

AGENDA
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
October 12, 2023
3:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes of the August 10, 2023, Regular Meeting

D. OLD BUSINESS

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

E. NEW BUSINESS

1. Comprehensive Plan Amendment: Community Character Corridor and Short-Term Rental Development Standards Revision

F. ADJOURNMENT

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 10, 2023
3:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at 3 p.m.

B. ROLL CALL

Policy Committee Members Present:

Jack Haldeman
Frank Polster
Rich Krapf
Tim O'Connor (By Telephone)

Staff Present:

Ellen Cook, Principal Planner
Josh Crump, Principal Planner
Terry Costello, Senior Planner
Cheryl Cochet, Financial and Management Specialist

Mr. Haldeman stated that Mr. O'Connor requested to participate in the meeting by telephone.

Mr. Krapf made a motion to approve the remote participation.

On a voice vote, the Committee unanimously approved Mr. O'Connor participating by telephone.

Mr. O'Connor joined the meeting.

C. MINUTES

1. Minutes of the January 12, 2023, Meeting
2. Minutes of the February 9, 2023, Meeting
3. Minutes of the February 16, 2023, Meeting
4. Minutes of the February 23, 2023, Meeting (Special Meeting)
5. Minutes of the February 23, 2023, Meeting (CIP)
6. Minutes of the March 9, 2023, Meeting
7. Minutes of the April 13, 2023, Meeting

Mr. Polster made a motion to approve the Minutes.

On a voice vote, the Committee unanimously approved the Minutes.

D. OLD BUSINESS

There was no Old Business.

E. NEW BUSINESS

1. Fiscal Year 2025-2029 Capital Improvements Program Review Process Adjustments

Ms. Costello introduced a discussion on the process for reviewing the Capital Improvements Program for Fiscal Years 2025-2029, specifically proposing a written question and answer format and a change to the customary schedule.

After a discussion, the Committee unanimously recommended that Committee members

submit questions in writing directly to one staff leader, who will then distribute them to the relevant departments and to the other Committee members. Subsequent exchanges with department representatives will be copied to all involved parties. The Committee further recommends that it retain the option to question department representatives in person as the need arises.

2. Possible Zoning Ordinance Revisions to the Use List of the General Business District, B-1

In response to an initiating resolution from the Board of Supervisors, Ms. Costello opened a discussion to consider possible amendments regarding the Use List of the General Business District, B-1.

Committee members expressed uncertainty about the purpose, scope and intent of the resolution and whether it would include definitions pertaining to the List. Four items from the List were discussed. Staff will ask the Board for further clarification of the resolution as a framework for discussion at the next meeting.

There was a brief discussion about the amount of additional work needed to meet the goals of the 2045 Comprehensive Plan in light of the pending budget, CIP, and other demands on staff time. The Committee agreed that Planning Commission Discussion and Requests section of the next Planning Commission agenda might be a good time to flesh this out.

F. ADJOURNMENT

Mr. Polster made a motion to adjourn.

The meeting was adjourned at 3:42 PM.

Paul D. Holt, III, Secretary

Jack Haldeman, Chair

MEMORANDUM

DATE: October 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 July 25, 2023, meeting, the Board of Supervisors directed Planning staff to prepare draft language for the previously reviewed setback concept for A-1 zoned property abutting roadways designated Open-Agricultural Community Character Corridor (CCC) and located outside the Primary Service Area (PSA) within the Comprehensive Plan. Specifically, this revised draft language would permit lots with a depth of 300 feet or less to have the 75-foot setback requirement, lots with a depth between 300 feet and 500 feet to have a setback requirement of 200 feet, and lots with a depth greater than 500 feet to have the 400-foot setback.

Draft Language

Planning staff has prepared the requested draft language for the consideration of the Policy Committee (see Attachment No. 2). This language is essentially the same concept that was presented to the Policy Committee on April 13, 2023. However, the draft language has been adjusted to tier the setback based on lot depth in accordance with the Board's direction. This ensures that lots are not rendered unbuildable because of the proposed amendment.

Recommendation

Overall, staff finds that the proposed draft language is complementary to the draft language for parcels abutting Wooded CCCs, which was previously recommended for approval by the Policy Committee. Furthermore, staff finds this draft language, in tandem with previously recommended language, will fulfill the intent of ORD-22-0001. Planning staff recommends the Policy Committee recommend approval of the attached draft language to the Planning Commission for consideration at its November 1, 2023, meeting.

TW/JLR/JR/md
ORD22-1ScRdProAmd-mem

Attachments:

1. Initiating Resolution
2. A-1 Setback Draft Language
3. Draft Language Recommended for Approval by Policy Committee

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

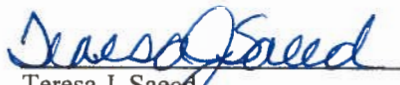
WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance and Subdivision Ordinance.

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

Sec. 24-215. Setback requirements.

- (a) *Except for those roadways identified in section 24-215 (c),* 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.
- (c) *For parcels abutting a portion of a road right-of-way designated an Open/Agricultural Community Character Corridor and located outside of the Primary Service Area on the Comprehensive Plan Land Use Map, structures shall be located a minimum of 400 feet from the right-of-way. For those parcels containing a lot depth between 500 feet and 300 feet as of January 1, 2023, structures shall be located a minimum of 200 feet from the right-of-way. For those parcels containing a lot depth of 300 feet or less or those parcels approved as a flag lot as of January 1, 2023, the applicable setback shall be pursuant to section 24-215 (a).*

SetbkOpnAG-CCC-ord

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.
- (i) *Expansion allowance for Community Character Corridor-Open/Agricultural.* Existing structures or uses that are permitted within any district and which have been made nonconforming as a result of the establishment

of the setback requirements per Sec. 24-215 (c) shall be allowed to expand, provided the expansion does not further encroach within the setback.

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

Sec. 24-223. Buffer requirements.

(a) *Right-of-way buffer. Within any major subdivision approved under this division, there shall be planned and maintained buffers along all external existing and planned road rights-of-way, as follows:*

- (1) *The minimum right-of-way buffer on Wooded Community Character Corridors located outside the Primary Service area as defined in the Comprehensive Plan shall be 200 feet.*
- (2) *The right-of-way buffer shall be planted in accordance with section 24-96, General landscape area standards and shall also adhere to the Community Character Corridor Buffer Treatment Guidelines and Map.*
- (3) *Waiver provisions. The planning director may reduce the buffer depth requirements specified in (1) of this section for residential developments when:*

(i) The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or

(ii) The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 100 feet. The planning director may also, in the event of granting a waiver, require additional landscaping as determined on a case-by-case basis.

(b) *Requirements for buffers. All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the planning director or his designee. Soil stockpiles and staging areas shall not be permitted within any buffer, except that temporary soil stockpiles may be allowed upon approval by the planning director under the following circumstances:*

- (1) *The buffer in which the temporary stockpile is to occur is non-wooded, defined as having no mature trees.*
- (2) *The stockpile shall not be visible from a Community Character Corridor or Community Character Area, unless the soil stockpiling is needed for approved berming in that buffer.*
- (3) *Stockpiles shall not exceed 35 feet in height.*
- (4) *Stockpiles shall be temporary, with a time limit of six months.*
- (5) *Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.*
- (6) *Stockpiling shall conform with any applicable requirements of the Virginia erosion and sediment control regulations, the Virginia erosion and sediment control handbook and county erosion and sediment control program policies.*

(c) *Limitations on buffers. Structural BMPs such as wet and dry ponds shall not generally be permitted in the buffers, except that the planning director may approve them under the following circumstances:*

- (1) *The need is necessitated by site conditions rather than economic factors; and*
- (2) *The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.*

(d) *Improvements allowable within buffers. An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning director. Permitted utilities and constructed drainage conveyance systems shall*

cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at a different angle to the property line upon approval of the planning director.

- (e) Roads within buffers. Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning director.*
 - (f) Appeals. In the event the planning director disapproves the items specified in this section or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. Any appeal shall be in writing and may be subject to fees as specified in article I of this chapter.*
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Sec. 24-98. Landscape area(s) along right(s)-of-way.

- (a) *Width requirements.* A landscape area having an average width as specified in the following chart shall be provided adjacent to any existing or planned road right-of-way.

Width Requirements for Landscape Areas along Right(s)-of-Way.			
(1) Community Character Corridors			
	Standard	Minimum width conditioned upon approval of planning director. Reference section 24-98(e) for the criteria.	Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	50-feet	30-feet	20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	25-feet	20-feet	15-feet
(2) Wooded Community Character Corridors Outside the Primary Service Area			
	Standard		Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	100-feet		20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	50-feet		15-feet
(23) All Other Roads			
	Standard		Reduction for lots less than 1.5 acres which were recorded or legally in existence prior to July 3, 1990.
Average Width	30-feet		20-feet or 10% of the average lot depth, whichever is greater.
Minimum Width	15-feet		15-feet
(34) Further Reductions for Master Planned Communities with Approved Design Guidelines.			
The standards provided above can be further reduced for developments that are part of an approved master-planned community and have a governing set of design guidelines approved by the county. The design guidelines shall specify architectural standards, building placement and massing, parking location, sidewalks, street-lighting, streetscape standards, landscaping, signage, and other important community aesthetic features.			

- (b) *Square footage calculation for landscape areas.* All landscape areas along a right-of-way shall contain a minimum amount of square footage which shall be equal to:

Square Footage Calculation
Square Footage = [Applicable Average Width Requirement] * [Length of Right-of-Way Frontage]

In no case shall any portion of any landscape area located more than 125 feet from the right-of-way of a Wooded Community Character Corridor outside the Primary Service Area, 65 feet from the right-of-way of all other Community Character Corridors or 45 feet from the right-of-way along all other roads be counted toward meeting the requirements of this paragraph. All required square footage shall be contiguous and located in an area that is directly adjacent to the right-of-way except as provided for in section 24-98 (f)(1).

- (c) *Outdoor operations and storage.*

Any commercial or industrial operation or storage conducted in whole or in part out-of-doors shall:

- (1) Be screened from the right of way and conform to the landscape requirements in section 24-98 and 24-100 (a) of the zoning ordinance. Evergreen tree and shrub mixture requirements of section 24-94 (b) shall be used to screen the outdoor operations from the public right-of-way; and
 - (2) Be well drained with adequate provisions to control storm drainage and erosion; and
 - (3) Where the ground cover would be routinely disturbed because of the nature of the activity to be conducted or because of vehicular traffic, the area shall be maintained in an all-weather surface; and
 - (4) Be screened from adjacent property by landscaping and fencing, except that outdoor displays for sale of vehicles, equipment, machinery and/or plant materials shall be exempt from the screening requirements where such screening would materially interfere with the visibility of the items for sale from a public road; and
 - (5) Be limited to uses and items to be stored which do not create noise, odor, dust or other objectionable effects. The effects of an activity shall be assessed at the nearest property line.
- (d) *"Construction zone" setback for structures.*
- (1) All structures shall be setback a minimum of 15-feet from the perimeter of the landscape area buffer required in section 24-98 (a). For example, if the required landscape area buffer measures 50-feet in width from the right-of-way, then the structure(s) shall be no closer than 65-feet from the right-of-way.
 - (2) The "construction zone" setback shall be clearly delineated on the site plan.
 - (3) This "construction zone" setback shall not apply to parking lots. Parking lots may be constructed up to the edge of the required landscape buffer provided no grading, tree removal, or land disturbance occurs within the required landscape buffer.
- (e) *Waiver criteria for landscape areas along Community Character Corridors.* The average width requirement of the required landscape areas along Community Character Corridors may be reduced by the planning director if subsection(s) (1) and/or (2) provided below is satisfied. In no case shall the total reduction exceed 20 feet. In deciding whether a reduction in the standard landscape area width is warranted, the planning director shall consider the impact of proposed road and/or utility improvements on existing trees and vegetation. Planned road and/or utility improvements that will remove existing trees and vegetation will reduce the likelihood of a reduction in landscape area required. In approving a reduction request, the planning director may require additional plantings beyond the minimum ordinance requirements, alter the mixture of plantings provided, and/or specify the types of plantings to be used.
- (1) The applicant may achieve a maximum reduction of 10 feet by providing superior site design with a combination of elements such as:
 - a. Parking located away from public view behind buildings or screened by other architectural features (i.e. decorative brick walls);
 - b. Innovative use of grading and topography to minimize visual impacts of parking and other unsightly features (i.e. dumpsters, HVAC equipment, loading areas, etc.);
 - c. Provision of pedestrian amenities beyond what the ordinance requires. Examples may include brick pavers to connect existing and planned pedestrian walkways, lighting, and benches; or
 - d. The use of monument style signs that are of a scale and type that complement the positive features of the surrounding architecture and streetscape. The use of wood, brick, or other natural features is recommended.
 - (2) The applicant may achieve a maximum reduction of 15 feet by providing superior architecture and building materials that meet the following standards.

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- a. The building architecture and materials complement the positive features of nearby existing or planned development and/or the character of Colonial Williamsburg and James City County;
 - b. Architecture and materials should be unique and not replicate standard and/or conventional prototypes; and
 - c. The proposed location of the building and parking areas shall not require the removal of specimen trees or large stands of viable mature trees.
- (f) *Right-of-way landscape area performance standards.*
- (1) Permitted breaks in landscape areas.
 - a. All landscape areas along rights-of-way shall be continuous along the road right-of-way frontage, except where driveway, utility or other breaks running perpendicular to the right-of-way are necessary, and shall be designed in a manner that achieves the intent of this division.
 - b. No new utilities, outside of those running parallel to permitted breaks in the required landscape areas, shall be located within the required landscape area(s) unless a waiver is granted by the planning director. The planning director shall grant a waiver only if the applicant can sufficiently demonstrate that there are unavoidable physical or regulatory constraints that warrant an intrusion into the landscape area.
 - (2) Tree preservation and criteria for tree removal.
 - a. All existing viable mature trees (eight inches or greater diameter at breast height (DBH)) and specimen trees (24 inches or greater DBH) shall be preserved within the required right-of-way landscape area. All understory trees of two inches or greater DBH shall be preserved.
 - b. The planning director or his designee may permit the removal of understory and overstory trees exceeding these size thresholds after an on-site inspection. The trees must be tagged to allow for easy identification. The planning director or his designee shall authorize removal of the tagged trees only if they are of poor quality, diseased, not consistent with the existing or planned plant species and design, poorly situated so as to interfere with the growth of other viable trees and/or shrubs, compromise safety, or interfere with other planned site improvements such as sidewalks and/or signs.
 - (3) Buffer grooming and enhancement.
 - a. Trees below the size thresholds stated above in paragraph (2) and underbrush may be hand-removed from the landscape area. No grading shall be permitted; however, hand grooming is permitted.
 - b. Overstory tree limbs may be removed/"limbed-up" to a maximum height of ten feet above the base of the tree. Understory tree limbs may be removed/"limbed-up" to a maximum height of six feet. These height limitations shall not restrict the removal of dead, diseased, or injured tree limbs above the height limits mentioned above.
 - (4) Tree protection required. The required landscape area shall be fully protected by a substantial, temporary fence or barrier with a minimum height of 40-inches. The location, type, and installation standards for this fence shall be clearly shown on the site plan. This fence shall be installed prior to the issuance of a land disturbance permit and shall remain standing until all construction activities on site have been completed.
 - (5) Landscaping required. Required landscape areas shall be supplemented where necessary with planted trees and shrubs to achieve the minimum number of trees and shrubs specified in section 24-96.

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- (6) Landscaping treatments of community character corridor buffers. Right-of-way landscape areas along community character corridors as designated on the Community Character Corridor Buffer Designation and Treatment Map shall be designed to meet the design standards found in the Community Character Corridor Buffer Treatment Guidelines as determined by the planning director.

(Ord. No. 31A-88, § 20-12.2, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-125, 8-20-90; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-168, 5-14-96; Ord. No. 31A-200, 7-13-99; Ord. No. 31A-253, 11-22-11)

Sec. 24-43. Buffer and setback requirements for timbering activities.

The requirements in this section shall apply to timbering activities located in all districts. This section shall not apply to tree removal activities conducted as part of a site plan, subdivision plan, or building permit that is currently under review by the county or has received final approval. Approval of site plans, subdivision plans, or building permits shall be in accordance with other provisions of the zoning ordinance and shall not be governed or guided by the provisions of this section. This section shall also not apply to timbering activities where all timbering is conducted outside of the buffers or setback for timbering listed in paragraph (1), (2) or (3) or for timbering within such buffers or setback for timbering to construct access drives having a maximum width of 30 feet. The following provisions shall apply to all timbering activities subject to this section except as otherwise noted:

- (1) *Buffer along public roads.* This paragraph shall not apply to the General Agricultural District, A-1. An undisturbed buffer at least 75 feet wide shall be maintained along all public roads. No trees or other vegetation shall be removed from this buffer except as permitted under this section.
- (2) *Buffer along community character corridor.* This paragraph shall not apply to the General Agricultural District, A-1. On all other property fronting on roads that are identified as community character corridors on the comprehensive plan, an undisturbed buffer at least 150 feet wide shall be maintained along the community character corridor on properties that are zoned residential. No trees or other vegetation shall be removed from this buffer except as permitted under this section.
- (3) *Setback for timbering.* In the General Agricultural District, A-1, for properties that are in the primary service area, all timbering activities shall be located a minimum of 50 feet from any public road right-of-way unless done in accordance with other provisions in section 24-43. This distance shall be known as the setback for timbering. In the general agricultural district, A-1, for properties outside the primary service area, there shall be no setback for timbering *except that those parcels adjacent to Wooded Community Character Corridors shall have a 50 feet wide setback for timbering.*
- (4) *Buffer and setback for timbering measurement and determinations.* The width of required buffers and setbacks for timbering shall exclude any planned future right-of-way as designated on the Six-Year Primary or Secondary Road Plan.
- (5) *Tree protection.* Required buffer areas and setbacks for timbering shall be marked by painting trees along the interior edge of the buffer. Equipment, timber, or other materials shall not be placed within the buffer or setback for timbering area.
- (6) *Processing requirements.* Prior to commencing any timbering activities within a buffer or setback for timbering except for a 30-foot access drive, the property owner or agent shall complete a timber buffer modification application and submit it along with a James City County Tax Map (with topography) to the planning director that shows the site's property lines, any existing and proposed driveway entrances, required buffer areas, and setbacks for timbering, and tree protection measures. The planning director shall determine whether to permit timbering activities within a buffer or setback for timbering in accordance with paragraphs (7) and (8) below. Upon approval of the application by the planning director, timbering activities within a buffer or setback for timbering may proceed. All timbering activities within a buffer or setback for timbering including location of driveways or any other land disturbing activities, shall take place only in those areas indicated on the approved map and in accordance with the methods approved by the planning director. The planning director shall have no more than ten working days from the filing of such application to approve or disapprove the application. If disapproved, the planning director shall write a letter to the applicant identifying the revisions to be made to gain approval.
- (7) *Modifications.* The planning director may grant modifications to the buffer, setback for timbering, and tree protection requirements when, in the opinion of the planning director, an alternative design

provides equivalent measures, or retains the rural character of the property, or when buffers, setbacks for timbering, or tree protection are unnecessary due to a site's physical conditions such as topography or presence of streambeds, wetlands or other natural features. The planning director may also permit tree removal within the buffer or setback for timbering when trees are weakened, dying, diseased, or insect damaged, or, in the opinion of the state forester or a certified horticulturalist, unlikely to survive or such removal will enhance the long term effectiveness of the buffer or setback for timbering as a visual barrier.

- (8) *Partial timbering within a buffer or setback for timbering.* The planning director may approve partial timbering of buffer areas and setback for timbering and the use and type of equipment for partial timbering, after considering the following:
- a. The effect of the timbering on the long-term effectiveness of the buffer area, or setback for timbering and on adjacent roads and properties;
 - b. The anticipated development of the property and the surrounding area;
 - c. The condition of any adjacent dwelling or subdivision including whether the structures are abandoned or dilapidated;
 - d. Any recommendations of the state forester or a certified horticulturalist, including recommendations on the use and type of equipment for partial timbering;
 - e. The health and diversity of trees with emphasis on protection of mixed hardwood trees, and the reforestation of the buffer or setback for timbering; and
 - f. The market value of the timber in the buffer or setback for timbering and the timber to be removed, and the market value of the timber on the balance of the property.
- (9) *Development review committee review.* The development review committee shall consider the timber buffer modification application if there are unresolved problems between the applicant and the planning director.
- (10) *Tree Replacement.* If timbering occurs within the buffers or setbacks for timbering described above in paragraphs (1), (2) and (3) and such timbering is not approved in accordance with paragraphs (7) and (8) above, trees shall be replaced at a ratio of one tree for each 800 square feet of area timbered. All replacement trees shall be of a species native to eastern Virginia. Such trees shall meet the standards for trees stated in section 24-2. The number and type of trees and their placement shall be approved by the planning director.

All trees shall be planted within 30 days from the date the trees were removed from the buffer or setback unless such period does not fall within the planting season. In such cases, their replacement in the next planting season (October 1 through March 31) shall be guaranteed by entering into a written agreement with the county and furnishing to the county a certified check, bond with surety satisfactory to the county, or a letter of credit in an amount to cover all costs of the plantings and their installation as estimated by the planning director. Such written agreement shall be entered into and such financial guarantee shall be provided to the county within 30 days from the date the trees were removed. The form of the agreement, financial guarantee, or type of surety shall be to the satisfaction of and approved by the county attorney. If the improvements are not completed in a timely manner, the planning director shall proceed to complete the improvements by calling on the surety or financial guarantee. After the first full growing season (February 1 to November 30) after planting, any trees not in a healthy growing condition or determined to be dead, diseased, or dying, shall be replaced as determined by the planning director. Thereafter, all trees shall be maintained in a healthy growing environment and in a healthy growing condition.

The planning director may allow some or all of the trees required by this paragraph to be planted outside the buffer or off-site when, if in the opinion of the planning director, such an alternative mitigates the environmental, buffering, or wildlife habitat impacts of the tree removal.

- (11) *Violations and penalties.* Prior to any criminal or civil enforcement under this section, the administrator or his designee shall give five days written notice of the violation to the owner of the property prior to commencing enforcement. The violation of any provision of this section concerning tree replacement in paragraph 10 above is subject to a civil fine pursuant to section 24-22. The violation of any other provisions in this section is subject to a criminal sanction under section 24-22.

(Ord. No. 31A-167, 3-26-96; Ord. No. 31A-169, 5-28-96; Ord. No. 31A-204, 5-8-01; Ord. No. 31A-257, 11-22-11)

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENT TO THE COMPREHENSIVE PLAN

TO REVISE THE COMMUNITY CHARACTER CORRIDOR DESIGNATION CATEGORY

AND TO REMOVE A RECOMMENDATION THAT SHORT-TERM RENTALS BE

OPERATED IN A MANNER WHERE THE OWNER RESIDES ON THE PROPERTY

DURING THE RENTAL

WHEREAS, at its October 26, 2021, meeting, the Board of Supervisors of James City County, Virginia, adopted the James City County Comprehensive Plan, *Our County, Our Shared Future: James City County 2045 Comprehensive Plan* (the "Comprehensive Plan"); and

WHEREAS, under Section 15.2-2229 of the Virginia Code, the Board of Supervisors may consider amendments to the Comprehensive Plan; and

WHEREAS, at its July 25, 2023, meeting, the Board of Supervisors, in response to concerns regarding the development pressure on Forge Road and in coordination with fulfilling "ORD-22-0001: Amendments for Scenic Roadway Protection" requested staff prepare a limited amendment to said Comprehensive Plan to revise the Community Character Corridor Designation list such that the portion of Old Stage Road located outside of the Primary Service Area no longer be classified as a Community Character Corridor; and


WHEREAS, also at its July 25, 2023, meeting, the Board of Supervisors, in response to concerns from the County Attorney's Office regarding the Comprehensive Plan's recommendation that short-term rentals "be operated in a manner such that the property owner will continue to live and reside on the property during the rental" may run afoul of recent jurisprudence, requested that staff remove such recommendation from the short-term rental section.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate an amendment to the Comprehensive Plan to (1) revise the Community Character Designation category such that the portion of Old Stage Road located outside of the Primary Service Area is no longer included within this category and (2) remove the recommendation that short-term rentals be operated in a manner such that the property owner will continue to live and reside on the property during the rental.









Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saeed
Deputy Clerk to the Board

SADLER
ICENHOUR
MCGLENNON
LARSON
HIPPLE

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
	_____	_____	
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of September, 2023.

InitConsCCC-STRnt-res

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



Community Character Corridors

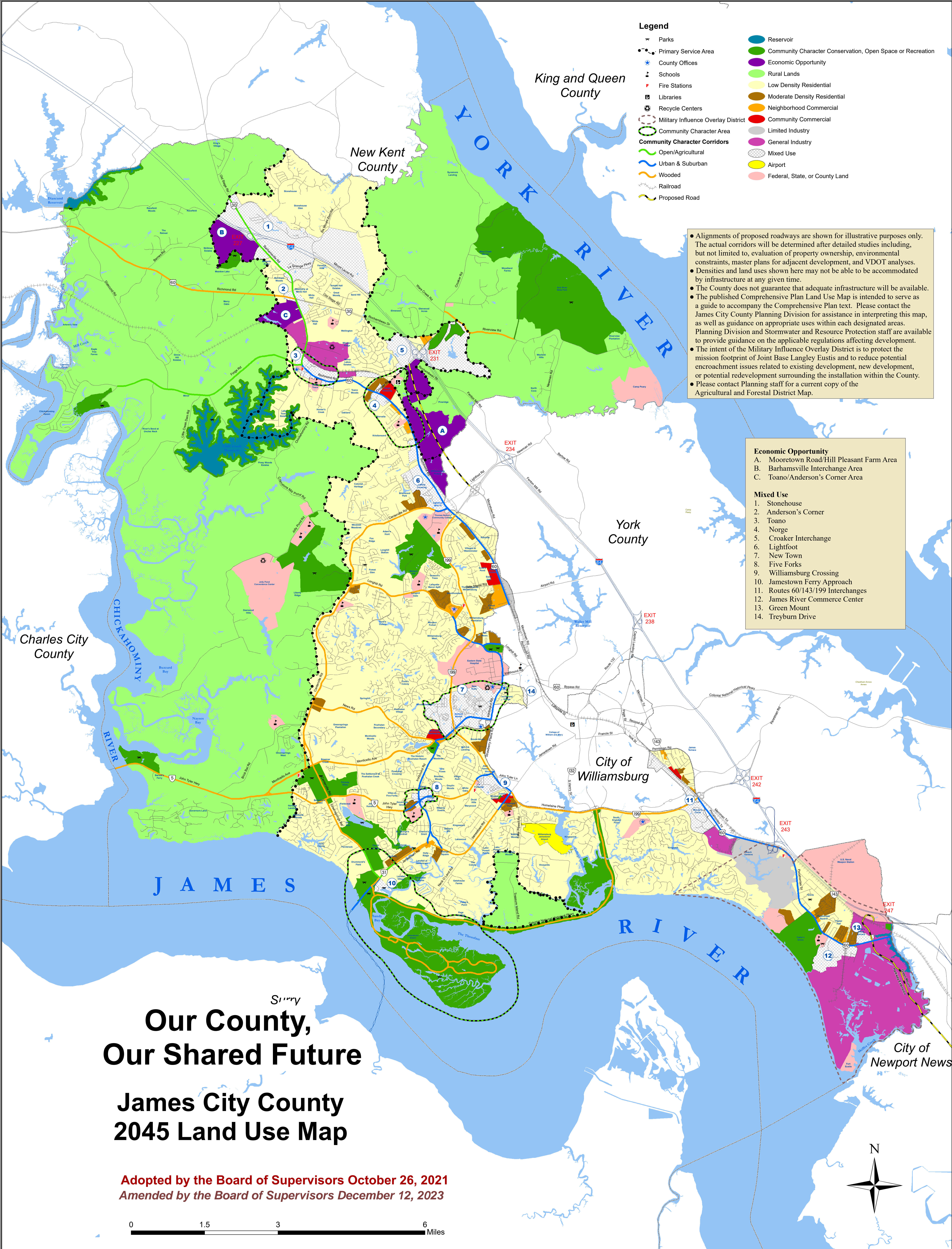
Community Character Corridors (CCCs) are roads in the County that were previously designated as greenbelt roads, described in the 1991 Comprehensive Plan as entrance corridors and roads which promoted the rural, natural, or historic character of the County. In 1997 they were adopted as CCCs and have 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 *(Revised December 12, 2023)*

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 <i>the intersection of Barnes Road and Route 30</i>	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.



Legend

- Parks
- Primary Service Area
- County Offices
- Schools
- Fire Stations
- Libraries
- Recycle Centers
- Military Influence Overlay District
- Community Character Area
- Community Character Corridors
- Open/Agricultural
- Urban & Suburban
- Wooded
- Railroad
- Proposed Road
- Reservoir
- Community Character Conservation, Open Space or Recreation
- Economic Opportunity
- Rural Lands
- Low Density Residential
- Moderate Density Residential
- Neighborhood Commercial
- Community Commercial
- Limited Industry
- General Industry
- Mixed Use
- Airport
- Federal, State, or County Land

• Alignments of proposed roadways are shown for illustrative purposes only. The actual corridors will be determined after detailed studies including, but not limited to, evaluation of property ownership, environmental constraints, master plans for adjacent development, and VDOT analyses.

• Densities and land uses shown here may not be able to be accommodated by infrastructure at any given time.

• The County does not guarantee that adequate infrastructure will be available.

• The published Comprehensive Plan Land Use Map is intended to serve as a guide to accompany the Comprehensive Plan text. Please contact the James City County Planning Division for assistance in interpreting this map, as well as guidance on appropriate uses within each designated areas. Planning Division and Stormwater and Resource Protection staff are available to provide guidance on the applicable regulations affecting development.

• The intent of the Military Influence Overlay District is to protect the mission footprint of Joint Base Langley Eustis and to reduce potential encroachment issues related to existing development, new development, or potential redevelopment surrounding the installation within the County.

• Please contact Planning staff for a current copy of the Agricultural and Forestal District Map.

Economic Opportunity

- A. Mooretown Road/Hill Pleasant Farm Area
- B. Barhamsville Interchange Area
- C. Toano/Anderson's Corner Area

Mixed Use

- 1. Stonehouse
- 2. Anderson's Corner
- 3. Toano
- 4. Norge
- 5. Croaker Interchange
- 6. Lightfoot
- 7. New Town
- 8. Five Forks
- 9. Williamsburg Crossing
- 10. Jamestown Ferry Approach
- 11. Routes 60/143/199 Interchanges
- 12. James River Commerce Center
- 13. Green Mount
- 14. Treyburn Drive

**Our County,
Our Shared Future**

**James City County
2045 Land Use Map**

Adopted by the Board of Supervisors October 26, 2021
Amended by the Board of Supervisors December 12, 2023

0 1.5 3 6 Miles

Short-Term Rentals (Revised December 12, 2023)

The short-term rental of private residential property facilitated through companies such as Airbnb has emerged as an alternative to traditional short-term rentals such as hotels or timeshares. As of 2020, James City County does not have a specific definition for short-term rentals in the Zoning Ordinance, but historically has permitted “tourist homes” and “rental of rooms” within certain districts, either by-right or with a special use permit. In districts where an SUP is required for short-term rentals, conditions are stipulated that are intended to protect the residential nature of the surrounding area and ensure that updated Certificates of Occupancy are issued within a certain time period.

The Zoning Ordinance currently defines “tourist home” as a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients. Historically, the “tourist home” use has applied to traditional bed and breakfast-style businesses, where a proprietor rents out rooms for short-term stays, and provides services such as meals and basic housekeeping. The current ordinance allows up to five rooms to be rented within a tourist home, and the definition has been interpreted to allow the proprietor to live on- or off-site. “Rental of rooms” is not specifically defined in the Zoning Ordinance, but has typically applied to situations where a homeowner rents a specific number of rooms (usually to a maximum of three) on a short-term basis. Unlike tourist homes, “rental of rooms” does not allow the owner/proprietor to live off-site. The long term rental of a dwelling or room under a traditional lease does not fall under the short-term rental category.

Many, but not all, residential districts require a special use permit for either tourist homes or rental of rooms, which allows for a legislative review process and conditions to be stipulated which protect the character of the surrounding area. Certain commercial districts allow tourist homes by-right, but rental of rooms is not permitted at all. It is important to note that even if a tourist home or rental of rooms is permitted by-right in a particular location through the Zoning Ordinance, business licensure and an updated Certificate of Occupancy to ensure compliance with commercial fire and building codes would still be required.

Due to the unique impacts that can arise from transient residents in short-term rentals, the County should continue to carefully consider the impacts these uses can have on a community’s quality of life. The thriving rural character of James City County continues to offer a variety of agri-tourism opportunities, for which short-term rentals may provide a truly unique opportunity and experience; one that provides economic benefits to rural property owners but does not directly compete with more conventional tourism-based opportunities inside the PSA. If located within a residential context, short-term rentals should serve to complement the residential character of the area rather than altering its nature. Therefore, while every location can be considered uniquely, short-term rentals are most appropriately located subject to the following development standards:

- Be located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use or Economic Opportunity;
- Be located on the edge or corner of an existing platted subdivision, rather than internal to it;
- Be located on a major road; and
- ~~Be operated in a manner such that the property owner will continue to live and reside on the property during the rental.~~

M E M O R A N D U M

DATE: October 12, 2023

TO: The Policy Committee

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

SUBJECT: Comprehensive Plan Amendment: Community Character Corridor and Short-Term Rental Development Standards Revision

Introduction

At its September 12, 2023, meeting, the Board of Supervisors directed Planning staff to prepare a focused and limited amendment to the Comprehensive Plan to include only the following two items:

1. Revise the Community Character Corridor Table CC-1: County CCC Designations list such that the portion of Old Stage Road located outside of the Primary Service Area will no longer be classified as a Community Character Corridor.
2. Remove the following recommended development standard for short-term rentals: “Be operated in such a manner that the property owner will continue to live and reside on the property during the rental.” The other three criteria will remain and continue to be used in the staff’s evaluation of these applications. Staff’s approach and review process will not change because of this amendment.

Draft Revision

The proposed revisions to the approved Comprehensive Plan regarding Old Stage Road are provided in Attachment No. 2. The proposed revision to the approved Comprehensive Plan regarding the recommended development standards for short-term rentals is provided in Attachment No. 3.

Recommendation

Planning staff recommends the Policy Committee recommend approval of these changes for the Planning Commission’s consideration at its upcoming November 1, 2023, Regular Meeting.

TW/JLR/JR/md
CPlnAmd-CCC-STRrev-mem

Attachments

1. Initiating Resolution
2. CCC Comprehensive Plan Revisions
3. Short-Term Rental Comprehensive Plan Revisions