from any property line when adjacent to or across a peripheral public street from any residential district other than R-5 or any agricultural district designated for low-density residential or rural lands on the Comprehensive Plan. For larger developments, such transitional screening area shall be a minimum of 40 feet in width.

(b) *Manufactured home subdivision and manufactured home park:*

Perimeter Landscape Area: If the park fronts on a public right-of-way, then a landscape area shall be provided that meets the minimum requirements of section 24-174. In all other areas a perimeter landscape area shall be provided in accordance with section 24-174 around the entire site in addition to all other yard requirements in manufactured home subdivisions and parks.

(c) *LB, Limited Business District; B-1, General Business District; M-1, Limited Business/Industrial District; M-2, General Industrial District; RT, Research and Technology District.*

- (1) Side and rear landscape area: A landscape area adjoining all side and rear property lines shall be provided which is at least 15 feet in width. Along the rear property lines, such landscape area may be reduced to a minimum of ten feet in width or five percent of the average lot depth, whichever is greater, on lots with less than 65,000 square feet which were recorded or legally in existence prior to July 3, 1990. Such landscape area shall be landscaped in accordance section 24-94 98. Such area may be broken by necessary driveways or utilities perpendicular to the property line.
- (2) Special requirements for industrial uses: Landscape standards in section 24-94 96 and section 24-95 97 for certain landscape areas shall be reduced for all uses in M-2 or RT districts, or for industrial uses in M-1 districts, when the following requirements of this paragraph are met. For purposes of this section, industrial uses shall include any permitted use or use permitted by special use permit in an M-2 or RT district except automobile service stations, offices, employment agency, or school.
- a. Landscape areas along rights-of-way and side and rear property lines: Where such a landscape area is not adjacent to a public street, and the landscape area is adjacent to one of the industrial districts listed above, then the requirements provided in the following chart shall apply:

Quantity Requirements		
Number of Trees	Number of Shrubs	Per
1	0	600 square feet of total landscape area.

For such landscape areas, none of the deciduous trees shall be required to be of a 2- inch minimum caliper. All required trees shall meet the other minimum standards of this section; or

- b. Landscape areas adjacent to buildings: A landscape area which is a minimum of ten feet wide shall be provided adjacent to one-half of the perimeter of the building. Up to one-half of this landscape area may be eliminated where such landscape area would be along a portion of a buildings perimeter that is not visible from a public street, and that same side of the building is not visible from any district other than one of the industrial districts listed above. Such landscape area shall be landscaped in accordance with section 24-95 ~~97~~ unless a modification is granted under section 24-88 ~~91~~.
- (3) Transitional screening: Landscape areas along property lines of properties zoned LB, B-1, M-1, M-2, and RT shall be increased to the following widths when adjacent to or across a public street from a residential district or agricultural district if designated residential on the Comprehensive Plan:

<b>Transitional Screening</b>	
LB District	30 feet
B-1 District	35 feet
M-1 District	35 feet
M-2 District	50 feet
RT District	35 feet

- Such landscape areas shall be exclusive of any planned future right-of-way and shall be left in an undisturbed natural state and supplemented with additional plantings to create a visual screen in accordance with section 24-98 ~~100~~.
- (4) Landscape open space and impervious cover: As required in Chapter 23, Chesapeake Bay Preservation Ordinance, impervious cover shall not exceed 60 percent of the lot area except where an exception is approved in accordance with Chapter 23. Provided, however, in no case shall minimum landscape open space be less than that required below for the respective district:

Required Landscape Open Space	
District	Percent of Total Lot Area
LB District	35
B-1 District	30
M-1 District	30
M-2 District	25
RT District	30

(d) *PUD, planned unit development district, MU, mixed use district:*.

(1) Landscape setbacks:

- (a) Landscape setbacks in PUD, planned unit development district. Setbacks from existing or planned peripheral public roads shall contain a landscape area having an average width in accordance with section 24-498, except for industrial and commercial uses which shall have an average width of 30 feet in accordance with section 24-96 98(b), ~~(e)~~ (d), and ~~(e)~~ (f). The balance of that setback and setbacks from internal streets shall contain existing trees and plantings in conformance with section 24-94 96. Landscape requirements along internal streets shall not apply to single-family dwellings. Requirements of this paragraph shall not apply to active recreation playing areas designated on the master plan and approved in accordance with article V, division 14.
- (b) Landscape setbacks in mixed use, mixed use district. Setbacks from existing or planned peripheral roads, including peripheral roads shown on county approved development plans, shall contain a landscape area having a minimum width in accordance with section 24-94 96. The balance of that setback and setbacks from internal streets shall contain existing trees and plantings in conformance with section 24-94 96. Landscape requirements along internal streets shall not apply to single-family dwellings. Requirements of this paragraph shall not apply to active recreation playing areas designated on the master plan and approved in accordance with article V, division 14.



- (2) Yards: All yards shall contain existing trees and plantings in conformance with section 24-94 96. This requirement shall not apply to single-family dwellings or active recreation playing areas designated on the master plan and approved in accordance with article V, division 14 of this chapter.
- (3) Special requirements for industrial uses: Landscape standards in section 24-94 96 and section 24-95 97 for certain landscape areas shall be reduced for industrial uses in PUD and MU districts, when the following requirements of this paragraph are met. For purposes of this section, industrial uses shall include any permitted use or use permitted by special use permit in an M-2 or RT district except automobile service stations, offices, employment agency, or school.
- a. Landscape areas in setbacks and yards. Where such a landscape area is not adjacent to a public street, and the landscape area is adjacent to one of the districts or land bays listed above, no shrubs shall be required within such landscape area, and the required trees may be provided at a ratio of one tree per 600 square feet of landscape area. For such landscape areas, none of the deciduous trees shall be required to be of a 2-½ inch minimum caliper. All required trees shall meet the other minimum standards of this section; or
  - b. Landscape areas adjacent to buildings. A landscape area which is a minimum of ten feet wide shall be provided adjacent to one-half of the perimeter of the building. Up to one-half of this landscape area may be eliminated where such landscape areas would be along a portion of a buildings perimeter that is not visible from a public street, and that same side of building is not visible from any district other than one of the districts listed above. Such area shall be landscaped in accordance with section 24-95 97 unless a modification is granted under section 24-88 91.

(4) Transitional screening.

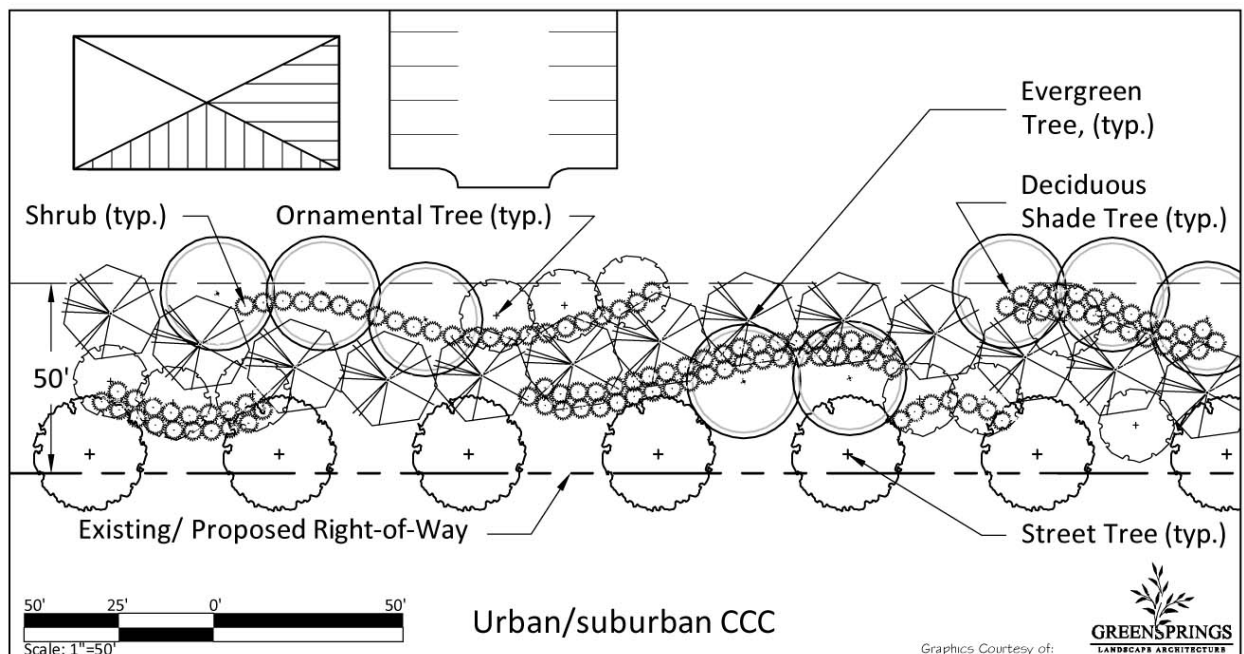
- a. Residential. Where a multifamily or townhouse structure in a PUD district is located adjacent to or across a peripheral public street from an R-1, R-2, or R-6 residential district or agricultural district if designated low-density residential or rural lands on the Comprehensive Plan, a 35-foot wide transitional screening area in accordance with section 24-98 ~~100~~ shall be provided within the first 35 feet of yard area or setback from any property line adjoining such district.
- b. Commercial, industrial, public or institutional uses. Where a commercial, industrial, public or institutional use in a PUD district is located adjacent to or across a peripheral public street from any residential district or agricultural district if designated for residential use on the Comprehensive Plan, transitional screening shall be provided in accordance with requirements for LB, B-1, M-1, M-2, or RT districts as required in section 24-99 ~~101~~ (c) (3). The applicable transitional screening requirements shall be determined by the planning director in accordance with section 24-99 ~~101~~.

**Cross reference** - Chesapeake Bay Preservation regulations, Ch. 23.

## COMMUNITY CHARACTER CORRIDOR BUFFER TREATMENT GUIDELINES

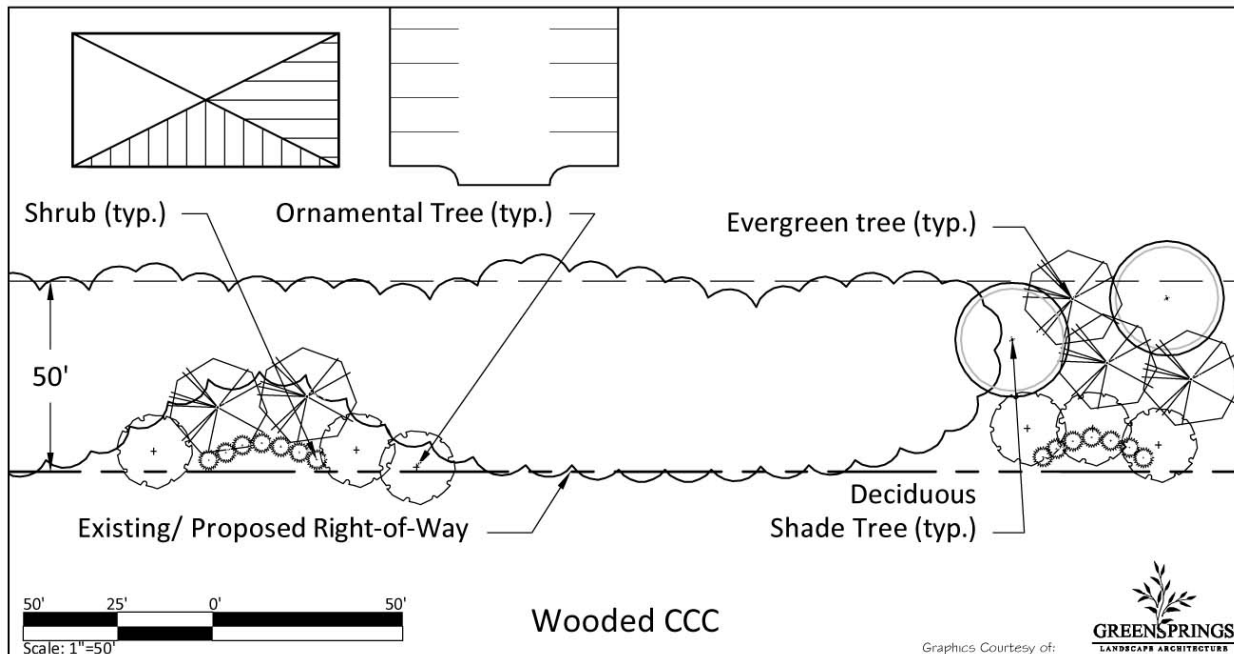
**Purpose:** The Comprehensive Plan establishes a network of Community Character Corridors (CCCs) throughout the County, along which all commercial developments are required to provide a 50-foot average buffer and residential developments provide a 150-foot buffer. It is the purpose of these CCC Buffer Treatment Guidelines, in conjunction with the James City County Community Character Corridors Type Designation & Buffer Treatment map, to designate all corridors as a particular type (Urban/Suburban, Wooded, or Open/Agricultural) and to give guidance on the landscape treatment expected for each type. The descriptions and sample drawings below depict the landscaping style required for each corridor type to aid in creating appropriate landscape plans for developments along these corridors.

**Urban/Suburban CCCs** - An Urban/Suburban CCC is characterized as having high to moderate traffic, commercial uses, and some residential uses. The predominant visual character of these corridors should be the built environment and the natural landscape, with parking and other auto-related areas as a secondary component. The buffer treatments should incorporate existing specimen and understory trees, required plantings, and any legislated enhancements such as over-sized landscape plants, the use of berms, and other desirable design features to complement and enhance the visual quality of the urban corridor. Auto-related activities such as parking lots and other outdoor operations should be screened with required evergreen plantings. In comparison to the Wooded and Open/Agricultural treatments, this treatment provides the applicant with the most visibility for the commercial use and the most flexibility in establishing a manicured and/ or formal look. The corridors designated with this type of treatment are in Community Character Areas and other urban areas of the County that have mainly commercial uses. Roads in New Town, Five Forks, Toano, Norge, and Richmond Road are examples of the Urban/Suburban type of treatment.

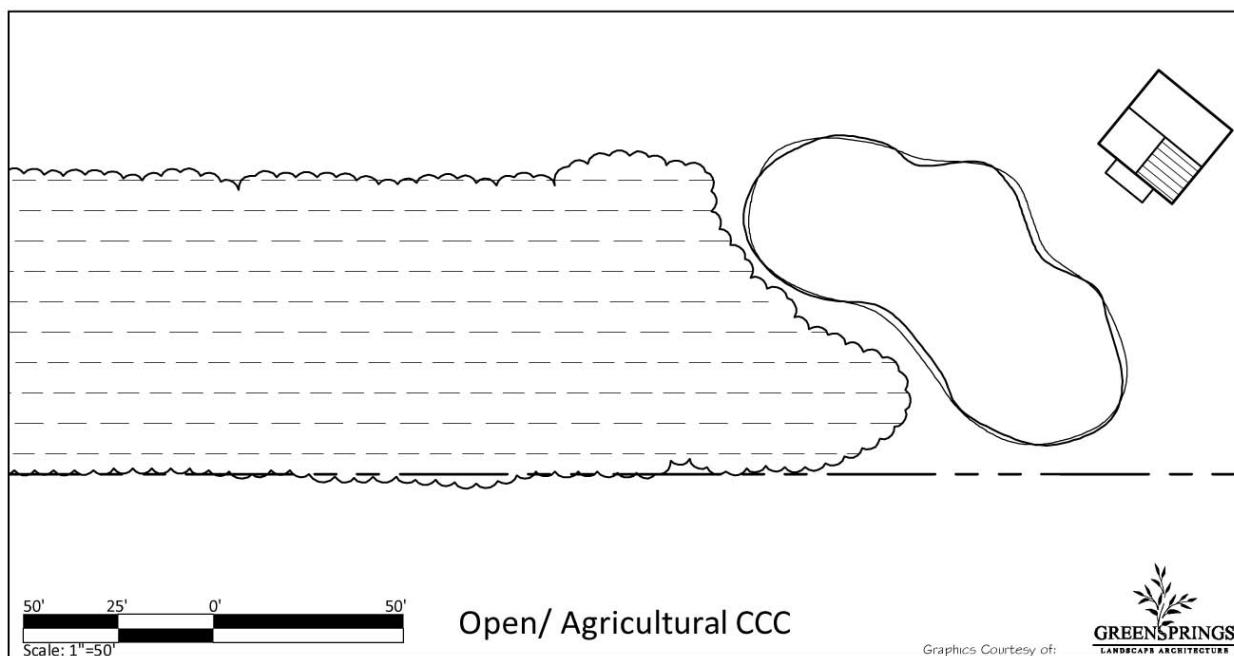


**Wooded CCCs** - A wooded CCC is characterized as having natural wooded areas along the road, with light to moderate traffic, and minimal existing or planned commercial development. The objective of the buffer is to visually screen the development from the road. Ideally, existing vegetation should be preserved or supplemented to create a wooded buffer that preserves open space and wildlife habitat to maintain the natural character of the County. Corridors appropriate for this type of treatment include areas that have existing vegetation consisting of mature trees

and shrubs and that are mostly developed with residential uses. Corridors along John Tyler Highway, Centerville Road, Longhill Road, and Greensprings Road, and Route 199 are examples of the wooded landscape type treatment. This type of treatment offers the least amount of visibility to the development, and the intent is to preserve the natural beauty of the development site. The design should be informal and natural.



**Open/Agricultural CCCs** - An Open/Agricultural CCC is characterized as a corridor located primarily in rural lands where farming and forestry activities are predominant or sought to be preserved. The objective of the Open/Agricultural designation is to preserve the view and integrity of farm fields and natural open spaces so they remain the dominant visual features. This type of treatment is appropriate for the agricultural areas that exist in the County. The Anderson's Corner roads, Forge Road, and Old Stage Road are examples of the Open/Agricultural treatment type.



## **OUTSTANDING SPECIMEN TREE OPTION GUIDELINES**

### **Purpose:**

The purpose of the Outstanding Specimen Tree Option is to identify, maintain, and protect designated outstanding specimen trees located within the county. It is the intent of the option to increase public awareness of specimen trees located in the county as well as to provide reasonable assurance that James City County's tree heritage will continue for future generations. The intent of this option is not to be regulatory or punitive but rather to heighten public consciousness by informing and educating the public of the benefits that specimen trees provide. The option is intended to be a means to preserve specimen trees during development of private or public property by giving developers an incentive for doing so. Five additional tree credits shall be given for preserving Outstanding Specimen Trees in accordance with section 24-95 of the Zoning Ordinance.

### **Outstanding Specimen Tree Option Goals:**

1. To establish a process of designating and protecting outstanding specimen trees located on either public or private property.
2. To encourage proper maintenance, care and protection of designated trees.
3. To give developers an incentive to preserve outstanding specimen trees on development sites.

### **Criteria for Requesting Outstanding Specimen Tree Designation:**

Any tree within the boundaries of the James City County that meets the following criteria as set forth below can be considered for an outstanding specimen tree designation with an Outstanding Specimen Tree Designation Request form.

1. Must be architecturally sound, true to its genetic form, and not topped or poorly pruned.
2. Be of exceptionally mature size and form, in healthy condition, free of disease, insect infestation, and storm damage.
3. Must be visible from publicly accessible location(s) after development.

In addition to meeting the three criteria above, any tree being considered for nomination as an outstanding specimen tree must meet at least one of the following descriptions:

1. Notable by virtue of its outstanding size and quality for its particular species as determined by the Planning Director or his designee.
2. Notable for its historic or cultural significance as determined by the Planning Director or his designee.



## **STREETSCAPE GUIDELINES POLICY**

### **Purpose**

The purpose of this policy is twofold:

- to preserve and/or establish tree canopies along residential streets, subdivision entrances, and common areas, and
- to encourage planting of new trees appropriate to the climate and soils of James City County, while enhancing existing healthy, durable, and mature trees in these areas.

Tree preservation/planting shall be accomplished so when the trees reach maturity a substantial tree canopy is established over the roadway. The environmental and aesthetic benefits from tree planting enhance the quality, character, and health of the community.

### **Guidelines for Street Trees**

In all residential subdivisions, deciduous shade trees and/or shrubs shall be planted along all rights-of-way within and abutting the subdivision. Street tree plans shall be prepared by a Virginia Landscape Architect, a certified Virginia Nurseryman, or a member of the Virginia Society of Landscape Designers, and shall be reviewed and approved by the Development Manager or Designee. The street tree plans shall adhere to the following guidelines:

1. Trees and/or shrubs shall be located within a minimum five-foot landscape preservation easement contiguous to such right-of-way or within the right-of-way, with Virginia Department of Transportation (VDOT) approval. Every effort should be made to avoid conflict between the landscape preservation easement and the utilities during the design phase of the subdivision. If a conflict cannot be avoided, the landscape preservation easement shall be placed as close to the right-of-way as the design allows. All landscape easements shall be located no greater than 30% of the distance from the edge of the curb to the proposed front edge of the building envelope.
2. The easement shall contain, at a minimum, one tree per an average 40 linear feet of street on each side of the street or one shrub per an average 20 linear feet of street on each side of the street. The mix of trees and shrubs shall be approved by the Planning Director or his designee.
3. Trees and/or shrubs shall be spaced no greater than 75 feet apart along 60% of the street frontage.
4. All trees that are planted shall be native species or street trees commonly planted in the James City County area that are adapted to the soils and climate. At the time of planting, trees shall have a minimum caliper of 1½ inches. Shrubs are to be a minimum of 22 inches in height at the time of planting. Please refer to the Table 1 for street tree suggestions. Although plant material is not restricted to the list provided, any trees or shrubs that are invasive or require extensive maintenance for disease or pest control will not be approved.

5. Existing trees which are within the proposed landscape preservation easement, and which are protected and preserved in accordance with the requirements of the Zoning Ordinance, may be used to satisfy this planting requirement if approved by the Planning Director or designee. Canopies that are a mixture of existing and planted trees or shrubs shall have similar or complementary branch characteristics.
6. Plantings are to occur between November 1 and March 31 while the plant material is dormant to reduce the stress of transplanting. In order to receive final site plan approval during the seasons when planting is not recommended, the applicant must post a bond in the amount set by the Engineering and Resource Protection Division.

Upon completion of installation, the Planning Director or his designee shall inspect the plantings as verification, or a Virginia Landscape Designer shall verify in a signed letter to the Planning Director, that the specified trees or shrubs were installed in the locations shown on the plans.

### **Guidelines for Entrances and Common Areas**

Entrances shall be landscaped with native and/or climate and soil appropriate trees, shrubs, grasses, and ground covers except where the existing mature trees have been preserved or protected in such areas. Plant material to be used in these areas shall be specified from Table 2 or, if not on the list, meet the above criteria. Unless the Planning Director or his designee determines that such landscape treatment is unnecessary, impractical, or in conflict with drainage, utilities, sight distance, or other required features of the subdivision, the cleared portions of the entrances and associated common areas in a residential subdivision shall be landscaped with a minimum of 1 tree and 3 shrubs per 400 square feet exclusive of roadways, sidewalks, recreation facilities or other impervious areas.

In wooded areas, entrance features including walls, fences and signs shall be minimized to reduce the amount of clearing to accommodate entrance roads. In no case shall clearing for entrance roads and abutting utility easements exceed 60 feet in width.

**Table 1. Suggested Street Trees**

*Acer campestre*, Hedge Maple\*  
*Acer rubrum*, Red Maple  
*Fraxinus pennsylvanica*, Green Ash (seedless cultivars)  
*Ginkgo biloba*, Maidenhair Tree (male cultivars)\*  
*Nyssa sylvatica*, Black Tupelo\*  
*Ostrya virginiana*, American Hophornbeam\*  
*Plantanus X acerifolia* London Planetree  
*Quercus palustris* Pin Oak  
*Quercus phellos*, Willow Oak  
*Quercus shumardii*, Shumard Oak  
*Ulmus parvifolia*, Lacebark Elm\*  
*Zelkova serrata*, Japanese Zelkova\*

\* Trees recommended for thin planting strips or adjacent to sidewalks.

This list is suggested. Trees used are not required to be from this list.

**Table 2. Suggested Plant Material for Entrances and Common Areas**

**Trees**

*Betula nigra*, River Birch  
*Carya ovata*, Shagbark Hickory  
*Cercis Canadensis*, Eastern Redbud  
*Cornus kousa*, Kousa Dogwood  
*Juniverus virginiana*, Eastern Redcedar  
*Pinus taeda*, Loblolly Pine

**Shrubs**

*Hamamelis virginiana*, Witch Hazel  
*Ilex opaca*, Inkberry  
*Ilex vomitoria*, Yaupon Holly  
*Myrica cerifera*, Wax Myrtle  
*Viburnum dentatum*, Arrowwood Viburnum

This list is suggested. Plants used are not required to be from this list.

**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 2, HIGHWAYS STREETS, PARKING AND LOADING, SECTION 24-55, GENERAL PROVISIONS; SECTION 24-57, PARKING LOT DESIGN; AND SECTION 24-59, MINIMUM OFF-STREET PARKING REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, Article II, Special Regulations, Division 2, Highways Streets, Parking And Loading is hereby amended and reordained by amending, Section 24-55, General Provisions; Section 24-57, Parking Lot Design; Section 24-59, Minimum Off-Street Parking Requirements.

Chapter 24

Article II. Special Regulations

Division 2. Highways, Streets, Parking and Loading

**Sec. 24-55. General provisions.**

(a) *Certificate of occupancy required and exemptions.* No certificate of occupancy shall be issued for any structure which does not comply with these requirements; however, structures already in use are exempted; provided that:

- (1) Such structure at the time of its erection complied with the provisions of all applicable ordinances of James City County;
- (2) Exempted buildings remain in continuous use and at no time remain vacant or unused for a continuous period of one year; and
- (3) No parking lot for any exempted property is enlarged or materially altered. If such a parking lot is to be enlarged or materially altered, the existing parking area as well as the new parking area shall be brought into conformance with this chapter; provided, however, the ~~planning commission~~

**planning director** may waive the setbacks and geometric design requirements found in sections 24-57 (a), (b), and (f) as they apply to existing parking areas, upon finding that the costs of complying with these standards would impose a severe hardship or that insufficient area exists to allow such revision

For purposes of this section, "enlarged or materially altered" shall mean expansion or change in the parking lot which either increases the number of parking spaces by more than 15 percent or reduces the landscaped areas of the parking lot by more than 15 percent. Nothing in this section is intended to prohibit paving or surfacing of parking lots, the installation of curbs or bumpers, or other improvements which do not affect the number of spaces or the areas of the site dedicated to landscaped open space.

(b) *Location of off-street parking.*

(1) Required off-street parking spaces shall be located on the same lot as the structure or use to which they are accessory or on a lot adjacent thereto which has the same zoning classification or a zoning classification that would allow the use that the parking will serve. The rights of use of any such adjacent property shall be secured by ownership, easement or similar recorded covenant or agreement approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.

(2) Off-site parking spaces shall be permitted by the **planning director** ~~Development Review Committee (DRC)~~ which are not located on the same property or use they serve, provided they meet the criteria specified in this section. All such parking shall be easily and safely accessible to pedestrians. The rights of use of any such property and pedestrian walkways shall be provided for by ownership, easement or similar recorded covenant or agreement, approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.



(3) *Incentive to reduce visibility of off-street parking. Applicants of a development proposal that:*

*a. provides off-street parking to the side or rear of the site only; and*

*b. provides parking that is screened by landscaping or a building; and*

*c. is located along an urban/suburban Community Character Corridor as designated on the James City County Community Character Corridors Type Designation and Buffer Treatment Map; and*

*d. complements the design standards of the corridor or area to the satisfaction of the planning director;*

*may request the planning director grant one of the following incentives:*

*a. front building setback reduction; or*

*b. front landscape area width reduction; or*

*c. minimum parking lot landscaping requirement reduction.*

*In no case shall a reduction be greater than 20 percent of the ordinance requirement.*

*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.*

#### **Sec. 24-57. Parking lot design.**

Parking areas shall be arranged for functional efficiency and safety for both vehicles and pedestrians and shall be designed to be amenable to surrounding property. Parking areas, accessory or otherwise, shall comply with the following:

- (a) *Dimensions of parking bays and required islands.* The parking lot shall be constructed so that spaces are grouped into bays. At the end of each bay, a landscape island of at least nine feet in width and 15 feet in length shall be built to separate the bays from each other or from traffic

lanes. When the parking bays contain double rows of parking spaces, the landscape island shall be increased to nine feet in width and 30 feet in length. A parking bay may not be constructed to a length of more than ~~150~~ 90 feet without constructing a landscape island. The ~~director of planning~~ **planning director** may approve islands which vary from nine-foot by 15-foot or nine-foot by 30-foot rectangles in order to provide desirable geometric design features such as rounded corners and angles to facilitate maneuvering of automobile traffic. However, in no case shall the total area of an island be decreased as a result of such design change.

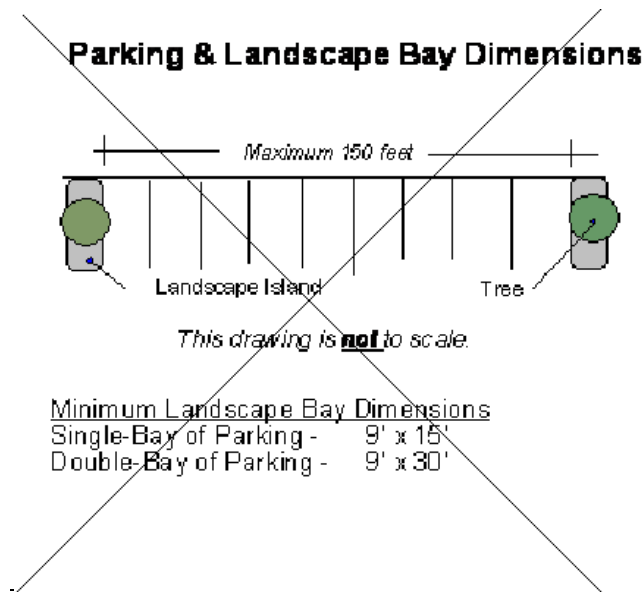
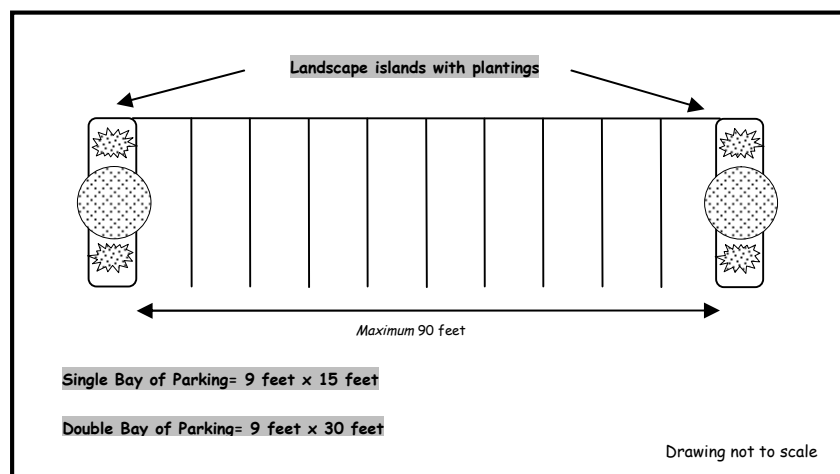


Figure 01-Parking Bays and Landscape Islands Dimensions



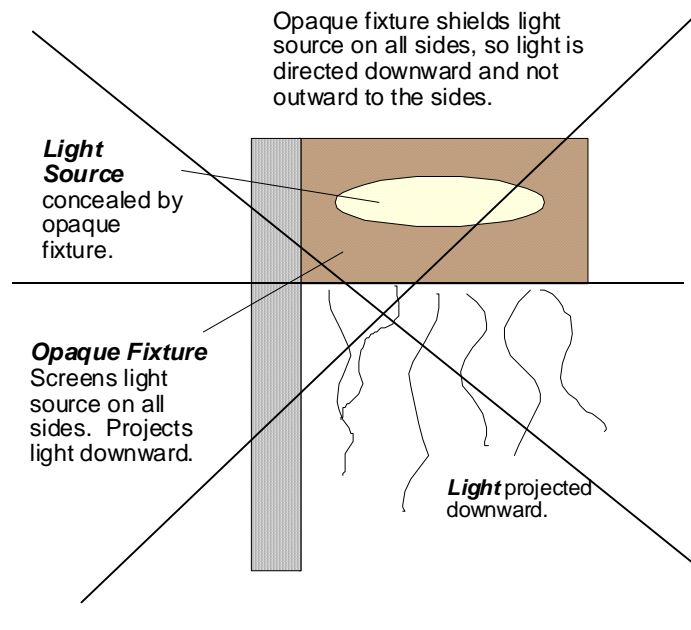
(b) *Protection of landscape areas and location of parking areas and drive aisles.* All landscape areas contiguous to parking bays shall be protected from intrusion by vehicles by curbs or bumpers. Parking areas shall not be located within five feet of any building. Driveways shall not be located within five feet of any building except where vehicular access is necessary. The above-mentioned five-foot setback for parking areas and drives shall not be required for vehicle parking areas and drives (including those serving the parking area) located underneath a building or within a parking garage.

~~(c) *Required lighting.*~~

~~(1) Adequate lighting shall be provided if the uses which are served by the parking lot will be in operation at night.~~

~~(2) No lighting fixture shall exceed a height of 30 feet. Height of the light fixture shall be the distance from ground or finished grade level to the highest point of a luminary.~~

~~(3) The lighting in parking lots shall be directed so as not to produce glare on any adjacent property or public right of way. Luminaries shall be mounted on light poles horizontally and shall be recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side (refer to the following graphic). Plans detailing the illumination patterns (Iso footcandle diagrams) and specific design of all lighting fixtures shall be submitted for review along with the site plan.~~



~~(4) Upon application to the planning director, the applicant may request a waiver to allow for the height of the luminaries to be raised to a height in excess of 30 feet up to the height of the main structure on the property or a maximum of 60 feet above grade which ever is less. Such a waiver shall only be granted if the following conditions are met:~~

- ~~a. The horizontal distance of the luminary from any public right of way or adjacent residential or agricultural property shall be at least four times the height of the luminary.~~
- ~~b. The applicant shall demonstrate to the planning director that no glare will be shed upon adjacent properties and roadways by the placement of higher poles.~~

*(c) Connections to adjacent parcels. Commercial development designated as community commercial or neighborhood commercial on the Comprehensive Plan shall connect to similarly designated adjoining parcel(s) via a stub-out to the property line(s) with the objective of providing internal vehicular and pedestrian access between neighboring commercial parcels. The planning director may waive the connection requirement upon finding that such connection is found to be impractical or opposed by the adjacent property owner.*

**Sec. 24-59. Minimum off-street parking requirements.**

(a) *Residential uses.*

- (1) *Minimum number of resident parking spaces.* The minimum number of off-street parking spaces required for residential uses is provided in the following table.

Type of Residential Unit	Minimum Number of Spaces Required
Single-Family Unit	2
Single-Family Unit with an accessory apartment	3
Townhouse Unit	2.5
1-Bedroom Apartment	1.5
2 or more Bedroom Apartment	2.2
Manufactured Home	2
Other Residential Units	1.5

Spaces in garages shall be counted towards the required minimum number of parking spaces for each dwelling. The parking space within the garage shall be large enough to provide an adequate parking space for a full size automobile and necessary space for ingress and egress out of the vehicle as determined by the zoning administrator. Building plans shall be submitted that demonstrate the adequacy of the garage(s) for accommodating parking, adequate ingress and egress out of the vehicle, and interior access to the residential unit.

- (b) *Commercial uses.* Commercial and institutional uses shall be divided into various categories according to the parking demand which they generate, as follows:

*Category A - High demand.* High parking demand generators shall provide *a minimum of* one parking space per 200 square feet of retail and/or office floor area *but not more than 120 percent of the minimum requirement*, to include:

- ~~▪ All other commercial uses not specified in Category B or C below.~~
- ~~▪ Arcades.~~



- Dance Halls/Clubs.
- Drug stores.
- ~~Laundries and dry cleaners.~~
- Libraries.
- Lodges, civic clubs, fraternal organizations, service clubs, and private clubs.
- Post offices.
- ~~Public billiard parlors and pool rooms.~~
- ~~Retail stores, general.~~
- Retail food stores, bakeries and fish markets.
- ~~Retail and service stores, including: antiques, arts and crafts, books, candy, coin, dressmaking, duplicating services, florist, furrier, garden supply, gift shops, greeting card, handicrafts, hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, novelty, office supply, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.~~
- *Convenience stores*
- *Liquor stores*
- *Truck stops*

*Category B - Moderate demand.* Moderate parking demand generators shall provide *a minimum of* one parking space per 250 square feet of retail and/or office floor area *but not more than 120 percent of the minimum requirement*, to include:

- *Arcades.*
- *All other commercial uses not specified in Category A or C.*
- Banks and *other* financial institutions.
- ~~Corporate~~, Business, *governmental* and professional offices.
- *Laundries and dry cleaners.*
- *Lumber and building supply.*

- Machinery sales and service.
- Photography, ~~studios and sales and~~ artist and sculptor ~~stores and~~ studios.
- Plumbing and electrical supply.
- *Billiard parlors and pool rooms.*
- *Retail and service stores, including the following stores: appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods.*
- *Retail stores, general.*
- ~~Tire, transmission, glass, body and fender, and other automotive product sales and service~~  
*Automobile and trailer sales and service.*

*Category C - Uses with unique requirements. Category C uses shall provide minimum parking as stated below but not more than 120 percent of the minimum requirement:*

- (1) *Bowling alleys.* Three spaces per alley plus one space for every 200 square feet of accessory business use.
- (2) *Barber shops and beauty ~~shops~~ parlors.* At least three spaces plus two spaces for every barber or beautician chair.
- (3) *Furniture and carpet stores and/or show rooms.* One space for every 400 square feet of retail floor area.
- (4) *Hospitals.* Two parking spaces for every bed.
- (5) *Indoor vehicular sales show rooms.* One space for every 400 square feet of retail floor area.
- (6) *Medical office/clinic (reference (18) below for Veterinary Hospitals).* Seven spaces per practitioner, or one space per 250 square feet, whichever is greater.

- (7) *Mini-storage warehouses.* One space per 100 units, plus two spaces per on-site caretaker residence.
- (8) *Mortuaries and funeral homes.* The applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted industry standards, provide information on peak parking demands, shared parking opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.
- (9) *Motels, hotels, and tourist homes.* One space per rental unit plus four parking spaces for every 50 rental units plus one space per five persons to the maximum capacity of each public meeting and/or banquet room. Accessory uses (restaurants, bars, etc.) shall provide the number of parking spaces required for those uses individually.
- (10) *Nursing homes ~~or convalescent homes~~.* One space for every four residents, plus one parking space for each employee on the largest shift.
- (11) *Outdoor retail sales/display areas.* At least one space per 500 square feet of area.
- (12) *Outlet malls.* Five spaces per 1,000 square feet of retail floor area. For the purposes of this provision, an “outlet mall” shall be defined as four or more stores which (1) are physically connected or are otherwise arranged in an integrated manner, (2) share a common parking area, and (3) the majority of the individual stores primarily sell the goods of a single manufacturer or sell returned, discontinued, overstock, and/or similar goods.
- (13) *Planned shopping centers, excluding outlet malls,* with four or more stores using a common parking lot, shall provide parking spaces according to the following schedule:

Total Retail Floor Area per 1,000 square feet	Number of Spaces per 1,000 square feet
1 to 300,000	4
Over 300,000	4.5

Where a theater is proposed in conjunction with any shopping center which contains at least 60,000-square feet of retail floor area, the number of parking spaces required for the theater may be reduced by 25 percent of what would have been required under subsection (17) below.

- (14) *Recreation facilities.* For recreation facilities not listed herein, the applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted national park and recreation standards, provide information on peak parking demands, shared parking opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.
- (15) *Rental of rooms.* Rental of rooms to a maximum of three rooms shall provide off-street parking totaling one more parking space than the total number of rooms to be rented.
- (16) *Restaurants.* One space for every four seats based upon the maximum seating capacity allowed.
- (17) ~~*Theaters, auditoriums, and*~~ *Places of public assembly including houses of worship and public meeting halls.* One parking space per five seats based upon the planned seating capacity. For uses with bench seating, each 24 inches of bench shall be counted as one seat. In calculating the number of seats, all resulting fractions shall be rounded up to the nearest whole number.
- (18) *Veterinary hospital.* Three spaces per examination or treatment room, plus one space per employee on the largest shift.

(c) *Industrial uses.* Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two employees on the largest shift.

(d) *All other uses - planning director determination.* Where the required number of parking spaces is not set forth for a particular use in the preceding subsections, where the applicant is uncertain as to final

use or size of the structure or where there is no similar general type of use listed, the planning director shall determine the number of spaces to be provided.

(e) *Shared parking.* Shared use of required parking spaces may be permitted where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. The location of such shared parking area(s) shall also be in compliance with section 24-55 (b). Shared use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the planning director as part of the site plan review:

- (1) The names and addresses of the uses and of the owners or tenants that are sharing the parking;
- (2) The location and number of parking spaces that are being shared;
- (3) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
- (4) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses and perpetual maintenance of the shared parking facilities. The rights of use of any such lots and pedestrian walkways shall be provided for by ownership, easement or similar recorded covenant or agreement, approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.

(f) *Mass or alternate transportation plans.*

- (1) The minimum number of required parking spaces may be reduced upon the approval of a mass transportation or alternate transportation plan, which details arrangements for the mass or alternate transit of potential visitors to the site, including residents, employees, and customers. The plan shall also demonstrate that facilities exist or will be provided to accommodate the safe loading and unloading of mass transit passengers. A facility which provides a safe and comfortable waiting area for passengers shall also be provided.

Such plans shall be subject to the review and approval of the planning director and transit manager prior to the reduction of the number of required parking spaces.



- (2) Each lot for which the minimum number of parking spaces has been reduced shall show a reserve area sufficient in size to accommodate the number of parking spaces which were not required to be constructed.
- (3) Every approved mass transportation or alternate transportation plan shall be reviewed by the planning director and transit manager every two years. The purpose of the review is to ascertain whether the plan has the effect of significantly reducing the automobile traffic to and from the site, and whether the reduced number of parking spaces is sufficient to accommodate the automobile traffic to the site. The planning director and the transit manager shall make a determination to this effect.
- (4) In the event that the planning director and transit manager determine that an approved mass transportation plan or alternate transportation plan has not had the effect of significantly reducing automobile traffic to a site, and that the reduced number of parking spaces is not sufficient to accommodate the automobile traffic to a site, the owner shall construct the number of parking spaces necessary to meet the minimum required under this ordinance.

*(g) Structured Parking. The maximum parking requirement shall not be applicable for uses utilizing structured parking.*

~~(g)~~ *(h) Appeals and waivers:*

- (1) *Appeals.* A property owner may appeal for a change of a commercial use from Category A to Category B or a less restrictive requirement ~~within Category C~~; however, the burden of proof shall be upon the applicant to show that the particular activity will not reasonably generate parking demand sufficient to justify the parking requirement of its present classification. Appeals for changes to ~~different~~ parking classifications shall be made to the *planning director* ~~planning commission~~.
- (2) *Waivers.* A property owner may be granted a waiver by the ~~planning commission~~ *planning director* from the ~~minimum~~ *120 percent maximum* off-street parking *cap* requirements if it can be shown that due to unique circumstances a particular activity would ~~not reasonably~~ be expected to generate *more* parking demand ~~sufficient to justify the~~ *than that allowed by the maximum* parking requirement *cap*. ~~Any~~

~~waiver granted by the planning commission shall apply only to the number of spaces required and shall not allow a greater building area than would have been possible had the original parking requirement been enforced. The planning commission~~ *planning director shall make a determination if the requested additional parking is necessary. The applicant shall demonstrate efforts toward utilizing a shared parking agreement or implementing a parking management plan to meet demand. The planning director* may place conditions upon the granting of a waiver and may require that the parking area ~~not required upon the granting of the waiver~~ be landscaped in addition to the minimum landscaping requirements. *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.*

**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 24-42, SPECIAL PROVISIONS FOR TOWNHOUSE AND CONDOMINIUM DEVELOPMENT; DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-62, PROVISIONS FOR PRIVATE STREETS IN QUALIFYING INDUSTRIAL PARKS; ARTICLE IV, MANUFACTURED HOME PARKS, SECTION 24-181, STREETS REQUIRED; ARTICLE V, DISTRICTS, DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-290, STREET IMPROVEMENTS; DIVISION VI, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-314, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 24-497, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 15. MIXED USE, MU, AND SECTION 24-528, STREET IMPROVEMENTS.

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 24-42, Special provisions for townhouse and condominium development; Division 2, Highways, Streets, Parking and Loading, Section 24-62, Special provisions for private streets; Article IV, Manufactured Home Parks, Section 24-181, Streets required; Article V, Districts, Division 5, Residential Planned Community District, R-4, Section 24-290, Street improvements; Division VI, Multifamily Residential District, R-5, Section 24-314, Requirements for improvements and design; Division 14, Planned Unit Development Districts, Section 24-497, Requirements for improvements and design; Division 15. Mixed Use, MU, Section 24-528, Street Improvements.

Article II. Special Regulations

Division 1. In General

**Sec. 24-42. Special provisions for townhouse and condominium development.**

Pavement for roadways *shall meet the design and construction requirements of the Virginia Department of Transportation's standards or Sec. 24-62 if streets are to be private.* and ~~p~~Parking areas to serve townhouse and condominium development shall be constructed and certified in accordance with *the Administrative Guidelines for Certification of Private Street Construction*—~~prepared by the county engineer.~~ Criteria to be considered under this requirement shall be strength of foundation soils and type and depth of pavement components. Until such time as the *development manager* ~~county engineer~~ or his designee has accepted and approved such certification, surety required to assure proper pavement construction shall not be released. Production and installation of base aggregate and wearing surface, or equivalent pavement design approved by the *development manager* ~~county engineer~~ or designee, shall be certified as complying with ordinance requirements and approved plans.

Division 2. Highways, Streets, Parking and Loading

**Sec. 24-62. ~~Provisions for private streets in qualifying industrial parks.~~ *Special provisions for private streets.***

(a) *Approval process* ~~Private streets may be permitted within qualifying industrial parks upon approval of the board of supervisors. Such approval shall be requested in writing through the planning division. The request shall include a traffic impact study and square footage estimates for the proposed industrial park. The traffic impact study shall be prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the planning director. The traffic impact study shall address projected traffic generation; internal road needs including, but not limited to, circulation and capacity; external traffic; turning movements and distribution at each access point; traffic distribution; capacity of surrounding roads; and road and access improvements. Private streets shall be coordinated with existing or planned streets on the approved master plan of development and the county~~

~~comprehensive plan. Private streets shown on the final plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.~~

~~The construction of streets, whether public or private, shall be guaranteed prior to construction by appropriate surety, letter of credit, cash escrow, or other form of guarantee approved by the county attorney.~~

*(1) Generally. Private streets may be permitted for the uses listed in Table 1 below upon approval of the board of supervisors unless otherwise specified and shall be coordinated with existing or planned streets of approved master plans and the Comprehensive Plan. Such approval shall be requested in writing through the planning division.*

Table 1: Zoning districts and uses where private streets may be permitted

Use		Qualified Industrial Park per Sec. 24- 62(a)(2)	Manufactured Home Park per Sec. 24- 181	Single Family Residential	Multi- Family Residential	All uses permitted in zoning district
Zoning District	A-1, General Agriculture	X	✓	X	X	X
	R-1, Limited Residential	X	X	X	X	X
	R-1, with cluster overlay	X	X	X	X	X
	R-2, General Residential	X	X	X	X	X
	R-2 with cluster overlay	X	X	X	✓	X
	R-4, Residential Planned Community	✓	✓	✓	✓	✓
	R-5, Multi-Family Residential	X	X	B	B	B
	R-5, with cluster overlay	X	X	B	B	B
	R-6, Low Density Residential	X	X	X	X	X
	R-8, Rural Residential	X	✓	X	X	X
	LB, Limited Business	X	X	X	X	X
	B-1, General Business	X	X	X	X	X
	M-1, Limited Business/Industrial	✓	X	X	X	X
	RT, Research & Technology	✓	X	X	X	X
	M-2, General Industrial	✓	X	X	X	X
	PUD, Planned Unit Development	✓	✓	✓	✓	✓
	MU, Mixed Use	✓	✓	✓	✓	✓
	PL, Public Land	X	X	X	X	X
	EO, Economic Opportunity	✓	✓	✓	✓	✓

✓ : permitted with board approval      X: not permitted      B: By-right

**(2) Qualifying Industrial Parks**

~~(b)~~**a.** A "qualifying industrial park" shall be defined as an industrial and/or business park that has an actual or planned size of at least 1,000,000 square feet. The "Qualifying Industrial Park Square Footage Adjustments" shall be applied, to determine the qualifying industrial park square footage in order to determine whether the qualifying threshold can or would be reached. Qualifying square footage is computed by multiplying the existing or planned total square footage by the square footage credit listed in the following chart.

<b>Qualifying Industrial Park Square Footage Adjustments</b>	
<b>Use</b>	<b>Square Footage Credit</b>
Existing industrial/office/warehouse development	1
Other Permitted Development	0.75
Planned industrial/office/warehouse development	0.75
Other Permitted Development	0.5

The planned development adjustments listed above shall be applied to undeveloped property zoned Mixed-Use, MU; Limited Business/Industrial District, M-1; General Industrial District, M-2; Research and Technology District, RT; and Planned Unit Development and allows nonindustrial/office and/or nonwarehouse activity to occur based on master plan projections which have been approved by the board of supervisors. For undeveloped property not subject to a binding master plan the square footage shall be determined by multiplying 0.75 by 25 percent of the net-developable area of the project.

If an industrial/office/warehouse development is proffered exclusively, the existing development adjustments listed above may be applied upon examination of the proffers.

***b. Requests for board approval of private streets in qualifying industrial parks shall include a traffic impact study and square footage estimates for the proposed industrial park. The traffic impact study shall be prepared by an individual or firm qualified to conduct traffic engineering studies in a manner***



*and form acceptable to the planning director. The traffic impact study shall address projected traffic generation; internal road needs including, but not limited to, circulation and capacity; external traffic; turning movements and distribution at each access point; traffic distribution; capacity of surrounding roads; and road and access improvements.*

*(3) Guarantees. The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and the development manager or his designee.*

~~(c)~~ (4) To the extent streets are private rather than public, the applicant shall also submit assurances satisfactory to the county attorney that a property owner's community association or similar organization has been legally established under which the lots within the area of the final *development* plan ~~shall~~ *will* be assessed *for* the cost of maintaining ~~the~~ private streets; and that if *such* assessments ~~are not paid~~, it shall constitute a pro rata lien upon the individual lots shown on the ~~final~~ *development* plan.

*(b) Minimum Standards:*

*(1) Private streets shown on the development plan shall meet the construction and geometric requirements of the Virginia Department of Transportation and the Administrative Guidelines for Certifications of Private Street Construction, except as specified in paragraph (2) below.*

~~(d) — The uniqueness of each proposal for a qualifying industrial park requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities and the specifications for curbs, entrances, gutters, sidewalks, street lights and stormwater drainage be subject to modification from the specifications established in chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for a particular facility when the planning commission finds that such specifications are not required in the best interests of the occupants, workers or customers of the businesses located within a qualifying~~

~~industrial park and that the modifications of such specifications are not inconsistent with the interests of the county.~~

*(2) If the uniqueness of a proposal requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities, with associated drainage and specifications for curbs and gutters be subject to modification from the specifications established in chapter 19, the development manager or his designee, within the limits hereinafter specified, may waive or modify the specifications otherwise applicable for a particular facility if the specifications are not required in the interests of the residents, occupants, workers, customers of businesses and property owners of the development and that the modifications of such specifications are not inconsistent with the interests of the entire county.*

It shall be the responsibility of the applicant to demonstrate to the satisfaction of the ~~planning commission~~ *development manager or his designee* with respect to any requested waiver or modification that:

- ~~(1)~~*a.* The waiver or modification shall result in design and construction that is in accordance with accepted engineering standards;
- ~~(2)~~*b.* The waiver or modification is reasonable because of the uniqueness of the ~~qualifying industrial park development~~ or because of the ~~development~~ *large area of the qualifying industrial park* within which the *nature and excellence of* design and construction will be coordinated, preplanned and controlled;
- ~~(3)~~*c.* Any waiver or modification pertaining to streets is reasonable with respect to the generation of vehicular traffic that is estimated to ~~will~~ occur ~~within the area of the qualifying industrial park with the area of development~~;
- ~~(4) Any waiver or modification pertaining to sidewalks is justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic; and~~

(5)d. Traffic lanes of streets are sufficiently wide *enough* to carry the anticipated volume and speed of traffic and in no case ~~shall two-lane roadways be~~ less than 20 *ten* feet wide;*and*

*e. Waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon the soil tests for California Bearing Ratio value and erosion characteristics of the particular subgrade support soils in the area.*

*The applicant may appeal the decision of the development manager or his designee to the development review committee.*

#### Article IV. Manufactured Home Parks

##### **Sec. 24-181. Streets required.**

Each manufactured home lot shall front on a public or private street. All *dedicated public* streets *shown on the development plan* shall meet the design and construction ~~standards~~ *requirements* of the Virginia Department of Transportation's *standards* or the county's subdivision ordinance, whichever is *more stringent* ~~greater~~. *Such public streets shall be coordinated with the major transportation network shown in the Comprehensive Plan.* ~~The construction and maintenance of private streets shall be guaranteed by a surety bond, letter of credit, cash escrow or other form of surety approved by the county attorney and the environmental director.~~ Public streets shall be part of the Virginia Department of Transportation road system. *Private streets may be permitted per Sec. 24-62.*

#### Article V. Districts

##### Division 5: Residential Planned Community District, R-4

##### **Sec. 24-290. Street improvements.**

(a) All dedicated public streets shown on the ~~final~~ development plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county subdivision ordinance, whichever is greater. Such public streets shall be coordinated with the major transportation network shown in the ~~county~~ Comprehensive Plan.

(b) Private streets may be permitted *in accordance with the provisions of Sec. 24-62.* ~~upon approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the final plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.~~

~~The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of code compliance.~~

(c) ~~To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the planning commission that a property owner's community association or similar organization has been legally established under which the lots within the area of the final plan will be assessed for the cost of maintaining private streets and that such assessments shall constitute a pro rata lien upon the individual lots shown on the final plan.~~

(d) ~~The uniqueness of each proposal for a residential planned community requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities and the specifications for curbs, gutters, sidewalks, street lights and storm water drainage be subject to modification from the specifications established in Chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for a particular facility where the planning commission finds that such specifications are not required in the interests of the residents of the residential planned community and that the modifications of such specifications are not inconsistent with the interests of the entire county.~~

~~It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with respect to any requested waiver or modification:~~

- ~~(1) That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;~~
- ~~(2) That the waiver or modification is reasonable because of the uniqueness of the residential planned community or because of the large area of the residential planned community within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;~~
- ~~(3) That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur within the area of the master plan;~~
- ~~(4) That any waiver or modification as to sidewalks in AB@, AC@, AD@, or AE@ density areas be justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic.~~
- ~~(5) That traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic and in no case less than ten feet wide; and~~
- ~~(6) That waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon soil tests for CBR value and erosion characteristics of the particular subgrade support soils in the area.~~

## Article V. Districts

### Division 6. Multifamily Residential District, R-5

#### **Sec. 24-314. Requirements for improvements and design.**

(f) *Streets.* All **dedicated public** streets **shown on the development plan** shall meet the design and construction requirements of the Virginia Department of Transportation's **standards** or the requirements of the county subdivision **ordinance, regulations**, whichever is greater. **Such public** All streets shall be **coordinated** consistent with the major **transportation network** thoroughfare plan of **shown in** the county

Comprehensive Plan. *Private streets may be permitted in accordance with the provisions of Sec. 24-62.*

The traffic generated by a Multifamily Residential District, R-5, shall not exceed the capacity of adjoining thoroughfares. The daily traffic shall be determined by multiplying the number of proposed dwelling units by the appropriate trip generation rate as listed in the latest edition of a book entitled *Trip Generation* published by the Institute of Transportation Engineers and compared to the existing traffic and road capacity as determined by the highway engineer. ~~The construction of private streets shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of code compliance.~~

#### Division 14. Planned Unit Development Districts

##### **Sec. 24-497. Requirements for improvements and design.**

- (d) *Street.* All *dedicated public* streets *shown on the development plan* shall meet the *design and construction* requirements of the Virginia Department of Transportation's *standards* or the ~~requirements of the county subdivision~~ *ordinance, regulations,* whichever is greater. Such *public* streets shall be coordinated with the major transportation network shown in the ~~county~~ Comprehensive Plan. ~~The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and environmental director.~~ Private streets may be permitted upon the approval of the board of supervisors *in accordance with the provisions of Sec 24-62.*

#### Division 15. Mixed Use, MU

##### **Sec. 24-528. Street improvements.**

- (b) Private streets may be permitted upon the approval of the board of supervisors *in accordance with the provisions of Sec. 24-62.* ~~and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the development plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.~~



~~—The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and environmental director.~~

~~—(c) To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the planning commission that a property owner's community association or similar organization has been legally established under which the lots within the area of the development plan will be assessed for the cost of maintaining private streets and that such assessments shall constitute a pro rata lien upon the individual lots shown on the development plan.~~

~~—(d) The uniqueness of each proposal for a mixed use development requires that the specifications for the width, surfacing, construction and geometric design of streets with associated drainage and the specifications for curbs and gutters be subject to modification from the specifications established in chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for these facilities where the planning commission finds that such specifications are not required in the interests of the residents and property owners of the mixed use development and that the modifications of such specifications are not inconsistent with the interests of the entire county.~~

~~—It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with respect to any requested waiver or modification:~~

- ~~(1) That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;~~
- ~~(2) That the waiver or modification is reasonable because of the uniqueness of the mixed use development or because of the large area of the mixed use development within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;~~

- ~~—(3) That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur with the area of the master plan;~~
- ~~—(4) That traffic lanes of streets are sufficiently wide enough to carry the anticipated volume and speed of traffic and in no case less than ten feet wide; and~~
- ~~—(5) That waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon the soil tests for California Bearing Ratio value and erosion characteristics of the particular subgrade support soils in the area.~~

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 I, IN GENERAL, SECTION 24-35, SIDEWALKS.

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 Article II, Special Regulations, Division 1, In General, Section 24-35 Pedestrian accommodation.

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 Americans with Disabilities Act (ADA) requirements and standards only for connecting buildings and parking areas.*

*(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 prohibit a connection.*

~~(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 (date of ordinance adoption) 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 cases 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 that links with adjacent pedestrian accommodations ; or*

*(3) pedestrian accommodations shown on a master plan approved by the board of supervisors differs from the pedestrian accommodation master plan.*

*(4) 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.*






*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.*



Revision date Septemeber 2011

King and Queen  
County

Gloucester  
County

-  Multi-Use
-  Sidewalk
-  Sidewalks both sides
-  Side designation
-  Community Character Area Sidewalk Inclusion Zone  
Sidewalks to be constructed on the North or East side of roads internal to a Community Character Area

Note: The Virginia Capital Trail serves as the multi-use path along Route 5. No additional pedestrian accommodation is required.

Charles City  
County

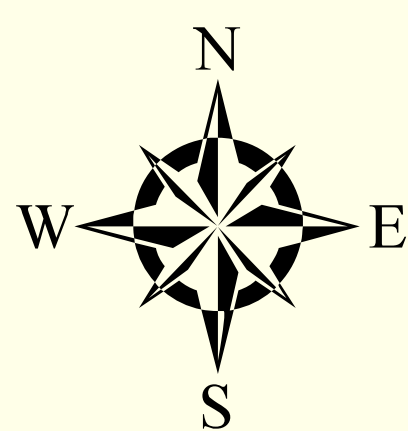
York  
County

City of  
Williamsburg

James River

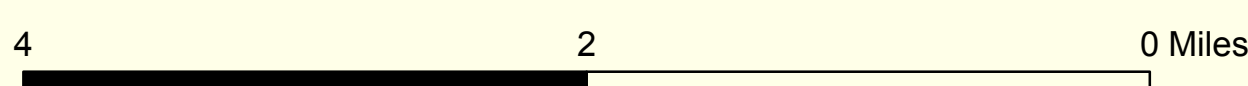
Surry  
County

City of  
Newport News



1:43,200

1 inch = 3,600 feet



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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; ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, PERMITTED USES; AND 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 II, Special Regulations, Division 1, In General, Section 24-43, Buffer and setback requirements for timbering activities; Article V, Districts, Division 2, General Agricultural District, A-1, Section 24-212, Permitted uses; and Section 24-215, Setback requirements.

Chapter 24

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~~ ~~timbering~~ activities conducted as part of ~~an approved~~ 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. a setback for timbering shall be provided in accordance with section 24-215(c).*
- (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 an **timber buffer modification** 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, 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 ~~44~~ **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 timbering ~~buffer modification~~ application if there are unresolved problems between the applicant ~~or~~ *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 his 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.

## Article V. Districts

### Division 2. General Agricultural District, A-1

Sec. 24-212. Permitted uses.

~~Silviculture, with timbering in accordance with Section 24-215(e).~~

*Timbering in accordance with section 24-43.*

Sec. 24-215. Setback requirements.

~~(e) All timbering activities in the primary service area shall be located a minimum of 50 feet from any public road right of way unless done in accordance with section 24-43. This distance shall be known as the setback for timbering.~~

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VI, OVERLAY DISTRICTS, DIVISION 3, FLOODPLAIN AREA REGULATIONS, SECTION 24-588, COMPLIANCE AND LIABILITY; SECTION 24-590, DESIGNATION OF FLOODPLAIN DISTRICTS; SECTION 24-595 REGULATIONS FOR CONSTRUCTION; SECTION 24-596, REGULATIONS FOR SUBDIVISIONS AND SITE PLANS; SECTION 24-597 REGULATIONS FOR REPLACEMENT MANUFACTURED HOMES; AND SECTION 24-601, WATERCOURSE MODIFICATION.

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 Section 24-588, Compliance and liability; Section 24-590, Designation of floodplain district; Section 24-595, Regulations for construction; Section 24-596, Regulations for subdivision and site plans; Section 24-597, Regulations for replacement manufactured homes; and Section 24-601, Watercourse modification.

Chapter 24. Zoning

Article VI. Overlay Districts

Division 3. Floodplain Area Regulations

Sec. 24-588 Compliance and liability

(a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of these regulations and any other applicable ordinances and regulations; *including, but not limited to: the Virginia Uniform Statewide Building Code (USBC), the Virginia Industrialized Building Safety Regulations (IBSR), and the Manufactured Home Safety Regulations (MHSR).*

Sec 24-590. Designation of Flood Districts

(a) The various floodplain districts shall include areas subject to inundation by waters of the 100-

year flood. The minimum basis for the delineation of these districts shall be, but not limited to, the September 28, 2007, flood insurance study prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Agency (FIA), since other flood-prone areas exist in James City County which are not shown on the floodplain maps. To determine these areas, the 100-year flood elevations and floodways from federal, state and local sources may be used when available. Where the specific 100-year flood elevation cannot be determined for an area by using available sources of data, then the applicant for the proposed use, development and/or activity shall determine this elevation to the satisfaction of the county engineer in accordance with the hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall consider full development of the watershed and shall be submitted in sufficient detail to allow a thorough review by the county engineer.

Where flood elevations are provided by the FIA, these elevations shall not be changed except with FEMA approval. Local sources of floodplain flood-prone area data include, but are not limited to, the following reports: *Drainage Study of Upper Powhatan Creek Watersheds, Camp Dresser and McKee, 1987; Mill Creek-Lake Watershed Study, GKY and Associates, 1988; Powhatan Creek Floodplain Study, Williamsburg Environmental Group, 2008; Upper Powhatan Creek Floodplain Study, Williamsburg Environmental Group, 2010.*

#### Sec. 24-595. Regulations for Construction

(a) The construction or placement of any structure or obstruction, filling or changing the cross-section or flow characteristics within the 100-year floodplain shall not be permitted unless the project is in conformance with the following requirements:

- (1) In case of residential usage, the finished grade elevation of the lowest floor, including the basement or cellar of the building, shall be at least one foot two feet above the 100-year

flood elevation for the lowest floor, including basement or cellar of structure. For nonresidential structures, watertight floodproofing in accordance with the Virginia Uniform Statewide Building Code may be provided in lieu of the finished grade requirement described herein. Prior to issuance of a certificate of occupancy, the owner of any structure located in a floodplain district shall submit a completed elevation certificate or floodproofing certificate as appropriate to the director of ~~code compliance~~ *the building safety and permits division*.

- (2) Utility and sanitary facilities shall be flood proofed up to the level of *two feet above* the 100-year *base* flood *elevation*.
- (3) Encroachments, including fill, new construction, substantial improvements and other development are prohibited within the floodway *or any floodplain district having a 100-year elevation greater than 7-1/2 feet (North American Vertical Datum - NAVD, 1988)* unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. *Hydrologic and hydraulic analyses shall be undertaken by a professional engineer and shall be submitted in sufficient detail to allow a thorough review by the development manager or designee.*
- (4) All other federal and state permits shall be obtained by the applicant before a building permit can be issued.

(b) It shall be the responsibility of the applicant to provide this data, certified by a licensed surveyor or engineer or other source acceptable to the director of ~~code compliance~~ *the building safety and permits division*.

#### Sec. 24-596. Regulations for subdivisions and site plans

The applicant of any subdivision of land or site plan within the county shall submit with his application a statement by a licensed surveyor or engineer as to whether or not any property shown on the plat or plan

is at an elevation lower than the 100-year flood level. Where a 100-year flood level exists, the extent of this area shall be shown on the plat or plan. Further, the elevation of the finished surface of the ground at each building location shall be shown. Lots created after February 6, 1991, which are within a floodplain district having a 100-year flood elevation greater than 7-1/2 feet, shall contain a natural, unfilled building site at least one foot above the 100-year flood elevation adequate to accommodate all proposed *buildings* ~~structures~~. All *buildings* ~~structures~~ shall be constructed solely within such building site *and outside of the 100-year flood plain.*

Sec. 24-597. Regulations for replacement manufactured homes.

- (a) Replacement manufactured homes shall be elevated on a permanent foundation so that the lowest floor is ~~one foot~~ *two feet* above the level of the 100-year flood *elevation*.
- (b) In floodplain areas, replacement manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in either of the following arrangements:
  - (1) Over-the-top ties at each corner plus one frame tie at the middle of each side; or
  - (2) Frame ties at each corner plus no less than five evenly spaced additional frame ties per side.
- (c) All ties to the ground shall be able to carry a force of 4,800 pounds.

Sec. 24-601. Watercourse modification.

The Federal Insurance Administrator, adjacent jurisdictions and the Department of Conservation and Recreation, Division of ~~Soil and Water Conservation~~ *Dam Safety and Floodplain Management* shall be notified prior to the alteration or relocation of any watercourse. The flood-carrying capacity to such watercourse shall be maintained.



**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 3, EXTERIOR SIGNS, SECTION 24-66, DEFINITIONS; SECTION 24-70 FREESTANDING SIGNS; SECTION 24-73 SPECIAL REGULATIONS FOR CERTAIN SIGNS; AND BY AMENDING AND RENAMING SECTION 24-79 VIOLATIONS AND PENALTIES.

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 3, Exterior Signs, Section 24-66, Definitions; Section 24-70 Freestanding signs; Section 24-73 Special regulations for certain signs; Section 24-79 Violations.

**Article II. Special Regulations**

**Division 3. Exterior Signs**

**Sec. 24-65. Statement of intent.**

The purpose of this article is to regulate exterior signs so as to protect the health, safety, and general welfare of the community; to protect property values; to protect the historic and natural character of the community; to protect the safety of the traveling public and pedestrians; to promote the creation of an attractive and harmonious community; and to ensure the equitable distribution of public space for the purpose of communication.

**Sec. 24-66. Definitions.**

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Back-lit or channeled lettered sign.* Any sign in which only the letters, characters, or figures are internally lighted. The background of the sign shall be opaque and shall not be internally illuminated. ~~The development~~

~~review committee shall review and approve all back-lit or channeled lettered signs that are proposed within 150 feet of the existing or proposed right-of-way of a community character corridor or within a community character area.~~

*Blade sign.* A two-sided flat sign that projects more than 18 inches from, and that is mounted perpendicularly to, a vertical building wall. Such sign may be suspended from an arm or bracket, or may be directly mounted to a building wall or the underside of a canopy or awning.

*Building face sign.* Any sign attached to and erected parallel to the face of or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 18 inches from the building wall.

*Double-faced sign.* A sign with two parallel or nearly parallel faces, back-to-back, and located not more than 24 inches from each other.

*Flashing sign.* An illuminated sign on which the artificial or reflected light is not maintained stationary or constant in intensity and/or color at all times when in use, and whose intermittent or sequential lights are used primarily to attract attention. Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign. Signs which display only the time of day and temperature or *changeable LED signage used to advertise a single gas price shall not be considered a flashing sign when copy is changes less than four times in a twenty-four hour period.*

*Freestanding sign.* A sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall, not a part of a building, shall be considered a freestanding sign.

*Gross sign area.* That area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in a sign area. Only one side of a double-faced sign shall be

included in a computation of sign area. The area of signs with more than two faces shall be computed by multiplying one-half the circumference of the footprint of the sign by the height of the sign. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign.

*Illuminated sign.* Any sign designed to give forth artificial light or designed to reflect light from one or more sources of artificial light erected for the purpose of providing light for the sign.

*Indirectly illuminated sign.* A sign which does not produce artificial light from within itself, but which is opaque and backlighted or illuminated by spotlights or floodlights not a part of or attached to the sign itself.

*Internally illuminated sign.* A sign of translucent or transparent material with the source of illumination, exposed or shielded, enclosed within the face or supporting structure of the sign. This term shall not apply to a sign in which only the letters, characters, or figures are internally lighted and the background of the sign is opaque.

*Marquee sign.* Any sign attached to or hung from a marquee. For the purpose of this article, a "marquee" is a covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

*Projecting sign.* A sign which is attached to and projects more than 18 inches from the face of a wall of a building. The term "projecting sign" includes a marquee sign.

*Shopping center.* A group of three or more commercial establishments having a minimum combined total square footage of 25,000 square feet, planned, constructed, and/or managed as a single entity, with customer and employee parking provided onsite, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

*Sign.* A structure, display or device that is arranged, intended, designed or used as an advertisement, announcement, identification, description, information or direction.

**Sec. 24-67. Permits.**

The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this chapter:

- (1) *Required application; inspection of signs.* No sign, unless herein exempted, shall be erected, constructed, structurally altered or relocated, except as provided in this article and in these regulations, until a permit has been issued by the administrator or his designee. Before any permit is issued, an application provided by the administrator or his designee shall be filed together with two sets of drawings and specifications, one to be returned to the applicant, as such may be necessary to advise and acquaint the administrator or his designee fully with the location in relation to adjacent buildings, construction, materials, manner of illuminating or securing or fastening, and number of signs applied for and the wording of the sign or advertisement to be carried on the sign.
- (2) *Electrical permit.* All signs which require electricity or are electrically illuminated shall require a separate electrical permit and an inspection.
- (3) *Permit time limit.* All signs shall be erected on or before the expiration of six months from the date of issuance of the permit, otherwise the permit shall become null and void and a new permit shall be required.
- (4) *Permit number.* Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises.
- (5) *Fees required.* For all sign permits, fees shall be required in accordance with section 24-7 of this chapter.

**Sec. 24-68. Content of signs.**

No exterior sign shall advertise a product, service, business activity or institution which occurs or is generally conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is located.

The content or advertising message carried by signs hereafter erected shall be limited to one or more of the following:

- (1) The identification of a building or its owners or occupants of the premises.
- (2) Information concerning any lawful business-related activities on the premises and/or goods or services offered in connection therewith, or information concerning any lawful, nonbusiness, nonservice-related activities or messages on or off the premises.
- (3) Information concerning the sale, rental or lease of the premises.
- (4) Information on directional signs as prescribed in section 24-73 (e).

**Sec. 24-69. Residential subdivision signs.**

(a) *Requirements.* For identification of residential subdivisions, no sign intended to be read from any public right-of-way adjoining the district shall be permitted except for:

- (1) An identification sign, not exceeding 32 square feet in area, for each principal entrance. Such sign shall be bound by all other provisions of this section and shall also conform with the following criteria:
  - a. If freestanding, such sign shall not exceed a height of 15 feet above natural grade.
  - b. If illuminated and ground-mounted, the sign shall be illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights. The ground-mounted lights shall be concealed by landscaping. In no case, shall the lamps or bulbs from any type of lighting be visible nor shall glare be cast upon any adjacent property, or public or private right-of-way.
  - c. If the sign is located at the corner of two rights-of-way, the sign may be placed no closer than ten feet to the corner property lines; or
- (2) Two identification signs for each principal entrance whereby the cumulative size of the signs at each entrance does not exceed 32 square feet in area. The signs shall be placed on each side of the principal entrance and shall also conform to the following criteria:
  - a. Each sign shall not exceed a height of eight feet above natural grade.

- b. If illuminated and ground-mounted, the sign shall be illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights. The ground-mounted lights shall be concealed by landscaping. In no case, shall the lamps or bulbs from any type of lighting be visible nor shall glare be cast upon any adjacent property, or public or private right-of-way.
- c. If the signs are located at the corner of two rights-of-way, the signs may be placed no closer than ten feet to the corner property lines.

(b) *Special requirements for subdivision identification signs located within community character areas or along community character corridors.* The planning director shall review and approve residential subdivision signs, supporting structures, and entrance features to be placed within a community character area or along roads designated as community character corridors as identified by the James City County Comprehensive Plan. An applicant may appeal the decision of the planning director to the Development Review Committee (DRC). The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant=s request based on the review criteria outlined in this section.

Plans indicating the location of the sign(s), supporting structure(s), location and type of landscaping, and entrance features relative to surrounding streets, lots, and other features of the subdivision shall be provided to the administrator or his designee along with the application and drawings as specified in section 24-67 (1).

In reviewing the plans for subdivision signs, supporting structures, and entrance features, the following criteria shall be considered in deciding whether to approve the residential subdivision sign application:

- (1) *Scale.* The scale of the sign(s), supporting structure(s), and entrance features shall be consistent with, and complement, the adjacent properties and the road(s) on which the subdivision is located.
- (2) *Materials, colors, and construction.* The materials, colors, and construction of the sign(s), supporting structure(s), and entrance features shall complement the character of the road on which the subdivision is located and shall not detract from the aesthetics of adjacent properties.



- (3) *Landscaping.* An appropriate mix of deciduous and evergreen trees and/or shrubs shall be provided that enhance the appearance of the sign(s), supporting structure(s), and associated entrance features.
- (4) *Safety.* The sign(s) and entrance features shall be located in such a manner that they do not impair the safety of motorists, pedestrians, or bicyclists.
- (c) *Content of residential identification signs.* Aside from identifying the name of the subdivision, additional information pertaining to the subdivision such as marketing and sales information may be included on the sign. The information shall be an integral part of the sign(s) and in no case shall the size of the sign(s) exceed the size permitted by section 24-69 (a)(1) and (2).

**Sec. 24-70. Freestanding signs.**

Freestanding signs shall only be permitted on properties having street frontage and shall be in compliance with the following regulations:

- (a) *Sign location and setbacks.* One freestanding sign shall be permitted on each street frontage *at the entrance.* Such signs may only be placed on the property within required yards and setbacks and shall be located at least five feet from any property line.
- (b) *Sign area.* Such signs shall not exceed:
  - (1) 32 square feet per face if located less than 75 feet from the road right-of-way;
  - (2) 50 square feet per face if located 75 to 150 feet from the road right-of-way; or
  - (3) 60 square feet per face if located more than 150 feet from the road right-of-way.
- (4) *An option for freestanding signage. Two identification signs for each principal entrance whereby the cumulative size of the signs at each entrance does not exceed 32 square feet in area. The signs shall be placed on each side of the principal entrance and shall also conform to the following criteria:*
  - a. *Each sign shall not exceed a height of eight feet above natural grade.*
  - b. *If illuminated and ground-mounted, the sign shall be illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights. The ground-mounted lights shall be concealed by*

*landscaping. In no case, shall the lamps or bulbs from any type of lighting be visible nor shall glare be cast upon any adjacent property, or public or private right-of-way.*

*c. If the signs are located at the corner of two rights-of-way, the signs may be placed no closer than ten feet to the corner property lines.*

- (c) *Sign height.* Such signs shall not exceed an overall height of 15 feet above natural grade.
- (d) *Sign lighting.*
- (1) Internally illuminated signs shall be prohibited in the following cases:
  - a. When such signs are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area as identified on the James City County Comprehensive Plan Land Use Map; or
  - b. When such signs are visible from and located within 150 feet of the existing or proposed rights-of-way of roads designated as community character corridors by the James City County Comprehensive Plan.
- (2) Illuminated signs within community character areas and along community character corridors, as defined above in (d)(1) a. and b. are permitted so long as they comply with the following:
  - a. composed of back-lit or lighted channeled letters as approved by the planning director in accordance with the criteria outlined in section 24-72 except that changeable digital displays or LED displays used specifically for indication of gas pricing on the premises are exempt from this requirement so long as they are constructed in accordance with section 24-73(m). An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant=s exception request based on the review criteria outlined in section 24-72; or

- b. externally illuminated by *either sign-mounted lighting or* ground-mounted horizontal light bars, light strips, or spotlights, which shall be concealed by landscaping. In all cases bulbs, lenses, and globes shall not be visible from the road right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians.

(3) Signs shall cast no glare upon any adjacent property or public or private right-of-way.

(e) *Signs for individual stores, businesses or professions on the same property.* Individual stores, businesses or professions on the same property, exclusive of shopping centers, shall combine signs on a single standard and the square footage of the combined signs shall not exceed 32 square feet per face.

(f) *Shopping center signs.* Shopping centers shall be permitted one freestanding sign per major street frontage. A freestanding shopping center sign shall display only the shopping center name. Individual shops and businesses in shopping centers may have building face signs as provided for in section 24-71 or specially designed signs consistent with the overall development plan for the shopping center and approved as a part thereof by the planning commission.

#### **Sec. 24-71. Building face signs.**

In zones where business or manufacturing is permitted, a building face sign shall also be permitted. The signs shall be in compliance with the following regulations:

(a) *Sign location and area.* The building face sign(s) shall be placed on the front facade of the building, except in cases outlined below in subsections (d) and (g). The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the building=s or unit=s front facade or 60 square feet, whichever is smaller. The front facade of the building shall be considered the side that has the main public entrance.

For industrial uses in the M-1, M-2, PUD-C, and RT Zoning Districts, the applicant may request an exception from the planning director to allow the building face sign(s) to exceed 60 square feet. An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall

document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant=s exception request based on the review criteria outlined in this section. For the purposes of this section, industrial uses shall mean any industrial use that involves the manufacture and/or assembly of products or components/parts for products. In addition to the submittal requirements outlined in section 24-67, the applicant shall provide scale drawings of the building elevation(s) and proposed sign(s). A conceptual plan shall also be submitted which shows the location of the sign relative to the existing and proposed landscaping, sight lines, distances from right-of-ways, and other pertinent site features.

In reviewing an exception request, the following criteria shall be considered in deciding whether to approve the request.

- (1) *Scale and proportion.* The size and scale of the sign and proportion of lettering, characters, and figures shall complement the design, scale, size, and materials of the building as well as the distance of the building from adjacent public right-of-ways. The scale of the sign in proportion to the building should be balanced so that the sign is not the dominant visual feature of the structure, with additional size aimed primarily at making the use identifiable from an adjoining public road. In no case shall the size of the sign exceed ten percent of the building=s wall surface upon which the sign is placed.
- (2) *Materials, lighting, colors, and construction.* The materials, lighting, and colors of the sign shall not negatively impact adjacent properties or the aesthetics of the adjacent public roads. No exceptions will be granted for signs located within 150 feet of the road right-of-way of roads designated community character corridors.
- (b) *Sign mounting.* Such signs shall be mounted flat against the building on the side measured above.
- (c) *Sign lighting.*
  - (1) Internally illuminated signs shall be prohibited in the following cases:

- a. Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area as identified on the James City County Comprehensive Plan Land Use Map; or
  - b. Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of roads designated as community character corridors by the James City County Comprehensive Plan.
- (2) Illuminated, signs within community character areas and along community character corridors, as defined above in (c)(1)a. and b., shall be signs composed of:
- a. back-lit or lighted channeled letters as approved by the planning director in accordance with the criteria outlined in section 24-72. An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant=s exception request based on the review criteria outlined in section 24-72; or
  - b. shall be externally illuminated in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way.
- (3) Signs shall cast no glare upon any adjacent property or public or private right-of-way.
- (d) *Additional signs for buildings facing onto public rights-of-way or parking lots.* When the same building faces onto a public right-of-way or parking lot on the rear or side of the building, an additional sign may be erected at the public entrance on that side. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the building=s side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.
- (e) *Additional signs for buildings in excess of 40,000 square feet.* If the footprint of an individual store exceeds 40,000 square feet in size and contains major retail departments (i.e. bakery, restaurant, pharmacy, etc.), four additional building face signs advertising these retail departments, in addition to the main

identification sign, may be permitted. The size of these individual sign(s) shall not exceed one square foot of sign area for each linear foot of the retail department=s interior facade or 75 percent of the size of the main building face sign, whichever is smaller.

(f) *Exterior signs for stores within an enclosed shopping mall.* If there are individual stores located within an enclosed shopping mall and the stores are not directly accessible from the outside, each of the interior stores shall be allowed to display one exterior wall sign in accordance with the following regulations:

(1) The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the unit=s front facade or 60 square feet, whichever is smaller.

(2) The sign shall be mounted flat against the building at one of the mall=s public entrances.

(g) *An option for building face signs.* An owner may elect to relocate the building face sign, which would typically be placed above the building=s main public entrance, on the side of the building that faces the public road right-of-way or parking lot. This provision would only apply if the side of the building facing the public road right-of-way or parking lot has no public entrance. This provision would not allow for additional building face signs beyond the maximum number permitted by section 24-71; it only provides the applicant an option on which side of the building to place the building face sign. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the building=s side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

**Sec. 24-72. Review criteria for back-lit/channeled lettered signs within community character areas and along community character corridors.**

In reviewing applications for signs containing back-lit or channeled letters, the following criteria shall be used in deciding whether to approve the application.

(a) *Scale and proportion.* The scale of the sign and proportion of lettering, characters, and figures shall be of a scale, size, and character in keeping with the historic and/or rural ambience of the county and Williamsburg.



(b) *Materials, colors, and construction.* The materials, colors, and construction shall complement the character of surrounding development and shall be in keeping with the historic and/or rural ambience of the county and Williamsburg.

(c) *Intensity and quantity of lighting.* The area of the sign that is lit shall be a small proportion of the overall size of the sign. The lighting used shall be of a subdued nature and shall not dominate the streetscape.

**Sec. 24-73. Special regulations for certain signs.**

(a) *Logos, trademarks, murals, etc.* Any logo, trademark, mural, copyright or recognizable symbol pertaining to the use or business contained within the building painted on any face of the building shall be treated as a building face sign.

(b) *Flags as signs.* Flags used as signs shall be allowed by permit, provided that the same are installed in a permanent fashion, are maintained in good repair and will not constitute a hazard to vehicular or pedestrian traffic.

(c) *Signs on entrance marquees or canopies.* Signs on entrance marquees or canopies shall be allowed, provided that the total area of such signs if constructed alone or in combination with other building signs does not exceed the maximum allowable dimensions and square footage as set forth in section 24-71 (a) above.

(d) *Signs on corner lots.* Except for those provided for under section 24-69, signs on corner lots shall not be closer than 50 feet to the corner of the lot. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate site distance and good visibility is maintained for all motorists and pedestrians traveling the intersection, the administrator or his designee may permit setbacks of less than 50 feet.

(e) *Directional signs.* Directional signs may be allowed upon the determination of the administrator or his designee that the sign(s):

- (1) Are necessary to permit vehicular traffic to locate distinctive places of historical significance, businesses, campgrounds, industries and residential areas or other activities which are located off the state primary roads;
- (2) Show only the name and/or logo, mileage and direction; and
- (3) Do not exceed ten square feet in size *or seven feet in height*.

(f) *Freestanding signs on properties adjacent to and visible from residential districts.* On properties adjacent to residential districts, any freestanding sign, visible from an adjacent residential district, shall be limited to 32 square feet in area. The top of the freestanding sign shall not exceed 15 feet above grade. If illuminated, freestanding signs within these areas shall be signs composed of:

- (1) Back-lit or lighted channeled letters; or
- (2) Shall be externally illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way. The ground-mounted lights shall be concealed by landscaping.

In either case, there shall be no glare cast upon any adjacent property or public or private right-of-way. The freestanding sign shall be lit only during the normal operating hours of the associated use.

(g) *Signs for new commercial, industrial, and institutional construction projects.* Temporary nonilluminated signs may be erected in connection with new commercial, industrial, and institutional development and displayed on the premises during such time as the actual construction work is in progress.

The signs shall also conform with the following criteria:

- (1) The maximum number and size of signs shall be:
  - a. A maximum of three signs with a cumulative sign area not to exceed 24 square feet; or,
  - b. A maximum of one sign with a sign area not to exceed 32 square feet.
- (2) The sign(s) shall only be placed along one of the property's street frontages.

(h) *Home occupation signs.* Reference section 24-74 (10).

(i) *Setback reductions in mixed-used districts.* In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate sight distance, and good visibility is maintained for all motorists and pedestrians traveling the intersection, the zoning administrator or his designee may permit setbacks of less than 5 feet on any lot in a mixed-used district.

(j) *Blade signs in mixed-use districts.* Blade signs are permitted in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved master plan of development, all of which shall be approved by the board of supervisors.

Blade signs must adhere to the following limitations and requirements:

- (1) There shall be no more than one sign per public entrance to any given building;
  - (2) The sign(s) shall be positioned at the public entrance(s) of the building;
  - (3) An individual blade sign shall be no more than 12 square feet in area;
  - (4) The sign shall be mounted such that the bottom edge of the sign is not less than eight feet from the finished grade directly underneath it;
  - (5) Blade signs shall be unlit, or externally illuminated in such a way that bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians;
  - (6) Blade signs that extend over a public right-of-way are subject to the prior approval of the controlling public entity. If approved, the developer shall provide positive proof of insurance for each sign mounted over the public right-of-way, or an alternate liability instrument deemed suitable by the controlling public entity;
  - (7) All blade signs shall obtain the prior approval of the design review board for the mixed-use project before they are installed.
- (k) *Pedestrian-scale directional signs in mixed-use districts.* Small, free-standing signs designed to direct

pedestrian traffic to locations of interest within the development may be placed in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved master plan of development, all of which shall be approved by the board of supervisors. Pedestrian-scale directional signs must adhere to the following limitations and requirements:

- (1) Such individual signs shall be no more than 24 square feet in total area, and may not have more than two faces. Only one side of a double-faced sign shall be included in a computation of sign area;
- (2) The top edge of a pedestrian-scale directional sign shall be no more than seven feet above finished grade;
- (3) Any lighting that is used shall be externally mounted and either supported solely from the sign structure, or ground-mounted. The ground-mounted lights shall be concealed by landscaping. Lighting shall be directed only onto the sign's face. Bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians;
- (4) Signs shall generally include elements such as the name and logo of the overall development, maps, and the business names, logos, and directional information for businesses that are located within the development;
- (5) The number, relative positioning, and placement of each sign in a given mixed-used development shall be subject to the prior approval of the design review board and the planning director, or his designee.
  - (1) *Pole-mounted banners.* Seasonal and/or holiday banners that are affixed to light poles that generally identify a season and/or holiday and advertise or promote the development as a whole (by including only the development name and/or logo), rather than individual enterprises, are permitted, subject to the prior approval of the Zoning Administrator, or his designee. Banners shall be mounted such that the bottom edge of any given banner is not less than eight feet from the finished grade directly beneath it. Banners are permitted only in shopping centers, (as defined in section 24-66), or in mixed-use districts.

(m) *Digital or LED signage.* Digital or LED signage advertising gas price in Community Character Corridors and Community Character Areas must adhere to the following requirements:

- (1) Signs shall only advertise gas pricing on premises;
- (2) Sign shall be of monument style and of a brick or stone foundation;
- (3) Digital/LED displays shall be limited to advertising a single gas price and each digital character may not exceed one square foot and may not accommodate more than 50 percent of the total sign area;
- (4) Digital/LED lighting shall be of one color that does not mimic emergency services lighting;
- (5) There shall be no trespass of light onto adjacent properties from the sign. Light trespass shall be defined as more than 0.1 footcandles as measured at the property line. An iso-footcandle diagram may be required with permit submission;
- (6) Sign copy neither flashes nor scrolls;
- (7) Any portion of the sign other than the gas pricing component requires the review and approval of the planning director in accordance with section 24-70;
- (8) Signage must otherwise comply with the provisions of this chapter.

(n) *Sandwich board signs.* Sandwich board signs may be permitted in areas designated for commercial use located in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved Master Plan of development, all of which shall be approved by the board of supervisors. Alternatively, such signs may be located in other areas where there exists approved design guidelines adopted by the board of supervisors when such signs comply with said guidelines.

Sandwich board signs must adhere to the following requirements:

- (1) One sandwich board sign displaying menu items or daily specials on the premises shall be permitted at each public entrance of a business location.
- (2) Such sign(s) shall not exceed 12 square feet in area and five feet in height,

- (3) Sign(s) shall be located on premises or no more than ten feet from the seating area or access door and shall not block the flow of pedestrian traffic. Any such sign shall be removed at close of business each day.

**Sec. 24-74. Exemptions.**

The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit but in accordance with the structural and safety requirements of the building code:

- (1) Official traffic signs, historical markers, provisional warning signs or sign structures when erected or required to be erected by a governmental agency and temporary signs indicating danger;
- (2) Traffic signs authorized by the Virginia Department of Transportation to be placed on a street right-of-way;
- (3) Changing of the copy on a bulletin board, poster board, display encasement, reader board or billboard;
- (4) Temporary nonilluminated signs, not more than six square feet in area, advertising residential real estate for sale or lease and located on the premises, one such sign for each street frontage;
- (5) Temporary nonilluminated signs, not more than six square feet in area, advertising commercial real estate for sale or lease and located on the premises, provided such signs conform to the following regulations:
  - a. One sign is permitted for each street frontage per parcel.
  - b. The maximum height of the sign shall not exceed eight feet.
  - c. The sign shall be erected in such a manner that it does not obstruct views of existing signs.
- (6) Temporary nonilluminated signs, not more than ten square feet in area, erected in connection with new single-family residential construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign for each parcel. Reference section 24-73 (g) for construction signs for commercial, industrial, and institutional projects;

- (7) Nonilluminated signs warning trespassers or announcing property as posted, not to exceed two square feet per sign in residential, commercial and industrial areas, and four square feet per sign in agricultural areas;
- (8) Sign on a truck, bus or other vehicle, while in use in a normal course of business. This section should not be interpreted to permit parking for display purposes of a vehicle (to which signs are attached) in designated customer or employee parking at the place of business.
- (9) Mailboxes and similarly located signs identifying a private residence;
- (10) Home occupation signs not to exceed four square feet. Such signs shall:
  - a. Not be illuminated.
  - b. Be attached to the dwelling.
- (11) Signs within a business or manufacturing district or within a nonresidential development in any zoning district which are not visible from a public road or abutting property line;
- (12) Signs not to exceed six square feet in area, within a business or manufacturing district, which state the name or number of a building, to be located on the rear or sides of a building on a parcel containing four or more buildings;
- (13) Signs placed upon the exterior of a structure indicating the location of restrooms, bathhouses, entrances or exits;
- (14) Signs not to exceed six square feet in area indicating the entrance or exit from a parking lot, potable water supply, sewage station for recreational vehicles or other notices related to public health or safety. Such signs shall be adjacent to the facility;
- (15) Temporary signs not to exceed 12 square feet per face erected for a period of up to 60 days, advertising seasonal agricultural products for sale within the general agricultural district;
- (16) One special notice placard, not to exceed four square feet in size, attached to a building or to a freestanding sign indicating credit cards which are accepted on the premises; group affiliations of



which the business is a member or clubs or groups which utilize, recommend, inspect or approve the business for use by its members;

- (17) Signs conveying political, ideological, religious, social or governmental messages unrelated to businesses, services or manufacturing activities or the goods connected therewith; provided such signs shall not exceed 32 square feet in size; and provided, that any such signs related to or connected with political campaigns shall not be maintained for longer than 90 days and shall be removed within ten days after the election to which they pertain.
- (18) Off-premises, directional, temporary, and generic open-house realty signs may be erected in any zoning district in accordance with the following regulations:
- a. The function of such signs shall be limited to directional purposes, as opposed to the advertisement of an individual realtor or realty firm. The signs shall be generic in style and color. No specific realtor or realty firm name(s) shall appear on such signs provided; however, the registered trademark of the National Association of Realtors, the equal housing opportunity logo, and identification as provided for in (19) h. below shall be permitted.
  - b. Such signs shall refer only to real estate open houses whose purpose is to sell, lease, or rent residential property.
  - c. No such sign shall exceed three square feet in area and three feet in height.
  - d. Such signs shall be located only at intersections where a turning movement is indicated, and only at intersections where at least one of the streets is within the residential area in which the subject property for sale, lease or rent is located.
  - e. No more than two such signs shall be located at any one intersection, nor shall such signs at the same intersection point in the same direction.
  - f. Such signs shall be temporarily displayed only when the residential unit is open for public viewing under the direction of an on-site representative of the owner.

- g. Such signs shall be placed only on private property and only with the express consent of the owner of said property.
- h. Each sign shall have an identification tag either attached or permanently affixed to the signs which contains the name, address, and phone number of the sign=s owner. The identification tag shall not exceed four square inches in area.

**Sec. 24-75. Prohibited signs.**

The following signs are specifically prohibited:

- (1) Off-premise signs or off-premise billboards, unless otherwise permitted by section 24-73 (e) or specifically exempted by section 24-74.
- (2) Flashing, animated and rotating signs or appurtenances to signs which are nonstationary.
- (3) Displays of intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger, such as are customarily used by police, fire or ambulance vehicles or for navigation or traffic-control purposes.
- (4) Signs so located and so illuminated as to provide a background of colored lights blending with traffic signal lights that might reasonably confuse a motorist when viewed from a normal approach position of a vehicle at a distance of up to 300 feet.
- (5) Internally illuminated signs shall be prohibited in the following cases:
  - a. Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area as identified on the James City County Comprehensive Plan Land Use Map; or
  - b. Internally illuminated signs which are visible from and located within 150 feet of the existing or proposed rights-of-way of roads designated as community character corridors by the James City County Comprehensive Plan.

- (6) Signs which are not an integral part of the building design but fastened to and supported by or on the roof of a building or projecting over or above the roof line or parapet wall of a building, except as otherwise provided herein.
- (7) Signs placed or located to conflict with the vision clearance or other requirements of applicable traffic ordinances.
- (8) Signs attached to trees, utility poles or other unapproved supporting structure.
- (9) Signs which are portable or otherwise designed to be relocated or are constructed on a chassis or carriage with permanent or removable wheels, except for those permitted by section 24-74 (18).
- (10) Signs attached, painted on, or affixed to vehicles used primarily for display and/or advertising purposes parked in designated customer or employee parking at the place of business.
- (11) Pennants, banners, flags and other displays used for marketing or advertising except as provided in sections 24-73 (b) and 24-73 (l).

**Sec. 24-76. Temporary signs.**

The administrator or his designee, upon application, may issue temporary permits for the following signs and displays when in his opinion the use of such signs and displays would be in the public interest and would not result in damage to private property. Such permits shall be valid for a period of up to 30 days following issuance:

- (1) Signs or banners of not more than 32 square feet advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting sponsored by a governmental, charitable or nonprofit organization.
- (2) Special decorative displays used for holidays, public demonstrations or promotion for nonpartisan civic purposes.
- (3) Special decorative displays used for purposes of advertising the opening of a new store, business or profession.

**Sec. 24-77. Exceptions.**

(a) Upon application, the administrator or his designee may grant an on-premises sign limitation waiver which may allow:

- (1) One freestanding sign not to exceed 60 square feet per face;
- (2) One building face sign not to exceed an area equal to one square foot multiplied by the length or width of the building in industrial zones, provided that the face on which the sign shall be mounted is at least 500 feet from any road or street right-of-way;
- (3) One freestanding sign not to exceed 32 square feet per face and not to exceed 30 feet in height;
- (4) One sign to be placed on the roof of the building not to exceed one square foot of sign area for each linear foot of the building=s or unit=s front facade or 60 square feet, whichever is smaller; or
- (5) A second freestanding sign not to exceed 32 square feet on parcels which contain more than 400 feet of road frontage and more than one main entrance, provided that such lot is not a corner lot.
- (6) One additional building face sign not to exceed the building unit's front façade or 60 square feet, whichever is smaller, when the unit is located in a Mixed-Use district and an area designated for commercial uses on the binding master plan as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved binding master plan of development, all of which shall be approved by the board of supervisors. The size and scale of the sign and proportion of lettering, characters, and figures shall complement the design, scale, size, and materials of the building as well as the distance of the building from adjacent public rights-of-way. The scale of the sign in proportion to the building should be balanced so that the sign is not the dominant visual feature of the structure.

(b) Such on-premises sign limitation waivers shall only be granted in unusual circumstances where it can be demonstrated to the administrator or his designee that:

- (1) Unusual topography, vegetation, distance of the business or parcel from the road right-of-way, distance between driveways, separation of grade or the location of the driveway in relation to the location of the business and traffic patterns would impose a substantial hardship upon the business by making the advertising signs unreadable from vehicles on the adjoining roadway; or
- (2) The waiver would allow the business to post signs that are consistent with the majority of other businesses located on the same parcel; or
- (3) In addition to the provisions for granting sign limitation waivers under (b)(1) and (2) of this subsection, if the facade of the building is so designed that a building face sign cannot be placed upon it, and a roof sign would be the only reasonable and practical solution consistent with good design, a sign consistent with subsection (a)(4) above shall be permitted, provided that the sign is not within 200 feet of residentially zoned property; and
- (4) That in subsections (b)(1), (2), and (3) above such waiver is consistent with traffic safety and all other provisions of this article.

**Sec. 24-78. Abandoned signs.**

A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises. Such sign, if not removed within 30 days from the termination of occupancy by such business, shall be considered to be in violation of this chapter, and shall be removed at the owner's expense.

If the owner shall fail to comply with this requirement, then written notice shall be given by the administrator to the owner advising of the violation. If such signs are then not removed within ten days, the administrator shall cause such removal and charge the cost to the owner of the premises.

**Sec. 24-79. Violations ~~and penalties.~~**

Prior to any criminal or civil enforcement under this section, the administrator or his designee shall give five days' written notice of the violation to the owner, ~~tenant or lessee~~ of the property. ~~The violation of any~~

~~provision of this article concerning the posting of a sign on public property or public right of ways is a misdemeanor subject to punishment pursuant to section 24-22. The violation of any other provisions of this article is subject to a civil penalty under section 24-22. In addition, if such violation is not corrected within five days after receipt of the notice of violation, except violations involving portable signs, the administrator or his designee may remove or cause to be removed at the owner's or tenant's expense such sign and/or institute such other action as may be appropriate. If the violation involves a portable sign, such sign shall be removed immediately, and if not, the administrator or his designee may remove or cause to be removed at the owner's or tenant's expense such sign and/or institute such other action as may be appropriate. Removal of a sign shall not affect any proceedings instituted prior to removal of such sign.~~ *Signs located in the VDOT right-of-way shall be removed immediately and the owner charged for removal in accordance with the procedure set forth in the Agreement dated May 13, 2003.*

**Secs. 24-81 - 24-85. Reserved.**

PLANNING DIRECTOR'S REPORT  
October 2011

This report summarizes the status of selected Planning Division activities during the past month.

- **New Town.** At its September meeting, Design Review Board approved several sign applications and discussed a policy for A-frame sidewalk signs. The DRB also approved an alternative layout for single-family detached residential units in Section 7, Phase 10 and approved the changes to the Section 9 – Settler's Market design guidelines and binding master plan.
- **Ordinance Update.** Three Policy Committee meetings were held in September to discuss residential districts, multiple use districts, external signage, nonconformities, green building, creation of a residential redevelopment district, affordable housing policy, wireless communications facilities and administrative procedures and submittal requirements. A Board work session to discuss these sections was held on September 27. The green building policy topic will be on a future Board work session agenda – it has been delayed to allow the Economic Development Authority time to offer comments. The Planning Commission recommended approval of the Commercial districts, which will be presented to the Board on October 11, and the Board adopted the Economic Opportunity district. Development standards are scheduled for Planning Commission consideration at this month's meeting (with Board consideration in November). A Board work session is scheduled for October 25 to discuss the market analysis and the final results and recommendations of the TDR feasibility study. Representatives from Design, Community, and Environment will be present at this work session to conclude the study.
- **Training.** In September, staff attended a census data workshop. At the workshop, they learned to manage American Community Survey data.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – September 13<sup>th</sup> and September 27<sup>th</sup>
  - SUP-0005-2011 – Williamsburg Landing Construction Commencement Extension – Approved 5-0
  - ZO-0003-2011 – Economic Opportunity District – Approved 3-2



Allen J. Murphy, Jr.



**October 2011**

<b>Case Type</b>	<b>Case Number</b>	<b>Case Title</b>	<b>Address</b>	<b>Description</b>	<b>Planner</b>	<b>District</b>
Conceptual Plans	C-0034-2011	2580 Little Creek Dam Road	2580 LITTLE CREEK DAM ROAD	Proposed two lot subdivision	Luke Vinciguerra	01-Stonehouse
	C-0035-2011	Mount Gilead Baptist Church Minor Subdivision	8660 POCAHONTAS TR	Six lot subdivision with existing sanitary sewer service from JCSA and water service from NNWW behind Mount Gilead Baptist Church.	Jason Purse	05-Roberts
Height Waivers	HW-0002-2011	Jamestown H.S. Baseball Field Lighting	3751 JOHN TYLER HWY	Proposal for eight 80' tall field lights.	Luke Vinciguerra	03-Berkeley
	HW-0003-2011	Warhill H.S. Baseball Field Lighting	4615 OPPORTUNITY WAY	Proposal for eight 80' tall field lights.	Luke Vinciguerra	02-Powhatan
Site Plan	SP-0081-2011	Jamestown Rd 7-11 Storage Tank Replacement	1801 JAMESTOWN ROAD	Replace underground storage tank, piping, and dispensers.	Leanne Reidenbach	03-Berkeley
	SP-0082-2011	Weatherly at White Hall Parking SP Amend.	3225 OLD STAGE ROAD	Adding 5 parking spaces and a light post at the end of Kenton Court. Also relocating benches and landscaping.	Leanne Reidenbach	01-Stonehouse
	SP-0083-2011	Colonial Heritage Phase 3, Sec. 3B SP Amend.	6799 RICHMOND ROAD	Abandonment of a storm pipe and the addition of a new 18" storm pipe	Luke Vinciguerra	01-Stonehouse
	SP-0084-2011	Courthouse Commons Phase 1 SP Amend.	5227 MONTICELLO AVENUE	Amend SP to show site modifications made during construction process. New plans show the tower and dumpster pad removed. The plans show an added loading dock in the location of the previous tower access and the location of a future entrance.	Leanne Reidenbach	04-Jamestown

	SP-0085-2011	Courthouse Commons Parcels 4 and 5	5227 MONTICELLO AVENUE	Building with 4 retail tenant spaces, including a coffee shop with drive-thru. The parking proposed with serve the proposed building and a future bank/office.	Ellen Cook	04-Jamestown
	SP-0086-2011	King of Glory Church SP Amend. Parking Lot Expansion	4897 LONGHILL ROAD	70 space gravel parking lot with dry swale BMP.	Jason Purse	04-Jamestown
	SP-0087-2011	Mirror Lakes BMP Retrofit SP Amend.	113 A NICE DRIVE	Repairing failed stormwater management facility. The existing metal spillway will be replaced by a concrete spillway.	Jose Ribeiro	01-Stonehouse
	SP-0088-2011	St. Olaf Church SP Amend. Storage Shed	104 NORGE LANE	Applicant proposes 240 square foot storage shed.	Jose Ribeiro	01-Stonehouse
	SP-0089-2011	Printpack Warehouse Dock SP Amend.	400 PACKETS COURT	Adding 3 new dock doors and a ramp to the warehouse.	Leanne Reidenbach	05-Roberts
	SP-0090-2011	Kingsmill Marina	1000 KINGSMILL ROAD	Renovation of existing marina restaurant.	Leanne Reidenbach	05-Roberts
Special Use Permit	SUP-0007-2011	Turners Neck Road Mulching Operation	212 TURNER'S NECK ROAD	The proposed mulching operation will accept yard debris and wood materials. Outfitted with grinding and finishing material. Finished material will be delivered from site.	Luke Vinciguerra	01-Stonehouse
Subdivision	S-0039-2011	6100 Centerville Road BLE	6060 CENTERVILLE RD	Applicant proposes a Boundary Line Extinguishment (BLE) from three lots to one.	Jose Ribeiro	02-Powhatan

S-0040-2011	Wiltshire Chesapeake Avenue BLE	108 & 110 CHESAPEAKE AVENUE	Boundary line extinguishment between 108 Chesapeake Avenue and 110 Chesapeake Avenue.	Jose Ribeiro	01-Stonehouse
S-0042-2011	Dewey C. Renick Development, Lot 13	128 INDIGO DAM ROAD	Proposed two lot subdivision on Little Creek Dam Rd.	Luke Vinciguerra	01-Stonehouse
S-0043-2011	Mumford Jockeys Neck Trail BLA	2737 JOCKEY'S NECK TRAIL	Boundary line adjustment between 2736 Jockey's Neck Trail and 2737 Jockey's Neck Trail in the Vineyards to transfer 100 square feet of land.	Leanne Reidenbach	05-Roberts
S-0044-2011	Sunny Mane Crest and Cowles Subdivision BLA	9036 BARNES ROAD	Boundary line adjustment between 9050 Barnes Road and 9036 Barnes Road-transfer of approximately 1/4 of an acre	Jose Ribeiro	01-Stonehouse
S-0045-2011	Powhatan Secondary Road ROW Vacation	231 POWHATAN SECONDARY	Right of way vacation at the intersection of Monticello Avenue and Powhatan Secondary Road.	Ellen Cook	04-Jamestown