

# Policy Committee Government Center Complex Conference Room, Building d

March 13, 2014 - 3 p.m.

## **1. Roll Call**

## **2. Minutes**

a. February 13, 2014

## **3. Old Business**

a. Case No. ZO-0007-2013, Zoning Ordinance Amendment to Consider the Keeping of Chickens in Residentially Zoned Areas of the County (Draft Ordinance Option I) (Draft Ordinance Option II)

b. Case No. ZO-0008-2013, Accessory Apartments  
(Memorandum) (Draft Ordinance) (Survey Responses)

## **4. New Business**

a. Longhill Road Corridor Study Update

b. Agricultural and Forestry Industries (AFID) Grant Update  
(Memorandum) (Economic Analysis and Assessment)

## **5. Adjournment**

## James City County Planning Accessory Apartments in Residential Areas Survey

Currently, accessory apartments are allowed by-right on property that is [zoned A-1, R-2, R-3, R-4, R-8, MU and PUD and there are specially permitted uses on land that is zoned R-1 and R-6](#).

James City County is considering amending the zoning ordinance to modify the regulations governing accessory apartments. Currently accessory apartments must be a separate, complete housekeeping unit that is substantially contained within the structure of, and clearly secondary to, a single-family dwelling. Accessory apartments may not occupy more than 35 percent of the floor area of the dwelling. The Planning Commission has requested that staff consider and suggest revisions to the Zoning Ordinance pertaining to the definition of and provisions and procedures relating to accessory apartments. Staff will also review the Zoning Ordinance districts section to add accessory apartments as a use permitted as a matter of right or upon issuance of a special use permit.

To assist staff in assessing the desires of the public for accessory apartments, please complete the following brief survey.

1a. Have you ever considered constructing an accessory apartment on your property?

- Yes
- No

2. Do you see a need or desire for accessory apartments in the community?

- Yes
- No

2a. If you answered "Yes" – please elaborate on the need or desire:

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Please rate your level of agreement with the following statements. Also, feel free to share any additional comments.

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>No Opinion</b>	<b>Comments</b>
3a. James City County should consider allowing detached, accessory apartments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Why?
3b. James City County should consider allowing accessory apartments attached by breezeway as opposed to substantially contained within the single-family dwelling.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
3c. James City County should limit the number of occupants allowed to live in an accessory apartment at any one time.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	If you agree, what should the maximum number of occupants be?
3d. Detached accessory apartments that are not substantially contained within the single-family dwelling will negatively impact the character of the neighborhood.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	If you strongly disagree or strongly agree, why?

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4. If allowances for accessory apartments are expanded upon, how important are the following considerations to you?

	<b>Very Important</b>	<b>Somewhat Important</b>	<b>Not At All Important</b>
Parking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Traffic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Noise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5. James City County currently has a limitation on floor area of accessory apartments. The size of the accessory apartment cannot exceed 35 percent of the floor area of the dwelling. Do you feel this limitation is too restrictive or should be more restrictive?

	<b>Too Limiting</b>	<b>Appropriate Size Limitation</b>	<b>Should Be More Restrictive</b>
Floor area limitation at 35 percent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other considerations? \_\_\_\_\_

6. To your knowledge, are there covenants in your neighborhood that would restrict having an accessory apartment?

- Yes
- No
- Don't know

7. What other minimum standards are important to you regarding accessory apartments in James City County?

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8. What other input would you like to share as James City County considers this important question?

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9. Do you live in James City County? (Y/N) If yes, please provide the name of the subdivision where you live.

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Thank you for taking the time to complete this questionnaire. The results will be shared with the Policy Committee as they consider this important question.

Should you have further questions or additional comment, please contact Jennifer VanDyke, Planner, at 757-253-6882.

Questions	No. Respondent	Yes	No	Agree	Disagree	Don't Know	No Opinion / Not Sure	Strongly Agree	Strongly Disagree	Appropriate Size Limitations	Too Limiting	Should Be More Restrictive	Somewhat Important	Not at all Important	Very Important	% Yes	% No	% Agree	% Disagree	% Don't Know	% No Opinion	% Strongly Agree	% Strongly Disagree	% No Opinion	% Appropriate Size Limitations	% Too Limiting	% Should Be More Restrictive	% Somewhat Important	% Not at all Important	% Very Important	
1a.	28	21	7													75%	25%														
2	28	8	20													29%	71%														
3a	28			7	4		1	12	4									25%	14%	0%	4%	43%	14%	0%							
3b	28			10	3		4	7	4									36%	11%	0%	14%	25%	14%	0%							
3c	28			7	3		1	14	3									25%	11%	0%	4%	50%	11%	#REF!							
3d	28			9	7			4	8									32%	25%	0%	0%	14%	29%	#REF!							
Parking	28												8		20														29%	0%	71%
Traffic	28												8	4	16														29%	14%	57%
Noise	28												7	3	18														25%	11%	64%
Floor area limitation at 35%	27									15	9	3												56%	33%	11%					
6	28	11	11			6										39%	39%			21%											
9	26	26														93%	0%														

Total Number of Respondents: 28

# ACCESSORY APARTMENT SURVEY RESPONSE

2. Do you see a need or desire for accessory apartments in the community?

2a. If you answered "Yes" - please elaborate on the need or desire:

- Housing for in-laws who cannot afford to live on their own nor are eligible for government assistance.
- For some families, an in-law suite would be a viable alternative to housing in a senior/independent living complex.
- Accessory apartments increase affordable housing options, can allow seniors to "age in place", increase density to make more efficient use of public utilities and transportation. In a university community, as well, these can provide more housing options for students.
- The option for homeowners to have an accessory apartment should always be allowed.
- Many seniors would benefit from allowing accessory apartments. Accessory Apts. could allow them to live with their adult children, but retain some autonomy. In other cases, it would allow a senior to remain at home with a caregiver living in the accessory apartment; could also be a source of income for seniors. It's a way to increase the very limited stock of affordable workforce housing available for hospitality workers in the area as well as provide options for W&M students to live off campus.
- Just let people have the ability to make money by renting out these accessory apartments.
- Accessory apartments have a variety of uses from hosting elderly family members, allowing cost share/income to help cover high mortgage expenses, allowing college age students a safe, lower cost place to live, etc. They are always needed in any community.
- WM students are short of housing.
- Aging population wishing to remain independent while living near family or caretakers, grown children/divorced children moving back home, elderly/ill family members needing temporary care/living arrangements, creation of more affordable rental options for singles, creation of an additional income stream from a small apartment is a plus to homeowners in a bad economy, creation of more short term rental opportunities for people with temporary jobs, going thru divorce/separation, domestic abuse, between moves, etc. Purchasing a property with an ancillary apartment would increase property value. City of Williamsburg has always had such arrangements and it has seemed to work well for all parties.
- We wanted to build a detached garage with an apartment for guests on the second floor.
- In-Law apartments for their independence by close supervision for their safety and health.
- As an example, some older folks who desire to age in place need the help of their children to manage their affairs. But often both the elderly parents and the caregiver children want to live under separate roofs.
- It is desirable to allow property owners the option of accessory apartments for a variety of uses, some of which may involve providing living accommodations for unrelated individuals or families.
- As more intergenerational families live together, this kind of apartment is a must.
- Only for a family member who may need to live with you, an elderly parent or close family member or grown child that needs to live with you for an extended time.

- I think can be a need for one additional apt within a single family dwelling. Sometimes people need to care for family or rent a space for income. I do not agree with multiple apartments or rentals on a residential lot in a neighborhood of single family houses.
- For some families, an in-law suite would be a viable alternative to housing in a senior/independent living complex.



## ACCESSORY APARTMENT SURVEY RESPONSE

3a. James City County should consider allowing detached, accessory apartments. Comments:

- Some county residents have adequate property that is well suited to this offer.
- In the area I live in Powhatan Shores, Page Landing, Gatehouse Farms, Peleg's Point, there is only one road leading in and out. This area does not need more cars and people.
- I agree with this use for members of the owners' family. I do not agree with use as a rental property.
- As a Residential HOA president the approval of ordinance will be unmanageable for the local HOA as well as the county.
- The existing unit may not lend itself to subdivision internally or adding a structure onto an existing exterior wall.
- In our struggling economy it provides an added income for families to have a detached accessory apartment. This could be very important for adult children with grandchildren to have a place to live.
- The effect on quality of life must always be the principal consideration in county planning. Allowing accessory apartments would erode quality of life by substantially changing the character and nature of neighborhoods. Bad idea.
- Property assessments could be increased on those finished buildings. More money for the county.
- People own, care for, and pay taxes on their property. The county should not regulate every single thing homeowners do. It doesn't hurt anyone if we allow detached accessory apartments to be built; rather, it helps fill the need for them. Accessory apartments have so many benefits. I would like to be able to build an accessory apartment for my son who is going to college in 2 years. College prices are sending our kids into the work force in massive debt. He would be able to live at home, but have the freedom of his own place.
- Aging population wishing to remain independent while living near family or caretakers, grown children/divorced children moving back home, elderly/ill family members needing temporary care/living arrangements, creation of more affordable rental options for singles, creation of an additional income stream from a small apartment is a plus to homeowners in a bad economy, creation of more short term rental opportunities for people with temporary jobs, going through divorce/separation, domestic abuse, between moves, etc. Purchasing a property with an ancillary apartment would increase property value. City of Williamsburg has always had such arrangements and it has seemed to work well for all parties.
- In-Law apartments for their independence by close supervision for their safety and health.
- There is a need.
- A small apartment over a separate garage or workshop is acceptable. Again only on larger multi acre lots that I think this would be acceptable.
- Physical attachment to a residence or building should have no bearing on the right of a property owner to construct an accessory apartment.
- This is a really bad idea.<sup>3</sup>
- Covered this in above response.

- Accessory apartment might also provide opportunity for a family unable to rent housing through traditional means.
- It has potential to negatively change the character of a neighborhood.
- For reason supported above. Families will continue to burden the responsibilities to care for older adults/spouses within their home.
- This is a really bad idea.
- Dependent on the size of the lot. Only in very specific situations.
- To support and or supervise a family member while allowing them a greater degree of independence and privacy.
- I guess aesthetics would probably be the only thing I can think of.

## **ACCESSORY APARTMENT SURVEY RESPONSE**

3b. James City County should consider allowing accessory apartments attached by breezeway as opposed to substantially contained within the single-family dwelling. Comments:

- Not sure needs to be attached by a breeze way; I have seen situations where the accessory apartment would probably be above a detached garage or other building in close proximity to the main house/building. Also, how do you define a "breezeway"? Does that mean have to have a roof on the breezeway?
- In the area I live in Powhatan Shores, Page Landing, Gatehouse Farms, Peleg's Point, there is only one road leading in and out. This area does not need more cars and people.
- I think a breezeway could be a nice architectural feature, but is not significant in the shelter aspect of creating an accessory apartment.
- This would be a great compromise if allowing completely separate accessory apartments is off the table.
- Breezeway regulation is silly and likely prohibits many other good design options; ex: the logical location for an apartment might NOT be in close proximity to the house. Regulation should allow for apartments contained within the residence as well as separate from the home.
- That might be nice if you are using the apartment for an elderly parent to live with you.
- Still close enough for in-law protection.
- The County should have little regulation over the architectural solutions available to the property owner in developing a plan for an accessory apartment.
- More families are becoming tri-generational. By that I mean taking care of elder parents: Family with children and grandparents living together. Reviewing the demographics of our community should alert planners to the above average number of seniors presently in our community and the continued migration of seniors.
- With the assumption a family member is being taken care of, it is easier to do within a single building.
- I can just picture the lengths people will go to satisfy that requirement and it won't be pretty.

## ACCESSORY APARTMENT SURVEY RESPONSE

3c. James City County should limit the number of occupants allowed to live in an accessory apartment at any one time.

Comments:

- Same as current rules - 3 unrelated. Of course there has to be some definition of construction AND SIZING to permit this many people. You might want to add other criteria for RELATED folks such as a father, mother and two children under age 19 unless employed. Need to leave home sooner or later.
- 2
- 2
- 2
- Two adults and two children.
- No more than 3, the size of a small family.
- I do not believe accessory apartments should be allowed. If they are allowed, however, occupancy should be limited to no more than two (2) people.
- This question needs clarification. I could say yes if the home is build close to other homes, but no if it is located on over an acre. My overall answer is no, we should not limit the number of occupants.
- Depends on size of apartment.
- Perhaps 2 to 4 depending on the size of the apartment.
- 2 or 1 per bedroom if unrelated.
- Number is not relevant, either a caregiver or a family of whatever size that acts as caregiver.
- The familial relationship between occupants should have some bearing; however, some property owners may have a need for multiple attendants who are unrelated. The limitation of floor area of the accessory apartment based on the area of the principle residence effectively sets an occupant limitation.
- If you allow accessory apartments put aside lots of money for increased police services.
- It could be 6, but there should be the option for adjustment. For example: If families with more than 2 children want to take care of an elder parent (s), they should be able to.
- I think 3 for unrelated persons, 4 for related persons.
- 2 people.
- The number should reflect the same state requirement of three before applying for a certificate of need.
- 2.
- Not more than 2 adults or 1 adult and 2 preteen children.

## ACCESSORY APARTMENT SURVEY RESPONSE

3d. Detached accessory apartments that are not substantially contained within the single-family dwelling will negatively impact the character of the neighborhood. Comments:

- Prospective rules can define specific requirements that are favorable to a developing community. However for those communities already in place, these may require some fine tuning, especially if they do not have a neighborhood HOA with very specific covenants, rules, and regulations in place now.
- Most lots are not large enough to accommodate a detached structure.
- This is a perception which is not substantiated by good design. We are not talking about putting the structure in the front yard. Many properties have sheds or garages at the back which are not considered negative impacts.
- As long as there is no criminal activity or squalor associated with the accessory apartment there should be no negative impact.
- If this is a concern, design standards could be used to ensure the accessory apartment fits into the neighborhood.
- As I previously stated, accessory apartments will dramatically change the character and nature of neighborhoods.
- This is done all the time in much larger cities and localities. Even the city of Williamsburg has this. James City County will someday be a very large city and we should plan to give people the opportunity to live in the county even if only on a rental basis.
- Honestly, that is a ridiculous statement. They aren't any different than a large work shed.
- If done tastefully and with common sense it should increase the property value of a home.
- It should have to be approved by an JCC ARB so that it is well done and fits the character of the neighborhood.
- Countless homes have outbuildings that do not detract from the neighborhood. We are talking about use of structure, not accessory structures as they are nearly universally permitted.
- Depending on the lot size.
- The provision to allow a detached accessory apartment (where an "attached" accessory apartment is currently permitted) would have no significant effect on the neighborhood character. The subdivision of the principle residence into individual units, or the permitting of "congregate living" units in the principle residence would. The essential term is "accessory" apartment. Assuming the accessory apartment is truly accessory to the main residence, attached or detached would be irrelevant.
- I would agree if the units were poorly constructed and poorly taken care of. If they are nicely built and nicely taken care of then I would disagree.
- Again, it depends on the size and location of the lot and the siting of the apartment.
- The number of such apartments within any neighborhood should be limited to less than 20% of the total homes and should be issued on a first come first serve basis and equally distributed across the development.

## **ACCESSORY APARTMENT SURVEY RESPONSE**

7. What other minimum standards are important to you regarding accessory apartments in James City County?

- Any proposed language needs to include specific reference to existing HOA covenants and rules are superior in enforcement to the James City County code. I do not want our HOA having to spend legal fees to dispute any homeowner argument saying "JCC code allows it so I don't have to follow the HOA rules."
- If apartments are built, then I believe public transportation should be extended.
- Lot size.
- 1 level structure.
- Exterior design & finish consistent with the "host" structure.
- Those dwelling in accessory apartments should be required to park in the driveway. There should be a limit on the number of vehicles there at any given time.
- Require design standards so fit into the neighborhood.
- If allowed, accessory apartment dwellers should be required to pay a special county tax and provide proof that they have adequate means of disposing of trash.
- Architectural standards, size of unit, number of residents, parking.
- Must stay within setbacks.
- Don't allow it!!
- Quality of building, how it is maintained, internally as well as externally. Owners and occupants should have mutual responsibility for upkeep. Number of people who live in the apartment is important, but not the only factor. Standards and cleanliness, etc. is very important. Are there Inspectors to monitor?? Should have adequate parking,
- One bedroom only with maximum of 2 people. Should be attached to or inside the home vs. detached.
- Identifying who will be living in them. The need should be to allow families to accommodate their older adults.
- Must have a handicap accessible bathroom, must have a partial kitchen, must incorporate universal design standards.
- Should have separate electric, gas, and water meters. No wood burning stoves or fireplaces.
- I think the multiple dwellings grandfathered in in Indigo Park have degraded the neighborhood. There are rental houses with multiple tenants that are not taken care of on Cooley. It is frustrating that older neighborhoods with no HOA's have no protection in keeping up the neighborhood.

## ACCESSORY APARTMENT SURVEY RESPONSE

8. What other input would you like to share as James City County considers this important question?

- I would suggest that an accessory apartment only be occupied by adult relatives of the property owners.
- Twenty-one percent of James City County's population is 65 or older, and is also a destination for retirees. As the baby-boom generation ages, their desire to remain in their homes, to supplement incomes impacted by inflation will increase. Accessory apartments are one way of addressing this challenge.
- Those dwelling in accessory apartments should not be allowed to create any type of public nuisance.
- This is a great opportunity to help seniors remain living in the community, as well as a way to increase the amount of affordable workforce housing for people working in low paying hospitality jobs.
- I love this idea of an online survey to get citizens' input! Many cannot be at the county meetings, but appreciate an opportunity to have their voices heard. Thank you!
- If size of the lot is large enough noise, parking and traffic should not be an issue.
- Accessory apartments offer property owners a variety of benefits but should not be a means for evildoers to circumvent zoning to build multi-family developments where otherwise restricted, including creating densities that would otherwise be prohibited. The current requirement of attachment to the principle dwelling seems too restrictive, maintaining a small relative size to the principle dwelling seems prudent, and revising the zoning ordinance to allow for detached apartments of a similar size as is currently permitted is reasonable and would not represent creating an increased level of density not already permitted.
- I have seen other communities destroyed by this exact thing. Criminals love these as hideouts.
- Quality of building, how it is maintained, internally as well as externally. Owners and occupants should have mutual responsibility for upkeep. Number of people who live in the apartment is important, but not the only factor. Standards and cleanliness, etc. is very important. Are there Inspectors to monitor?? Should have adequate parking.
- There is great need for flexible housing options in JCC. Accessory apartments is one. They provide opportunities for sharing the cost of housing will assist with seniors staying in their homes longer, help those unable to afford market apartment rates.
- I think accessory apartments should be limited to family, medical caretakers or employees of the property owner and not open to the public to rent.
- The initial building permit should require the unit be built to support a family member or full time caregiver. After that person leaves, I'm not sure how to regulate the apartments.
- Don't.
- These apartments should not be used as a rental to non-family members and should not be used.

## **ACCESSORY APARTMENT SURVEY RESPONSE**

9. Do you live in James City County? (Y/N) If yes, please provide the name of the subdivision where you live.

- Stonehouse
- yes Hickory Sign Post Road
- Yes, Gatehouse Farms
- Yes in Adams Hunt
- Yes
- Yes. Fords colony
- yes, sycamore landing
- Yes, Braemar Creek
- Y Fenwick Hills
- Yes, Poplar Hall Plantation
- Yes Rolling Woods. We restrict detached apartments but have several attached.
- Peleg's Point
- Yes; Indigo Park
- Yes, New Town Residential Association. I serve on the NTRA Residential Advisory Board.
- Yes Powhatan secondary
- Y - Monticello Woods
- Yes, White Hall
- Yes. Great Woods.
- Yes. Rolling Woods.
- Y, Indigo Park
- Yes, Ford's Colony
- Yes... Great Woods/Sand Hill
- Yes. Kingswood
- Peleg's Point
- Yes. Rural area Not a neighborhood.
- Yes



## ACCESSORY APARTMENT SURVEY RESPONSE

Are there any other Considerations?

- But again you need some type of specific limitations. For example, a 4000 square foot home would mean 1400 square feet which is decent size and could accommodate a large group of people. Use 35% but not to exceed \_\_\_\_\_ square feet.
- I would be more comfortable with "not to exceed" square footage for the unit. 35% of a 1500 SF house would be 525 -- pretty tiny.
- 50%
- Size of apartment should be based on size of the home AND/OR the size of the property.
- Should not happen. There are tons of empty apartments in the area already.
- Once again, it should be a quality plan that fits within the architecture and the need.
- Should not happen. There are tons of empty apartments in the area already.
- I would be more comfortable with "not to exceed" square footage for the unit. 35% of a 1500 SF house would be 525 -- pretty tiny.
- When people are going to that much expense, they often will want to add storage, hobby, or garage space in the construction. Would the 35% apply only to the apartment portion??? If so, then it is OK.
- But again you need some type of specific limitations. For example, a 4000 square foot home would mean 1400 square feet which is decent size and could accommodate a large group of people. Use 35% but not to exceed \_\_\_\_\_ square feet.
- Size of apartment should be based on size of the home AND/OR the size of the property.

**Chapter 24**

**ARTICLE II. SPECIAL REGULATIONS**

**DIVISION 1. IN GENERAL**

**Sec. 24-47. Keeping of chickens in residentially –zoned areas**

Keeping and housing domestic chickens on residentially-zoned and occupied property shall be solely for purpose of household consumption and shall comply with the following requirements:

- (a) Chickens allowed pursuant to this section shall be kept and raised only for domestic purposes. No commercial activity, such as selling eggs or selling chickens for meat shall be allowed.
- (b) Chickens may be kept on lots consisting of one (1) acre in size or more. The maximum number of chickens permitted on a residential lot shall be eight (8) for the first acre, and one (1) more for each additional 5,000 square feet of lot area thereof. The total number is not to exceed a maximum of twelve (12) hens.
- (c) Chickens shall only be allowed on properties consisting of single family homes.
- (d) No roosters shall be allowed.
- (e) Pens, coops, or cages shall only be located in the rear yard area of the property.
- (f) All pens, coops, or cages shall be situated at least five (5) feet from adjoining property lines and twenty-five (25) feet from any dwelling other than that owned by the applicant.
- (g) All chickens shall be provided with a covered and enclosed shelter. Such structures shall be enclosed on all sides and shall have a roof and at least one access door. Coops shall provide at least 3 square feet of area per bird for free movement and a healthy environment.
- (h) The property owner shall file an application with the James City County zoning enforcement division. The application shall include a sketch showing the area where the chickens will be housed and the types and sizes of enclosures in which the chickens shall be housed. The sketch must show all relevant dimensions and setbacks on the property. Any permit that is found in violation or not in compliance with this section may be revoked.

**ARTICLE V. DISTRICTS**

**DIVISION 3. LIMITED RESIDENTIAL DISTRICT, R-1**

**Sec. 24-232. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Keeping of chickens in accordance with Section 24-47	P	

**Chapter 24**

**ARTICLE II. SPECIAL REGULATIONS**

**DIVISION 1. IN GENERAL**

**Sec. 24-47. Keeping of chickens in residentially-zoned areas**

Keeping and housing domestic chickens on residentially-zoned and occupied property shall be solely for purposes of household consumption and shall comply with the following requirements:

- (a) Chickens allowed pursuant to this section shall be kept and raised only for domestic purposes. No commercial activity, such as selling eggs or selling chickens for meat shall be allowed.
- (b) The maximum number of chickens permitted on a residential lot shall be two (2) hens per the first 5,000 square feet of lot area, and one more for each additional 5,000 square feet of total lot area thereof. The total number of birds is not to exceed a maximum of twelve (12) hens.
- (c) Chickens shall only be allowed on properties consisting of single family homes and which are on lots of at least 15,000 square feet in size.
- (d) No roosters shall be allowed.
- (e) Pens, coops, or cages shall only be located in the rear yard area of the property.
- (f) All pens, coops, or cages shall be situated at least five (5) feet from adjoining property lines and twenty-five (25) feet from any dwelling other than that owned by the applicant.
- (g) All chickens shall be provided with a covered and enclosed shelter. Such structures shall be enclosed on all sides and shall have a roof and at least one access door. Coops shall provide at least 3 square feet of area per bird for free movement and a healthy environment.
- (h) The property owner shall file an application with the James City County zoning enforcement division. Such application shall be accompanied by a \$20.00 processing fee. The application shall include a sketch showing the area where the chickens will be housed and the types and sizes of enclosures in which the chickens shall be housed. The sketch must show all relevant dimensions and setbacks on the property. Any permit that is found in violation or not in compliance with this section may be revoked.

**ARTICLE V. DISTRICTS**

**DIVISION 3. LIMITED RESIDENTIAL DISTRICT, R-1**

**Sec. 24-232. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Keeping of chickens in accordance with Section 24-47	P	

## Chapter 24

### ZONING

#### Article I. In General

##### Sec. 24-2. Definitions.

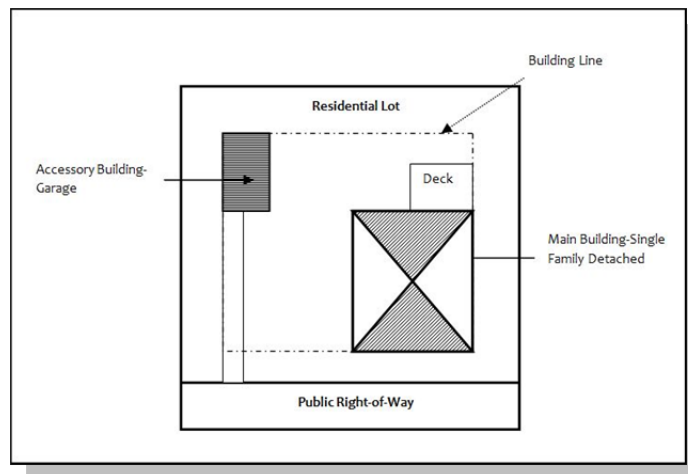
For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

##### A

*Accessory apartment, attached.* A separate, complete housekeeping unit that is substantially contained within the structure of, and clearly secondary to, a single-family dwelling. The accessory apartment may not occupy more than 35 percent of the floor area of the dwelling and shall be in accordance with section 24-32.

*Accessory apartment, detached.* A separate, complete housekeeping unit that is incidental to and located on the same lot occupied by a single-family dwelling. The detached, accessory apartment may not occupy more than 50 percent of the floor area of the accessory structure and shall be in accordance with section 24-32.

*Accessory building or structure.* A subordinate building or structure customarily incidental to and located upon the same lot occupied by the main use or building. *With the exception of detached accessory apartments, as may be approved by a special use permit, No* such accessory building or structure shall be used for housekeeping purposes. Garages or other accessory structures such as carports, porches, decks and stoops attached to the main building shall be considered part of the main building. Accessory buildings and structures located ten feet or less from a main structure shall be considered part of the main structure for the purpose of determining side and rear yards. (Refer to the definition of “structure.”)



**D**

*Dwelling unit.* One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen. *For purposes of this ordinance, attached and detached accessory apartments shall not be considered dwelling units.*

**ARTICLE II. SPECIAL REGULATIONS**

DIVISION 1. IN GENERAL

**Sec. 24-32. Special requirements for accessory apartments.**

*a. Attached* Accessory apartments shall comply with the following requirements:

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

*b. Detached, accessory apartments - where approved, shall comply with the following requirements.*

- (1) Only one accessory apartment shall be created per lot.*
- (2) The accessory apartment may not occupy more than 50 percent of the floor area of the accessory structure and shall meet all setback, yard and height regulations applicable to accessory structures in the zoning district in which it is located.*
- (3) The accessory apartment shall not exceed 400 square feet in size and shall be placed within the rear yard.*
- (4) The property owner or an immediate family member shall reside in either the single-family dwelling or the accessory apartment.*
- (5) Approval from the Health Department shall be required where the property is served by an individual well and/or sewer disposal system.*
- (6) The accessory structure shall be so designed such that the size and scale of the structure is compatible with surrounding structures.*
- (7) Off-street parking shall be required in accordance with section 24-54 of this chapter.*

## ARTICLE V. DISTRICTS

### DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

#### Sec. 24-212. Permitted uses.

In the General Agricultural District, A-1, structures to be erected or land to be used shall be for the following uses:

Accessory apartments, *attached*, in accordance with section 24-32.

Accessory buildings and structures.

Accessory uses, as defined herein.

Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.

Farmers' markets, limited in area to 2,500 square feet.

General agriculture, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.

Greenhouses, commercial.

Home occupations, as defined herein.

Horse and pony farms (including the raising and keeping of horses), riding stables.

House museums.

Houses of worship and cemeteries accessory hereto.

Intensive agriculture as herein defined.

Manufactured homes that are on a permanent foundation.

Nurseries.

Off-street parking as required by section 24-54.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Rest homes for fewer than 15 adults.

Retreat facilities.

Single-family detached dwellings.

Slaughter of animals for personal use but not for commercial purposes.

Storage and repair of heavy equipment as an accessory use to a farm.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.

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

**Sec. 24-213. Uses permitted by special use permit only.**

In the General Agricultural District, A-1, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter.

*Accessory apartment, detached, in accordance with section 24-32.*

Adult day care centers.

Airports and landing fields, heliports or helistops and accessory uses.

Animal hospitals, veterinary offices and kennels.

Automobile graveyards.

Automobile repair and service.

Automobile service stations; if fuel is sold, then in accordance with section 24-38.

Beauty and barber shops.

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.

Communication towers over 35 feet in height.

Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).

Contractors' warehouses, sheds and offices.

Convenience stores; if fuel is sold, then in accordance with section 24-38.

Day care and child care centers.

Dinner theaters and dance halls as an accessory use to a restaurant or tavern.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled or other developmentally disabled persons, for more than five such persons.

Farm equipment sales and service.

Farmers' markets over 2,500 square feet in area.

Feed, seed and farm supplies.

Fire stations, rescue squad stations, volunteer or otherwise.

Fish farming and aquaculture.

Flea markets, temporary or seasonal.

Food processing and storage.

Gift shops and antique shops.

Golf courses and country clubs.

Group quarters for agricultural workers.

Home care facilities.

Horse racing tracks.

Horse show areas, polo fields.



Hospitals and nursing homes.

Hunting preserve or club, rifle or pistol range, trap or skeet shooting.

Lodges, civic clubs, fraternal organizations or service clubs.

Lumber and building supply stores.

Manufacture and sale of wood products.

Manufactured home parks in accordance with the special provisions of article IV.

Medical clinics.

Petroleum storage, other than on a farm for farm use or accessory for a residence.

Post offices and public buildings generally.

Professional offices of not more than 2,000 square feet with no more than one office per lot.

Race tracks for animals or vehicles, including racing courses for power boats.

Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Rental of rooms to a maximum of three rooms.

Rest homes for 15 or more adults.

Restaurants, taverns.

Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.

Retail sales of plant and garden supplies.

Retail shops associated with community recreation facilities.

Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions, public or private.

Seminaries.

Slaughterhouses.

Solid waste transfer stations.

Storage and repair of heavy equipment.

Storage, stockpiling and distribution of sand, gravel and crushed stone.

Telephone exchanges and telephone switching stations.

Tourist homes.

Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Two-family dwellings.

Upholstery shops.

Utility substations.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.

Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.

Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.

Wayside stands for sale of agricultural products over 500 square feet in area.

**ARTICLE V. DISTRICTS**

**DIVISION 3. LIMITED RESIDENTIAL DISTRICT, R-1**

**Sec. 24-232. Use list.**

In the Limited Residential District, R-1, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, <i>attached</i> , in accordance with section 24-32.	<i>P</i>	<del>SUP</del>
	<i>Accessory apartment, detached, in accordance with section 24-32.</i>		<del>SUP</del>
	Accessory buildings or structures as defined	P	
	Group home or residential facility, for eight or fewer adults	P	
	Single-family detached dwellings contained within cluster development in accordance with article VI, division 1 of this chapter		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-233(a)	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre in accordance with section 24-233(b)		SUP

**ARTICLE V. DISTRICTS**

**DIVISION 4. GENERAL RESIDENTIAL DISTRICT, R-2**

**Sec. 24-252. Use list.**

In the General Residential District, R-2, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, <i>attached</i> , in accordance with section 24-32.	P	
	<i>Accessory apartment, detached, in accordance with section 24-32.</i>		SUP
	Accessory buildings or structures as defined	P	
	Group home or residential facilities, for eight or fewer adults	P	
	Multifamily dwellings of between five and eight units, contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including four units, with a maximum gross density of one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter	P	
	Multifamily dwellings, up to and including four units, with a maximum gross density of more than one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including two units, in accordance with section 24-260		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre, either <ul style="list-style-type: none"> <li>● in accordance with section 24-253(a), or</li> <li>● contained within residential cluster development in accordance with article VI, division 1 of this chapter</li> </ul>	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre, either <ul style="list-style-type: none"> <li>● in accordance with section 24-253(b), or</li> <li>● contained within residential cluster development in accordance with article VI, division 1 of this chapter</li> </ul>		SUP

ARTICLE V. DISTRICTS  
DIVISION 4.1. RESIDENTIAL REDEVELOPMENT DISTRICT, R-3

**Sec. 24-273.2. Use list.**

In the Residential Redevelopment District, R-3, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory buildings or structures as defined	P	
	Accessory apartments, <i>attached</i> , in accordance with section 24-32.	P	
	<del>Accessory apartment, detached, in accordance with section 24-32.</del>		<u>SUP</u>
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Independent living facilities		SUP
	Multifamily dwellings up to and including four units	P	
	Multifamily dwellings greater than four units	P	
	Single-family dwellings	P	

DIVISION 5. RESIDENTIAL PLANNED COMMUNITY  
DISTRICT, R-4

**Sec. 24-281. Use list.**

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory buildings or structures, as defined	P	
	Accessory apartments, <i>attached</i> , in accordance with section 24-32.	P	
	<i>Accessory apartment, detached, in accordance with section 24-32 and located in an area designated as "A" on the approved master plan.</i>		<i>SUP</i>
	Apartments	P	
	Group homes or residential facilities for eight or fewer adults	P	
	Group homes or residential facilities for nine or more adults		SUP
	Independent living facilities		SUP
	Multi-family dwellings (up to and including four dwelling units)	P	
	Multi-family dwellings (more than four dwelling units)	P	
	Single-family dwellings	P	

## ARTICLE V. DISTRICTS

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

#### Sec. 24-328. Permitted uses.

In the Low-Density Residential, R-6, structures to be erected or land to be used shall be for the following uses:

*Accessory apartments, attached, in accordance with section 24-32.*

Accessory buildings or structures as defined.

Agriculture, including land and buildings for accessory uses, such as forestry, farming, the raising of livestock, excluding hogs, and other agricultural pursuits.

Boat docks.

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities.

Home occupations as defined.

Horse or pony farms (including the raising and keeping of horses), riding stables or horse show areas.

Houses of worship.

Off-street parking, as required by section 24-54.

Preserves, conservation areas or hunting clubs.

Retail shops associated with community recreation facilities.

Schools, libraries and fire stations.

Single-family dwellings.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.

Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities.

**Sec. 24-329. Uses permitted by special use permit only.**

In the Low-Density Residential, R-6, buildings to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

~~Accessory apartments in accord with section 24-32.~~

*Accessory apartment, detached, in accordance with section 24-32.*

Adult day care centers.

Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities.

Cemeteries and memorial parks.

Day care and child care centers.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Golf courses, county clubs.

Home care facilities.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Rental of rooms to a maximum of three rooms.

Telephone exchanges and telephone switching stations.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution



lines and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit.

Water impoundments, new or expansion of, of 50 acres or more or with dam heights of 25 feet or more.

## ARTICLE V. DISTRICTS

### DIVISION 8. RURAL RESIDENTIAL DISTRICT, R-8

#### Sec. 24-348. Permitted uses.

In the Rural Residential District, R-8, structures to be erected or land to be used shall be for the following uses:

Accessory apartments, *attached*, in accordance with section 24-32.

Accessory buildings and structures.

Accessory uses, as defined herein.

Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.

Farmers' markets, limited in area to 2,500 square feet.

General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Home occupations, as defined herein.

Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.

House museums.

Nurseries.

Off-street parking as required by section 24-54.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Rest homes for fewer than 15 adults.

Site-built single-family detached dwellings and modular homes.

Slaughter of animals for personal use but not for commercial purposes.

Storage and repair of heavy equipment as accessory use to a farm.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.

Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities.

**Sec. 24-349. Uses permitted by special use permit only.**

In the Rural Residential District, R-8, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:

*Accessory apartment, detached, in accordance with section 24-32.*

Adult day care centers.

Airports and landing fields, helistops or heliports and accessory uses.

Barber and beauty shops.

Business, governmental, and professional offices.

Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities.

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Child day care centers.

Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.

Communication towers over 35 feet in height.

Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities, but not those approved as a part of a planned unit development.

Convenience stores; if fuel is sold, then in accordance with section 24-38.

Drug stores.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a special use permit).

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled, or other developmentally disabled persons for more than five such persons.

Farm equipment sales and service establishments.

Farmers' markets over 2,500 square feet.

Feed, seed and farm supplies.

Fire stations or rescue squad stations, volunteer or otherwise.

Fish farming and aquaculture.

Flea markets, temporary or seasonal.

Food processing and storage, but not the slaughter of animals.

Food processing and storage in a residence.

Gift shops, antique shops.

Golf courses and country clubs.

Greenhouses, commercial.

Group quarters for agricultural workers.

Home care facilities.

Horse and pony farms with 50 or more animals.

Horse show areas, polo fields.

Hospitals.

Hotels and motels.

Houses of worship and cemeteries accessory thereto.

Hunting clubs.

Kennels.

Lodges, civic clubs, fraternal organizations, and service clubs.

Manufacture and sale of wood products.

Manufactured home parks.

Manufactured homes in accordance with section 24-107 and section 24-108 not located within the primary service area.

Medical clinics or offices.

Neighborhood Resource Centers.

Nursing homes and facilities for the residence and/or care of the aged.

Photography, artist and sculptor studios.

Photography sales and arts and crafts shops.

Post offices and public buildings generally.

Radio and television stations or towers.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Raising of hogs.

Rental of rooms to a maximum of three rooms.

Rest homes for 15 or more adults.

Restaurants, taverns.

Retail shops associated with community recreation facilities.

Retreat facilities.

Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions.

Seminaries.

Telephone exchanges and telephone switching stations.

Tourist homes.

Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Two-family dwellings.

Utility substations.

Veterinary hospitals.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

- (a) private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;
- (b) distribution lines and local facilities within a development, including pump stations.

Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.

Wayside stands for sale of agricultural products over 500 square feet in area.

Yacht clubs and marinas and commercial and service facilities accessory thereto.

**ARTICLE V. DISTRICTS**

DIVISION 14. PLANNED UNIT DEVELOPMENT DISTRICTS, PUD

**Sec. 24-493. Use list.**

- (a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory buildings or structures, as defined	P	
	Accessory apartments, <i>attached</i> , in accordance with section 24-32.	P	
	<i>Accessory apartment, detached, in accordance with section 24-32 and located in an area designated for detached, single-family units.</i>		<i>SUP</i>
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Home occupations, as defined	P	
	Independent living facilities	P	
	Multi-family dwellings up to and including four dwellings	P	
	Multi-family dwellings more than four dwellings	P	
	Single-family dwellings	P	

**ARTICLE V. DISTRICTS**

DIVISION 15. MIXED USE, MU

**Sec. 24-518. Use list.**

In the mixed use districts, all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory structures, as defined in section 24-2	P	
	Accessory apartments, <i>attached</i> , in accordance with section 24-32.	P	
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Group quarters	P	
	Home care facilities	P	
	Home occupations, as defined	P	
	Independent living facilities	P	
	Multi-family dwellings up to and including four dwelling units	P	
	Multi-family dwellings more than four dwelling units	P	
	Single-family dwellings	P	



# Assessment of Rural Economic Activity in James City County

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## Profile of the Current Rural Economy

The rural economy of James City County includes all economic activity that is either directly or indirectly related to the use of the county's rural lands and open spaces. This includes: all agricultural activities, including crop production and animal production; all forestry and logging activities; food and beverage manufacturing that relies on local inputs; some tourism activities, including agritourism, automobile and bicycle touring, and historical/heritage tourism; and some food and dining activity.

Since there is no single source of information about the rural economy, data on the rural economy are drawn from a variety of federal, state, and local sources. While some data are reported at the county level, other information is only reported for the aggregated economy of James City County and the City of Williamsburg, or even at the regional level. With these caveats in mind, the following information represents the best available understanding of James City's rural economy.

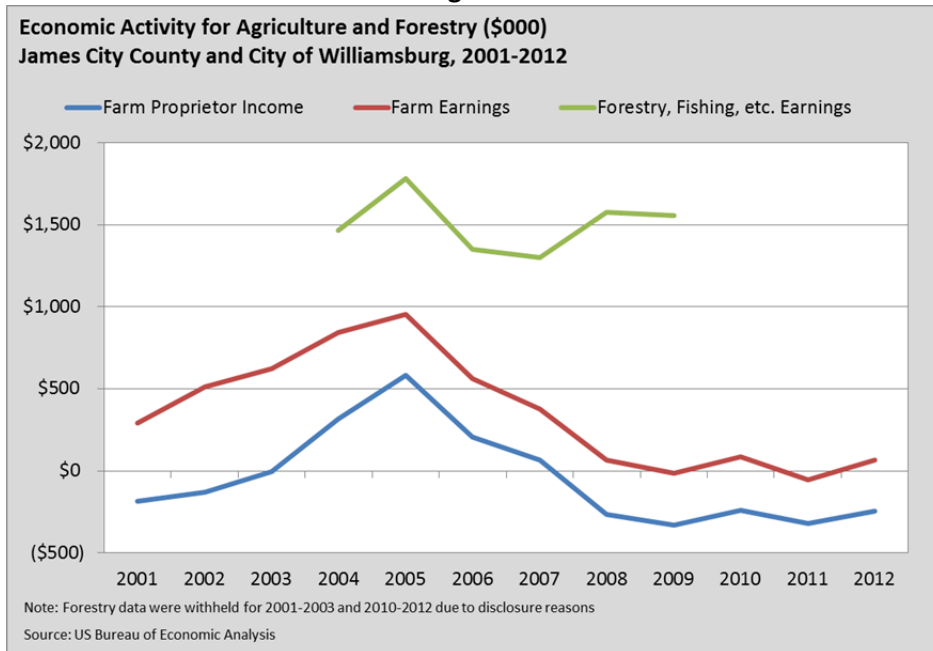
## Economic Activity

In terms of economic productivity, the rural economy represents a very small share of the combined economy of James City County and the City of Williamsburg (The U.S. Bureau of Economic Analysis [BEA] only reports combined data for the two jurisdictions). In 2012, businesses located in James City and Williamsburg generated a total of \$2.28 billion in at-place earnings<sup>1</sup>. Of this amount, just \$66,000 was paid to workers on farms, and farm proprietors actually reported a net loss of \$245,000 for the year, so agriculture did not technically account for any of the county's economic activity in 2012. Earnings for forestry, fishing and related activities were last reported in 2009, due to disclosure standards by the U.S. Bureau of Economic Analysis (BEA). At that time, this industry sector generated \$1.6 million in at-place earnings, representing less than 0.1 percent of the overall local economy.

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<sup>1</sup> Bureau of Economic Analysis (BEA), Table CA-05, Personal income by major source

**Figure 1**



The limited influence of rural economic activity in the area has been consistent over the past 10-plus years (Figure 1). Farming activity in the area resulted in negative income each year between 2008 and 2012. Even during its most positive of years (2005) farming activity only generated \$1.5 million in economic activity, accounting for less than 0.1 percent of local economy's total economic output.. While forestry, fishing and related activities have consistently produced between \$1.3 and \$1.8 million in annual economic activity, this sector has not accounted for more than 0.1 percent of the local economy in any year since 2001.

### Employment and Earnings

The agriculture, forestry, fishing, and hunting industries are currently a very minor source of payroll employment in James City County. There are currently<sup>2</sup> six establishments in these industries in the county, employing just 38 people—this does not include sole and/or part-time proprietors. There is also limited employment in the county in the other primary rural sectors. The food manufacturing and furniture and related products sectors together represent eight establishments with 131 employees. Together, these industries account for 169 jobs, representing 0.6 percent of the 26,991 total jobs in James City County.

Earnings in rural sectors are somewhat lower than average earnings for all jobs in the county, but much lower for agriculture, forestry, fishing, and hunting, which have an average annual pay rate of \$18,969. The rural manufacturing industries have better average annual pay: \$30,397 for food manufacturing and \$34,317 for furniture and related products manufacturing.

<sup>2</sup> These figures are from 2009, the last year for which data were reported, due to disclosure standards by the Bureau of Labor Statistics (BLS).

**Table 1: Employment by Selected Industry Groups, James City County, 2012**

Industry	Establishments	Jobs	Avg Annual Pay
Agriculture, Forestry, Fishing and Hunting*	6	38	\$18,969
Food Manufacturing*	3	60	\$30,397
Furniture and Related Product Mfg.	5	71	\$34,317
<i>Subtotal: Rural industries</i>	<i>14</i>	<i>169</i>	<i>\$29,474</i>
Grocery Stores	12	676	\$21,463
Specialty Food Stores	8	70	\$11,665
Accommodation	23	578	\$25,724
Food Services and Drinking Places	107	2,420	\$17,719
<i>Subtotal: Food Service &amp; Tourism industries</i>	<i>150</i>	<i>3,744</i>	<i>\$20,848</i>
All Other Industries	1,527	23,078	\$37,146
<b>Total: All Industries</b>	<b>1,691</b>	<b>26,991</b>	<b>\$34,653</b>

\*Note: Jobs and pay data are from 2009 for these categories, as more recent data have been withheld.

Source: Bureau of Labor Statistics

The food service and tourism industries, which are somewhat related to the rural economy, employ a total of 3,744 people in 150 establishments. These sectors account for about 14 percent of all jobs in the county, but have very low wages relative to other sectors. The average annual pay for these jobs is \$20,848, with even lower wages for specialty food store (\$11,665) and food services & drinking places (\$17,719).

## Real Estate Market

Most of the residential real estate market activity in James City County is for developed properties. Between January 2000 and November 2010, there were 11,888 sales of residential properties in the county, compared with just 1,723 sales of undeveloped residential land. The median price of undeveloped land increased by 125 percent during this period, double the 62 percent increase in the median sale price of residential properties (Table 2). As of 2010, the most recent year for which data were provided, the median sale price of undeveloped properties was \$135,000, compared with \$297,500 for developed properties.

**Table 2: Median Sale Price for Residential Properties and Land in JCC, 2001-2010**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010*	Change	% Chg
<b>Residential</b>													
Sales	813	1,099	1,223	1,267	1,317	1,465	1,358	1,103	791	792	660	(153)	-19%
Median Price	\$184,000	\$186,330	\$196,010	\$229,900	\$275,000	\$331,665	\$345,724	\$331,500	\$320,000	\$291,365	\$297,500	\$113,500	62%
<b>Land</b>													
Sales	179	198	220	220	299	270	134	58	41	43	61	(118)	-66%
Median Price	\$60,000	\$58,000	\$71,750	\$71,000	\$90,000	\$125,000	\$155,000	\$175,000	\$155,000	\$110,000	\$135,000	\$75,000	125%

\*Through November 2010

Source: Hampton Roads Multiple Listing Service

According to Simerlein Appraisals, there were 43 sales of undeveloped rural land in the local market area, which includes James City County and Upper York County<sup>3</sup>. Of these, 18 were of tracts that were 80 acres or larger and 25 were of smaller tracts, with a median size of 38.10 acres. The overall median

<sup>3</sup> Upper York County includes all areas of York County north of Yorktown Road, as shown on Figure 4.

price of these sales was \$430,000, or \$9,999 per acre. Smaller tracts sold for a median price of \$13,166 per acre, compared with \$7,027 for the larger tracts. Among these sales the most valuable properties on a per-acre basis sold for about \$20,000-40,000 per acre. These sites had already been subdivided and/or rezoned for residential uses or had developed communications towers on-site. Sites in more remote areas with little subdivision potential typically sold for less than \$10,000 per acre.

**Table 3: Rural Land Sales in James City County and Upper York County, 2004-2013**

	Sales	Median Values		
		Price	Acreage	Price/Acre
Large Sales (80+ Acres)	18	\$1,027,500	104.18	\$7,027
Small Sales (<80 Acres)	25	\$290,000	25.71	\$13,166
All Sales	43	\$430,000	38.10	\$9,999

Source: Simerlein Appraisals, Ltd.

### Farming Activity

The U.S. Department of Agriculture’s Census of Agriculture documented a total of 74 farms in James City County as of 2007 (results from the 2012 Census are not expected until later in 2014). Most of these farms were very small: the median size was 23 acres, less than one-quarter were larger than 100 acres, and just one was in excess of 500 acres. The total inventory of farms was split roughly evenly between crops (47 percent) and animal production (53 percent). The largest individual categories of farming activity were for other animal production (including equine), beef cattle ranching, and fruit and tree nut production (including wine grapes).

**Table 4: Profile of Farm Operations in James City County, 2007**

	Count	% of Total
<b>Total Operations</b>	74	
Mean Acres per Farm	79	
Median Acres per Farm	23	
<b>Operations by Acreage</b>		
Less than 10	10	13.5%
10.0-49.9	40	54.1%
50.0-99.9	6	8.1%
100.0-499.9	17	23.0%
500 or More	1	1.4%
<b>Operations by NAICS Code</b>		
1111: Oilseed and Grain	2	2.7%
1112: Vegetable and Melon	9	12.2%
1113: Fruit and Tree Nut	11	14.9%
1114: Greenhouse, Nursery, Floriculture	4	5.4%
1119: Other Crops	9	12.2%
<i>Subtotal: Crop Production</i>	35	47.3%
112111: Beef Cattle Ranching & Farming	14	18.9%
11212: Dairy Cattle & Milk	6	8.1%
1123: Poultry & Egg	2	2.7%
1129: Other Animal Production*	17	23.0%
<i>Subtotal: Animal Production</i>	39	52.7%

\*Includes Aquaculture, Apiculture, Horses/Equine, and All Other Animals

Source: Census of Agriculture, 2007

As a note, the Census of Agriculture data do not report equine and equestrian activities as a separate category; instead, these operations are counted as part of “other animal production.” Data on economic activity in horse-related industries were generated in a recent study by the University of Virginia.<sup>4</sup> This report estimated that the total impacts of equine industries in James City and Williamsburg were 78 jobs and \$3.78 million in annual economic activity. These figures include all direct, indirect, and induced impacts, though, so the actual amounts of horse-related jobs and economic output in the county are somewhat lower.

Farmers in James City County tend to be part-timers: 54 percent of farm operators work elsewhere more than 200 days per year, compared with Virginia metro area, state and national averages of about 40 percent. Additionally, 69 percent of farms in the county generate less than \$10,000 in annual sales. James City farmers are also older than farmers in other locations: 49 percent of local farmers are age 65 or older, compared with the Virginia metro area, state and national averages of about 30 percent.

<sup>4</sup> Rephann, Terance J., “The Economic Impact of the Horse Industry in Virginia,” Weldon Cooper Center for Public Service, University of Virginia, March 2011.

**Table 5: Comparison of Agriculture in James City with Virginia and US Totals, 2007**

Characteristic	James City	Virginia	US Total
<b>Operator/Farm Characteristics</b>			
Works Off-Farm 200+ Days per Year	54.1%	40.6%	39.7%
Farm sales less than \$10,000	68.9%	67.1%	59.8%
Operator 65 years or older	48.6%	32.2%	29.7%
<b>Operations Data (% of all farms)</b>			
Direct sales for human consumption	17.6%	6.0%	6.2%
Agritourism or recreational services	4.1%	1.0%	1.1%
Community Supported Agriculture	4.1%	0.7%	0.6%
<b>Length of Tenure of Principal Operator</b>			
2 years or less	14.9%	3.8%	3.8%
3-4 years	2.7%	6.9%	6.3%
5-9 years	9.5%	16.9%	16.3%
10+ years	73.0%	72.5%	73.5%

Source: USDA Atlas of Rural and Small Town America

Farming in James City is geared towards local sales and agritourism. About 18 percent of the county's farms engage in direct sales to consumers, compared with state and national averages of six percent. James City's farms are also several times more likely than other farms to have agritourism/recreational activities, or be part of community-support agriculture (CSA) programs.

There is a high concentration of new farm owners in the county relative to state or national totals. As of 2007, 15 percent of farm operators in the county had been at their present locations for less than two years, compared with 3.8 percent for both Virginia and the U.S. total.

**Table 6: James City Rankings in Farming Activity, 2007  
Among 98 Reporting Jurisdictions in Virginia**

Item	Farm Count	Productivity	Productivity per Farm	% with Agritourism
James City Amount	74	\$2,866,390	\$38,735	4.1%
Average (98 Jurisdictions)	484	\$29,655,013	\$66,115	1.1%
James City Rankings	94	90	46	5

Source: USDA Atlas of Rural and Small Town America

Out of the 98 jurisdictions in Virginia that reported any agricultural activity, James City ranked 94<sup>th</sup> in the number of farms and 90<sup>th</sup> in total annual sales productivity, at \$2.87 million. James City ranked 46<sup>th</sup> in terms of annual sales productivity per farm; its figure of \$38,735 still trailed the average for all reporting jurisdictions of \$66,116.

One area in which James City stands out is agritourism. With 4.1 percent of its farms reporting agritourism-related sales, James City ranked 5<sup>th</sup> in Virginia, trailing only King George (5.6 percent), Rappahannock (5.3 percent), Northampton (4.6 percent), and Westmoreland (4.1 percent). Each of these top five agritourism counties is located in close proximity to one of Virginia's major metropolitan regions: Washington, DC, Richmond, and Hampton Roads.

## Forestry Activity

The Virginia Department of Forestry reported that a total of 12,912 cords of timber were harvested in James City County in 2011, with a total value to the land owners of \$344,923<sup>5</sup>. Most of the harvest was of pine trees, which accounted for 62 percent of the total volume and 87 percent of the value. There was less forestry activity in James City than in several nearby counties, particularly King and Queen, which accounted for more than half of the harvest in the region. These figures do not include the value added to timber harvesting from wood processing or manufacturing, which were included in the economic activity and employment figures in the preceding section.

**Table 7: Value of Hardwood Harvest in James City and Other Nearby Counties, 2011**

Locality	Cords			Value		
	Pine	Hardwood	Total	Pine	Hardwood	Total
James City	7,986	4,926	12,912	\$299,595	\$45,328	\$344,923
York	87	132	219	\$1,862	\$1,125	\$2,987
New Kent	13,731	9,285	23,016	\$780,776	\$287,745	\$1,068,521
Charles City	22,494	7,247	29,741	\$634,003	\$375,030	\$1,009,033
King & Queen	61,420	17,187	78,607	\$3,482,398	\$1,165,742	\$4,648,140
<b>Region Total</b>	<b>105,718</b>	<b>38,777</b>	<b>144,495</b>	<b>\$5,198,634</b>	<b>\$1,874,970</b>	<b>\$7,073,604</b>

Source: Virginia Dept. of Forestry

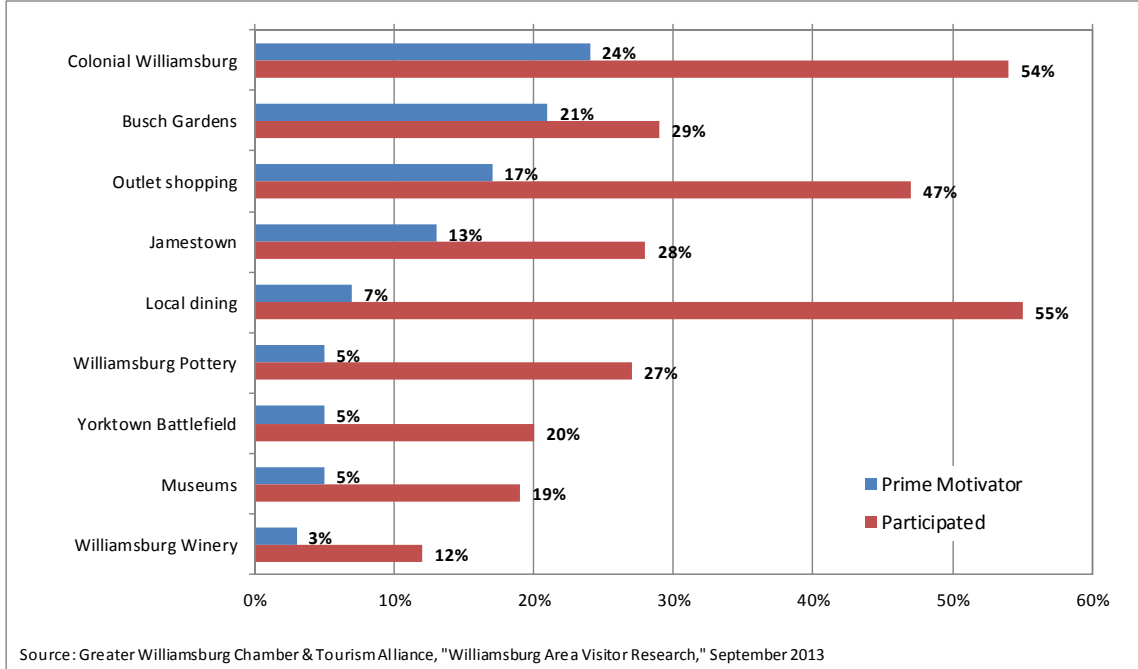
## Tourism and Recreation

James City County is an integral part of the tourism economy of the Williamsburg Area, as it contains many of the area's visitor attractions, hotels, shopping, and dining destinations. As documented above (Table 1) the Accommodation and Food Services industry sector employs about 3,000 people in the county, and paid nearly \$58 million in wages in 2012.

While the top three attractors of visitors to the area—Colonial Williamsburg, Busch Gardens, and outlet shopping—are not geared towards rural activity and/or agritourism, rural activities do play an important role in the tourism economy. Jamestown ranks fourth in terms of primary motivators of visitor attraction, with 13 percent of all visitors to the area coming primarily to visit that site. Local dining is also very important: while not a major motivator, 55 percent of visitors to the area dine at a local (non-chain) restaurant, making local dining the top activity in the area, outranking even Colonial Williamsburg. The Williamsburg Winery is also an important secondary draw. While only three percent of visitors come specifically to the area to visit the winery, 12 percent of visitors to the area travel there during their stays (Figure 2).

<sup>5</sup> Will Shoup, a local representative for the Virginia Department of Forestry, estimates that average annual timber production in James City County is about \$722,000, which is about double the amount reported for 2011, but still well below the productivity in other nearby counties.

**Figure 2: Motivating Factors and Activities for Visitors to Williamsburg Area**

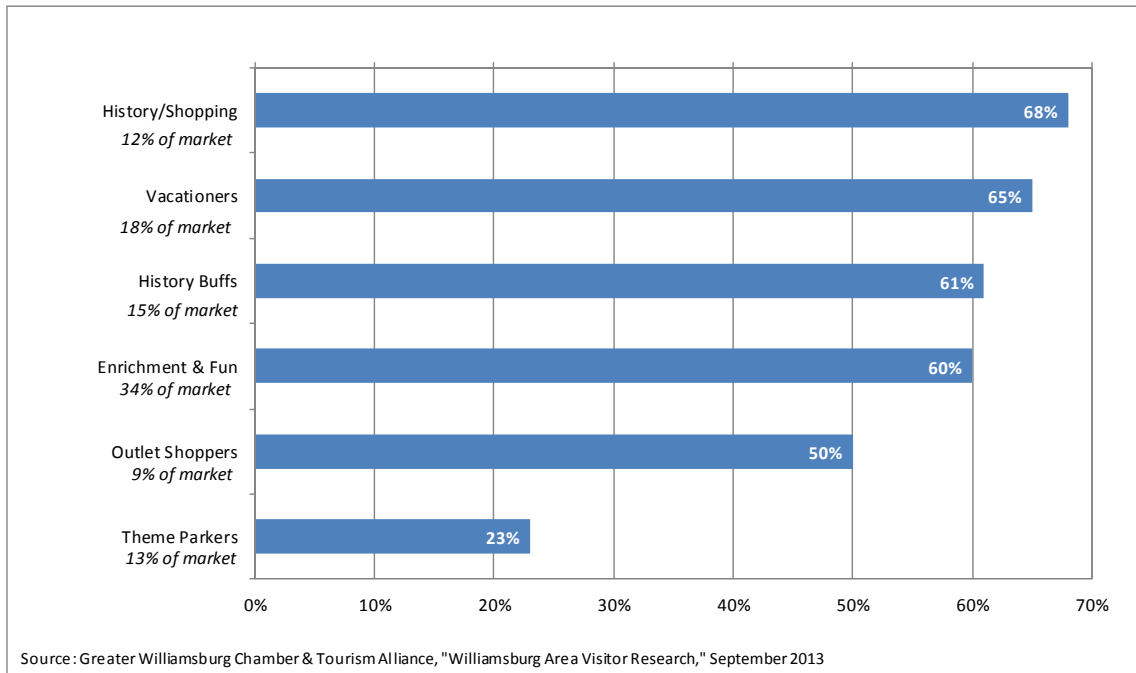


The likelihood that visitors to the Williamsburg area will dine in a local restaurant varies greatly by the type of visitor. At one end of the scale are History/Shopping visitors and Vacationers, who collectively represent 30 percent of overnight visitation to the area. More than 65 percent of each of these visitor groups dines in local restaurants during their stays, demonstrating their affinity for unique dining experiences. History Buffs and Enrichment/Fun visitors are also inclined to dine in local restaurants; about 60 percent of each group does so.

Theme Parkers, who represent about 13 percent of all overnight visitors to the area, are at the opposite end of the scale. These travelers come to the area specifically to visit Busch Gardens or other themed attractions, and spend most of their time and money at those locations; just 23 percent of Theme Parkers dine at a local restaurant. Outlet Shoppers fall in the middle, as 50 percent dine in local restaurants while in the area (Figure 3).



**Figure 3: Percent of Overnight Visitors who Dine in Local Restaurants**



### Summary of Current Rural Economy

- Agriculture and forestry activities represent a very small share of the local economy, accounting for less than 0.1 percent of total economic activity in James City County and the City of Williamsburg.
- While there are few jobs in the county's agriculture and forestry industries, there is a significant employment base in the food service and tourism-related sectors; however, these jobs tend to have low wages.
- The median price of residential land in the county increased by 125 percent between 2000 and 2010, and rural properties that have already been subdivided and/or rezoned have sold for at least twice as much on a per-acre basis as other rural properties.
- Most active farms in James City County are small operations run by part-time proprietors who have full-time jobs in other locations. Farms in James City are far more likely to engage in CSAs, direct sales, or agritourism, than in most other parts of Virginia.
- While current farm operators in the county tend to be older, there is a transition under way, with a significant share of farm operators having taken over since 2005.
- Forestry has a minor presence in James City, relative both to the local economy and to other nearby counties. Most timber harvesting activity in James City is of pine trees.
- Much of the tourism activity in James City County is part of the rural economy, particularly as it relates to Jamestown, local dining, and the Williamsburg Winery.
- Tourists visiting the area seeking history or enrichment (i.e., heritage tourists) are far more likely to dine in local, non-chain restaurants, than are those who are drawn to theme parks or outlet shopping.

# Potential Market Opportunities

## Overview

The future potential for rural economic activity in James City County is directly dependent upon the potential to attract spending from available resident and visitor markets. Additional spending potential may be realized from four distinct types of rural activity:

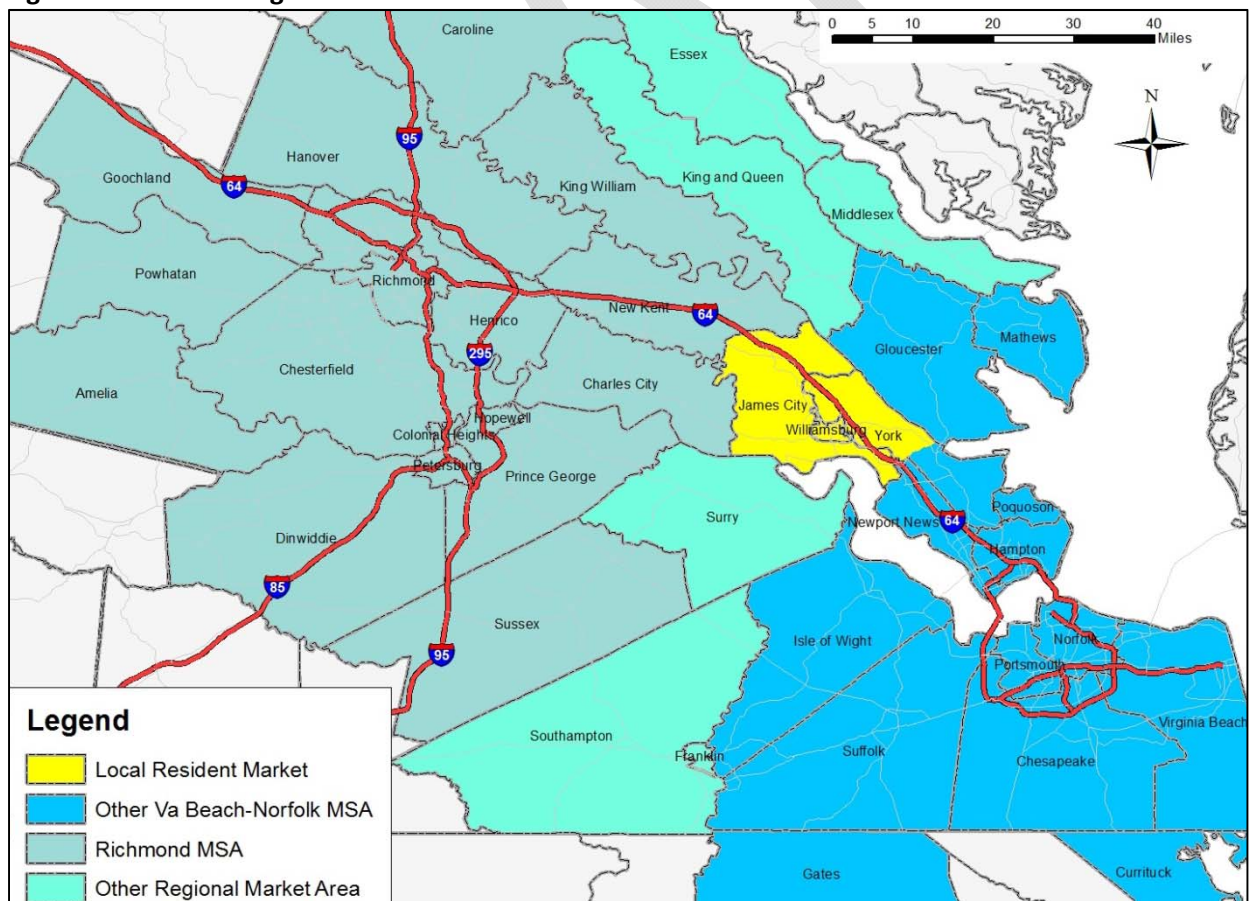
1. Agricultural activities: new or expanded operations related to the raising and harvesting of crops or animals.
2. Forestry activities: additional timber harvesting operations.
3. Value-added enterprises: sales, manufacturing, or distribution of agricultural or forest products.
4. Rural tourism: additional economic activity related to agritourism, heritage tourism, outdoor recreation, or touring of rural areas.

This section examines the characteristics of local and regional resident markets and visitors to the region, and then evaluates the potential to draw additional economic activity from these markets. A quantitative market capture analysis is presented for agricultural activity, and then market opportunities and constraints are evaluated for each type of activity.

## Resident Market Profiles

There are two types of resident markets available for rural economic activity in James City County: local and regional. These are displayed in Figure 4.

**Figure 4: Local and Regional Residential Markets**



The **Local Resident Market** includes James City County, Williamsburg, and upper York County, which includes all areas of York County located north of Yorktown Road, and includes the entirety of Census tracts 509, 510, 511. This market area essentially represents all locations within a 15-minute drive time from the center of Williamsburg.

The local market contains about 91,500 residents residing in 35,000 households. The area's concentration of retirees and college students is reflected in its demographics in two key ways. First, the local market has a substantial share of new arrivals, as 12 percent of residents lived in a different county one year prior. Second, just 60.5 percent of adults age 16 or older are in the labor force. In spite of this relatively low share of working adults the local market is quite affluent: 33 percent of its households have incomes in excess of \$100,000 and the median household income level is about \$72,500 (Table 8).

**Table 8: Profile of Local and Regional Resident Markets, 2007-2011 Averages**

	Local Market	Regional Market
Population	91,497	2,878,049
Households	34,966	1,082,238
% Moved to Area in Past Year	12.4%	9.0%
Labor Force	45,754	1,549,462
% of Adult Pop in Labor Force	60.5%	68.1%
Unemployment Rate	2.9%	4.8%
<b>Household Income</b>		
Less than \$25,000	12.2%	18.2%
\$25,000 to \$49,999	19.8%	23.5%
\$50,000 to \$74,999	20.0%	19.8%
\$75,000 to \$99,999	14.9%	14.2%
\$100,000 or more	33.1%	23.3%
Median Household Income (Estimated)	\$72,500	\$60,400
Percent Working Outside Home County	59.0%	60.3%

Local Market = James City County, City of Williamsburg, Northern portion of York County  
 Regional Market = Balance of VA Beach-Norfolk-Newport News MSA, Richmond MSA, and Essex, King and Queen, Middlesex, Southampton, and Surry counties

Source: American Community Survey, 5-Year Estimates, 2007-2011

The **Regional Resident Market** includes the rest of the Virginia Beach-Norfolk-Newport News MSA, the entirety of the Richmond MSA, and the non-metro counties of Essex, King and Queen, Middlesex, Surry, and Southampton. This area takes in all areas within about an hour's drive from Williamsburg.

The regional market area has 2.88 million residents and 1.08 million households. The regional market is considerably less affluent than the local market. Though its labor force participation rate (68 percent) is eight percentage points higher than that of the local market, its median household income of \$60,400 is more than \$12,000 less than the local market's median. The regional market also has a far larger share of households earning less than \$50,000 (42 percent) than the local market (32 percent).

## Visitor Market Profile

An estimated 2.36 million visitors came to Williamsburg in 2012 from outside the local or regional resident market areas (Table 9). Visitors to the area tend to be older and have high incomes. About 55 percent of the heads of travel parties to the Williamsburg area are 55 or older and 26 percent are at least 65. Nearly half (48 percent) of all visitors live in households with incomes in excess of \$100,000, and just 14 percent are from households with incomes below \$50,000.

**Table 9: Williamsburg Area Visitor Market Profile**

Total Visitor Count to Colonial Williamsburg, 2012	1,500,000
Percent of visitors to area who visited Colonial Williamsburg	54%
Total estimated area visitor count	2,777,800
Percent from local or regional resident markets	15%
Total non-local visitor count	2,361,100
<b>Household Income</b>	
Under \$50,000	14%
\$50,000-99,999	38%
\$100,000 or more	48%
<b>Age of Head of Travel Party</b>	
Under 35	13%
35-54	31%
55-64	29%
65+	26%
Average Length of Stay (Nights)	3.4

Source: Greater Williamsburg Chamber & Tourism Alliance; Colonial Williamsburg Foundation; GMU Center for Regional Analysis

## Potential Agricultural Market Capture

With a few exceptions<sup>6</sup>, existing agricultural operations in James City County can be classified as small farms that generally do business with local customers or vendors, whether they be restaurants, food markets, area residents (via CSAs), or visitors (via agritourism). Given the existing conditions and the limited availability of additional land for agricultural production it is assumed that new or expanded agricultural operations would continue to be dependent on these markets.

The total size of the potential market for food and beverage sales from specialty stores and restaurants—but excluding grocery stores<sup>7</sup>—is \$5.7 billion. Of this amount approximately \$581 million (11 percent) is for store-based sales and \$4.9 billion (89 percent) is for sales at food service and drinking places. The bulk of the potential market (\$5.1 billion, or 90.7 percent) originates from the regional resident market (see Figure 4). The local resident market accounts for 2.9 percent of demand and the visitor market represents the remaining 6.4 percent of total potential sales (Table 10).

<sup>6</sup> e.g., commodity crop farmers such as Mainland Farm

<sup>7</sup> The total potential market from grocery stores would add another \$5.2 billion to the available market, but local agricultural products are unlikely to be sold directly to grocery stores, so this amount is excluded.

**Table 10: Potential Food-Related Sales Available from Resident and Visitor Markets**

	Local Market	Regional Market	Visitor Market	Total Market
Total Population	91,497	2,878,049	2,361,100	5,330,646
Potential Food & Beverage Store Sales				
Potential Per Capita Sales*	\$202	\$202	\$75	
Total Potential Sales (\$M)	\$18.5	\$581.0	\$177.1	\$776.6
Potential Food Service and Drinking Places Sales				
Potential Per Capita Sales*	\$1,588	\$1,588	\$125	\$1,588
Total Potential Sales (\$M)	\$145.3	\$4,570.3	\$188.9	\$4,904.5
Total Potential Food-Related Sales	\$163.8	\$5,151.4	\$366.0	\$5,681.1
Percent of Total Market	2.9%	90.7%	6.4%	100.0%

\* Based on U.S. average per capita sales from 2011 Census of Retail Trade for local and regional markets. Visitor market figure based on estimated per-trip spending by each visitor to the area.

\*\* Total sales data are from 2007 Economic Census; sales by market are estimates.

Source: Census Bureau Annual Retail Trade Survey; 2007 Economic Census; GMU Center for Regional Analysis

At present there is \$2.87 million in annual agricultural production in James City County (see Table 10), representing just 0.05 percent of the total potential market for food and beverage sales. Put another way, just one dollar of every \$2,000 available for food and beverage purchases from the local, regional, and visitor markets is spent on agricultural products raised in James City County. Even when applied to the total food and beverage sales potential from the local resident market of \$164.0 million, the current level of agricultural production in James City County represents less than two percent of the available local market.

Table 11 illustrates how much additional agricultural activity would occur in James City County by capturing even a very small additional increment of the potential market base. By increasing the market share by just one hundredth of a percent (to 0.06 percent), an additional \$500,000 in agricultural economic activity would be possible. Raising the capture rate<sup>8</sup> up to 0.1 percent (one out of every \$1,000 available) would double the agricultural economic activity in the county to \$5.7 million (Table 11).

**Table 11: Potential Additional Market Capture**

	Total	Difference from Existing
Total Potential Food-Related Sales in Market Area (\$M)	\$5,681.1	
Current Agricultural Sales in James City County (\$M)	\$2.9	
Penetration Rate of Existing Food & Beverage Market	0.050%	
<b>Potential Future Market Capture Rates</b>		
Low	0.060%	
Moderate	0.080%	
High	0.100%	
<b>Potential Additional Agricultural Activity</b>		
Low	\$3.4	\$0.5
Moderate	\$4.5	\$1.7
High	\$5.7	\$2.8

Source: GMU Center for Regional Analysis

<sup>8</sup> Defined as the share of the potential market captured by James City County.

## Opportunities and Constraints

### **Agricultural Activities**

There are substantial markets available to current and potential farm operations in James City County, primarily originating from the large resident bases living in the Hampton Roads and Richmond areas. These opportunities are primarily related to specialty food/beverage stores and locally owned restaurants. Given the size of these markets, it is reasonable to believe that total agricultural production in James City County could be doubled, adding another \$2.8 million to the county's economy.

The main limit to increasing agricultural activity is the limited availability of land and the dramatic difference in per-acre land value between residential and agricultural land. The best opportunity for growing the agricultural economy is to raise the productivity of existing small farms. Since most farms in the county are run by part-time operators, there appears to be potential for accomplishing such an increase. Another way to improve productivity would be to raise higher-value crops or livestock.

### **Forestry Activities**

The existing market for timber production and harvesting in James City County is very small. Though there is ample forest land in the county, the economics are unfavorable for the expansion of timber harvesting. The rising value of land in an urbanizing jurisdiction like James City simply cannot compete with the lower values in King and Queen County and other more rural areas. As such there will be mounting pressure on the owners of existing woodlots to sell their land to develop residential lots.

### **Value-added Enterprises**

James City's location in proximity to two major metropolitan areas and location along the Interstate 64 corridor makes it an attractive location for manufacturing and warehousing operations, though the county has experienced a net loss of nearly 1,000 manufacturing jobs since 2002<sup>9</sup>. Increased agricultural production would drive opportunities for food-related manufacturing and warehousing operations in the county. James City can also take advantage of its accessibility to attract similar operations related to farming in surrounding counties.

### **Tourism**

James City's location grants local farmers a unique opportunity to market their goods and experiences to nearly three million residents of the region and another two million visitors from outside the area. On the goods side, many retail shops in Williamsburg and the surrounding area do sell local food and artisan products, but returning visitors are always seeking new products. Experiences present a strong opportunity as well. While James City already ranks as one of the leading agritourism destinations in Virginia, comparably few of its farms are involved in the tourist business. In addition to ongoing farm tours, farms have opportunities to reach different audiences with seasonal events, as Williamsburg attracts different types of visitors throughout the year.

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<sup>9</sup> As reported by the U.S. Bureau of Labor Statistics

## MEMORANDUM

DATE: March 13, 2014  
TO: The Policy Committee  
FROM: Ellen Cook, Senior Planner II  
SUBJECT: Longhill Road Corridor Study - Update

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As part of the process for the Longhill Road Corridor Study, staff has been providing periodic updates to the Planning Commission's Policy Committee and the Board of Supervisors. The information below includes a description of the process to date and describes next steps as the study progresses into its next phase of development.

### **Process To-Date**

Substantial work on the corridor study has been completed by Kimley Horn and Associates since the last Policy Committee update (held on October 10, 2013). Data collection and analysis of existing conditions have been completed, as have forecasting of future traffic volumes and anticipated arterial levels of service. Using this analysis, Kimley Horn has developed proposed typical sections for corridor, an access management plan, and an intersection design plan. Together, these have been used to produce draft concept renderings for the whole length of the corridor. These materials are available on the project website at <http://www.longhillroadcorridorstudy.com/documents.php>.

In conjunction with this technical analysis, staff and the consultant have been working to solicit public input. As part of this effort, the study's Project Advisory Committee ("PAC") and Technical Advisory Team ("TAT") have continued to meet, and the website has continued to be updated. Two additional public meetings have taken place since the last check-in, including a meeting on November 21, 2013 and a public workshop held at Lafayette High School that spanned the evenings of February 19 - 20, 2014.

### **Next Steps**

Over the next few months, the typical sections, side street access and intersection design plans as well as the draft corridor concept renderings will be refined. As these elements reach finalization, Kimley Horn will also be producing information on possible project phasing, costs, and an action plan for implementation.

Stakeholder and public input efforts will also continue, with additional meetings of the PAC and TAT expected in late March or early April. One additional public meeting will be held to present the final renderings of the corridor and to discuss possible phasing and implementation. Staff will provide information and updates to the Policy Committee and Board of Supervisors again at this time, before moving on to formal presentation of the study to the Planning Commission and Board in summer 2014.

### **Conclusion**

Staff and the project consultant will be present at the Policy Committee meeting and would welcome any discussion and questions the Policy Committee may have. Staff will also be providing a reading file with update information to the Board of Supervisors on March 25, 2014.



## MEMORANDUM

**DATE:** March 13, 2014

**TO:** The Policy Committee

**FROM:** Jennifer VanDyke, Planner  
John Rogerson, Senior Zoning Officer

**SUBJECT:** Case No. ZO-0008-2013. Accessory Apartments

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At its meeting on February 13, 2014, the Policy Committee discussed revising the Zoning Ordinance definition, provisions and procedures relating to accessory apartments. Staff received feedback from the Policy Committee indicating an interest in considering revisions to allow for detached accessory apartments. The Policy Committee also indicated that staff should examine and provide recommendations for expanding allowances for accessory apartments within residential zoning districts.

In response to the Policy Committee's request, staff has drafted revised ordinance language. The following items highlight the proposed changes within the definitions section and Special Regulations requirements:

- A new definition for detached, accessory apartments. The proposed changes include defining accessory apartments as either attached or detached with performance standards outlined for each. The existing definition for accessory apartment would largely remain the same; the one proposed change would attribute the existing definition to attached, accessory apartments. The current definition limits accessory apartments to no more than 35 percent of the floor area of the single-family dwelling; staff proposes no changes to the outlined limitations.
- Under Special Regulations, additional language would be added to include new requirements for detached, accessory apartments. In the interest of preserving the character of the neighborhood, staff recommends including a cap of 400 square feet on the size of the accessory apartment and a cap on the allotment of floor area at 50 percent dedicated to the apartment within the accessory structure. The proposed language would require that detached, accessory apartments be placed exclusively within the rear yard and meet all setback, yard and height regulations of the zoning district in which it is located. In addition, compatibility in size and scale with surrounding structures would be required.
- Additional requirements for detached, accessory apartments under Special Regulations would require that the property owner, or an immediate family member, occupy either the single-family dwelling or the accessory apartment in the interest of ensuring proper upkeep of the property be maintained.
- Any application proposing a detached, accessory apartment would be required to obtain approval from the Health Department for those properties that have individual well and/or sewer disposal systems in Zoning districts which are located outside the Primary Service Area or are not otherwise required to connect to public utilities.
- Off-street parking is currently required for all accessory apartments in accordance with Sec. 24-54 of the Ordinance. This would be maintained as a requirement for both attached and detached, accessory apartments.



Currently, accessory apartments are allowed as a permitted use on properties that are zoned A-1, R-2, R-3, R-4, R-8, MU and PUD and are allowed as a specially permitted use on land that is zoned R-1 and R-6. Staff recommends the following changes:

- Attached, accessory apartment in accordance with section 24-32 – permitted use in: A-1, R-1, R-2, R-3, R-4, R-6, R-8, MU and PUD.  
If approved, the revisions would permit attached, accessory apartments in each residential district, except for R-5, the Multifamily Residential District. The R-5 district is intended for moderate to high-density residential development; therefore, is not a suitable fit for accessory apartments.
- Accessory apartment, detached, in accordance with section 24-32 – specially permitted in: A-1, R-1, R-2, R-3, R-4, R-6, R-8, and PUD.  
If approved, the revisions would specially permit detached, accessory apartments in each residential district, except for MU, Mixed Use and R-5, the Multifamily Residential District. Staff did not include the two districts on account of the intended density within each district.

**Recommendation:**

Staff recommends allowing detached, accessory apartments upon issuance of a special use permit from the Board of Supervisors, and thereby building discretionary measures into the approval process. In this way, all detached, accessory apartments would be legislatively approved, allowing neighbors to offer comment on proposed apartments as well as a careful review on a case-by-case basis.

Staff requests the Policy Committee review the enclosed material and provide staff with input and direction.

**Attachments:**

1. Draft amendments to Article I, In General, definitions
2. Draft amendments to Article II, Special Regulations
3. Draft amendments to General Agricultural District, A-1
4. Draft amendments to Limited Residential District, R-1
5. Draft amendments to General Residential District, R-2
6. Draft amendments to Residential Redevelopment District, R-3
7. Draft amendments to Residential Planned Community, R-4
8. Draft amendments to Low-Density Residential District, R-6
9. Draft amendments to Rural Residential District, R-8
10. Draft amendments to Planned Unit Development District, PUD-R
11. Draft amendments to Mixed Use, MU
12. Responses to online survey

**MEMORANDUM**

**DATE:** March 13, 2014

**TO:** The Policy Committee

**FROM:** Leanne Pollock, Senior Planner II  
Kate Sipes, Business Development and Retention Coordinator

**SUBJECT:** Rural Economic Development Study Status Update

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James City County boasts many agricultural and timbering assets, and recognizes there is a tremendous opportunity to support and grow agriculture- and forestry-based businesses, thereby increasing the agricultural sector of the local economy. The tourism sector could also be enhanced because of agri-tourism opportunities. There has consistently been interest from residents and businesses to evaluate the County's agricultural and timbering potential and encourage working landscapes in rural areas. There have been many independent local initiatives towards this end, but to date the County has been unable to identify a cohesive vision and gather the momentum necessary to identify and accomplish tangible results to that end.

In February 2013, the Planning Division and the Office of Economic Development partnered to apply for an Agriculture and Forestry Industries Development (AFID) Fund planning grant from the Virginia Department of Agriculture and Consumer Sciences. The purpose of the grant is to support projects that advance the interests of agriculture and/or forestry business in the locality and give greater voice to local farm and forestland owners. James City County was awarded a \$20,000 grant and in June 2013, the Board of Supervisors approved acceptance of the grant funds and provided a local match to support the project. The grant requires that any project receiving funding be completed within two years of the grant award.

This project is in support of several goals, strategies and actions detailed in the County's 2009 Comprehensive Plan. Plans adopted in 1991, 1997, 2003 and 2009 have all recognized the importance of working lands as components of the County's economy and identity and have supported rural economic development. Specifically, Land Use Strategy 6.1 and Economic Development Strategy 8 in the 2009 Comprehensive Plan call for the County to promote the economic viability of farming and forestry as industries through various measures such as agri-business, eco-tourism, green energy uses, recreation, marketing efforts and protecting prime farmland. Ensuring agriculture- and forestry-based businesses are viable is crucial to creating a viable economic alternative for rural landowners. The following information is intended to serve as a status update on the progress of the project only and no action regarding this project is requested at this time.

**Project Summary**

Staff, in conjunction with the Rural Economic Development Committee (REDC) of the Economic Development Authority, developed a project scope and contracted with ERM to provide third-party expertise and develop a comprehensive approach to strategic rural economic development. Goals for the project include: assisting existing agriculture- and forestry-based businesses to grow and succeed, identifying and creating opportunities for new business ventures, growing and diversifying the local tax base, and identifying and celebrating the uniqueness of James City County. The final product will include a basic inventory of existing rural assets, stakeholder meeting summary, a fiscal analysis of rural economic development in the County, identification and assessment of key rural economic development opportunities and techniques, development of a goal for rural economic development, and a listing of projects to support the goal including details about implementation (such as cost, funding sources, strategies, possible return on investment and progress metrics).

It is important to note that this effort is one component of a much larger and complex discussion. This study is not intended to be a Rural Economic Development Strategic Plan in the traditional sense. Rather, the focus is to identify specific discrete projects that can be worked on in the short- and long-term to support existing enterprise. The hope is that the project can create awareness of existing market opportunities and encourage business growth in productive agriculture and timbering. This, hopefully, will also foster new business enterprises and provide opportunities for expansion of existing enterprises.

### **Project Update**

After working with the REDC to select a consultant, staff, the REDC and ERM began work in fall 2013 by completing extensive data collection to serve as background information for the project. ERM used this material to complete the fiscal analysis (see attachment 1). In October staff mailed more than 600 invitations to rural land holders, Agricultural and Forestal District and Purchase of Development Rights participants, participants in previous rural lands discussions, local chefs, existing rural businesses and farms and leaders in the health, institutional and school industries to participate in a series of stakeholder meetings with ERM. Attendees covered a wide range of interests and roles in the community and painted a broad picture of the current state of the County's rural economic development in addition to providing some ideas about where it could grow or adapt.

Based on the results of the stakeholder meetings, findings of the fiscal analysis and discussions with the REDC and staff, the consultant team drafted a preliminary list of possible actions and projects to promote rural economic development efforts. This list is not a comprehensive list of every potential project, and implementation of several of these projects spanning different categories or implementation timeframes will likely be necessary in order to promote, support and grow the County's rural economy. Rather, this list and the overall study in general, is a step in raising awareness about the economic possibilities in rural lands - both in traditional crop production and in niche farming or other related businesses. Some projects may be able to be logically combined into one overarching effort and some may be further expanded.

Preliminary projects include (in no particular order):

- Developing a community garden or incubator farm to train and educate the public about local foods;
- Developing a community kitchen that can be used by producers to create value-added products;
- Creating a food hub to aggregate, distribute and market source-identified food products from local and regional producers to meet institutional demand;
- Creating a local rural economic central information clearinghouse for products, contacts, technical assistance and ideas;
- Developing a flash-freezing, individually quick frozen and/or cold storage facility to lengthen time to ship regional products;
- Exploring the possibility of a motorsports park to draw on rural recreation, tourism and festivals;
- Creating an apprenticeship program for aspiring young farmers and matching them with existing farm owners;
- Establishing a local farm link program to identify land available for lease or purchase to match with potential farmers;
- Creating a capital/loan fund or grant program to provide assistance to new businesses in agricultural and rural enterprises;
- Developing a public relations and marketing campaign to promote local rural enterprises;
- Promoting agri-tourism as part of the Williamsburg visitor experience;
- Developing equine activities;
- Promoting the use of local timber and woodland by identifying possible timbering properties and reaching out to forest owners regarding options;

- Partnering with local colleges, universities and entrepreneurship organizations to connect with and market the area to entrepreneurs;
- Investing in the Toano Farmers Market to increase its viability and marketing;
- Creating an agricultural heritage trail system similar to Charlottesville's Brew Ridge Trail; and
- Promoting rural recreation opportunities and eco-tourism as part of the greater Williamsburg experience.

The REDC met in February to review these initial suggestions, discuss the projects with ERM in more detail and outline a course for next steps in the project. They are in the process of sorting, categorizing and evaluating the projects.

**Next Steps:**

In March and April, the REDC is conducting check-ins with various appointed and elected County groups which either have a support role in the study or which may be involved in implementing some of the final recommendations. This includes the Policy Committee, the EDA and the Board of Supervisors. The REDC will continue meeting to discuss the projects and categorization.

The REDC also has plans to sponsor a workshop this spring, which will include invitations to the same group that received stakeholder meeting invitations. The workshop will focus on the broader issues of rural lands and launch a larger rural economic development discussion. At the end of the workshop, attendees will be invited to go online and review the draft rural economic development study documents during an open comment window. Once the feedback is received, ERM will refine the project list and flesh-out each project in more detail to become part of the final report. Staff also plans to provide a summary of the input as an appendix to the study.

No action regarding this project is requested at this time and this memorandum is meant to serve as a status update on the progress of the project only. Staff anticipates that the study will be completed in summer of 2014 with a presentation to the Board of Supervisors. Pertinent results will also be incorporated into the text and goals, strategies and actions of the 2035 Comprehensive Plan.

**Attachments:**

1. *Assessment of Rural Economic Activity in James City County* (fiscal analysis)

**MEMORANDUM**

DATE: March 13, 2014

TO: The Policy Committee

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: Case No. ZO-0007-2013. Chicken Keeping in Residentially Zoned Areas of the County.

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At its meeting on February 13, 2014, the Policy Committee conducted a public input session on this matter. The committee reviewed results from a survey of over 600 interested citizens and parties. Ordinances from neighboring localities that have recently adopted chicken keeping ordinances were reviewed and the committee heard from interested citizens on many issues that they felt were also important considerations for a chicken keeping ordinance. The issues included HOA and neighborhood covenants and restrictions, whether the County should consider chicken keeping in all residential areas, how many chickens should be allowed, coop construction and placement, and possible nuisances caused by chickens.

After discussing the issues raised, the Policy Committee instructed staff to draft two ordinance options for their review at the next meeting. Two draft ordinances have been prepared which are attached for committee consideration. Staff has left out any language regarding HOA covenants and restrictions in response to the County Attorney's comments that such language is a civil matter between HOA's and neighborhood residents which county staff cannot enforce. Language regarding nuisances, which are hard to define and measure, were also omitted. The attached draft ordinances would restrict the use to domestic purposes, single family residents, and permit only the keeping of hens. The attached draft ordinances would also include regulations for coops and their location and construction. Both drafts include a permitting process. The two drafts differ in the number of birds allowed and one requires a processing fee and the other does not.

Staff is looking for the Policy committee to provide guidance on revisions to the proposed draft ordinance.

Attachments:

1. Draft ordinance #1
2. Draft ordinance #2