

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

Feb. 15, 2013 - 2 p.m.

1. Roll Call

2. Minutes

A. January 17, 2013

3. Old Business

A. Pawnshops - Pawnshop Materials

4. New Business

A. Landscape Ordinance Amendments (PLAT Committee
Recommendations, Public Lands, Economic Opportunity)

Landscaping Materials

B. Dates for Upcoming and Future Meetings

5. Adjournment

MEMORANDUM

DATE: February 15, 2013

TO: Policy Committee

FROM: Jason Purse, Zoning Administrator
Christy Parrish, Proffer Administrator

SUBJECT: Pawn Shops

On January 22, 2013, the Board of Supervisors adopted an initiating resolution to consider amending the Zoning Ordinance to address pawn shops and payday/title loan establishments. Based on discussions with the Policy Committee on January 17, 2013, staff has prepared changes to three sections of the zoning ordinance for this meeting. Definitions for pawn shops and payday/title loan establishments have been added to Section 24-2. The definition for both of these uses was taken from the State Code definitions. Pawn shops and payday/title loan establishments are also proposed to be included as specially permitted uses in the M-1, Limited Business Industrial and M-2, General Industrial Districts.

While no final decisions have been made regarding the ultimate inclusion of these uses in the two districts, staff has consulted with the County Attorney's office and they have stated that these uses cannot be completely prohibited in the ordinance. Previous discussions eliminated LB, B-1 and the multiple-use districts from consideration. Staff has included the two uses as specially permitted uses in the M-1 and M-2 districts in an attempt to encourage discussion about the best place to include pawn shops and payday/title loan establishments. As a reminder, if the ordinances are approved as presented, any pawn shop or payday/title loan establishment would need to have a special use permit application reviewed by the Planning Commission within the context of a public hearing process and ultimately approved by the Board of Supervisors. During that process site specific details, Comprehensive Plan designations, and adjacent property impacts would all be taken into consideration. These changes to the ordinance do not permit these uses by-right, but rather allows for the ability to apply for an SUP to be approved by the Board of Supervisors.

Henrico County also has a code section that limits the overall number of pawn shops in their community. Henrico's ordinance also allows pawn shops by-right. This overall cap on pawn shops is most appropriate in instances where the Board of Supervisors does not have the added oversight of the special use permit process. Since staff is proposing inclusion of pawn shops only as specially permitted uses, staff does not believe the cap is necessary or applicable as the special use permit process provides more discretion and control. Each pawn shop will be able to be evaluated on its individual merits by staff, the Planning Commission and the Board of Supervisors.

Staff recommends that the Policy Committee recommend approval of the proposed ordinance changes to the Planning Commission. Staff anticipates these changes being presented to the Planning Commission at the March 6, 2013 meeting.

Attachment:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; BY AMENDING ARTICLE V, DISTRICTS; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST; AND BY AMENDING ARTICLE V, DISTRICTS; DIVISION 12, GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 24-436, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; by amending Article V, Districts; Division 11, Limited Business/Industrial District, M-1, Section 24-411, Use list; and by amending Article V, Districts; Division 12, General Industrial District, M-2, Section 24-436, Use list.

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-2. Definitions.

Pawnshop. A retail establishment where any person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Payday/title loan establishment. Any establishment which advances or lends a small, short-maturity loan on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual at a depository institution, (iii) any form of assignment of income payable to an individual, other than loans based on income tax refunds or (iv) title of a motor vehicle.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 11. LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1

Sec. 24-411. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	<i>Pawn shops</i>		<i>SUP</i>
	<i>Payday/title loan establishments</i>		<i>SUP</i>

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 12. GENERAL INDUSTRIAL DISTRICT, M-2

Sec. 24-436. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	<i>Pawn shops</i>		<i>SUP</i>
	<i>Payday/title loan establishments</i>		<i>SUP</i>

MEMORANDUM

DATE: February 15, 2013

TO: Policy Committee

FROM: W. Scott Whyte, Senior Landscape Planner

SUBJECT: ZO-0001-2013, James City County Professional Landscape Assessment Team (JCC PLAT); ZO-0002-2013, Landscape requirements for Public Lands, and ZO-0003-2013, Landscape requirements for Economic Opportunity

Staff is presenting for your consideration the Professional Landscape Assessment Team (PLAT) recommended changes to the landscape section of the zoning ordinance and a proposed Enhanced Landscaping Policy. The PLAT recommendations are the result of a Board initiated request that was made after a comprehensive package of revisions to the landscape section of the zoning ordinance was previously approved by the Planning Commission and Board of Supervisors on November 22, 2011.

Staff is also submitting proposed amendments to the Public Lands and Economic Opportunity districts that were originally scheduled to be brought forward as part of the Zoning Ordinance housekeeping package considered by the Planning Commission on November 7, 2012 and adopted by the Board of Supervisors on December 11, 2012. The proposed amendments were delayed until the PLAT reached consensus on possible related landscape issues, and at this time all three initiatives are being brought forward concurrently for your review.

1) **PLAT Recommendations**

During the Board Requests and Directives portion of the June 12, 2012 Board of Supervisors meeting, Supervisor Kennedy suggested that a committee of local landscape professionals be assembled to analyze the current landscape ordinance requirements. To determine whether the ordinance requires or influences applicants to overplant landscape materials, resulting in landscapes that, over time, become too crowded and result in unhealthy and unattractive landscapes. At the June 26, 2012 Board meeting, several other supervisors expressed their support for forming such a committee. Mr. Kennedy pointed out that he has received comments regarding New Town, the Williamsburg Pottery, and Stonehouse Glen from local landscape professionals who believe that the landscapes installed for these projects were over planted. Staff assembled a committee of five landscape professionals to analyze the ordinance and the way the County has applied landscape ordinance requirements and Enhanced Landscaping to development sites throughout the county. After three consecutive weekly meetings, the committee has made the following recommendations:

a) **Revise Section 24-91 of the zoning ordinance on Landscape Modification, Substitution, and Transfers to meet the following objectives;**

- Give additional flexibility to landscape designers to mitigate existing site constraints such as narrow and unusually shaped parcels, sloped topography, and natural and man made obstacles.
- Provide language to mitigate utility easements that exist on site and inhibit the application of ordinance requirements as written.

- Give designers the ability to mitigate site restraints by allowing for modifications to landscape quantity in exchange for qualitative improvements, while ensuring that ordinance intents are maintained.

b) Create an Enhanced Landscaping Policy to meet the following objectives;

- The County and applicants should be more proactive at the application stage of a proposal by specifically defining what enhanced landscaping means for a site specific development proposal. The specific enhanced landscaping proposal can then be evaluated in a public hearing setting in relationship to the entire development proposal.
- The specific application of enhanced landscaping will be initially proposed by the applicant's landscape design professional.
- "Enhanced Landscaping" should not necessarily be limited to increased numbers or sizes of plants. Hardscapes, pedestrian accommodations, ornamental fencing, public art, and other types of amenities should be considered.
- Enhanced landscaping should address:
 1. A need found on the development site and how the proposed plan meets that need;
 2. How the enhanced landscaping exceeds the ordinance minimums;
 3. How the enhanced landscaping proposal meets the goals of the Comprehensive Plan, and is appropriate and context sensitive for the applicable corridor type and parcel location;
 4. How the enhanced landscaping compliments the design layout of the entire site and what the design objectives of the enhanced landscaping are intended to achieve.

2) Public Lands

On September 11, 2007 the Board of Supervisors adopted Public Lands as a new zoning district. Since that time, staff has identified some minor landscape items that require further amendment or clarification. These items include the following:

- **Section 24-535.4.** Setback requirements – Add a reference to landscape section concerning right of way landscaping and construction zone set back requirements.
- **Section 24-535.6.** Yard regulations – Add a reference to landscape section concerning planting requirements for side and rear yards.
- **Section 24-101 Landscape requirements by zoning district** - Add PL to list of districts that require side and rear yard landscape areas

3) Economic Opportunity

On September 13, 2013 the Board of Supervisors adopted Economic Opportunity as a new zoning district. Since that time, staff has identified some minor landscape items that require further amendment or clarification. These items include the following:

- **Section 24-535.8.** Setback and buffer requirements – Add a reference to landscape section concerning right of way landscaping and construction zone set back requirements.

W. Scott Whyte

Concur:

Paul D Holt, III

Attachments:

- 1) January 22, 2013 Board of Supervisors meeting memo
- 2) Draft amendments to Sections 24-91 and 24-101
- 3) Draft Enhanced Landscaping Policy
- 4) Draft amendment to Public Lands District
- 5) Draft amendments to Economic Opportunity District

MEMORANDUM

DATE: January 22, 2013

TO: The Board of Supervisors

FROM: W. Scott Whyte, AICP, Senior Landscape Planner
Paul D Holt, III, AICP, CNN-A

SUBJECT: James City County Professional Landscape Assessment Team (JCC PLAT)

During the Board requests and directive portion of the June 12, 2012 Board of Supervisor's meeting, Supervisor Kennedy suggested that an informal committee of local landscape professionals be assembled to analyze the current landscape ordinance requirements. Mr. Kennedy expressed concerns that the ordinance may require or influence applicants to overplant landscape materials, resulting in landscapes that, over time, become too crowded and result in unhealthy and unattractive landscapes. At the June 26th Board meeting, several other supervisors expressed their support for forming such a committee. Mr. Kennedy pointed out that he has received comments about New Town, the Williamsburg Pottery, and Stonehouse Glen from local landscape professionals that feel that the landscapes installed for these projects were over planted. Several supervisors made recommendations on who should serve on the committee and several local professionals were named.

Staff assembled a committee of five landscape professionals including all of the persons named as possible members by the Board with the exception of Mr. Martino who could not serve due to time constraints. The selected committee of five included, Mrs. Peggy Krapf, Mr. Chris Basic, Mr. James Peters, Mr. Gordon Chappell, and Mr. Phillip Merritt. Staff attempted to select members that were experienced local landscape designers with diverse areas of practice. Commercial, residential and institutional landscape design professionals were all well represented. After the committee members agreed to serve, they were each sent an informational packet that contained the landscape section of the zoning ordinance, a map with a set of design guidelines for our Community Character Corridors, enhanced landscaping language, a set of development case studies with their histories, and the issues to be analyzed by the committee members. After the committee members had time to review the packet materials the first of three meetings was held. The purpose of this meeting was primarily educational, and a chance for the group to study the ordinance requirements and the selected development properties. The selected development projects consisted of the Williamsburg Pottery, Courthouse Commons, Stonehouse Glen Pool, Colonial Carwash, and Premium Outlets. The second meeting was for the committee to further study the ordinance requirements and how they were applied to the selected properties. The committee started to develop some recommendations on how to avoid over planting by offering more flexibility to landscape design professionals working with by-right and legislative cases. At the third meeting the committee finalized their recommendations and started the process of drafting language for recommended ordinance revisions and the creation of a new Enhanced Landscaping policy.

Historically, enhanced landscaping has been defined as 125% of ordinance size requirements and is generally applied across the frontage of properties between the buildings and rights of ways. The committee found that in general planting 125% of ordinance size is not very beneficial with trees, because the larger trees are typically stressed to a greater degree after digging than smaller sized trees, resulting in trees that take longer to recover, and typically lose the size advantage in which they start out. Larger shrubs on the other hand do provide an instant benefit. The committee also found that enhanced landscaping is not often applied to a specific problem, but rather applied across the front of properties

without consideration of what is to be accomplished with the landscaping. Further the committee found enhanced landscaping should not be considered a benefit unless the benefit can be defined. The need could be to screen an undesirable use, to draw the eye to a business's front door, or any other need that may be unique to that site.

After three consecutive weekly meetings, the committee has made the following recommendations:

1) Revise section 24-91 of the zoning ordinance on Landscape Modification, Substitution, and Transfers to meet the following objectives;

- Give additional flexibility to landscape designers to mitigate existing site constraints such as narrow and unusually shaped parcels, sloped topography, and natural and man made obstacles.
- Provide language to mitigate utility easements that exist on site and inhibit the application of ordinance requirements as written.
- Give designers the ability to mitigate site restraints by allowing for modifications to landscape quantity in exchange for qualitative improvements, while ensuring that ordinance intents are maintained.

2) Create an Enhanced Landscaping Policy to meet the following objectives;

- The County and applicants should be more proactive at the application stage of a proposal by specifically defining what enhanced landscaping means for a site specific development proposal. The specific enhanced landscaping proposal can then be evaluated in a public hearing setting in relationship to the entire development proposal.
- The specific application of enhanced landscaping will be initially proposed by the applicant's landscape design professional.
- "Enhanced Landscaping" should not necessarily be limited to increased numbers or sizes of plants. Hardscapes, pedestrian accommodations, ornamental fencing, public art, and other types of amenities should be considered.
- Enhanced landscaping should address:
 1. A need found on the development site and how the proposed plan meets that need;
 2. How the enhanced landscaping exceeds the ordinance minimums;
 3. How the enhanced landscaping proposal meets the goals of the Comprehensive Plan, and is appropriate and context sensitive for the applicable corridor type and parcel location;
 4. How the enhanced landscaping compliments the design layout of the entire site and what the design objectives of the enhanced landscaping are intended to achieve.

Staff recommends that the Board of Supervisors approve the attached initiating resolution. These two initiatives would then be reviewed by the Policy Committee, Planning Commission, and Board of

Supervisors, and could be ready for adoption in the spring of 2013.

W. Scott Whyte
Paul D Holt, III
CONCUR:

Allen Murphy

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS DIVISION 4, LANDSCAPING, SECTION 24-91, MODIFICATION, SUBSTITUTION, TRANSFER,.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-91 Modification, substitution, transfer

Chapter 24

ARTICLE II. SPECIAL REGULATIONS

DIVISION 4. LANDSCAPING

Sec. 24-91. Modification, substitution, transfers.

Generally the rationale for any modification, substitution, or transfer shall be proposed by the applicant with input from staff. Modifications, Substitutions, and Transfers are intended to provide more flexibility to landscape designers, while not reducing the landscape standards of this division

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

~~(1) Such requirement would not promote the intent of this section;~~

~~(2) The proposed site and landscape plan will satisfy the intent of this section and its landscape area requirements to at least an equivalent degree as compared to a plan that strictly complies with the minimum requirements of this section;~~

~~(3) The proposed site and landscape plan will not reduce the total amount of landscape area or will not reduce the overall landscape effects of the requirements of this section as compared to a plan that strictly complies with the minimum requirements of this section;~~

~~(4) Such modification, substitution or transfer shall have no additional adverse impact on adjacent properties or public areas; and~~

~~(5) The proposed site and landscape plan, as compared to a plan that strictly complies with the minimum requirements of this section, shall have no additional detrimental impacts on the orderly development or character of the area, adjacent properties, the environment, sound engineering or planning practice, Comprehensive Plan, or on achievement of the purposes of this section.~~

(a) Cases for modifications. Modifications will be applied most often when an adjustment to planting mixtures or densities are needed. Planting density may be modified by proposing larger plants in exchange for a lower quantity when it can be shown that due to site constraints planting up to

ordinance requirements will result in over planting and that a transfer of plant materials can not accomplish the same goal. Applicants may propose a minimum of a 25% increase in plant size for a 25% reduction in required plant quantity. Planting mixtures may be adjusted to provide more screening, compliment surrounding areas, or to carry on a planting theme.

(b) Cases for Substitution. Substitutions of plant materials shall be considered if it can be demonstrated that the substitution is warranted and is equal to, or greater than the standard requirement.

(c) Cases for transfer. Transfers may be granted when it can be shown that the transferred materials serve a greater purpose than the standard requirements would provide.

(d) All modifications, substitutions, or transfers shall be designed to mitigate the existing site constraints or meet the conditions listed below:

~~(b) Cases for modifications, substitutions, or transfers. Requests for modifications, substitutions or transfers may be granted in the following cases:~~

(1) The proposed landscape plan, by substitution of technique, design or materials of comparable quality, but differing from those required by this section, will achieve results which clearly satisfy the overall purposes of this ~~section~~ *division* in a manner clearly equal to or exceeding the desired effects of the requirements of this ~~section~~ *division*;

(2) The proposed landscape plan substantially preserves, enhances, integrates and complements existing trees and topography;

(3) Where, because of unusual size, topography, shape or location of the property or other unusual conditions, ~~excluding the proprietary interests of the developer~~, strict application of the requirements of this section would result in significant degradation of the site or adjacent properties;

(4) Where because of the existence of easements strict application of the landscape standards of this division would result in overcrowding of landscape materials;

(5) Where because of narrow parcels, unusually shaped lots, sloping topography, or other site constraints, strict application of the landscape standards of this division would result in overcrowding of landscape materials as the plants mature;

~~(4)~~ (6) The proposed landscape design or materials involve a readily discernible theme, historic or otherwise, or complements an architectural style or design;

~~(5)~~ (7) Where it is necessary to allow the subdivision of property on which commercial or industrial units will be for sale, for sale in condominium or for lease, and such units are constructed as part of a multiunit structure in which the units share common walls or are part of a multiple-structure development, and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan; or

~~(6)~~ (8) Where transfers of required landscape areas to other areas on a site are necessary to satisfy other purposes of this ~~section~~ *division*, including transfers to increase screening or preserve

existing trees, provided such transfers do not reduce overall landscape requirements for a development.

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

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

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

(1) Such requirement would not promote the intent of this ~~section~~ *division*;

(2) The proposed site and landscape plan ~~will~~ *shall* satisfy the intent of this ~~section~~ *division* and its landscape area requirements to at least an equivalent degree as compared to a plan that strictly complies with the minimum requirements of this ~~section~~ *division*;

(3) The proposed site and landscape plan ~~will~~ *shall* not reduce the total amount of landscape area or will not reduce the overall landscape effects of the requirements of this ~~section~~ *division* as compared to a plan that strictly complies with the minimum requirements of this ~~section~~ *division*;

(4) Such modification, substitution or transfer shall have no additional adverse impact on adjacent properties or public areas; and

(5) The proposed site and landscape plan, as compared to a plan that strictly complies with the minimum requirements of this ~~section~~ *division*, shall have no additional detrimental impacts on the orderly development or character of the area, adjacent properties, the environment, sound engineering or planning practice, Comprehensive Plan, or on achievement of the purposes of this section *division*.

(e) (g) *Process for requesting modifications, substitutions, or transfers.* Requests for modifications, substitutions or transfers shall be filed *at the time of plan submittal*, in writing with the planning director and shall identify the specific requirement of this section and the reasons and justifications for such request together with the proposed alternative. Depending upon whether the landscape plan is subject to commission or administrative review, the commission or planning director shall approve, deny, conditionally approve or defer action on such request and shall

include a written statement certifying the above findings. The commission or planning director may require the applicant to provide plans, documentation or other materials to substantiate these findings.

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

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

(a) R-5, Multifamily residential district:

(1) Setbacks: Setbacks from existing or planned peripheral roads, including peripheral roads shown on county approved development plans, shall contain a landscape area having an average width of 50 feet and meet requirements outlined in section 24-98 (b), (d), and (f). The balance of the setback and setbacks from internal streets shall contain existing trees and plantings in conformance with section 24-96. This requirement shall not apply to single-family dwellings.

(2) Yards: All required yards shall contain existing trees and plantings in conformance with section 24-96. This requirement shall not apply to single family dwellings.

(3) Transitional screening: For developments with 200 or fewer units, a transitional screening area in accordance with section 24-100, with a minimum width of 35 feet, shall be provided within the first 35 feet of yard area or setback from any property line when adjacent to or across a peripheral public street from any residential district other than R-5 or any agricultural district designated for low-density residential or rural lands on the Comprehensive Plan. For larger developments, such transitional screening area shall be a minimum of 40 feet in width.

(b) Manufactured home subdivision and manufactured home park:

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

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

(1) Side and rear landscape area: A landscape area adjoining all side and rear property lines shall be provided which is at least 15 feet in width. Along the rear property lines, such landscape area may be reduced to a minimum of ten feet in width or five percent of the average lot depth, whichever is greater, on lots less than 65,000 square feet which were recorded or legally in existence prior to July 3, 1990. Such landscape area shall be landscaped in accordance section 24-98. Such area may be broken by necessary driveways or utilities perpendicular to the property line.

ENHANCED LANDSCAPING POLICY

Goal

To establish guidelines for how Enhanced Landscaping can be applied to Special Use Permit and Rezoning cases to ensure that the best management practices for landscaping are applied to the proposed development plans. The intent of the Enhanced Landscape Policy is to provide more flexibility to landscape designers to create landscape designs that address and or mitigate needs that certain land uses create.

Guidelines are to be applied to all Special Use Permit or Rezoning applications that propose Enhanced Landscaping as a public benefit to the development, however all applicants are urged to propose such enhancements as early in the development process as possible with the conceptual plan stage being the most beneficial.

Guidelines for applying Enhanced Landscaping

The definition of Enhanced Landscaping shall be proposed by the applicant to address a particular public need of the particular site being developed. Enhanced Landscaping can be proposed as one or more of the following; over-sized plants, additional plants, special purpose plants, hardscapes, pedestrian accommodations, ornamental fencing, or any improvement that goes beyond the minimum landscape ordinance requirements and contributes a definable public benefit to the proposal. All proposed enhancements must address a specific public need of the development site and be compatible with the surrounding area and the site's Comprehensive Plan designation. Applicants shall provide their definition of Enhanced Landscaping, the need that they are addressing, and how the need is met by the proposal. All proposals shall be site specific and focus on the proposed use of the site and the needs that those uses create. For example an applicant may propose over sized plants to screen an undesirable use from public view with tall evergreen trees. The definition of Enhanced Landscaping is the over sized evergreen trees, the need is the screening of the undesirable use and the need is being met by the strategic placement of the plants.

Enhanced Landscaping request form

Any applicant that proposes Enhance Landscaping as a benefit to the development for Special Use and Rezoning cases shall be required to fill out an Enhanced Landscaping request form.

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS

DIVISION 16, PUBLIC LAND DISTRICT, SECTION 24-535.4, SETBACK REQUIREMENTS, SECTION 24-535.6 YARD REGULATIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-535.4 Setback Requirements, Section 535.6 Yard Regulations.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 16. PUBLIC LAND DISTRICT, PL

Sec. 24-535.4. Setback requirements.

Structures shall be located a minimum of 35 feet from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 60 feet from the centerline of the street. This shall be known as the "setback line," all subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, shall be allowed to adhere to these established setback lines. *In addition refer to section 24- 98 of the landscape section of the zoning ordinance for landscape area and construction zone requirements.*

Sec. 24-535.5. Minimum lot width.

- (a) Lots of up to 43,560 square feet shall have a minimum width at the setback line of 100 feet.
- (b) Lots of 43,560 square feet or more shall have a minimum width at the setback line of 150 feet.

Sec. 24-535.6. Yard regulations.

(a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet. *All yards shall contain existing trees and plantings in conformance with section 24-96.*

(b) *Rear.* Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of 15 feet. *All yards shall contain existing trees and plantings in conformance with section 24-96.*

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS

DIVISION 17, ECONOMIC OPPORTUNITY DISTRICT, SECTION 24-536.8, SET BACK AND BUFFER REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-536.8 Setback and Buffer Requirements.

Chapter 24

ARTICLE V. DISTRICTS

Division 17. Economic Opportunity, EO

Sec. 24-536.8. Setback and buffer requirements.

Location of structures. Structures shall be located 25 feet or more from any external existing or planned public road right-of-way, or any internal arterial road right-of-way, which is 50 feet or greater in width. Where the external existing or planned public road right-of-way, or the internal arterial road right-of-way, is less than 50 feet in width, structures shall be located 45 feet or more from the centerline of the external existing or planned or internal arterial public road. Structures shall be located a minimum of 50 feet or more from any community character corridor. *In addition refer to section 24- 98 of the landscape section of the zoning ordinance for landscape area and construction zone requirements.*

- (a) *Required buffers from economic opportunity districts.* A buffer of 25 feet shall be maintained from the perimeter of an economic opportunity district. The buffer in an economic opportunity district shall be increased to 100 feet where adjoining property is designated low-density residential or rural lands on the Comprehensive Plan. In addition, the buffer shall also be increased to 100 feet where an economic opportunity district adjoins property in a community character area, except where those properties are included in the economic opportunity master plan.

The buffer shall be left in its natural undisturbed state and/or planted with additional or new landscape trees-and shrubs ~~and other vegetative cover~~ such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development.