

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
MAY 2, 2012 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES

April 4, 2012 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. Z-0007-2012, Walnut Grove Proffer Amendment, Anderson-Hughes House
 - B. ZO-0011-2011, Procedural Descriptions, ZO-0012-2011, Submittal Requirements and ZO-0013-2011, Nonconformities
 - C. ZO-0014-2011, Exterior Signs
7. PLANNING DIRECTOR'S REPORT
8. COMMISSION DISCUSSIONS AND REQUESTS
9. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTH DAY OF APRIL, TWO-THOUSAND AND TWELVE, 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:

Rich Krapf

Tim O'Connor

Chris Basic

Mike Maddocks

George Drummond

Absent

Al Woods

Staff Present:

Allen Murphy, Acting Development Manager

Adam Kinsman, Deputy County Attorney

Jose Ribeiro, Senior Planner I

Christopher Johnson, Principal Planner

Tammy Rosario, Principal Planner

Mr. Tim O'Connor called the meeting to order at 7:00 p.m.

Mr. O'Connor introduced Mr. George Drummond, the newest member of the Planning Commission.

2. RECOGNITION

A. Mr. Joe Poole

Mr. O'Connor presented Mr. Joe Poole with a Certificate of Appreciation and Resolution.

Mr. Poole thanked the public and his fellow Planning Commissioners for the opportunity to serve the community.

B. Mr. Jack Fraley

Mr. O'Connor presented Mr. Jack Fraley with a Certificate of Appreciation and Resolution.

Mr. Fraley thanked staff and the public for the opportunity to serve.

Mr. O'Connor stated that between the two men they had served more than 20 years on the Planning Commission. He stated that the two had served their community well with their thoughtful leadership.

3. PUBLIC COMMENT

Mr. O'Connor opened the public comment period.

Mr. Tom Hitchens, 350 Thompson Lane stated he wanted to speak on the proposed

development in Peleg's Point. Mr. Hitchens provided his phone number to the public, 757-345-9528. He stated that the proposed development will be detrimental to the environment. He stated that the area is already prone to flooding. He stated that any additional flooding could compromise the public's safety. He stated additionally, Neck-O-Land Road would not be able to handle the increased traffic.

Ms. Carol Mathews, 4733 Captain John Smith Road stated she is a board member of the Peleg's Point Home Owners Association (HOA). She stated that the only reason this project is moving forward is due to the fact that it has been grandfathered. She stated that if this proposal was held to the standards required for new development today, the plans would not be approved due to the environmental sensitivity of the property. She stated that Neck-O-Land Road is already overtaxed. She stated that Neck-O-Land Road has flooded several times and is surrounded by wetlands.

Ms. Jackie Conrad, 105 Branscome Boulevard, stated she lives near the proposed development. She stated that she is concerned with Section 6, and stated that it is next to a two and a half-acre pond. She stated that the plans should be delayed until further research can be completed and certain questions are answered. She relayed several questions that she would like answered. She asked if the builder would be posting a performance bond, guaranteeing that the lot's infrastructure is stable. She asked what the legal obligations would be for the Home Owners Association (HOA) if the pond requires maintenance. She asked if the HOA is dissolved, who then would be responsible. She asked, if all the residents of Peleg's Point understand and agree to these responsibilities. She stated that there had been several inconsistencies with the information provided by Ray Paul, including calculations to determine flooding conditions. She stated that she would like JCC to consider buying the land using eminent domain. She stated that the proposed two and a half-acre pond borders Neck-O-Land Road and the emergency exit. She stated that if the pond blows out it could isolate 300 plus residents. She asked, given all these conditions, if any one of the Planning Commissioners would consider purchasing a home in this location.

Mr. Keith Sadler, 9929 Mountain Berry Court stated he is a representative and member of the Concerned Citizens of the Historic Triangle and he objects to the common pages of the Comprehensive Plan.

Mr. Fraley, 104 Thorpe's Parish stated that the Planning Commission should think very carefully about moving forward with the proposed plans for Peleg's Point. He stated that the cumulative impact of the proposed development could have many unintended consequences. He stated that the area in question is already under duress. He stated that he had walked in that area recently while it was raining and saw firsthand many pools of water accumulating with just moderate rainfall. He asked that this case be considered independently for the other cases or the DRC report. He asked that the public have another opportunity to discuss their concerns before moving forward. He suggested that the developer should consider building fewer houses than what is currently proposed.

Seeing no one else that wanted to comment, Mr. O'Connor closed the public comment period.

4. MINUTES

A. March 7, 2012 Regular Meeting

Mr. Rich Krapf made a motion to approve the minutes.

In a unanimous voice vote, the minutes were approved.

5. COMMITTEE/COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Chris Basic stated that the DRC met on March 28, 2012 to discuss three cases. He stated that the first case was S-0059-2005, Peleg's Point, Section 6. He stated that the case was before the DRC because it proposes more than 50 lots. He stated that following a motion by Mr. Mike Maddocks the DRC voted (4-0), to grant preliminary approval, subject to agency comments. He stated that the next case was S-0037-2007, Ford's Colony, Section 35, Westport. He stated that the case was before the DRC because it proposes more than 50 lots. He stated that following a motion he made the DRC voted (4-0), to grant preliminary approval for the revised layout of Westport subdivision, subject to agency comments. He stated that the final case was Z-0003-2012/ MP-0001-2012, New Town, Section 12. He stated that there was no action taken on this case. He stated that the DRC reviewed a master plan and illustrative layout for a proposed 274 for-rent townhouse unit development in Section 12 of New Town. He stated that the rezoning and master plan application have been submitted and are tentatively scheduled for the May 2, 2012, Planning Commission meeting.

Mr. Krapf stated that at this meeting there were comments from the public during the public comment period regarding Peleg's Point. He stated that one question asked was regarding the modeling calculations; did the estimates include rainfall or was it solely reflecting tidal water. He stated that the applicant, the County Engineer and the independent consultant (hired by the County to review this project) all agreed that the models included the 100-year max tidal surge as well as the worst 100-year vertical rainfall. He stated that there was a discussion regarding stormwater management practices. He stated, not only were the new stormwater management practice measures being employed sufficient to handle the proposed 79 new units but they would also benefit a portion of the existing units in Section 5.

Mr. Basic stated that the DRC meeting lasted an hour and a half. He stated prior to that there was another public meeting (for Peleg's Point, Section 6). He stated that this case has been thoroughly reviewed.

Mr. Krapf made a motion to approve the DRC report.

In a unanimous voice vote, the report was approved.

B. Policy Committee

Mr. Krapf thanked staff member, Tammy Rosario for attending the meeting.

He stated that the Policy Committee met Tuesday, March 20, to discuss the upcoming April 30, joint Planning Commission meeting with JCC, York County and the City of Williamsburg. He stated, he, Mr. Maddocks and Mr. O'Connor discussed possible topics for that meeting. He stated that they agreed that the topics should be broad in scope, important to JCC and applicable to at least one of the other two jurisdictions. He stated that included in the meeting package (for this evening) was a memo from Mr. Allen Murphy outlining the efforts. Mr. Krapf stated he would like to go thru the main topics that the Policy Committee is recommending for review at the April 30 joint Planning Commission meeting. He stated, he would like to verify that there is consensus on the chosen topics for discussion. He stated that the chosen topics were: economic opportunity, affordable and workforce housing, long range development of Riverside, Marquis and Kingsmill areas, transportation, agriculture and fisheries and overall, big picture priorities.

Mr. Basic made a motion to approve the Policy Committee report.

In a unanimous voice vote, the report was approved.

C. Other Commission Reports

Mr. Maddocks stated that there was not a Regional Issues Committee meeting this month.

6. PUBLIC HEARING CASES

A. SUP-0001-2012/Z-0001-2012, Williamsburg Seventh day Adventist Church Expansion

Mr. Jose Ribeiro stated that James Peters of AES has applied on behalf of the Williamsburg Seventh-Day Adventist Church for a Special Use Permit (SUP) to allow the expansion of the existing church building. He stated that concurrent with the SUP application, the applicant is proposing an amendment to existing proffers regarding a scenic easement. He stated that this property is zoned R-1, Limited Residential, and is designated Low Density Residential in the Comprehensive Plan. The Comprehensive Plan also designates Route 5 as a Community Character Corridor.

Mr. Ribeiro stated that the church is located on a nine acre parcel south of Route 5 between Saint George's Hundred subdivision and the Williamsburg Community Chapel. He stated that the existing building is centered on the property. He stated that the perimeter and much of the property is covered by vegetation offering a natural buffer from adjacent properties.

Mr. Ribeiro stated that this property was originally part of a larger 363 acre parcel which was rezoned in 1986. He stated that in 1987 an application to amend approved proffers was granted by the Board of Supervisors (BOS). He stated that the purpose of the amendment was to exempt a 9.2

acre tract of land from approved proffers and to allow for the development of a church and accessory uses.

Mr. Ribeiro stated that one of the proffers associated with the church, retained from the original rezoning, established a scenic easement along the church property's frontage, 145 feet from the centerline of Route 5. He stated that the applicant has indicated a desire to maintain the scenic easement by removing, pruning, and planting vegetation. He stated that, as currently written, the proffer does not allow for this type of activity within the scenic easement. He stated that the purpose of this proffer amendment is to allow the applicant the flexibility to maintain the vegetation within the scenic easement. He stated that given the environmentally sensitive nature of a scenic easement and the importance of Route 5 as Community Character Corridor, the amended proffers would ensure that prior approval from the Planning Director must be granted before any alterations are made inside the easement.

Mr. Ribeiro stated that this proposal also requests an SUP to allow a 5,500 square foot expansion of the existing church building. He stated that according to the applicant, the expansion would not increase the seating capacity of the existing church (currently at 150 seats). He stated that the addition being proposed would contain a multi-purpose area for social gatherings, meetings, and classrooms. He stated that houses of worship are a specially permitted use in R-1. He stated that for specially permitted uses, any expansion or modification also requires an SUP. He stated that the church currently does not have an SUP since it was built at a time when the Zoning Ordinance permitted houses of worship by-right in R-1. He stated that if approved, this SUP would bring the entire site into conformance with the current zoning regulations as well as allow the proposed 5,500 square foot expansion.

Mr. Ribeiro stated that the site is located within the Powhatan Creek watershed and therefore subject to Special Stormwater Criteria requirements. He stated that the site is relatively flat with two onsite stormwater management features treating water runoff. He stated that with the proposed building expansion and additional impervious surface, these two features will be upgraded. He stated that the proposed expansion will not increase the seating capacity of the church. He stated that staff finds that the proposed number of parking spaces (40), to be adequate for the use. He stated that the Virginia Department of Transportation (VDOT) has reviewed this application and has requested that additional information be provided at the site plan review stage for the entrance. He stated that condition number three ensures compliance with VDOT's request.

Mr. Ribeiro stated that Staff finds that the proposed building addition is consistent with the surrounding zoning and development and is compatible with the 2009 Comprehensive Plan. He stated, in addition, Staff finds the amendment to the scenic easement proffer language consistent with the Zoning Ordinance. He stated that Staff recommends the Planning Commission recommend approval of this application to the BOS with the conditions listed in the staff report and acceptance of the amended proffers.

Mr. Maddocks asked for clarification, that the applicant only wants the vegetation more manicured and not reduce it.

Mr. Ribeiro responded affirmatively.

Mr. Maddocks asked if residents in Jamestown Hundred would see the building with the proposed expansion.

Mr. Ribeiro stated that he visited the site with the Senior Landscape Planner to better understand visibility concerns. He stated that he had spoken with a resident from Jamestown Hundred who was concerned with the visibility of the exposed facilities as well. He stated that she was also concerned about the potential noise generated during construction. Mr. Ribeiro provided pictures of the buffer at different distances. He stated that it is possible that one would be able to see portions of the building. He stated that the buffer is dense enough to shield the facilities from view for adjoining properties.

Mr. Basic stated he shares Mr. Maddocks' concerns. He stated that the existing vegetation does appear to be dense enough to obscure the view of the building. He stated that if the buffer was not there he would potentially ask for improvements to the architectural elevations.

Pastor Michael Messervy, 196 Racefield Drive spoke on behalf of Williamsburg Seventh day Adventist Church. He stated that the building was constructed in 1992. He stated that each weekend they have approximately 75 attendees for their services. He stated that worship services are on Saturday at 10 a.m. He stated that the church is involved in a number of community partnerships with FISH, Faith In Action, Housing Partnership in Williamsburg and Hospice House. He stated that this project is seeking to finalize the construction of the support facility. He stated that the original building has sufficient space for worship services but the supportive facilities require more space. He stated that typically, after each service the congregation will have lunch together. He stated that the addition will give them a more appropriate setting for this activity. He stated that they also have several age-appropriate bible study classes but currently only have two classrooms. He stated that the proposed addition would add two new classrooms. He stated that the addition would also include more bathrooms and more kitchen space. He provided images of the aerial view.

Seeing no one else that wanted to comment, Mr. O'Connor closed the public hearing.

Mr. Krapf stated that the proposed language and amendment to the proffers will enhance the landscaping. He stated that he supports the building addition and the amendment to the proffer. He made a motion to approve the application.

In a unanimous roll call vote, the motion was approved (5-0; Woods, absent).

B. SUP-0003-2012, David Nice Building Expansion

Mr. Ribeiro stated that Mr. Brandon Nice has applied for an SUP to allow for an expansion to an existing contractor's office building on a .93 acre parcel located at 4575 Ware Creek Road. He stated that the parcel is zoned A-1, General Agriculture and is shown as Rural Lands on the Comprehensive Plan.

Mr. Ribeiro stated that an existing 4,415 square foot building is located onsite. He stated that the expansion includes an approximately 828 square foot increase to the building footprint. He

stated that the immediate plans for expansion are to include an 828 square foot, first floor conference room. He stated that in order to provide flexibility for potential future expansion, Mr. Nice has requested that a second floor be added to this application. He stated that the proposed expansion will ultimately be two stories, and approximately 1,656 square feet.

Mr. Ribeiro stated that when the building at 4575 Ware Creek Road was first used as an office, in 1988, contractor's offices were a permitted use in the A-1, General Agricultural District. He stated that the Ordinance was amended in 1989 to make all contractors' offices specially permitted uses. He stated that since that time the building has been expanded twice, receiving SUP's in 1999 and 2003. He stated that the conditions for this expansion are the same as the previous applications. He stated, however, one condition was removed that limited the number of employees to 20. He stated that since the size of the building, and associated parking, indirectly limits the amount of space available for employees, staff is comfortable with removing the condition while ensuring minimal additional impacts on the surrounding area due to this expansion.

Mr. Ribeiro stated that the site is identified by the 2009 Comprehensive Plan as Rural Lands. He stated that principal suggested uses include agricultural and forestal activities, together with certain recreational public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. He stated, however, certain commercial uses which require very low intensity settings relative to the site in which it will be located may be considered on a case-by-case basis, provided such uses are compatible with the natural and rural character of the area, in accordance with the Rural Lands Development Standards.

Mr. Ribeiro stated that staff finds the proposal to have minimal additional impacts beyond the existing building and is compatible with the 2009 Comprehensive Plan. He stated that the existing office has the appearance of a single-family residential structure and the expansion will match the materials and colors of the existing structure. He stated that the two story expansion will have minimal additional impacts on the surrounding properties.

Mr. Ribeiro stated that staff recommends that the Planning Commission recommend approval of this application to the BOS.

Mr. Maddocks asked why the change was made to the Zoning Ordinance in 1989 requiring an SUP for a contractor's office in A-1.

Mr. Murphy stated that the A-1 Zoning designation has evolved over the past 30 years. He stated when he began over 30 years ago, many commercial uses were permitted in A-1 along with residential and agricultural uses. He stated that over the years changes were made. He stated ultimately the decision was made to require an SUP for contractors' offices. He stated that this empowers the legislative body to evaluate and determine the appropriateness of this type of business on a case-by-case basis.

Mr. Krapf stated that in the packet of materials there were two renderings provided. He stated that one is of a single story building and the other is of a two story building. He asked which of the two is the applicant proposing.

Mr. Ribeiro stated that the applicant will be building the single-story structure at this time; with intension to add a second story should they need more space several years down the road. He stated that the applicant wanted to eliminate future SUP amendments for a possible addition.

Mr. O'Connor asked if the applicant had discussed the possibility of adding onto the back of the building instead of adding the second story.

Mr. Nice stated that they do not intend on adding to the back of the building after the proposed addition is complete. He stated that if business demands it the only expansion would be the second story addition seen in the rendering provided.

Mr. Maddocks made a motion to approve the application with the conditions listed in the staff report.

In a unanimous voice vote, the motion was approved (5-0; Woods, absent).

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated that he had nothing further to report this evening.

8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Basic asked who on staff would be taking the AICP exam in the fall.

Mr. Ribeiro stated that he would be taking the exam though there may be others on staff with the same intention.

9. ADJOURNMENT

The meeting was adjourned at 7:55.

Tim O'Connor, Chairman

Allen J. Murphy, Jr., Secretary

REZONING-0004-2012. Walnut Grove Proffer Amendment
Staff Report for the May 2, 2012, 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: May 2, 2012 (deferral requested) 7:00 p.m.
June 6, 2012 (tentative) 7:00 p.m.

Board of Supervisors: July 10, 2012 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Jay E. Epstein of Health E Community Enterprises

Land Owner: Richmond Norge LLC

Proposal: Amend the adopted proffers to allow the existing Anderson-Hughes house to be demolished and the construction of a replica building on the property that preserves the residential character of the existing structure

Location: 7375 Richmond Road

Tax Map/Parcel Nos.: 2320100030

Parcel Size: 1.156 acres

Existing Zoning: B-1, General Business, with proffers

Proposed Zoning: B-1, General Business, with amended proffers

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Christopher Johnson Phone: 253-6690

STAFF RECOMMENDATION

The applicant has requested that the above referenced application be deferred until the June 6, 2012, Planning Commission meeting in order to allow time to continue working with staff to resolve outstanding issues associated with the application. Staff concurs with the request and recommends that this application be deferred to the June 6, 2012, meeting.



Christopher Johnson, Principal Planner

Attachment:

1. Applicant deferral request

MEMORANDUM

DATE: May 2, 2012

TO: The James City County Planning Commission

FROM: Jose Ribeiro, Senior Planner I

SUBJECT: Case Nos. ZO-0011-2011, ZO-0012-2011, and ZO-0013-2011. Procedural Descriptions, Submittal Requirements /Administrative Items, and Nonconformities.

Staff has developed final ordinance language, guidelines and policies for items that fall under the broader spectrum of procedural descriptions, submittal requirements and administrative items with the Zoning Ordinance. Below is a general list of items proposed for amendment and/or introduced as part of the review of these sections of the Zoning Ordinance.

- Procedural Descriptions, Submittal Requirements, and Administrative Items:
- Article I, In General (Section 24-1 through 24-31)
- Article III, Site Plan (Section 24-142 through 24-170)
- Article VII, Nonconformities (Section 24-628 through 24-643)
- Traffic Impact Analysis (Policy)
- Fiscal Impact Analysis (Worksheet/Guideline)
- Environmental Constraints Analysis (Policy)

The Policy Committee discussed these items on Feb 23, 2011, and the Board of Supervisors reviewed these items at a work session on Feb 28, 2012. The attached materials are associated with Stage III, final review of the ordinance text. The list below represents a brief summary of each of the above items and any changes incorporated following the Feb 28, 2012, Board work session.

Procedural Descriptions, Submittal Requirements, and Administrative Items

Staff made revisions to items contained within Article I (In General) and Article III (Site Plan), including the removal of Section 24-7 (Administrative fees), the reorganization of items under Section 24-23 (Submittal requirements for legislative cases), and amendments to Section 24-143 (Site plan submittal requirements). Staff continues to work in the revision of Section 24-2 (Definitions) and creating illustrations which will accompany some of the definitions in order to best clarify their meaning. New and revised definitions and illustrations will be reviewed by the Planning Commission in June of 2012 (tentatively). Amendments made to section 24-147 were previously considered by the Planning Commission and approved by the Board of Supervisors as part of their review of Commercial Districts. No additional changes are being proposed to this section.

Revisions to Article VIII, Nonconformities focused in including “structure” to references to “nonconforming uses” throughout the ordinance for clarity. The County Attorney’s Office has expressed concern that the current ordinance does not specifically reference nonconforming structures when discussing nonconforming status. Additional references and more concise language were added upon the recommendation of the Policy Committee.

Changes made by staff following the February 28, 2012, Board Work session.

Section 24-23(2) of Article I of the ordinance was amended after February Board work session to clarify the criteria used by the Planning Director to determine if a final development plan is consistent with an approved master plan.

Traffic Impact Analysis Policy

A Traffic Impact Analysis (TIA) is a study which assesses the effects of a proposed development’s projected traffic on the transportation network. Currently, submission of a TIA is required by the zoning ordinance during the review of any legislative application that is expected to generate 100 or more weekday peak hour trips or located on a road with a Level of Service (LOS) “D” or lower; however, the ordinance does not currently define or provide any guidance to an applicant regarding the scope of work or expected results of the TIA. To increase predictability and to make expectations clear, staff has drafted a policy document to define the required elements and expected results of a TIA for legislative applications.

Environmental Constraints Analysis Policy

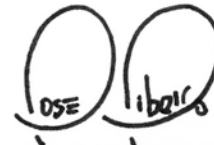
Three items have been drafted: a policy document, a short list of environmental requirements to be amended to Section 24-145 of the ordinance (Site plan requirements), and an environmental checklist. The proposed policy covers expectations in terms of environmental submittal requirements for legislative cases. The amendment to Section 24-145 provides clarifications as to what type of environmental information should be provided for administrative cases. The environmental checklist contains this same information but will be made available as part of the site plan application.

Fiscal Impact Study Worksheet

Staff drafted a fiscal impact study worksheet which will be made available as part of rezoning applications, specifically residential and mixed-use, at no cost to applicants. The worksheet has been reviewed by Mr. John McDonald, manager of the James City County Financial and Management Services, Mr. Donald Messmer of the Wessex Group; Mr. Russell Seymour, director of the James City County economic development, Ms. Michele DeWitt, director of the City of Williamsburg economic development, and by Mr. Tim Cross, York County principal planner, with positive input.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Procedural Descriptions, Submittal Requirements/Administrative Items, and Nonconformities ordinance revision, the proposed Traffic Impact Analysis policy, the Fiscal Impact Analysis Worksheet, the Environmental Constraints Analysis policy, and the fee schedules.

A handwritten signature in black ink, appearing to read "Jose Ribeiro". The signature is written in a cursive style with two large loops at the beginning.

Jose Ribeiro

ATTACHMENTS:

- a. Article I, In General (Section 24-1 through 24-31);
- b. Article III, Site Plan (Section 24-142 through 24-170);
- c. Article VII, Nonconformities (Section 24-628 through 24-643);
- d. Traffic Impact Analysis Policy and Resolution;
- e. Fiscal Impact Analysis Worksheet;
- f. Environmental Constraints Analysis Policy/Resolution;
- g. Fee Schedules

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-1. Short Title.

This chapter shall be known and may be cited as the “James City County, Virginia, Zoning Ordinance” or simply as the “Zoning Ordinance.”

Sec. 24-2. Definitions.

Sec. 24-3. Purpose of chapter; zoning map.

(a) The board of supervisors hereby enacts this chapter, together with the zoning map and all accompanying data thereon or affixed thereto ~~and~~ which is and shall remain on file in the office of the county administrator, and which is hereby incorporated in and made a part of this chapter for the purpose of promoting the health, safety and general welfare of the public, and for the further purpose of accomplishing the objectives of sections 15.2-2200, 15.2-2280 and 15.2-2283 of the Code of Virginia.

(b) This chapter is designed ~~so as~~ to give reasonable consideration to each of the following purposes, where applicable:

- (1) To provide for adequate light, air, convenience of access and safety from fire, flood, *impounding structure failure* and other dangers;
- (2) To reduce or prevent congestion in the public streets;
- (3) To facilitate the creation of a convenient, attractive and harmonious community;
- (4) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- (5) To protect against destruction of or encroachment upon historic areas;
- (6) To protect against one or more of the following: Overcrowding of land; undue density of population in relation to the community facilities existing or available; obstruction of light and air; danger and congestion in travel and transportation; or loss of life, health or property from fire, flood, *impounding structure failure*, panic or other dangers;
- (7) To encourage economic development activities that provides desirable employment and enlarge the tax base;
- (8) To provide for the preservation of agricultural and forestal lands: *and other lands of significance for the protection of the natural environment.*

Sec. 24-4. Exclusive nature of the chapter.

This chapter shall be deemed exclusive in nature and only those uses specified shall be permitted in the various zoning districts. If a use is not specified in a zoning district, it shall be prohibited in that district. In the event that a use is not permitted in any zoning district, it may only be permitted after appropriate amendment to the text of this chapter.

Sec. 24-5. Zoning administrator; administration and enforcement of chapter.

This chapter shall be administered and enforced by the zoning administrator who shall be appointed by the governing body. The zoning administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the governing body.

Sec. 24-6. Duty of those authorized to issue licenses and permits to conform to chapter.

All departments, officials and public employees of this jurisdiction who or which are vested with the duty of authority to issue permits or licenses shall conform to the provisions of this chapter. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this chapter. Any such permit, if issued in conflict with the provisions of this chapter, shall be null and void.

Sec. 24-7. Administrative fees.

- (a) Fees shall be charged *and collected* at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. ~~The following fees shall be charged and collected at the time of application:~~ *Fees shall be charged in accordance with the fee schedule document approved by the James City County Board of Supervisors.*

Procedure _____ Fee

(1) Rezoning \$1,200.00 plus \$75.00 per
..... acre, not to exceed \$15,000.00

(2) Applications for special use permits:

- a. ~~Generally (General special use permits processed with~~ \$1,000.00 plus \$30.00
~~a rezoning shall pay a rezoning fee only)~~ per acre, not to exceed \$5,000.00
- b. ~~Manufactured home on an individual lot~~ 100.00
- c. ~~Family subdivision under section 24-214~~ 100.00
- d. ~~Amendment to a special use permit~~ 400.00
- e. ~~Wireless communications facilities under division 6~~ 1,500.00

(3) Master plan review:

- a. ~~Initial review of any Residential Cluster, Mixed Use or a PUD
with less than 400 acres (PUD's with 400 acres or more shall
pay a rezoning fee only)~~ 200.00
- b. ~~Revision of approved plan:~~
 - 1. ~~Residential Cluster~~ 75.00
 - 2. ~~R-4, PUD, Mixed Use~~ 150.00

(4) Site Plan Review:

a. Administrative review:

- 1. ~~Residential structures or improvements, \$600.00, plus \$60.00 per residential unit.~~
- 2. ~~Nonresidential structures or improvements, \$600.00, plus \$0.024 per sq. ft. of building area.~~
- 3. ~~Mixed Use structures or improvements, \$600.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.~~

~~b. Planning commission review:~~

- ~~1. Residential structures or improvements, \$1,800.00, plus \$60.00 per residential unit.~~
- ~~2. Nonresidential structures or improvements, \$1,800.00, plus \$0.024 per sq. ft. of building area.~~
- ~~3. Mixed Use structures or improvements, \$1,800.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.~~

~~c. Amendment to an approved plan:~~

- ~~1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.~~
- ~~2. Nonresidential structures or improvements, \$100.00, plus \$0.004 per sq. ft. of building area.~~
- ~~3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus \$0.004 per sq. ft. of nonresidential building area.~~
- ~~4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.~~

~~d. Zoning administrator and fire department review only, \$20.00.~~

~~e. Each additional review after second resubmission, \$250.00 not to include resubmissions that are the result of substantial redesign due to other agency comments.~~

~~(5) Sign permits, \$5.00 per square foot of gross sign area.~~

~~(6) Appeals to the board of zoning appeals, \$250.00.~~

~~(7) Application for a height limitation waiver to the board of supervisors, \$200.00~~

~~(8) Application for administrative variance, \$100.00~~

~~(9) Public hearing applicant deferral request when the applicant fails to meet a staff imposed deadline for additional information relevant to the application except where deferral is the result of a commission or board action, \$350.00 per request.~~

~~(10) Conceptual plan review, \$25.00.~~

~~(11) Zoning verification request, \$100.00.~~

~~(12) Stormwater inspection fees: There shall be a fee for the inspection of public stormwater installations and private stormwater installations required in accordance with section 23-10(4). Such fee shall be \$900 per practice for each best management practice constructed and \$.90 per foot for every foot of stormwater drain or channel constructed and shall be submitted at the time of filing an application for a land disturbance permit.~~

~~(b) Payment of any permit fees established in section 24-7 shall be waived for the County, any entity created solely by the County and those regional entities to which the County is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.~~

Sec. 24-8. Certificate of occupancy.

(a) Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after a certificate of occupancy has been issued by the ~~zoning administrator~~ *building official*. Such a certificate shall state that the building or the proposed use, or the use of the land, complies with the provisions of this chapter. A similar certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use. The certificate shall be issued within ten days after the erection or structural alteration of such building or part has conformed with the provisions of this chapter and all applicable codes and ordinances. Upon the request of the holder of a permit, the ~~zoning administrator~~ *building official* may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare.

(b) The ~~zoning administrator~~ *building official* shall not issue a temporary certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, public water and public sewer facilities, or the completion of required landscape areas and plantings shown on the approved site plan or other approved plan by providing either a letter of credit, certified check, cash escrow or cash payment approved by the county attorney.
(Ord. No. 31A-88, § 20-10, 4-8-85; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-116, 11-6-89)

Sec. 24-9. Special use permits.

In order to provide for good zoning practices, ~~and~~ the purpose the zoning district seeks to accomplish, to provide for adjustments in the relative location of uses and buildings of the same or different classification, and to promote the usefulness of these regulations, special use permits, limited as to location by the district regulations, are permitted as set forth under the terms of this chapter. In considering an application for a special use permit in those districts allowing them, the planning commission and the board of supervisors shall give due regard to the James City County Comprehensive Plan, the nature and condition of adjacent uses and structures, and the probable effect upon them of the proposed ~~exception~~ *use permit*. They shall also take into account the special characteristics, design, location, construction, methods and hours of operation, effect on traffic conditions, or any other aspects of the particular use or structure that may be proposed by the applicant.

The planning commission and the board of supervisors should consider whether the proposed establishment or use will adversely affect the health, safety or welfare of persons residing or working on the premises or in the neighborhood, will unreasonably restrict an adequate supply of light and air to adjacent property, will increase congestion in the streets, will increase public danger from fire, will impair the character of the district or adjacent districts, will be incompatible with the Comprehensive Plan of James City County, will likely reduce or impair the value of buildings or property in surrounding areas, and whether such establishment or use will be in substantial accordance with the general purpose and objectives of this chapter. After a public hearing, if the planning commission determines the above considerations have been protected, the planning commission shall recommend to the board of supervisors that the special use permit be granted. The board of supervisors shall consider the recommendation of the planning commission and after a public hearing and a determination that the above considerations have been protected shall grant the special use permit. In those instances where the planning commission or the board of supervisors find that the proposed use may be likely to have an adverse affect, they shall determine whether such affect may be avoided by the impositions of special requirements or conditions, including, but not limited to, location, design, construction, equipment, maintenance and/or hours of operation, in addition to those expressly stipulated in this chapter and the commission may make their recommendation or the board of supervisors may grant the special use permit contingent upon the impositions of such requirements or conditions. An application for a special use permit substantially the same as one previously denied shall not be reconsidered within a one-year period from the date the similar application was denied *by the board of supervisors*.

Sec. 24-10. Public hearing required.

Prior to issuance of a special use permit a public hearing shall be held by the planning commission and by the board of supervisors; provided, however, that a special use permit for a manufactured home, temporary classroom trailer, *or* a family subdivision may be issued after a public hearing is held by the board of supervisors only. Whenever the planning commission is not required to hold a public hearing, it need not consider the permit nor make a recommendation to the board of supervisors for such permit.

Sec. 24-11. Special use permit requirements for certain commercial uses; exemptions.

(a) *General requirements.* A special use permit issued by the board of supervisors shall be required for:

- (1) Any convenience store;
- (2) Any commercial building or group of buildings which exceeds 10,000 square feet of floor area;
- (3) Any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation, based on the application of the Institute of Transportation Engineers (ITE) traffic generation rates contained in the latest edition of its book entitled *Trip Generation*. The applicable trip generation rate shall be determined by the planning director. The planning director may permit other traffic generation rates to be used if an individual or firm qualified to conduct traffic engineering studies documents that the use would not reasonably be expected to generate the amount of peak hour traffic projected by application of ITE traffic generation rates, provided the documentation is acceptable to the planning director; or
- (4) Automobile and gasoline service stations.

(b) *New buildings, additions or expansions.* A special use permit shall be required for a new building, addition or expansion when:

- (1) In combination with the existing structure, it exceeds the thresholds set forth in paragraph (a);
- (2) It adds 5,000 square feet or more of commercial floor area or, in combination with other new buildings, additions or expansions, generates 75 or more peak-hour trips than generated by the existing or approved use on May 21, 1990, or than approved in a special use permit, whichever is greater; and
- (3) It is located on the same property as the existing structure or other parcel which is a logical component of such property. Factors to determine whether a parcel is a logical component include:
 - a. Common ownership or control of the parcels under consideration by the same person(s) or entity (ies), or similar or related entities;
 - b. Regardless of factor a. above, shared access to public roads, shared parking arrangements, shared traffic circulation or shared service areas; and
 - c. Proximity. For the purpose of this paragraph, "proximity" means adjacent parcels, parcels separated by property under common ownership or control by the same person(s) or entity(ies) or similar or related entities, or parcels separated by a public or private right-of-way.

(c) *Design and submittal requirements.* Any building or use and addition or expansion thereto requiring a special use permit under this section shall comply with the requirements of section 24-23.

- (d) *Exemptions.* The following shall be exempt from the requirements of this section:
- (1) Any use or building and expansion or addition thereto with preliminary site plan approval prior to May 21, 1990;
 - (2) Any use or building and expansion or addition thereto for which the start of construction began prior to May 21, 1990, in accordance with a site plan approved prior to that date;
 - (3) Any use or building and expansion or addition thereto shown on a proffered binding master plan that binds the general location of all of the features on the plan as required under this section;
 - (4) Any building located in a mixed use district, residential planned community district or planned unit development district; or
 - (5) Any building predominantly used as a warehouse, distribution center, office, or for other industrial or manufacturing purposes. For purposes of this exemption only, the term “predominantly” shall mean 85 percent of the total square feet of the building or more.

Sec. 24-12. Revocation of special use permits.

(a) The governing body may, by resolution, initiate a revocation of a special use permit. When initiated, the revocation process shall be handled as would a new application for a special use permit, following the procedures set forth in section 24-9 of this chapter.

(b) After review by the ~~planning office~~ *planning director* and consideration and recommendation by the planning commission, the governing body shall act on the proposal to revoke the special use permit. Grounds for revocation shall include, but not be limited to, the following:

- (1) A change in conditions affecting the public health, safety and welfare since adoption of the special use permit; or
- (2) Repeated violations of this chapter, including any conditions attached to the special use permit, by the owner/operator of the use; or
- (3) Fraudulent, false or misleading information supplied by the applicant (or his agent) for the special use permit; or
- (4) Improper public notice of the special use permit public hearing(s) when the permit was considered by the planning commission or the governing body; or
- (5) An error or mistake in fact that led to an arbitrary and unreasonable decision made by the governing body when approving the special use permit.

Sec. 24-13. Amendment of chapter.

As provided for by section 15.2-2286(7) of the Code of Virginia, the board of supervisors may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established; any such amendment may be initiated by resolution of the board of supervisors or by motion of the planning commission or by petition of any property owner, contract purchaser with the owner's written consent, or the owner's agent therefore of the property which is the subject of the proposed zoning map amendment, addressed to the board of supervisors. Petitions for change or

amendment shall comply with the requirements of section 24-23. These changes may be made, provided:

- (1) The planning commission and the board of supervisors shall each hold at least one public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard.
- (2) That notice shall be given of the time and place of such hearing by publication as a box advertisement in at least two issues of some newspaper having a general circulation in the jurisdiction. Such notice shall specify the time and place of *the* hearing at which persons affected may appear and present their views, not less than ~~six~~ *five* days nor more than 21 days after final publication. After enactment of any such plan, ordinance or amendment, further publication thereof shall not be required.
- (3) When a proposed amendment of the zoning ordinance involves a change in the zoning classification of 25 or less parcels of land, then, in addition to the advertising as required above, written notice shall be given by the planning commission at least five days before the hearing to the owner or owners, their agent or the occupant of each parcel involved and to the owners, their agent or the occupant of all abutting property and property immediately across the street from the property affected. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 ~~but less than 500~~ parcels of land, then, in addition to the advertising as above required, written notice shall be given at least five days before the hearing to the owner, owners or their agent of each parcel of land involved. One notice sent by first class mail to the last known address of such owner as shown on the current real estate assessment books shall be deemed adequate compliance with this requirement; provided, that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the planning commission to give written notice to the owner, owners or their agent of any parcel involved. Such notice shall be sent in accordance with section 15.2-2204 of the Code of Virginia.
- (4) No plan, ordinance or amendment shall be enacted, amended or re-enacted unless the board of supervisors has referred the proposal to the planning commission for its recommendation or has received the planning commission recommendation. Failure of the planning commission to report 100 days after the first meeting of the commission after the proposed plan, amendment or reenactment has been referred to the commission for action shall be deemed approval. After the public hearing required in subsection (1) above, the board may make appropriate changes or corrections in the ordinance or proposed amendment.
- (5) A petition for a plan or amendment substantially the same as one previously considered shall not be reconsidered within a one-year period from the date the similar petition was decided *by the board of supervisors*.

Sec. 24-14. Construction and severability of provisions.

This chapter shall be liberally construed so as to effectuate the purposes hereof. If any clause, sentence, paragraph, section or subsection of this chapter shall be adjudged by any court of competent jurisdiction to be invalid for any reason, including a declaration that is contrary to the constitution of the commonwealth or of the United States, or if the application thereof to any government, agency, person or circumstance is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application hereof, directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any

way affect the validity of any other clause, sentence, paragraph, section or subsection hereof, or affect the validity of the application thereof to any other government agency, person or circumstance.

Sec. 24-15. Purpose of this article.

It is the general policy of the county, in accordance with the laws of the Commonwealth of Virginia, to provide for the orderly development of land, for all purposes, through zoning and other land development legislation. Frequently where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit land uses and at the same time to recognize effects of change. It is the purpose of this article to provide a more flexible and adaptable zoning method to cope with situations found in such zoning through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that is not applicable to land similarly zoned. The provisions of this article shall not be used for the purpose of discrimination in housing.

Sec. 24-16. Proffer of conditions.

The owner or owners of property making application for a change in zoning or amendment to a zoning map, as part of their application, may voluntarily proffer in writing reasonable conditions, prior to a public hearing before the board of supervisors, which shall be in addition to the regulations provided for in the zoning district or zone sought in the rezoning petition. The conditions shall be proffered as a part of the requested rezoning or amendment to the county's zoning map.

State law reference-Code of Va, § 15.2-2303

Sec. 24-17. Enforcement and guarantees as to conditions.

The zoning administrator shall be vested with all necessary authority on behalf of the county to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including:

- (1) The ordering in writing of the remedy of any noncompliance with such conditions;
- (2) The bringing of legal action to ensure compliance with such conditions, including injunction, abatement or other appropriate action or proceeding; and
- (3) Requiring a guarantee, in an amount sufficient for or conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee may be reduced or released by the zoning administrator upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any required use, occupancy or building permits as may be appropriate.

Sec. 24-18. Records.

The zoning map of the county shall show by an appropriate symbol on the map the existence of conditions attached to the zoning on the map. The zoning administrator shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zone.

Sec. 24-19. Petition for review of decision.

(a) Any zoning applicant who is aggrieved by a decision of the zoning administrator, pursuant to the provisions of section 24-17, may petition the board of supervisors for the review of such decision. Such appeal shall be taken within 30 days from the date of the action complained of and shall be instituted by filing with the zoning administrator and with the county administrator a notice of appeal, specifying the grounds thereof.

(b) The zoning administrator shall forthwith transmit to the board of supervisors all of the papers constituting the record upon which the action appealed from was taken. The board of supervisors shall hear the appeal within 45 days from the date of the filing and give public notice in accordance with section 15.2-2204 of the Code of Virginia of the date fixed for the hearing, and shall give written notice at least five days before the hearing to the owner or owners, their agent or the occupant of each parcel involved and to the owners, their agent or occupant of all abutting property and property immediately across the street from the property affected.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board of supervisors, after notice of appeal has been filed with him, that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of supervisors or by a court of record on application or notice to the zoning administrator and on due cause shown.

Sec. 24-20. Amendments and variations of conditions.

(a) Conditions proffered and accepted as part of an amendment of the zoning ordinance shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(b) There shall be no amendment or variation of conditions created pursuant to the provisions of this article until after a public hearing before the board of supervisors which shall be advertised pursuant to section 24-13 of this chapter.

Sec. 24-21. Relation of section to other laws.

The provisions contained in this section shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in this Code or other county ordinances. Nothing contained in this section shall be construed as excusing compliance with all other applicable provisions of this Code or other county ordinances.

Sec. 24-22. Penalties; sanctions, injunctive relief, fines.

(a) Violating, causing or permitting the violation of, or otherwise disregarding any of the provisions of this chapter by any person, firm or corporation, whether as principal, agent, owner lessee, employee or other similar position, shall be unlawful and is subject to the following:

- (1) *Criminal sanctions.* Upon conviction, shall be guilty of a misdemeanor and shall be fined not less than \$10.00, nor more than \$1,000.00. Failure to remove or abate a zoning violation within the

specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10.00 nor more than \$1,000.00, and any such failure during any succeeding thirty day period shall constitute a separate misdemeanor offense for each thirty day period punishable by a fine of not less than \$10.00 nor more than \$1,000.00.

(2) *Injunctive relief.* Any violation or attempted violation of this chapter may be restrained, corrected or abated as the case may be by injunction or other appropriate relief.

(3) *Civil fines:*

a. A civil penalty in the amount listed on the schedule below shall be assessed for a violation of the respective offense:

1. Keeping an inoperative vehicle in residential or commercial zoning districts in violation of section 24-37, per vehicle \$100.00
2. Constructing, placing, erecting or displaying a sign on private property without a sign permit issued by the county in violation of section 24-67, per sign..... 100.00
3. Occupying, or permitting to be occupied, a single-family dwelling (SFD) by more than three unrelated individuals in violation of the definition of "family" in section 24-2, per offense..... 100.00
4. Installing, placing or maintaining a dish antennae in violation of section 24-34, per offense 50.00
5. Failure to meet the tree replacement requirements for any buffer or setback for timbering in accordance with section 24-43, per offense 100.00

b. Each day during which a violation is found to exist shall be a separate offense. However, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten-day period and in no event shall a series of such violations result in civil penalties of more than \$3,000.00.

c. Any person summoned for a scheduled violation may make an appearance in person or in writing by mail to the county treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

d. No provisions herein shall be construed to allow the imposition of civil penalties for:

1. Enforcement of the Uniform Statewide Building Code;
2. Activities related to land development or activities related to the construction or repair of buildings and other structures;
3. Violations of the erosion and sedimentation control ordinance;
4. Violations of any provisions of a local zoning ordinance relating to the posting of signs on public property or public right-of-ways; or
5. Violations resulting in injury to any person or persons.

(b) Civil or criminal action may be brought in conjunction with an action for injunctive relief. However, the offense designated for civil penalties above shall be in lieu of criminal enforcement.

Sec. 24-23. Submittal requirements.

(a) The following *information* shall be submitted with any request for an amendment of this chapter, as provided for in section 24-13, or for any building or use and addition or expansion thereto which requires a special use permit under this chapter, provided however, applications for family subdivisions, manufactured homes and temporary classroom trailers shall be exempt from the requirements of this section.

(1) Community impact statement. *The community impact statement shall describe the probable effects of the proposed development upon the community and at a minimum shall address the following topics regarding infrastructure and quality of life:*

a. ~~Infrastructure information:~~

- a. A traffic impact ~~study~~ *analysis* for all projects that expect to generate 100 or more weekday peak hour trips to and from the site during the ~~peak hour~~ *hours* of the operation ~~and/or, based on the application of the Institute of Transportation Engineers (ITE) traffic generation rates contained in the latest edition of its book entitled Trip Generation, or those projects with an entrance or exit onto a roadway with a level of service "D" or lower shall be required pursuant to the Traffic Impact Analysis Submittal Requirement Policy.~~ *The applicable trip generation rate shall be determined by the planning director. The planning director may permit other traffic generation rates to be used if an individual or firm qualified to conduct traffic engineering studies documents that the use would not reasonably be expected to generate the amount of peak hour traffic projected by application of ITE traffic generation rates, provided the documentation is acceptable to the planning director.* Vehicular access points and drives shall be designed to encourage smooth traffic flow, with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. No more than one access point on each abutting public street shall be permitted unless specifically approved by the board of supervisors after reviewing the applicant's traffic impact ~~study analysis~~; and
- b. A water and sewer impact study for all projects with an anticipated average daily flow greater than ~~30,000 gallons,~~ *15,500 gallons* and/or for proposed residential projects containing ~~100~~ *50* lots or more. *Water Conservation information in accordance with Water Conservation Guidelines Policy;* and
- c. ~~A conceptual stormwater management plan showing approximate location, footprint, and type of BMP; and Environmental information in accordance with the Environmental Constraints Analysis for Legislative Cases;~~ and
- d. An adequate public facilities report in accordance with ~~board of supervisors policy to include~~ *sewer, water, schools, fire, stations, libraries, and other major locally financed facilities.* *Schools information shall be prepared according to the Adequate Public School Facilities Test Policy;* and
- e. *Additional on-site and off-site public facilities or services which would be required as a*

result of the development; and

b. Quality of life information

- f. A Phase IA historic and archaeological study if the property is identified as being a highly-sensitive area on the James City County archaeological assessment. If the property is identified as a moderately-sensitive area on the assessment, studies shall be provided in accordance with the currently adopted archaeological policy; and*
- g. An environmental inventory in accordance with the James City County Natural Areas Resource policy; and*
- h. A fiscal impact analysis, using the worksheet and assumptions provided by the Planning Division, when the proposal includes residential dwelling units. The analysis must estimate revenues to be generated versus the cost of public improvements to be financed by the county or the Commonwealth, using the fiscal impact model prepared by the county. If desired by the applicant supplemental studies may be prepared by an individual or firm qualified to conduct a fiscal impact study in a manner and form acceptable to the planning director; and*
- i. Parks and recreation information based on Parks and Recreation Master Plan Proffer Guidelines.*

- (2) ~~Master plan prepared in accordance with section 24-484(b)(1)-(5).~~ The master plan shall depict and bind the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-ways (*with an indication of whether public or private*), accesses, opens spaces, public uses and other features to be located on the site for which approval is sought. The planning director may require other features, including general location and approximate boundaries of buildings, structures or parking areas, to be incorporated into the master plan where deemed necessary due to the size of the development, access to or location of public roads, distance from residential areas, presence of environmentally sensitive areas or availability of public utilities. *The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. The master plan shall also include:*

- a. An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivision or major landmarks;*
- b. A north arrow, scale, the proposed use, approximate development phasing (if applicable);*
- c. The location of existing property lines, watercourse or lakes, wooded areas and existing roads which are within or adjoining the property;*
- d. If applicable, a table which shows for each section or area of different uses: the use; approximate development phasing, maximum number of dwelling units and density for residential areas, maximum square feet of floor space for commercial or industrial areas; and maximum acreage of each use;*
- e. If applicable, schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans; and*
- f. If more than one type of land uses are proposed each use shall be designated on the master plan as follows:*

Type of Development	Area Designation
Single family	A
Multi family	B
Apartments	C
Commercial uses	E
Wholesale and warehouse uses	F
Office uses	G
Light industrial uses	H
Institutional or public uses	I
Areas of common open space, with recreation areas noted	J
Structures containing a mixture of uses	M*
Other structures, facilities or amenities	X

**Areas of a master plan designated M (structures containing a mixture of uses) shall indicate in parenthesis, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g., M (CG)) in the order of their proportion in the mixed use structure.*

A total of 12 copies of the master plan should be submitted along with an application for rezoning or a special use permit; if necessary, additional copies of the master plan may be required for submittal. The master plan shall be reviewed and approved and thereafter become binding upon approval of a rezoning or a special use permit by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Final *site development* plans may be approved after approval of a master plan by the board of supervisors. All final *site development* plans shall be consistent with the master plan, but may deviate from the master plan if ~~the zoning administrator concludes, after reviewing written comments from the planning director,~~ *the planning director concludes that the site plan does not alter the basic concept or character of the development or conflict with any conditions placed on the special use permit.*

- 1. Significantly affect the general location or classification of housing units or buildings as shown on the master plan;*
- 2. Significantly alter the distribution of recreation or open space areas on the master plan;*
- 3. Significantly affect the road layout as shown on the master plan;*
- 4. Significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the master plan.*

If the ~~zoning administrator~~ *planning director* determines that a proposed change would deviate from the approved master plan, the amendment shall be submitted and approved in accordance with section 24-13. *For additional information regarding master plan submittal requirements refer to the submittal sections for the following zoning districts: R-4, Residential Planned Community; RT, Research and Technology; PUD, Planned Unit Development; MU, Mixed Use; EO, Economic Opportunity; and Residential Cluster Development Overlay District.*

- (3) Any other submittal requirement which may be required by this chapter.
- (4) An application and fee in accordance with ~~section 24-7 of this chapter,~~ *the fee schedule document approved by the James City County Board of Supervisors.*
- (b) Supplemental information should be submitted in accordance with the “Supplemental Submittal Requirements for Special Use Permits and Rezoning” policy as adopted by the board of

supervisors *and any additional policies as deemed necessary by the planning director.*

(c) Unless otherwise required by this chapter, upon written request by the applicant, the ~~director of planning~~ *planning director* may waive any requirement under (a)(1) or (a)(2) above after finding that such information would not be germane to the application.

Sec. 24-24. Additional requirements for submittal.

Each person or entity submitting an application for consideration under the provisions of section 24-23 including a special use permit, variance, erosion and sediment control permit, building permit, or any other land disturbance or rezoning measure, shall attach to such application a signed statement from the county treasurer certifying that for property listed in the application all real estate taxes owed to the county have been paid in full. The statement of certification from the county treasurer shall be valid for 30 days. Should the application be submitted more than 30 days after the treasurer has certified payment of taxes, a new certification from the treasurer shall be required.

State law reference-Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties, Code of VA., §15.2-2286.

Sec. 24-25 - 24-31. Reserved.

Chapter 24

ARTICLE III. SITE PLAN

Sec. 24-142. Statement of intent.

(a) The purpose of this article is to encourage sound and innovative design and to ensure that land is used in a manner that is efficient, in harmony with neighboring property and the environment, and in accordance with the Comprehensive Plan and provisions of this chapter or other parts of the James City County Code.

(b) Nothing herein shall require the approval of any development, use or plan, or any feature thereof, which shall be found by the commission or the zoning administrator to constitute a danger to the public health, safety or general welfare, or which shall be determined to be a violation of federal, state or county laws or regulations.

Sec. 24-143. When site plans required.

Site plans shall be required for the following major uses and additions and expansions thereto:

- (1) ~~Multiple~~ ~~Multi~~-family dwellings *with a combined total of four units or more*; except for the addition of individual private decks and fences accessory thereto.
- (2) ~~Townhouses or condominiums~~ *Apartments*; except for the addition of individual private decks and fences accessory thereto.
- (3) ~~Churches, temples, synagogues or cemeteries~~; *Places of public assembly, such as churches, temples, synagogues, cemeteries, and public meeting halls*;
- (4) Docks, marinas, wharves, piers, bulkheads and the like or any overwater structures, except private overwater piers and boat houses accessory to a single-family dwelling;
- (5) ~~Business~~; *Commercial or industrial buildings or developments*;
- (6) Manufactured home parks;
- (7) Campgrounds;
- (8) Public parks or recreation facilities;
- (9) Public utilities, public service or transportation uses, transmission mains, buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange, transformer or substations, or power transmission lines;
- (10) Schools or public buildings;
- (11) Hospitals or nursing homes;
- (12) ~~Towers~~; *Wireless communications facilities*;

~~(13) Two or more two family dwellings on the same parcel;~~

(13) Three or more single-family dwellings on the same parcel; or

(14) Off-street parking areas or any additions to existing off-street parking areas except for single-family residences.

Sec. 24-144. Preapplication conference and submission of conceptual plan.

(a) Before filing an application for approval of a site development plan, the applicant is advised to confer with the planning director or his designee, and such other agencies of the county, state and/or federal governments as the planning director suggests to be advisable concerning the general proposal.

(b) Prior to the submission of a site plan, the applicant or his representative, is advised to submit three copies of a conceptual plan for review by the ~~director of planning~~ *planning director*, or his designee; such action does not constitute the submission of a site plan and is not to be construed as an application for approval in computing time limitations in relation thereto. The planning division shall transmit comments to the applicant within 21 calendar days of submittal of a *conceptual* plan which meets all applicable submittal criteria.

(c) The conceptual plan may be granted conceptual plan approval with conditions that should be satisfied prior to final site plan approval by the zoning administrator; such action does not constitute site plan approval or preliminary approval. ~~Submittal of a site plan that does not incorporate the conditions set forth during the conceptual plan review period, shall be reviewed by the commission under the requirements of section 24-148.~~ Unless required by the planning director a resubmittal of conceptual plans shall not be necessary.

(d) Conceptual plans shall, at a minimum, ~~show:~~ *identify or contain:*

(1) ~~Property lines;~~ *Project title, title block, legend, north arrow and graphic scale, zoning and zoning of surrounding properties;*

(2) ~~Building locations and orientation;~~ *Vicinity and location maps and site address;*

(3) ~~Building locations on adjacent properties;~~ *County tax parcel identification number, site boundary, and parcel size information;*

(4) ~~Location of parking area(s);~~ *Building locations and orientation, location of buildings on adjacent properties, building and landscape setbacks, buffers such as those associated with Resource Protection Areas (RPA) and CCC (Community Character Corridors);*

~~(5) Landscape areas/buffers;~~

(5) ~~(6)~~ Entrances/exits/access to the site (vehicular, pedestrian, greenway, etc.);

(6) ~~(7)~~ Greenway connections (on-site and those adjacent to the subject property);

(7) ~~(8)~~ *Narrative description of the* proposed use of site;

~~(9) Building/landscape setbacks per James City County ordinance;~~

~~(10) Site zoning and zoning of surrounding properties;~~

(8) Location of stormwater management facilities;

(12) ~~Graphic scale;~~

(9) (13) ~~Recorded~~ easements (conservation, utility, ~~rights-of-way~~, etc.);

(10) (14) Unique natural/visual features (viewsheds, water features, wetlands, ~~etc.~~) ~~RPA buffer, known archaeological sites, etc.~~;

(11) (15) Unique natural/visual features to be preserved (~~mature specimen~~ trees, ~~etc.~~); ~~known archeological sites, etc.~~;

(12) (16) List of currently binding proffers or SUP conditions;

(13) (17) Location of entry signs; and

(14) (18) ~~Existing topography of site~~ *using county base mapping (2 foot contour or greater with the prior approval of the Director of Engineering and Resource Protection) or other mapping sources or resources.*

(e) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements.

Sec. 24-145. Site plan submittal requirements.

(a) Site plans shall, at a minimum, ~~identify or~~ contain:

(1) ~~Title of project; Project title, title block, north arrow, legend, graphic scale, zoning, parcel identification number and such information as the names and numbers of adjacent roads, streams and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;~~

(2) Name of engineer, architect, landscape architect, planner and/or licensed surveyor;

(3) ~~Vicinity and~~ location of site by an inset map at a scale no less than one inch equals ~~to~~ 2,000 feet;

(4) ~~Indication of the scale, north arrow, zoning, parcel number and such information as the names and numbers of adjacent roads, streams and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;~~

(4) (5) Boundary survey of site;

(6) ~~All existing and proposed streets and easements, their names, numbers, and width; existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;~~

(5) ~~Location, type and size of all entrances to the site. All existing and proposed streets and easements, their names, numbers and width;~~

(6) ~~Existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;~~

(7) ~~Location, type and size of all entrances to the site;~~

- (7) ~~(8)~~ Existing topography *using county base mapping (2 foot contour or greater with the prior approval of the Director of Engineering and Resource Protection), or other mapping sources or resources,* and proposed finished contours.
- (8) *Spot elevations shown at topographic low and high points;*
- (9) A landscaped plan showing woodline before site preparation with species and average diameter of trees indicated with location and diameter of single trees in open areas; areas to be screened, fenced, walled and/or landscaped, with approximate arrangements, plant types and sizes; and size and type of trees to be removed having a minimum diameter breast height of 12 inches;
- (10) *A tree preservation plan and a phased clearing plan in accordance with sections 24-87 and 24-90;*
- (11) *An outdoor lighting plan in accordance with section 24-101;*
- (12) ~~(10)~~ Provisions for off-street parking, loading spaces and pedestrian walkways including existing and proposed sidewalks, calculations indicating the number of parking spaces required and the number provided;
- (13) ~~(11)~~ Number of floors, floor area, height and location of each building;
- (14) ~~(12)~~ For a multi-family *or apartment residential* development, the number, size and type of dwelling units and the location, type and percentage of total acreage of recreation facilities;
- (15) ~~(13)~~ Detailed utility layout including water and sanitary sewer plan with profiles; location of electrical transmission lines, gas pipelines, streetlights and fire hydrants; and showing the locations of garbage and trash disposal facilities;
- (16) ~~(14)~~ Provisions for the adequate control of stormwater drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures;
- (17) ~~(15)~~ Computation notations to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multi-family *residential or apartment* developments;
- (18) ~~(16)~~ Bylaws of homeowner association where applicable;
- (19) ~~(17)~~ Copies of notification to adjacent property owners; ~~and~~
- (20) ~~(18)~~ Copy of conceptual plan ~~reviewed under the requirements of section 24-144.~~ *(if applicable);*
- (21) *Narrative description of compliance of plan to any proffers or special use permit conditions; and*
- (22) *The following environmental information about the site proposed for development including:*
 - a. *All existing easements, disturbed area, impervious cover, and percent impervious estimates;*
 - b. *Flood zone designation, Resource Protection Areas (RPAs), soils (highly erodible, hydric, permeable, hydrologic soils group A & B);*
 - c. *Full environmental inventory consistent with section 23-10(2) of the County's Chesapeake Bay Preservation Ordinance (perennial stream assessment, delineated wetlands, limits of work);*
 - d. *Demonstration that the project complies with section 23-9(b)(1), (2), & (3) of the County's Chesapeake Bay Preservation Ordinance (how disturbance is being minimized, indigenous vegetation preserved, impervious cover minimized);*

- e. County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and*
- f. Description of Better Site Design or Low Impact Development (LID) techniques if being used.*

(b) If the zoning administrator determines that one or more of the above submittal requirements is not applicable to the proposed project, the zoning administrator may waive those requirements.

(c) The submittal of a site plan with insufficient information shall result in the return of the plans to the applicant without review; such deficiencies shall be noted in written form.

~~(d) If the submitted site plan does not have an approved conceptual plan, as set forth in section 24-144, then the site plan shall be reviewed by the commission under the requirements of section 24-148.~~

Sec. 24-146. Public access to site plan.

(a) It shall be the responsibility of the applicant for site plan approval to notify all adjoining property owners, advising them of the submission of plans to the county and that plans are on file and available for review in the planning division. No site plan shall be reviewed until the applicant presents evidence to the satisfaction of the planning director, or his designee, that all property owners contiguous to and sharing a common property line with such applicants or whose property lies directly across from the proposed development have been notified in writing prior to the time the site plan is reviewed. Evidence that such notice was sent by mail to the last-known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance.

(b) All site plans shall be kept on file in the planning division and will be available for review by all interested persons during normal business hours for no less than five working days prior to receiving preliminary approval. This five-day period shall begin at the time the applicant has submitted sufficient evidence to the planning director that all adjacent property owners have been notified as required in this article.

Sec. 24-147. Criteria for review.

(a) Upon application and review, the development review committee (DRC) and the commission, or the commission's designee(s), shall consider site plans if any of the following conditions are present:

(1) The site plan proposes:

- a. a multifamily development of 10 or more units which is not subject to a binding legislatively approved master plan; or
- b. a shopping center; or
- c. a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall be defined as 85 % of the total square of the building or more.

(2) There are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed developments off-site impacts and/or density, as determined by the planning director.

(b) Site plans which meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148. However, the commission's designee may consider and review, pursuant to section 24-149, any site plan which the economic development director

determines to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.

(c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator under the terms of section 24-150.

Sec. 24-148. Procedure for commission review of site plans.

(a) The applicant shall submit to the planning director or his designee, ten copies of the site plan and pay the appropriate application fee. Site plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for site plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such site plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.

(b) Upon meeting all submittal requirements, the site plan shall be reviewed by the planning division and other agencies of the county, state and/or federal government as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review ~~requirements~~ *comments and requirements* by other agencies *and determine consistency with all applicable zoning ordinance requirements, policies and regulations.* The DRC shall consider the composite report and the site plan and make a recommendation to the commission.

(c) The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the site plan. The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.

(d) The applicant may, at their discretion, submit an enhanced conceptual plan for review by the planning division, other agencies of the county, state and/or federal government as deemed necessary by the planning director ~~and the DRC~~ in advance of preparation of fully engineered plans. The planning division shall prepare a composite report on the proposed plans which shall include review *comments and requirements* by other agencies and determine consistency with all applicable zoning ordinance requirements, policies and regulations. The *composite report and the enhanced conceptual plan* ~~and the planning division's composite report~~ shall be ~~reviewed~~ *considered* by the DRC *at one of its regularly scheduled monthly meetings* ~~when it meets~~ to make its recommendation to the commission. The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the plan. The plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, such notice shall state the specific reasons for disapproval. Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further review administratively by the planning division *and other agencies as deemed necessary by the planning director.* In order for enhanced conceptual plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.

(e) The enhanced conceptual plan shall at a minimum contain:

(1) Project title, title block, legend, north arrows and ~~plan~~ *graphic* scale labeled;

- (2) Vicinity and location maps and site address;
- (3) Site owner and developer information;
- (4) County tax parcel number, site boundary and parcel size information;
- (5) Setbacks (Building, Landscape) and Buffers (RPA, Community Character);
- (6) Adjacent property information;
- (7) Existing site features such as property lines, roads, buildings, roads, driveways, and utilities;
- (8) Existing topography using county base mapping (5 foot contours) or other mapping sources or surveys. Spot elevations shall be shown at topographical low or high points;
- (9) Existing and proposed rights-of-way and easements;
- (10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights;
- (11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings;
- (12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements;
- (13) Location and size of existing water mains and proposed connection point(s);
- (14) Proposed location of water meters, waterlines, and fire hydrants;
- (15) Proposed building usage and number of floors;
- (16) Preliminary water demands based on proposed use and required fire flow;
- (17) Fire flow test performed to determine adequate capacity
- (18) Location of all existing or proposed private wells;
- (19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s);
- (20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s);
- (21) Verification of sewer flow acceptance;
- (22) Location of primary and secondary onsite disposal system;
- (23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations;
- (24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections;
- (25) Proposed build out year and phasing information;
- (26) Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right-of-way lines, proposed utility locations, centerline curve data;
- (27) Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips;
- (28) Proposed design features or elements for which waivers will be sought;
- (29) Project site area, disturbed area, impervious cover and percent impervious estimates;
- (30) Applicable FEMA FIRM panel information and zone designations;
- (31) County watershed, subwatershed and catchment;
- (32) Identify if the site is subject to the county's Special Stormwater Criteria (SSC);
- (33) Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and Hydrologic Soil Group A and B soils;
- (34) Full Environmental Inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed;
- (35) Demonstration that the project complies with section 23-9(b)(1), (2) and (3) of the county's Chesapeake Bay Preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development;
- (36) Locations of existing and proposed stormwater management/BMP facilities, with county BMP ID

- Code numbers and labels to show intended BMP type in accordance with designations in the county BMP manual;
- (37) Identify location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes;
 - (38) Demonstration that the project complies with the county's 10-point system for water quality and stream channel protection, and Minimum Standard #19 of the Virginia Erosion and Sediment Control regulations by provision of a worksheet for BMP Point System;
 - (39) Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels;
 - (40) Identify preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems;
 - (41) List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued.

Sec. 24-149. Procedure for review of site plans by the commission's designee(s).

(a) The applicant shall submit to the planning director, or his designee, ten copies of the site plan and pay the appropriate application fee.

(b) Upon meeting all submittal requirements, the site plan shall be reviewed by the planning division and other agencies of the county, state and/or federal government as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review *comments and* requirements by other agencies and submit the report to the commission's designees for consideration.

(c) The commission's designees shall consider the planning division's report and either grant preliminary approval, defer, disapprove or refer the site plan back to the *DRC development review committee and full Commission*. The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall provide written notice to the applicant of the commission's designee's decision. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.
(Ord. No. 31A-136, 1-6-92)

Sec. 24-150. Procedures for administrative review of site plans.

(a) The applicant shall submit to the planning director, or designee, ten copies of the site plan and pay the appropriate application fee. Upon meeting all submittal requirements, the site plan shall be reviewed by the planning division and other agencies of the county, state and/or federal government as deemed necessary by the planning director. The planning division shall transmit county staff comments to the applicant within 45 days of the initial submittal of plans meeting all applicable submittal criteria. No plan shall be approved until all staff and other agency comments are satisfied.

(b) The site plan may be granted preliminary approval *with conditions that must be satisfied prior to final approval* by the planning division or deferred. It *or* may also be approved or disapproved by the zoning administrator. ~~The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator.~~ The planning division shall notify the applicant of any action taken on the site plan within ten working days of such action. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for denial.

Sec. 24-151. Review criteria generally.

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

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

Sec. 24-152. Term of validity for preliminary approval.

Preliminary approval of a site plan shall be valid for a period of one year. A revised site plan must be presented and properly filed with the planning director, or his designee, and receive final approval from the zoning administrator prior to the termination date of the preliminary approval.

Sec. 24-153. Submittal of revised site plan generally.

Ten copies of a revised site plan shall be submitted to the planning director, or his designee, who shall within 30 days review the second submittal of plans for compliance with applicable county regulations, the requirements for final approval and any conditions of the preliminary approval. The planning director, or his designee, shall review each subsequent submittal of revised plans within 21 days. The ~~director of planning~~ *planning director* shall provide a set of all submittals to ~~relevant~~ *applicable* agencies or departments for their review and written comments. The revised site plan shall be submitted on separate sheets ~~or overlays~~ as appropriate for accurate representation of the project. Insufficient submittals may be returned to the applicant with written notification of deficiencies from the planning

director or his designee. The revised site plan shall, at a minimum, contain those items set forth in subsection 24-145(a)(1) through (17) (22).

Sec. 24-154. Reserved.

Sec. 24-155. Action upon completion of review of revised site plan.

Upon final approval of the site plan by the zoning administrator, the planning director, or his designee, shall transmit two approved sets of plans to the developer, owner or authorized project agent, ~~and one~~ *One* copy of any correspondence and *approved set of* plans is to be retained *on file* by the ~~planning director or his designee.~~ *in Records Management.*

Sec. 24-156. Term of validity of final approval.

(a) Final approval of a site plan submitted under the terms of this article shall ~~expire~~ *be valid from the date of approval for a period of* five years. ~~after the date of such approval.~~ During that period, all building permits shall be obtained or the development shall be put into use. When building permits have been issued, the site plan approval shall run concurrently with the building permit term of validity for only those buildings and improvements covered by a *the* permit(s).

(b) ~~The approved final site plan shall be valid for a period of five years from the date of approval.~~ For ~~so~~ *as* long as the final site plan remains valid in accordance with the provisions of this section, no change or amendment to any county ordinance, map, resolution, policy or plan adopted subsequent to the date of approval of the final site plan shall adversely affect the right of the developer or successor in interest to commence and complete an approved development in accordance with the lawful terms of the site plan unless there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare *as determined by the planning director and by the building safety and permits director.*

(c) Application for minor modifications to approved site plans made during the five-year term of validity shall not constitute a waiver of provisions of this section nor shall the approval of such minor modifications extend the ~~period~~ *term* of validity *of the originally approved site plan.* Any minor modification shall be made in accordance with section 24-157.

(d) The provisions of this section shall not be construed to affect any litigation nonsuited and thereafter refiled; the authority of the governing body to impose valid conditions upon approval of any special use permit, conditional use permit or special exception; the application to parcels of land subject to final site plans, to the greatest extent possible, of the provisions of the county's Chesapeake Bay Preservation ordinance, or any county ordinance adopted to comply with the requirements of the federal Clean Water Act Section 402(p) Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.

Sec. 24-157. Amendment of approved site plans.

(a) Upon application, an approved site plan may be amended with the approval of the zoning administrator, provided that such proposed amendment does not:

- (1) Alter a recorded plat;
- (2) Conflict with the specific requirements of this article;
- (3) Change the general character or content of an approved development plan or use;

- (4) Have an appreciable affect on adjoining or surrounding property;
- (5) Result in any substantial change of major external access points;
- (6) Increase the approved number of dwelling units or height of buildings; ~~or~~
- (7) Decrease the specified yards and open spaces or specified parking and loading spaces; ~~or~~
- (8) *Increase specified parking and loading spaces.*

(b) Amendments not in accordance with subsections (a)(1) through ~~(7)~~(8) of this section shall be considered as new site plans and resubmitted for approval. Approval of an amendment under this section shall not extend the term of validity of the original approved site plan.

Sec. 24-158. Final "as-built" plans required.

For all projects subject to site plan review in accordance with section 24-143, a copy of final "as-built" plans and specifications for all water and sewer facilities and fire hydrants shall be submitted to the James City Service Authority prior to the issuance of any ~~permanent~~ *final* certificate of occupancy *by the Building Safety and Permits Division.*

Sec. 24-159. Compliance with site plan required.

(a) *Inspection and supervision during development:*

- (1) Unless otherwise specifically provided in this chapter, the construction standards for all ~~off-site and on-site~~ *on-site and off-site* improvements required by this chapter, the site plan or other documents approved by the county shall conform to county design and construction standards. The ~~director of code compliance~~ *building safety and permits director* or his agents shall, after approval of the plan and specifications, inspect construction of all improvement and land disturbances to assure conformity with the approved plans to the maximum extent possible.
- (2) The owner or agent shall notify the ~~director of code compliance~~ *building safety and permits director* in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.
- (3) The stormwater division shall, after approval of the plan and specifications, inspect construction of all stormwater installations, including but not limited to BMPs, storm drains, channels, inlets, and outfalls to assure conformity with the approved plans to the maximum extent possible.
- (4) The owner or agent shall provide adequate supervision on the site during installation of all required improvements and have a responsible superintendent or foreman, together with one set of the approved plans, profiles and specifications available at the site at all times when the work is being performed.

(b) *Sanctions, penalties and relief.* Any person, firm or corporation, whether as principal, agent, owner, lessee, employee or similar position, who violates or fails to comply with any provision of this article, ~~permits such violation or erects any structure or uses any land or structure prior to preliminary approval~~ or contrary to a site plan shall be subject to criminal sanctions, civil penalties and/or injunctive relief as ~~provided in section 24-22.~~

Sec. 24-160. Administrative review fees.

Submittal of a site plan and subsequent revisions proposed by the applicant shall be accompanied by a fee as specified in section 24-7.

Secs. 24-161 - 24-170. Reserved.

Chapter 24

Article VII. Nonconformities

Sec. 24-628. ~~Nonconforming uses~~ *Statement of Intent.*

(a) *Purpose and intent.* The purpose of this article is to regulate nonconforming uses *and structures* in a manner consistent with sound planning and zoning principles. The general intent is that, over time, nonconforming uses will be discontinued in favor of uses conforming to this chapter and the zoning map. However, it is also recognized that nonconforming uses need not be entirely static and that under certain circumstances nonconforming uses *and structures* may change according to law and the provisions of this chapter.

(b) *Term defined.* The term "nonconforming use" shall mean any activity using land, building, sign, lot, and/or structure for purposes which were legally established prior to the effective date of this chapter, or subsequent amendment to it, and which would not be permitted to be established in a zoning district in which it is located by the currently adopted regulations. *"Nonconforming structure" shall mean any structure not in conformance with current ordinance regulations.*

(c) *Status.* The nonconforming status of any nonconforming use shall adhere solely to the use of the land and not to the owner, tenant or other holder of any legal title to the property or the right to make use thereof.

(d) *Accessory or incidental uses.* A use that is accessory or incidental to a permitted principal use cannot be made the basis for a nonconforming principal use.

Sec. 24-629. Continuation of nonconforming uses.

(a) A nonconforming use may continue as it existed when it became nonconforming provided however, if any nonconforming use is discontinued for a period of two years, it shall lose its nonconforming status and any further use shall be required to conform to the provisions of this chapter. A nonconforming use shall not be changed unless provided for in section 24-631 of this article.

(b) Operation of only an accessory or incidental use to the principal nonconforming use during the two-year period shall not operate to continue the principal nonconforming use.

(c) No use accessory to a principal nonconforming use shall be continued after nonconforming status is lost for the principal use.

Sec. 24-630. Verification of nonconforming uses needed prior to any change in a nonconforming use.

(a) Prior to the approval of any change in, or restoration of, a nonconforming use permitted by section 24-631 of this ordinance, the lawful status of the use shall be verified in writing by the zoning administrator. The zoning administrator may also verify in writing the lawful status of a nonconforming use not proposed to change upon the request of the owner of the property on which the use is located or upon the request of a neighboring property owner.

(b) In verifying the lawful status of a nonconforming use, the zoning administrator shall determine the following:

(1) Whether the use is, in fact, a lawful nonconforming use as defined by this chapter; and, if so, then:

(2) The location and gross floor area (in square feet) of all buildings associated with the nonconforming use; and

- (3) The location, use and size of all structures other than buildings associated with the nonconforming use; and
 - (4) The area of land (in square feet) devoted to all aspects of the nonconforming use (including buildings, parking, outside storage, travel ways, open spaces, etc.); and
 - (5) A description of the principal use(s) and all accessory uses that make up the lawful nonconforming use as a whole.
- (c) All signs associated with the nonconforming use shall be brought into full compliance with the current zoning ordinance requirements for the zoning district assigned by the zoning administrator as a part of the nonconforming use verification process.
- (d) Classification of use. If such determination results in the use, or any portion, being verified as a lawful nonconforming use, the zoning administrator shall classify the overall nonconforming use of the property based on the zoning district in which the use would be a permitted use. If the use would be permitted in more than one zoning district, the assigned classification shall be based on the zoning district that is the least intense of all districts where the use would be permitted. The assignment of such a zoning classification shall not operate to change the zoning of the property on which the nonconforming use is located, but shall be used only in determining the applicable criteria for change of the nonconformance use under the provisions of section 24-633.
- (e) Basis for administrator's decision. The decision of the zoning administrator shall be based on information provided by the owner of the property on which the nonconforming use is located, on information provided by other persons with knowledge of the property and on any other information available to the zoning administrator as public record. Such information may include, but shall not be limited to, permits, licenses, tax records, receipts, business records, photographs, plats, plans, bills, utility information, assessment information, and sworn affidavits from individuals with personal knowledge of the use and/or the property on which the use is located.

Sec. 24-631. Permitted changes of nonconforming uses.

- (a) A nonconforming use may be changed, altered, repaired, restored, replaced, relocated or expanded only in accordance with the provisions of this article and subject to the appropriate approvals (including, among others, verification of the nonconforming use, site plan approval, building permit approval and zoning approval under this chapter) otherwise required by law.
- (b) A nonconforming use may change to a conforming use.
- (c) A nonconforming use may change to a more restricted nonconforming use upon approval by the zoning administrator. The zoning administrator's approval shall include a determination in writing that the proposed use is "more restricted" than the existing nonconforming use and shall not be given until the nonconforming status of the use has been verified in accordance with section 24-630 of this article. In determining whether a proposed use is a "more restricted" nonconforming use, the following factors, among others, shall be considered:
 - (1) Whether the proposed use will change the size and scope of the existing use and the magnitude of such change;
 - (2) Whether the proposed use will increase the intensity of the nonconforming use, including hours of operation, traffic, lighting, odor, noise and similar impacts;

- (3) Whether the proposed use will have a more or less detrimental effect on conforming uses in the neighborhood; and
- (4) How the quantum overall effect of the factors evaluated in preceding subsections (c)(1), (c)(2) and (c)(3) relate to the purpose, policies and objectives of this chapter.

(d) Upon approval of the change to more restrictive use, site plan approval as set forth in section 24-143 of the ordinance is required when structural modifications or additions are necessary.

Sec. 24-632. Repairs and maintenance to nonconforming uses.

A nonconforming use may be repaired, provided such repair constitutes only routine maintenance necessary to keep the structure in the same general condition it was in when it originally became nonconforming.

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

(a) *Restriction for structure.* A nonconforming use may be extended throughout any part of a structure originally arranged or designed for such activity; provided, that current parking requirements shall be adhered to upon such extension.

(b) *Restriction for area.* Any permitted expansion shall occur only on the lot occupied by the nonconforming use *or structure* and no area of any lot not originally devoted to the nonconforming use shall be utilized for any aspect of such expansion; *notwithstanding the combination of lots to bring a nonconforming structure into compliance.*

(c) *One-family dwellings.* For a nonconforming one-family dwelling use, the dwelling may be expanded without limitation, except as provided for in this chapter. In addition, new or expanded residential accessory structures and uses (such as a storage shed, garage, swimming pool, etc.) may be permitted subject to the provisions of this chapter. Expansion of the dwelling and new or expanded accessory structures and uses shall meet all current zoning requirements, including height, yard and setbacks, for the zoning district in which they are located or the R-1 zoning district if such dwelling is not located in a zoning district where a residential use is permitted. In no case shall a nonconforming one-family dwelling be modified to accommodate additional dwelling units.

(d) *Business or industrial uses.* For uses in any district where the activity is permitted in the zoning district in which the lot is located, but where the current zoning requirements (including, but not limited to, parking, yards, setbacks, landscaping, screening and buffering, height, signs, lot coverage, connection to public sewer and water) are not met, expansion of the building, and expansion of the land area within the lot devoted to activities other than buildings, may be approved, provided all current zoning requirements applicable to the expansion are met.

(e) *Businesses or industrial uses not connected to public water and sewer.* Expansion of a use meeting all zoning requirements except for connection to public water and public sewer may be permitted upon approval of a special use permit excepting the use from the public water and public sewer requirements.

(f) *Expansion allowance resulting from right-of-way dedication.* Existing business or industrial uses which are permitted within any district and which have been made nonconforming with respect to open space, perimeter landscape requirements or setback requirements as a result of a right-of-way dedication to the county or the Virginia Department of Transportation without compensation shall be allowed to expand in accordance with the current zoning ordinance under the conditions which existed prior to the dedication.

(g) *Miscellaneous changes.* Minor alterations, cosmetic modifications, interior renovations and similar changes for nonconforming uses *or structure* may be permitted, subject to the following standards:

- (1) Such changes shall not increase the land area occupied by any aspect of the nonconforming use and shall not increase the gross floor area of any nonconforming structure; and,
- (2) Such construction shall meet all current zoning ordinance requirements for the zoning district in which the nonconforming use is located or the zoning district assigned by the zoning administrator as a part of the nonconforming use verification process, whichever requirements are more strict.

(h) *Expansion required by law.* Improvements may be made to the nonconforming use *or structure* for the sole purpose of accessibility or public safety when such improvements are necessitated by a local, state, or federal law. Such improvements may be approved by the zoning administrator and are not subject to paragraphs (d) and (g) of this section.

Sec. 24-634. Restoration/replacement of a nonconforming use *or structure*.

(a) A nonconforming use *or structure* damaged by casualty may be restored in accordance with the provisions of this section, provided such restoration has started within 12 months of the date of the casualty and is complete within 24 months of the date of the casualty. By casualty shall mean as a result of a fire or other cause beyond the control of the owner or by an act of God. By casualty shall not include damage caused by age or ordinary wear and tear or damage intentionally caused by the owner or an agent thereof.

(b) Nonconforming uses other than buildings and signs (such as, but not limited to, underground storage tanks, private sewage disposal systems and parking lots) may be restored or replaced when such structures become unsafe or unsound. A relocation on the same lot may be approved by the zoning administrator, provided the new location is less nonconforming than the original location, and further provided that the new location shall not cause a greater detrimental impact on conforming uses in the neighborhood.

(c) Such restoration shall not include any minor alterations, cosmetic modifications, interior renovations or similar changes unless approved under the provisions of section 24-633 of this article, nor shall such restoration include any expansion unless approved under the provisions of section 24-633. Such restoration may include changes that make the use *or structure* less nonconforming than it was prior to the casualty.

(d) Nothing in this section shall be construed to prevent the removal of a valid nonconforming manufactured home from property and replacement of that unit with another comparable manufactured home that meets the current HUD manufactured housing code. Such replacement unit shall retain the valid nonconforming status of the prior unit. For purposes of this article, a "nonconforming mobile home or manufactured home" shall be defined as any mobile home or manufactured home which does not meet all current zoning requirements and which was:

- (1) Located in the county prior to April of 1969, or any replacement thereof;
- (2) Located pursuant to a conditional use permit, either with or without an expiration date;
- (3) Located pursuant to a special use permit; provided, however, any manufactured home located pursuant to a special use permit with an expiration date shall be removed from the site upon expiration of the special use permit unless a new special use permit is approved to lawfully continue the use; or

(4) A replacement for a mobile home or manufactured home located pursuant to a conditional or special use permit not specifically prohibited by the permit.

(e) A nonconforming office building meeting all current zoning requirements except connection to public water and sewer which is located within an industrial district may be replaced upon issuance of a special use permit excepting the use from the public water and sewer requirements. The replacement office building shall not exceed 4,000 square feet in floor area.

Sec. 24-635. Moving a nonconforming use.

No structure used as a part of a nonconforming use shall be moved to any other lot unless such lot is properly zoned to permit the use, nor shall such a structure be moved within the lot on which it exists, unless a relocation is specifically provided for in other sections of this article.

Sec. 24-636. Use of nonconforming lots.

(a) Any unimproved lot of record existing on the effective date of this chapter located in any district that is nonconforming as to the lot area, lot width or lot depth, or combination thereof, required in the zoning district in which the lot is located may be used for any permitted use in such zoning district, unless specifically prohibited, provided all other requirements of the zoning district are met or the board of zoning appeals establishes setbacks, side, and rear yards in accordance with section 24-650(c).

(b) In addition to the changes that may be allowed to nonconforming lots by this chapter, nonconforming lots may change as follows:

(1) A nonconforming lot may be increased in lot size, lot width or both to make the lot less nonconforming;

(2) The boundaries of a lot that is nonconforming as to lot size or lot width, or both, may be adjusted along with the boundaries of any contiguous conforming lot, provided such adjustment does not make the conforming lot nonconforming and does not make the nonconforming lot more nonconforming;

(3) When a nonconforming lot is changed as set forth in subsections (b)(1) and (b)(2), or when two or more nonconforming lots are assembled to create a conforming lot, a plat of subdivision shall first be filed and approved in accordance with law.

Sec. 24-637. Appeals.

Administrator's decision; appeal to board of zoning appeals. The decision of the zoning administrator under section 24-631(c), section 24-630(c), and section 24-633(a)(3) shall be final after 30 days unless an appeal is filed to the board of zoning appeals in accordance with section 24-663 of this chapter.

Secs. 24-638 - 24-643. Reserved.



Traffic Impact Analysis Submittal Requirements Policy

I. GENERAL

In 2006, the Traffic Impact Analysis Regulations known as “Chapter 527” was approved by the General Assembly of Virginia to expand the role of the Virginia Department of Transportation (VDOT) in the land planning and development review process. Accordingly, James City County requires submission of all Traffic Impact Analyses (TIA’s) to be conformance with the aforementioned regulations. In addition, all TIA’s shall conform to the current versions of the Manual of Uniform Traffic Control Devices (MUTCD), the VDOT Road Design Manual, VDOT Access Management Regulations and Standards, the American Association of State Highway and Transportation Officials (AASHTO) and the Institute of Transportation Engineers (ITE) manuals unless otherwise approved by the Planning Director.

II. APPLICABILITY

A. Submission of a TIA shall be required when one or more of the following apply:

- Projects that expect to generate 100 or more weekday peak hour trips to and from the site during the peak hour of operation based on the ITE manual’s trip generation rates.
- Projects with an entrance or exit onto a roadway with a Level Of Service “D” or lower operation.

Note: VDOT has different requirements that trigger a 527 TIA than County Ordinance. Should a TIA be required by VDOT, but not be triggered County requirements, this policy would not be applicable and no additional TIA is required.

III. EXCEPTIONS

A TIA does not have to be updated/submitted if a TIA or 527 TIA was previously submitted for a rezoning or Special Use Permit and all assumptions made in the TIA remain valid.

IV. PROCEDURE

A scoping meeting with VDOT and Planning Division staff is required for any proposal that requires the submission of a TIA. A scoping meeting is required when the proposed development generates more than 100 peak hour site trips. At this meeting the Planning Director will determine the minimum scope of work and if additional analyses pursuant to Section VI B are applicable. Fifteen paper copies and a digital copy of the TIA shall be submitted during application of the project with the County.

V. WHO PREPARES

A TIA should be prepared by a professional engineer or a transportation planner. Generally, a licensed engineer prepares a TIA; however, for smaller applications, the Planning Director may approve TIAs that have not been certified by an engineer.

VI. CONTENTS OF A TRAFFIC IMPACT ANALYSIS

A. The Traffic Impact Analysis shall at minimum include the following:

- Executive Summary
- Introduction
- Analysis of Existing Conditions
- Analysis of Future Conditions without Development
- Projected Trip Generation
- Analysis of Future Conditions with Development
- Signal Warrant Analysis
- Improvements necessary to achieve an overall Level of Service “C” on adjacent roadways/signalized intersections. The Planning Director may approve movements in certain lane groups of LOS “D” in urban environments.
- Conclusion

B. Supplemental Analysis

As determined at the scoping meeting, the Planning Director may also request the following analysis as a component of the TIA:

- Weaving Analysis
- Merge and Diverge Analysis
- Corridor Traffic Signal Progression Analysis
- Queuing/Turn Lane Analysis
- Expanded Study Area
- Examination of Transit and Travel Demand Management Measures
- Accident/Safety Analysis
- Sight Distance Analysis

RESOLUTION

Traffic Impact Analysis Submittal Requirements Policy

WHEREAS, the Traffic Impact Analysis Submittal Requirements Policy (“Policy”) is designed to provide guidance to applicants regarding the minimum submittal requirements for a Traffic Impact Analysis (TIA); and

WHEREAS, the Policy is consistent with the Virginia Department of Transportation’s Chapter 527 TIA submittal requirements; and

WHEREAS, the Policy Committee endorsed the Policy on September 15, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, endorsed the Policy on _____ by a vote of _____.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia does hereby approve the Traffic Impact Analysis Submittal Requirements.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this ___ day of_____, 2012.

Version 04.02.12



Please make sure to use the accompanying Excel Spreadsheet to calculate the numbers below.

FISCAL IMPACT WORKSHEET AND ASSUMPTIONS

Please complete all *applicable* sections. Please use the provided spreadsheet to perform calculations. If space provided is insufficient, please feel free to include additional pages. If you have any questions please contact the Planning Office at (757) 253-6685 or planning@james-city.va.us.

- 1a) PROPOSAL NAME _____
- 1b) Does this project propose residential units? Yes _____ No _____ (if no, skip Sec. 2)
- 1c) Does this project include commercial or industrial uses? Yes ___ No ___ (If no, skip Sec. 3)

Fiscal Impact Worksheet Section 2: Residential Developments

- 2a) TOTAL NEW DWELLING UNITS. Please indicate the total number of each type of proposed dwelling unit. Then, *add* the total number of new dwelling units.

Single Family Detached		Apartment	
Townhome/Condominium/Single Family Attached		Manufactured Home	
Total Dwelling Units			

Are any units affordable? Yes _____ No _____ (If yes, how many?) _____

Residential Expenses – School Expenses

- 2b) TOTAL NEW STUDENTS GENERATED. *Multiply* the number of each type of proposed unit from (2a) its corresponding Student Generation Rate below. Then, *add* the total number of students generated by the proposal.

Unit Type	Number of Proposed Units (from 2a)	Student Generation Rate	Students Generated
Single Family Detached		0.40	
Townhome/Condo/Attached		0.17	
Apartment		0.31	
Manufactured Home		0.46	
Total			

2c) TOTAL SCHOOL EXPENSES. *Multiply* the total number of students generated from (2b) by the Per-Student Total Expenses below.

Total Students Generated	Per-Student Operating Expenses	Per-Student Capital Expenses	Per-Student Total Expenses	Total School Expenses
	\$5920.16	\$2176.06	\$8096.22	\$

Residential Expenses - Non-School Expenses

2d) TOTAL POPULATION GENERATED. *Multiply* the number of proposed units from (2a) and multiply by the Average Household Size number below.

Total Units Proposed	Average Household Size	Total Population Generated
	2.19	

2e) TOTAL NON-SCHOOL EXPENSES. *Multiply* the population generated from (2d) by the Per-Capita Non-School Expenses below.

Total Population Generated	Per-Capita Non-School Expenses	Total Non-School Expenses
	\$640.98	\$

2f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (2c) and non-school expenses (2e) to determine total residential expenses.

Total School Expenses	Non-School Expenses	Total Residential Expenses
\$	\$	\$

Residential Revenues

2g) TOTAL REAL ESTATE EXPECTED MARKET VALUE. Write the number of each type of units proposed from (2a). Then *determine the average* expected market value for each type of unit. Then, *multiply* the number of unit proposed by their average expected market value. Finally, *add* the total expected market value of the proposed units.

Unit Type:	Number of Units:	Average Expected Market Value:	Total Expected Market Value:
Single Family Detached		\$	\$
Townhome/Condo/Multifamily		\$	\$
Total:		N/A	\$

2h) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total market value from (2g) by the real estate tax rate below.

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
\$	0.0077	\$

2i) TOTAL PERSONAL PROPERTY TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Taxes Paid
\$	0.15	\$

2j) TOTAL SALES & MEALS TAXES PAID. *Multiply* the total real estate taxes paid (2h) by the sales and meals tax average below:

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
\$.09	\$

2k) TOTAL CONSERVATION EASEMENT TAXES PAID. If the proposal contains a conservation easement, *multiply* the size of the proposed conservation easement by the conservation easement assessment rate.

Proposed Conservation Easement Size	Assessment Rate	Conservation Easement Taxes Paid
	\$2000/acre (prorated)	\$

2l) TOTAL HOA TAXES PAID. If the HOA will own any property that will be rented to non-HOA members, *multiply* the expected assessed value of those rentable facilities by the real estate tax rate below.

HOA Property Type	Total Assessed Value	Real Estate Tax Rate	Total HOA Taxes Paid
		.0077	\$

2m) TOTAL RESIDENTIAL REVENUES. *Add* all residential taxes paid to the County from (2h) through (2l).

Total Residential Revenues	\$
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2n) RESIDENTIAL FISCAL IMPACT. Subtract total residential revenues (2m) from total residential expenses (2f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
		\$

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

3a) TOTAL NEW BUSINESSES. How many new businesses are proposed? _____
(include all businesses that will rent or lease space at the location as part of the proposal, including probable tenants of an office park or strip mall).

3b) TOTAL COMMERCIAL EXPENSES. *Multiply* the total business real estate expected assessment value from (3c) below by the Commercial Expenses Rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
	0.0045	\$

Commercial & Industrial Revenues

3c) TOTAL REAL ESTATE EXPECTED ASSESSMENT VALUE. *Estimate* the expected real estate assessment value, at buildout, of all proposed commercial element properties below.

Proposed Business Properties (by use and location)	Expected Assessment Value
Total:	\$

3d) TOTAL REAL ESTATE TAXES PAID. *Multiply* the total expected market property value from (3c) by the real estate tax rate below.

Expected Market Value	Real Estate Tax Rate	Real Estate Taxes Paid
	0.0077	\$

3e) TOTAL BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each proposed commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Proposed Business Name	Total Business Capitalization	Personal Property Tax Rate	Total Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	\$

3f) TOTAL BUSINESS MACHINERY AND TOOLS TAXES PAID. If any manufacturing is proposed, *multiply* the total business capitalization for each proposed manufacturing element by the business machinery and tools tax rate below. Then, *add* the machinery and tools tax paid.

Proposed Business Name	Total Business Capitalization	Machinery and Tools Tax Rate	Total Business Property Taxes Paid
		0.01	
		0.01	
Total:		N/A	\$

3g) **TOTAL SALES TAXES PAID.** *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel room sales for proposal's commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Tax Type	Projected Gross Sales	Sales Tax Rates	Sales Taxes Paid
Retail Sales		0.01 of Gross Retail Sales	
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$

*Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

3h) **TOTAL BUSINESS LICENSES FEES PAID.** Estimate each business element's total gross sales. *Multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid.

Proposed Business Name(s)	Business Type* (see exhibit sheet)	Projected Total Gross Sales	Business License Rate	Annual Business License Fees Paid
	Professional Services		0.0058	
	Retail Services		0.0020	
	Contractors		0.0016	
	Wholesalers		0.0005	
	Exempt*		No fee due	
	Other Services		0.0036	
	Total	N/A	N/A	\$

3i) **TOTAL COMMERCIAL AND INDUSTRIAL REVENUES.** *Add* the total taxes and fees paid by all of the business elements from (3d) through (3h).

Total Commercial and Industrial Revenues	\$
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3j) **COMMERCIAL FISCAL IMPACT.** *Subtract* total commercial and industrial revenues (3i) from total commercial and industrial expenses (3b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
		\$

3k) **TOTAL PROPOSED FISCAL IMPACT.** *Add* residential fiscal impacts (2n) and commercial fiscal impacts (3j).

Residential Fiscal Impact	Commercial Fiscal Impact	Total Proposed Fiscal Impact
		\$

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

Current Residential Use (If there are no existing residential units, skip to (4g)).

4a) TOTAL CURRENT DWELLING UNITS. Please indicate the total number of each type of existing dwelling unit. Then, *add* the total number of existing dwelling units.

Single Family Detached		Apartment	
Townhome/Condominium/Single Family Attached		Manufactured Home	
Total Dwelling Units			

Residential Expenses - School Expenses

4b) TOTAL CURRENT STUDENTS. *Multiply* the number of existing units from (4a) by its corresponding Student Generation Rate below. Then, *add* the total number of existing students.

Unit Type	Number of Existing Units	Student Generation Rate	Existing Students
Single Family Detached		0.40	
Townhome/Condo/Attached		0.17	
Apartment		0.31	
Manufactured Home		0.46	
Total		N/A	

4c) TOTAL CURRENT SCHOOL EXPENSES. *Multiply* the total number of current students from (4b) by the per-student school cost below.

Number of Existing Students	Per-Student School Cost	Current School Expenses
	\$8096.22	\$

Residential Expenses - Non-School Expenses

4d) TOTAL CURRENT POPULATION. *Multiply* the total number of existing units from (4a) by average household size below.

Total Existing Units	Average Household Size	Total Current Population
	2.08	\$

4e) TOTAL CURRENT NON-SCHOOL EXPENSES. *Multiply* the current population from (4d) by per-capita non-school expenses below.

Total Current Population	Per-Capita Non-School Expenses	Current Non-School Expenses
	\$762.14	\$

4f) TOTAL RESIDENTIAL EXPENSES. *Add* school expenses from (4c) and non-school expenses from (4e).

School Expenses	Non-School Expenses	Residential Expenses
\$	\$	\$

Residential Revenues

4g) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each residential property included in the proposal on the Parcel Viewer at <http://property.iccegov.com/parcelviewer/Search.aspx>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Property Address and Description	Assessment Value
	\$
	\$
	\$
Total:	\$

4h) TOTAL CURRENT REAL ESTATE TAXES PAID. *Multiply* the total assessment value from (4g) by the real estate tax rate below.

Total Assessment Value	Real Estate Tax Rate	Real Estate Taxes Paid
	.0077	\$

4i) TOTAL CURRENT PERSONAL PROPERTY TAXES PAID. *Multiply* total real estate taxes paid from (4h) by the personal property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Paid
	0.15	\$

4j) TOTAL CURRENT SALES AND MEALS TAXES PAID. *Multiply* the total real estate taxes paid from (4h) by the sales and meals tax average below.

Real Estate Tax Paid	Sales and Meals Tax Average	Average Excise Tax Paid
	.09	\$

4k) TOTAL CURRENT RESIDENTIAL REVENUES. *Add* all current residential taxes paid to the County from (4h) through (4j).

Total Current Residential Revenues	\$
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4l) CURRENT RESIDENTIAL FISCAL IMPACT. *Subtract* total residential revenues (4k) from total residential expenses (4f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
		\$

4m) FINAL RESIDENTIAL FISCAL IMPACT. *Subtract* current residential fiscal impact from (4l) from proposed residential fiscal impact from (2n).

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
		\$

Current Commercial Use

Current Commercial Expenses (if there are no current businesses or commercial properties, skip to (5k).

5a) TOTAL CURRENT BUSINESSES. How many businesses exist on the proposal properties?
_____ (include all businesses that rent or lease space at the location).

5b) TOTAL CURRENT COMMERCIAL EXPENSES. *Multiply* the current number of businesses operating on the proposal properties by the per-business expense rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
	0.0045	\$

Current Commercial Revenues

5c) TOTAL CURRENT ASSESSMENT VALUE. *Search* for each commercial property included in the proposal on the Parcel Viewer at <http://property.iccegov.com/parcelviewer/Search.aspx>. *Indicate* each property's total assessment value below. Then, *add* total assessment values.

Addresses	Assessment Value	Real Estate Tax Rate	Real Estate Tax Paid
		.0077	
		.0077	
Total:			\$

5d) TOTAL CURRENT BUSINESS PERSONAL PROPERTY TAXES PAID. *Multiply* the total business capitalization for each current commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Current Business	Total Business Capitalization	Personal Property Tax Rate	Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	\$

5e) TOTAL CURRENT MACHINERY AND TOOLS TAX PAID. If any manufacturing exists, *multiply* the total capitalization for manufacturing equipment by the business machinery and tools tax rate below.

Current Business	Total Business Capitalization	Personal Property Tax Rate	Machinery and Tools Tax Paid
		0.01	\$

5f) TOTAL CURRENT SALES TAXES PAID. *Estimate* the applicable total gross retail sales, prepared meals sales, and hotel/motel sales for existing commercial elements below. Then, *multiply* the projected commercial gross sales by the applicable sales tax rates. Then, *add* the total sales taxes paid.

Activity	Projected Gross Sales	Tax Rate	Sales Taxes Paid
Retail Sales		0.01 of Gross Retail Sales	
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$

*Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

5g) TOTAL CURRENT BUSINESS LICENSES FEES PAID. *Estimate* each current business element's total gross sales. Then, *multiply* each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid. Then, *add* the total business license fees paid.

Business Type	Gross Sales	Business License Rate	Annual Business License Fees Paid
Professional Services		\$0.0058	
Retail Sales		\$0.0020	
Contractors		\$0.0016	
Wholesalers		\$0.0005	
Manufacturers		No tax	
Other Services		\$0.0036	
Total:	N/A	N/A	\$

5h) TOTAL CURRENT COMMERCIAL REVENUES. *Add* all current commercial revenues paid by existing businesses from (5c) through (5g).

Total Current Commercial Revenues	\$
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5i) CURRENT COMMERCIAL FISCAL IMPACT. *Subtract* total commercial revenues (5h) from total residential expenses (5b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
		\$

5j) FINAL COMMERCIAL FISCAL IMPACT. *Subtract* current commercial fiscal impact from (5i) from proposed commercial fiscal impact from (3j).

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
		\$

5k) FINAL FISCAL IMPACT. *Subtract* the final commercial fiscal impact from (5i) from final residential fiscal impact from (4m).

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
		\$

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

6a) *Copy and paste* the residential phasing template from the accompanying Excel sheet to the page below.

Commercial Phasing

6b) *Copy and paste* the commercial phasing template from the accompanying Excel sheet to the page below.

Final Phasing Projections

6c) *Copy and paste* the final phasing projection from the accompanying Excel sheet to the page below.

Fiscal Impact Worksheet Section 7: Employment

7a) *Copy and paste* the employment projections from the accompanying Excel sheet to the page below.

DEFINITIONS AND ASSUMPTIONS

Apartment – A building used, or intended to be used as the residence of three or more families living independently of each other. Tenants have no equity in the dwelling.

Assessment Value – Assessment value is assumed to be within 1% of market value. Market value drives assessment value.

Buildout – All data and assumptions reflect the fiscal impact of the proposal at buildout.

Commercial Expense Rate – The commercial expense rate uses the proportional valuation method (see below) to determine individual business expenses. Under that method, businesses are collectively responsible for contributing 15% of the non-school budget (\$ 10,391,694). Dividing this portion of the budget by the total commercial real estate in the County (\$2,060,690,000) gives a commercial expense rate of 0.0045. This rate assumes that the costs of providing County services to a business are directly correlated with that business's property assessment. This assumes more valuable properties have generally more intense uses, incurring greater County expenses.

Condominium – A building, or group of buildings, in which units are owned individually and the structure, common areas and common facilities are owned by all the owners on a proportional, undivided basis.

Contractor - Any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, any paving, curbing or other work on sidewalks, streets, alleys, or highways, any excavation of earth, rock, or other materials, any construction of sewers, and any installation of interior building components.

Direct Impact – The worksheet only calculates direct financial impacts on the County budget. The worksheet is only one of many development management tools, and, as such, does not make a determination whether any type of development “should” happen based solely on that proposal's fiscal impact. The tool is not designed to measure non-budget impacts, such as increased traffic, or non-budget benefits, such as forwarding the goals of the Comprehensive Plan. Costs incurred by other entities, such as other localities or the State, remain uncounted.

Dwelling – Any structure which is designed for use for residential purposes, except hotels, motels, boardinghouses, lodging houses, and tourist cabins.

Exempt – Certain types of business activities or products are exempted from annual County business licenses. These include manufacturers, insurance agencies, apartment complexes, and gasoline sales.

Fees & Licenses – All fees collected by the County, including business & professional licenses, planning fees, building permit fees, stormwater fees, environmental inspection fees, septic tank fees, dog licenses, and motor vehicle licenses, are deducted from the per-capita and per-business budgetary costs of each department that collects them.

Fiscal Impact Analysis – The County has created a set of standardized data and assumptions to streamline both the creation and review of fiscal impact studies. The County had no itemized list of questions for fiscal impact study creators to answer, resulting in portions of fiscal impact studies with no bearing on the County's budgetary bottom line. The guesswork is removed from the creation of these documents. The data used by fiscal impact study authors also came from myriad sources, often within the County, which were difficult to verify. The fiscal impact worksheet allows consistency across multiple fiscal impact studies.

Fiscal Impact Worksheet – The worksheet helps the applicant present relevant data to the County, using data verified by the County. The worksheet provides consistency across all fiscal impact analyses.

Non-School Expenses – Non-school expenses include all FY10 non-school budget spending. Non-school expenses are calculated using the Proportional Variation method. Using the Proportional Variation method, residents and businesses are assumed to be responsible for differing percentages of the County's non-school spending.

Manufacturing – Assembly of components, pieces, or subassemblies, or the process of converting raw, unfinished materials into different products, substances, or purposes.

Market Value – Market value is assumed to be within 1% of assessment value. Market value drives assessment value.

Manufactured Home – A manufactured home is a structure not meeting the specifications or requirements or a manufactured home, designed for transportation, after fabrication. The only manufactured homes counted in the Student Generation figure are those in designated manufactured home parks. Manufactured homes on individual lots are indistinguishable from single-family detached dwellings for the purposes of the worksheet.

Phasing – All residential developments are assumed to have an absorption rate of 20% per annum. All commercial development are assumed to have an absorption rate of 20% per annum. The date stamp Year 1 in the phasing template represents 365 days after Board of Supervisors approval.

Professional Services - Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture,

law, dentistry, medicine, optometry, pharmacy or professional engineering. Professional services shall also include the services of an economist procured by the State Corporation Commission.

Proportional Valuation Impact – Proportional valuation impact assumes that a proposed residential or commercial project’s fiscal impact is proportional to the percentage of the total tax base that is either residential or commercial.

James City’s proportional valuation is calculated using the County’s Real Estate Mapping GIS program. The program calculated a aggregate property assessment value of \$13,763,228,800 for the entire County. The program calculated an aggregate commercial and industrial assessment value of \$2,060,690,000. Dividing the commercial value by the total value shows that commercial and industrial properties compose 15% of the total property tax base, and are responsible for 15% of County non-school expenses. This results in residential development being responsible for Schools impacts and 85% of non-school County operations. The proportional valuation method does not factor other assorted residential and commercial taxes, fees, and licenses into account. As 15% of the tax base, businesses contribute 15% for all County non-school expenses. As 85% of the tax base, residents contribute 85% for all County non-school expenses.

Furthermore, individual business expenses to the County are calculated using the proportional valuation impact method. (See Commercial Expense Rate)

Per-Business Expense Rate – The per-business expense rate assumes that the County incurs non-school expenses equal to 0.04% of the commercial real estate assessment of any given business.

Per Capita Evaluation Method – This worksheet uses the Per Capita Evaluation method to assign per-capita and per-business costs to non-school expenses. This method assumes that current per-capita and per-business expenditures and service levels are consistent with future per-capita and per-business expenditures and service levels.

Per Capita – Per capita calculations divide each department’s spending, minus fees and State contributions, by the current County population. This number excludes institutional residents in detention at correctional facilities and mental institutions. Total population is determined from James City County Planning Division figures.

JCC Population 2010	Dwelling Units 2010
67009*	30221**

*US Census 2010 Population Count

**JCC Codes Compliance Division Housing Unit Count + Apartment Count

Per Student – Per student calculations divide County contributions to WJCC Schools, minus State educational contributions, by the total number of K-12 students living in James City and also

attending WJCC Schools. Total students are determined from Williamsburg James City County Schools 2009-2010 School Year enrollment reports.

Per Business – Per business calculations divide each departments spending, minus fees and State contributions, by the total number of County businesses. Total businesses are determined by the number of business licenses issued.

Total Number of JCC Businesses	5400*
Percentage of Property Tax Assessments	15%**

*James City County Commissioner of the Revenue

**Commercial impacts are calculated on a proportional variation process

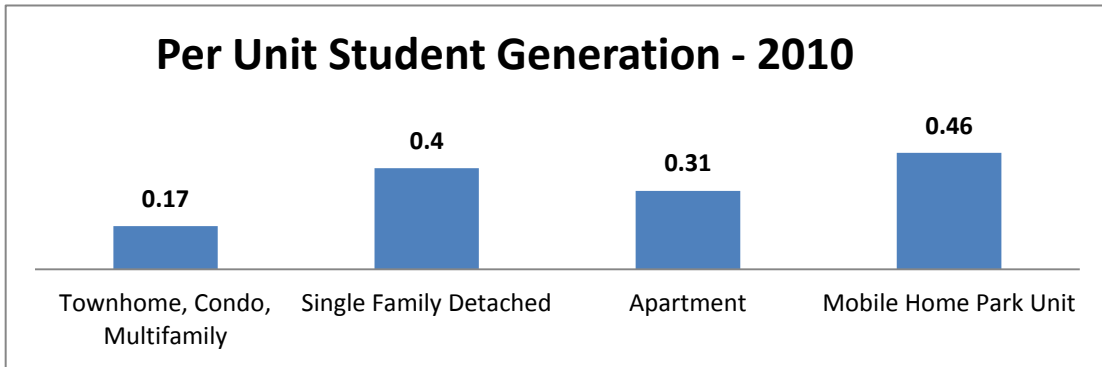
Proffer – Proffers paid for schools can only be applied toward the capital expense portion of per-student school expenses. (See Board of Supervisors’ Proffer Policy.)

Retail Services – Display and sale of merchandise at retail or the rendering of personal services, such as food, drugs, clothing, furniture, hardware, appliances, barber and beauty, antiques, and household uses, and other uses.

Single Family Detached Dwelling – A detached structure arranged or designed to be occupied by one family, the structure only having one dwelling unit.

State Contributions – The State contributes both targeted and unspecified funds to the James City County budget. Funds for specific departments were subtracted from the budget totals of those departments. Unspecified state fund amounts were compiled, then evenly subtracted (7.75% of each department total) across all non-school departments.

Student Generation Rate - The student generation rate the number of students produced by a individual dwelling unit per year. Different domestic units produce students are different rates. Using WJCC enrollment figures, an address was found for WJCC student residing in James City County. Using the James City County Real Estate Division’s Property Information map on the James City County website, the number of students from each subdivision was determined. Using the Real Estate Division’s Real Estate Parcel Count, the number of improved lots in each neighborhood was determined. Total students from each neighborhood were divided by the total number of units from that neighborhood to determine the average number of students per housing unit. The student generation numbers for 256 subdivisions were determined this way, along with the same method for counting students from apartments and manufactured home parks.



R E S O L U T I O N

ENVIRONMENTAL CONSTRAINTS ANALYSIS FOR LEGISLATIVE CASES

WHEREAS, in order to fully understand the impacts of a development on the local environment, consistent information should be provided to Planning staff and members of the Planning Commission and Board of Supervisors prior to approval of a legislative case (special use permits and rezonings);

WHEREAS, a thorough environmental analysis will ensure that development is not planned for areas which may not be able to accommodate it due to environmental constraints; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorse the following:

Any application for a use requiring a special use permit and/or rezoning, shall be accompanied by an Environmental Constraints Analysis containing, at a minimum, the information below. All or portions of the Environmental Constraints Analysis may be excluded from legislative cases application as determined by the planning director.

I. Hydrologic Features:

1. Location of all bodies of water such as streams, ponds, lakes, impoundments, rivers;
2. Name of watershed in which the project is located;
3. Approximate location of tidal and non-tidal wetlands (e.g. sinkholes, wetland, springs, seeps, etc);
4. Approximate location of perennial and intermittent streams;
5. Description of receiving streams;
6. Floodplain delineation for 100-and 500-year storm events including tidal flooding, if applicable.

II. Physical Features:

1. Approximate location of steep slopes greater than 25% based on County GIS or better source (all sources must be referenced). The scale for which this shall be provided is at the discretion of the engineering and resource protection director;
2. Soils, especially prime agricultural lands and HSG A&B soils, based on the County soil survey;

3. Soils erodability based on the County soils survey;
4. Areas of forest, woodland cover and wildlife corridors;
5. Pre-development topography based on County GIS or alternate source approved by the engineering and resource protection director (all sources must be referenced)

III. Prohibited or Restricted Development Areas:

1. Location of required buffers and existing conservation easements;
2. Sites with known populations of rare, threatened or endangered species of plants or animals per studies done in accordance with the Natural Resource Policy;
3. Location of trees to be preserved in accordance with the Chesapeake Bay Preservation Ordinance;
4. Preliminary location of Resource Protection Areas and of legal wetlands.

IV. Existing and Proposed Changes to the Site:

1. The nature of existing and approved but not yet built development(s) on the site;
2. Location of surrounding properties and neighborhoods;
3. Proposed limit of disturbance and a disturbance area estimate;
4. Calculation of existing and proposed pervious and impervious areas (e.g. parking areas, roads, sidewalks, buildings, etc);
5. If used, description of Better Site Design or Low Impact Development techniques (e.g. pervious pavement, walks, infiltration areas, etc.);
6. Description of how disturbance is being minimized, indigenous vegetation is being preserved, and impervious cover is being reduced; and
7. Proposed conceptual stormwater management plan, including pre-and post-development discharge analysis.

V. Narrative Analysis of Environmental Constraints and Recommended Environmental Measures to Conform with the Proposed Environmental Analysis

FEE SCHEDULE
JAMES CITY COUNTY – Planning and Zoning Enforcement Divisions
101A Mounts Bay Road - P. O. Box 8784, Williamsburg, Virginia 23187-8784
 Make checks payable to James City County Treasurer

DATE _____

RECEIPT NO. _____

RECEIVED FROM _____

PROJECT NAME _____

	<u>Planning and Zoning Enforcement Reviews</u>	<u>JCSA (543-0000)</u>
SUBDIVISIONS (3340)		
<u>Major/Minor Subdivision</u>		
No public improvements required	\$200 per plan plus \$70 per lot for each lot over 2 \$ _____	\$25 _____
Public improvements required	\$250 per plan plus \$70 per lot for each lot over 2 \$ _____	\$150 per plan plus \$25 per lot for each lot over 2 \$ _____
Townhouse or condominium subdivisions that have undergone site plan review	\$ 50 _____	N/A
Facility Review		N/A
		\$1,500 per Wastewater or Well Facility \$ _____
Additional review fee after second resubmittal	\$250 _____	
SIGN PERMITS (3340)		\$ _____ 1%
	State Levy \$ _____ (002-501-0050)	
BOARD OF ZONING APPEALS (3340)		\$500 _____
ADMINISTRATIVE VARIANCE (3340)	\$250 _____	
Zoning Verification Request		\$100 _____
HEIGHT LIMITATION WAIVER (3340)	\$200 _____	N/A
AGRICULTURAL & FORESTAL DISTRICT (3340)		
New application	\$100 _____	N/A
Withdrawal	\$ 50 _____	N/A
EROSION & SEDIMENT CONTROL (3375)		
Residential subdivisions	\$70 per lot \$ _____	N/A
All other land disturbing activities (residential site plan)	\$840 per acre for first 15 acres plus \$560 for each additional acre over 15 acres \$ _____	N/A
All other land disturbing activities (non-residential site plan)	\$600 per acre for first 15 acres plus \$400 for each additional acre over 15 acres \$ _____	N/A
DUPLICATION (0214)		
Miscellaneous	\$ _____ plus tax _____	
Zoning Ordinance	\$ _____ plus tax _____	
Zoning Ordinance Amendment Subscription	\$ _____ plus tax _____	
Subdivision Ordinance	\$ _____ plus tax _____	
Comprehensive Plan	\$ _____ plus tax _____	
Land Use Map	\$ _____ plus tax _____	

TOTALS

\$ _____

\$ _____

\$ _____

TOTAL AMOUNT _____ **CHECK NO.** _____ **CASH** _____

PREPARED BY _____

FEE SCHEDULE
JAMES CITY COUNTY – PLANNING DIVISION
101A Mounts Bay Road - P. O. Box 8784, Williamsburg, Virginia 23187-8784
 Make checks payable to James City County Treasurer

DATE _____

RECEIPT NO. _____

RECEIVED FROM _____

PROJECT NAME _____

CONCEPTUAL PLAN

PLANNING REVIEW

JCSA (543-0000)

\$25 _____

REZONING* (3340)

5 acres or less	\$1,200 plus \$75 per acre _____	\$100 _____
More than 5 but no more than 10 acres	\$1,200 plus \$75 per acre _____	\$150 _____
More than 10 acres	\$1,200 plus \$75 per acre _____	\$200 _____

* Not to exceed \$15,000/proffer amendments pay base fee only

SPECIAL USE PERMIT (3340)

General (General special use permits processed with - a rezoning shall pay a rezoning fee only)	\$ 1,000 plus \$30 per acre** _____	\$200 _____
Manufactured Home	\$ 100 _____	N/A _____
Family Subdivision under Section 24-214	\$ 100 _____	\$ 50 _____
Amendment/ Renewal to a Special Use Permit	\$ 400 _____	\$ 50 _____
Wireless Communication Facilities under Division 6	\$1,500 _____	

** Not to exceed \$5,000

MASTER PLAN (3340)

Initial review - Residential Cluster, Mixed Use or a PUD
with less than 400 acres (PUDs more than 400 acres
shall pay a rezoning fee only) \$200 _____ \$600 _____

Revision of approved plan
Residential Cluster \$ 75 _____ \$600 _____
R-4, PUD, Mixed Use \$ 150 _____ \$600 _____

PUBLIC HEARING APPLICANT DEFERRAL REQUEST \$350 _____ per request

SITE PLAN (3340)

Administrative review

Residential structures or improvements \$600 plus \$60 per unit \$ _____ \$200 plus \$5 per unit
\$ _____

Nonresidential structures or improvements \$600 plus \$0.024 per sq. ft. of building area \$ _____ \$200 plus \$0.004 per sq. ft. of building
area \$ _____

Mixed Use structures or improvements \$600 plus \$60 per residential unit plus \$0.024 per
sq. ft of nonresidential building area \$ _____ \$200 plus \$5 per residential unit plus
\$0.004 per sq. ft. of nonresidential
building area \$ _____

Planning Commission and/or DRC Review

Residential structures or improvements \$1,800 plus \$60 per unit \$ _____ \$200 plus \$5 per unit \$ _____

Nonresidential structures or improvements \$1,800 plus \$0.024 per sq. ft. of building area \$ _____ \$200 plus \$0.004 per sq. ft of building
area \$ _____

Mixed Use structures or improvements \$1,800 plus \$60 per residential unit plus \$0.024 per
sq. ft of nonresidential building area \$ _____ \$200 plus \$5 per residential unit plus
\$0.004 per sq. ft. of nonresidential
building area \$ _____

Amendment to an approved plan

Residential structures or improvements \$100 plus \$10 per residential unit \$ _____ \$ 50 plus \$2 per residential unit
\$ _____

Nonresidential structures or improvements \$100 plus \$0.004 per sq. ft. of building area \$ _____ \$50 plus \$0.001 per sq. ft. of building
area \$ _____

Mixed Use structures or improvements \$100 plus \$10 per residential unit plus \$0.004 per
sq. ft. of nonresidential building area \$ _____ \$50 plus \$2 per residential unit plus
\$0.001 per sq. ft of nonresidential
building area \$ _____

Residential or nonresidential structures or improvements
where number of dwelling units, building area, pavement,
or open space is not changed more than 15 percent \$100 _____ \$ 25 _____

Zoning Administrator/Fire Dept. review only \$ 20 _____ N/A

Facility Review N/A \$1,500 per Wastewater
or Well Facility \$ _____

Each additional review after second resubmission \$250 _____

EROSION & SEDIMENT CONTROL (3375)

Residential subdivisions \$70 per lot \$ _____ N/A

All other land disturbing activities
(residential site plan) \$840 per acre for the first 15 acres plus \$560 for each
additional acre over 15 acres \$ _____ N/A

All other land disturbing activities
(non-residential site plan) \$600 per acre for the first 15 acres plus \$400 for each
additional acre over 15 acres \$ _____ N/A

TOTAL AMOUNT _____ **CHECK NO.** _____ **CASH** _____ **CREDIT CARD** _____

PREPARED BY _____

MEMORANDUM

DATE: May 2, 2012

TO: Planning Commission

FROM: Leanne Reidenbach, Senior Planner
Melissa Brown, Zoning Administrator

SUBJECT: ZO-0014-2011, Exterior Signage

The general intent of this ordinance is to regulate exterior signage in a way that ensures the equitable distribution of public space for the purpose of communication while protecting the health, safety, and general welfare of the community. More specifically, these regulations should protect property values, protect the historic and natural character of the community, protect the safety of the traveling public and pedestrians, and promote the creation of an attractive and harmonious community.

Staff has been working on the amendments to the Exterior Signage ordinance. The Policy Committee reviewed a framework for the changes in March 2011 and subsequently reviewed a draft ordinance in September 2011. The Planning Commission recommended approval of the sign ordinance on October 5, 2011 but after the meeting, staff was requested to consult additional members of the business community regarding the potential changes. Additionally, a separate amendment that permits tenant names on some shopping center signs (ZO-0015-2011) was also originally reviewed by the Planning Commission in October 2011, but the request was withdrawn prior to the official vote at the November Commission meeting. That amendment is now incorporated into the overall proposed ordinance changes.

In March, staff held a meeting in conjunction with the Office of Economic Development to provide information to business members of the CEO Roundtable and to solicit feedback on the proposed ordinance changes. Staff has done additional research and made changes to the ordinance in light of this meeting. The biggest suggestion was to look at the maximum size of the multi-tenant shopping center signs to make sure signs are legible. Aside from minor grammatical changes, a summary of all of the amendments is included below:

Definitions.

- Removed the DRC review requirement for back lit and lighted channeled letters in Community Character Areas (CCA) and 150 feet from Community Character Corridors (CCC) from the definitions section.
- Clarified the definition for flashing sign.
These changes will make administration of the ordinance more consistent as there is conflicting information in Section 24-70 that requires Planning Director review for back lit and lighted channeled letters in CCCs and CCAs.
- Added graphics to visually show sign types and how to measure the gross sign area.
Helps sign companies understand how sign area will be measured prior to submitting a permit.

Section 24-70.

- Allowed freestanding monument-style shopping center identification signage to be split on either side of a principal entrance and setting setback and height requirements. The sign area will still be capped at 32 square feet.

This change will align commercial signage with what is currently permitted for residential subdivision signage and provide an attractive alternative to double-sided monument or pole-mounted identification signs.

- Included the ability for shopping centers in areas that are zoned and designated for mixed use and governed by a design review board to have individual tenant names on a freestanding sign at each center entrance. If a developer wishes to take advantage of this sign type, they must have a shopping center signage plan approved by the Planning Director.
This change addresses the unique issues of a mixed use community where stores cannot generally be seen from a main corridor. Including tenant names on the sign will help direct drivers to the best entrance into the mixed use area for the store they wish to visit. The number of tenant names is limited and the sign area for these types of signs is increased to 42 square feet to ensure that the text is legible for passing drivers and that the shopping center name is still prominent on the sign. Forty-two square feet is still relatively small in terms of signage permitted on a higher speed road in other Virginia localities. As a comparison, the sign area for the monument sign for High Street would measure about 45 square feet under James City County's definition.
- Amended CCA and CCC regulations to allow sign-mounted lighting. Staff has also added graphics to illustrate new commercial signage and options for external lighting.
The sign ordinance was amended in 2006 to permit sign-mounted lighting in Mixed Use districts. Expanding the option for sign-mounted lighting to other zoning districts will provide additional options for sign design to the property owner. Graphics will help make the ordinance easier for users to understand.

Section 24-73. Added a 7-foot height limit for directional signage.

Currently there is no height limitation for directional signage. Setting the height at 7 feet will increase uniformity of directional signage and will match height regulations on other sign styles (such as directory signs).

Section 24-79. Removed penalties and codified an existing agreement between the County and VDOT allowing County staff to remove any signs located within VDOT's right-of-way and charge the sign owner for that removal.

Penalties for ordinance violations are already covered under Section 24-22. Additionally, codifying a current practice will make this practice more predictable for businesses to understand what type of advertising is permitted and not permitted.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Exterior Signage ordinance to the Board of Supervisors.



Leanne Reidenbach



Melissa C. Brown

Attachments:

1. 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 3, EXTERIOR SIGNS, BY AMENDING SECTION 24-65, STATEMENT OF INTENT; SECTION 24-66, DEFINITIONS; SECTION 24-70, FREESTANDING SIGNS; SECTION 24-73, SPECIAL REGULATIONS FOR CERTAIN SIGNS; SECTION 24-77, EXCEPTIONS; AND BY AMENDING AND RENAMING SECTION 24-79, VIOLATIONS AND PENALTIES WITH NEW NAME VIOLATIONS.

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, by amending Section 24-65, Statement of Intent; Section 24-66, Definitions; Section 24-70, Freestanding signs; Section 24-73, Special regulations for certain signs; Section 24-77, Exceptions, and 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 the message is changed fewer 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.

Figures 1a through 1c: How to measure gross sign area:

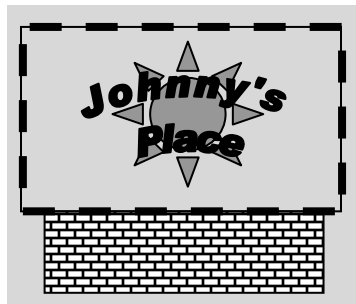


Figure 1a- Building mounted signs where letters are mounted individually and the sign uses external illumination or internally illuminated channel letters

Figure 1b- Building mounted signs where the entire sign area is internally illuminated



Figure 1c- Freestanding signs



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 backlit 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.

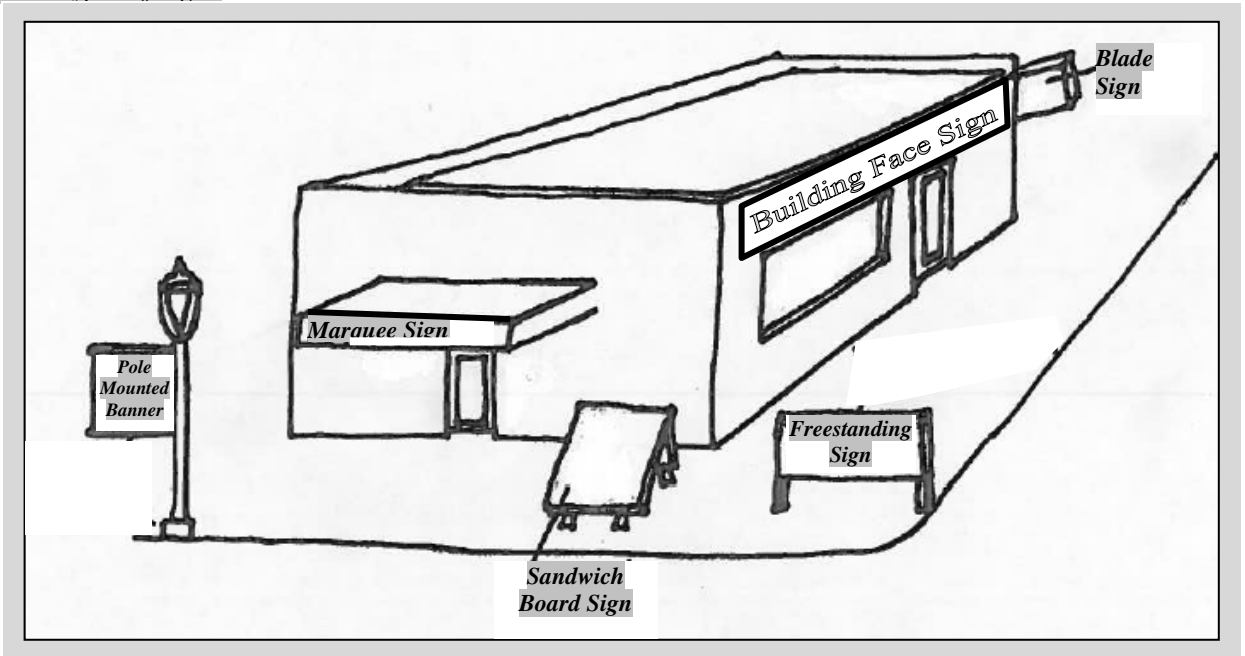
Marquee sign. Any sign attached to or hung from a marquee. For the purpose of this article, a "marquee" is a covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

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~~four 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.

Figure 2- Types of signs



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.
- (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. ~~if in compliance with the following regulations:~~

~~(1) Sign location and setbacks.~~ Such signs may only be placed on the property within ~~the~~ required ~~yard~~ ~~sign setbacks.~~ ~~and~~ ~~Sign~~ setbacks ~~and~~ shall be located at least five feet from any property line.

~~(b)~~(2) *Sign area.* Such signs shall not exceed:

- ~~(1)~~a. 32 square feet per face if located less than 75 feet from the road right-of-way;
- ~~(2)~~b. 50 square feet per face if located 75 to 150 feet from the road right-of-way; or
- ~~(3)~~c. 60 square feet per face if located more than 150 feet from the road right-of-way.

~~(c)~~(3) *Sign height.* Such signs shall not exceed an overall height of 15 feet above natural grade.

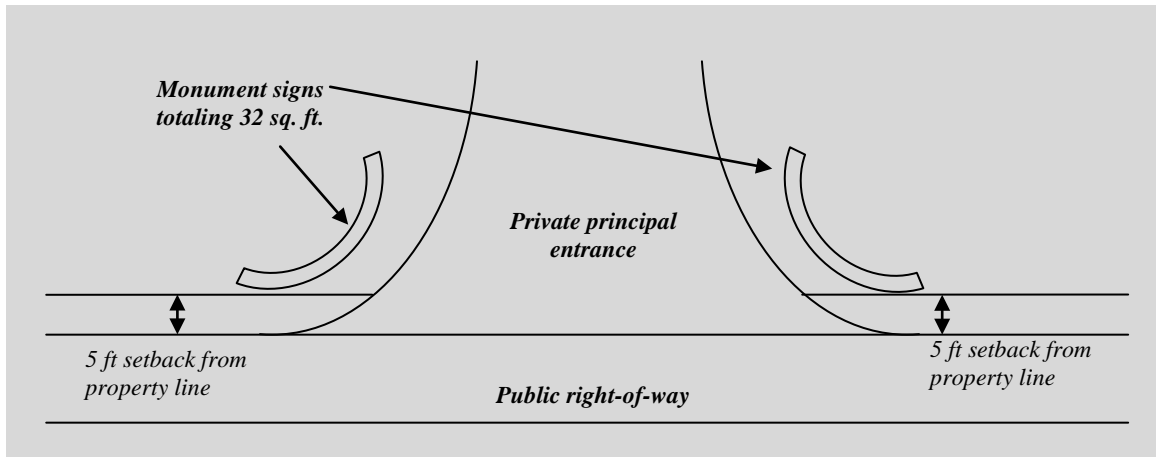
(b) *Two freestanding monument-style identification signs shall be permitted on each street frontage if in compliance with the following regulations:*

(1) Sign location and setbacks. The signs shall be placed on each side of the principal entrance. Such signs may only be placed on the property within the required sign setbacks. Sign setbacks shall be located at least five feet from any property line. 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.

(2) Sign area. The cumulative size of the signs at each entrance shall not exceed 32 square feet in area.

(3) Sign height. Each sign shall not exceed an overall height of eight feet above natural grade.

Figure 3- Two freestanding signs placed at a principal entrance



~~(d)~~(c) 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)~~(c)(1) a. and b. are permitted ~~so~~ as 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~~ as 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

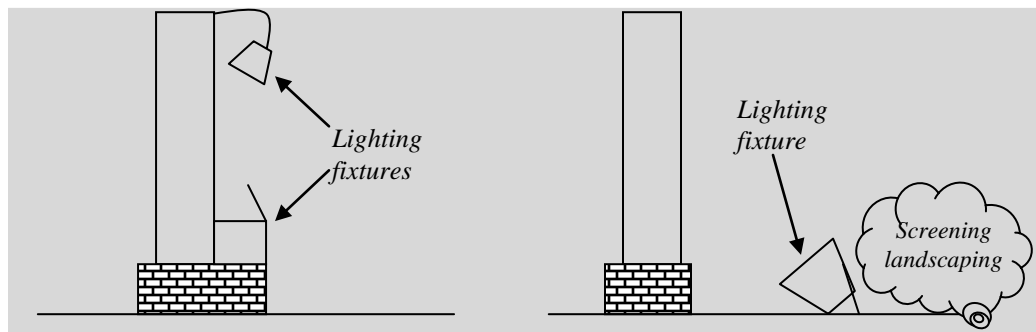
conditionally approve the applicant's exception request based on the review criteria outlined in section 24-72; or

- b. externally illuminated by **either sign-mounted lighting or** ground-mounted horizontal light bars, light strips, or spotlights, which shall be concealed by landscaping or by sign-mounted lighting. With either ground-mounted or sign-mounted lighting, **the** 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.

Figure 4- Options for sign mounted lighting

Figure 4a- Sign mounted lighting (side view)

Figure 4b- ground mounted lighting (side view)



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

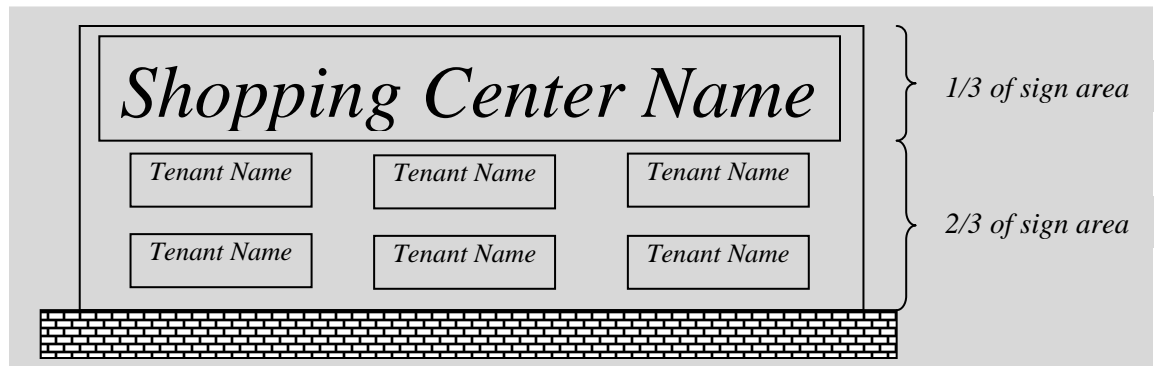
~~(e)~~(d) *Signs for individual stores, businesses or professions on the same property.* Individual stores, businesses or professions on the same property, exclusive of shopping centers, shall combine signs on a single standard and the square footage of the combined signs shall not exceed 32 square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

~~(f)~~(e) *Shopping center signs.* Shopping centers shall be permitted ~~one~~ **up to two** freestanding signs per major street frontage **as permitted above in (a) and (b)**. 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.

(f) Alternative shopping center sign. In lieu of (e) above, shopping centers may be permitted one maximum 42 square foot freestanding sign per primary entrance which indicates individual stores and includes the shopping center name if in compliance with the following regulations:

- (1) *The shopping center is located in a mixed-use zoning district and on property designated as mixed use on the James City County Comprehensive Plan;*
- (2) *The property is regulated by a design review board with approved architectural and design standards;*
- (3) *The property is guided by a master plan of development approved by the board of supervisors; and*
- (4) *The signs are consistent with the overall development plan and approved by the planning director or his designee as part of a comprehensive signage plan for the entire shopping center.*
- (5) *Sign location and setbacks. Such signs may only be placed on the property within required sign setbacks. Sign setbacks shall be located at least five feet from any property line.*
- (6) *Sign height. Such signs shall not exceed an overall height of 15 feet above natural grade.*
- (7) *Assignment of space. The shopping center name shall comprise 1/3 of the sign area. The remaining 2/3 of the sign area may be used for individual tenants located internal to the shopping center.*

Figure 5- Alternative shopping center sign



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 **and 24-70**, 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~~ **sight** 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~~*five* 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 ~~C~~community ~~C~~character ~~C~~corridors and ~~C~~community ~~C~~character ~~A~~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.
- (4) 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; ~~or~~
- (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.~~ *Removal of signs in VDOT right-of-way and prosecution of violations for signs located in VDOT right-of-way shall be in accordance with the procedures set forth by the agreement between the county and VDOT.*

Secs. 24-80 - 24-85. Reserved.

PLANNING DIRECTOR'S REPORT
May 2012

This report summarizes the status of selected Planning Division activities during the past month.

- **New Town.** The Design Review Board held a meeting in April and approved minor parking changes to WindsorMeade Hall, several sign permits, materials for the Section 7 pool and clubhouse, street light pole design, and changes to Parcel #5 at Courthouse Commons. The DRB also discussed the design guidelines for Section 12 and a road layout change for Section 7 Phase 11. In March, the DRB approved several items electronically, including the master plan for Section 12, Fresh Market lighting, sign permits, and amended landscape plans for Section 7 lots 2-11 and a single-family lot in Section 7.
- **Ordinance Update.** Staff has been preparing final ordinances for the remaining non-priority items. The sign ordinance amendments and administrative items were on the Commission's agenda tonight, and staff expects to bring forward the residential and mixed use districts for Planning Commission review in June.
- **Regional Comprehensive Planning Effort.** A joint Planning Commission work session was held on the evening of April 30th at Legacy Hall. Staff anticipates an opportunity for sharing the discussion items from this session with the Board of Supervisors at the joint Planning Commission-Board of Supervisors work session on May 22nd.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – April 10th and April 24th 2012 –
- **Z-0002-2012/SUP-0002-2012 Colonial Manor Proffer Amendment** – Approved 5-0



Allen J. Murphy, Jr.

April 2012

Case Type	Case Number	Case Title	Address	Description	Planner	District
Agricultural Forestry District	AFD-04-86-2-2012	Pates Neck Renewal	1955 LITTLE CREEK DAM ROAD	Renwal of Pates Neck AFD	Luke Vinciguerra	02-Powhatan
Conceptual Plans	C-0014-2012	Jolly Pond Road Auto Repair	2105 JOLLY POND ROAD	Proposed 50' x 60' auto repair garage.	Luke Vinciguerra	02-Powhatan
	C-0015-2012	Gately Family Subdivision	10071 OLD STAGE RD	Applicant proposes to subdivide lot 5 of the Toano Business Center through a family subdivision. Would require an SUP to go under 3 acres.	Leanne Reidenbach	01-Stonehouse
	C-0016-2012	New Town Sec. 7 Ph. 10 Road Layout	4400 CASEY BLVD	Applicant proposes a conceptual sketch of an alternative layout for the intersection of Olive and Rollison Drive. Requires DRC review because adds an additional residential lot.	Leanne Reidenbach	04-Jamestown
Master Plan	MP-0001-2012	New Town Sec. 12	3950 WINDSORMEADE WAY	Develop 272 rental townhome units and associated infrastructure.	Leanne Reidenbach	04-Jamestown
Rezoning	Z-0003-2012	New Town Sec. 12	3950 WINDSORMEADE WAY	Develop 272 rental townhome units and associated infrastructure.	Leanne Reidenbach	04-Jamestown

	Z-0004-2012	Walnut Grove Proffer Amendment	7375 RICHMOND ROAD	This is a request to amend proffers to address the demolition of the Anderson-Hughes House. Existing proffers require that the structure be maintained and relocated. The structure cannot be relocated due to termite damage to the support structure.	Melissa Brown	01-Stonehouse
Site Plan	SP-0022-2012	Weatherly at White Hall SP Amend. #5	3225 OLD STAGE ROAD	Revises footprints for buildings 3, 4, 6, and 7 and shifts buildings 5 and 6 four ft west. Minor grading changes and relocation of sanitary sewer laterals and cleanouts.	Leanne Reidenbach	01-Stonehouse
	SP-0023-2012	Jamestown 4H Camp Shed SP Amend.	3751 4H CLUB RD	Storage shed attached to the New Pavilion.	Jose Ribeiro	03-Berkeley
	SP-0024-2012	Indigo Dam Road Jamestown Road and Lake Drive Water Main Improvements	Indigo Dam Rd, Jamestown Rd and Lake Drive	Replacement of water mains within the right-of-way.	Jason Purse	Jamestown and Berkeley
	SP-0025-2012	Stonehouse Tract 12 Sidewalk Amendment	9451 FIELDSTONE PARKWAY	The applicant proposes to remove the sidewalk on Lytham Court and add a five foot JCSA utility easement behind walks on phases two and three.	Leanne Reidenbach	01-Stonehouse

SP-0026-2012	Burnt Ordinary Apartments SP Amend.	3316 TOANO DRIVE	Renovation of 22 elderly, low-income housing units. Inclusion of additional community room, office space, and shed.	Jose Ribeiro	01-Stonehouse
SP-0027-2012	Ironbound Square Parker View Shed SP Amend.	100 CARRIAGE ROAD	Install 10' x 8' storage shed adjacent to the dumpster pad.	Jose Ribeiro	04-Jamestown
SP-0028-2012	Williamsburg Crossing Car Wash Lighting SP Amend.	5117 JOHN TYLER HWY	Site plan proposes removal of two pole mounted parking lot lights. The plan now identifies the can lights mounted to the building that will illuminate the front parking spaces. Also removes some directional signage.	Leanne Reidenbach	03-Berkeley
SP-0029-2012	Whiting Ave. Cell Tower, SP Amend.	90 WHITING AVENUE	Applicant proposes adding antennas to an existing cell tower.	Luke Vinciguerra	05-Roberts
SP-0030-2012	James City Community Church	4550 OLD NEWS ROAD	Applicant proposes 8,272 square foot church and parking lot.	Jose Ribeiro	04-Jamestown
SP-0031-2012	Busch Gardens Ramp Jam 2012 SP Amend.	7851 POCAHONTAS TR	Regrade sub-base for skate ramp to be installed for event held over three weekends in April. Located at Festhaus Park.	Jason Purse	05-Roberts

	SP-0032-2012	JCSA Lift Station 1-5 Area 1, Sanitary Interceptor Rehabilitation	4601 IRONBOUND ROAD	Project involves the rehabilitation of the Flextran gravity sanitary interceptor from South of Chisel Run area, across Route 199 to the South of Heathery in Fords Colony. Project involves lining existing older infrastructure with sealing coating. Most work will occur from existing manholes.	Leanne Reidenbach	04-Jamestown
	SP-0033-2012	The Colonies at Williamsburg Clubhouse SP Amend.	6700 VACATION VILLAGE WAY	Construction of a porte cochere and secondary entrance to a clubhouse.	Luke Vinciguerra	04-Jamestown
	SP-0034-2012	WindsorMeade Windsor Hall Parking SP Amend.	3975 WINDSORMEADE WAY	Addition of 8 parking spaces at Windsor Hall.	Jose Ribeiro	04-Jamestown
	SP-0035-2012	Williamsburg Memorial Park Office SP Amend.	130 KING WILLIAM DR	Demolishing and replacing the existing park office. Adding four parking spaces.	Jason Purse	02-Powhatan
	SP-00362012	Unitarian Universalists Pergola SP Amend.	3051 IRONBOUND ROAD	Building 18x32 roof structure/pergola over existing concrete slab next to church building.	Leanne Reidenbach	03-Berkeley
Subdivision	S-0011-2012	Woodland Farms, BLA Lot 47, Sec. 2 and Lot 67, Sec. 3	3 MEADOW CIRCLE	Boundary line extinguishment to create 1 residential lot	Luke Vinciguerra	01-Stonehouse
	S-0012-2012	Shepherds Landing BLA	2595 A LITTLE CREEK DAM ROAD	BLA for three lots off of Little Creek Dam Road.	Jason Purse	01-Stonehouse

S-0013-2012	109 Moore Drive	109 MOORE DRIVE	Subdivision into 2 single-family lots (creates 1 new single-family lot). No road access so would have to be a family subdivision.	Leanne Reidenbach	02-Powhatan
S-0014-2012	Colonial Heritage Ph. I1 Model Courts #2	6799 RICHMOND ROAD	Reconfiguring lot lines to allow SFD unit type. No additional lots are being created.	Jason Purse	01-Stonehouse