

A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
January 12, 2023
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes of the November 10, 2022 Meeting
2. Minutes of the December 8, 2022 Meeting

D. OLD BUSINESS

1. ORD-22-0001. Amendments for Scenic Roadway Protection

E. NEW BUSINESS

1. ORD-22-0003. Amendments for Calculation of Residential Development Density

F. ADJOURNMENT

ITEM SUMMARY

DATE: 1/12/2023

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the November 10, 2022 Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the November 10, 2022 Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Cook, Ellen	Approved	1/5/2023 - 4:26 PM
Policy	Holt, Paul	Approved	1/5/2023 - 4:27 PM
Publication Management	Daniel, Martha	Approved	1/5/2023 - 4:32 PM
Policy Secretary	Secretary, Policy	Approved	1/5/2023 - 4:33 PM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 10, 2022
4:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

Present:

Jack Haldeman, Chair

Rich Krapf

Tim O'Connor

Frank Polster

Staff:

Josh Crump, Principal Planner

Thomas Wysong, Senior Planner II

John Risinger, Senior Planner

Jose Riberio, Senior Planner II/Landscape Planner

Christy Parrish, Zoning Administrator

Andrea Case, Community Development Assistant

Liz Parman, Deputy County Attorney

Other:

Vlad Gavrilovic, EPR, PC, Consultant

C. MINUTES

1. Minutes of the August 11, 2022, Meeting

2. Minutes of the August 22, 2022, Meeting

Mr. Rich Krapf made a motion to Approve the August 11, 2022 and August 22, 2022, meeting minutes.

The motion passed 4-0.

1. Minutes of the August 11, 2022 Meeting

2. Minutes of the August 22, 2022 Meeting

D. OLD BUSINESS

1. ORD-22-0001. Amendments for Scenic Roadway Protection

Mr. Thomas Wysong stated at the August 11, 2022, meeting, the Policy Committee directed staff to identify Community Character Corridors (CCCs) and portions outside of the Primary Service Area (PSA) as scenic roadways for the Ordinance amendment and to include the portion of Croaker Road outside the PSA connecting to Sycamore Landing Road. Mr.

Wysong stated the Policy Committee also directed staff to explore increased setbacks, buffering, and mandatory clustering as preservation tools for accomplishing this Goal, Strategies, and Action (GSA). Mr. Wysong stated, following this guidance, Planning staff met with the County Attorney's Office to discuss these options. Mr. Wysong stated the Attorney's Office advised preservation tools for roadways must be applied uniformly and categorically. Mr. Wysong stated this meant increased setback and buffering standards can be used along roadways, but the roadways must be within an established category, such as a CCC. Mr. Wysong stated therefore Croaker Road to Sycamore Landing Road could not be included in this amendment because it is not designated as a CCC in the Comprehensive Plan. Mr. Wysong stated after reviewing the Future Land Use map and property information, staff recommended removing Centerville Road and Colonial Parkway because these roads are entirely within the PSA. Mr. Wysong stated the property next to the Colonial Parkway is preserved within the Gospel Spreading Farm Agricultural and Forestal District and does not take its setback from the Colonial Parkway. Mr. Wysong stated staff recommends the amendment under consideration focus on Forge Road and Old Stage Road, which are classified as Open/Agricultural CCCs, and Richmond Road, Monticello Avenue, John Tyler Memorial Highway, and Riverview Road, which are classified as Wooded CCC in the Comprehensive Plan.

Mr. Jack Haldeman asked the Committee if it agreed to remove Croaker Road outside the PSA, Centerville Road, and the Colonial Parkway from consideration for the Ordinance amendment.

Mr. Frank Polster stated Croaker Road cannot be included because it is not a CCC. Mr. Polster stated if Centerville Road and Colonial Parkway are inside the PSA, then the amendment would not apply. Mr. Polster stated he agreed with removing these roadways from consideration.

Mr. Rich Krapf confirmed he also agreed.

Mr. Haldeman confirmed the Committee agreed with staff's recommendation on the list of roadways to be considered for the Ordinance amendment.

Mr. Wysong stated staff evaluated mandatory clustering, enhanced setbacks, and buffering. Mr. Wysong stated staff does not recommend mandatory clustering because the Board of Supervisors' (BOS) decision to increase the minimum lot size for A-1 and R-8 properties combined with increased setbacks would achieve scenic road preservation. Mr. Wysong stated that voluntary clustering could remain an option for property owners.

Mr. Polster stated he did not know when clustering became "mandatory." Mr. Polster stated he was concerned that there was not guidance for clustering other than what is in the Comprehensive Plan for Rural Lands. Mr. Polster asked if the BOS approved language change to lot sizes also changed the major subdivision language that allows parcels less than 20 acres.

Mr. Wysong confirmed that language did not change and the change only updated the allowable density.

Mr. Polster stated the term "cluster" is only meaningful when talking about major subdivision requirements. Mr. Polster asked if major subdivision requirements were the only standards that would apply.

Mr. Wysong stated if the A-1 General Agricultural Zoning District Ordinance language is updated to include detailed requirements for clustering, then those requirements would apply.

Mr. Polster asked what the incentive for preservation is if the language was not changed to a 1:20 acre density.

Mr. Wysong stated the benefit would be a smaller lot size. Mr. Wysong stated the BOS changed the recommended density to one unit per 20 acres. Mr. Wysong stated you can go below 20 acres for a lot but are still limited by this 1:20 density.

Mr. Polster asked for an example with a 200-acre parcel.

Mr. Wysong stated a 200-acre parcel could accommodate 10 total residences. Mr. Wysong stated the 10 residential lots could be below the lot minimum.

Mr. Krapf confirmed it would be allowable if the overall density for the parcel met the 1:20 density ratio.

Mr. Wysong confirmed this was correct.

Mr. Krapf stated, for this example, a five-acre or 10-acre lot would be allowable as long as the overall parcel density did not exceed 10 lots. Mr. Krapf stated he liked this flexibility because it made rural land developments more affordable.

Mr. Tim O'Connor disagreed and stated the Ordinance requirement to maintain the property acreage through a Homeowners Association (HOA) makes it unaffordable.

Mr. Polster stated the Ordinance requires the HOA to be responsible for the whole parcel.

Mr. O'Connor stated this makes it unaffordable. Mr. O'Connor stated this related to why he did not approve the Comprehensive Plan. Mr. O'Connor stated he believed the GSA Land Use (LU) 1.3 in the Comprehensive Plan applied and states "use policy and ordinance tools to ensure the provision of open space as part of development proposals. In particular, maintain or include incentives for cluster development in exchange for additional open space that provides significant benefits to the community."

Mr. Polster stated the language for major subdivision development is important because any land that is not developed becomes open space and the responsibility of the HOA. He stated a case study of a major subdivision would be important.

Mr. Wysong stated staff along with EPR, PC is working to present a comparison of a major subdivision with and without cluster standards for an upcoming discussion on the Cluster Ordinance.

Mr. Polster stated clustering came up in this discussion because of its relation to buffering. Mr. Polster described the conservation easements on parcels along Forge Road and the setbacks that are specified by the easements. He stated buffers provide open space and create character through restricting development directly adjacent to scenic roadways. He stated he was comfortable with the 400-foot proposal for Forge Road and forested areas but was not sure about Old Stage Road.

Mr. Haldeman stated the question for the Committee was if the word "mandatory" would be removed. Mr. Haldeman stated if voluntary clustering remained, then the Committee would discuss what that would look like.

Mr. Wysong stated clustering is not currently mandated and the analysis presents what development would look like if a major subdivision along a scenic roadway was required to cluster. He stated as staff completed the analysis, mandatory clustering seemed unnecessary,

as the 1:20 density change, and increased setbacks would achieve scenic roadway preservation without additional clustering requirements.

Mr. Haldeman asked if there were any objections to removing the term “mandatory.”

Mr. Krapf stated he did not object.

Mr. Polster stated he did not object.

Mr. Wysong stated staff believed increased setbacks and buffering would be effective tools when tailored to the type of road. Mr. Wysong stated setbacks address the minimum distance structures must be from the front lot line. He stated buffers regulate all land uses within an area and create landscape standards for that area. He stated staff looked at the Comprehensive Plan’s categorization of CCCs for guidance on where and when to apply increased setbacks or buffering. Mr. Wysong stated per the Comprehensive Plan the purpose of Open/Agricultural CCCs are to preserve the viewshed and integrity of farm fields and natural open spaces; the Wooded CCCs preserve and supplement existing buffers to screen development. Mr. Wysong stated staff recommends enhanced setbacks for Open/Agricultural CCCs. Mr. Wysong stated staff recommends using buffering for Wooded CCCs. He stated staff recommends an enhanced setback of 400 feet. He stated this number aligns with the Comprehensive Plan GSA LU 6.3 and the work of EPR, PC. Mr. Wysong stated the setback must apply to both Open/Agricultural CCCs per the County Attorney’s Office; however, parcel sizes on Forge Road and Old Stage Road differ, with smaller parcels located on Old Stage Road. He stated for this reason, staff recommends a fair exception so property owners with existing homes in shallow lots are not prevented from renovating or improving their homes. He stated this recommendation would prevent the creation of non-conformities. Mr. Wysong asked for feedback.

Mr. O’Connor stated he disagrees with the 400-foot enhanced setback without knowing what the maintenance standards would be. He stated he was concerned maintaining additional road frontage would be burdensome for homeowners. He stated White Hall was an example where maintaining the frontage was proffered yet only one resident maintained that acreage. Mr. O’Connor asked what the County would expect for maintenance within that 400 feet and questioned if it could be kept open, left natural, or require trees. He stated this would add to the cost of development and he would like to know who would benefit.

Mr. Krapf stated it would be unacceptable if the area was kept natural and trees started to grow because it would not suit the purpose of an Open/Agricultural CCC. Mr. Krapf stated he disagreed with Mr. O’Connor because the purpose is to protect the viewshed and rural lands. He stated the study reveals most existing structures are set back 400 feet or more. He stated if this setback was reduced, structures would be erected at differing distances and the viewshed would be negatively impacted. He stated he was in favor of the 400-foot enhanced setback.

Mr. O’Connor stated an example using the Lombardi property. He stated the property is 2,600 feet wide and the 400-foot setback would remove one million square feet of developable land. Mr. O’Connor stated the change to the 1:20 acre density already reduced the property’s value through reducing the developable land.

Mr. Krapf stated the land can still be used for the 14 strategies listed in the Rural Economic Development Committee Report without erecting structures. He stated these strategies can enhance the aesthetic quality of the roadway while providing a revenue stream for the landowner.

Mr. O’Connor asked how owners of smaller subdivided parcels can use these economic

development strategies if it has been hard to implement these strategies on larger parcels.

Mr. Krapf stated the parcel is 2,600 feet wide.

Mr. O'Connor stated this assumed same ownership of the parcels.

Mr. Krapf stated owners could partner together or with local business such as restaurants to provide specialty crops. Mr. Krapf stated the land is still usable.

Mr. O'Connor stated the cost is transferred to the landowner or the HOA. He stated this is detrimental for the landowner and benefits few people, as Forge Road is not heavily traveled.

Mr. Haldeman stated he agrees with the 400-foot enhanced setback. He stated he did not consider maintenance requirements. He stated if the land is not farmed or maintained, trees and tall shrubs will grow and hide the viewshed. He stated the question is if the County would also require a maintenance standard.

Mr. O'Connor stated if there was no maintenance standard for an open viewshed trees could be planted.

Mr. Haldeman stated trees could not be planted in the enhanced setback.

Mr. O'Connor asked why the 400 feet distance was needed.

Mr. Haldeman stated it was to prevent structures and the measure was a setback and not a buffer.

Mr. O'Connor stated without a maintenance or agricultural use requirement, 400 feet is not needed.

Mr. Haldeman stated the question is if maintenance standards would be required if the 400 feet distance was approved.

Mr. O'Connor agreed.

Mr. Polster stated there are standards regarding the types of allowed vegetation.

Mr. Wysong stated the proposal is for a 400-foot setback for structures. He stated it only prohibits structures in that area and does not control other aspects of its use. He stated this action is the most direct zoning way to try to preserve the viewshed. Mr. Wysong stated staff viewed structures as the largest impediment to preserving the viewshed. He stated only structures would be prohibited and maintenance standards would not be included. He asked Ms. Christy Parrish, Zoning Administrator, if there were any applicable existing maintenance standards in the Zoning Ordinance.

Ms. Parrish stated there were not. She stated the only thing she could think of was Zoning Ordinance Chapter 10, Section 10-4 which relates to property maintenance and prohibits the County from enforcing tall grass regulations in areas zoned for agriculture. She stated this comes from State Code.

Mr. Polster stated that he wanted to come back to the issue Mr. O'Connor initially mentioned regarding the 400-foot buffer and lot sizes. He stated that staff had noted concern for Old Stage Road, but that there are also issues on Forge Road. He asked about grandfathering provisions, citing the parcel right next to the Lombardi property where there is a church that could be nonconforming. He asked staff for feedback about an approach that could be used

for these types of parcels.

Mr. Wysong stated that question was before the Committee for feedback, and that staff seeks feedback on how to grandfather in a way that minimizes negative impacts from enhanced setbacks without exempting most of the properties.

Mr. Polster stated that there is the same problem on Old Stage Road, and the same problem on Forge Road for at least 14 properties that fall in that same category due to their width. He stated that these properties would become nonconforming and potentially a problem if somebody decides to sell the property and the next owner decides to do something with it.

Mr. Wysong noted that these particular properties would become nonconforming as soon as the setback is approved.

Mr. Polster agreed and stated he felt this was a catch-22 for the landowner. Mr. Polster stated that it is difficult to try to apply any new regulations equitably.

Mr. Wysong stated that creating nonconformities is inevitable with enhanced setbacks.

Mr. Polster stated that one of the reasons he asked staff about the Purchase of Development Rights (PDR) program is that there could be an alternative approach to rural preservation through this program, without a 400-foot setback in the ordinance. He stated that the conservation easement approach through PDR would be the same thing that has been done already on seven or eight different properties along Forge Road. He stated that he felt the outside of the Lombardi property, the viewshed along Forge Road is perfect all the way down. This approach does not impact parcels less than twenty-five acre or ones that would be out of compliance.

Mr. Gavrilovic stated that independent of Mr. Polster's point regarding PDRs, another option for grandfathering could be to include language stating that lots below a certain size in place at the time of the Ordinance adoption would be exempt. He stated that he had not seen that type of language on structures, but he had seen it on lots.

Mr. Polster stated he would be interested in knowing how that would work.

Mr. Wysong stated that a challenge of an enhanced setback is creating nonconformities. Mr. Wysong stated too many exemptions would result in most parcels not following the rule and the setback would not be accomplished. He further stated that a setback is the most direct way of preventing structures from being within the 400 feet.

Mr. Haldeman mentioned that based on the information provided by EPR, it did not appear that there were many structures currently within that 400-foot setback.

Mr. Gavrilovic stated there were not many structures within 400 feet and the majority of existing structures were agricultural.

Mr. Haldeman questioned whether farm structures would be exempted.

Mr. Wysong answered that it would be up to the Committee. He stated that, after discussions with the Zoning Administrator, staff is not proposing to exempt agricultural structures. Mr. Wysong stated agricultural structures are not defined in the Zoning Ordinance and this makes enforcement challenging. He stated there is no mechanism in place to address agricultural structures that are converted to other uses such as residential or commercial.

Mr. Haldeman stated that due to the small number of agricultural structures within the

proposed 400-foot setback, it would not create many nonconformities.

Mr. Wysong stated there were not many on Forge Road. He stated it would depend on how the exemptions are applied. He stated that staff was looking for guidance from the Committee concerning how to apply exemptions. For example, if an exemption exists based on lot depth, it may be a smaller number of nonconforming lots that are created. He stated another example could be to create an exemption for a certain lot size so that owners of smaller sized lots are not constrained as to what they can do.

Ms. Parrish stated that staff can do whatever the Committee and the BOS decided. She just wanted to inform the Committee that enforcement can be problematic. She gave the example of, for instance, a homeowner has an agricultural structure to house horses. That owner sells the property and then the owner decides to store boats and recreational vehicles. The use has now changed from agricultural to storage. She stated that the new owner most likely does not realize that storage of recreational vehicles is not allowed in an accessory structure.

Mr. Krapf stated he was supportive of restricting any structure. He expressed concerns that some agricultural structures are very large, and while the use at times is agricultural, what is in place that would prevent the structure being used, for example, as an event facility. He stated that it was important to look at the intent of the exemptions. He felt that exemptions could open up the situation for more abuses in the future.

Mr. Haldeman clarified that staff's recommendation was for enhanced setbacks for parcels in the A-1 Zoning District, adjacent to scenic roadways, outside the PSA, and only to Open/Agricultural CCCs. He stated there would be exemptions for parcels that are shallower.

Mr. Wysong stated that was correct.

Mr. Haldeman asked what the Committee would deem as exempt.

Mr. Polster asked how many parcels along Forge Road and Old Stage Road would be affected by this change.

Mr. O'Connor expressed his concerns again about enforcement.

Mr. Gavrilovic stated that along with having exemptions, it is important to have good recordkeeping. He stated that if there is a clause in the Ordinance stating that parcels existing before a certain are exempt, then it is important to have accurate records showing whether that is the case.

Mr. Wysong stated that staff was looking at a starting point of 500 feet for lot depth for a possible exemption.

Mr. John Risinger stated that it was important to remember that rear setbacks have to be taken into consideration as well when determining what the lot depth should be for exemptions.

Mr. O'Connor stated his concerns about restricting the use of property for the owners. He also stated that family subdivisions may need to be considered as well.

Ms. Parrish stated that having dates as a reference for exemptions are easier to monitor than other parameters. staff will have to be cognizant when reviewing building permits and subdivision plans of what might apply to a parcel.

Mr. Wysong stated that for this review, staff measured from the County's Geographical

Information System what the closest structure is on every parcel. He stated that Forge Road has much larger parcels with few nonconformities in relation to this Ordinance change. On Old Stage Road, there were more residences, but staff did not determine how many would be affected by this change.

Mr. Haldeman asked Mr. O'Connor what he would like to see moving forward, and whether staff needed more direction from the Committee?

Mr. O'Connor answered that if the County asks for a setback of 400 feet, that the property owners need to have something in return. He is supportive of some incentive. He stated that citizens have expressed on multiple occasions that many of these lands are family-owned, considered part of the owner's retirement, and are considered their investments.

Mr. Haldeman believes that this area was not designated for residential development.

Mr. O'Connor stated that he felt the County has benefited from the agricultural use of these lands. He feels that this setback would severely reduce the ability for these owners to use their land.

Mr. Krapf stated that there are other appropriate uses other than farming and agriculture. He agrees that owners may need to be compensated. He also stated that these are rural lands, and this always comes up with each Comprehensive Plan update. Mr. Krapf asked about an overlay district.

Mr. Wysong answered that the County would have to initiate a rezoning for all the parcels that are adjacent to scenic roads which would be a large undertaking.

Mr. Josh Crump added that staff believed other Ordinance changes would be an easier way to accomplish the goal.

Mr. O'Connor asked if there was an option to create a special tax district.

Mr. Krapf stated that he believed that is how the PDR fund was created many years ago. He wondered if there was an option for a reduced tax for those who would lose usage of that 400-foot setback area.

Ms. Parrish asked that the Committee keep in mind that the County can enforce the no non-agricultural structures in that area.

Mr. Polster asked what the required setback would be for Forge Road for someone developing today. He also asked what the County is trying to fix.

Ms. Parrish stated it would depend on the width of the right-of-way and the lot size, it could be anywhere from 50 to 75 or more.

Mr. O'Connor asked if there was a lesser number (less than 400 feet) that would be acceptable to the Committee.

Mr. Krapf stated that there could be a potential problem when dealing with a rural cluster, and the ability to have smaller lots. If the property is along the road and there is no 400-foot setback, it could impact the viewshed. He felt it might be helpful to review a worst-case scenario.

Mr. Haldeman asked what the Committee would like staff to prepare.

Mr. Polster stated that he would like staff to look at the four parcels on Forge Road over 25 acres with a worst-case scenario of a major subdivision and apply the 400-foot setback.

Mr. Wysong asked if the Committee would want information regarding the number of parcels affected by the proposed setback, with the exemption discussed.

Mr. Polster stated that the Committee is not sure if there should be enhanced setbacks.

Mr. Gavrilovic clarified that the Committee wanted to do an analysis of two or three options, of what a major subdivision would look like on both roads.

Mr. Wysong asked if the Committee wanted to apply the 400-foot setbacks as well.

Ms. Parrish added that staff could probably create various overlays with various scenarios, with current setbacks, with 400-foot setbacks, and with current structures.

Mr. O'Connor asked if the 400 feet would apply for a solar farm.

Ms. Parrish stated that the panels would be considered structures.

Mr. Risinger asked for clarification for creating these visuals.

Mr. Polster asked for scenarios for the four parcels on Forge Road over 20 acres. He also asked for information on what the impact on other parcels would be. He also asked for the same scenario with regards to the parcels on Old Stage Road.

Mr. Krapf asked that the Committee also look at what is the downside of not imposing a 400-foot setback.

Mr. O'Connor asked that the exhibits show parcel lines.

Mr. Gavrilovic added with respect to grandfathering, that language could be crafted but it would most likely be complex and detailed. He stated that it would be unique to the A-1 District if, for example, the thought was to potentially allow existing structures to expand by a certain percent, but that new structures would have to follow current Ordinance regulations (400-foot setback).

Mr. Krapf stated another thing to consider, is if the Committee would like to limit the square footage of accessory structures. Some agricultural structures, such as those for horses, can be very large.

Mr. Wysong stated that having too many regulations might appear to be more of an overlay district.

Mr. Wysong then introduced staff's review of the buffers. He stated that for buffers along Wooded CCCs and for commercial projects, staff recommends enhanced buffering by increasing the width of the required buffer (in Section 24-98) from 50 feet to 100 feet wide. For residential major subdivisions, staff recommends establishing a buffer requirement in the A-1 District with a specified width of 200 feet. Currently there is no requirement in A-1.

The Committee concurred with staff's recommendations.

Mr. Wysong stated that for timbering activities the Zoning Ordinance requires buffer and setbacks for timbering activities. The Ordinance addresses properties zoned A-1 and specifies that for properties within the PSA, all timbering activities shall be located a minimum of 50 feet

from any public right-of-way, while for properties that are outside the PSA, there is no required setback for timbering. To preserve the character of Wooded CCCs, staff recommends considering amending this language to include a timbering setback of at least 50 feet on properties along Wooded CCCs outside the PSA.

The Committee concurred with staff's recommendations.

Mr. Haldeman summarized the Committee's discussion, stating the roadways that would be addressed and that the Committee was not pursuing the mandatory clustering approach. He stated that with regards to setbacks there will be more discussion at the next meeting. He also stated that the Committee agreed with staff's recommendations for buffers and timbering provisions.

E. NEW BUSINESS

There was no New Business.

F. ADJOURNMENT

Mr. Polster made a motion to Adjourn.

The motion passed 4-0.

Mr. Haldeman adjourned the meeting at 5:20 p.m.

Mr. Jack Haldeman, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 1/12/2023

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the December 8, 2022 Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the December 8, 2022 Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Cook, Ellen	Approved	1/5/2023 - 4:28 PM
Policy	Holt, Paul	Approved	1/5/2023 - 4:29 PM
Publication Management	Pobiak, Amanda	Approved	1/5/2023 - 4:37 PM
Policy Secretary	Secretary, Policy	Approved	1/5/2023 - 4:37 PM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 8, 2022
4:00 PM

A. CALL TO ORDER

Mr. Frank Polster called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

Present:

Jack Haldeman, Chair (participated remotely)

Rich Krapf

Tim O'Connor

Frank Polster

Staff:

Josh Crump, Principal Planner

Ellen Cook, Principal Planner

Suzanne Yeats, Planner

Jose Ribeiro, Senior Planner II/Landscape Planner

Thomas Wyson, Senior Planner II

Christy Parrish, Zoning Administrator

Andrea Case, Community Development Assistant

Liz Parman, Deputy County Attorney

Mr. Rich Krapf made a motion to allow Mr. Haldeman to participate remotely. The motion passed 3-0.

C. MINUTES

There were no minutes.

D. OLD BUSINESS

There was no Old Business.

E. NEW BUSINESS

1. ORD-22-0004. Amendments to the Zoning Ordinance Regarding Community Recreation Facilities in Residential Districts

Ms. Suzanne Yeats stated that on April 12, 2022, the Board of Supervisors initiated a resolution to consider Zoning Ordinance amendments regarding community recreation facilities in residential districts. Staff has become aware of some community neighborhood recreational facilities being used by groups and team sports not affiliated with the neighborhood. Ms. Yeats stated that recreational facilities as currently defined does bring with it the potential for impacts such as increased vehicular traffic, noise, and a duration of use not typically found with neighborhood facilities. She stated that the purpose today was to discuss the Initiating Resolution and the potential ordinance amendment to classify community recreation facilities with reoccurring use by outside entities as a specially permitted use.

Mr. Jack Haldeman stated, just to clarify, that the discussion was to review ordinance amendments, which would require a Special Use Permit for uses at community recreational facilities, in any residential neighborhood, by a group not affiliated with the neighborhood.

Mr. Jose Ribeiro confirmed that was correct.

Ms. Ellen Cook clarified that it would be for a recurring use by those groups.

Mr. Frank Polster asked the question as to why the County would want to regulate neighborhood facilities. He also asked if this was an issue currently, and how widespread it might be.

Ms. Christy Parrish answered that there have been instances where groups outside the neighborhood have used neighborhood facilities or modified neighborhood facilities for their use. Some uses are beyond the normal seasonal use. She stated that some neighbors have expressed concerns about the impacts from these groups using these facilities, as well as the groups monopolizing the use of the facilities. She further stated that it has caused impacts to the adjacent properties. Ms. Parrish stated that there is an instance where one group is essentially operating at the facility year-round and the citizens that live near the facility have expressed concerns about traffic and noise.

Mr. Polster asked if this community has an active homeowners association (HOA).

Ms. Parrish answered that the community has an HOA where membership is not mandatory.

Mr. Polster asked if the HOA had a contractual relationship with the outside group.

Ms. Parrish answered that she did not know but staff was looking at this issue generally, as groups look to utilize neighborhood facilities.

Mr. Polster stated that the HOA should have purview over the use of the facilities, and as such should have some responsibility with regards to the contract and what the specifics are. He stated for example, if the use is for year-round, then the HOA should have some control.

Ms. Parrish answered that staff was reviewing this County-wide, not just in this one specific case.

Mr. Polster stated that it appeared that there was a problem in this one case, and it was unclear as to if it is a County-wide problem. He is not in favor of changing the Ordinance because an HOA might not be enforcing its regulations.

Mr. Haldeman asked whether the HOA has the authority to not permit outside groups from using its facilities.

Ms. Parrish answered that if the HOA oversees the facility, it has the authority to allow and not allow groups to use its facility.

Mr. Haldeman asked if this use by outside groups is occurring with the knowledge of the HOA, why is this a problem for the County?

Ms. Parrish answered that there are some community facilities that are not being operated solely with just the residents of that community.

Mr. Haldeman stated that most community facilities are installed by some entity and maintained and governed by some entity, such as an HOA. That HOA can allow or not allow groups to

use its facility.

Ms. Parrish answered that there could be instances where a resident of the neighborhood lives near the facility, and is not part of the HOA, and the HOA has granted a group permission to use the facility that now has changed the nature of the use. In that instance, that neighbor may or may not have a say regarding the impacts of that group.

Mr. Timothy O'Connor stated that the neighboring resident does have a choice in that they can join the HOA and express their concerns, or they choose not to participate.

Mr. Polster added that these facilities require maintenance and some facilities such as pools can be expensive. He stated that it is important to give those facilities the opportunity to generate additional income for maintenance. He also stated that in some neighborhoods where pools exist and a swim meet is taking place, there are a lot of impacts such as traffic and noise.

Mr. Haldeman asked if this discussion would apply to those neighborhoods who hold swim meets and other groups/neighborhoods come to participate.

Mr. O'Connor answered that is the challenge. The challenge is where do you draw the line with groups attending and/or using neighborhood facilities. He stated that it has been his experience that no other jurisdictions regulate this kind of use.

Mr. Krapf asked if this change was for recreational uses only. There are some neighborhoods that have restaurants. He stated that these restaurants are open to the public and generate traffic. He believed that it should be the responsibility of the HOA or entity that oversees renting out the facility. Mr. Krapf mentioned the beekeeping and chicken keeping Ordinances where it may be permitted in the County's Ordinance, but an HOA might not allow it. In these cases, the HOA rules would prevail. He feels that there would be some inconsistency when comparing the County regulating uses in beekeeping/chicken keeping (with regards to HOAs) and the County regulating uses for community facilities.

Ms. Parrish stated that the intent is not to take away the HOA's responsibilities or privileges or how it operates its facility. The intent is to require an SUP when groups or organizations that are not part of that neighborhood use the facility when the use has changed. The use is changing from a community recreation facility to more of an outward non-neighborhood facility.

Mr. Polster felt that this was problematic since it could not be demonstrated that there is a problem that needs to be solved. He felt that the County should not be involved when the HOA or non-HOA entity is running its own facility.

Mr. O'Connor stated that it would be difficult to draw the line. He stated that the County requires these neighborhood facilities, he does not feel the County should tell the neighborhoods how to operate them. The enforcement is the responsibility of the HOA or non-HOA board of directors. He further stated that State Law allows homeowners to adopt reasonable rules and regulations for use of those facilities.

Ms. Parrish stated that staff was trying to bring some flexibility when a) trying to determine when there is an issue and what is a community facility and its purpose; and b) when does it change to something else. staff is not trying to prevent small groups or teams coming to the facility to participate with a neighborhood. She stated that this is trying to address when organizations come in and take over 50% or more of the facility that has a reoccurring use, and it is no longer a neighborhood facility.

Mr. Kraft expressed his concerns that requiring an SUP for this use does not necessarily correct this issue, it just adds a legislative process. He stated that the process could become convoluted without solving the problem. He felt that it was unclear as to what circumstances an SUP would be required and how conditions would be applied.

Ms. Parrish clarified that this process would be for a reoccurring use.

Mr. O'Connor asked if a facility was used on a regular basis for certain events, scheduled for example by an event planner, would this qualify for an SUP.

Ms. Parrish answered that in that instance, an organization is not trying to take over a facility and change the use per se.

Mr. Polster stated that if abuse is occurring at these neighborhood facilities, then the HOA or non-HOA entity needs to be responsible for that.

Ms. Cook stated that if the Committee does not support the proposed changes that can be reflected in the minutes, and that the Committee could forward its recommendation to the full Planning Commission.

Mr. Haldeman stated that he could not support the recommendation as made by staff due to the reasons the Committee has stated previously.

Ms. Parrish asked if there were any zoning districts that could be recommended for a change.

Mr. Haldeman answered no.

Mr. Polster concurred with Mr. Haldeman.

Mr. O'Connor stated the complainants are not part of the HOA that brought up this complaint. He stated that the complainant could file a complaint based on the Lighting and Noise Ordinance.

Mr. Polster added that maybe staff should look at alternatives.

Mr. Haldeman asked for a motion.

Mr. Krapf felt that the Committee was not ready to make a motion.

Mr. Polster added that he is not supportive of this change. Mr. Polster requested more information as to how widespread of a problem this is. He also added it would be helpful to know if this is occurring in neighborhoods with an HOA or in those neighborhoods that do not have an HOA. He also asked if the neighborhoods do have HOAs, are the HOAs doing anything about the issues. Mr. Polster asked if there were any other alternatives to address these issues other than amending the Ordinance.

Ms. Cook stated that it was her understanding that it was one set of complaints.

Mr. Krapf stated that it would be helpful to know how widespread the problem is.

Ms. Parrish stated that it was only one complaint that staff has received.

Mr. Haldeman clarified that the Committee has asked for 1) staff to evaluate the extent of the problem; 2) determine if there are other ways to solve the problem; 3) determine the nature of the problem.

Mr. O'Connor stated that he had concerns on how this amendment would be written so that it could be enforceable.

Mr. Krapf added that it would be interesting to get feedback from any HOAs in the County.

Staff agreed to come back with the information requested.

Mr. O'Connor expressed his appreciation to staff for the information that has been provided and further stated that he understands that staff was directed to research and review these changes.

F. ADJOURNMENT

Mr. Polster made a motion to Adjourn.

The motion passed 4-0.

Mr. Haldeman adjourned the meeting at approximately 4:40 p.m.

Mr. Jack Haldeman, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 1/12/2023

TO: The Policy Committee

FROM: Thomas Wysong, Senior Planner II; Jose Ribiero, Senior Landscape Planner II; John Risinger, Planner

SUBJECT: ORD-22-0001. Amendments for Scenic Roadway Protection

ATTACHMENTS:

	Description	Type
▣	0. Cover Memo	Cover Memo
▣	1. Initiating Resolution	Resolution
▣	2. Community Character Chapter	Backup Material
▣	3. CCC Map	Backup Material
▣	4. Rural Lands Description	Backup Material
▣	5. Rural Roadway Preservation Analysis	Backup Material
▣	6. Existing A-1 Setbacks	Backup Material
▣	7. Development Scenarios Comparison	Backup Material
▣	8. Forge Road Exempt Parcels Map	Backup Material
▣	9. Old Stage Road Exempt Parcels Map	Backup Material
▣	10. Non-Conformities	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Cook, Ellen	Approved	1/5/2023 - 1:55 PM
Policy	Holt, Paul	Approved	1/5/2023 - 4:07 PM
Publication Management	Pobiak, Amanda	Approved	1/5/2023 - 4:16 PM
Policy Secretary	Secretary, Policy	Approved	1/5/2023 - 4:30 PM

MEMORANDUM

DATE: January 12, 2023

TO: The Policy Committee

FROM: Thomas Wyson, Senior Planner II
Jose L. Ribeiro, Senior Landscape Planner II
John Risinger, Senior Planner

SUBJECT: ORD-22-0001. Amendments for Scenic Roadway Protection

Introduction

At its November 10, 2022, meeting, the Policy Committee approved the concept of requiring enhanced buffering for the Wooded Community Character Corridors (CCCs) identified as scenic for the purpose of this Ordinance amendment. The Policy Committee requested staff to further examine the impact of the other tool under consideration, which is a proposed 400-foot setback on A-1, General Agricultural Zoning District, with Open/Agricultural CCCs.

Staff has analyzed Forge Road and Old Stage Road, both of which are Open/Agricultural CCCs. Specifically, the Policy Committee recommended staff review the impact of the proposed 400-foot setback on the legal status of structures adjacent to the property. The Policy Committee recommended staff also examine the possibility of exempting parcels that are 500 feet deep or less, which is the depth necessary to meet the 400-foot setback and allow for room to build on the parcel. The Policy Committee also requested a “build-out” scenario for stretches of Forge Road and Old Stage Road in order to compare visually what development is possible under the 75-foot requirement and the proposed 400-foot requirement.

Forge Road Analysis

The developments adjacent to Forge Road consists primarily of scattered single-family residences and agricultural uses on either side, with tree buffering adjacent to the roadway in certain limited areas. There are several + 100-acre farms abutting the roadway that provide significant frontage and contribute greatly to its rural character with housing set far from the roadway. There are multiple existing conservation easements located on either side of the road that establish a large setback within the conserved parcels. Some parcels are not conserved and present an opportunity for residential subdivision and development in the future. There are also shallower lots interspersed between the farms that are utilized primarily for residential use and have structures typically located closer to the road.

Under the current A-1 Zoning District, the setback requirement for Forge Road is 75 feet from the right-of-way. Using the County’s Geographic Information System (GIS), staff has measured the setback distance for the closest structures on each parcel adjacent to Forge Road and determined that the average setback distance is approximately 495 feet (this measurement does not include structures on flag lots, which are typically designed to be hundreds of feet away from the right-of-way and are unlikely to impact the viewshed from the road). Staff has also determined that there are approximately 40 structures located within the proposed 400-foot setback, 16 of which are residences on the property. Staff has determined that there are approximately 10 parcels with a lot depth of 500 feet or less (please see Attachment No. 8 for the proposed exempt parcels). Should these parcels be exempted from the enhanced setback, only 10 houses would be within the setback and 21 accessory structures. Staff finds that exempting these parcels would still allow for the 400-foot setback to be effective for the Forge Road Corridor.

Forge Road Structure Analysis

	Structures Within 400 Feet	Exempt Parcel Structures	Final
Residences	16	-6	10
Accessory Structures	24	-3	21
Total	40	-9	31

As can be seen in Attachment No. 7, EPR has provided the County with a build-out scenario for a stretch of Forge Road. This scenario is based on the County's existing Subdivision and Zoning Ordinance(s) and shows what is permitted "by-right" under the existing setback requirement of 75 feet and the minor subdivision process resulting in nine lots total. As can be seen in the build-out scenario, the 400-foot setback results in greater protection of the scenic viewsheds located along Forge Road when compared to the current requirement of 75 feet.

Old Stage Road Analysis

The development adjacent to Old Stage Road consists primarily of single-family residences, with some larger agricultural and forestal parcels. Excluding the parcels in farm use, most of these parcels are developed as single-family residences, with some buffering on each parcel and cleared area for property access. Most parcels are utilized for single-family residential use and are located on lots that are less than five acres, though there are larger farm parcels adjacent to New Kent County and interspersed along the road. Adjacent to the Primary Service Area line, residences are located closer to the right-of-way and represent a more suburban development style.

Under the current A-1 Zoning District, the setback requirement for Old Stage Road is 75 feet from the right-of-way. Using the County's GIS, staff has measured the setback distance for the structures closest to the road on parcels adjacent to Old Stage Road and determined that the average setback distance is approximately 170 feet (this measurement does not include structures on flag lots, which are typically designed to be hundreds of feet away from the right-of-way and are unlikely to impact the viewshed from the road). Staff has also determined that there are approximately 72 structures located within the proposed 400-foot setback, 33 of which are residences on the property. Staff has determined that there are approximately 21 parcels with a lot depth of 500 feet or less (please see Attachment No. 9 for the proposed exempt parcels). Should these parcels be exempted from the enhanced setback, 18 houses would be within the setback along with 25 accessory structures. Staff finds that exempting these parcels would still allow for the 400-foot setback to be effective for the Old Stage Road Corridor.

Old Stage Road Structure Analysis

	Structures Within 400 Feet	Exempt Parcel Structures	Final
Residences	33	-15	18
Accessory Structures	39	-14	25
Total	72	-29	43

As can be seen in Attachment No. 7, EPR has provided the County with a build-out scenario for a stretch of Old Stage Road. Old Stage Road has fewer large tracts of land and is less likely to have a large residential development be submitted for review. This scenario is based on the County's existing Subdivision and Zoning Ordinance(s) and shows what is permitted "by-right" under the existing setback requirement of 75 feet and the minor subdivision process resulting in nine lots total. As can be seen in the build-out scenario, the 400-foot setback results in greater protection of the scenic viewsheds located along the northern portion of Old Stage Road when compared to the current requirement of 75 feet.

Non-Conformity Analysis

If approved, the proposed 400-foot setback would result in existing structures along Forge Road and Old Stage Road becoming lawfully non-conforming, as they would be located within the setback. A lawfully non-conforming structure is not required to be removed by the property owner, nor is the use of structure prevented by being non-conforming. However, the structure would not be permitted to expand further into the setback. As a result, there would be houses that are located entirely within the setback and could not be expanded, even for minor home improvement projects such as a deck expansion. Staff recommends allowing existing structures within the 400 feet be expanded, provided it does not expand further within the setback towards the roadway.

Staff Questions

Staff anticipates an opportunity to seek feedback from the Board of Supervisors on the work for this Ordinance item that has been done to-date, including the Policy Committee's recommendations, at the Board's Business Meeting on January 24, 2023. In order to prepare for this meeting, staff seeks the Committee's recommendations on the following three items:

Does the Policy Committee recommend proceeding with the 400-foot enhanced setback proposal for Open-Agricultural scenic roadways?

Does the Policy Committee recommend exempting parcels that are 500 feet or less in depth?

Does the Policy Committee recommend allowing existing structures within the 400 feet be expanded, provided it does not expand further within the setback?

TW/JLR/JR/md

ORD22-1ScenRdAmd-mem

Attachments:

1. Initiating Resolution
2. 2045 Comprehensive Plan Community Character Chapter
3. Community Character Corridor Buffer Treatment Guidelines and Map
4. 2045 Comprehensive Plan Land Use Designation Description for Rural Lands
5. Rural Roadway Preservation Analysis
6. A-1 Setback Requirements
7. Development Scenario Comparison (Forge Road and Old Stage Road)
8. Forge Road Exempt Parcels Map
9. Old Stage Road Exempt Parcels Map
10. Section VII-Non-Conformities

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE AND

SUBDIVISION ORDINANCE TO PROVIDE ADDITIONAL REQUIREMENTS TO PROTECT

AND PRESERVE SCENIC ROADWAYS SUCH AS FORGE ROAD


WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the "Virginia Code"), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the "Board"), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent and required by public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, section 15.2-2253 of the Virginia Code and County Code Section 19-10 authorize the Board to request the Planning Commission to prepare and recommend amendments to the Subdivision Ordinance; and

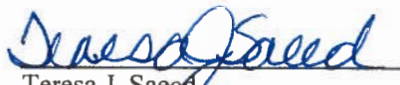
WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance and Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Planning Commission to prepare and recommend amendments to Chapter 19, Subdivisions, in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Subdivision Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saeed
Deputy Clerk to the Board

SADLER
ICENHOUR
LARSON
MCGLENNON
HIPPLE

VOTES			
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of November, 2021.

InitConsdForgeRd-res

Community Character

Introduction

James City County's community character is often described as "historic," "rural," and "small town." Key components include the natural topography; large wooded areas of tall deciduous forests; open vistas across ravines, wetlands, and water bodies; relatively low traffic volumes; scenic roads; and small scale, low-intensity development. Places such as Norge, Toano, Grove, Five Forks, and Jamestown bring to mind separate, identifiable areas of the County. However, this small town feel and sense of place has been challenged by the growth of the past 20 years, including an evolution to more urban and suburban landscapes. The guidance that this chapter offers is intended to maintain the small town feel and sense of place even as the County changes over the years.

As this growth occurs, it can change the County's character in a positive or negative way. Factors such as architectural style and massing, streetscape, buffers, scale, and accessibility can influence whether designs are distinctive and build the community's character, or lack authenticity and are indistinguishable from those found anywhere else in the United States. Through its policies and Ordinances, the County continues to encourage new growth to locate inside the Primary Service Area (PSA), rather than outside the PSA in more rural areas. This important tool, along with other Ordinances, policies, and the new Character Design Guidelines, work to ensure that development is in keeping with the existing community and preserves the elements of the County's unique community character.

The character of James City County is important to its citizens and business community members alike, and has contributed to the County's attractiveness and growth through the years. As noted in the *2019 James City County Comprehensive Plan Survey* (2019 Citizen Survey), preserving the nature of the area and its quality of life remains a high priority. Additionally, placemaking and economic development go hand in hand. According to research by the Virginia Office of Intermodal Planning and Investment, investing in placemaking not only creates livable, multimodal communities that are attractive to a broad range of residents - these elements also attract businesses and economic growth. Recent trends show that business site selection is data-driven, with companies looking for communities that can attract and retain a viable workforce.

The Community Character Chapter Goal, and the Strategies and Actions, are listed at the end of the chapter. After careful review and public input, the Goal language as written in the 2035 Comprehensive Plan has been updated, with several changes to acknowledge the current character of the County by adding "architectural" to the qualities to be preserved and enhanced, "the overall health...of its residents" and by noting the County's "distinctive character" as a replacement for "rural and small town." The Goal now states: **"The County will be a good steward of the land by preserving and enhancing the scenic, cultural, rural, farm, forestal, natural, architectural, and historic qualities that are essential to the County's distinctive character, economic vitality, and overall health and quality of life of its residents."** In recognition of the importance and value of community character, the County has taken many positive steps over the years toward shaping future development, which are detailed in part in the Spotlight on Implementation section, and continues to be sensitive to the many characteristics that already exist. The methods that the County has at its disposal influence not only the appearance of the community, but also the way the community functions and the experiences of visitors, citizens, and those who do business in

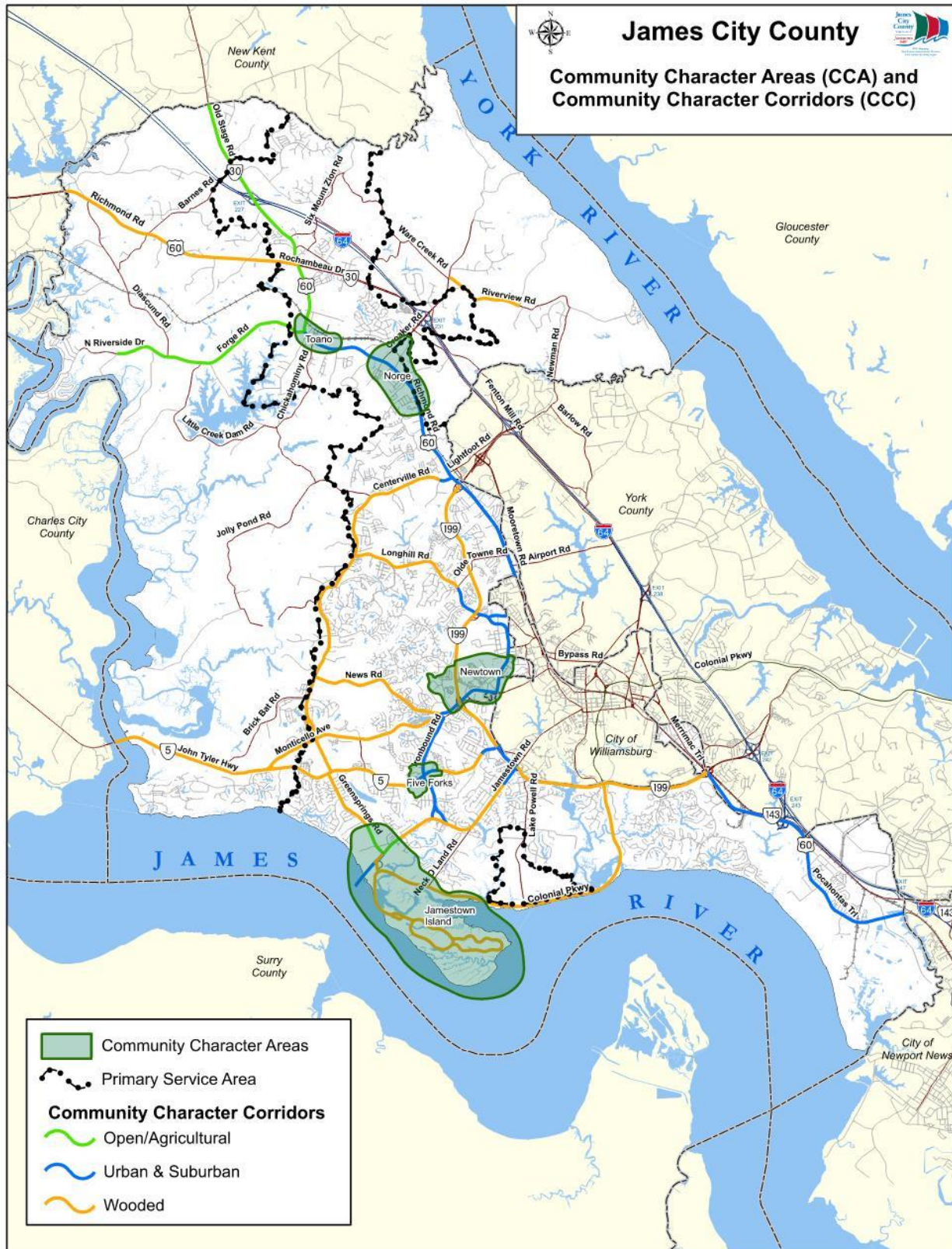
the County. Further action through the revised and updated Strategies and Actions will continue these efforts into the future.

Key Planning Influences

Important Places of Character

Recognizing the value and importance of the natural and historical resources of the County, the Comprehensive Plan has since 1997 designated certain roads and areas in the County as Community Character Corridors (CCCs) and Community Character Areas (CCAs). Other areas in the County such as the Grove and Croaker communities and Forge Road, although not designated as Community Characters, are still important places of character in the County. Map CC-1 shows the designated Community Character Corridors and Areas in the County.

Map CC-1. Community Character Areas and Community Character Corridors



Community Character Corridors

Community Character Corridors (CCCs) are roads in the County that were previously designated as greenbelt roads, described in the 1991 Comprehensive Plan as entrance corridors and roads which promoted the rural, natural, or historic character of the County. In 1997 they were adopted as CCCs and have played an instrumental role in helping to preserve the original character of these roads. More attention has been given to the roads which are considered to be entrance corridors, or gateways, because they set the important first impression that many visitors have of the area.

Since the 1997 Comprehensive Plan, each plan has identified the following three types of CCCs and their corresponding goals: Open/Agricultural, Wooded, and Urban/Suburban. Some roads have more than one designation depending on the location within the County.

Table CC-1. County CCC Designations

Road	Open/ Agricultural	Wooded	Urban/ Suburban
Centerville Road		X	X
Colonial Parkway		X	
DePue Road			X
Forge Road	X		
Greensprings Road	X	X	
Humelsine Parkway (Route 199)		X	X
Ironbound Road from Jamestown Road to News Road			X
Ironbound Road from Strawberry Plains Road to City of Williamsburg border			X
Jamestown Road		X	X
John Tyler Highway		X	X
Longhill Road		X	X
Monticello Avenue		X	X
News Road		X	
Old Stage Road and Barhamsville Road from Anderson's Corner (intersection of Routes 30 and 60) to New Kent County border	X		
Pocahontas Trail south of Humelsine Parkway to Newport News border			X
Richmond Road from Anderson's Corner to New Kent County border		X	
Richmond Road from Anderson's Corner to City of Williamsburg border	X		X
Riverview Road from Croaker Road to the entrance of York River State Park		X	
Sandy Bay Road from Ironbound Road to Jamestown Road			X

The County has created standards and guidelines for how CCC buffers are to be treated during development and how to preserve the unique community character along these key corridors throughout the County. To give better guidance regarding landscape treatments along the different Community Character Corridors, in January 2011, the Board of Supervisors adopted buffer treatment guidelines and a map showing the location of the corridors and their buffer type designations.

For the most effective corridor buffers, existing plant material should be maintained and supplemented with a mix of small trees and shrubs that are both evergreen and deciduous and preferably native. Planting should occur in a staggered pattern, with the smaller understory plant material defining the edges of the existing groupings of material. New buffers can also be successfully planted in a more natural design, especially when the buffer might be very wide and the developer wants to reduce maintenance costs associated with a manicured area.

In addition to the treatment guidelines adopted by the Board, the Landscape Ordinance specifies when CCC buffer treatments are required for development plans. Generally, roads designated as CCCs require a 50-foot average buffer along the right-of-way, but in some instances the Ordinance allows for a buffer width reduction if it best complements the surrounding area. For example, parcels located in a Community Character Area with design guidelines recommending a more urban design with shallower setbacks may be eligible for a reduced CCC landscape buffer width in order to better align with the neighboring streetscape. A buffer reduction may be conditioned upon superior site design, such as enhanced landscaping and architectural features, and should not be viewed as a method for reducing landscaping requirements. Additionally, consideration should be paid to the context of the right-of-way itself. For example, the design of any complementary facilities should be in keeping with state and regional guidelines, such as the Virginia Department of Rail and Public Transportation (DRPT) Multimodal System Design Guidelines.

Highlights from the adopted policy describing the three types of buffer treatments and their corresponding goals are provided below.

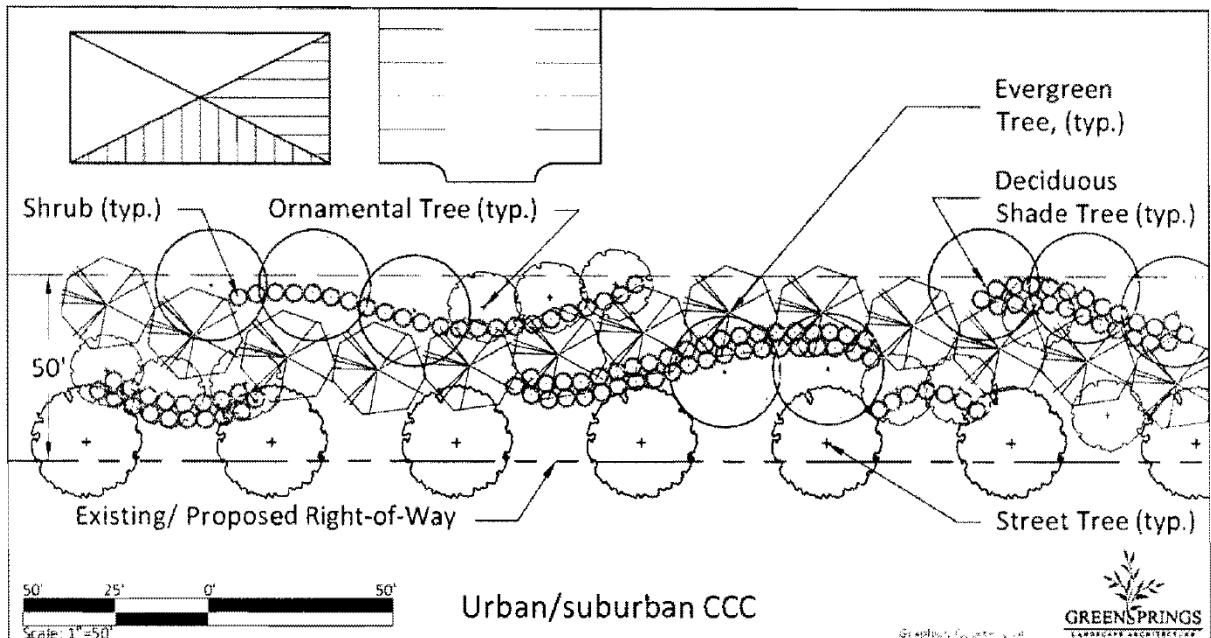
Urban/Suburban Community Character Corridors

- Characterized as having high to moderate traffic, commercial uses, and some residential uses.
- Predominant visual character should be the built environment and natural landscape.
- Buffer treatments should incorporate existing and new vegetation, berms, and other desirable design features to complement and enhance the visual quality of the corridor.
- Vehicle-related activities such as parking lots, deliveries, and outdoor operations should be screened.



Image CC-1. Richmond Road along Williamsburg Premium Outlets

Figure CC-1. Urban/Suburban CCC Treatment Exhibit



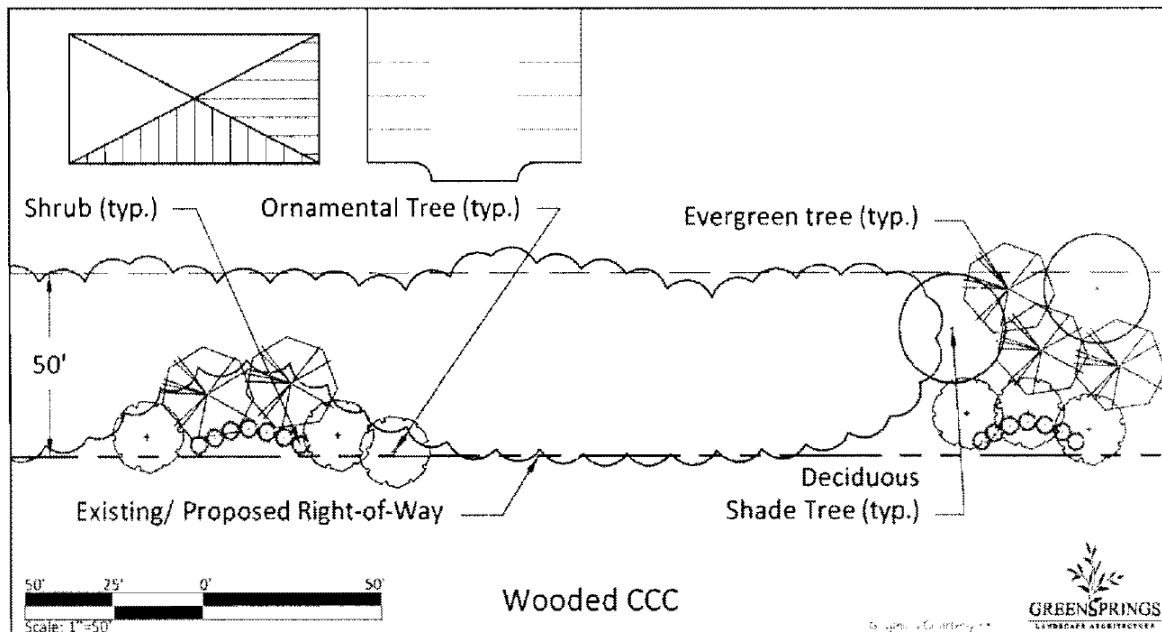
Wooded Community Character Corridors

- Characterized as having natural wooded areas along the road, with light to moderate traffic, and minimal commercial development.
- Existing vegetation should be preserved or supplemented to create a wooded buffer that preserves open space and wildlife habitat.
- The buffer should visually screen the development from the road to maintain the natural character of the County.



Image CC-2. Western Monticello Avenue

Figure CC-2. Wooded CCC Treatment Exhibit



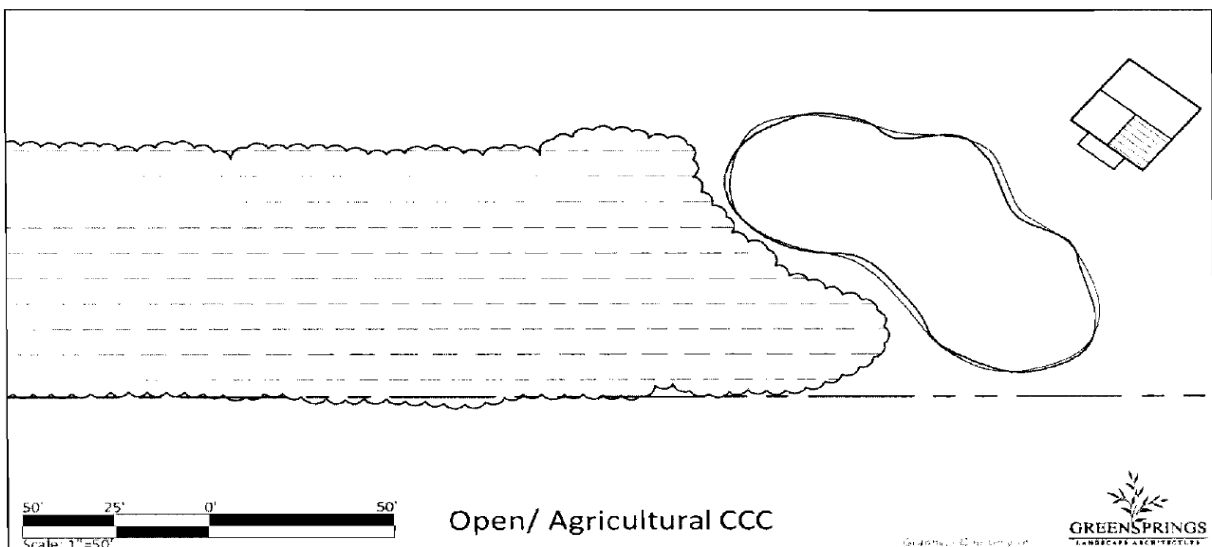
Open/Agricultural Community Character Corridors

- Characterized as a corridor located primarily in rural lands where farming and forestry activities are predominant.
- The viewshed and integrity of farm fields and natural open spaces should be preserved so they remain the dominant visual features.



Image CC-3. Forge Road

Figure CC-3. Open/Agricultural CCC Treatment Exhibit



Rural Roads

A number of secondary roads both inside and outside the PSA have a distinct rural character. These roads are characterized by pavement widths typically less than 20 feet, limited sight distances, narrow shoulders, and in many instances, tree canopies that extend over the pavement. Such roads play a major role in preserving the rural character of the County. Some need safety improvements while others are impacted by traffic volumes greater than their intended capabilities. The County works with the Virginia Department of Transportation (VDOT) to make needed improvements through the Secondary Six-Year Improvement Program (SSYIP) in a manner that retains the rural character of these roads.

Community Character Areas

Existing Community Character Areas

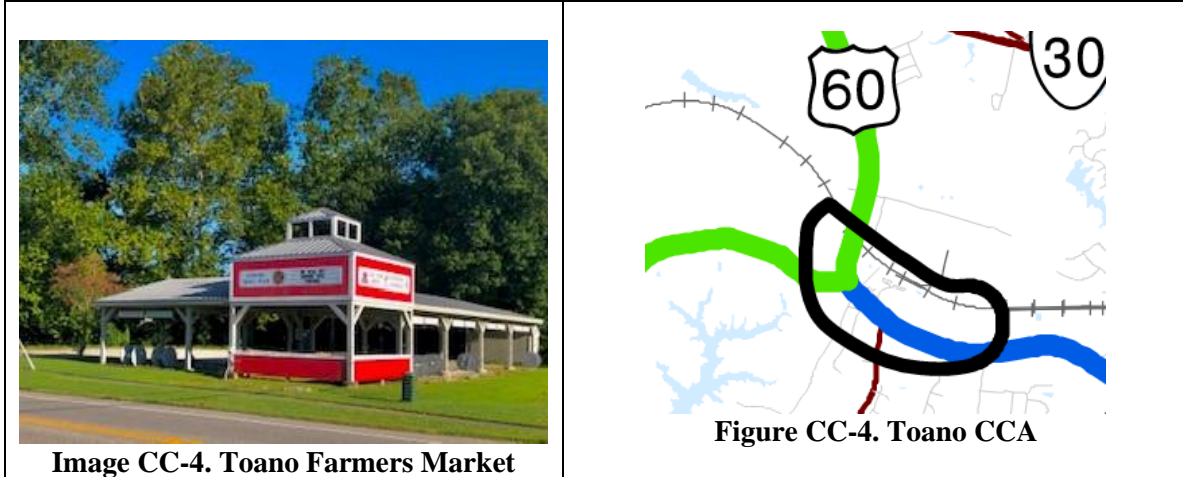
During the 1997 Comprehensive Plan process, certain areas of James City County were confirmed as important places during the public participation process. The following areas are identified as Community Character Areas (CCAs):

- Toano
- Norge
- Jamestown Island - Jamestown Settlement - Greensprings Road
- New Town
- Five Forks

Design guidelines for future development have been developed for these areas. Both Toano and the Five Forks CCAs have standalone design guidelines with specific design standards adopted by the Board of Supervisors. The New Town CCA has guidelines developed as part of the rezoning and master planning of the New Town Mixed Use development. Unlike these three CCAs, Norge and Jamestown Island do not have standalone design guidelines, and therefore, design standards for these areas are listed within the text below.

The boundaries of CCAs, as represented on the Land Use Map, are not intended to be parcel-specific. Instead, they are meant to be used as a guide to areas that citizens have identified as possessing unique characteristics and maintaining a relatively defined sense of place. The specific design characteristics outlined for each area are used at the discretion of the Board of Supervisors when considering new large-scale developments at the rezoning and Special Use Permit (SUP) stage and are not necessarily intended to be applied to individual homeowners in existing neighborhoods. Most CCAs have a central core area, where stricter adherence to the area's description is seen as very important in order for the area to maintain the desired character. Application of the design characteristics may be more relaxed for parcels towards the perimeter of the CCA, but may still involve an evaluation of the parcel's impact on other adjacent parcels within the CCA, specifically as they pertain to the viewshed, parcel connections, and walkability.

Toano



Toano, derived from a western U.S. Native American word meaning “high ground,” has been a center of modern commerce and trade since the colonial era. Prior to English colonization, this area was part of the Powhatan Confederacy. Beginning in the 1700s, the area was home to “ordinaries,” or inns providing lodging and meals to travelers on the road from Williamsburg to Richmond. The area became known as “Burnt Ordinary” following a Revolutionary War-era fire, and retained this name until the 1880s, when it was renamed to Toano by out-of-town developers of the C&O Railway for a new station on a new rail line.

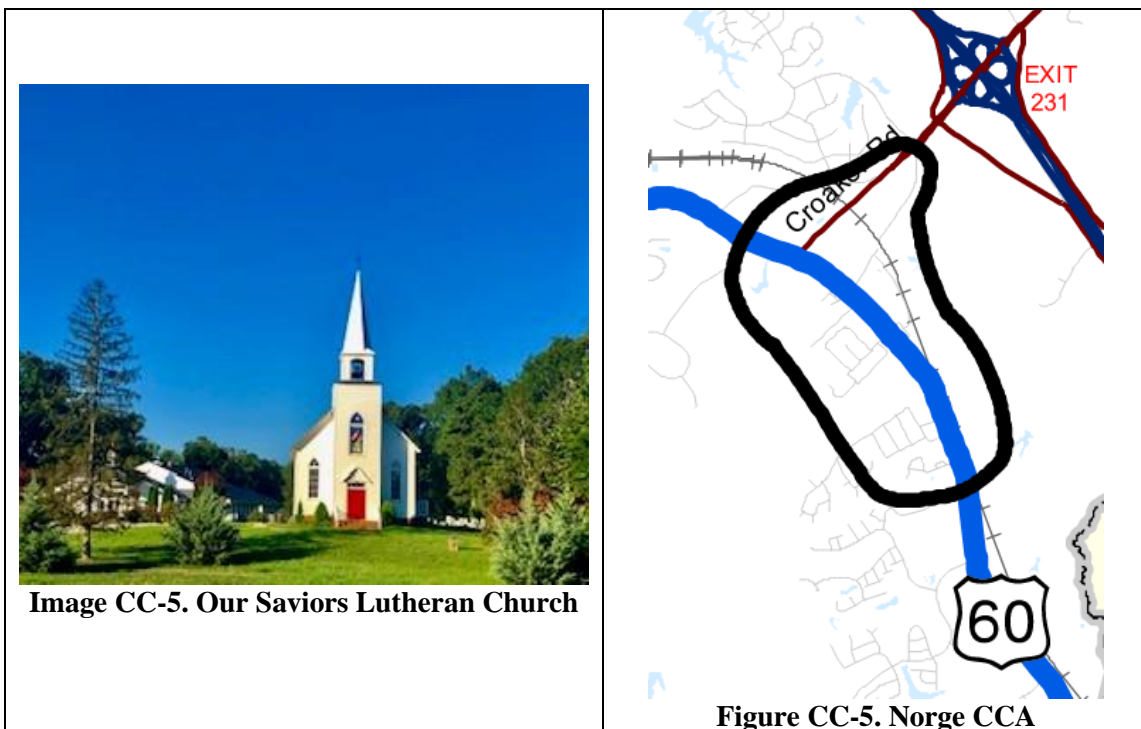
The addition of the railroad allowed commerce to grow, and by the early 20th century downtown Toano included the C&O depot, a variety of retail shops and trades services, banks, inns, and a school. The area became known as a “Village of Stores” and solidified itself as an important commercial hub for upper James City County.

Toano still retains much of the “village” character that led to its designation as a Community Character Area. Although some new development has occurred, the character is still dominated by buildings constructed at the beginning of the 20th century. These buildings have shallow setbacks and many are two-story, creating a more pedestrian-oriented storefront environment than any other area in the County. Toano has also retained a fairly clear visual separation from more recent development along Richmond Road, with visitors enjoying a distinct sense of arrival from both the east and the west.

In September 2005, the Board of Supervisors created the Toano Community Character Area Study Committee in order to listen to the views of County citizens, particularly those who live and work in Toano. The Committee’s purpose was to recommend principles and guidelines that highlight and honor Toano’s history, encourage growth that enhances the area’s character, and improve streetscapes and a pedestrian-friendly town center. The guidelines created by the study were adopted by the Board of Supervisors in February 2006. The design guidelines highlight improvements and plans for the Toano area and give guidance for all future developments inside the CCA. For parcels fronting on Richmond Road on the northwest side of its intersection with Forge Road, the design guidelines encourage a mix of commercial and residential uses, but predominantly neighborhood commercial on the Richmond Road frontage. Speed limits should be lowered in transitional zones entering Historic Toano, and pedestrian/bicycle access should be promoted throughout the corridor with safe, improved sidewalks, crosswalks, bike lanes, and sidewalk buffers.

Since the design guidelines were adopted, improvements have been made to median landscaping, sidewalks, and signage, and additional drainage and roadway infrastructure improvements are currently being planned. An example of beautification improvements include the installation of “Welcome to Toano” signs in 2006, featuring a design inspired by demi-lune windows, a type of window frequently featured in early 20th century architecture around the village. In addition to these efforts, in 2019 the Toano Commercial Historic District was added to the National Register of Historic Places, and in 2020 Toano was accepted as a Commercial District Affiliate of the Virginia Main Street Program. An affiliate is an introductory tier of the Main Street Program that allows communities to access the national network of strategies and resources for preserving and revitalizing community character.

Norge



Prior to the 1890s, the area now encompassing Norge was sparsely populated. Settlers of Scandinavian origin located in the Midwestern United States, who were unhappy with the farming conditions of the Midwest, were persuaded to move to the upper Peninsula through the efforts of Carl M. Bergh, a Norwegian immigrant who worked as a C&O Railway land agent. Having bought property in James City County himself, he soon encouraged other Norwegians to join him. The first Norwegian resettlers arrived in the late 1890s and situated themselves in the area now known as Norge.

In contrast to Toano, Norge has been more impacted by recent commercial development along Richmond Road and has not been the subject of a subarea study. While Norge continues to have a unique and identifiable residential component located off Richmond Road, along with some pedestrian-oriented storefronts, the early 20th century “village” character of its business and residential areas along Richmond Road has been visually impacted by automobile-oriented development. Many original buildings from the early 1900s were demolished for the widening of Richmond Road in the 1960s. Further, newer development from the east has substantially blurred the distinction between Norge and neighboring Lightfoot. A subarea study with guidelines similar

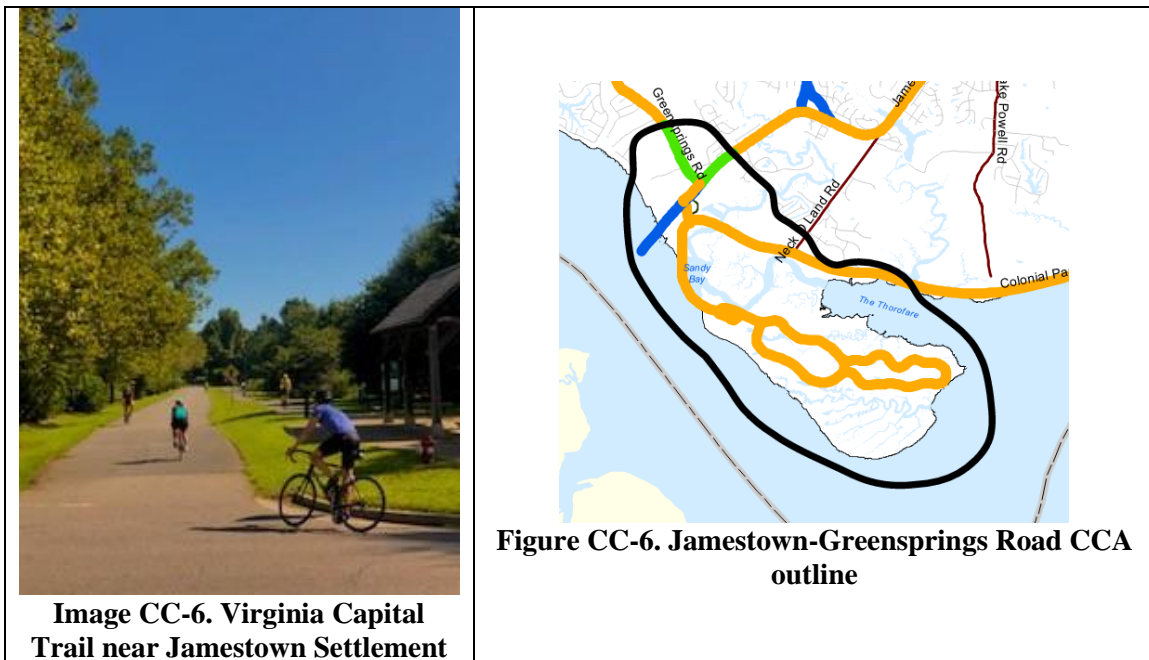
to Toano may be beneficial in providing a more comprehensive evaluation of how to minimize impacts to the historic village character of Norge. Outlined below are specific design standards intended to guide future development and redevelopment in Norge:

- The architecture, scale, materials, spacing, and color of buildings should complement the historic character of the area.
- Building setbacks should be consistent with nearby historic buildings and structures.
- Where possible, parking should be located to the rear of buildings. Parking should be screened from roadway and adjacent properties.
- Shared access and parking should be pursued before constructing new access breaks and parking facilities.
- Existing specimen trees and shrubs should be preserved to the extent possible.
- New landscaping should be of a type, size, and scale to complement and enhance the building and site design. Native plant and tree species are encouraged.
- Signage should be of a scale, size, color, and materials to complement the historic character of the area.
- Pedestrian and bicycle access and circulation should be promoted through the provision of sidewalks, bike racks, benches, crosswalks, street trees, and other design features which help accomplish this goal.
- Mixed use development which provides residential, commercial, and office uses in close proximity is encouraged.
- Efforts to maintain and reinforce the boundaries of Norge and Toano through open space and site design measures are strongly encouraged.

Community character considerations are important for development within areas of the CCA that are designated Economic Opportunity (EO) areas but present some unique considerations. Acknowledging that most EO land is at the perimeter of the Norge CCA, protecting the viewshed around the central core of the CCA and along the railroad should be a primary consideration. Outlined below are specific design standards intended to guide future development and redevelopment in the Norge EO:

- Building setbacks similar to those in central Norge should be more flexible based on the types of uses that are master planned within the CCA. For compatible uses with low impacts, smaller setbacks should be encouraged to integrate the areas. For larger, less compatible uses, attention should be paid to larger setbacks and buffering to minimize impacts.
- Building scale may be larger, but height and massing should gradually increase as development moves away from the core of Norge and closer to the perimeter of the CCA.
- Architectural features consistent with the Norge area should be included in designs for those buildings that are contained within or are clearly visible from the CCA.
- Signage facing into the CCA should also be minimized or designed in a manner consistent with the Norge character.
- Pedestrian and bicycle connections over the railroad tracks should also be promoted through the use of elevated or signalized crossings, sidewalks along roads on either side of the tracks, and bike racks to further integrate EO land with the Norge CCA.

Jamestown Island - Jamestown Settlement - Greensprings Road



Since acquiring Jamestown Beach Event Park and the James City County Marina in 2006 as greenspace purchases, the County has invested in shaping the long-term preservation and revitalization of this important corridor. With its waterfront access and close proximity to both Jamestown Settlement and Colonial National Historical Park, this area has unique opportunities for historic and environmental preservation, as well as economic development.

Jamestown Beach and the Marina, along with Chickahominy Riverfront Park on John Tyler Highway, were evaluated in a master planning project called Shaping Our Shores (SOS). Originally adopted by the Board of Supervisors on June 9, 2009, the SOS Master Plan addressed the long-range physical development, use, and stewardship of these sites over the next 20 years. It presented a vision for the physical environment that promoted and supported the values and goals of James City County citizens. The master plan proposed specific land uses and development which are compatible with specific design standards outlined below:

- The architecture, scale, materials, and color of buildings should be complementary and reflect the historic character of James City County, the City of Williamsburg, and Colonial Williamsburg.
- All development should be well screened from Jamestown Road.
- Parking should be located to the rear of buildings and should be well landscaped with shrubs and street trees.
- All utilities should be placed underground.
- Existing specimen trees and shrubs should be preserved to the extent possible.
- New landscaping should be of a type, size, and scale to complement and enhance the building and site design. Native plant and tree species are encouraged.
- Signage should be of a scale, size, color, and materials to complement the architecture and scale of buildings. Low signs with subdued colors are encouraged.
- Pedestrian and bicycle access and circulation should be promoted through the provision of sidewalks, bike racks, benches, and other design features which help accomplish this goal.
- Natural woodland, open space, and waterfront vistas should be the predominant features.

- Public access to the waterfront should be an integral feature of new development but carefully designed to limit the visual impact on views from the river.

In 2018, a review and update of the 2009 SOS Master Plan was launched by the Parks and Recreation Department to incorporate recently added amenities and adapt to changes in the community's facility needs. The purpose of the review was not to recreate or fix the old plan, but rather to update the plan with these goals:

- Evaluate and confirm where existing park amenities are successfully meeting community needs;
- Identify unmet needs or opportunities and challenges to improve upon existing amenities;
- Evaluate maintenance/conditions and longevity of park features;
- Learn from the community if facilities in the plan are no longer needed, feasible, or should be built in other parks; and
- Create an updated master plan to guide development for the next decade and beyond.

Staff from Parks and Recreation, Economic Development, Planning, General Services, and the James City Service Authority were all involved in the review to ensure the revised master plan complied with local infrastructure and easement requirements and provided enhanced revenue opportunities. Feedback from the community was also sought through public meetings, online surveys, and paper surveys. Some changes included relocation of buildings, equipment and amenities out of the flood plain, removing high-intensity uses such as condos and retail, and adding facilities such as bathrooms and offices. The SOS Master Plan update was adopted by the James City County Board of Supervisors on July 28, 2020.

New Town



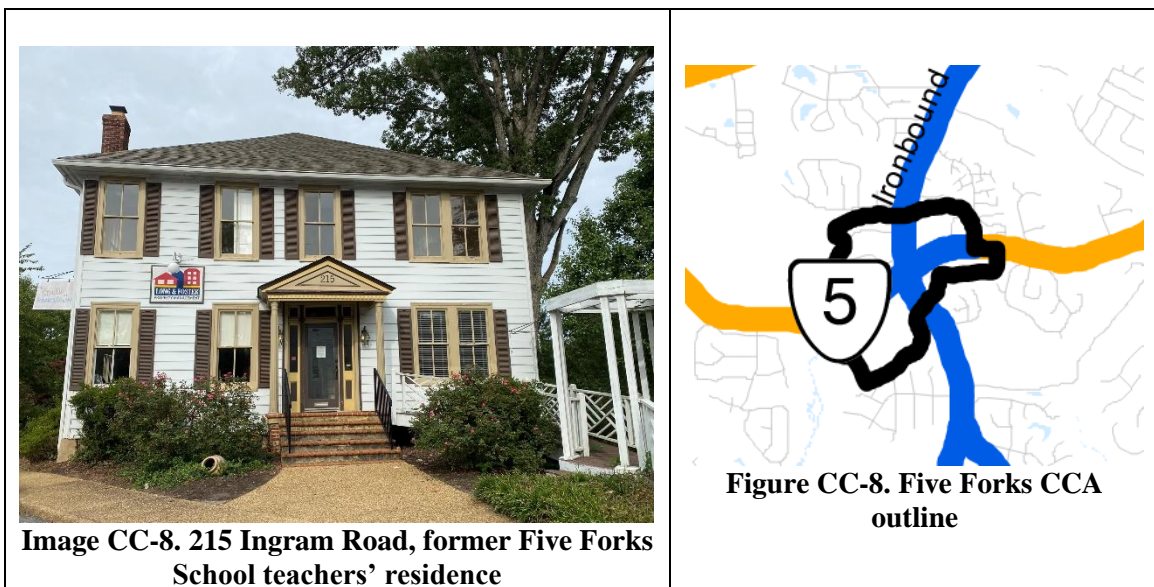
In August 1995, James City County and the C.C. Casey Limited Company sponsored parallel design competitions for a Courthouse and Town Plan, respectively, to be located on approximately 600 acres known as the “Casey” Property. The winning town plan, chosen from among 99 entries worldwide, was submitted by Michel Dionne, Paul Milana, and Christopher Stienon of New York City. The plan included several civic facilities, 600,000 square feet of regional and community retail, 400,000 square feet of office space, and 2,000 residential units of varying types. The plan locates a civic green at the southeast corner of the site where it becomes central to the larger

Williamsburg region and a gateway to the town. A retail square is the focus of the mixed use town center with research and development corporations along Discovery Boulevard. The neighborhoods are composed of a simple street and block pattern that accommodates alleys and permits a variety of lot sizes and housing types. The public spaces of the plan connect to the regional system of public open space so that the new town becomes an urban extension and center for the region. Using the winning town plan as a launching pad, on December 22, 1997, the Board of Supervisors approved rezoning applications that set forth the New Town binding Master Plan and Design Review Guidelines.

Since then, the Board has amended the guidelines several times as new sections have been developed. The design guidelines were prepared by Cooper, Robertson & Partners, and the New Town Design Review Board was created to review all development plans within the New Town master plan area for compliance with the guidelines. Both the guidelines and master plan established standards for different areas of New Town. As development continues many of the original design features are now taking shape, and the New Town Design Review Board has been instrumental in adhering to the design guidelines, thus ensuring that the original concept is realized.

The area designated as the New Town CCA is mostly the same area shown on the adopted master plan for New Town; however, some parcels located within the CCA are not part of the master plan or subject to the same proffers. For the parcels that are located within the New Town Master Plan area and which were rezoned, development must follow the standards provided by the adopted design guidelines. For the parcels that are in the New Town Master Plan area and referenced in the design guidelines but were not rezoned or bound by proffers, development is strongly encouraged to follow the design guidelines. For parcels located outside the New Town Master Plan area, development is encouraged to follow New Town's architectural and design features in order to maintain a unifying look and feel to the area.

Five Forks



Five Forks is an area that retains elements of a village character, including two original buildings dating to the early 1900s: the original Five Forks School and the neighboring teachers' residence, located near the corner of Ironbound and Ingram Roads. Both are good surviving examples of

American four square construction and have influenced the design of newer buildings directly adjacent, which were designed to share a vernacular appearance.

This area has grown and changed, and as a result, the Board of Supervisors created the Five Forks Area Study Committee in June 2004 to listen to the views of County citizens, particularly those who live and work in Five Forks. The Committee's purpose was to recommend principles that preserve and build upon the many positive qualities of Five Forks, including protecting both creek watersheds and safeguarding the village character of the area. These principles addressed residential growth, commercial development, traffic concerns, and alternative transportation, and called for the creation of the Five Forks Community Character Area to incorporate design standards for future development. The Board of Supervisors adopted the Primary Principles for the Five Forks Area in August 2004.

Other Special Places

While not all areas that contribute to the County's character have historic or distinct architecture and definable boundaries that would qualify them as Community Character Areas, they are still special to the community because of historic, aesthetic, natural, and/or cultural elements that exist in these locations. Because of this, additional consideration should be given to enhancing and building the character of these areas. Based upon citizen comments as well as a review of documents from the Historical Commission and the book, *James City County: Keystone of the Commonwealth*, three special places have been identified for their contributions to the greater community: the Grove, Croaker, and Forge Road communities.

Grove

Grove is a community in the southeastern portion of the County, valued for its historic, cultural, and agricultural roots. Bordered by the James River to the west and separated from the Newport News city limits by Skiffes Creek, the area was originally part of the Powhatan Confederacy before being colonized by the English. Historic sites in Grove related to Virginia's colonial past include the archaeological site of Wolstenholme Towne, the administrative center of Martin's Hundred dating to 1618, and Carter's Grove Plantation, built in 1755. The Grove community was probably named for nearby Grove Creek, which drains into the James River about six miles east of Jamestown. It may also have been named after Carter's Grove Plantation.

The southeast portion of Grove was largely agricultural through the 1990s before being developed into industrial parks. While the physical presence of Grove's agricultural roots has decreased, a small amount of agricultural land remains on the Carter's Grove property, which is currently included in the Agricultural and Forestal District program.

Grove's present day development began with African-American settlement by freedmen from Carter's Grove and other plantations following the American Civil War. Its population was fewer than 100 people until after the turn of the 20th century. The African-American population increased during the two World Wars, due in part to attracting hundreds of people displaced by federal land acquisition for military installations, including the Naval Weapons Station, Cheatham Annex, and Camp Peary. Grove eventually became the largest African-American community in the County and was commemorated with a Historical Highway Marker in 2013.

Today, Grove is an active community with increasing amenities and programs, including the Abram Frink, Jr. Community Center, the Community Garden, and Grove Community Playground, which

was recently refurbished. Proposed additions by the County include a Lower County Park and a new Convenience Center, both cited in the top five priorities by the Planning Commission in the adopted 2021-25 Capital Improvements Program. Additionally, a segment of Pocahontas Trail will be widened and has undergone a VDOT corridor study with public feedback. To help protect and complement the visual character of the community, Pocahontas Trail, the main thoroughfare through Grove, is a designated Community Character Corridor. Any new development along this route must adhere to CCC buffer requirements. As the area grows and industrial development brings jobs and new residents, it will continue to be important to identify and enhance the special character of Grove.

Croaker

Croaker is a community on the south bank of the York River. The name "Croaker" is believed to have derived from the abundant quantity of Atlantic Croaker, an inshore, bottom-dwelling fish. The community of Croaker was known in its early history as Taskinas Plantation, then Hollywood due to the many holly trees. "Taskinask" was designated by the Tobacco Inspection Act of 1730 as the site of the public tobacco warehouse where local planters stored their crops to be shipped to England. While much of Croaker is now within York River State Park, the remaining area is divided among residential, farming, and woodland areas, which was highlighted as a special place by citizens. The Croaker community includes many historic resources. Croaker Landing, an archaeological site listed on the National Register of Historic Places (NRHP) since 1987, contains evidence of Native American habitation throughout the Woodland Period (c. 1000 B.C. - A.D. 1600). Riverview Plantation, a historic Federal and Greek Revival home dating to the 1850s with early 20th century additions, is also listed on the NRHP. The grounds of Riverview also include contributing structures dating to the 1940s.

Riverview Road from Croaker Road to York River State Park has been designated as an open/agricultural CCC, which enhances the County's ability to preserve the special character of this area. Valued for its history as an agricultural community, the farming and natural character of the area is notable as one of the few agricultural communities left in the County. Since the opening of York River State Park much of the scenic beauty of the areas has been preserved for generations to come, but special attention should be given to acknowledging and protecting the remaining agricultural character of the area.

Forge Road

As colonists moved inland from Jamestown along the waterways, the land bound by the Chickahominy River and Diascund Creek was rapidly settled. By the mid-18th century a number of large farms were established in the area that would become the Forge Road corridor. In this area, troop movement occurred during both the Revolutionary and Civil Wars. The Revolutionary War-era Chickahominy Shipyard, destroyed by the British in 1781 and now included on the National Register of Historic Places, was accessed from Forge Road. Despite the activity that took place in this area during the Revolutionary and Civil Wars, a significant number of 18th and 19th century homes survive today along Forge Road. Architectural remnants which reflect the agrarian heritage of the Forge Road community include the homes of Windsor Castle, Lombardy, and Warrenton.

Today the vistas seen from Forge Road are of larger, pastoral parcels, used primarily for agricultural purposes. The relatively flat terrain along the road has mostly been cleared for residences, crops, or livestock, with denser clusters of trees located at the rear of parcels or around bodies of water. Houses and other structures tend to be set back farther from the road. Much of the land in this area has been recognized for having prime farmland soils and has been an attractive area for horse-related uses. The County has invested in various open space purchases along this corridor.

Forge Road is a two-lane road with a shoulder and is designated as an Open/Agricultural CCC. Additionally, Forge Road at the intersection of Richmond Road is within the Toano CCA. Given the area's historic significance, the agricultural value of the land and the unique and attractive viewshed, the County has been careful regarding road improvements to Forge Road for vehicular traffic. Future development proposals for Forge Road will be encouraged to preserve the agricultural economy that has defined the rural character rooted here for generations.

Factors that Influence Community Character

There are many different factors that can influence community appearance and character. In James City County, factors such as architectural and design elements, the preservation of natural resources, and the area's historic and cultural heritage are important elements that contribute to the overall character of the County.

Neighborhood and Community Appearance

While market conditions greatly determine the type of housing and commercial product offered to citizens, the County can influence the design and appearance of the community to meet the ideals expressed by citizens. Public input shows that many residents value the history and culture of the area, as well as the small-town and friendly atmosphere the County offers. Elements of development can reflect these characteristics that help make James City County a special place for its residents. They are addressed in many ways, from suggestions and requirements for new development to expectations for public plans and improvements.

County Policy and Beautification

The County employs development review and other techniques for beautification. The County has designated funds toward the beautification of high profile corridors, intersections, and public areas in the County, including landscape planting and maintenance. Landscaping has been installed along Humelsine Parkway, Monticello Avenue, Richmond Road, Jamestown Road, Anderson's Corner, and many other areas. County staff also created a sound wall policy and provided feedback regarding landscaping and sound walls to the Virginia Department of Transportation (VDOT) for the I-64 widening project. In addition to landscaping, James City County funded the replacement of standard VDOT signs along Humelsine Parkway and adjacent roads with signs more complementary to the character of the area. Previous efforts include the installation a new wayfinding system in anticipation of the Jamestown 400th Anniversary Commemoration, completed in 2006. This was a regional effort to make the entire Historic Triangle more navigable, with signage that was easier to read and more aesthetically pleasing than the standard VDOT signs.

The County's Sign Ordinance also includes regulations intended to safeguard against inappropriate or excessive signage that may be incompatible with the surrounding character of the area. The Sign Ordinance was amended in 2017 in response to a Supreme Court ruling which stripped localities of the ability to regulate signage based on content, but protections against nuisance signage remained as strong as possible through clarifications to the County's definitions and regulations. Examples include restrictions against off-site signs, illuminated signs, temporary signs, and new billboards, along with specifications for sign dimensions relative to a building façade's surface area. Colors and design of signs are further reviewed for aesthetic compatibility when located on a CCC, within a CCA, or as required by proffers and conditions. Reducing distractions, obstructions,

and visual clutter helps protect the historic and natural character of the County, as well as promote traffic and pedestrian safety.

Character Design Guidelines

Historically, the County has been able to review architectural elevations and/or design guidelines when required for legislative cases. The resulting documents typically then become a binding commitment through conditions or proffers. However, design guidelines are specific to the vision of the developer and may have limited consistency in the elements addressed as compared to other development.

The James City County Engage2045 Comprehensive Plan update is grounded in the idea that County residents should steer the future of their community through clear and open engagement in the planning process. Community engagement opportunities have included a variety of surveys, forums, meetings, and other venues for input on growth, goals, appearance and other topics. Through these engagement opportunities, residents have expressed interests in preserving aspects of James City County's appearance and character that can be shaped by design guidelines.

The James City County Design Guidelines, found in Appendix H, are an important new tool to achieve community character goals. The Guidelines present standards and best practices for lot siting, building placement, building form, access, and landscaping across the County. The Guidelines were developed to support the goals of the James City County Comprehensive Plan and reflect the community's preferences and priorities for the County's continued growth in coming years. The Guidelines ensure that new development is contextual and reflective of James City County's unique natural, historic, and cultural resources, promotes the walkable scale and character the residents appreciate in their neighborhoods, directs new growth to embody sustainable land use practices and landscaping that preserve and protect the County's community character, and contribute to continued distinct character and economic vitality throughout the County. The Guidelines are divided into chapters covering Site and Street Design; Rural; Small Lot (one unit per lot: single-family and multi-family units); Apartments; Commercial & Industrial; and Mixed Use. The Guidelines focus on guidance for development form and placement, and are intended to complement the guidance on use and development scale/intensity found in the land use designation descriptions in the Land Use Chapter. In addition, the Guidelines are intended to complement, but not supersede, the guidance provided in this chapter for the geographically-specific Community Character Corridors and Community Character Areas. Development proposals will also still need to meet Zoning Ordinance requirements.

The new Comprehensive Plan, with the addition of strong Character Guidelines based on public input, will considerably enhance the County's ability to shape new development so that it is more sensitive to community character and design quality standards.

Preserving Vegetation during Development

Landscape requirements per the Zoning Ordinance, open space requirements per the Chesapeake Bay Preservation Ordinance, and buffer preservation all play a role in retaining existing trees and vegetation during development. Listed below are some of the Zoning Ordinance requirements that help the County preserve vegetation during development.

- *CCCs and Right-of-Way Landscape Requirements.* When development occurs along a right-of-way, landscape buffers directly adjacent to the right-of-way are required to be preserved or installed. CCCs require a 50-foot buffer for commercial projects and a 150-foot buffer for

major subdivision projects. All other roads require a 30-foot buffer for commercial projects and a 75-foot buffer for major subdivision projects.

- *Transitional Screening.* When development occurs adjacent to a conflicting land use, such as a commercial development next to a residential district, an enlarged buffer is required between the two uses. The buffer is required to be preserved in its natural and undisturbed state. If the buffer is not vegetated, then screening landscaping is to be installed.
- *Perimeter Buffers.* The side and rear perimeters of parcels located in commercial or industrial districts that are not adjacent to a roadway or require transitional screening must have a 15-foot landscape buffer. These buffers are to be left in their natural undisturbed state, unless supplemental planting is needed.
- *Phased Clearing Plan.* A Phased Clearing Plan is required for any development that disturbs more than 25 acres. This requirement is intended to minimize the size of areas of land to be cleared at once, enabling developers to lessen the visual and environmental impacts that the clearing causes.
- *Outstanding Specimen Tree Designation.* The Zoning Ordinance includes an Outstanding Specimen Tree Designation. This designation allows developers to gain five credits toward fulfilling tree planting requirements. This incentive is intended to make it more economically feasible and practical for developers to preserve large healthy specimen trees.
- *Tree Protection and Criteria for Removal.* The Zoning Ordinance establishes criteria and standards for the protection of existing trees in accordance with specifications contained within the Virginia Erosion and Sediment Control Handbook.

These constitute a comprehensive and extensive set of County regulations to preserve vegetation. By implementing the following procedures to enforce these regulations, the County endeavors to improve the quality of tree preservation efforts and ensure the integrity of buffers:

- Concurrently conduct plan reviews by both Stormwater & Resource Protection Division and Planning Division staff.
- Enforce the language of the tree protection Landscape Ordinance.
- Emphasize tree protection measures during pre-construction meetings.
- Train the County Stormwater & Resource Protection Division inspectors on proper tree protection measures and identification of native plants.
- Strictly enforce tree protection measures during development and follow up on violations found in the field for encroachment into protected areas, as well as for damage associated with improper tree protection techniques.

Historic Preservation

Historic Sites

The character of James City County is closely linked with the numerous known and unknown historic sites within its boundaries. As home to Native American settlements dating to prehistoric times, Jamestown Island, the Battle of Green Spring, and the first free black settlement, just to name a few, the County is known for its diverse wealth of nationally significant historic and archaeological resources. Currently, the County has 18 properties on the National Register of Historic Places and/or the Virginia Landmarks Register, detailed in Table CC-2. The newest addition to these registers is the Toano Commercial Historic District, approved in 2018 at the state level, and 2019 federally.

Table CC-2. Properties Listed on the Virginia Landmarks Register and/or the National Register of Historic Places

Property Name	Property Type	Virginia Landmarks Register	National Register of Historic Places
Amblers House	19th-century dwelling	X	X
Carter's Grove*	18th-century plantation	X	X
Chickahominy Shipyard Archaeological Sites	18th-century shipyard	X	X
Colonial National Historical Park/Colonial Parkway	Collection of noncontiguous 17th-/18th-century sites and 20th-century scenic parkway		X
Croaker Landing Archaeological Site	Prehistoric archaeological site, middle-late Woodland Period	X	X
Governor's Land Archaeological District	17th-century English settlement sites	X	X
Green Spring Archaeological Site	17th-century plantation	X	X
Hickory Neck Church	18th-century church	X	X
Jamestown National Historic Site	17th-century village	X	X
Kingsmill Plantation Archaeological District	18th-century plantation	X	X
Norge Train Depot	20th-century train depot	X	X
Paspahegh Archaeological Site	Prehistoric Native American settlement	X	X
Pinewoods (Warbuton House)	17th-century dwelling	X	X
Powhatan	18th-century dwelling	X	X
Riverview	19th-20th-century dwelling	X	X

Property Name	Property Type	Virginia Landmarks Register	National Register of Historic Places
Stone House	c. 17th-century structure, unknown origin	X	X
Toano Commercial Historic District	Early 20th-century commercial center	X	X
Tutter's Neck Site	18th-century dwelling	X	
White Hall	19th-century dwelling	X	X
Windsor Castle	18th-century dwelling	X	X

Source: Virginia Department of Historic Resources

*Also Designated a National Historic Landmark

Archaeological Studies and Policies

The County's Archaeological Policy was adopted by the Board of Supervisors in 1998 and applies to legislative rezoning and SUP cases, ensuring the identification and protection of sites as new development occurs in the County. The policy recommends adding a condition to all appropriate legislative cases requiring archaeological studies within the proposed limits of disturbance. Submitted studies are reviewed by the Virginia Department of Historic Resources (DHR) for conformance with DHR's *Guidelines for Conducting Historic Resources Surveys in Virginia* and the Secretary of the Interior's *Standards for Archaeological Documentation*. Sites that are identified as potentially eligible for the National Register must conduct further studies to either preserve the site in situ or excavate and document the materials found within the site per an approved treatment plan.

In 2018, the policy was converted to an Ordinance requirement for non-legislative development projects that require a site plan. This ensured that by-right projects would be subject to the same archaeological requirements as legislative cases, and provided further assurances that unknown archaeological resources would be preserved or documented within the County.

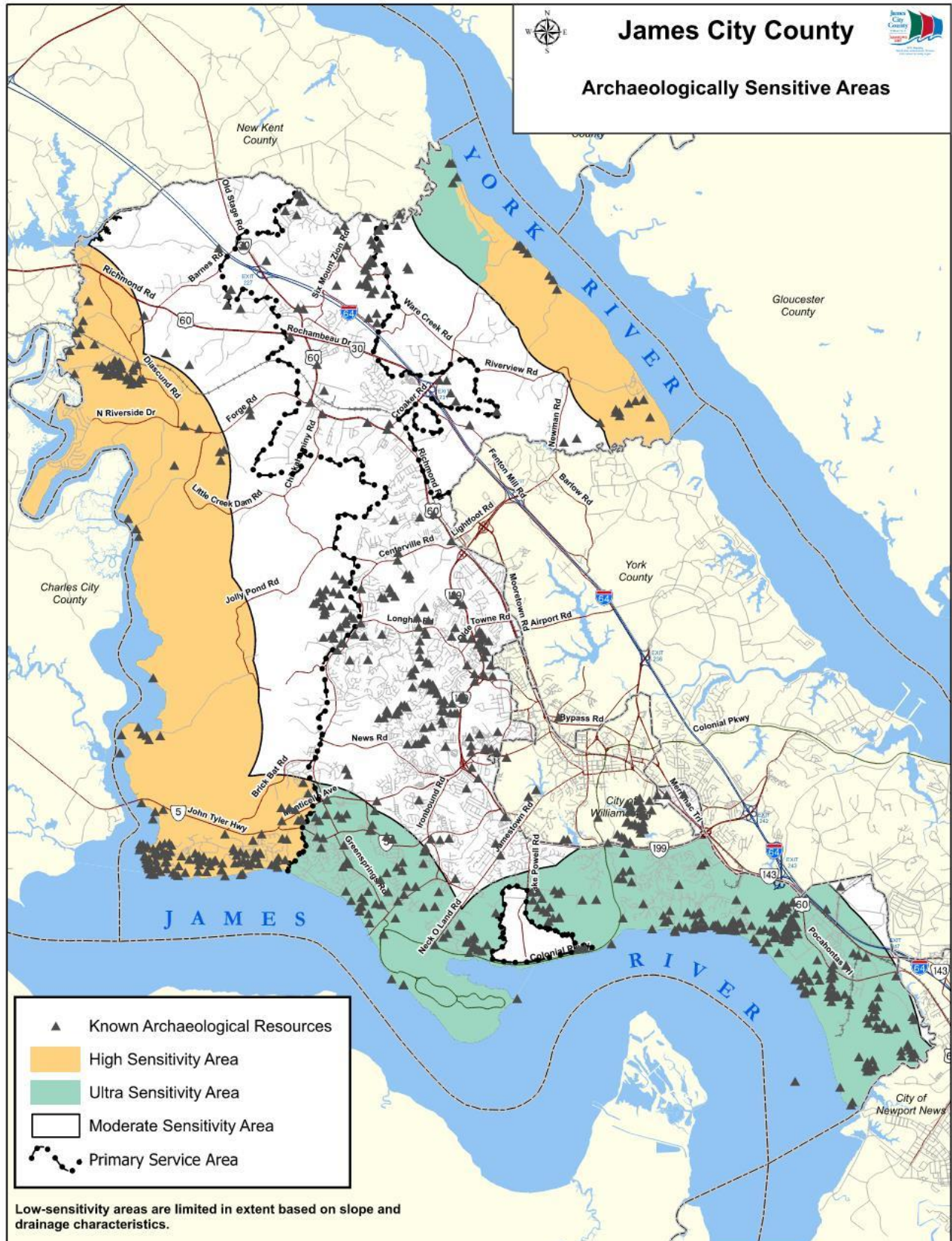
In addition to development-related requirements, the following studies have been commissioned to identify and evaluate the archaeological and historic resources in the County, and future opportunities for updates to these studies could be explored:

- *Toward a Resource Protection Process* is a cultural resource preservation plan for James City County, York County, Williamsburg, and Poquoson written by the Colonial Williamsburg Foundation in 1986.
- *Toward a Resource Protection Process Update (RP3)* is a 1992 update to the 1986 plan.
- *Preserving Our Hidden Heritage* is an archaeological assessment of historic resources in James City County written by the College of William and Mary Center for Archaeological Research

in 1997. Map CC-2 illustrates moderate, high, and ultra-sensitive resource areas in the County as identified by this study. An update to this plan should be considered.

- An architectural survey was begun by the County in 1999 and was expanded in 2006 to include 223 historic properties. The survey establishes historic contexts, which are guides that categorize these properties by period of time, ethnic and cultural background, and how they were influenced by historical events of the times. Each historical context has its own set of historical and architectural themes. The survey has been an important planning tool in negotiations with developers to demonstrate the importance of the structure and why it should be preserved. Some notable successes are the redevelopment in the Five Forks area of the former school building and the renovation of the Power's house on Richmond Road in Toano.

Map CC-2. Archaeologically Sensitive Areas



Historical Commission

In 1985 the Board of Supervisors established the Historical Commission, whose mission is to further the efforts of the County to document, commemorate, preserve, and promote public interest in the history and historic legacy of the County. The Commission meets bimonthly September through May each year, and in cooperation as appropriate with County agencies and other public or private bodies, carries out the following objectives:

- Ensure that historic buildings and archaeological sites are surveyed, identified, and documented within the County;
- Assemble, preserve, and disseminate information respecting such buildings and sites;
- Advise the County government and appropriate private parties on historical considerations relating to the use and development of land, waterways, and other resources within the County; and
- Conduct and encourage educational activities that will stimulate interest in the history and archaeology of the County.

Typical projects for the Historical Commission include funding new historic highway markers through DHR's historic highway marker program, presenting annual Historic Preservation Awards to community members or groups who have made significant local contributions, and commissioning architectural/archaeological studies of important sites.

Utility Lines

Utility lines include electrical, natural gas, petroleum, water and sewer transmission, and communication lines and related facilities. Many utilities are placed underground or are substantially screened for safety reasons. Although all new utilities are required to be placed underground unless granted an exception by the Planning Commission, the visual impact of existing or proposed above-ground utilities can be substantial and can increase as lines are upgraded and expanded. Not only is undergrounding of utilities an important aspect of Community Character, it also helps to improve reliability since underground utilities are less susceptible to damage during storm events and vehicle accidents.

Placing existing utilities underground can be costly and difficult. Often the most efficient way to accomplish the burial of utility lines is in conjunction with transportation projects where the County does not have to bear all the costs. Recent and upcoming examples of burying utility lines concurrently with road projects include the widening of Longhill Road and Croaker Road, and turn lane construction along Olde Towne Road. Past examples include projects along Jamestown Road, John Tyler Highway, and Ironbound Road. Given this efficiency and broader benefits, it will continue to be the policy of the County to evaluate and pursue burial of existing utilities in conjunction with transportation projects.

Communications Facilities

In 1998, the increasing need for new wireless communication facilities (WCF) prompted the County to establish a new division in the Zoning Ordinance to address them, along with the *Performance Standards for Wireless Communication Facilities* policy. Through the use of the new Ordinance and policy, the County sought to accomplish the following:

- Keep the number of WCF sites to a minimum;
- Minimize the impacts of newly approved WCF facilities; and
- Expedite the approval process for new WCF applications.

The Ordinance and performance standards strived to mitigate the impact of WCF on the viewsheds of surrounding areas. This could be achieved by constructing towers below the surrounding tree line or built as a camouflaged structure to blend in with the surrounding natural and man-made environment. The Ordinance also included protections against new towers in certain residential districts.

Amendments to the WCF Ordinance and policy were approved in 2012 and in 2016 to ensure compatibility with new technologies, promote by-right options for hidden antennas, add protections against by-right towers within residential districts, and clarify mechanisms to review certain systems that were not defined at that time. To capture the scope of these amendments, the language of the Ordinance and policy was broadened to include communication facilities, antennas, towers, and/or support structures (CATS). In addition to meeting the requirements of the Spectrum Act, the 2016 CATS updates included revisions and clarifications regarding height triggers for new towers such as:

- By-right heights for new towers were lowered in certain districts, and in other districts new towers became a specially permitted use or not allowed.
- Camouflaging of towers continued to be encouraged or required wherever possible.
- Protections for residential districts remained.

In 2020, the CATS Ordinance was again revised for compatibility with new State Code changes to support the deployment of 5G technology. These changes affect how localities can process applications for CATS and establish by-right administrative review procedures for certain new structures up to 50 feet in height. While new state and federal mandates erode local zoning authority to regulate new and modified facilities, the County has stayed firm wherever possible to continue requiring camouflaged towers and other impact-reducing measures to protect local viewsheds.

Open Space Preservation - Community Character Aspects

The Land Use Chapter describes the County's Open Space preservation goals and approaches, including the concept that proceeding in a way that integrates different categories of resources, as well as integrates different possible programs and stakeholders, will likely lead to the best results for the County. As described throughout the preceding sections, categories central to this chapter that are, and will continue to be, facets of the County's Open Space preservation approach include:

- **Historic Preservation and Cultural Heritage Landscapes**
- **Scenic Properties and Scenic Viewsheds**
- **Agricultural and Forestal Lands**
- **Entrance Corridors and Road Buffers, including Community Character Corridors**

- **Open Spaces that complete or enhance the County's Community Character Areas, neighborhoods and other built environments**

An integrated approach that considers the resources above will be one important tool in achieving community character goals.

Community Guidance

Public Engagement

Public input for the Community Character Chapter was received at key points of the Engage 2045 process. The 2019 Citizen Survey was conducted in the spring of 2019 and the results were reported in the summer. Responses related to the Community Character Chapter were generally consistent with the results from the 2014 Citizen Survey. When asked for their opinions regarding the preservation of the County's rural character 69% were satisfied with existing efforts to protect and preserve the County's rural character. Regarding the visual appearance of buildings in the County and preservation of farm land, 84% of respondents ranked the visual appearance of buildings within new developments in the County as very important or somewhat important and 78.5% of respondents strongly agreed or somewhat agreed that it is more important to preserve farmland in the County than it is to have more development.

Open-ended responses from the 2019 Citizen Survey showed that respondents found that was better to have neighborhoods in which there is a mix of housing options and small scale retail and office development.

The first round of community engagement was held in the fall of 2019 during the Summit on the Future event. Ninety percent of respondents indicated that it was somewhat or very important for the County to do more to improve our efforts to protect and preserve our rural character in the County. Forty-six percent supported locating any new development inside the Primary Service Area (PSA) on empty lots in already developed areas as a top choice and 71.3% supported protecting as much rural and environmentally sensitive land as possible. Participants were also provided an opportunity to share their "Big Ideas." Responses to this activity indicated support for preserving the "small town" character and encouraging development/redevelopment to locate inside the PSA.

The second round of community engagement was held in the fall of 2020 to evaluate the existing Comprehensive Plan goals and the future land use alternatives. The Establishing our Goals questionnaire asked respondents to compare the goal from the Community Character Chapter in the 2035 Comprehensive Plan to the Engage 2045 Public Input Priority for Community Character and to evaluate if any changes should be made. Of the 131 responses received, 75.6% said that the goal should remain the same and 21.5% said that the goal should be changed.

The third round of community engagement was held in the winter of 2021. This round solicited input on policy directions the County should pursue and actions it should take to enable citizens' vision for the future of our community to be realized. Overall, there was consistent support for enhancing quality of life amenities in James City County with a strong emphasis on walking and biking facilities. Respondents supported prioritizing County resources for enhancing quality of life amenities. They also supported prioritizing walking and biking amenities in locations that increase connectivity between neighborhoods and shopping, schools, employment areas, and greenways.

Throughout the planning process, there has been consistent public support to prioritize protection of the County's unique community character, particularly the character of rural lands and communities in the County. In Round 3, there was strong support for styles of development that

reduce development intensity supported through the expression of values for natural beauty, agricultural conservation, privacy, walkability, historical architecture, and community. Round 3 participants' primary community character concern was preserving the existing rural and low-density development patterns in James City County. Participants believed that rural residential development must be planned with farmland preservation in mind, but participant comments revealed disagreements in how to achieve this. Participants generally associated high-density development with increased traffic and a lower quality of life. However, there was evidence that middle density land uses could be supported with County-compatible designs and the incorporation of nature and green spaces. Respondents expressed support for higher densities within mixed use and employment contexts that provided walkability and opportunities for interaction.

The Character Design Guidelines questionnaire inputs will be leveraged to update the County's Character Design Guidelines. The findings from this engagement reinforce and reaffirm the direction of design standards and the preexisting standards that the County was following. Resident feedback regarding density, scale, and character in many ways echoed the feedback collected in Rounds 1 and 2, and reflected the County's ongoing efforts to encourage that any new growth be contextually appropriate and contribute to local heritage and character. This feedback can also guide priorities and preferences in the Design Guidelines.

Spotlight on Implementation

Retaining and enhancing Community Character in James City County is furthered through the establishment of CCCs and CCAs and the preservation of scenic, cultural, rural, agricultural, forestal, natural, and historic qualities. The County has endeavored to be good stewards of the land by taking actions that support this goal.

Creating clear guidance for development along CCCs and working with developers to create sensitive designs in CCAs, such as the Food Lion/CVS in Norge, the redevelopment of Lightfoot Market Place, and the new fire station in Toano have helped ensure compatibility with neighborhood character and reinforced a sense of place. Adopting new lighting Ordinances with dark sky principles as well as guidelines for sound wall design and landscape treatment have helped to preserve and enhance community appearance. Additionally, several policies including those related to street tree plantings and pedestrian/bicycle accommodations were converted to Zoning Ordinance requirements so that they now apply to all new development, including by-right development, meeting certain criteria. The Pocahontas Trail Corridor Study engaged the community to identify key transportation needs and define a vision for the future of the corridor. These regulations and guidance help ensure that future projects and private development will be mindful of the local context and the opportunities to strengthen the area's aesthetic tapestry.

The County capitalized on the opportunity to bury utilities along Longhill Road concurrently with the Phase 1 widening project, allowing efficient use of resources and promoting community character while also stabilizing utility services for residents. Other improvements planned for the Longhill Road Phase 1 corridor include improved access management strategies at several intersections, a roundabout at one intersection (Longhill Road and Williamsburg Plantation Drive), signal system wireless interconnects, construction of bus pull-off areas, and pedestrian improvements in the form of a multiuse path and crosswalks with pedestrian push buttons.

Funding was also approved for similar improvements along Croaker Road which are in the process of coming to fruition. These include a road widening from two to four lanes with a new two-lane bridge parallel to the existing bridge over the CSX line to accommodate additional travel lanes. There will also be a new multipurpose trail to connect the library, residential areas, and commercial areas, and utilities will be relocated underground.

Through a Revenue Sharing Program with VDOT approved in 2018, the Toano area will also see a variety of improvements along a 0.5-mile section of Richmond Road from Forge Road to the entrance of Toano Middle School. These include improvements to the storm drain system, pedestrian and bicycle accommodations including crosswalks, ADA upgrades, and bike lanes, and other safety improvements such as grass medians to restrict turning movements and improve traffic safety.

As stated previously, many businesses desire to locate in this area because of its unique community character. Upholding this character through careful and deliberate design is essential to attracting and retaining a viable and diverse economic base, which ensures that future generations will want to live, work, and visit the area. Looking to 2045, James City County will continue to promote policies and regulations that further the efforts of preserving community character.

Goals, Strategies, and Actions

Goal

CC - The County will be a good steward of the land by preserving and enhancing the scenic, cultural, rural, farm, forestal, natural, architectural, and historic qualities that are essential to the County's distinctive character, economic vitality, and the overall health and quality of life of its residents.

Strategies and Actions

CC 1 - Preserve and enhance entrance corridors and roads that promote the rural, natural, or historic character of the County.

- CC 1.1 - Ensure that development along Community Character Corridors (CCCs) protects the natural views of the area; promotes the historic, rural, or unique character of the area; and establishes entrance corridors that enhance the experience of residents and visitors.
- CC 1.2 - Continue to explore opportunities and cost-sharing arrangements to bury overhead utilities in Community Character Corridors and Community Character Areas through transportation initiatives.
- CC 1.3 - Monitor the status of billboards throughout the County and pursue action, where possible, to remove billboards using all currently available methods, and explore and pursue any new methods as they become available.
- CC 1.4. - Pursue the expenditure of public funds from sources such as the Capital Improvement Program (CIP) to enhance the appearance of highly visible focal points of the County, including, but not limited to, County entrance corridors, median areas, interstate interchanges, and undeveloped parcels fronting on thoroughfares. Entrance corridors and roads in the proximity of historic landmarks should be prioritized for improvements. Improvements include, but are not limited to, placement of existing utilities underground, beautification through sustainable landscaping or buildings changes, and the acquisitions of easements and properties. The County shall continue to coordinate corridor enhancement efforts within the County and surrounding localities to achieve compatible, attractive corridors.
- CC 1.5 - Preserve the character of rural roads by identifying roads that should be preserved and work with the Virginia Department of Transportation (VDOT) to maintain their rural character while providing an acceptable level of safety.
- CC 1.6 - Carefully monitor development along roads that are important to maintain community character so that the build-out of surrounding areas will not require improvements such as road widening that disrupt the community character of the areas.

CC 2 - Maintain the unique heritage and identity of designated Community Character Areas (CCAs) within the County.

- CC 2.1 - Ensure that development in CCAs protects the natural views of the area; promotes the historic, rural, or unique character of the area; and establishes entrance corridors that enhance the experience of residents and visitors.
- CC 2.2 - Within the CCA boundaries, continue to establish development management and preservation techniques to meet specific historic preservation and community character needs. Encourage development patterns and building designs that maintain and reinforce the visual separation of CCAs.
- CC 2.3 - In New Town, continue to support the design review process by working closely with the New Town Design Review Board and supporting the implementation of New Town's design guidelines.
 - CC 2.3.1 - For areas within the New Town CCA but not subject to the New Town Master Plan and/or proffers, ensure that new development is consistent with existing adjacent development and the New Town design guidelines.
- CC 2.4 - In Toano, ensure that developers apply the adopted design guidelines to projects within the Toano CCA.
 - CC 2.4.1 - Consider updates to the Toano CCA Design guidelines to complement the Toano Commercial Historic District.
- CC 2.5 - In Five Forks, ensure that developers apply the adopted Primary Principles to projects within the Five Forks CCA.
- CC 2.6 - In Norge, consider development and adoption of formal design guidelines.
- CC 2.7 - In the Jamestown/Greensprings area, consider development and adoption of formal design guidelines, and/or guidance on maintaining the historic and rural/wooded character of that area.

CC 3 - Preserve and enhance neighborhood and community appearance.

- CC 3.1 - Protect vistas and other scenic resources and encourage building, site, and road designs that enhance the natural landscape and preserve valued vistas. These designs should also minimize any potential negative impacts with regard to noise and light pollution and other quality of life concerns.
- CC 3.2 - Require illustrative drawings, including streetscapes, architecture, and perspectives as a binding component for appropriate rezoning and special use permit applications.
- CC 3.3 - Continue to improve and protect the character of the County through use of the Character Design Guidelines.

CC 3.3.1 - Further the use of the Character Design Guidelines in legislative review processes and encourage private developers to familiarize themselves with these guidelines as part of educational materials and pre-application meetings.

CC 3.3.2 - Incorporate the Character Design Guidelines in appropriate portions of the Zoning and Subdivision Ordinances, policies, and other regulations.

CC 3.3.3 - Incorporate elements of the Character Design Guidelines in other County policy documents and explore if any of the elements could be converted into regulations within the zoning and subdivision ordinance.

CC 3.3.4 - Continue to evaluate the Character Design Guidelines and update, revise, and enhance the Guidelines regularly.

CC 3.3.5 - Consider developing Character Design Guidelines for rural areas in the County.

CC 3.3.6 - Consider incorporating elements of the Character Design Guidelines into the future land use guidelines in the Land Use chapter to ensure consistency between the Community Character and Land Use guidelines.

CC 4 - Integrate community character considerations in open space planning and programs.

- CC 4.1 - Continue to gather and gain technical knowledge on data that is available to help the County identify and map its archaeological, historic, and cultural assets, and, where appropriate, use such data as an information tool to help guide decisions during the creation of regulations and policies, to provide guidance to property owners and development proposal applicants on lands best suited for development, and to inform open space preservation efforts.
- CC 4.2 - Devote resources to and operate programs to preserve or enhance components of the County that significantly contribute to community character, including historic properties and cultural heritage landscapes, scenic properties and viewsheds, agricultural and forestal lands, and entrance corridors, community character corridors, community character areas, and other special places. Integrate these considerations with others found in the Parks and Recreation, Environment and Land Use chapters. In addition, collaborate with other entities, the private sector, and landowners in these efforts.

CC 5 - Preserve existing vegetation as possible and appropriate during development.

- CC 5.1 - Use County Ordinances and/or policies as enabled by the Code of Virginia to require a more detailed phased clearing plan that minimizes the removal of existing trees and ensures tree preservation requirements are implemented during the site plan review and pre-construction phase of development. Consider developing requirements for County staff to inspect projects pre-and-post construction specifically to ensure compliance with the tree protection requirement of the Zoning Ordinance.
- CC 5.2 - Promote the Optional Specimen Tree Designation to enable more developers to preserve specimen trees that are not within required tree save areas.

- CC 5.3 - Continue to enforce existing methods/requirements the County uses during planning, pre-construction, construction, and post-construction phases to make sure tree preservation measures are properly performed, resulting in healthier trees, buffers, and proper maintenance.
- CC 5.4 - Evaluate the appropriateness of street trees along narrow streets or located in neighborhoods with reduced setbacks and update the Streetscape Policy Guidelines accordingly.

CC 6 - Identify and protect archaeological and historic sites.

- CC 6.1 - Require that archaeological studies for development proposals are conducted and require their recommendations to be implemented.
- CC 6.2 - Update the document *Preserving Our Hidden Heritage*, an assessment of the archaeological resources in James City County. Review the document prior to each Comprehensive Plan revision and perform a complete revision every 10 years to include new site surveys.
- CC 6.3 - Pursue the preservation of historic and archaeological sites of the County by:
 - CC 6.3.1 - Enlisting the assistance of the County's Historical Commission in updating the County's inventory of historic places.
 - CC 6.3.2 - Promoting voluntary techniques for preservation of these properties.
 - CC 6.3.3 - Considering designating areas of the County as historic districts or historic corridors with architectural review.
 - CC 6.3.4 - Discouraging the demolition or inappropriate use of cultural and historic resources through regulatory and voluntary techniques.
 - CC 6.3.5 - Integrating the results of the architectural survey into the planning process.
 - CC 6.3.6 - Exploring opportunities to preserve and enhance Community Character Areas such as those found in Five Forks, Norge and Toano through use of partnerships, pattern books, and design guidelines.

CC 7 - Keep pace with the changes in wireless communication technology to better enable providers to preserve existing community character while providing quality service.

- CC 7.1 - Update the Communications Facilities section of the Zoning Ordinance as necessary to accommodate the use of new and emerging wireless communication services while preserving community character.

Community Character Areas (CCA) and Community Character Corridors (CCC) with Type Designation and Buffer Treatment.

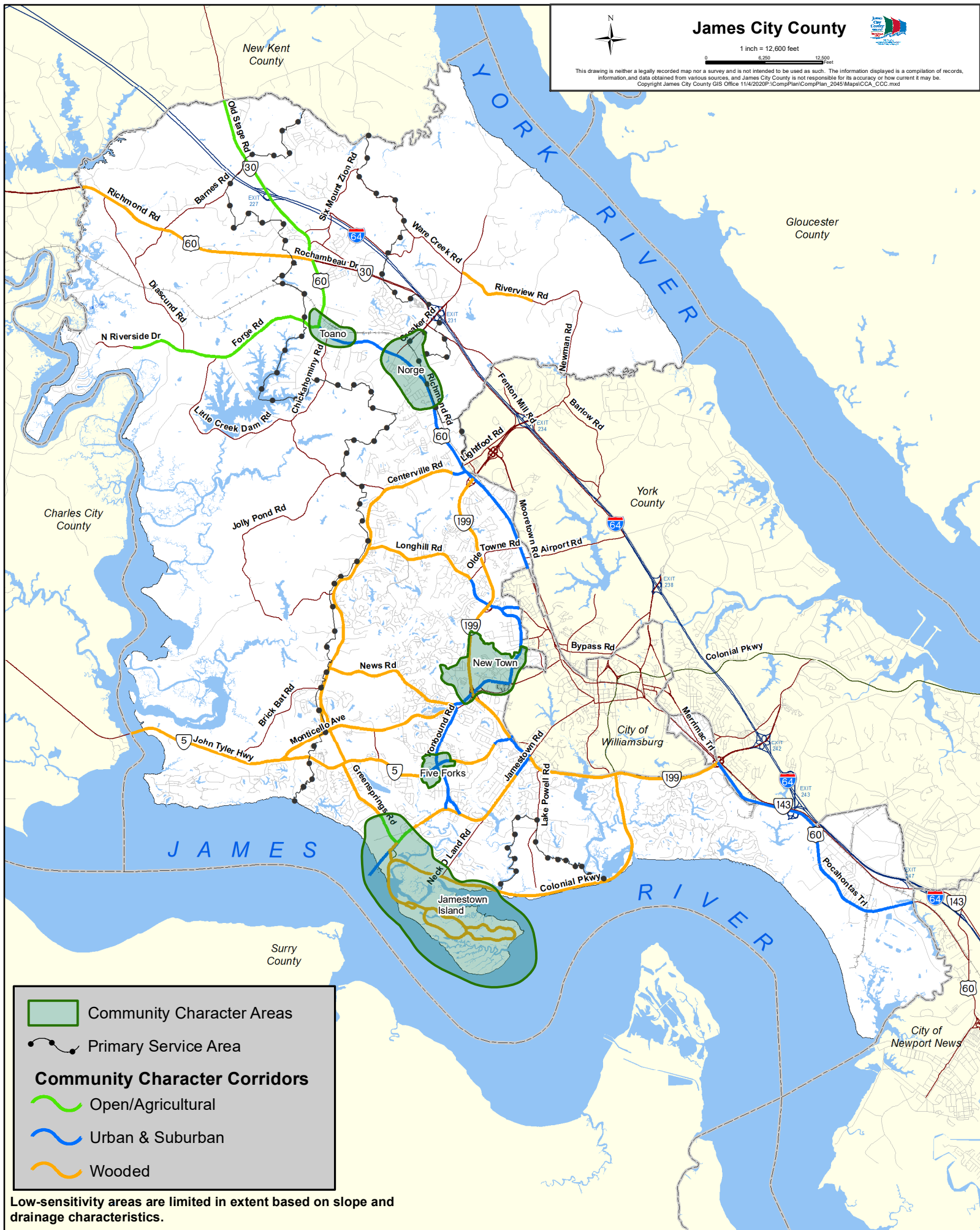
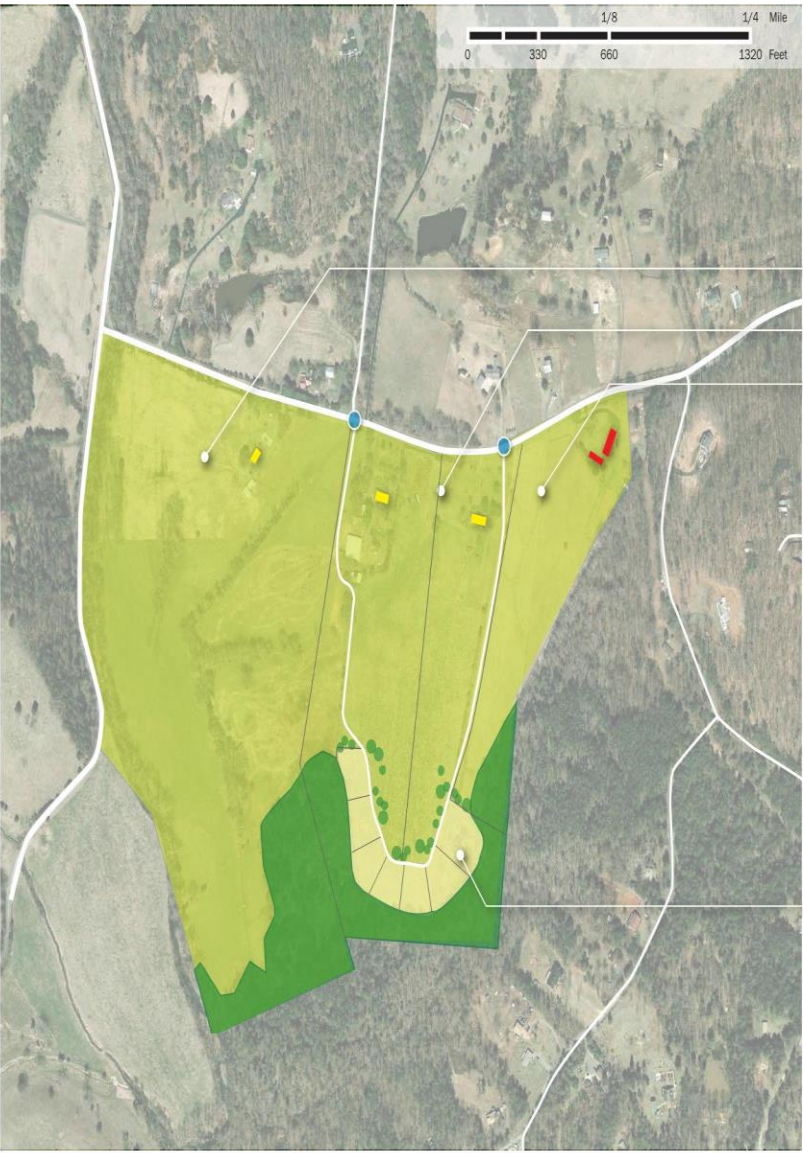


Chart 1. Rural Lands Designation Description	
1. Basic Description	Rural Lands are areas containing farms, forests and scattered houses, exclusively outside of the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Rural Lands uses are intended to help protect and enhance the viability of agricultural and forestal resources and compatible rural economic development uses as important components of the local economy.
2. Recommended Uses	<p>Appropriate primary uses include traditional agricultural and forestal activities, but also innovative agriculture, horticulture, silviculture, specialty or niche farming, commercial and non-commercial equine opportunities, agri-tourism, rural-based public or commercial recreation, rural-support businesses and certain public or semi- public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.</p> <p>Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, appropriately-scaled and located direct agricultural or forestal-support uses (including agri-business and eco-tourism), home-based occupations, or certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area and are in accordance with the Rural Lands Development Standards. These uses should be located in a manner that minimizes effects on agricultural and forestal activities, and where public services and facilities, especially roads, can adequately accommodate them.</p>
3. Recommended Density	Residential development is not a recommended use and is discouraged outside the Primary Service Area in the Rural Lands. Residences associated with agricultural and forestal activities may be appropriate, but subdivision of lots should occur at a density of no greater than one residence per 20 acres. A very limited amount of residential development could be permitted in the form of rural clusters, provided significant preservation of the natural resources is achieved, such development does not interrupt rural qualities or character, and the development standards for rural clusters listed below are followed.
Rural Lands Development Standards	
4. Use and Character Compatibility	<p>a) Uses in Rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to the following:</p> <ol style="list-style-type: none"> Locating structures and uses outside of sensitive areas; Maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses; Discouraging development on farmland, open fields, scenic roadside vistas, and other important agricultural/forestal soils and resources; Encouraging enhanced landscaping to screen structures located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreaks; Locating new driveways or service roads so that they follow existing contours and old roadway corridors whenever feasible; Generally limiting the height of structures to an elevation below the height of surrounding mature trees and scaling buildings to be compatible with the character of the existing community; Minimizing the number of street and driveway intersections along the main road by providing common driveways; and Utilizing lighting only where necessary and in a manner that eliminates glare and brightness. <p>b) Encourage the preservation and reuse of existing agricultural structures such as barns, silos, and houses.</p> <p>c) Site more intensive uses in areas where the existing road network can accommodate the additional vehicle trips without the need for significant upgrades or modifications that would impact the character of the rural road network.</p>
5. Rural Clusters	<p>If built, rural clusters should develop with the following guidelines:</p> <ol style="list-style-type: none"> Densities should be no higher than the maximum permitted density in the underlying zoning district. Lot sizes may be reduced as appropriate to maximize the preservation of rural view-sheds and resources as described in the standards below. Minimize the impact of residential development by retaining a substantial amount (at least two-thirds) of the site in large, undivided blocks of land for permanent open space, farming, timbering and/or rural economic uses. Appropriate goals for open space and lot layout include preservation of farmland, open fields, scenic vistas, woodland, meadows, wildlife habitats, and vegetation; protection of environmentally sensitive land including wetlands, stream corridors, and steep slopes; important historic and archaeological resources, and roadway buffers. The goals of the open space and lot layout should be shown on a conceptual plan, and the design should support these goals. For instance, if preservation of agriculture is one of the main goals of the open space, the open space should encompass that land which is most suitable for farming (topography, soils). Blocks of land large enough to support a farm should be set aside in the open space. In addition, potential conflicts between the uses should be minimized by designing buffers between the farmland and the residential development. Similar design considerations would be expected to support other open space goals as well. The open space should be placed in a conservation easement or the equivalent to ensure that the land will remain undeveloped. The visibility of the development from the main road should be minimized. It is recommended that lots be placed along an access road rather than along the main route so that the view from the main route still appears rural in nature.



Rural Lands

SAMPLE DEVELOPMENT CONCEPT

This illustration represents one potential way that the policies in the Land Use chapter for this land use could be interpreted. Alternate concepts that follow these policies may also be acceptable. This development concept is only for illustrative purposes and design guidelines, policies and ordinance requirements are a factor, particularly with respect to detailed requirements such as landscaping

Large farm remains in agricultural / forestal use

Medium sized parcel divided into two large lots managed as small farms

Small farm managed as rural economic enterprise with agritourism and winery use

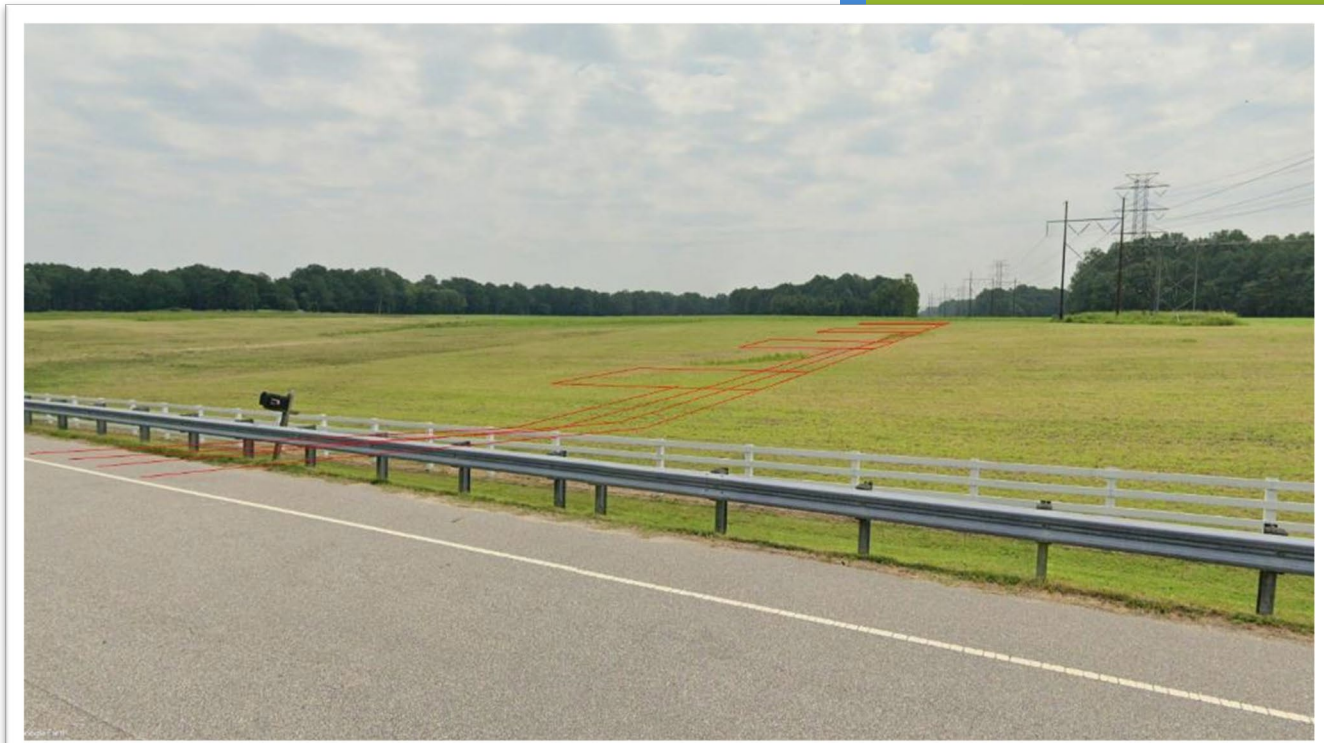


Small rural cluster sited away from roads and screened by trees to preserve rural viewsheds

Legend			
Mixed use	Low Density Residential	Common Open Space	
Commercial	Moderate Density Residential - Level 1	Wooded or Landscaped Buffer Areas	
Civic	Moderate Density Residential - Level 2		
Industrial	Parking	Pedestrian/Bike Paths	Roadway Interconnectivity



Rural Roadway Preservation



James City County Zoning Update
DRAFT August 2, 2022

Prepared by EPR,PC

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Rural Roadway Preservation

Part 1. Visual Analysis of Viewsheds

Introduction

In 2021, the James City County Board of Supervisors approved a Resolution to initiate the amendment of the James City Zoning and Subdivision ordinances in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. As part of an analysis to consider new standards for protection of these scenic roadways, EPR, PC was asked to develop analytic visualizations of the visual impacts of the viewshed on Forge Road.

The results of this analysis are presented here in two parts:

1. **Ground Level Visualizations** - The first part is a series of photomontages that were developed based on alternative measured distances from the road.
2. **Aerial Visualizations** - The second part is a series of aerial photographs of the Forge Road corridor showing different distances from the road as colored buffers along the roadway, with existing structures highlighted to show where they fall within the distance buffers.

It is important to note that, even though these are illustrative visualizations, they are based on actual measured dimensions using computer mapping for the distances so they represent a reasonably accurate representation of what potential distance standards could look like in reality.

Ground Level Visualizations

Methodology

For the purposes of the visualizations, a photograph of a segment of Forge Road was used that represents a typical “view from the road” on a relatively level portion of the road without any existing screening or buffering along the roadway. Using computer mapping, house sites were located at the following distances from the edge of the roadway (which is also the edge of the Right of Way):

- 100 feet
- 200 feet
- 300 feet
- 400 feet



Figure 1. Existing photo of Forge Road with computer mapping of different setback distances

Secondly, photographs of two typical houses were selected at the same view angle as the “view from the road” photograph to be used in composing the photomontages. House A was a simple one story brick home with attached garage and minimal landscaping and House B was a more elaborate house with detached garage and extensive landscaping in the front yard.

These houses were then photo montaged into the existing Forge Road photograph precisely at each of the distance points to show a reasonably realistic view of the visual impact of the houses at each distance parameter.

Results

The images below show the final photomontages with each house at each of the distances from the road.

House A:



Figure 2. House A. 100 ft. distance



Figure 4. House A. 200 ft. distance



Figure 3. House A. 300 ft. distance



Figure 5. House A. 400 ft. distance

House B.



Figure 6. House B. 100 ft. distance



Figure 7. House B. 200 ft. distance



Figure 8. House B. 300 ft. distance



Figure 9. House B. 400 ft. distance

Conclusions

The use of computer aided photomontage visualizations is a practical way to assess the potential visual impacts of alternative provisions for distances from the road. However, it is important to recognize that many other factors can influence the perception of different distances to houses when viewed from the road. These include topography, the presence of existing vegetation, and the general architectural character of structures. The above visualizations are of course open to different interpretations regarding what distance standards should be developed. From the consultant's perspective, a few observations are offered for consideration from a professional planning perspective:

- The visual impact of both houses at the 100 foot distance is considerable. This scale of this distance is more reminiscent of a suburban development pattern than what is typically seen in a rural, farming based landscape.
- 300 to 400 foot distances are more similar to a typically rural context and view from the road, although houses on large lots are frequently set back even more than that. Often, homeowners who purchased large lots prefer a wide set back from the road to maintain their sense of private space and rural character.
- Particularly at the 400 foot distance line, there is an opportunity to create buffering and screening around the houses with vegetation that would be more reminiscent of a rural farm scape rather than a suburban landscape pattern.
- The architecture and landscaping around the house also influence the character of the view from the road. Large suburban houses with tall roofs and suburban style landscaping create more of a discontinuity with the rural landscape than a low ranch house with an attached garage.

Aerial Visualizations

Methodology

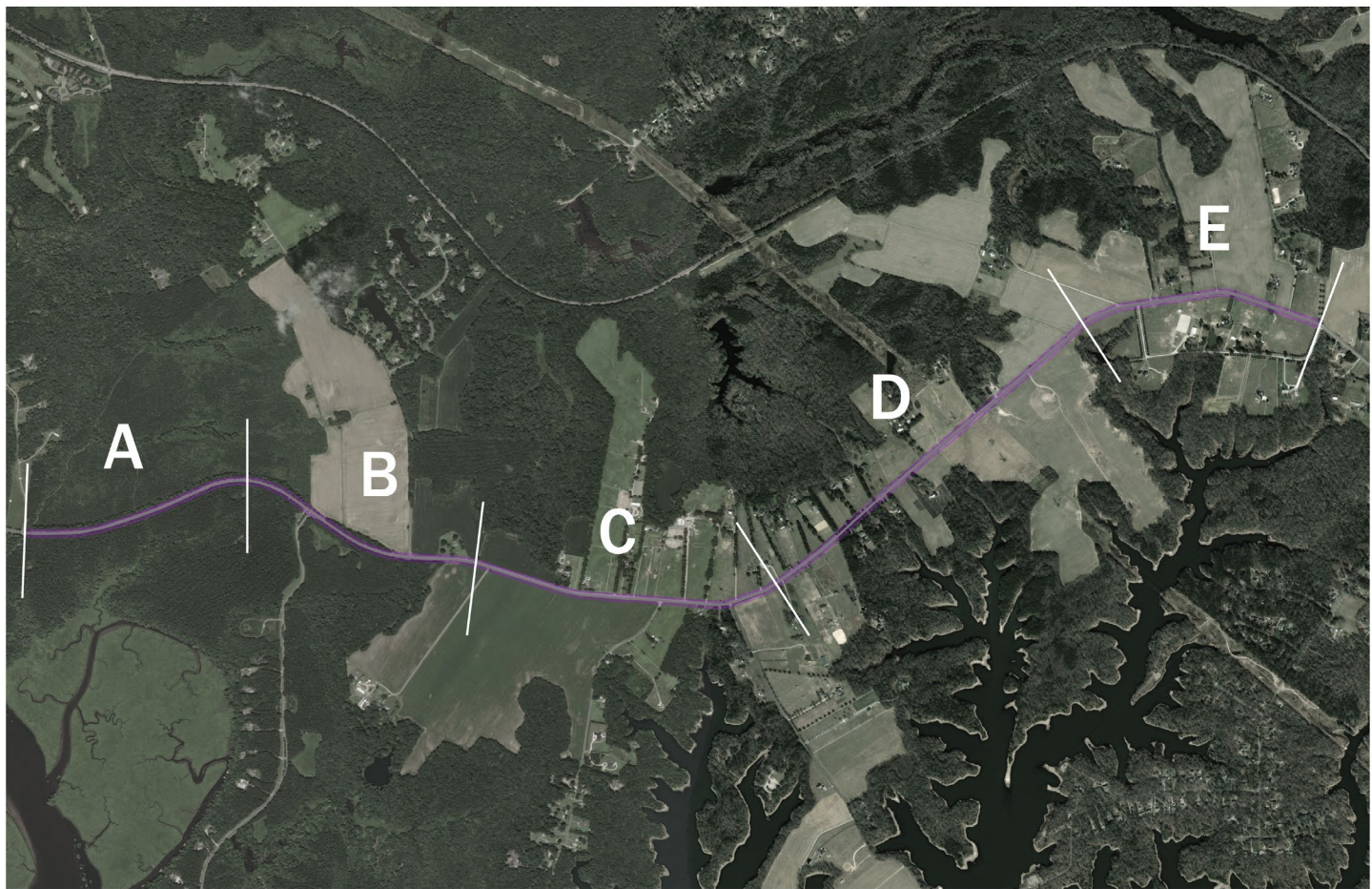
Based on County staff request, EPR developed an aerial mapping analysis of different distance widths applied to a section of Forge Road located outside of the PSA. The maps were presented as aerial photos with the distances shown as colored buffers on the photos and as oblique aerial views of segments of Forge Road showing existing structures.

The following maps were developed:

- **Baseline Setback Map.** This map shows the setback that currently applies under the existing zoning requirements for A-1.
- **Potential Alternate Distance Analysis Map:** This maps shows potential distances of 100', 200', 300' and 400'.
- **Oblique Aerials of Segments of Forge Road.** These maps show detailed oblique views of five segments of Forge Road with the potential distance ranges from 100' to 400' and highlight existing structures.

Results:

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Existing Setback)



Gray: Forge Rd.
Purple: Existing 75' Setback



Figure 10. Base Map showing Existing Setback for A1 Zone

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks)

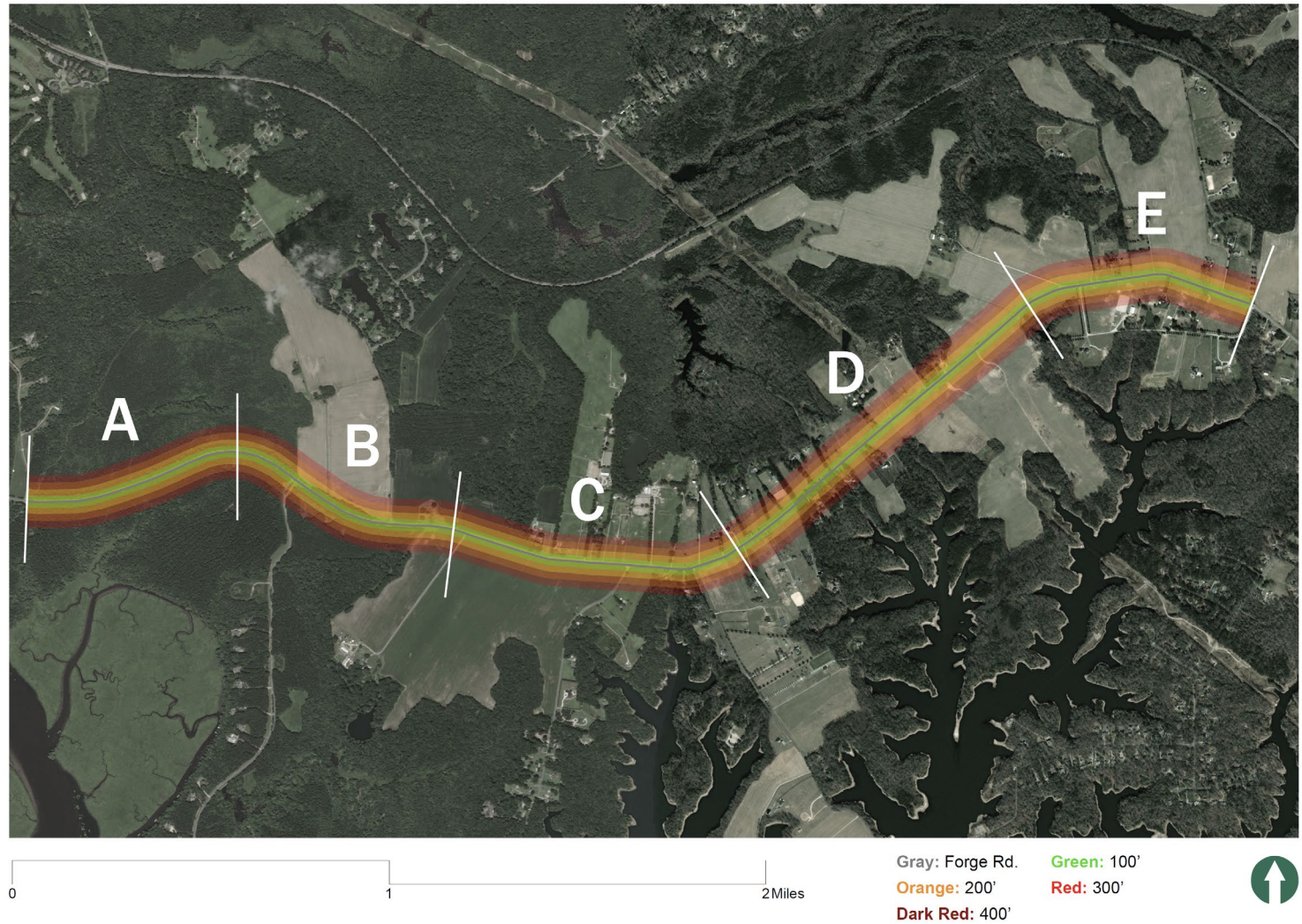


Figure 11. Base map showing alternate distances from the roadway

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment A

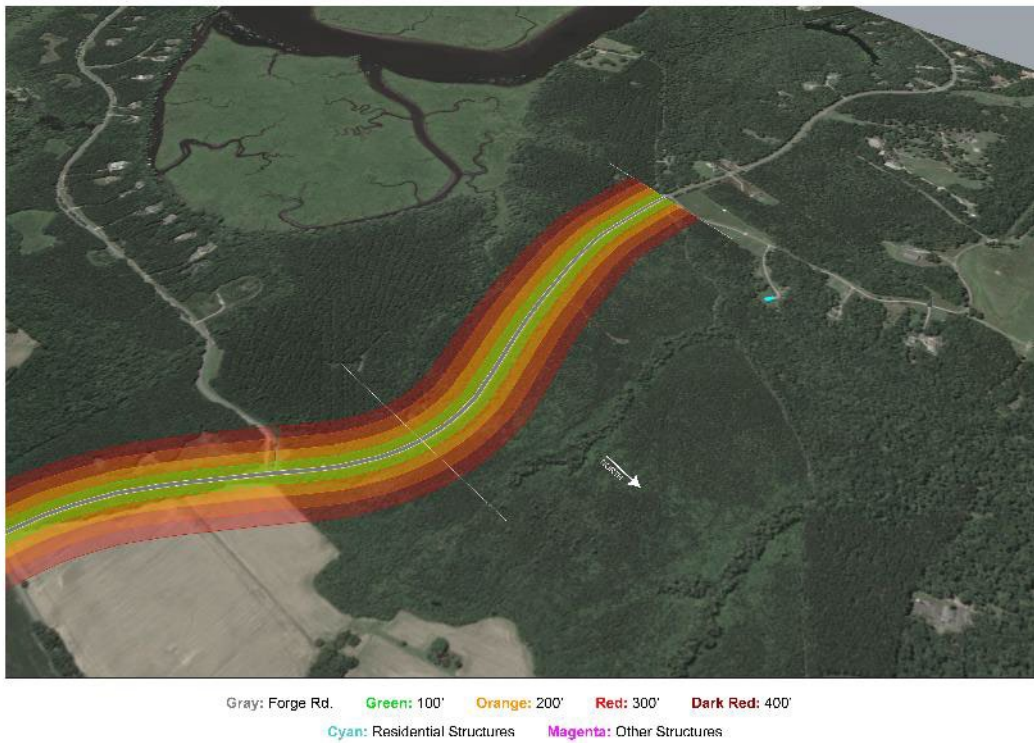


Figure 13. Potential distances - Segment A.

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment B



Figure 12. Potential distances - Segment B.

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment C

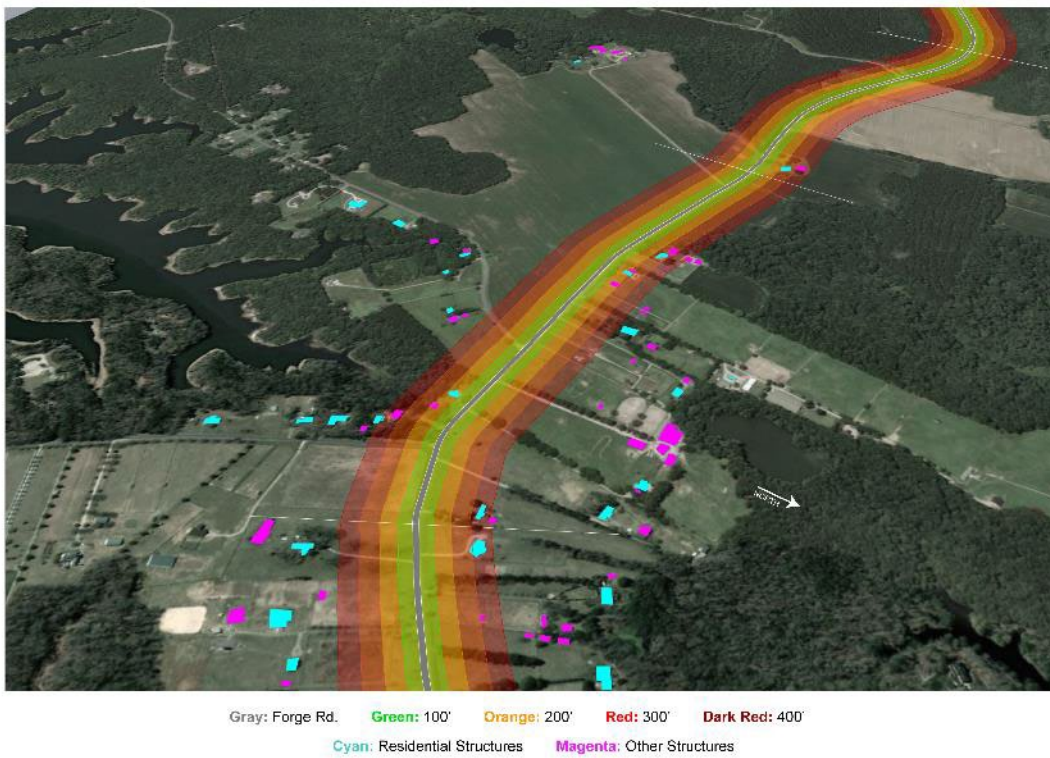


Figure 15. Potential distances - Segment C.

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment D

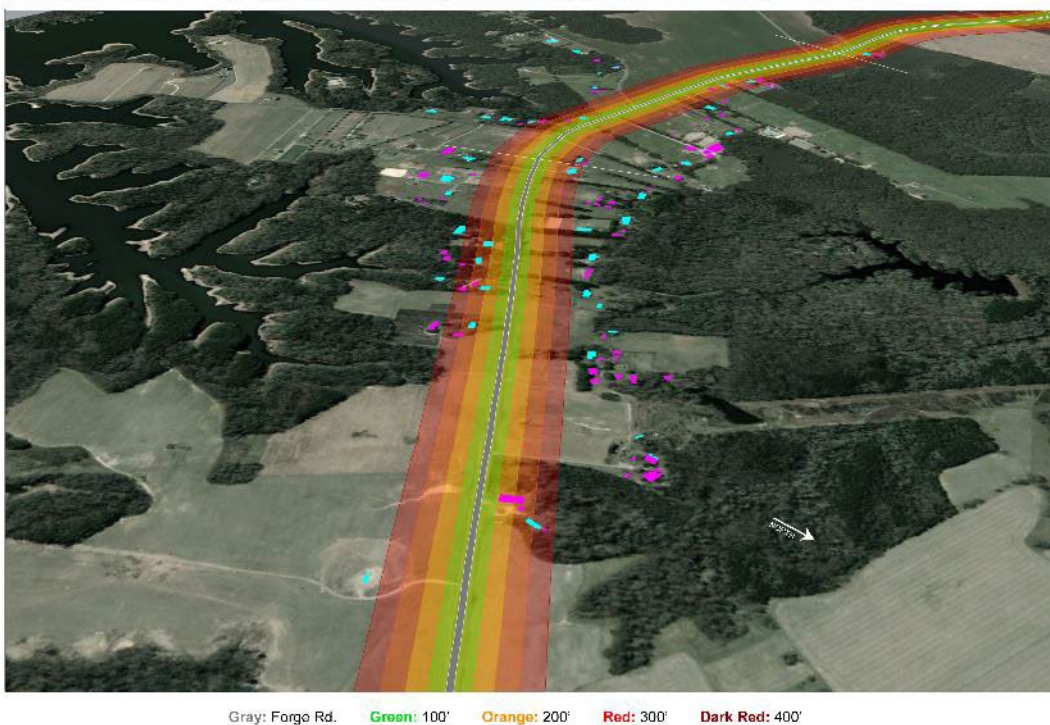


Figure 14. Potential distances - Segment D.

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Section E



Figure 16. Potential distances - Segment E.

Conclusions

The analysis of existing and potential distances through aerial photography provides a useful assessment of the existing conditions along Forge Rd and the existing setbacks of existing structures. A few summary findings from this analysis include:

- Very few existing structures are built right up to the existing setback line of 75 feet for the A1 zoning district.
- Only one residential structure in segment C and one residential structure in segment D approach the 100 foot distance line. Also, one nonresidential structure in segment D is also built at the 100 foot distance line.
- The majority of structures that fall within the potential distance buffers range from 200 to 400 foot distances.
- a great number of structures are set back well beyond the 400 foot distance line. Segments C and D show a wide variety of structures set well back from the road up to 1000 feet or more.
- In general, both the diversity of setbacks of existing structures and the extensive average distance from the road contribute to the scenic character of Forge Rd and ensure that view sheds are not dominated by views of houses or other structures.
- In addition, the rolling terrain and pattern of existing trees and vegetation break up the views of the structures and contribute to the overall pastoral viewsheds from the road.

Sec. 24-215. - Setback requirements.

- (a) Structures, except those associated with intensive agricultural uses, shall be located a minimum of 50 feet from any street right-of-way which is 50 feet or greater in width. If the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 75 feet from the centerline of the street; except that where the minimum lot area is three acres or more, the minimum setback shall be 75 feet from any street right-of-way which is 50 feet or greater in width and 100 feet from the centerline of any street right-of-way less than 50 feet in width. Devices for nutrient management plans, pens, and structures associated with intensive agricultural uses shall be 250 feet from any dwelling not owned by the operator of the use, all property lines not associated with the use, all public roads, and 1,000 feet from platted residential subdivisions, residentially zoned districts, areas designated for residential use on the comprehensive plan, schools, parks and playgrounds, recreation areas, public wells, water tanks and reservoirs.
- (b) All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat will be allowed to adhere to these established setback lines.

(Ord. No. 31A-88, § 20-31, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-165, 9-18-95; Ord. No. 31A-169, 5-28-96; Ord. No. 31A-257, 11-22-11)



Rural Roadway Setback Analysis: Forge Road and Old Stage Road



James City County Zoning Update
DRAFT January 4, 2023

Prepared by EPR,PC

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Rural Roadway Setback Analysis: Forge Road and Old Stage Road

Summary

In 2021, the James City County Board of Supervisors approved a Resolution to initiate the amendment of the James City Zoning and Subdivision ordinances in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road and Old Stage Road. As part of an analysis to consider new standards for protection of these scenic roadways, EPR, PC was asked to develop analytic visualizations of the visual impacts of the viewshed on Forge Road and Old Stage Road.

The results of this analysis are presented here in two parts:

1. **Ground Level Visualizations** - The first part is a series of photomontages depicting renderings of homes within 75 feet and 400 feet of each roadway's edge.
2. **Aerial Visualizations** - The second part is a series of aerial photographs of the Forge Road and Old Stage Road corridors depicting existing property lines, proposed easements, and setbacks of 75 and 400 feet.

It is important to note that, even though these are illustrative visualizations, they are based on actual measured dimensions using computer mapping for the distances, so they represent a reasonably accurate representation of what potential distance standards could look like in reality.

Ground Level Visualizations



Figure 1. Existing photo of Forge Road



Figure 2. Existing photo of Forge Road with photo visualization of homes set 75' back from edge of right of way



Figure 3. Existing photo of Forge Road with photo visualization of homes set 400' back from edge of right of way

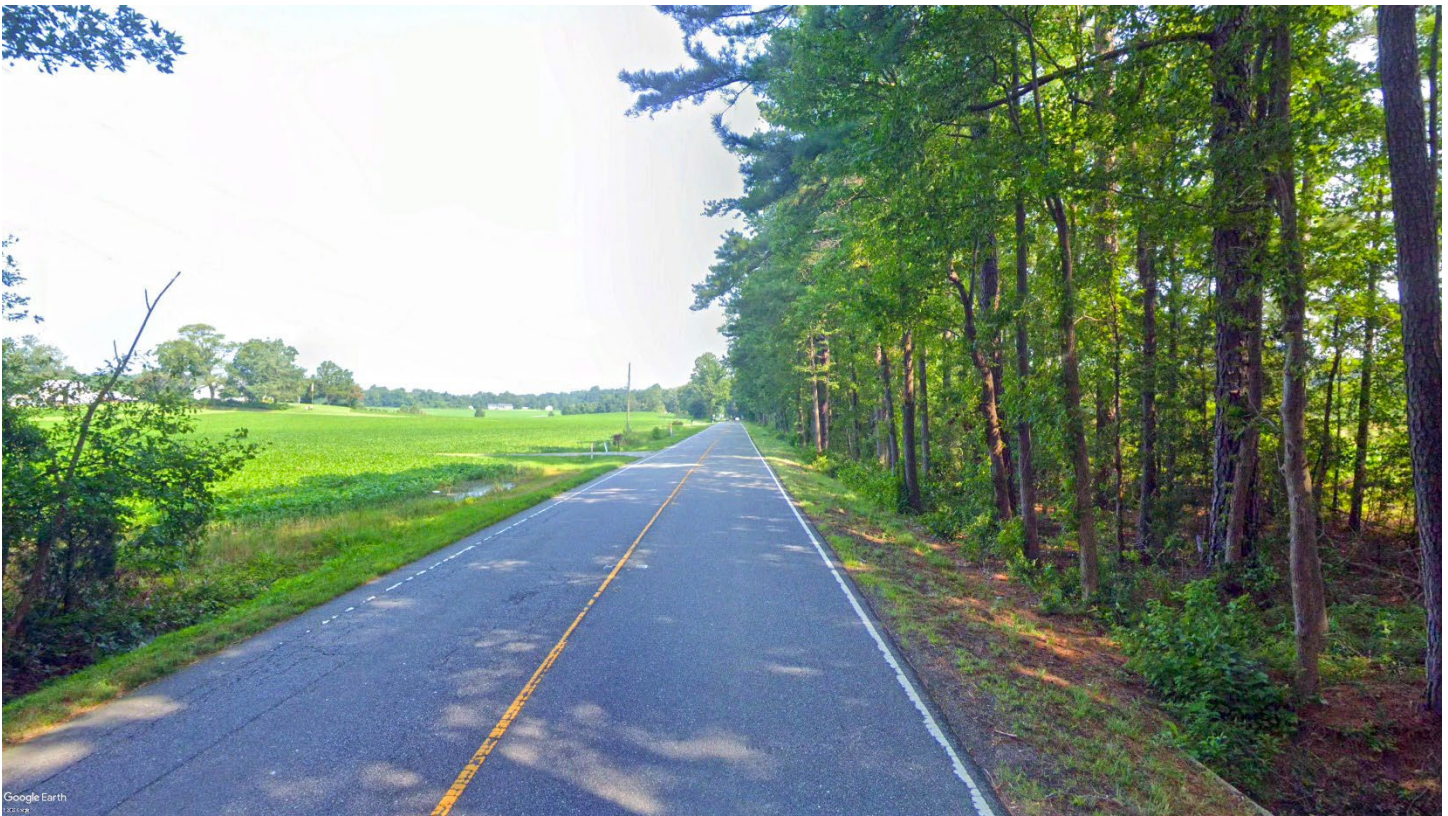


Figure 4. Existing photo of Old Stage Road



Figure 5. Existing photo of Old Stage Road with photo visualization of homes set 75' back from edge of right of way

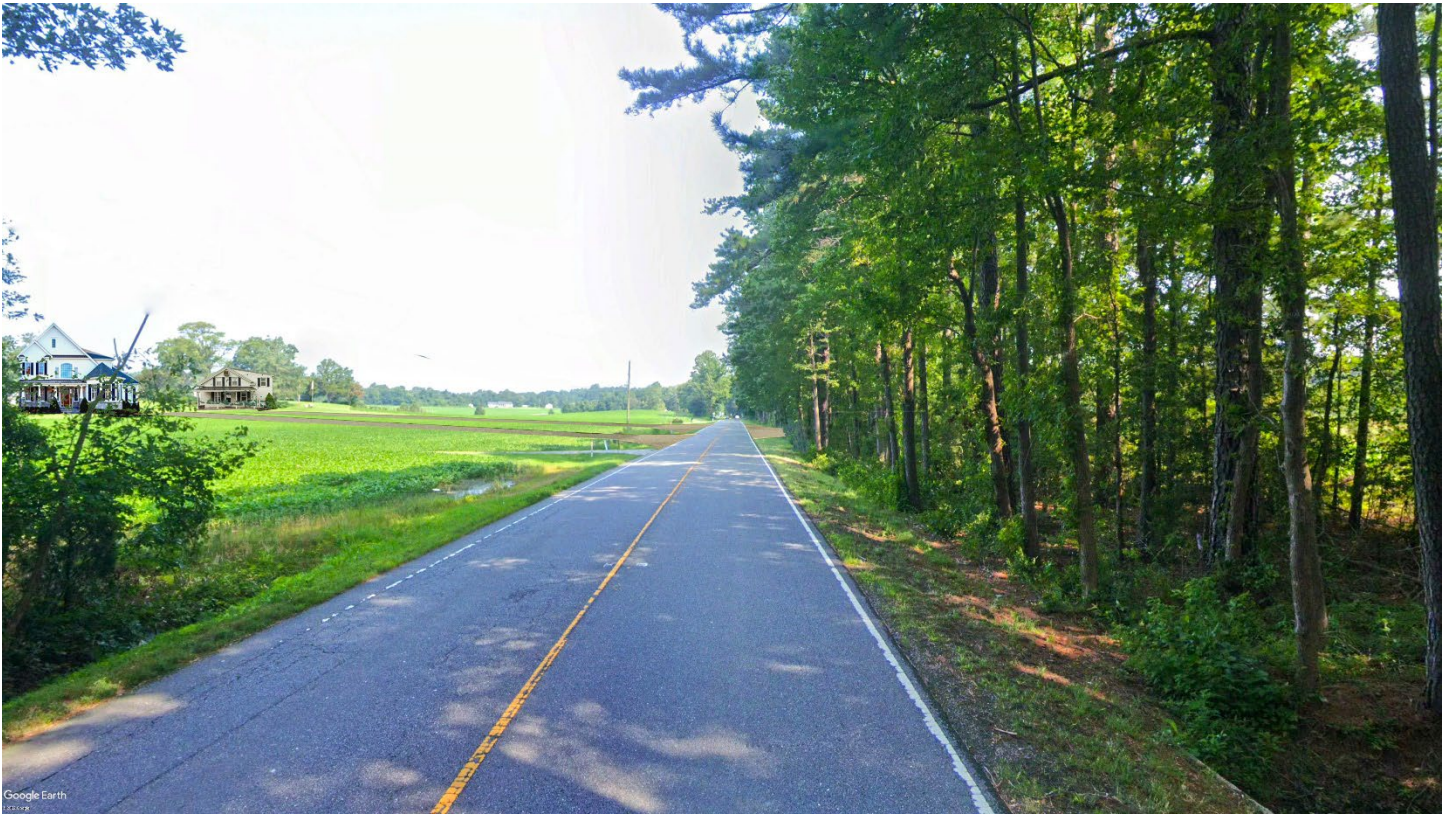


Figure 6. Existing photo of Old Stage Road with photo visualization of homes set 400' back from edge of right of way

Aerial Visualizations

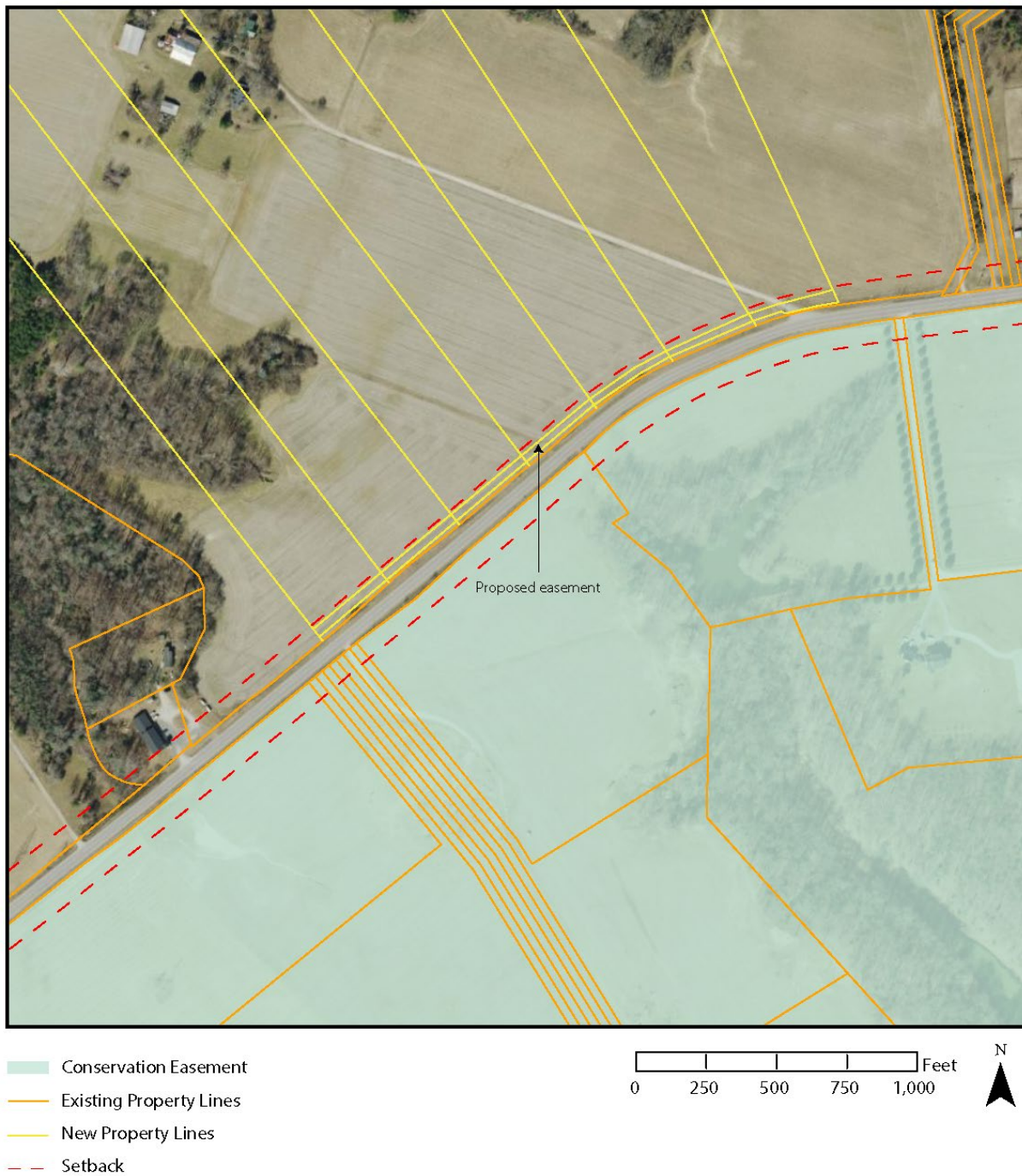


Figure 7. Map of Forge Road showing existing property lines, conservation easements, new property lines, and potential development with common access easement and 75 ft. setback from right of way

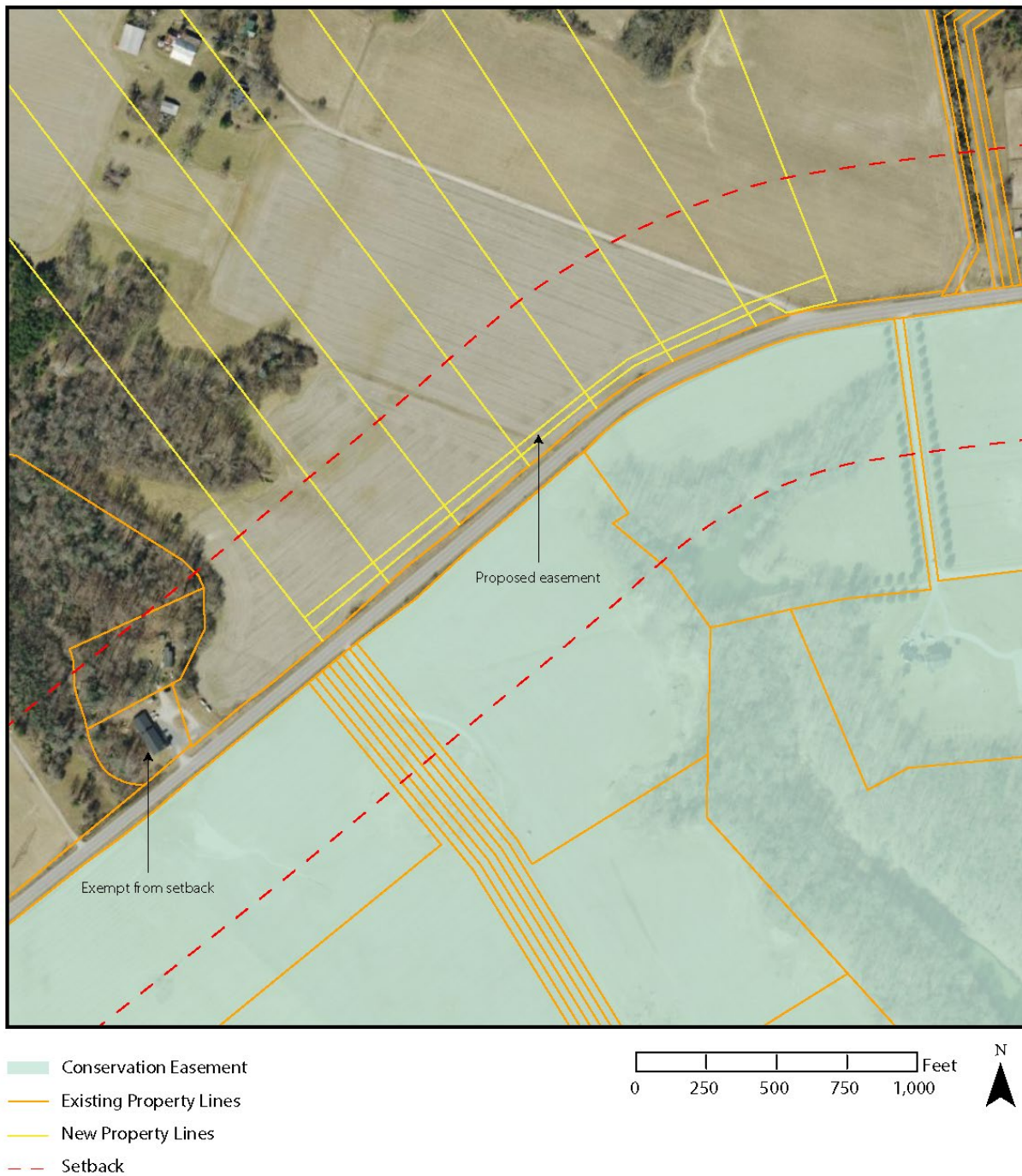


Figure 8. Map of Forge Road showing existing property lines, conservation easements, new property lines, and potential development with common access easement and 400 ft. setback from right of way



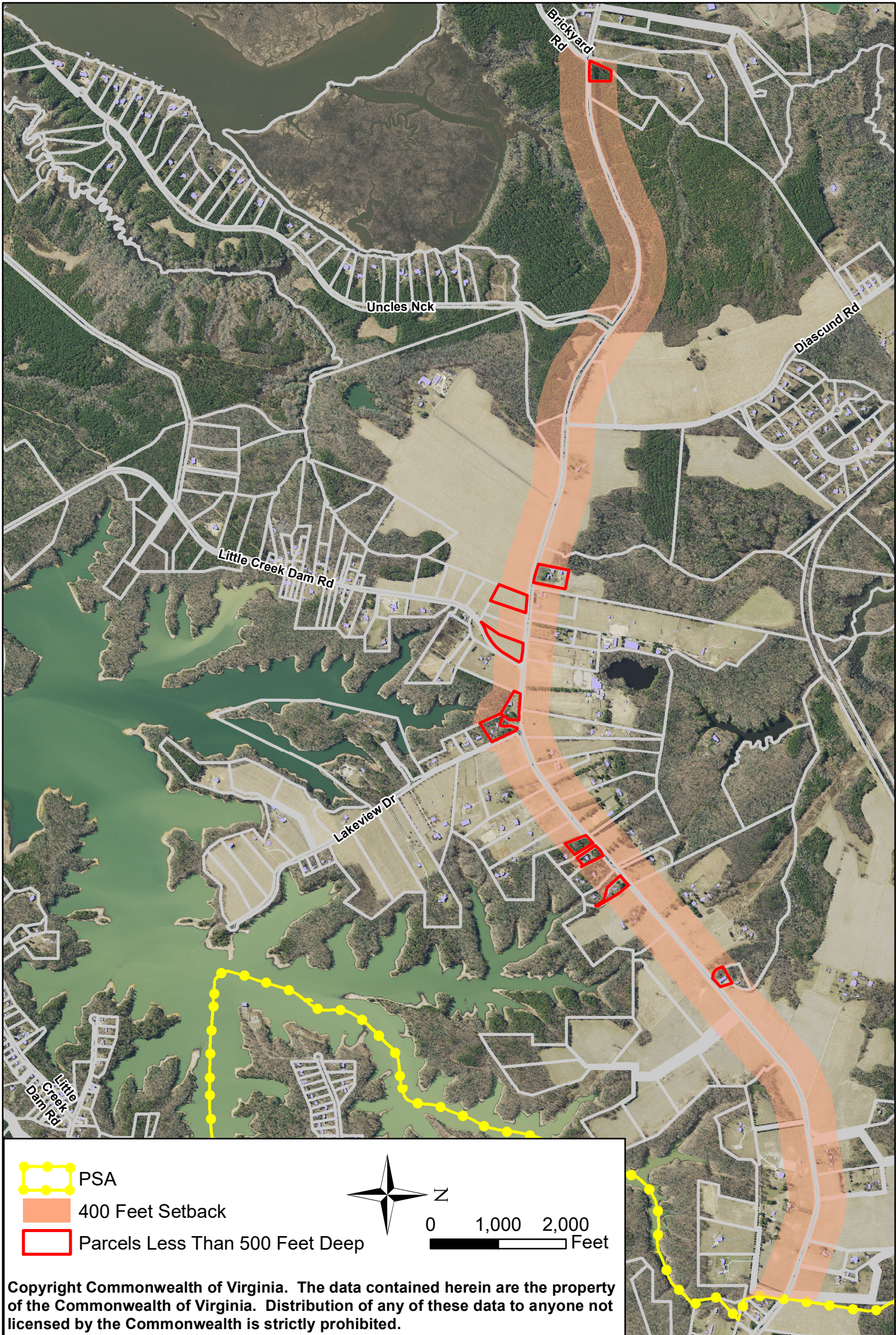
Figure 9. Map of Old Stage Road showing existing property lines and potential new subdivision and homes with 75' setback from right of way



Figure 10. Map of Old Stage Road showing existing property lines and potential new subdivision and homes with 400' setback from right of way



JCC ORD-22-0001, Amendments for Scenic Roadway Protection. Forge Road Corridor





JCC ORD-22-0001, Amendments for Scenic Roadway Protection. Old Stage Road Corridor



ARTICLE VII. NONCONFORMITIES

Sec. 24-628. Statement of intent.

- (a) *Purpose and intent.* The purpose of this article is to regulate nonconforming uses and structures in a manner consistent with sound planning and zoning principles. The general intent is that, over time, nonconforming uses will be discontinued in favor of uses conforming to this chapter and the zoning map. However, it is also recognized that nonconforming uses need not be entirely static and that under certain circumstances nonconforming uses and structures may change according to law and the provisions of this chapter.
- (b) *Term defined.* The term "nonconforming use" shall mean any activity using land, building, sign, lot, and/or structure for purposes which were legally established prior to the effective date of this chapter, or subsequent amendment to it, and which would not be permitted to be established in a zoning district in which it is located by the currently adopted regulations. "Nonconforming structure" shall mean any structure not in conformance with current ordinance regulations.
- (c) *Status.* The nonconforming status of any nonconforming use shall adhere solely to the use of the land and not to the owner, tenant or other holder of any legal title to the property or the right to make use thereof.
- (d) *Accessory or incidental uses.* A use that is accessory or incidental to a permitted principal use cannot be made the basis for a nonconforming principal use.

(Ord. No. 31A-101, 5-18-87; Ord. No. 31A-188, 4-13-99; Ord. No. 31A-268, 6-12-12)

Sec. 24-629. Continuation of nonconforming uses.

- (a) A nonconforming use may continue as it existed when it became nonconforming provided however, if any nonconforming use is discontinued for a period of two years, it shall lose its nonconforming status and any further use shall be required to conform to the provisions of this chapter. A nonconforming use shall not be changed unless provided for in section 24-631 of this article.
- (b) Operation of only an accessory or incidental use to the principal nonconforming use during the two-year period shall not operate to continue the principal nonconforming use.
- (c) No use accessory to a principal nonconforming use shall be continued after nonconforming status is lost for the principal use.

(Ord. No. 31A-101, 5-18-87; Ord. No. 31A-188, 4-13-99)

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

- (a) Prior to the approval of any change in, or restoration of, a nonconforming use permitted by section 24-631 of this ordinance, the lawful status of the use shall be verified in writing by the zoning administrator. The zoning administrator may also verify in writing the lawful status of a nonconforming use not proposed to change upon the request of the owner of the property on which the use is located or upon the request of a neighboring property owner.
- (b) In verifying the lawful status of a nonconforming use, the zoning administrator shall determine the following:
 - (1) Whether the use is, in fact, a lawful nonconforming use as defined by this chapter; and, if so, then:

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

(Ord. No. 31A-188, 4-13-99)

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

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

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- (2) Whether the proposed use will increase the intensity of the nonconforming use, including hours of operation, traffic, lighting, odor, noise and similar impacts;
 - (3) Whether the proposed use will have a more or less detrimental effect on conforming uses in the neighborhood; and
 - (4) How the quantum overall effect of the factors evaluated in preceding subsections (c)(1), (c)(2) and (c)(3) relate to the purpose, policies and objectives of this chapter.
- (d) Upon approval of the change to a "more restricted" use, site plan approval as set forth in section 24-143 is required when structural modifications or additions are necessary.
- (Ord. No. 31A-101, 5-18-87; Ord. No. 31A-106, 3-21-88; Ord. No. 31A-107, 4-4-88; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-116, 11-6-89; Ord. No. 31A-188, 4-13-99; Ord. No. 31A-268, 6-12-12)

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

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

(Ord. No. 31A-188, 4-13-99)

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

- (a) *Restriction for structure.* A nonconforming use may be extended throughout any part of a structure originally arranged or designed for such activity; provided, that current parking requirements shall be adhered to upon such extension.
- (b) *Restriction for area.* Any permitted expansion shall occur only on the lot occupied by the nonconforming use or structure and no area of any lot not originally devoted to the nonconforming use shall be utilized for any aspect of such expansion notwithstanding the combination of lots to bring a nonconforming structure into compliance.
- (c) *One-family dwellings.* For a nonconforming one-family dwelling use, the dwelling may be expanded without limitation, except as provided for in this chapter. In addition, new or expanded residential accessory structures and uses (such as a storage shed, garage, swimming pool, etc.) may be permitted subject to the provisions of this chapter. Expansion of the dwelling and new or expanded accessory structures and uses shall meet all current zoning requirements, including height, yard and setbacks, for the zoning district in which they are located or the R-1 zoning district if such dwelling is not located in a zoning district where a residential use is permitted. In no case shall a nonconforming one-family dwelling be modified to accommodate additional dwelling units.
- (d) *Business or industrial uses.* For uses in any district where the activity is permitted in the zoning district in which the lot is located, but where the current zoning requirements (including, but not limited to, parking, yards, setbacks, landscaping, screening and buffering, height, signs, lot coverage, connection to public sewer and water) are not met, expansion of the building, and expansion of the land area within the lot devoted to activities other than buildings, may be approved, provided all current zoning requirements applicable to the expansion are met.
- (e) *Businesses or industrial uses not connected to public water and sewer.* Expansion of a use meeting all zoning requirements except for connection to public water and public sewer may be permitted upon approval of a special use permit excepting the use from the public water and public sewer requirements.

-
- (f) *Expansion allowance resulting from right-of-way dedication.* Existing business or industrial uses which are permitted within any district and which have been made nonconforming with respect to open space, perimeter landscape requirements or setback requirements as a result of a right-of-way dedication to the county or the Virginia Department of Transportation without compensation shall be allowed to expand in accordance with the current zoning ordinance under the conditions which existed prior to the dedication.
 - (g) *Miscellaneous changes.* Minor alterations, cosmetic modifications, interior renovations and similar changes for nonconforming uses or structures may be permitted, subject to the following standards:
 - (1) Such changes shall not increase the land area occupied by any aspect of the nonconforming use and shall not increase the gross floor area of any nonconforming structure; and,
 - (2) Such construction shall meet all current zoning ordinance requirements for the zoning district in which the nonconforming use is located or the zoning district assigned by the zoning administrator as a part of the nonconforming use verification process, whichever requirements are more strict.
 - (h) *Expansion required by law.* Improvements may be made to the nonconforming use or structure for the sole purpose of accessibility or public safety when such improvements are necessitated by a local, state, or federal law. Such improvements may be approved by the zoning administrator and are not subject to paragraphs (d) and (g) of this section.

(Ord. No. 31A-188, 4-13-99; Ord. No. 31A-268, 6-12-12)

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

- (a) A nonconforming use or structure damaged by casualty may be restored in accordance with the provisions of this section, provided such restoration has started within 12 months of the date of the casualty and is complete within 24 months of the date of the casualty. By casualty shall mean as a result of a fire or other cause beyond the control of the owner or by an act of God. By casualty shall not include damage caused by age or ordinary wear and tear or damage intentionally caused by the owner or an agent thereof.
- (b) Nonconforming uses other than buildings and signs (such as, but not limited to, underground storage tanks, private sewage disposal systems and parking lots) may be restored or replaced when such structures become unsafe or unsound. A relocation on the same lot may be approved by the zoning administrator, provided the new location is less nonconforming than the original location, and further provided that the new location shall not cause a greater detrimental impact on conforming uses in the neighborhood.
- (c) Such restoration shall not include any minor alterations, cosmetic modifications, interior renovations or similar changes unless approved under the provisions of section 24-633 of this article, nor shall such restoration include any expansion unless approved under the provisions of section 24-633. Such restoration may include changes that make the use or structure less nonconforming than it was prior to the casualty.
- (d) Nothing in this section shall be construed to prevent the removal of a valid nonconforming manufactured home from property and replacement of that unit with another comparable manufactured home that meets the current HUD manufactured housing code. Such replacement unit shall retain the valid nonconforming status of the prior unit. For purposes of this article, a "nonconforming mobile home or manufactured home" shall be defined as any mobile home or manufactured home which does not meet all current zoning requirements and which was:
 - (1) Located in the county prior to April of 1969, or any replacement thereof;
 - (2) Located pursuant to a conditional use permit, either with or without an expiration date;
 - (3) Located pursuant to a special use permit; provided, however, any manufactured home located pursuant to a special use permit with an expiration date shall be removed from the site upon

expiration of the special use permit unless a new special use permit is approved to lawfully continue the use; or

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

(Ord. No. 31A-188, 4-13-99; Ord. No. 31A-209, 11-12-02; Ord. No. 31A-268, 6-12-12)

Sec. 24-635. Moving a nonconforming use.

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

(Ord. No. 31A-188, 4-13-99)

Sec. 24-636. Use of nonconforming lots.

- (a) Any unimproved lot of record existing on the effective date of this chapter located in any district that is nonconforming as to the lot area, lot width or lot depth, or combination thereof, required in the zoning district in which the lot is located may be used for any permitted use in such zoning district, unless specifically prohibited, provided all other requirements of the zoning district are met or the board of zoning appeals establishes setbacks, side, and rear yards in accordance with section 24-650(c).
- (b) In addition to the changes that may be allowed to nonconforming lots by this chapter, nonconforming lots may change as follows:
 - (1) A nonconforming lot may be increased in lot size, lot width or both to make the lot less nonconforming;
 - (2) The boundaries of a lot that is nonconforming as to lot size or lot width, or both, may be adjusted along with the boundaries of any contiguous conforming lot, provided such adjustment does not make the conforming lot nonconforming and does not make the nonconforming lot more nonconforming;
 - (3) When a nonconforming lot is changed as set forth in subsections (b)(1) and (b)(2), or when two or more nonconforming lots are assembled to create a conforming lot, a plat of subdivision shall first be filed and approved in accordance with law.

(Ord. No. 31A-188, 4-13-99)

Sec. 24-637. Appeals.

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

(Ord. No. 31A-188, 4-13-99)

Secs. 24-638—24-643. Reserved.

ITEM SUMMARY

DATE: 1/12/2023

TO: The Policy Committee

FROM: John Risinger, Senior Planner; Tom Leininger, Principal Planner

SUBJECT: ORD-22-0003. Amendments for Calculation of Residential Development Density

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	1. Initiating Resolution	Backup Material
▣	2. Comparison of Density Calculation Methods	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Cook, Ellen	Approved	1/5/2023 - 2:00 PM
Policy	Holt, Paul	Approved	1/5/2023 - 4:08 PM
Publication Management	Pobiak, Amanda	Approved	1/5/2023 - 4:20 PM
Policy Secretary	Secretary, Policy	Approved	1/5/2023 - 4:31 PM

MEMORANDUM

DATE: January 12, 2023

TO: The Policy Committee

FROM: John Risinger, Senior Planner
Tom Leininger, Principal Planner

SUBJECT: ORD-22-0003. Amendments for Calculation of Residential Development Density

Introduction

At the March 8, 2022, Board of Supervisors (BOS) meeting, a request was made to bring forward an Initiating Resolution to consider amending how residential density is calculated with a direction to explore using net acreage. This Initiating Resolution was adopted by the BOS at its meeting on April 12, 2022, which has been included in the Agenda Packet as Attachment No. 1.

Density for a development is calculated based on the proposed number of residential units divided by the acreage of the property. The acreage used in the calculation can either be gross, net, or an alternative approach. Gross acreage encompasses the entirety of a property. Net acreage is when certain specified areas are not included. Other alternative approaches may follow a path somewhere in the middle and allow for the inclusion of some of the specified areas that might otherwise be excluded in a net calculation.

In terms of what might not be included in net acreage, it is common in a zoning context to consider the areas that are not suitable, or are less suitable, for development. In James City County, non-developable areas are currently defined as “all resource protection area as defined in the Chesapeake Bay Preservation Ordinance, areas subject to flooding under the one percent annual change (100-year) storm event (FEMA zones A, AE, AO, V, VE, and Coastal A), and areas of 1,000 square feet or greater containing steep slopes.” Note that the non-developable definition was updated in 2012, with the changed definition encompassing more area than under the previous definition. The non-developable land, as defined, is used in calculating net density and has been used in several other approaches to alternative calculations over the years.

Zoning History

In James City County, a variety of density calculations using gross acreage, net acreage, or other alternative approaches, have been used over time. There is also some variation by particular zoning district. The following table summarizes the current calculation approach and the previous approach. Additional discussion about the alternative approaches (“stepped” and “single number”) that are noted in the table is included below.

Zoning District	Current Density Calculation Method	Previous Density Calculation Method	Notes
A-1, General Agricultural	Gross (density is not specified, just minimum lot size)	No change	
R-1, Limited Residential	Alternative approach - stepped	Gross	Updated in 2012

Zoning District	Current Density Calculation Method	Previous Density Calculation Method	Notes
R-2, General Residential	Alternative approach - stepped	Gross	Updated in 2012
R-3, Residential Redevelopment	Alternative approach - stepped	No change	District created in 2012 with stepped approach density
R-4, Residential Planned Community	Alternative approach - stepped	Alternative approach - single number (35%)	Updated in 2012
R-5, Multi-family Residential	Alternative approach - stepped	Alternative approach - single number (35%)	Updated in 2012
R-6, Low-Density Residential	Gross (density is not specified, just minimum lot size)	No change	
R-8, Rural Residential	Gross (density is not specified, just minimum lot size)	No change	
PUD, Planned Unit Development	Alternative approach - stepped	Net	Updated in 2012
MU, Mixed Use	Alternative approach - stepped	Alternative approach - single number (35%)	Updated in 2012
EO, Economic Opportunity	Net	No change	District created in 2011 with net density
Cluster Overlay District	Alternative approach - stepped	Alternative approach - single number (35%)	Updated in 2012

Prior to amendments to the Zoning Ordinance in 2012, many of the residential districts utilized an alternative approach which used a single number to calculate permitted density. With this approach, the permitted density for parcels with less than 35% non-developable area was calculated using the gross acreage of the parcel. The permitted density for parcels with 35% or greater non-developable area was the sum of the developable area and 35% of the gross acreage of the parcel.

The 2012 Zoning Ordinance amendments included updating many of the districts to use a stepped approach. This approach continues to allow parcels with a lower amount of non-developable area to use their gross acreage but utilizes a stepped system for parcels with more non-developable area. As the percentage of non-developable area increases, less of the gross acreage of the parcel may be added to the developable area. The following table shows the stepped approach as it is currently used in the R-1, R-2, R-3, R-4, R-5, PUD, MU, and Cluster Overlay Districts. These Districts are primarily found inside the Primary Service Area (PSA).

Percent non-developable	Percent of gross acreage added to the developable land
0-20%	Use total parcel acreage
21-40%	20
41-70%	15
70-100%	10

A comparison showing the implications that each calculation has on the number of units, and the resulting densities on the developable area and total areas of the parcel has been included in Attachment No. 2. The alternative methods are a middle ground between gross acreage which results in the highest intensity of development and net acreage which results in the lowest intensity. It is important to consider that while the alternative methods do allow parcels with non-developable land to add a percentage of the total parcel acreage to the developable acreage to arrive at the acreage that can be used in the density calculation, the resulting densities are lower both across the total parcel and within the developable land. Additionally, development and design standards within the Zoning Ordinance, Subdivision Ordinance, Chesapeake Bay Preservation Ordinance, and other applicable regulations would continue to restrict the use of non-

developable areas for proposed developments.

Peer Locality Research

Staff has reviewed Ordinances from peer localities to determine if there are any similarities in how residential density is calculated. The findings show that each of the localities has an individualized process for calculating density as follows. The City of Williamsburg utilizes an alternative approach which uses net acreage but allows portions of certain environmental features to be credited towards the acreage. York County utilizes net acreage in their calculations; however, their Ordinance does not exclude Resource Protection Area acreage. The City of Suffolk utilizes the gross density approach for conventional developments and the net acreage approach for cluster configurations. Fauquier County utilizes a stepped approach that uses gross acreage but has reductions in density for certain environmental features. Finally, Albemarle County utilizes gross acreage when calculating density.

Policy Considerations

For the recommended densities within the Land Use Designation Descriptions and Development Standards, the Comprehensive Plan Low Density Residential (LDR) and Moderate Density Residential (MDR) designations have recommended densities that are expressed in density ranges based on gross acreage, and the Mixed Use (MU) and Economic Opportunity (EO) - Mooretown Road/Hill Pleasant Farm Area designations have recommended densities that are expressed in density ranges based on net acreage. As the Zoning Ordinance districts are mechanisms to implement the Comprehensive Plan, a gross calculation would be most consistent for the Residential Zoning Districts.

In addition, the Land Use Chapter states that residential growth is intended to occur inside the PSA, promotes infill development and redevelopment to occur inside the PSA, and recognizes that directing development inside the PSA results in a more efficient delivery of public facilities and services. One consideration is that a reduction in the permitted densities of residential districts will reduce the residential capacity inside the PSA. With less capacity inside the PSA, market demands could result in increased growth pressure outside the PSA. While the recent amendments to lot sizes in the A-1 and R-8 Districts reduce what development could be achieved outside the PSA, the rate at which lots are developed could increase. Furthermore, a reduction of development inside the PSA and any increase in growth outside of the PSA would result in less efficient public facilities and services when compared to maintaining the density calculation.

Another consideration is that reducing densities could impact opportunities for workforce housing, whereas creating opportunities for workforce housing is consistent with the goals of the Workforce Housing Task Force and the Comprehensive Plan Housing Chapter and Housing Goals, Strategies, and Actions. With fewer units in a development, it could affect the ability of developers to offer affordable units while still meeting their financial goals for the project. Additionally, ongoing costs shared among owners such as association dues could be higher than they would otherwise have been if split among more units, potentially further reducing affordability for owners.

While efficient development and housing affordability are important goals of the Comprehensive Plan, another important consideration in the Comprehensive Plan is the character of the community and compatibility of new development with adjacent neighborhoods. As shown in Attachment No. 2, if using the gross acreage calculation or alternative approaches, there could be a much higher intensity of development within the developable areas for parcels that have higher amounts of non-developable areas compared to properties with less non-developable area. This could cause nearby developments to have considerably different characters in terms of unit types and lot sizes. With the net density calculation, the character of adjacent developments would be more consistent if they have the same zoning. Staff finds that the stepped approach addresses this consideration more than a gross calculation, but less than the net calculation.

Conclusion

As noted above, for the recommended densities within the Land Use Designation Descriptions and Development Standards of the adopted 2045 Comprehensive Plan, the LDR, and MDR designations have recommended densities that are expressed in density ranges based on gross acreage, while the MU and EO - Mooretown Road/Hill Pleasant Farm Area designations have recommended densities that are expressed in density ranges based on net acreage. As the Zoning Ordinance is one of the primary mechanisms put into place to implement the Comprehensive Plan, a gross density calculation may be most consistent with the land use designations of the adopted Plan. While, a net density calculation may be more consistent with ensuring the compatibility of adjacent developments, staff finds the current stepped approach serves as a compromise between these two considerations.

Staff looks forward to the Policy Committee's discussion of this topic and its feedback and input on next steps.

JR/TL/ap

Ord22-3AmdCaResDD-mem

Attachments:

1. Initiating Resolution
2. Comparison of Density Calculation Methods

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

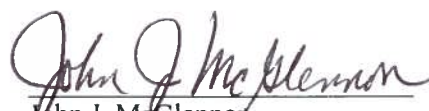
TO CONSIDER POSSIBLE AMENDMENTS REGARDING HOW DENSITY IS

CALCULATED FOR RESIDENTIAL DEVELOPMENTS


WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the "Virginia Code"), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the "Board"), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent and required by public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning, in order to consider possible amendments regarding how density is calculated for residential developments. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saeed
Deputy Clerk to the Board

ICENHOUR
HIPPLE
LARSON
SADLER
MCGLENNON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of April, 2022.

InitConsGrossDensRD-res

Comparison of Density Calculation Methods

Parcel Size: 10 acres

Proposed Density: 2 units per acre

	Gross			Alternative Method – Single Number (35%)			Alternative Method – Stepped			Net		
Percent Non- Develo pable	# of Units	Resulting Density on Developable Land	Resulting Density on Total Parcel Area	# of Units	Resulting Density on Developable Land	Resulting Density on Total Parcel Area	# of Units	Resulting Density on Developable Land	Resulting Density on Total Parcel Area	# of Units	Resulting Density on Developable Land	Resulting Density on Total Parcel Area
0%	20	2	2	20	2	2	20	2	2	20	2	2
10%	20	2.2	2	20	2.2	2	20	2	2	18	2	1.8
20%	20	2.5	2	20	2.5	2	20	2	2	16	2	1.6
30%	20	2.9	2	20	2.9	2	18	2.6	1.8	14	2	1.4
40%	20	3.3	2	19	3.2	1.9	16	2.7	1.6	12	2	1.2
50%	20	4	2	17	3.4	1.7	13	2.6	1.3	10	2	1
60%	20	5	2	15	3.8	1.5	11	2.8	1.1	8	2	0.8
70%	20	6.7	2	13	4.3	1.3	9	3	0.9	6	2	0.6
80%	20	10	2	11	5.5	1.1	6	3	0.6	4	2	0.4
90%	20	20	2	9	9	0.9	4	4	0.4	2	2	0.2