

**Policy Committee
Government Center Complex
Large Conference Room, Building A**

September 15, 2011 - 1:30 p.m.

A. Roll Call

B. Old Business

C. New Business

1. Procedural Descriptions, Submittal Requirements, and
Administrative Items

a. Traffic Impact Analysis Guidelines

b. Environmental Impact Constraints Analysis

c. Fiscal Impact Study Guidelines

2. Sign Ordinance

3. Affordable Housing Policy

4. Wireless Communications Facilities

D. Adjournment

MEMORANDUM

DATE: September 15, 2011
TO: Policy Committee
FROM: Jose Ribeiro, Senior Planner
SUBJECTS: Procedural Descriptions, Submittal Requirements and Administrative Items

In February 2011, staff presented the Policy Committee with a series of proposed revisions to the Zoning Ordinance related to procedural descriptions and plan submittal requirements. The revisions focused on items under Article I (General) and Article III (Site plan), particularly Section 24-2 (definitions), Section 24-7 (administrative fees), Section 24-23 (submittal requirement for legislative cases), and Section 24-143 (site plan submittal requirements). The Policy Committee generally concurred with staff's proposal to research instances where submittal of site plans may be exempted, the removal of administrative fees from the zoning and subdivision ordinances and revisions to the definitions section and the language pertaining to submittal requirements for rezoning and SUPs applications. The Committee also concurred with staff's proposal to add illustrations to better clarify the meaning and intent for certain terms and concepts.

Following that meeting, the Board of Supervisors held a work session in to discuss the proposed amendments, including procedural descriptions and submittal requirements. Due to time constraints, the above referenced items were not discussed during the work session but an e-mail was sent to Board members requesting input regarding staff's proposals. For Stage II of the Zoning Ordinance update, staff has revised language in Article I and III of the Zoning Ordinance. Staff notes that revisions to the Definitions section and preparing illustrations are on-going processes and have not yet been finalized. Illustrations will be presented together with the final list of amendments to the Definitions section at a later time. All other amendments to Article I and II of the ordinance primarily reflect the different changes being proposed by other sections of the ordinance, compliance with current State Code language and overall accuracy of procedural elements.

Staff has investigated the possibility of exempting smaller developments from submitting site plans. After staff discussed this matter with other local reviewing agencies (i.e. JCSA, VDOT, Fire Department, Building Permits and Safety, and Engineering and Resource Protection) and researched site plan submittal procedures in other localities, staff concluded that such an exemption procedure would be difficult to achieve. Agencies such as the James City County Fire Department and the Service Authority (JCSA) have indicated that they would like the opportunity to review site plans regardless of the size or use of the proposal. Further, the process to exempt certain developments from the site plan submittal requirement would necessitate all reviewing agencies to concur to a set of criteria to allow the exemption. Because different agencies use different criteria to review and approve site plans, it would be difficult to design a single set of criteria which is concise and agreeable by all reviewing agencies. Instead, staff intends to review minor site plans (i.e. plans for sheds or similar smaller structures, food carts, kiosks, etc) in two weeks or less.

Staff notes that a fiscal impact study (attachment 3), proposed as part of revisions to Section 24-23, has been reviewed by the James City County Financial and Management Services Manager, Mr. John McDonald, and by the county Economic Development Director, Mr. Russell Seymour. The study was also reviewed by York

County's Principal Planner, Mr. Tim Cross, and Williamsburg's Economic Development Director Ms. Michele DeWitt and by Mr. Donald Messmer of the Wessex Group, with positive input.

Staff requests the Policy Committee offer comments on these draft ordinance amendments prior to the Board of Supervisors work session in September 27, 2011.

Attachments:

1. Draft Amendments-Article I
2. Draft Amendments-Article III
3. Draft Fiscal Impact Study

Chapter 24

ARTICLE I. IN GENERAL

Section 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."
(Ord. No. 31A-88, § 20-1, 4-8-85)

Section 24-2. Definitions *(A list of amendments to the Definitions section with illustrations will be provided for review at a later time)*

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, 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, 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.
- (Ord. No. 31A-88 § 20-3, 4-8-85)

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.
(Ord. No. 31A-100, 4-6-87)

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.
(Ord. No. 31A-88, § 20-5, 4-8-85)

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.
(Ord. No. 31A-88, § 20-6, 4-8-85)

Sec. 24-7. Administrative fees.

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 provided by the James City County Development Management Department and approved by the James City County Board of Supervisors.*

<u>Procedure</u>	<u>Fee</u>
(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 a rezoning shall pay a rezoning fee only)	\$1,000.00 plus \$30.00 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.

e. ~~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.~~

(Ord. No. 31A-88, C 20-8, 4-8-85; Ord. No. 31A-130, 5-6-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-170, 6-25-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-178, 8-18-98; Ord. No. 31A-190, 4-13-99; Ord. No. 31A-212; 4-22-03; Ord. No. 31A-225, 4-24-07; Ord. No. 31A-235, 5-27-08)

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.

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*.

(Ord. No. 31A-88, + 20-10, 4-8-85; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-116, 11-6-89)

Sec. 24-10. 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.

(Ord. No. 31A-88, § 20-10.1, 4-8-85; Ord. No. 31A-108, 4-18-88; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-201, 12-1-99)

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

(This section is being reviewed under commercial districts)

- (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~~ **20,000** square feet of floor area; or
 - (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 which sell or dispense fuel.
- (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~~ **10,000** square feet or more of commercial floor area or, in combination with other new buildings, additions or expansions, generates ~~75~~ **100** 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.
- (Ord. No. 31A-121, 5-21-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-155, 1-3-94; Ord. No. 31A-201, 12-1-99)

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~~ *director of planning* 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.

(Ord. No. 31A-102, 6-1-87)

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 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*.

(Ord. No. 31A-88, § 20-14, 4-8-85; Ord. No. 31A-201, 12-1-99; Ord. No. 31A-210, 12-10-02)

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.

(Ord. No. 31A-88, § 20-14.1, 4-8-85)

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.

(Ord. No. 31A-88, § 20-14.2, 4-8-85)

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. It is expressly provided, however, that the conditions so proffered are subject to the following limitations:

- (1) The rezoning itself must give rise to the need for the conditions;
- (2) Such conditions shall have a reasonable relation to the rezoning;
- (3) All such conditions shall be in conformity with the Comprehensive Plan of the county;
- (4) No proffer shall be accepted by the county unless it has adopted a capital improvement program pursuant to Virginia Code, section 15.2-2239. In the event proffered conditions include the dedication of real property or payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which such property is dedicated or cash is tendered are included in the capital improvement program; provided, that nothing herein shall prevent the county from accepting proffered conditions which are not normally included in such capital improvement program;

- (5) If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of such property or cash payment in the event the property or cash payment is not used for the purpose for which proffered
(Ord. No. 31A-88, § 20-14.3, 4-8-85; Ord. No. 31A-100, 4-6-87; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-115, 6-5-89)

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.
(Ord. No. 31A-88, § 20-14.4, 4-8-85)

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.
(Ord. No. 31A-88, § 20-14.5, 4-8-85)

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.

(Ord. No. 31A-88, § 20-14.6, 4-8-85; Ord. No. 31A-217, 4-26-05)

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.

(Ord. No. 31A-88, § 20-14.7, 4-8-85)

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.

(Ord. No. 31A-88, § 20-14.8, 4-8-85)

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. (Ord. No. 31A-88, §20-15, 4-8-85; Ord. No. 31A-100, 4-6-87; Ord. No. 31A-129, 3-4-91; Ord. No. 31A-182, 10-13-98; Ord. No. 31A-204, 5-8-01)

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 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, 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 based on the TIA policy requirements. 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, 15,000 gallons and/or for proposed residential projects containing 100 50 lots or more. Water conservation information in accordance with Water Conservation Guidelines Policy adopted by the board of supervisors on November of 2007.
- c. A conceptual stormwater management plan showing approximate location, footprint, and type of BMP; and
- c. An adequate public facilities report in accordance with Board of Supervisors policy to include sewer, water, schools, fire, stations, libraries, and other major locally finances facilities. Schools information shall be prepared according to the Adequate Public School Facilities Test Policy adopted by the board of supervisors on June of 1998.
- d. Additional on-site and off-site public facilities or services which would be required as a result of the proposal.

b. ~~Quality of life information~~

- e 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;
- f. An environmental inventory in accordance with the James City County Natural Areas Resource policy;
- g. An Environmental Constraints Analysis in accordance with the James City County Environmental Submittal Policy for Legislative Cases;
- h. A fiscal impact analysis study when the proposal includes residential dwelling units. 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 director of planning; and
- i. Parks and recreation information based on Parks and Recreation Master Plan Proffer Guidelines adopted by the board of supervisors on June of 2009.

(2) Master plan. 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, right-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 should 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:*

1. *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;*
2. *A north arrow, scale, the proposed use, approximate development phasing (if applicable);*
3. *The location of existing property lines, watercourse or lakes, wooded areas and existing roads which are within or adjoining the property;*
4. *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;*
5. *If applicable, schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans.*
6. *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 (up to and including four dwelling units)	B
Multi-family (more than four dwelling units)	C
Apartments	D
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 *director of planning 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. If the zoning administrator 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 specific 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 provided by the James City County Development Management Department and adopted by the 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 *on December of 1999 and any additional policies as necessary.*
- (c) Unless otherwise required by this chapter, upon written request by the applicant, the director of planning may waive any requirement under (a)(1) or (a)(2) above after finding that such information would not be germane to the application.
(Ord. No. 31A-201, 12-1-99)

Section 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.
(Ord. No. 31A-247, 8-10-10)

Secs. 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.

(Ord. No. 31A-132, 10-14-91)

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.

(Ord. No. 31A-132, 10-14-91; Ord. No. 31A-160, 5-1-95)

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, 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~~ **10 working** 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 number, site boundary, and parcel size information;*

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

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

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

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

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

~~(8) Building/landscape setbacks per James City County ordinance;~~

~~(9) Site zoning and zoning of surrounding properties;~~

- (8) Location of stormwater management facilities;
 - ~~(12) Graphic scale;~~
 - (9) **Recorded** easements (conservation, utility, **rights-of-way**, etc.);
 - (10) Unique natural/visual features (viewsheds, water features, wetlands, **etc.**) ~~RPA buffer, known archaeological sites, etc.);~~
 - (11) Unique natural/visual features to be preserved (**mature specimen** trees, **etc.**); **known archeological sites, etc.);**
 - (12) List of currently binding proffers or SUP conditions;
 - (13) Location of entry signs; and
 - (14) **Existing** topography of site **using county base mapping (5 foot contour) or other mapping sources or surveys.**
- (e) 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.
- (Ord. No. 31A-132, 10-14-91; Ord. No. 31A-192, 5-11-99)

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 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 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) Boundary survey of site;
 - (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) Existing topography *using county base mapping (five foot contours) or other mapping sources or resources*, and proposed finished contours;
- (8) *Spot elevations shown at topographic low and high points*;
- (9) A landscape 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) 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) Number of floors, floor area, height and location of each building;
- (14) For a multifamily *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) 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) Provisions for the adequate control of stormwater drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures;
- (17) 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 multifamily *residential or apartment* developments;
- (18) Bylaws of homeowner association where applicable;
- (19) Copies of notification to adjacent property owners; and.
- (20) 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*
- (22) *The following environmental information about the site proposed for development including:*
 - a. *All existing easements, disturbed area, impervious cover, and percent impervious estimate;*
 - 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, and impervious cover minimized);

e. County watershed, steep slopes (grade 25% 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.~~
(Ord. No. 31A-132, 10-14-91; Ord. No. 31A-192, 5-11-99)

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. (Ord. No. 31A-132, 10-14-91)

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 fast food restaurant; or a multifamily unit 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 ~~or a multifamily unit development of 50 or more units, which is not subject to a binding master plan that has been legislatively approved; 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 percent of the total square feet of the building or more.~~

(2) There are unresolved ~~problems~~ *conflicts* between the applicant, adjacent property owners or any departmental reviewing agency. *Unresolved conflicts shall be defined as disagreement 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 director of planning.*

(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 ~~development manager~~ *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.* (Ord. No. 31A-132, 10-14-91; Ord. No. 31A-136, 1-6-92; Ord. No. 31A-157, 11-12-94; Ord. No. 31A-191, 4-13-99; Ord. No. 31A-246, 6-22-10)

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~~ *director of planning* 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 director of planning*. 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.
- (Ord. No. 31A-132, 10-14-91; Ord. No. 31A-246, 6-22-10)

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 *its* 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.

(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 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.

- (c) 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.

(Ord. No. 31A-132, 10-14-91; Ord. No. 31A-246, 6-22-10)

Sec. 24-151. Review criteria generally.

~~The director of planning, 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 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, *buildings 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.

(Ord. No. 31A-132, 10-14-91; Ord. No. 31A-136, 1-6-92)

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.

(Ord. No. 31A-132, 10-14-91)

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~~ *its* 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~~ *its* designee, shall review each subsequent submittal of revised plans within 21 days. The 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).~~
(Ord. No. 31A-132, 10-14-91; Ord. No. 31A-246, 6-22-10)

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~~ **its** 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.**
(Ord. No. 31A-132, 10-14-91)

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 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 director of planning, and the director of building safety and permits.**

(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.
(Ord. No. 31A-132, 10-14-91; Ord. No. 31A-147, 11-2-92)

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;
- (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.
(Ord. No. 31A-132, 10-14-91)

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.*

(Ord. No. 31A-132, 10-14-91)

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 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* or ~~his~~ *their* 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* 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.

(Ord. No. 31A-132, 10-14-91; Ord. No. 31A-235, 5-27-08)

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.

(Ord. No. 31A-130, 5-6-91)

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

MEMORANDUM

DATE: September 15, 2011
TO: Policy Committee
FROM: Luke Vinciguerra, Planner
SUBJECT: Submittal Requirements – Traffic Impact Analysis Policy

A Traffic Impact Analysis (TIA) is a study which assesses the effects of a particular development's projected traffic on the transportation network. 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 to and from the site during the peak hour of operation or be located on a road with a Level of Service (LOS) "D" or lower.

The ordinance does not currently define or provide any guidance to an applicant regarding the scope of work or expected results of a TIA. To increase predictability and make expectations clear, staff has drafted a policy document to define the required elements and expected results of a TIA for legislative applications. During Stage I of the Zoning Ordinance update, the Policy Committee was supportive of the creation of such a document. Ordinance language referencing the TIA policy can be found in the Submittal Requirements memo and attachments.

Staff requests that the Policy Committee offer comments on the draft policy prior to the Board of Supervisors work session later this year.

Attachments

1. Draft Policy

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 analysis's 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

Generally, a licensed traffic engineer prepares a TIA; however, for smaller applications, the Planning Director may approve TIAs that have not been certified by a traffic 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/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
- Corridor Study
- Queuing/Turn Lane Analysis
- Expanded Study Area
- Examination of Transit
- Accident/Safety Analysis

MEMORANDUM

DATE: September 15, 2011
TO: Policy Committee
FROM: Jose Ribeiro, Senior Planner
SUBJECT: Environmental Submittal Requirements

Staff presented a recommendation for the inclusion of environmental submittal requirements to the Policy Committee at the February 23rd meeting. As a reminder, staff suggested and the Policy Committee concurred that a list of submittal requirements should be included in the site plan section of the Zoning Ordinance, a checklist of those requirements should be included with every site plan application, and a policy should be created that addresses environmental constraints analysis for legislative cases.

Following the February 23rd meeting, the Board of Supervisors held a work session in to discuss proposed amendments to the ordinance including environmental submittal requirements. Staff notes that no major changes have been made to the materials previously presented to the Policy Committee except for revisions pertaining the formatting of the information (i.e. resolution, check list, etc).

The proposed environmental submittal requirements for administrative cases have been added to the revised site plan section of the Zoning Ordinance (Refer to Article III, Section 24-145, article (a)(22) in the Procedural Descriptions, Submittal Requirements and Administrative Items materials). Attachment No. 1 is the same list of environmental submittal requirements but in a check list format which will be made available as part of all site plan applications. Attachment No.2 is a policy which describes a proposed environmental constraint analysis suggested for legislative cases (i.e. Rezoning and Supps).

Staff requests the Policy Committee offer comment regarding the attached materials prior to the Board of Supervisors work session on September 27, 2011.

Attachments:

1. Check List of Environmental Submittal Requirements;
2. Resolution for Environmental Submittals Policy for Legislative Cases-Environmental Constraints Analysis.

Environmental Submittal Requirements for Site Plans

- Existing topography
- Existing and proposed site features (buildings, roads, driveways, utilities, property lines)
- Existing easements
- Disturbed area, impervious cover, and percent impervious estimate
- Flood zone designation
- Required buffers
- Soils (highly erodible, hydric, permeable, hydrologic soils group A & B)
- 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)
- 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, and impervious cover minimized)
- Locations of proposed and existing storm water management/BMP facilities
- County watershed
- Steep slopes (grade 25%)
- Sites with known populations of rare, threatened or endangered species of plants or animals per studies done in accordance with the Natural Resource Policy
- Locations of existing conservation easements
- Areas of forest, woodland cover and wildlife corridors
- Description of Better Site Design or Low Impact Development (LID) techniques if being used

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 Constrains 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 director of planning.

I. Hydrologic Features:

1. Location of all bodies of water such as streams, ponds, lakes, impoundments, rivers;
2. Name of watershed the project is located in;
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)

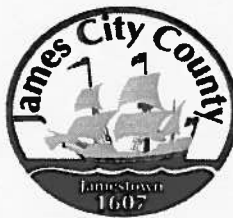
III. Prohibited or Restricted Development Areas:

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 Chez Bay 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 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.



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

Version 8.24.11

FISCAL IMPACT STUDY WORKSHEET AND ASSUMPTIONS

Please fill out 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 Analysis 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	\$
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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
	2.08	

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
	\$762.14	\$

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	
		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/parceiviewer/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	\$
---	----

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	\$

• Businesses will paying tools tax will pay it instead business personal property.

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. (JCC Code 24-1-2). 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 businesses' property assessment. This assumes more valuable properties have generally more intense uses, incurring greater County expenses.

Condomium – 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. (JCC Code 24-1-4)

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. (Code of Virginia § 58.1-3714)

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. (JCC Code 24-1-4.1)

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 a myriad of sources, often within the County, which were difficult to verify. The fiscal impact analysis worksheet allows consistency across multiple fiscal impact studies, as well.

Fiscal Impact Analysis 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 includes 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 of a manufactured home, designed for transportation, after fabrication. (JCC Code 24-1-8.1) 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. (Code of Virginia, § 2.2-4301)

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 an 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
62879*	30221**

*JCC Planning Division Population Count Minus Institutional Population

**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

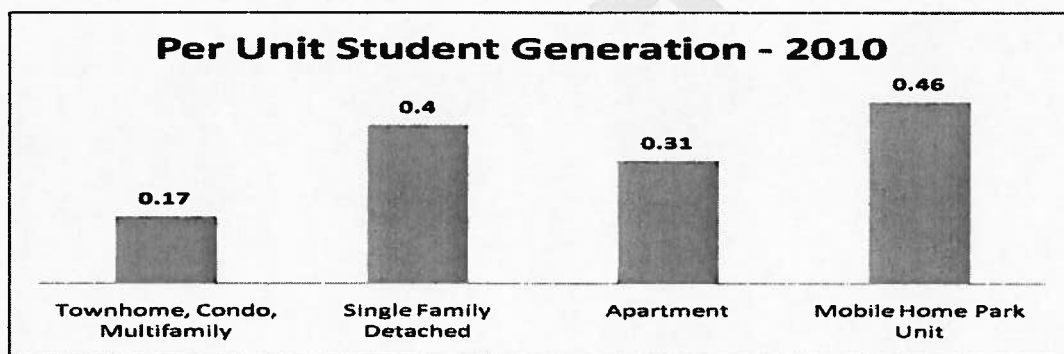
Proffer – proffers paid for schools can only be applied toward the capital expense portion of per-student school expenses. (See Board of Supervisors’ Proffer Policy).

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. (JCC Code 24-1-10)

Single Family Detached Dwelling – A detached structure arranged or designed to be occupied by one family, the structure only having one dwelling unit. (JCC Code 24-1-4.1)

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 was determined this way, along with the same method for counting students from apartments and Manufactured Home parks.



Townhome – in a structure containing three or more dwelling units, a dwelling unit for single family occupancy, not more than three stories in height, attached by one or more vertical party walls extending to the roof sheathing without passageway openings to one or more additional such dwelling units, each of which is served by an individual exterior entrance or entrances. (Sec. 24-1-12.1)

Annual Update Methodology – The Williamsburg-James City County school enrollment spreadsheet is the trigger for the Fiscal Impact Worksheet’s annual update. All other data will be available when the enrollment Excel file becomes available in September. To ensure the validity of County data and assumptions, the Fiscal Impact Worksheet should be updated annually. Some data will merely be updated, while other data, such as the school Student Generation Rate, will be used to create long-term averages.

Data Required for Update

1. Real Estate Assessment (REA)’s Parcel Count sheet. The Parcel Count sheet is a constantly updated file showing developed parcels and assessment values by subdivision.
2. The Property Information Network (PIN) is always available from at <http://property.jccgov.com/parcelviewer/Search.aspx> . The PIN will be used to reconcile WJCC subdivision classifications with those approved by Planning.
3. Acquire the most recent population estimate from the Planning office. Estimates are updated quarterly.
4. Acquire the most current number of building permits from Codes Compliance. Their records will show the net change in living units (residential C.O.’s minus demolitions) in the County for the year.
5. Call local apartment complexes and determine how many units each has for rental. This information will be used to update apartment student enrollment data.
6. The GIS program is constantly updated by REA Mapping staff. The GIS program will be used to sum total residential and commercial property value in the County.
7. Financial and Management Services (FMS) will have a copy of the most recent fiscal year budget. The budget will be used to determine the per-student, per-capita, and per-business costs of County services.

Reference

Burchell, Robert and David Listokin. (1978). *The Fiscal Impact Handbook*.
New Jersey: Rutgers Center for Urban Policy Research.

MEMORANDUM

DATE: September 15, 2011
TO: Policy Committee
FROM: Melissa C. Brown, Zoning Administrator
SUBJECT: Draft Ordinance - Signs

Staff presented a framework for revisions to the sign ordinance at the Policy Committee Meeting held on March 16, 2011. 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.

Exterior signage directly contributes to the perceived community character of a locality. Over time, new alternatives in material and lighting make it necessary to review existing regulations for consistency with purpose and compatibility with installation standards. Considering that some of these changes may benefit both the property owner and the community, staff has reviewed the existing regulations and recommended the following suggested amendments at the meeting:

- Amend Section 24-70(d) to permit sign mounted lighting when bulbs, lenses and globes are not visible from the right-of-way and light is directed in such a way to not cast glare on adjacent properties.
- Amend Section 24-73(d) to permit reductions to less than five feet from the property line when the applicant can demonstrate that line of sight for motorists is not affected and such location maintains consistency with surrounding signage.
- Amend Section 24-73(e) to limit the number of directional signs to three and to limit the signs to pole mounted structures of no more than 7 feet in height.
- Add language to the exclusions listed in the definition for flashing sign exempting changeable, digital LED fuel pricing when permitted in accordance with 24-73(m).

Staff recommends that the Policy Committee support the revisions proposed to Article II. Exterior Signs. You will find a draft copy of the proposed revisions attached for your review.

Attachment: Draft ordinance

Chapter 24

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.

(Ord. No. 31A-185, 12-22-98)

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.*

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

Gross sign area. That area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in a sign area. Only one side of a double-faced sign shall be included in a computation of sign area. The area of signs with more than two faces shall be computed by multiplying one-half the circumference of the footprint of the sign by the height of the sign. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign.

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

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

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

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

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

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

Sign. A structure, display or device that is arranged, intended, designed or used as an advertisement, announcement, identification, description, information or direction.
(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-224, 6-27-06)

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.
- (Ord. No. 31A-185, 12-22-98)

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).
- (Ord. No. 31A-185, 12-22-98)

Sec. 24-69. Residential subdivision signs.

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

- (1) An identification sign, not exceeding 32 square feet in area, for each principal entrance. Such sign shall be bound by all other provisions of this section and shall also conform with the following criteria:

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

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

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

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

- (1) *Scale.* The scale of the sign(s), supporting structure(s), and entrance features shall be consistent with, and complement, the adjacent properties and the road(s) on which the subdivision is located.
- (2) *Materials, colors, and construction.* The materials, colors, and construction of the sign(s), supporting structure(s), and entrance features shall complement the character of the road on which the subdivision is located and shall not detract from the aesthetics of adjacent properties.
- (3) *Landscaping.* An appropriate mix of deciduous and evergreen trees and/or shrubs shall be provided that enhance the appearance of the sign(s), supporting structure(s), and associated entrance features.

- (4) *Safety.* The sign(s) and entrance features shall be located in such a manner that they do not impair the safety of motorists, pedestrians, or bicyclists.

(c) *Content of residential identification signs.* Aside from identifying the name of the subdivision, additional information pertaining to the subdivision such as marketing and sales information may be included on the sign. The information shall be an integral part of the sign(s) and in no case shall the size of the sign(s) exceed the size permitted by section 24-69 (a)(1) and (2).
(Ord. No. 31A-185, 12-22-98)

Sec. 24-70. Freestanding signs.

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

(a) *Sign location and setbacks.* One freestanding sign shall be permitted on each street frontage *at the entrance.* Such signs may only be placed on the property within required yards and setbacks and shall be located at least five feet from any property line.

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

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

(4) *An option for freestanding signage.* Two identification signs for each principal entrance whereby the cumulative size of the signs at each entrance does not exceed 32 square feet in area. The signs shall be placed on each side of the principal entrance and shall also conform to the following criteria:

a. *Each sign shall not exceed a height of eight feet above natural grade.*

b. *If illuminated and ground-mounted, the sign shall be illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights. The ground-mounted lights shall be concealed by landscaping. In no case, shall the lamps or bulbs from any type of lighting be visible nor shall glare be cast upon any adjacent property, or public or private right-of-way.*

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

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

(d) *Sign lighting.*

(1) Internally illuminated signs shall be prohibited in the following cases:

- a. When such signs are visible from and located within 150 feet of the existing or proposed rights-of-way of primary and secondary roads within a community character area as identified on the James City County Comprehensive Plan Land Use Map; or
- b. When such signs are visible from and located within 150 feet of the existing or proposed rights-of-way of roads designated as community character corridors by the James City County Comprehensive Plan.

(2) Illuminated signs within community character areas and along community character corridors, as defined above in (d)(1) a. and b. are permitted so long as they comply with the following:

a. composed of back-lit or lighted channeled letters as approved by the planning director in accordance with the criteria outlined in section 24-72 except that changeable digital displays or LED displays used specifically for indication of gas pricing on the premises are exempt from this requirement so long as they are constructed in accordance with section 24-73(m). An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in section 24-72; or

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

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

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

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

(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-224, 6-27-06; Ord. No. 31A-239, 5-12-09)

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.

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- (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.
(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-207, 12-11-01)

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.
(Ord. No. 31A-185, 12-22-98)

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

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

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

(c) *Signs on entrance marquees or canopies.* Signs on entrance marquees or canopies shall be allowed, provided that the total area of such signs if constructed alone or in combination with other building signs does not exceed the maximum allowable dimensions and square footage as set forth in section 24-71 (a) above.

(d) *Signs on corner lots.* Except for those provided for under section 24-69, signs on corner lots shall not be closer than 50 feet to the corner of the lot. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate site distance and good visibility is maintained for all motorists and pedestrians traveling the intersection, the administrator or his designee may permit setbacks of less than 50 feet.

(e) *Directional signs.* Directional signs may be allowed upon the determination of the administrator or his designee that the sign(s):

- (1) Are necessary to permit vehicular traffic to locate distinctive places of historical significance, businesses, campgrounds, industries and residential areas or other activities which are located off the state primary roads;
- (2) Show only the name and/or logo, mileage and direction; and
- (3) Do not exceed ten square feet in size *or seven feet in height.*

(f) *Freestanding signs on properties adjacent to and visible from residential districts.* On properties adjacent to residential districts, any freestanding sign, visible from an adjacent residential district, shall be limited to 32 square feet in area. The top of the freestanding sign shall not exceed 15 feet above grade. If illuminated, freestanding signs within these areas shall be signs composed of:

- (1) Back-lit or lighted channeled letters; or
- (2) Shall be externally illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way. The ground-mounted lights shall be concealed by landscaping.

In either case, there shall be no glare cast upon any adjacent property or public or private right-of-way. The freestanding sign shall be lit only during the normal operating hours of the associated use.

(g) *Signs for new commercial, industrial, and institutional construction projects.* Temporary nonilluminated signs may be erected in connection with new commercial, industrial, and institutional development and displayed on the premises during such time as the actual construction work is in progress. The signs shall also conform with the following criteria:

- (1) The maximum number and size of signs shall be:
 - a. A maximum of three signs with a cumulative sign area not to exceed 24 square feet; or,
 - b. A maximum of one sign with a sign area not to exceed 32 square feet.
- (2) The sign(s) shall only be placed along one of the property's street frontages.

(h) *Home occupation signs.* Reference section 24-74 (10).

(i) *Setback reductions in mixed-used districts.* In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate sight distance, and good visibility is maintained for all motorists and pedestrians traveling the intersection, the zoning administrator or his designee may permit setbacks of less than 5 feet on any lot in a mixed-used district.

(j) *Blade signs in mixed-use districts.* Blade signs are permitted in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved master plan of development, all of which shall be approved by the board of supervisors. Blade signs must adhere to the following limitations and requirements:

- (1) There shall be no more than one sign per public entrance to any given building;
- (2) The sign(s) shall be positioned at the public entrance(s) of the building;
- (3) An individual blade sign shall be no more than 12 square feet in area;
- (4) The sign shall be mounted such that the bottom edge of the sign is not less than eight feet from the finished grade directly underneath it;
- (5) Blade signs shall be unlit, or externally illuminated in such a way that bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians;
- (6) Blade signs that extend over a public right-of-way are subject to the prior approval of the controlling public entity. If approved, the developer shall provide positive proof of insurance for each sign mounted over the public right-of-way, or an alternate liability instrument deemed suitable by the controlling public entity;
- (7) All blade signs shall obtain the prior approval of the design review board for the mixed-use project before they are installed.

(k) *Pedestrian-scale directional signs in mixed-use districts.* Small, free-standing signs designed to direct pedestrian traffic to locations of interest within the development may be placed in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved master plan of development, all of which shall be approved by the board of supervisors. Pedestrian-scale directional signs must adhere to the following limitations and requirements:

- (1) Such individual signs shall be no more than 24 square feet in total area, and may not have more than two faces. Only one side of a double-faced sign shall be included in a computation of sign area;
- (2) The top edge of a pedestrian-scale directional sign shall be no more than seven feet above finished grade;
- (3) Any lighting that is used shall be externally mounted and either supported solely from the sign structure, or ground-mounted. The ground-mounted lights shall be concealed by landscaping. Lighting shall be directed only onto the sign's face. Bulbs, lenses, and globes shall not be visible from the right-of-way, and light shall not be directed in such a way as to cause glare for passing motorists or pedestrians;

- (4) Signs shall generally include elements such as the name and logo of the overall development, maps, and the business names, logos, and directional information for businesses that are located within the development;
- (5) The number, relative positioning, and placement of each sign in a given mixed-used development shall be subject to the prior approval of the design review board and the planning director, or his designee.

(l) *Pole-mounted banners.* Seasonal and/or holiday banners that are affixed to light poles that generally identify a season and/or holiday and advertise or promote the development as a whole (by including only the development name and/or logo), rather than individual enterprises, are permitted, subject to the prior approval of the Zoning Administrator, or his designee. Banners shall be mounted such that the bottom edge of any given banner is not less than eight feet from the finished grade directly beneath it. Banners are permitted only in shopping centers, (as defined in section 24-66), or in mixed-use districts.

(m) *Digital or LED signage.* Digital or LED signage advertising gas price in Community Character Corridors and Community Character Areas must adhere to the following requirements:

- (1) Signs shall only advertise gas pricing on premises;
- (2) Sign shall be of monument style and of a brick or stone foundation;
- (3) Digital/LED displays shall be limited to advertising a single gas price and each digital character may not exceed one square foot and may not accommodate more than 50 percent of the total sign area;
- (4) Digital/LED lighting shall be of one color that does not mimic emergency services lighting;
- (5) There shall be no trespass of light onto adjacent properties from the sign. Light trespass shall be defined as more than 0.1 footcandles as measured at the property line. An iso-footcandle diagram may be required with permit submission;
- (6) Sign copy neither flashes nor scrolls;
- (7) Any portion of the sign other than the gas pricing component requires the review and approval of the planning director in accordance with section 24-70;
- (8) Signage must otherwise comply with the provisions of this chapter.

(n) *Sandwich board signs.* Sandwich board signs may be permitted in areas designated for commercial use located in mixed-use districts, as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved Master Plan of development, all of which shall be approved by the board of supervisors. Alternatively, such signs may be located in other areas where there exists approved design guidelines adopted by the board of supervisors when such signs comply with said guidelines.

Sandwich board signs must adhere to the following requirements:

- (1) One sandwich board sign displaying menu items or daily specials on the premises shall be permitted at each public entrance of a business location.

- (2) Such sign(s) shall not exceed 12 square feet in area and five feet in height,
- (3) Sign(s) shall be located on premises or no more than ten feet from the seating area or access door and shall not block the flow of pedestrian traffic. Any such sign shall be removed at close of business each day.

(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-224, 6-27-06; Ord. No. 31A-239, 5-12-09; Ord. No. 31A-245, 6-22-10)

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 and/or create a safety hazard.
- (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.

(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-213, 3-9-04)

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).
- (Ord. No. 31A-185, 12-22-98; Ord. No. 31A-224, 6-27-06)

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.
- (Ord. No. 31A-185, 12-22-98)

Sec. 24-77. Exceptions.

(a) Upon application, the administrator or his designee may grant an on-premises sign limitation waiver which may allow:

- (1) One freestanding sign not to exceed 60 square feet per face;

- (2) One building face sign not to exceed an area equal to one square foot multiplied by the length or width of the building in industrial zones, provided that the face on which the sign shall be mounted is at least 500 feet from any road or street right-of-way;
 - (3) One freestanding sign not to exceed 32 square feet per face and not to exceed 30 feet in height;
 - (4) One sign to be placed on the roof of the building not to exceed one square foot of sign area for each linear foot of the building's or unit's front facade or 60 square feet, whichever is smaller; or
 - (5) A second freestanding sign not to exceed 32 square feet on parcels which contain more than 400 feet of road frontage and more than one main entrance, provided that such lot is not a corner lot.
 - (6) One additional building face sign not to exceed the building unit's front façade or 60 square feet, whichever is smaller, when the unit is located in a Mixed-Use district and an area designated for commercial uses on the binding master plan as long as the project is regulated by a design review board, governed by specific architectural and design standards, and guided by an approved binding master plan of development, all of which shall be approved by the board of supervisors. The size and scale of the sign and proportion of lettering, characters, and figures shall complement the design, scale, size, and materials of the building as well as the distance of the building from adjacent public rights-of-way. The scale of the sign in proportion to the building should be balanced so that the sign is not the dominant visual feature of the structure.
- (b) Such on-premises sign limitation waivers shall only be granted in unusual circumstances where it can be demonstrated to the administrator or his designee that:
- (1) Unusual topography, vegetation, distance of the business or parcel from the road right-of-way, distance between driveways, separation of grade or the location of the driveway in relation to the location of the business and traffic patterns would impose a substantial hardship upon the business by making the advertising signs unreadable from vehicles on the adjoining roadway; or
 - (2) The waiver would allow the business to post signs that are consistent with the majority of other businesses located on the same parcel; or
 - (3) In addition to the provisions for granting sign limitation waivers under (b)(1) and (2) of this subsection, if the facade of the building is so designed that a building face sign cannot be placed upon it, and a roof sign would be the only reasonable and practical solution consistent with good design, a sign consistent with subsection (a)(4) above shall be permitted, provided that the sign is not within 200 feet of residentially zoned property; and
 - (4) That in subsections (b)(1), (2), and (3) above such waiver is consistent with traffic safety and all other provisions of this article.

(Ord. No. 31A-185, 12-22-98; Ord. No. 31A-245, 6-22-10)

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.
(Ord. No. 31A-185, 12-22-98)

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.~~
(Ord. No. 31A-185, 12-22-98)

1. *Off-premise signs, unless specifically permitted by Sections 24-73(e) or exempted by 24-74, located on private property will be removed at the owners expense after the owner has been notified that the sign is in violation and the sign remains after five business days.*
2. *Freestanding or building face signage for which there is no approved permit.*
3. *Signs located in the VDOT Right of Way shall be removed immediately and the owner charged for removal in accordance with Section 24-80.*

Sec. 24-80. 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.~~

1. ~~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.~~
2. ~~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.~~
3. ~~If the violation involves a portable sign Removal of a sign shall not affect any proceedings instituted prior to removal of such sign.~~

(Ord. No. 31A-185, 12-22-98)

Secs. 24-801 - 24-85. Reserved.

24-2-3-16

Supp. No. 28, 6-10

MEMORANDUM

DATE: September 15, 2011

TO: Policy Committee

FROM: Ellen Cook, Senior Planner II
Jose Ribeiro, Senior Planner

SUBJECT: Affordable and Workforce Housing Opportunities Policy

During Stage I of the Zoning and Subdivision Ordinance update process, staff presented the Policy Committee with a proposal to create an affordable/workforce housing policy to clearly identify the County's expectations regarding the provision of affordable and workforce housing as part of residential rezoning applications. Following that meeting, the Board of Supervisors held a work session to discuss proposed amendments to the Zoning Ordinance, including the creation of an affordable/workforce housing policy geared toward households with earnings ranging from 30% to 120% of the area median income (AMI) as established by the U.S. Department of Housing and Urban Development (HUD). Among the suggestions made by Board members was the need to address the housing needs of the lower end of the affordable range. Attached to this memorandum are the draft policy (Attachment 1) and staff's answers to four questions pertaining to affordable housing posed by Board members (Attachment 2).

Housing Strategy No. 3 of the 2009 Comprehensive Plan states that the County should increase the availability of affordable and workforce housing, targeting households earning 30% to 120% of the AMI. Staff notes that the terms "affordable" and "workforce" housing have been used interchangeably to commonly describe the need for housing to low and moderate household incomes. However, for the purpose of this policy, a differentiation between affordable and workforce housing, based on income, is being made. Affordable housing is targeted to a household of four with earnings ranging from 30% to 80% of the AMI while workforce housing is targeted to households with earnings ranging from 81% to 120% of the AMI, the higher end of the AMI range. For further discussion on James City County AMI, please refer to Attachment 3.

The Comprehensive Plan encourages developments to provide housing that addresses the needs of households across a range of incomes. However, this policy recognizes that some households with earnings ranging from 30% to 80% of the AMI will likely be served by rental products and that actual provision of this product may not be feasible in all circumstances. For this reason, provision has been made in the policy for contributing to a Housing Fund that can be used by Office of Housing and Community Development to address these needs in the community as a whole.

Staff requests the Policy Committee offer comments on this draft policy prior to the Board of Supervisors work session in September 27, 2011.

Attachments:

1. Draft Affordable and Workforce Housing Opportunities Policy
2. Board of Supervisors Work Session in April 2011 - Questions from Board Members
3. Explanation of Area Medium Income (AMI) for James City County

DRAFT James City County Affordable and Workforce Housing Opportunities Policy

Purpose

The Housing Section of the 2009 Comprehensive Plan sets the following goal for the provision of housing in the county: *“Achieve high quality in design and construction of all residential development and neighborhood design, and provide a wide range of choices in housing type, density, price range, and accessibility.”* In order to address the objectives of this goal, this policy is designed to increase the range of housing choices in the County through the provision of affordable and workforce housing in all rezoning that include a residential component.

In summary, this policy identifies criteria whereby the provision of affordable (rental and ownership) and workforce housing in residential rezoning cases is consistent, coherent and flexible. Provision of housing at different price ranges is a strategy to achieve the greater housing diversity described in the 2009 Comprehensive Plan.

1. Definitions

- a. **Affordable Housing:** Housing targeted at households earning 30 – 80% of Area Median Income (AMI)
- b. **Workforce Housing:** Housing targeted at households earning 81 – 120% of AMI

2. Provision and Integration of Housing Opportunity units

- a. At least 20% of a development’s proposed dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning 30-120% of Area Median Income (AMI). Of that 20%, the units should be targeted at the AMI ranges specified below:

Units targeted at:	Percent of the development’s proposed dwelling units expected
30% - 80% of AMI	10%
81% – 120% of AMI	10%

- b. These units should be fully integrated in the development with regard to location, architectural detailing, quality of exterior materials, and general appearance.

3. Applicability of Cash Proffers for Affordable and Workforce Housing Units

- a. Units targeted at household meeting 30 – 120% of AMI would have reduced expectations for proffers in accordance with the amounts set forth in the Cash Proffer Policy for Schools, other typical cash proffers related to water and sewer improvements (typically proffered to the James City Service Authority), and other public facility and infrastructure capital improvement program items. The reductions in the expected proffer amounts would be as follows:

Units targeted to:	% Cash proffer reduction:
30% - 60% of AMI	100%
61% - 80% of AMI	60%
81% – 120% of AMI	30%

5. Retention of Housing Opportunity Units over time

- a. For rental units, units must be made available at rents that are targeted at households earning 30% - 60% of AMI for a period of at least thirty years.
- b. For for-sale units, sales of all targeted units as specified in #2 shall include a soft second mortgage payable to the benefit of James City County. The term of the soft second mortgage shall be at least fifty years. In addition, a provision shall be included in the deed that establishes a County right-of-first refusal in the event that the owner desires to sell the unit.

6. In-lieu Contribution to the Housing Fund

Applicants may choose to offer cash contributions in-lieu of the affordable and workforce housing units specified above. Such cash contributions shall be paid to the James City County Housing Fund. The Housing Fund will be used to increase the supply and availability of units targeted at households earning 30-120% of AMI in the County. If applicants choose to offer a cash contribution in-lieu of construction of the units, the guideline minimum amount shall be:

Units targeted at:	Cash in-lieu amount
30% - 80% of AMI	The cost to construct a 1200 square foot dwelling as determined below
81% - 120%	The cost to construct a 1400 square foot dwelling as determined below

Every February the Director of Housing and Community Development shall establish the average square foot cost to construct an affordable dwelling unit. The cost shall be determined based on the cost information provided by at least three builders of affordable dwellings in James City County. If no affordable housing costs are available from James City County builders, the Director at his sole discretion may consult builders from nearby localities.

7. Procedures

- a. For rental units, the developer shall make assurances acceptable to the County Attorney that the development will provide a statement of rental prices for the proffered affordable and workforce units for each year of the thirty year term.
- b. For for-sale units, the developer shall offer units at prices that fit within the affordable or workforce housing price range as stated in the definitions¹, which shall be calculated and made available on an annual basis by the County.
 - i. In terms of the soft-second mortgages, James City County Office of Housing and Community Development (OHCD) shall be assigned a second deed of trust for the difference of the market rate sales price and the sales price of the proffered unit, which shall be prepared for review prior to closing and assigned at the time of closing, utilizing appropriate approved procedures and identifying the net sales price paid by the purchaser of the unit. The second deed of trust will be prepared by the Owner as a forgivable loan, for the term specified in Section 5 above, in a form approved by OHCD, the County Attorney, and Virginia Housing Development Authority.

¹ The prices shall be established based on payment of 30% of household income toward housing cost.

- ii. Owner shall consult with and accept referrals of, and sell to, potential qualified buyers from the James City County OHCD on a noncommission basis.
- iii. Prior to closing, OHCD shall be provided with copies of the HUD deed and the original deed of trust and note for the soft second.

DRAFT

**Board of Supervisors Work Session in April 2011
Questions from Board Members**

The following information requests were discussed at the Board of Supervisors work session in April, 2011.

1. BOS Question: What are vacancy rates in the County's rental apartments?

In May 2011, *Inside Business* (a journal covering Hampton Roads) cited a CB Richard Ellis report that the apartment vacancy rate in James City County was 6.8%, as compared to Newport News at 8.4%; Hampton at 6.9%; York County at 6.8%; and Williamsburg at 4.4%. (<http://www.insidebiz.com/news/apartment-market-stays-strong-landlords-dream>)

As additional background information, the Housing Needs Assessment for James City County and Williamsburg, Virginia (Housing Needs Assessment), prepared in December 2007 by the Virginia Tech Center for Housing Research, concluded the housing gap for affordable rental housing was approximately 1,485 units for the population earning 80% or less of AMI.

2. BOS Question: For the affordable housing units that have been proffered and built in the last five or so years, who is living in those units – where are they from, where do they work?

Not all proffered affordable/workforce units are sold with involvement of the County's Office of Housing and Community (OHCD) development, so staff does not have complete data. However, OHCD was able to share that of the 261 proffered units for which they were involved and have data, all but 15 were sold to people who resided in James City County or who worked in the County or the City of Williamsburg.

3. BOS Question: Can we produce an update to the housing inventory by price increment that the assessor's office put together a few years ago?

Table 1 below was provided by staff during the 2009 Comprehensive Plan update. The ranges shown correspond to prices affordable to households earning 30, 50, 80, 95, 100, 120, and greater than 120 percent of Area Median Income (AMI) respectively. Table 2 below shows an update of Table 1 with updated dollar ranges based on 2011 AMI figures and a re-inventory of the County's housing stock by the Real Estate Assessments Division. The updated data shows nearly 59% of all residential properties in the County were assessed at a value of \$245,520 and above, outside the affordable range for those families earning 120% AMI. This number has declined slightly from 2009, when that percentage was approximately 62%¹.

¹ Staff notes this table includes all residential properties. The Dollar Range in this table represents total value, including land and improvements. Some of these properties may have no structures or non-residential structures only (such as garages or other typical out-buildings). Additionally, the structures on the property could be in any physical condition, including uninhabitable. Mobile homes may also be included in this list, although sometimes they are taxed as personal property depending upon the structure's specifics.

It is also important to note the table includes properties that are not for sale, and even those that may be for sale may sell for prices above or below the assessed value, depending upon market conditions. If a property is not on the market it is not available to families seeking affordable or workforce housing. For these reasons the JCC Office of Housing and Community Development relies upon sales price data as a more relevant factor in determining the quantity of affordable housing needed in the community, (which is estimated at 1,950 units for owner occupation and 1,485 rental units, according to the *Housing Needs Assessment*).

Table 1. Housing Inventory by Price Increment - 2009

AMI	Dollar Range	Number of Properties (Jan 2009)	Percent of Total
30	\$0-\$58,650	1,906	6.56%
50	\$58,651-\$97,650	1,698	5.84%
80	\$97,651-\$156,300	2,595	8.93%
95	\$156,301-\$185,550	2,057	7.08%
100	\$185,551-\$195,300	659	2.27%
120	\$195,301-\$234,300	2,225	7.66%
Greater than 120%	\$234,301 and above	17,913	61.66%
	TOTAL	29,053	100.00%

Table 2. Housing Inventory by Price Increment - 2011

AMI	Dollar Range	Number of Properties (Aug 2011)	Percent of Total
30	0 - \$61,400	2,055	6.95%
50	\$61,401 - \$102,300	1,475	4.99%
80	\$102,301 - \$122,760	968	3.28%
95	\$122,761 - \$163,650	2,115	7.16%
100	\$163,651 - \$204,600	2,763	9.35%
120	\$204,601 - \$245,520	2,762	9.35%
Greater than 120%	\$245,521 and above:	17,417	58.93%
	TOTAL	29,555	100.00%

4. BOS Question: Where in the County are the opportunities for apartments?

Apartments are a use permitted in the existing R-4, Residential Planned Community, R-5, Multi-family residential, PUD, Planned Unit Development, and MU, Mixed Use districts, as well as the new EO, Economic Opportunity and R-3, Residential Redevelopment, districts. In terms of Comprehensive Plan designations this would also correspond to Low Density Residential (typically apartments would occur within a master planned community with a lower overall density), Moderate Density Residential, Mixed Use, and Economic Opportunity. There is currently one Economic Opportunity-designated area (roughly 900 overall acres) and thirteen areas designated Mixed Use (roughly 500 undeveloped acres, as estimated in the 2009 Comprehensive Plan). Areas designated Moderate Density Residential occur at various locations throughout the County, and Low Density Residential is the second-most prevalent designation in the County. Many of the County's recent affordable and workforce units have been proffered in connection with developments proposing mixed use zoning.

Explanation of Area Medium Income (AMI) for James City County

According to the Federal Housing Finance Agency (FHFA) the 2011 Area Median Income (AMI) for family of four in James City County is \$69,900. Affordable housing, as defined by the U.S. Department of Housing and Urban Development (HUD), are targeted for households earning 30% to 120% of the AMI. In James City County, these percentages are equivalent to incomes ranging from \$20,970 to \$83,880. Table No. 1 provides further information regarding the AMI percentages and their respective incomes.

Table 1

Percentage	Income
120%	\$83,880
110%	\$76,890
100%	\$69,900
90%	\$62,910
80%	\$55,920
70%	\$48,930
60%	\$41,940
50%	\$34,950
40%	\$27,960
30%	\$20,970
20%	\$13,980
10%	\$6,990

Source: James City County Planning Division and Federal Housing Finance Agency

Based on the most recent demographic information available for James City County there are a total of 25,749 households in the county. Table 2 provides information regarding household numbers and income ranges.

Table 2

No. of Households	Income Range
717	Less than \$10,000
671	\$10,000-\$14,999
1,726	\$15,000-\$24,999
1,804	\$25,000-\$34,999
3,154	\$35,000-\$49,999
5,298	\$50,000-\$74,999
3,630	\$75,000-\$99,999
5,055	\$100,000-\$149,999
1,887	\$150,000-\$199,999
1,807	Above > \$200,000

Source: 2007-2009 American Community Survey

Although the information provided on Table no. 2 is not the most current (data from the 2010 Census is not available), it is the most recent. By comparing information found on both tables, it is possible to estimate the number of households with incomes ranging from 30% to 120% of the AMI (i.e. \$20,970-\$83,880) as approximately 10,256 households.

MEMORANDUM

DATE: September 15, 2011
TO: Policy Committee
FROM: Luke Vinciguerra, Planner
SUBJECT: Wireless Communications Ordinance

Staff presented a framework for changes to the Wireless Communication Ordinance to the Policy Committee in April during Stage I of the Zoning Ordinance update process. As a reminder, topics discussed were the creation of a new section discussing multi-antenna systems (such as DAS), reviewing setbacks, clarification of the camouflaged tower provision, the addition of an ordinance pertaining to temporary cell sites and encouraging alternatively mounted antennas. The Policy Committee was supportive of staff's proposed ordinance revisions; however, suggested investigating a tiered approach to the tower ordinance based only on visibility (no setback requirements). Staff has reviewed the tiered approach as proposed by Mr. Fraley and finds many similarities to staff's proposal, particularly administrative approval for camouflaged towers, Board approval for non-camouflaged towers, and restrictions for portable cellular devices. Staff continues to support minimum setbacks for WCFs to ensure residents can continue to enjoy their homes away from cell sites. Additionally, stating clearly defined criteria (rather than Planning Director determinations) provides more certainty to wireless carriers on possible deployment locations.

Staff requests that the Policy Committee offer comments on these draft ordinance amendments prior to the Board of Supervisors work session later this year.

Attachments

1. Draft ordinance language
2. Revised WCF policy

Definitions Section

Portable Cellular Transmission Facility (PCTF) – A portable, self contained transmission tower that can be moved to a location and set up to provide wireless service on a temporary or emergency basis. A PCTF is normally vehicle mounted and may contain a telescoping boom as the antenna support structure. PCTF's include, but are not limited to, Cells-on-Wheels (COW), Site-on-Wheels (SOW), Cell in a Box (CIAB) and Cell on Light Trucks (COLT) or other portable devices determined by the zoning administrator.

Radio Frequency (RF) Report - A statement from a registered engineer ensuring that the electromagnetic radiation emitted from the WCF, including all facilities that may already be attached, does not result in "public" exposure level on or outside the WCF that exceeds relevant FCC standards.

Noninterference/intermodulation study - A study prepared by a licensed engineer indicating no potential interference with public safety communications equipment.

Multiple Provisioning Antenna – Antennas used as part of an overall network such as Distributive Antenna Systems (DAS) that transmit and/or receive radio signals from multiple points and multiple users in a subscribed geographic area. These antennas shall conform to all FCC requirements.

Multi-Antenna system. WCFs that are networked together and connected to a wireless service source so that one or more multiple provisioning (high-powered) antennae which would normally be mounted on a tower to serve a given area are replaced or prevented by a group of lower power antennas to serve the same geographic area

Support structure. The structure to which antenna and other necessary hardware is mounted. Support structures shall include the following:

- (1) *Tower. A pole or latticed structure designed for the attachment of one or more antenna as the primary use of the structure.*
- (2) *Alternative mounting structure. Light poles, utility transmission structures, water towers, buildings and other structures other than building exteriors, towers, or camouflaged WCFs which are not primarily designed to support antenna nor are designed taller in order to accommodate antenna.*
- (3) *Camouflaged structure. Any WCF disguised or hidden so that all of its components are unnoticeable to the casual observer, or otherwise not have the appearance of an antenna or a tower, and which meets at least one of the following: (1) the structure has the appearance, scale and height of other structures that are generally permitted in the district in which it is to be located; (2) the structure has the appearance of vegetation native to eastern Virginia; or (3) the structure is completely surrounded by a minimum of a 100-foot, undisturbed buffer of mature trees, or a buffer consisting of other elements such as evergreen trees, other structures or topography that provide at least the equivalent visual effect of a 100-foot undisturbed buffer of mature deciduous trees, that in combination with the design and color of the structure, renders the structure unnoticeable to the casual observer.*
- (4) *Antenna Support Structures for Multi-Antenna systems - These are structures whose primary function is to deploy an antenna as part of a multi-antenna system arrangement.*

ARTICLE II. SPECIAL REGULATIONS

DIVISION 6. WIRELESS COMMUNICATIONS FACILITIES

Sec. 24-121. Statement of intent.

The purpose of this article is to ~~regulate~~ *provide guidance for* ~~personal~~ the *deployment and usage of* wireless communications facilities (WCFs) ~~so as to protect the health, safety, and general welfare of the community; to preserve the aesthetic quality of the community and its landscape; to protect property values; to protect the historic, scenic, rural, and natural character of the community; to minimize the presence of structures that depart from existing and future patterns of development, especially in terms of use, scale, height, site design, character, and lighting; to provide for adequate public safety communications; and to allow the providers of wireless communications facilities to implement their facilities in a manner that will fulfill these purposes, encourage their co-location; and allow them to fulfill their Federal Communications Commission (FCC) licenses.~~

~~The above objectives will be realized through the implementation of regulatory procedures which seek to:~~

- ~~(a) Keep the number of wireless communication facility sites to a minimum;~~
- ~~(b) Minimize the impacts of newly approved wireless communication facilities;~~
- ~~(c) Expedite the approval process for new wireless communication facility applications which, due to their location or design, aid in the achievement of items (a) and (b) above.~~

(a) The goals for WCFs placement are to:

- 1. Protect view sheds and the scenic beauty of James City County.*
- 2. Deploy WCFs in a manner that will not adversely impact property values.*

(b) The objectives for the WCFs are to:

- 1. Ensure that the deployment of WCFs will accommodate existing and future technologies by providing sufficient height and facility expansion capabilities to accommodate the needs of the current and future residential, commercial, and industrial market place.*
- 2. Ensure all deployments will provide significant coverage.*
- 3. Promote the use of camouflaged, alternatively mounted, and low rise WCF structures.*
- 4. Ensure that all new technologies accommodate the needs of the current and future residential and commercial market place.*

Sec. 24-122. Where permitted, types Antenna Mounting.

(a) Antenna Mounting Categories.

The mounting or attachment of communications antennas may occur in five specific categories:

1. *Tower. Attachment to a communications tower designed for that sole purpose pursuant to Sec. 24-122(b)(1).*
2. *Alternative Mounting Structure. Attachment to light poles, utility transmission structures, water towers, buildings and other structures other than towers, or camouflaged WCFs which are not primarily designed to support antenna nor are designed taller in order to accommodate antenna pursuant to Sec. 24-122(b)(2).*
3. *Camouflaged WCF. Attachment to a communications tower determined by the director of planning to be camouflaged that is designed for that sole purpose pursuant to Sec. 24-122(b)(3).*
4. *Multi-Antenna System. Antennas that are networked together and connected to a wireless service source so that one or more multiple provisioning (high-powered) antennae are prevented per Sec. 24-122(b)(4).*
5. *Portable Cellular Transmission Facility (PCTF). A portable, self contained transmission tower that can be moved to a location and set up to provide wireless service on a temporary or emergency basis per Sec. 24-122(5).*

(b) Wireless Communications Facility Location Requirements.

- ~~(a)-1.~~ *Tower-mounted WCFs wireless communication facilities.* Tower-mounted WCFs shall be allowed as shown on Table 1.

Table 1: Tower Mounted Wireless Communications Facilities:

Zoning District	Maximum By Right Tower Height	S.U.P. Required
General Agriculture, A-1	≤35'	>35' feet
Rural Residential, R-8	≤35'	>35' feet
Residential R-1, R-2, R-3, R-5, R-6	Not Permitted	Not Permitted
Limited Business, LB	Not Permitted	Not Permitted
General Business, B-1	≤60'	>60' feet
Industrial (M-1, M-2, M-3)	≤60'	>60' feet
Planned Unit Development, PUD	Not Permitted	All Towers
Mixed Use, MU	Not Permitted	All Towers
Economic Opportunity (EO)	≤60'	>60'
Public Lands (PL)	≤60'	>60'
Research and Technology District (RT)	≤60'	>60'
Public Lands (PL)	≤60'	>60'
Residential Planned Community, R-4	Not Permitted	All Towers

- a. Towers shall meet the requirements in Table 1 above and the requirements in Sec. 24-123 through 24-128.
- b. All towers shall be set back from any off site existing residential structure no less than 400 feet

(b) 2. ~~Wireless communications facilities using alternative mounting structure~~ *Alternative Mounting Structure - WCFs.* WCFs determined by the ~~planning director~~ director of planning to be utilizing alternative mounting structures *as defined by this ordinance* shall be permitted in all zoning districts and shall conform to the following requirements *criteria* ~~except where such WCFs are located in M-2 districts:~~

- (1) a. The principal use of the structure to be used for the placement of the antenna shall be for a use not associated with the wireless communications facility as determined by the ~~planning director~~ director of planning.
- (2) b. In addition to the height limitations of the underlying zoning district, the antennas mounted on alternative mounting structures shall conform to the following requirements:
 - a) (1) All panel antenna shall be no more than five feet measured to the outermost point of the panel antenna from any surface of the existing structure at the point of attachment.
 - b) (2) All whip antenna shall be no more than ten feet measured to the tip of the whip antenna above the mounting surface of the existing structure at the point of attachment.
 - c) (3) All parabolic or dish antenna shall be no more than five feet measured to the outermost point of the dish from any surface of the existing structure at the point of attachment.
 - (4) *Antennas shall be mounted in a manner that is architecturally compatible with the structure on which they are located as determined by the director of planning. All antennas (excluding whip antennas under 5' in height) shall be completely screened or camouflaged from view from residentially zoned areas or adjacent roadways.*
- (3) (5) Equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence.
- (6) *WCFs shall meet the requirements in Sec. 24-123 through 24-128.*

(c) ~~Building mounted wireless communications facilities.~~ WCFs mounted on the exterior of buildings shall be permitted in all zoning districts and, with the exception of such WCFs located in M-2 districts, shall meet the following requirements:

- (1) ~~The principal use of the building to be used for the placement of the antenna shall be for a use not associated with the wireless communications facility as determined by the planning director.~~
- (2) ~~In addition to the height limitations of the underlying zoning district, building mounted antennas shall conform to the following height restrictions:~~
 - (a) ~~All panel antenna shall be no more than five feet measured to the top of the panel antenna above the roof proper of the existing building at the point of attachment.~~
 - (b) ~~All whip antenna shall be no more than ten feet measured to the tip of the whip antenna above the roof proper of the existing building at the point of attachment.~~
 - (c) ~~All parabolic or dish antenna shall be no more than five feet measured to the top of the dish above the roof proper of the existing building at the point of attachment.~~
- (3) ~~Whip antennas shall be designed and located to minimize views from residences and public rights of way.~~
- (4) ~~Panel and parabolic dish antennas shall be completely screened or camouflaged from views from residentially zoned areas and public rights of way in a manner that is architecturally compatible with the building in which they are located.~~

~~(5) Equipment enclosures shall be located within the building on which the WCF is placed or located underground if site conditions permit and if technically feasible. Otherwise, equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence matching the color, material, and design of the building.~~

(d) 3. *Camouflaged wireless communications facilities.* WCFs determined by the *planning director* ~~director of planning~~ to be camouflaged as defined by this ordinance shall be permitted in all districts *if the setbacks of the zoning district and design standards of this ordinance are met.* Any appeal of this determination shall be made to the development review committee *who shall forward a recommendation to the planning commission.* and Written notice of the appeal must be received by the planning division within 30 days of the date of the ~~planning director's~~ *director of planning's* determination. ~~Camouflaged WCFs shall meet the following:~~

~~(1) Where a buffer is provided to camouflage the WCFs, the following requirements shall be met:~~

~~a) The buffer shall remain undisturbed until the WCF is removed except for any access drives and utilities necessary for the WCF and other improvements or timbering activities that do not alter the visual effect of the buffer as determined by the planning director; and~~

~~b) The buffer shall be located in an on-site or off-site area that: 1) the planning director determines is not likely to be altered such that the visual effect of the buffer would be diminished while the WCF would be in existence, such as lands protected by the Chesapeake Bay Ordinance or other environmental regulations or conservation areas or community character corridors or areas depicted on the Comprehensive Plan; or, 2) such areas where the WCF owner has guaranteed the buffer will remain undisturbed while the WCF is in existence by way of ownership, lease agreement, recorded easement or other means acceptable to the planning director. Such leases and easements shall be in effect until such time as the WCF is removed; and~~

~~e) Access drives shall be designed and located in a manner that provides no view of the WCF's base or related facilities from the road.~~

~~(2) Where the camouflaged WCF is intended to have the appearance of vegetation native to eastern Virginia, the following requirements shall be met:~~

~~a) The WCF shall be located and designed so as to appear to be a naturally occurring tree which is not noticeably dissimilar to nearby vegetation in terms of height, scale, texture, or color; and~~

~~b) Should the WCF be taller than nearby trees, it shall be buffered with existing mature trees in a manner such that it will not appear out of scale with existing natural vegetation to an off-site viewer. Such buffer shall meet the buffer requirements stated above.~~

Applicants may apply for any of the three categories of camouflaged towers as defined below:

a. *Architecturally Compatible.* *The structure has the appearance, scale and height of other structures that are generally permitted in the district in which it is to be located.*

When an Architecturally Compatible WCF is proposed the following requirements shall be met:

(1) *The structure shall have the appearance, scale and height of other structures that are generally permitted in the district in which it is to be located as determined by the director of planning;*

(2) *The architecturally compatible WCF shall be placed in the vicinity of another structure that the proposed WCF intends to replicate and be unnoticeable to the casual observer that the primary use of the structure is for a WCF.*

(3) *The architecturally compatible WCF should be no taller than twice the permitted height of the replicated structure up to 70 feet.*

(4) *Professional Design Requirements:*

I. *All WCFs shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio to proportion of*

existing tree buffers or structures, and artistic view of the proposed facility in profile.

II. Landscape architect shall be professionally licensed in the Commonwealth of Virginia.

(5) Meet the requirements in Sec. 24-123 through 24-128.

(6) Shall be set back from any off site existing residential structure no less than 400 feet.

b. Native Vegetation. The structure has the appearance of vegetation native to eastern Virginia.

Where a Native Vegetation WCF is proposed the following requirements shall be met:

(1) Should the WCF be taller than nearby trees, it shall be buffered with existing mature trees in a manner such that it will not appear out of scale with existing natural vegetation from an off-site view.

(2) The WCF shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio to proportion of existing tree buffers or structures, and artistic view of the proposed facility in profile.

(3) Landscape architect shall be professionally licensed in the Commonwealth of Virginia.

(4) The WCF shall appear as native vegetation and be unnoticeable to the casual observer that the function of structure is for a WCF as determined by the director of planning.

(5) Access drives shall be designed and located in a manner that obscures views of the WCF's base or related facilities from the road point of ingress.

(6) Meet the requirements in Sec. 24-123 through 24-128.

(7) Shall be set back from any off site existing residential structure no less than 400 feet.

c. Buffered. The structure is well buffered by tall vegetation and/or other structures.

Where a Buffered WCF is proposed, the following requirements shall be met:

(1) A minimum of a 100-foot, undisturbed buffer of mature trees, or a buffer consisting of other elements such as evergreen trees, buildings, or topography that provide at least the equivalent visual effect of a 100-foot undisturbed buffer of mature deciduous trees, that in combination with the design and color of the structure, renders the WCF unnoticeable to the off-site casual observer as determined by the director of planning.

(2) Shall be set back from any off site existing residential structure no less than 400 feet.

(3) The buffer shall remain undisturbed until the WCF is removed except for any access drives and utilities necessary for the WCF and other improvements or timbering activities that do not alter the visual effect of the buffer as determined by the director of planning. The buffer shall be located in an on-site or off-site area that: 1) the director of planning determines is not likely to be altered such that the visual effect of the buffer would be diminished while the WCF would be in existence, such as lands protected by the Chesapeake Bay Ordinance or other environmental regulations or conservation areas or community character corridors or areas depicted on the Comprehensive Plan; or, 2) such areas where the WCF owner has guaranteed the buffer will remain undisturbed while the WCF is in existence by way of ownership, lease agreement, recorded easement or other means acceptable to the director of

planning. Such leases and easements shall be in effect until such time as the WCF is removed.

(4) Professional Design Requirements:

- I. WCFs shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio to proportion of existing tree buffers or structures, and artistic view of the proposed facility in profile.
- II. Landscape architect shall be professionally licensed in the Commonwealth of Virginia.
- III. Access drives shall be designed and located in a manner that obscures view of the WCFs base or related facilities from the point of ingress.
- IV Meet the requirements in Sec. 24-123 through 24-128.

4. Multi-Antenna system. A Multi-Antenna system such as Distributed Antenna System (DAS) or others as determined by the zoning administrator shall be permitted as shown on Table 2. This deployment option is for situations where many small antennas are to be deployed that serve a small geographic area.

Table 2: Multi-Antenna system. Antennas shall be mounted no higher than stated below unless approved by the Board of Supervisors. Multi-Antenna systems are permitted in the following zoning districts:

Zoning District	Maximum By Right Antenna Mounting Height	S.U.P. Required
General Agriculture, A-1	≤35'	>35'
Rural Residential, R-8	≤35'	>35'
Residential R-1, R-2, R-3, R-4, R-5, R-6	Not Permitted	All Applications
Limited Business, LB	Not Permitted	All Applications
General Business, B-1	≤60'	>60'
Industrial (M-1, M-2)	≤60'	>60'
Planned Unit Development, PUD	Not Permitted	All Applications
Mixed Use, MU	Not Permitted	All Applications
Public Lands (PL)	≤60'	>60'
Economic Opportunity (EO)	≤60'	>60'
Research and Technology District (RT)	≤60'	>60'

Requirements for antenna mounting for Multi-Antenna systems:

- a. To the greatest extent possible, antennas should be alternatively mounted on structures not associated with the wireless communications facility as determined by the zoning administrator.

- b. *Antennas shall be unnoticeable to the casual observer and/or screened from view as determined by the director of planning.*
- c. *Equipment enclosures shall be camouflaged or screened from view by landscaping, walls or fencing.*
- d. *Antenna Support Structures for Multi-Antenna systems shall be designed to appear as native vegetation or other typical feature such as a light/telephone pole.*
- e. *Meet the requirements in Sec. 24-123 through 24-128*

(5) Portable Cellular Transmission Facility (PCTF)

- a. *A PCTF or other portable wireless communications device as determined by the Zoning Administrator shall be permitted for a maximum of 90 days in any 365-day period or during an emergency as determined by James City County Administrator or his designee.*
- b. *The PCTF shall be setback at least two times (2x) the height of the PCTF from any residential or public structure.*
- c. *The maximum height of the PCTF shall be 120 feet.*
- d. *The applicant shall submit a conceptual plan of the structure pursuant to Sec. 24-144 of the Zoning Ordinance, RF Report and a noninterference/intermodulation study no less than 7 business days prior to deployment stating how long the facility will be in use and demonstrate a public health or safety need for the facility. Upon review of the application, the Zoning Administrator may provide comments on the application or approve the use of the PCTF at the location and time duration indicated on the Conceptual Plan.*

Sec. 24-123. General requirements.

Except where otherwise noted in this section, the following requirements shall apply to all wireless communications facilities:

(a) *Setbacks.* In addition to meeting the requirements of the underlying zoning district, tower mounted WCFs (*including camouflaged towers*) shall conform to the following setback requirements:

1. *All towers shall be set back from any off site existing residential structure no less than 400 feet. All tower structures shall be located no closer than 400 feet from an occupied school or building used primarily for daycare.*
2. *All towers ~~WCFs not meeting~~ shall meet the structural requirements set forth in standard 222-F, of the "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," or its successors as determined by the Building Official.*
3. *All towers shall meet the Virginia Uniform Statewide Building Code.*
4. *All towers shall be set back from all property lines and public rights-of-way a minimum of 110 percent of the tower height documented collapse radius.*
5. *All setbacks from a public right-of-way shall exclude any planned public right-of-way designated on the Six-Year Primary and Secondary Road Plans or the Comprehensive Plan.*

(b) *Appearance.* Towers, all WCFs equipment enclosures, and security fences shall conform to the following requirements:

1. *Lighting installed at all WCFs, other than low-intensity lighting installed for the purpose of site security, shall be only that required to meet the minimum requirements set forth in the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors. If lighting is required, the ~~planning director~~ director of planning shall review the available lighting alternatives and approve the lighting design. Such lighting shall*

minimize impacts on adjacent property and be located and designed to minimize visibility of the light source from the ground.

2. Towers shall be gray in color ~~unless otherwise approved by the director of planning unless otherwise required by~~ and in compliance with the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors.
3. No signage of any kind shall be displayed at or on a tower that advertises a product, service or business activity or institution.
4. All equipment enclosures shall be screened from public view with fencing and landscaping unless the enclosure is of a similar design and material to that used for a single-family residence and approved by the ~~planning director~~ *director of planning*.

(c) *Security*. Except where otherwise noted, the following security requirements shall apply to all WCFs:

1. All towers, WCFs using alternative mounting structures, and camouflaged WCFs shall be equipped with an anti-climbing device, or be designed in a manner that precludes climbing without the use of additional equipment.
2. Security fencing, if used, shall conform to the following:
 - a. Security fencing shall be screened from view with landscaping.
 - b. Chain-link fences shall be of a black or green color.
 - c. No fence shall exceed six feet in height and it shall contain no barb wire or similar barrier.

(d) *Special requirements for certain antenna*. Installation ~~or replacement~~ of any antenna on a tower shall require a special use permit if all of the following conditions apply:

1. The tower on which it is to be placed was constructed after the effective date of this ordinance; and
2. The tower on which it is to be placed is higher than the thresholds for towers requiring a special use permit identified on Table 1; and
3. A special use permit does not already exist which would permit the construction of that tower or the installation of additional antenna on that tower.

Sec. 24-124. Performance standards.

In considering an application for a special use permit for a WCF, the ~~planning director~~ *director of planning* shall prepare a *composite* report identifying the extent to which the application ~~takes into account~~ *is in compliance with* the Performance Standards for Wireless Communication Facilities ~~dated May 26, 1998~~ ~~XXXXX, 2011~~, and endorsed by the board of supervisors. Such report shall be submitted to the planning commission and board of supervisors prior to the date of the public hearing on the special use permit application. In general, it is expected that all facilities shall substantially meet the provisions of the above performance standards.

Sec. 24-125. Radio frequency standards.

(a) *Federal communications commission emissions standards*. The WCF shall comply with Federal Communications Commission (FCC) standards for ~~nonionizing~~ *all* electromagnetic emissions.

(b) *Noninterference/intermodulation with local broadcasts*. The applicant shall ensure that the wireless communication facility will not cause localized interference/*intermodulation* with the *transmittance or* reception of area television or radio *authorized FCC* broadcasts. Prior to preliminary site plan approval of the WCF, a noninterference/*intermodulation* study shall be submitted to and approved by the ~~planning director~~ *director of planning* indicating that no interference with ~~county~~ *any* communications equipment will take place. If such interference/*intermodulation* is detected at any time,

and is not corrected within 60 days, the special use permit or any other permits may be modified or revoked.

Sec. 24-126. Public safety considerations.

(a) *Noninterference with public safety communications.* The applicant shall ensure that the WCF will not interfere with public safety communications. Should such interference be detected, and is not corrected or ceased within 24 hours, operation of the WCF shall be terminated and the special use permit or any other permits may be modified or revoked.

(b) *Antenna mountings for public safety communications.* Applicants shall be required to negotiate in good faith, and provide evidence of these negotiations acceptable to the ~~planning director~~ *director of planning* prior to preliminary site plan approval, with public safety agencies regarding vacant antenna locations on WCFs prior to making these locations available to other providers. In instances where a potential need for the antenna location is identified by a public safety agency, said agency shall have the right of first refusal for said antenna location for a period of 90 days after the date of final site plan approval.

(c) All WCF's providing voice service shall be reported to the James City County dispatch Center to ensure that all wireless E-911 calls are placed within the boundaries of James City County are routed to the James City County Dispatch Center.

Sec. 24-127. Permit limitations.

(a) *Guarantee of removal.* Prior to final site plan approval, the owner of the property on which a WCF is located shall post a performance bond, cash surety, or letter of credit in an amount sufficient to fund removal of an ~~disused~~ *abandoned or unused* WCF or any disused portion thereof, and site restoration. This bond or other financial mechanism shall remain in effect throughout the life of the WCF. A wireless communication facility shall be considered ~~disused~~ *abandoned or unused* if it is not being utilized for the purpose of providing ~~personal~~ wireless communications services for a period of six months. At such time the WCF shall be removed, except where the WCF is used by the county or deemed necessary by the county for placement of its communications equipment.

(b) *Right of access.* The county shall be granted access to the WCF for the purposes of inspection and, in the event a WCF is ~~disused~~ *abandoned or unused*, removal for the life of the facility.

(c) *Site restoration.* The site of a removed WCF shall be restored to its original state, except that any installed landscaping shall remain in place.

Sec. 24-128. Processing and submittal requirements.

~~(1)~~(a) *The following shall apply to all WCF applications:*

1. *Conceptual site plan.* A site plan, drawn to scale, shall be submitted that depicts the location of support structure(s), equipment enclosures, landscaped/vegetative buffer areas, the potential location of additional towers on the site, fences, access, and ownership and use of adjacent properties. *This plan should also include elevation or profile views.*
2. *Preapplication meeting.* Prior to formal application for a ~~camouflaged or tower~~ submittal, the prospective permittee or its representative shall attend a pre-application meeting with the ~~planning director~~ *director of planning* or his representative. The purpose of this meeting will be to discuss future service plans of the provider, the proposed WCF location, the configuration of the proposed WCF, the feasibility of co-location, the feasibility of alternative tower locations, and the feasibility of a building mounted WCF, utilizing an alternative

mounting structure or a camouflaged WCF. The director of planning may request a balloon test for a camouflaged determination.

3. *Professional certification.* The applicant shall provide certification by a Virginia-registered engineer specifying the following information prior to preliminary site plan approval:
 - a. Antenna height, design, structure and capacity, including the number, type, and mounting elevations of antenna that could be accommodated.
 - b. Compliance with all structural and safety requirements of the Virginia Uniform Statewide Building Code, including the BOCA Basic Building Code and section 222(F) of the standards adopted by the Electronics Industry Association, and all amendments thereto.
 - c. A statement *RF report* from a registered engineer that the nonionizing electromagnetic radiation emitted from the WCF, including all facilities that may already be attached, does not result in an exposure level on or outside the WCF that exceeds relevant FCC standards.
 - d. ~~(5) Intermodulation study.~~ An *Noninterference/* intermodulation study indicating no potential interference with public safety communications shall be provided in a manner acceptable to the ~~planning director~~ *director of planning*.

~~(a)~~(b) In addition to meeting all other processing and submittal requirements for site plans, and special use permits for tower mounted WCFs, applicants shall also comply with the following:

(1) *Col location efforts.* The applicant shall allow other users to locate on the tower and site and shall provide the County, upon request, verifiable evidence of having made good faith efforts to allow such locations. To this end, the applicant shall execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site, and copies of said letters shall be sent to all wireless communication facilities service providers licensed to serve the county and a copy of their response, if any, shall be provided to the ~~planning director~~ *director of planning*. The ~~planning director~~ *director of planning* may waive this requirement for camouflaged WCFs where col-location would preclude the wireless communications facility from meeting ordinance requirements for such facilities, and for wireless communications facilities that utilize alternative mounting structures, or are building mounted.

~~(b)~~(2) Any application for a special use permit for the installation of a WCF shall not be deemed complete until accompanied by the following materials, which shall be submitted six weeks prior to the planning commission meeting.

(3) *Search and service area mapping.* The applicant shall provide mapping, deemed suitable by the ~~planning director~~ *director of planning*, depicting the following:

- a) The search area for the proposed WCF along with underlying property lines and divisions. The map shall be of a clearly indicated scale and municipal boundaries and all primary and secondary highways within the search area shall be delineated.
- b) The intended service area of the proposed WCF with a radio signal propagation ~~plot~~ *map to include information such as building, car, and ambient coverage* or other suitable graphic, depicting the level of signal coverage with and without the proposed WCF. At

least one other graphic shall also be provided that shows the relationship of this coverage to that of existing and proposed WCFs operated by the same provider and future service plans, within the county and within five miles of the border thereof.

~~(3)~~(4) *Evidence of attempts at co-location and using alternative locations, designs, and operating procedures.* An applicant shall provide a copy of its co-location policy and the following evidence of attempts to co-locate and attempts to utilize alternative locations, designs, and operating procedures in a manner acceptable to the ~~planning director~~ *director of planning*:

- (a) The applicant shall indicate on a map provided by the planning department all existing tower and building mounted WCFs, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the proposed new location. The ~~planning director~~ *director of planning* may reduce the radius of this study area where the intended coverage of the proposed WCF is less than three miles.
- (b) Applicants shall provide evidence acceptable to the ~~planning director~~ *director of planning*, including radio signal propagation plottings, that all existing towers, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the site of a proposed WCF have been evaluated with respect to their ability to provide adequate service coverage and antenna-mounting opportunity, and evidence acceptable to the ~~planning director~~ *director of planning* that adequate service coverage cannot be provided through an increase in transmission power, or through the use of camouflaged wireless communication facilities, alternative mounting structures, building mounted WCFs, or a system that uses lower antenna heights than proposed. The ~~planning director~~ *director of planning* may waive these requirements where documented evidence, satisfactory to the ~~planning director~~ *director of planning* is available that indicates alternative locations and designs are not feasible, and where the intended coverage of the proposed WCF is less than three miles.
- (c) The applicant shall provide evidence deemed suitable by the ~~planning director~~ *director of planning* that good faith negotiations have taken place to use existing WCFs, and existing alternative mounting structures and buildings, including copies of letters sent to other service providers and their response, if any, on a request to co-locate on their facility.
- (d) The applicant shall provide verifiable written evidence, deemed suitable by the ~~planning director~~ *director of planning*, of the feasibility of replacing all existing WCFs within a three mile radius of the site of the proposed WCF in order to accommodate the proposed WCF.

(4)(5) *Public safety communications antenna requirements.* The applicant shall provide written evidence, deemed suitable by the ~~planning director~~ *director of planning*, of consultation with the relevant public safety agencies regarding their need for antenna space at any newly proposed WCF support structure.

~~(e)~~(6) *Balloon test.* At least three weeks prior to the planning commission meeting, the applicant shall conduct a balloon test that simulates the height of the proposed WCF. *The balloon test shall be scheduled within the first week following application submittal to ensure that the application is eligible to placed on the relevant planning commission agenda.* The ~~planning director~~ *director of*

planning may also require the balloon to be flown at other altitudes to determine impacts. The ~~planning director~~ *director of planning* shall give notice of the balloon test at least seven days prior to the day of the test in a newspaper having a general circulation in the county. The results of the balloon test, providing representative photographic evidence of the views of a proposed WCF from residential areas, public rights-of-way, and other sensitive areas identified by the ~~planning director~~ *director of planning* or his representative shall be provided to the ~~planning director~~ *director of planning* at least two weeks prior to the planning commission meeting. Other scaled graphical simulations of potential views encompassing a proposed WCF may be substituted for the balloon test results or required in addition to the balloon test results at the discretion of the ~~planning director~~ *director of planning*.

ARTICLE V. DISTRICTS

DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

Sec. 24-212. Permitted uses.

Wireless communication facilities that utilize alternative mounting structures, ~~or are building-mounted,~~ or are camouflaged, and comply with division 6, Wireless Communications Facilities.

Sec. 24-218. Height limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations and accessory or nonaccessory wireless communications facilities that utilize alternative mounting structures ~~or are building-mounted~~ in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.

Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures ~~or are building-mounted~~ to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:

- a. Such structure will not obstruct light to adjacent property;
- b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- c. Such structure will not impair property values in the surrounding area;
- d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed

- and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- e. Such structure will not be contrary to the public health, safety and general welfare.
- (3) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall not be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed 45 feet in height.
- (4) Communication towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height.

ARTICLE V. DISTRICTS

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

Sec. 24-328. Permitted uses.

Wireless communications facilities that utilize alternative mounting structures, ~~or are building mounted, or are camouflaged,~~ and comply with division 6, Wireless Communication Facilities.

Sec. 24-335. Height limits.

Buildings may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for dwellings may be increased to 45 feet and to three stories; provided, that the two side yards for the dwelling are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures ~~or are building mounted~~ in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures ~~or are building mounted~~ to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:
- a. Such structure will not obstruct light to adjacent property;
- b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- c. Such structure will not impair property values in the surrounding area;
- d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed

- and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- e. Such structure will not be contrary to the public health, safety and general welfare.

- (3) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 35 feet in height, except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed the height of the main structure and may exceed 35 feet in height.

ARTICLE V. DISTRICTS

DIVISION 8. RURAL RESIDENTIAL DISTRICT, R-8

Sec. 24-348. Permitted uses.

Wireless communications facilities that utilize alternative mounting structures, ~~or are building mounted,~~ or are camouflaged, and comply with division 6, Wireless Communications Facilities.

Sec. 24-354. Height limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures ~~or are building mounted~~ in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:

- a. Such structure will not obstruct light to adjacent property;
- b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- c. Such structure will not impair property values in the surrounding area;
- d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- e. Such structure will not be contrary to the public health, safety and general welfare.

ARTICLE V. DISTRICTS
DIVISION 13. RESEARCH AND TECHNOLOGY DISTRICT, RT

Sec. 24-328. Permitted uses.

Wireless communications facilities that utilize alternative mounting structures, ~~or are building-mounted,~~ or are camouflaged, and comply with division 6, Wireless Communications Facilities.

**PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES
THAT REQUIRE A SPECIAL USE PERMIT
XXXXX, 2011**

In order to maintain the integrity of the James City County's significant historic, natural, rural and scenic resources, to preserve its existing aesthetic quality and its landscape, to maintain its quality of life and to protect its health, safety, general welfare, and property values, ~~tower-mounted~~ wireless communications facilities (WCFs) should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted these performance standards for use in evaluating special use permit applications for WCFs. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be approved. The terms used in these standards shall have the same definition as those same terms in the Zoning Ordinance. In considering an application for a special use permit, the Planning Commission and the Board of Supervisors will consider the extent to which an application meets the following performance standards:

A. Collocation and Alternatives Analysis

1. Applicants should provide verifiable evidence that they have cooperated with others in co-locating additional antenna on both existing and proposed structures and replacing existing towers with ones with greater co-location capabilities. It should be demonstrated by verifiable evidence that such co-locations or existing tower replacements are not feasible, and that proposed new sites contribute to the goal of minimizing new tower sites.
2. Applicants should demonstrate the following:
 - a. That all existing ~~towers~~ **WCFs**, and **potential** alternative mounting structures ~~and buildings~~ more than 60 feet tall within a three-mile radius of the proposed site for a new WCF cannot provide adequate service coverage or **an** antenna mounting opportunity.
 - b. That adequate service coverage cannot be provided through an increase in transmission power, replacement of an existing WCF within a three mile radius of the site of the proposed WCF, or through the use of a camouflaged WCF, alternative mounting structure, **multi-antenna system** ~~or a building-mounted WCF~~, or a system that uses lower antenna heights than proposed.
 - c. The radii of these study areas may be reduced where the intended coverage of the proposed WCF is less than three miles.
3. Towers should be sited in a manner that allows placement of additional WCF facilities. A minimum of two tower locations, each meeting all of the requirements of the Zoning Ordinance and these standards, should be provided at all newly approved tower sites.
4. All newly permitted towers should be capable of accommodating enough antennas for at least three service providers or two service providers and one government agency. Exceptions may be made where shorter heights are used to achieve minimal intrusion of the tower as described in Section B.2. below.

B. Location and Design

1. ~~WCFs Towers and tower sites~~ should be consistent with existing and future surrounding development and the Comprehensive Plan. While the Comprehensive Plan should be consulted to determine all applicable land use principles, goals, objectives, strategies, development standards, and other policies, certain policies in the Plan will frequently apply. Some of these include the following: (1) ~~WCFs Towers~~ should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses, and such uses that are generally located in the land use designation in which the ~~WCF tower~~ would be located; and (2) ~~WCFs towers~~ should be located and designed in a manner that protects the character of the County's ~~scenic resource~~ **Community Character** Corridors and historic and scenic resource areas and their view sheds.

2. ~~WCFs Towers~~ should be located and designed consistent with the following criteria:

<i>Proposed Location of Tower WCF</i>	<i>Impact Criteria</i>
<i>a. Within a residential zone or residential designation in the Comprehensive Plan</i>	<i>Use a camouflage design, Multi-Antenna system, or have a minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource community character corridors.</i>
<i>b. Within Near a historic or scenic resource area or within a scenic resource corridor on a Community Character Corridor</i>	<i>Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource on community character corridors.</i>
<i>c. Within a rural lands designation in the Comprehensive Plan</i>	<i>For areas designated rural lands in the Comprehensive Plan that are within 1,500 feet from the tower, use a camouflaged design or have minimal intrusion on to residential areas, or scenic resource corridors community character corridors.</i> <i>For rural lands more than 1,500 feet from the tower, no more than the upper 25% of the tower should be visible.</i>
<i>d. Within a commercial or in an industrial designation in the Comprehensive Plan</i>	<i>Use a camouflage design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource community character corridors.</i>

Notes for the above table:

1. Exceptions to these criteria may be made on a case by case basis where the impact of the proposed ~~tower~~ **WCF** is only on the following areas: (1) An area designated residential on the Comprehensive Plan or zoning map which is not a logical extension of a residential subdivision or which is a transitional area between residential and nonresidential uses, (2) a golf course or a golf course and some combination of commercial areas, industrial areas, or utility easements, provided the tower is located on the golf course property, or (3) a scenic easement.

2. A **WCF tower** will meet the minimal intrusion criteria if it is not visible off site above the tree line. Such **WCF tower** should only be visible off-site when viewed through surrounding trees that have shed their leaves.
3. Camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.
4. **WCFs Towers** should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the **WCF tower** from residential areas and public roads are very limited. At a minimum, **towers WCFs** 200 feet or more in height should exceed the location standards listed above.
5. Towers should be freestanding and not supported with guy wires.

C. Buffering

1. **Towers WCFs** should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire **WCF** as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the **tower WCFs** base or related facilities.
2. Towers should be buffered from adjacent land uses and public roads as much as possible. following buffer widths and standards should be met:
 - a. In or adjacent to residential or agricultural zoning districts, areas designated residential or rural lands on the Comprehensive Plan, historic or scenic resource areas, or ~~scenic resource~~ **community character** corridors, an undisturbed, completely wooded buffer consisting of existing mature trees at least 100 feet wide should be provided around the **tower WCF**.
 - b. In or adjacent to all other areas, at least a 50 foot wide vegetative buffer consisting of a mix of deciduous and evergreen trees native to Eastern Virginia should be provided.