

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
August 11, 2022
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes of the April 14, 2022 Meeting

D. OLD BUSINESS

E. NEW BUSINESS

1. ORD-22-0002. Amendments for R-8, Rural Residential and A-1, General Agricultural Lot Size and Related Requirements
2. ORD-22-0001, Amendments for Scenic Roadway Protection
3. ORD-22-0006. Amendments for A-1 Cluster Configuration Subdivision

F. ADJOURNMENT

ITEM SUMMARY

DATE: 8/11/2022

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the April 14, 2022 Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the April 14, 2022 Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Cook, Ellen	Approved	8/4/2022 - 2:30 PM
Policy	Holt, Paul	Approved	8/4/2022 - 2:30 PM
Publication Management	Daniel, Martha	Approved	8/4/2022 - 2:33 PM
Policy Secretary	Secretary, Policy	Approved	8/4/2022 - 2:39 PM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
April 14, 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

Frank Polster

Staff:

Paul Holt, Director of Community Development and Planning

Josh Crump, Principal Planner

Ellen Cook, Principal Planner

Thomas Wysong, Senior Planner

John Risinger, Planner

Paxton Condon, Community Development Assistant

Absent:

Tim O'Connor

C. MINUTES

1. Minutes of the February 10, 2022 Meeting
2. Minutes of the February 17, 2022 Meeting
3. Minutes of the February 24, 2022 Meeting
4. Minutes of the March 2, 2022 Meeting

Mr. Rich Krapf made a motion to Approve the minutes.
The motion passed 3-0.

1. Minutes of the February 10, 2022 Meeting
2. Minutes of the February 17, 2022 Meeting
3. Minutes of the February 24, 2022 Meeting
4. Minutes of the March 2, 2022 Meeting

D. OLD BUSINESS

There was no Old Business.

E. NEW BUSINESS

1. Planning Division Work Program

Mr. Paul Holt stated that he would be going over the plan to move forward for the work program. Mr. Holt stated that the Board of Supervisors (BOS) had passed five Initiating Resolutions and that staff is looking to get through some of the high priority items.

Mr. Jack Haldeman asked for clarification on which Zoning Ordinance amendments would be first and whether it would include the 20-acre lot size and the scenic roadways protection.

Mr. Holt confirmed and stated that some of the others will not be as intense as those amendments.

Mr. Krapf asked if the others would be worked on sequentially.

Mr. Holt confirmed.

Mr. Haldeman asked if that meant all five Ordinance amendments would be underway at the same time.

Mr. Holt stated they would be worked on to the best of staff's ability and that in September, the Agricultural and Forestal Districts renewal process would take priority.

Mr. Haldeman asked how many meetings were anticipated for each topic.

Mr. Holt stated that the current process is to allocate three Policy Committee meetings for each amendment topic in case they are needed. He stated that it will depend on how the ideas and research will need to be revised and what information is explored with the consultants.

Mr. Haldeman asked if the consultants were still engaged.

Mr. Holt confirmed.

Mr. Krapf stated that he really likes the contributions the County has received from the consultants and that they were a huge help with the Comprehensive Plan update.

Mr. Haldeman asked once the five BOS initiatives are addressed, would the Committee move into the other regulatory and guidelines updates.

Mr. Holt stated that staff would want to come back and meet with the Committee again before then with further recommendations about scope and timeline.

Mr. Haldeman asked about the role of the Committee members in the amendment process.

Mr. Holt stated that the typical analysis and guidance would be appreciated from the Committee.

Mr. Krapf stated that the more recent ordinance updates process, it helped to have citizens attend and share their knowledge at the Policy Committee meetings and that he hopes that opportunity repeats.

Mr. Frank Polster inquired what the focus would be for the amendment related to lot size in the Rural Lands.

Mr. Holt stated that it would be the 20 acres lot size since that was what was adopted in the Comprehensive Plan.

Mr. Polster asked if Goals, Strategies, and Actions from the Land Use chapter, LU 6.2.1 and

LU 6.2.2, would be part of the scope.

Mr. Holt stated yes for LU 6.2.1 and that 6.2.2 may need to be explored in the future.

Mr. Polster stated that it may be helpful to ask the BOS for further guidance on clusters in rural areas and conserving land within the Primary Service Area (PSA).

Mr. Krapf agreed that it would be consistent with the County's history to continue maintaining the rural characteristics both inside and outside of the PSA.

Mr. Polster asked where the corridor would begin, if it would incorporate Forge Road, and if it included a 400-foot buffer.

Mr. Holt stated that the 400 feet was an illustrative example and staff would need to do more research into what the best way is to tackle this and how other localities handle scenic roadway protection. He stated there would be pros and cons to each option and that each one should be evaluated. Mr. Holt stated that the only way to limit setbacks or buffers to specific roadways, such as Forge Road, would require rezoning all properties specific to that road with an overlay district. He also stated there is the possibility of handling scenic roadway protection by adding standards to different zoning districts and that different roadways will require different things.

Mr. Krapf agreed that the scenic roadways vary in character.

Mr. Polster stated that it might be beneficial to go back to the BOS for more guidance.

Mr. Holt agreed and stated that staff intends to continue the process of checking in with the BOS periodically throughout the process.

Mr. Polster asked if creating an Agricultural and Forestal District along Forge Road was an option.

Mr. Holt stated there were a lot of options to consider moving forward.

Mr. Haldeman asked if there was a Policy Committee meeting prior to the next BOS Work Session.

Mr. Holt stated that while there would not be time to meet with the Policy Committee again prior to the BOS Work Session that staff did envision coordinating with the Policy Committee and Planning Commission Chair for the BOS Work Session.

Mr. Polster asked about buffering along Forge Road and if what is existing could continue as nonconforming with any changes.

Mr. Holt stated that new commercial development would need to follow the buffering requirements, but that these requirements would not apply to single-family homes.

Mr. Polster reiterated that he would recommend looking at rural clustering.

Mr. Haldeman asked if there were design guidelines.

Mr. Holt stated that he is hoping that design guidelines will be included to a greater degree in the Ordinances long-term, but that the degree will be dependent on what State Code will allow.

Ms. Ellen Cook stated that there is more flexibility in applying design guidelines for legislative applications.

Mr. Haldeman asked when the next Policy Committee meeting will be held.

Mr. Holt stated that there would be nothing for the May 12, 2022, meeting.

Mr. Krapf asked about the possibilities for pattern books.

Mr. Holt stated that pattern books are only permitted in historic districts.

Mr. Krapf asked if that would include Norge.

Mr. Holt stated that it would and clarified that a pattern book would be a mandate unlike design guidelines. Mr. Holt stated that pattern books would require consultants and likely an architecture firm.

Mr. Polster asked about how density and affordable housing, criteria will be handled.

Mr. Holt stated that for affordable and workforce housing the BOS has allocated funding to Neighborhood Development to hire consultant resources to explore what is possible within the parameters of State Code.

Mr. Polster asked if additional guidance was needed on open space.

Mr. Holt stated that no further guidance is needed for open space. He stated that one of the Initiating Resolutions includes looking at how density is calculated and what credit is given for undevelopable area.

Mr. Polster asked if there would be a possibility to include buffering allowing for increased density.

Mr. Holt stated that the Natural & Cultural Assets Plan Committee would be developing more guidance to consider as part of its process.

Mr. Polster agreed that the Natural & Cultural Assets Plan would be very helpful to this process.

Mr. Holt stated Ms. Sue Sadler, Vice Chairman of the Board of Supervisors, had requested an update on open space and green space, and that staff would present this update at the same BOS Work Session.

The Committee and Mr. Holt discussed the schedule to move forward.

1. Planning Division Work Program

F. ADJOURNMENT

Mr. Polster made a motion to Adjourn.

The motion passed 3-0.

Mr. Haldeman adjourned the meeting at approximately 4:45 p.m.

ITEM SUMMARY

DATE: 8/11/2022

TO: The Policy Committee

FROM: Thomas Wysong, Senior Planner II; John Risinger, Planner

SUBJECT: ORD-22-0002. Amendments for R-8, Rural Residential and A-1, General Agricultural Lot Size and Related Requirements

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	1. Initiating Resolution	Resolution
☐	2. Rural Lands Description	Backup Material
☐	3. Proposed A-1 Revisions	Backup Material
☐	4. Proposed R-8 Revisions	Backup Material
☐	5. Proposed Subdivision Ordinance Revisions	Backup Material
☐	6. Existing Ordinance Summary	Backup Material
☐	7. Existing Ordinance Full Text	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Walker, Jim	Approved	8/4/2022 - 1:35 PM
Policy	Holt, Paul	Approved	8/4/2022 - 1:36 PM
Publication Management	Daniel, Martha	Approved	8/4/2022 - 2:14 PM
Policy Secretary	Secretary, Policy	Approved	8/4/2022 - 2:32 PM

MEMORANDUM

DATE: August 11, 2022

TO: The Policy Committee

FROM: Thomas Wysong, Senior Planner II
John Risinger, Planner

SUBJECT: ORD-22-0002. Amendments for R-8, Rural Residential and A-1, General Agricultural Lot Size and Related Requirements

Introduction

At its meeting on March 8, 2022, the Board of Supervisors adopted an Initiating Resolution pertaining to the R-8, Rural Residential and A-1, General Agricultural Districts (Attachment No. 1). The Initiating Resolution contains three specific Board directives. The first is to consider possible amendments to the Zoning and Subdivision Ordinances to revise the R-8 and A-1 Districts to set lot sizes to be consistent with the stated Rural Lands Designation Description and Development Standards contained in the adopted 2045 Comprehensive Plan. The second is a Board directive to include language that grandfathers all parcels in existence as of January 1, 2022, that are 25 or fewer acres in size. The third is a directive to include language that eliminates the central well requirement for subdivisions that are consistent with the stated Rural Lands designation description and development standards.

Regarding the first directive, lot size information contained in the Comprehensive Plan Rural Lands Designation Description states “subdivision of lots should occur at a density of no greater than one residence per twenty acres,” and within the rural cluster section “densities should be no higher than the maximum permitted density in the underlying zoning district.” The full text of the Rural Lands Designation Description is included as Attachment No. 2, and the Rural portion of the County’s Character Design Guidelines is included in this attachment as well.

In response to these directives, staff has prepared draft Ordinance language to address a portion of the first directive, as well as the second and third directive in their entirety. The portion of the first directive that is addressed in the draft Ordinance language is the standard minimum lot size and the overall density for the cluster configuration option. The specific changes to the Ordinance language are included as Attachment Nos. 3-5 and discussed below. Staff has begun research to address the other portion of the first directive, which are the remaining standards for the cluster configuration option, and which is addressed in a separate memorandum for ORD-22-0006.

Discussion of Issues

1. Lot Size - Standard

Within the R-8 District, the existing regulations in Section 24-350 contain only one minimum lot size, which is three acres. The draft Ordinance revises the minimum lot size to 20 acres and adds a provision to allow parcels of 25 acres or less recorded or legally in existence as of January 1, 2022, to have a minimum lot size of three acres, pursuant to the Initiating Resolution.

Within the A-1 District, the existing regulations in Section 24-214 contain several minimum lot sizes, depending on the intended use and other factors. The draft Ordinance addresses the language as described below. Note that the section references are from the existing Ordinance text and that the draft revised Ordinance text has been reorganized.

- The nonresidential use lot size and the family subdivision lot size have not been revised based on initial feedback from the Board at the Joint Work Session in May.
- The minimum lot size for single-family dwellings and two-family dwellings have been revised to 20 acres within a combined category of “residential uses.”
- The lot size related to the number of livestock has been moved into a new section (Section 24-221) for better organization of the district. The language shown in this section has not been revised. However, per one of the actions in the 2045 Comprehensive Plan Environment Chapter, staff anticipates revisiting and revising this language in a future Ordinance update effort that focuses on agricultural stocking rates.
- The language establishing the grandfathering of certain lots in existence as of May 1, 1989, which allows for parcels of less than six acres to be subdivided into two lots provided no lot size was less than two acres, has been maintained, but relocated within the Ordinance for clarity.
- Per the Initiating Resolution, a grandfathering provision has been added allowing parcels of 25 acres or less recorded or legally in existence as of January 1, 2022, to be subdivided as long as no lot size is less than three acres.
- Finally, the language specifying that no lot created after the new adoption date shall be used for any residential dwelling (unless created pursuant to certain sections) has been retained and updated to reflect the new adoption date and 20-acre minimum requirement. This provision is intended to prevent the creation of lots for nonresidential uses being converted to residential use in the future.
- The lot size for the cluster configuration option has been revised to specify an overall density of no greater than one dwelling unit per 20 acres. The Ordinance is also revised to move the additional requirements for the cluster configuration (minimum lot size, access, design, open space, etc.) into a new section (Section 24-222) for better organization of the district.
- The language providing for lots in existence prior to adoption of the revised minimum lot sizes to be used for a single-family residential use has been updated from three acres to 20 acres.

2. Minor/Major Subdivision Classification and Related Improvements

Section 19-21 of the Subdivision Ordinance classifies subdivisions as either minor or major based on the number of lots proposed. Parcels of land existing as of January 1, 1989 are “parent parcels.” Minor and major subdivisions are delineated as follows:

Minor. Subdivision of a parent parcel into not more than five lots abutting an existing public road. Limited subsequent internal subdivision of these lots is permitted, as long as no parent parcel is subdivided into greater than nine lots total. Family subdivisions do not count toward the nine-lot total.

Major. Subdivision of a parent parcel into six or more parcels or any division which creates a new street.

No changes to Section 19-21 are proposed. This information is included to provide context that if a parent parcel has been subdivided or has reached the nine-lot limit, the number of future subdivisions would be limited or prohibited accordingly. This is a separate consideration than the revised minimum lot sizes and grandfathered lot provisions in the R-8 and A-1 Districts.

Another aspect of the minor or major subdivision classification is that various Ordinance regulations in the Subdivision and Zoning Ordinances apply depending on the classification type. For example, a new road is required to be constructed for major subdivisions, while lots in minor subdivisions can front on existing roadways. Another example is that in the R-8 District, landscape buffers are required for major subdivisions but not minor subdivisions. Other than utilities (as covered below), no changes to Section 19-21 or other requirements linked to this classification are proposed in relation to the R-8/A-1 lot size revisions.

3. Utilities

Water. Sections 19-59 and 19-60 contain water regulations. The existing regulations state that major subdivisions inside the Primary Service Area (PSA) must connect to the James City Service Authority or Newport News Waterworks water system and the public sewer system. The subdivider of any major subdivision outside the PSA is required to construct a central water system including distribution lines, storage, treatment, and supply facilities within the subdivision. The proposed revised language maintains this requirement for subdivisions submitted prior to the date of Ordinance adoption but requires subdivisions submitted after Ordinance adoption to utilize individual well lots, since these lots will be a minimum of 20 acres.

For minor subdivisions inside the PSA, newly created lots are required to be served by public water, if available. If public water is not available, each lot is required to be served by an individual well reviewed and approved by the Virginia Department of Health.

Sewer. Sections 19-61 and 19-62 contain sewer regulations. Typically, areas inside the PSA within connection distance must connect to public sewer. Areas outside the PSA are served by individual on-site sewage disposal systems (also known as septic systems). These sections have been revised to make the language structure more similar to the water requirements sections, but there are no substantive changes.

4. Other Requirements (Setbacks, etc.)

A summary of the current requirements in R-8 and A-1 is included in Attachment No. 6, and the full text of each district is included in Attachment No. 7. These requirements include front, side, and rear setbacks, and minimum lot widths. No changes are proposed to these requirements for standard configuration lots.

5. Primary Service Area

The R-8 and A-1 Districts are located inside and outside the PSA. The existing regulations do not make a distinction in minimum lot size or other requirements (except utilities as discussed in Item No. 3) based on PSA location. No changes to the Ordinance language are proposed based on location relative to the PSA. Lots inside the PSA have Comprehensive Plan Land Use Designations other than Rural Lands, and the applicable Land Use Designations would be used to determine Comprehensive Plan consistency for future legislative applications for development or redevelopment of these lots.

Recommendation

As discussed in the Introduction to this memorandum, staff has worked to address the Board's directives in the Initiating Resolution and has at this time reached the stage of developing draft Ordinance language for a portion of the first directive (lot size for both standard and cluster configurations) and the second and third directives in their entirety (utilities, new grandfathering provision). This draft language is provided in

ORD-22-0002. Amendments for R-8, Rural Residential and A-1, General Agricultural Lot Size and Related Requirements

August 11, 2022

Page 4

Attachment Nos. 3-5, and staff recommends that the Policy Committee recommend approval of the attached draft Ordinance to the Planning Commission.

TW/JR/md

ORD22-2R8A1Amd-mem

Attachments:

1. Initiating Resolution
2. 2045 Comprehensive Plan Land Use Designation Description for Rural Lands and Character Design Guidelines - Rural Excerpt
3. Proposed A-1 Revisions
4. Proposed R-8 Revisions
5. Proposed Subdivision Ordinance Revisions
6. Existing Ordinance Summary (R-8, A-1, Subdivision Ordinance)
7. Existing Ordinance Full Text (R-8, A-1, Subdivision Ordinance)

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE AND

SUBDIVISION ORDINANCE TO ESTABLISH LOT SIZES IN THE R-8 AND A-1 ZONING

DISTRICTS THAT ARE CONSISTENT WITH THE STATED RURAL LANDS DESIGNATION

DESCRIPTION AND DEVELOPMENT STANDARDS OF THE 2045 COMPREHENSIVE PLAN

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 establish lot sizes in the Rural Residential District, R-8, and the General Agricultural District, A-1, that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan. 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 establish lot sizes in the Rural Residential District, R-8, and the General Agricultural District, A-1, that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan. 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.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby direct staff to include language that grandfathers all parcels in existence as of January 1, 2022 that are 25 or fewer acres in size.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby direct staff to include language that eliminates the central well requirement for subdivisions that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Teresa J. Sazed
Deputy Clerk to the Board

ICENHOUR
HIPPLE
LARSON
SADLER
MCGLENNON

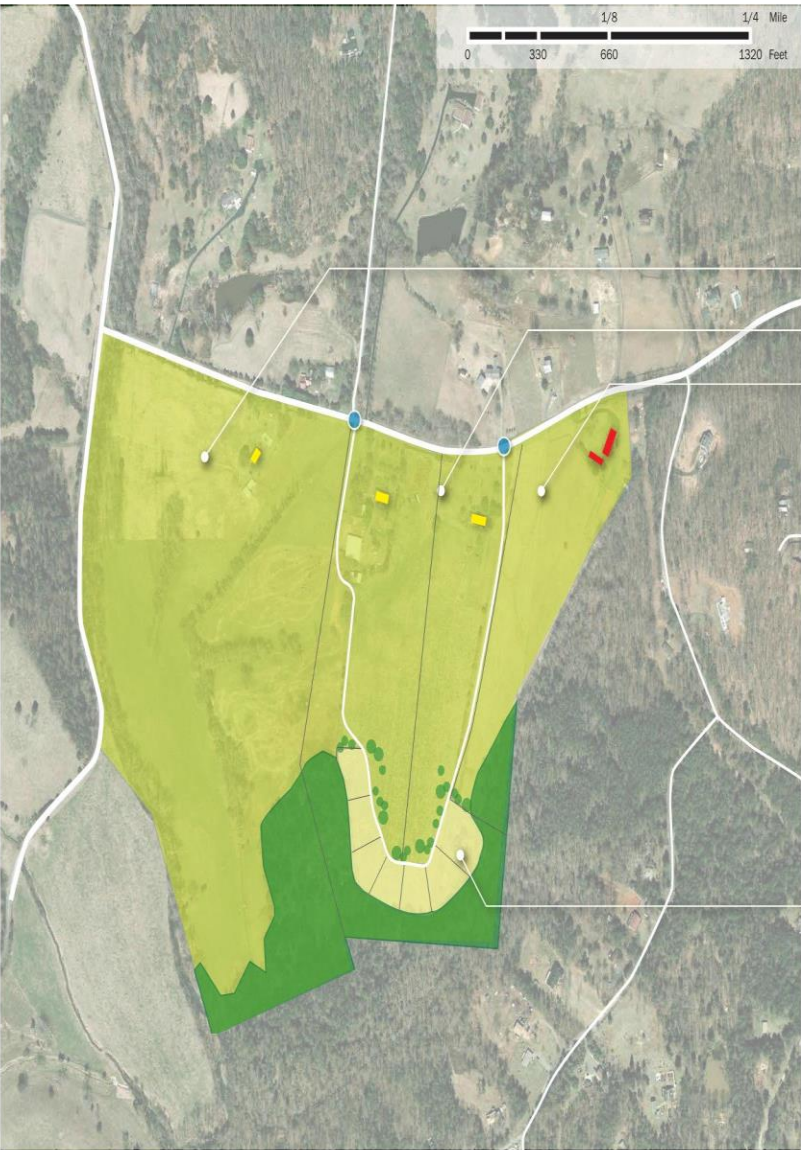
VOTES

<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 8th day of March, 2022.

InitConsRevR8-A1Zns-res

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	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. 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.
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	a) Uses in Rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to the following: - 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. b) Encourage the preservation and reuse of existing agricultural structures such as barns, silos, and houses. 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.
5. Rural Clusters	If built, rural clusters should develop with the following guidelines: - 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

3 RESIDENTIAL: RURAL

INTENT AND CHARACTER

FUTURE LAND USE

Per the Future Land Use Map, **Rural Lands** are areas containing farms, forests and scattered houses, exclusively outside of the Primary Service Area (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 are intended to help protect and enhance the viability of agricultural and forestal resources and support compatible rural economic development; residential development is not recommended.

A very limited amount of residential development may be permitted in the form of rural clusters and small residences in support of agricultural or forestal activities. Residential building in rural areas shall provide significant preservation of the natural resources, preserve rural qualities and character, keep uninterrupted views open and unmarred, and be compatible in scale with the surrounding landscape.

Rural Lands

Residential development is not recommended. Minor residential construction may be permitted in some cases. Standards for siting and design are included in this chapter.

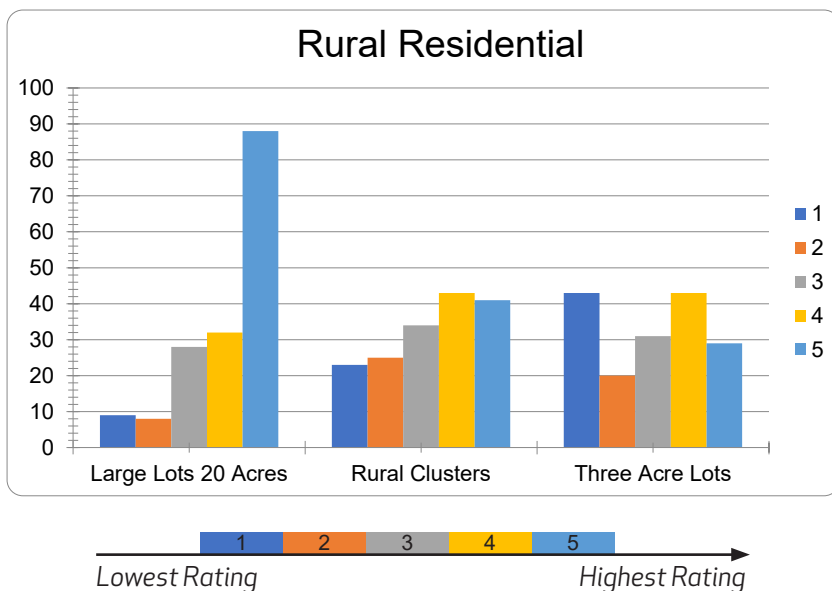
ENGAGE2045 PUBLIC INPUT

The 2019 survey and Round 1 public input from Engage2045 revealed a strong desire to maintain rural and pastoral qualities across the County. Preservation of the natural environment was listed as the most important issue for the County to address. Many residents stated that the natural and rural places are what they most value about living in James City County.

The Engage2045 survey conducted in January/February 2021 reflected a continued desire for natural surroundings, lower density development, and preservation of a rural character across many areas of the County. Participant comments trended toward the belief that higher density development would result in more traffic and crowded schools.

The desired rural character pairs with the desire for open space, passive recreation, and preservation of natural resources. Rural development that protects and complements the landscape, is sited to maintain open views, and preserves vegetation and farmland is ideal. In order to best preserve large swaths of usable land, small clusters of single-family housing are also appropriate for rural settings, provided they continue to support and uphold the pastoral setting.

Metroquest Survey results: For the purposes of this survey, language is not directly linked to Future Land Use designations.



SITE DESIGN

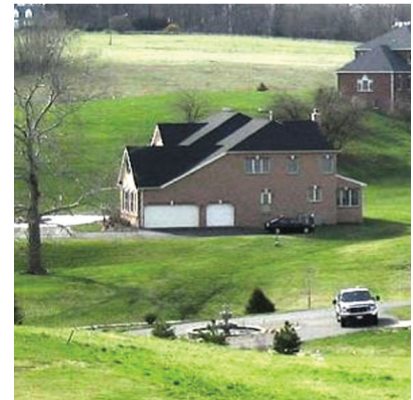
- 1 **Small groupings of related buildings may be sited together in a farmstead or cluster form.**

Buildings should be set far back from the street and have minimal to no visual impact from the road. Drive lanes should follow natural topography and include turns that reduce their visual impact from the street. Existing trees, meadows, and fields should be preserved.



RURAL DESIGN STANDARDS: FARMSTEAD

- 1 **Building design should be 1-2 stories tall and use architectural elements, colors, and materials that resemble farmhouses and barns.**
- 2 **Buildings visible from the road shall pursue a higher design standard and ensure that scale, form, and color are synonymous with a farmstead character and harmonious with the landscape.**



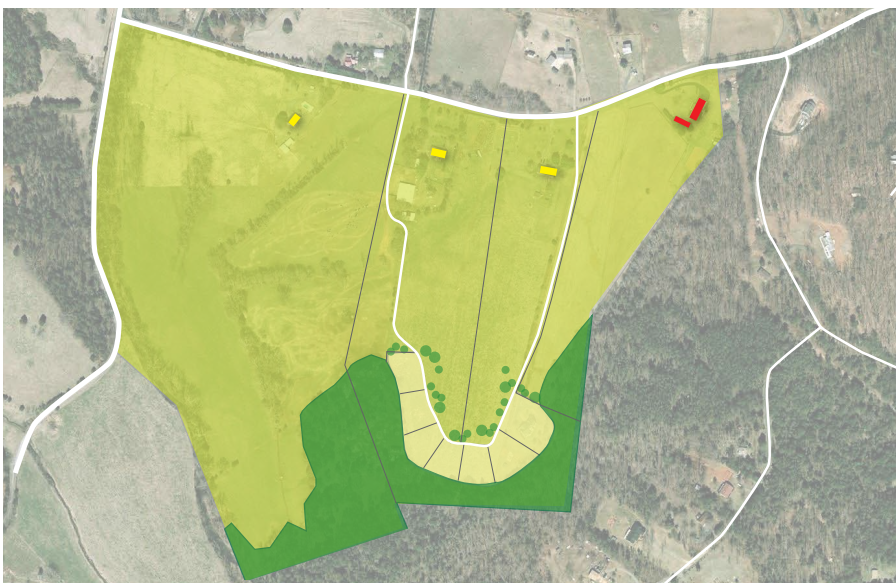
RURAL DESIGN STANDARDS: CLUSTERS

- 1 **Building design should employ either a farmstead architectural style or a Colonial architecture style as described in Chapter 4: Small Lots.**
- 2 **Trees and landscaping shall ensure that no more than 2 buildings are visible from the road and should be set back as far as possible from the road.**

Roof elements of other buildings may be visible, but landscape or berming along the frontage street shall substantially screen any cluster development and maintain clear views of landscape.



Images shown from the Metroquest Questionnaire vary in levels of community support.



Example of preferred rural site design showing large preserved working farms, large lots of at least 20 acres, or small clusters sited and screened so as to not be visible from roadways.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-214, AREA REQUIREMENTS; SECTION 24-221, LIVESTOCK STOCKING RATES; AND SECTION 24-222, CLUSTER CONFIGURATION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 2, General Agricultural District, A-1, Section 24-214, Area requirements; Section 24-221, Livestock stocking rates; and Section 24-222, Cluster configuration.

Chapter 24. Zoning

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-214. Area requirements.

(a) Minimum lot size. The minimum lot size, except as otherwise specified herein, shall be:

(1) One acre for nonresidential uses;

(2) ~~Three~~ **Twenty** acres for **residential uses** ~~single-family dwellings; however~~

i. Parcels of twenty-five acres or less recorded or legally in existence as of January 1, 2022, shall be permitted to be subdivided for residential use so long as no lot size is less than three acres.

ii. Parcels of less than six acres recorded or legally in existence prior to May 1, 1989, shall be permitted to be subdivided into two lots for single-family residential use so long as no lot size is less than two acres.

iii. Upon issuance of a special use permit, a family subdivision may be approved with a minimum lot size of less than twenty acres, provided no lot shall be less than one acre.

iv. Upon issuance of a special use permit, a cluster configuration subdivision may be approved with a minimum lot size of less than twenty acres; provided that the overall gross density of any cluster configuration subdivision does not exceed one dwelling unit per twenty acres, and also meets the requirements of section 24-222.

v. Parcels of less than twenty acres recorded or legally in existence prior to [Insert Adoption Date] may be used for residential purposes and shall be limited to one single-family residential use.

~~(3) — A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and~~

~~(4) — Twenty acres for intensive agriculture:~~

~~a. — No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.~~

~~(b) — Minimum lot size for residential lots created after May 1, 1989. No lot created under the area requirements of this section after May 1, 1989 [Insert Adoption Date], the date of adoption of this section, unless created pursuant to paragraphs (2)(i), (2)(ii), (2)(iii) or (2)(iv) above (c) or (d) below, shall be used for any residential dwelling unless the lot size is three twenty acres or more. Provided, however, that lots of less than six acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this section, shall be permitted to be subdivided into two lots for single family residential use so long as no lot size is less than two acres.~~

~~(c) Purpose of area requirements; conditions for subdivisions with approved special use permits. It is the purpose of the area requirements in this district to discourage urban residential developments, but at the same time to encourage careful design of low density residential subdivisions in order to make best use of the land, reduce development costs and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of article I and the special standards of this district. Upon issuance of a special use permit, a subdivision may be approved with a minimum lot size of less than three acres; provided, that all of the following conditions are met:~~

~~(1) — The overall gross density of the subdivision shall not exceed one dwelling unit per two acres.~~

~~(2) — There shall be at least three residential lots in the subdivision.~~

~~(3) — No lot shall be less than one acre in area.~~

~~(4) — The subdivision shall only be for single family detached dwellings.~~

~~(5) — All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.~~

~~(6) — Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.~~

~~(7) — The general design standards of this section shall be complied with.~~

~~(8) — The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.~~

~~(9) — The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.~~

~~(10) — No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.~~

~~(11) — Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.~~

~~(12) — Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.~~

~~(d) — Lot size for family subdivisions with special use permits. Upon issuance of a special use permit, a family subdivision may be approved with a minimum lot size of less than three acres, provided no lot shall be less than one acre.~~

~~(e) — Minimum lots sized for two family dwellings. Lots for two family dwellings shall have a minimum area of five acres.~~

~~(f) Not applicable to lots in existence prior to May 1, 1989. These minimum sizes shall not apply to lots of less than three acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this article. Such lots of less than three acres used for residential purposes shall be limited to one single-family residential use.~~

Sec. 24-221. Livestock Stocking Rates

- (a) A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and
- (b) Twenty acres for intensive agriculture:
- (1) No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.

Sec. 24-222 Cluster Configuration

~~Purpose of area requirements; conditions for subdivisions with approved special use permits. It is the purpose of the area requirements in this district to discourage urban residential developments, but at the same time to encourage careful design of low-density residential subdivisions in order to make best use of the land, reduce development costs and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of article I and the special standards of this district. Upon issuance of a special use permit, a *cluster configuration* subdivision may be approved with a minimum lot size of less than three acres; provided, that all of the following conditions are met:~~

- (1) The overall gross density of the subdivision shall not exceed one dwelling unit per ~~two~~ **twenty** acres.
- (2) There shall be at least three residential lots in the subdivision.
- (3) No lot shall be less than one acre in area.
- (4) The subdivision shall only be for single-family detached dwellings.
- (5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.
- (6) Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.
- (7) The general design standards of this section shall be complied with.
- (8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.
- (9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.
- (10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.
- (11) Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.

(12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.

A1-Sec24-Livestock-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-350, AREA REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 8, Rural Residential District, R-8, Section 24-350, Area requirements.

Chapter 24. Zoning

Article V. Districts

Division 8. Rural Residential District, R-8

Sec. 24-350. Area requirements.

- (a) Minimum lot size. The minimum lot size, *unless otherwise specified herein*, shall be ~~three~~ **twenty** acres.
- (b) *For parcels of twenty-five acres or less recorded or legally in existence as of January 1, 2022, the minimum lot size shall be three acres.*

R8-Sec24-AreaReq-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-58, PUBLIC WATER; SECTION 19-59, WATER FACILITIES; SECTION 19-60, INDIVIDUAL WELLS; SECTION 19-61, PUBLIC SEWER; AND SECTION 19-62, INDIVIDUAL SEWER.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article III, Requirements for Design and Minimum Improvements, Section 19-58, Public water; Section 19-59, Water facilities; Section 19-60, Individual wells; Section 19-61, Public sewer; and Section 19-62, Individual sewer.

Chapter 19. Subdivisions

Article III. Requirements for Design and Minimum Improvements

Sec. 19-58. Public water.

If public water is available, it shall be extended to all lots within a subdivision including recreation lots. Availability of public water shall be determined in accordance with the service authority regulations governing utility service.

Sec. 19-59. Water facilities.

(a) Major subdivisions inside the primary service area must connect to the service authority or Newport News Waterworks water system and the public sewer system. *Minor subdivisions inside the primary service area must connect to the service authority or Newport News Waterworks water system if public water is available.*

(b) *For applications submitted prior to [Insert Ordinance Adoption Date]* ~~If public water is not available, the subdivider of any~~ major subdivisions outside the primary service area shall construct a central water system including distribution lines, storage, treatment and supply facilities within the subdivision. Central water service shall be extended to all lots within a subdivision, including recreation lots. Upon completion and acceptance of the improvements, the water system, together with all necessary easements and rights-of-way, including the well lot, shall be dedicated to the service authority by deed and an accompanying plat.

~~(c)~~(1) The central water system requirement may be waived by the service authority manager. Such a waiver shall be requested in writing by the subdivider and approved prior to submission of preliminary plans. Any waiver may be subject to reasonable conditions which shall be communicated in writing to the agent and subdivider.

Sec. 19-60. Individual wells.

~~If public water is not available inside the PSA, each lot in a minor subdivision shall be served by an individual well.~~

If public water is not available, minor subdivisions inside the primary service area shall be served by individual wells (one well for each lot).

Unless otherwise required by section 19-59(b), minor and major subdivisions outside the primary service area shall be served by individual wells (one well for each lot).

All individual wells shall be approved by the health department ~~or the service authority~~ prior to approval of the subdivision plat.

Sec. 19-61. Public sewer.

~~If public sewer is available, it shall be extended to all lots within the subdivision, including recreation lots. Availability shall be determined in accordance with the service authority regulations governing utility service.~~

Major subdivisions inside the primary service area must connect to the service authority public sewer system. Minor subdivisions inside the primary service area must connect to the service authority public sewer system if public sewer is available. For major subdivisions and minor subdivisions if public sewer is available, it shall be extended to all lots within the subdivision, including recreation lots. Availability shall be determined in accordance with the service authority regulations governing the utility service.

Sec. 19-62. Individual sewer.

~~If public sewer is not available, each subdivision lot shall be served by individual on-site sewage disposal systems in accordance with the following:~~

If public sewer is not available, minor subdivisions inside the primary service area shall be served by individual on-site sewage disposal systems (one system for each lot).

Minor and major subdivisions outside the primary service area shall be served by individual on-site sewage disposal systems (one system for each lot).

(1) Individual on-site sewage disposal systems for each lot must be approved by the health department and shall be a soil absorption system of conventional or alternative design.

(2) The plans for such subdivisions shall include specific on-site sewage disposal system locations, including primary and reserve drainfields and soils information, as well as appropriate notation as required in section 19-29 (l) and (m). The immediate area in and around each proposed system must be shown using a contour interval not greater than two feet; the contour area shown outside the system should be sufficient to establish the relationship of the area to relevant topographic features such as, but not limited to, drainage ways, sink holes, road cuts, and steep slopes. The record plat shall clearly designate each lot which has been approved by a soil absorption system of alternate design and shall contain a note which clearly discloses that such alternate systems may entail additional expenses.

(3) For the purpose of subdivision of new lots, the on-site sewage disposal system must meet health department regulations that enable the health department to approve the system in perpetuity through a certification letter. For these new proposed lots, the applicant shall obtain subdivision approval from the county prior to health department issuance of any construction permits.

Any proposed lots not suitable for the installation of on-site sewage disposal systems shall be combined with lots that are suitable.

R-8, Rural Residential

https://library.municode.com/va/james_city_county/codes/code_of_ordinances?nodeId=CD_ORD_CH24ZO_ARTVDI_DIV8RUREDIR-S24-347STIN

Item	Requirement	Additional Notes
Minimum lot size	Three acres (no other factors or exemptions)	
Front Setback requirements	If street right-of-way is 50 feet or greater in width: 35 feet from edge of right-of-way If street is less than 50 feet is less than 50 feet in width: 60 feet from centerline of right-of-way.	There are some provisions for allowing the setbacks on adjacent or nearby lots, and for allowing setbacks recorded prior to 1969 to be honored if shown on the plat.
Side and Rear Setbacks	Side: 15 Rear: 35	
Minimum lot width at the front setback line	Lots up to 1 acre: 100 feet at the front setback line Lots more than 1 acre or more: 150 feet at the front setback line The subdivision ordinance allows the front setback to be moved back to where the minimum lot width is met, should a lot become wider further back.	
Permitted or specially permitted residential uses	Single-family, two-family, accessory apartments (attached permitted, detached SUP)	
Overall setbacks for a development.	N/A - but see landscape buffer requirement below	
Landscape Buffer requirements (for the development)	For major subdivisions only (see subdivision ordinance summary below for major/minor information). Along Community Character Corridors: 150 feet Along non-Community Character Corridors: 75 feet	Standards for landscaping this area are included.
Minimum/max number of units it is possible to subdivide or any phasing provisions	N/A	
Overall density within a major subdivision	N/A	

requirement or standard		
Cluster configuration option	N/A	
Open space requirements	N/A	
Lot configuration (flag lot)	See subdivision ordinance summary below	
Road frontage requirement	See subdivision ordinance summary below.	
Road Access	See subdivision ordinance summary below.	
Utilities	See subdivision ordinance summary below	
Family subdivision – different regulations for this district	Yes, per subdivision ordinance (permitted in R-8 and A-1). A more limited set of subdivision ordinance standards apply. The lot does not need to front on a public road to be subdivided.	
Bike/Ped	For major subdivisions only. Per Special Regulations section 24-35, bike and pedestrian accommodations are required along existing public roadways per the pedestrian master plan and regional bikeways plan, and along internal streets per VDOT Subdivision Street Acceptance Regulations (SSAR).	

A-1, General Agricultural

https://library.municode.com/va/james_city_county/codes/code_of_ordinances?nodeId=CD_ORD_CH24ZO_ARTVDI_DIV2GEAGDIA-

Minimum lot size	- Three acres for single-family dwellings - Cluster development – overall gross density of not greater than one unit per two acres, with no lot less than one acre in area. - Five acres for two-family dwellings. - No less than two acres for pre-1989 parcels (Permits creation of two lots from a parcel less than six acres in size if the parcel existed prior to May 1, 1989, so long as no lot is less than two acres.) There are also minimum lot sizes listed for: One acre for nonresidential uses. No less than one acre for family subdivisions with SUP (Family subdivisions approved by the Board, so long as no lot is less than one acre.) Having certain numbers of animals.	
Front Setback requirements	50' from any street right-of-way which is 50' or greater in width. If the right-of-way is less than 50' in width, minimum of 75' from centerline of 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.	
Side and Rear Setbacks	Side: 15 Rear: 35	
Minimum lot width	(a)Lots of five acres or more shall have a minimum lot width at the setback line of 250 feet. (b)Lots of three acres or more but less than five acres shall have a minimum lot width at the setback line of 200 feet. (c)Lots of one acre or more but less than three acres shall have a minimum lot width at the setback line of 150 feet. (d)The minimum lot frontage abutting a public right-of-way shall be 25 feet.	
Permitted or specially permitted residential uses	Single-family, two-family, accessory apartments (attached permitted, detached SUP), cluster development requires a SUP.	

Overall setbacks for a development	For cluster developments of more than five lots, structures shall be located 150 feet from all existing roads.	
Landscape Buffer requirements for the development	N/A	
Minimum/maximum number of units it is possible to subdivide or any phasing provisions	For cluster, there shall be a minimum of at least three residential lots.	
Overall density within a major subdivision requirement/standard	For cluster, the overall gross density shall not exceed one unit per two acres.	
Cluster configuration option	Yes, needs to meet standards listed in the ordinance.	
Open space requirements	For cluster, there is no minimum acreage or percentage of the land that needs to be open space separate from the lots. However, the regulations state that subdivision design should minimize grading and destruction of natural vegetation; provide protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter; there are limitations on the amount of floodplain and water each lot can contain; and buildings sites shall be designated so as to promote harmonious relationships with the environment.	
Lot configuration (flag lot)	See subdivision ordinance summary below	

Road frontage requirement	See subdivision ordinance summary below.	
Road Access	See subdivision ordinance summary below.	
Utilities	See subdivision ordinance summary below	
Family subdivision – different regulations for this district	Yes, per subdivision ordinance (permitted in R-8 and A-1). A more limited set of subdivision ordinance standards apply. The lot size can be smaller (see minimum lot size above), and the lot does not need to front on a public road to be subdivided.	
Bike/Ped	For major subdivisions only. Per Special Regulations section 24-35, bike and pedestrian accommodations required along existing public roadways per the pedestrian master plan and regional bikeways plan, and along internal streets per VDOT SSAR regs.	

Subdivision Ordinance

https://library.municode.com/va/james_city_county/codes/code_of_ordinances?nodeId=CD_ORD_CH19SU

Not all sections of the Subdivision Ordinance are summarized below. Regulations in the subdivision ordinance apply across districts, not just in A-1 and R-8.

Minor/Major subdivision - Differentiation in requirements by number of lots being subdivided (19-21)	Parcels existing as of January 1, 1989 shall be considered “parent parcels.” Minor Subdivision – division of a “parent parcel” into not more than five lots abutting an existing public road. Further limited internal subdivision of the parent parcel can occur, up to a total of no more than nine parcels. Major Subdivision – division of a “parent parcel” into six or more lots, or any division which creates/extends a new street.	
Lot configuration – Flag lots (19-39, 19-40)	Permitted (see road frontage requirement below)	
Road requirements – new public streets, frontage (19-40, 19-42)	Lots must front on a public street (at least 25 feet of frontage). Minor: Lots front on existing public street. Major: Lots front on new public street constructed for the development. Note that per Special Regulations section 24-62, private streets are not permitted in A-1 or R-8 other than in manufactured home parks.	
Driveways (19-73)	Individual driveways are permitted, except that minor subdivisions of three or more lots must construct a shared driveway (each lot is still required to have at least 25 feet of frontage on a road).	Some exemptions are included in the section language.
Cul-de-sacs (19-54)	Shall not exceed 1,000' in length	
HOAs (19-70)	Major subdivisions with common areas or improvements maintained by homeowners are required to have one.	
Water Facilities (19-58, 19-59, 19-60)	Major Subdivisions within Primary Service Area must connect to public water. Major Subdivision outside the Primary Service Area (Rural Lands) must construct central water system. Minor Subdivisions within the PSA must connect to public water if they are within the connection distance specified in JCSA regulations (page 3-1:	The central water system can be waived by service authority manager. There are some existing water lines outside the Primary Service Area that have been approved by the

	https://en.calameo.com/read/0045296426531218b384f?page=1). If they are beyond the connection distance, the lot must be served by an individual well. Minor Subdivisions outside the PSA (Rural Lands) shall be served by an individual well. JCSA uses the design and acceptance criteria, and the regional construction standards: https://www.jamescitycountyva.gov/932/Forms-Publications.	Board of Supervisors. SUP conditions on these lines limit connections to adjacent parcels.
Sewer (19-61, 19-62)	All subdivisions within the PSA must connect to public sewer if they are within the connection distance specified in JCSA regulations (see link to JCSA regulations above). If they are beyond the connection distance, lots must be served by an individual on-site sewage disposal system. All subdivisions outside the PSA must be served by individual on-site sewage disposal systems, with primary and reserve drainfields. JCSA uses the design and acceptance criteria, and the regional construction standards found here: https://www.jamescitycountyva.gov/932/Forms-Publications	There are some existing sewer lines outside the PSA that have been approved by the Board of Supervisors. SUP conditions on these lines limit connections to adjacent properties.
Fire protection (19-65)	Fire hydrants are only required when the public water system is extended/constructed – currently applies to central water system developments.	

DIVISION 8. - RURAL RESIDENTIAL DISTRICT, R-8

Sec. 24-347. - Statement of intent.

Generally, the Rural Residential District, R-8, is intended for application to rural areas of the county which remain inside the primary service area where utilities and urban services are planned but not yet fully available and where urban development may be expected in the near future. The district may also be applied to certain outlying areas where residences exist at similar densities or may be appropriate in view of housing needs. The district is intended to maintain a rural environment suitable for farming, forestry and low-density rural residence, together with certain recreational and public or semipublic and institutional uses, until such time as an orderly expansion of urban development is appropriate.

(Ord. No. 31A-88, § 20-35, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90)

Sec. 24-348. - Use list.

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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with <u>section 24-32</u> .	P	
	Accessory apartments, detached, in accordance with <u>section 24-32</u> .		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	

	Group home or residential facility, for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP
	Home care facilities.		SUP
	Manufactured home parks.		SUP
	Manufactured homes in accordance with <u>section 24-107</u> and <u>section 24-108</u> not located within the primary service area.		SUP
	Site-built single-family detached dwellings and modular homes.	P	
	Two-family dwellings.		SUP

Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day-care centers.		SUP
	Airports and landing fields, helistops or heliports and accessory uses.		SUP
	Barber and beauty shops.		SUP
	Business, governmental and professional offices.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP
	Child day-care centers.		SUP

	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities, but not those approved as a part of a planned unit development.		SUP
	Convenience stores; if fuel is sold, then in accordance with <u>section 24-38</u> .		SUP
	Drug stores.		SUP
	Farm equipment sales and service establishments.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	

	Farmers' markets over 2,500 square feet.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage, but not the slaughter of animals.		SUP
	Food processing and storage in a residence.		SUP
	Gift shops, antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.		SUP
	Home occupations, as defined herein.	P	

	Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.	P	
	Horse and pony farms with 50 or more animals.		SUP
	Horse show areas, polo fields.		SUP
	Hospitals.		SUP
	Hotels and motels.		SUP
	House museums.	P	
	Hunting clubs.		SUP
	Kennels.		SUP
	Medical clinics or offices.		SUP
	Nurseries.	P	

	Nursing homes and facilities for the residence and/or care of the aged.		SUP
	Off-street parking as required by <u>section 24-54</u> .	P	
	Photography, artist and sculptor studios.		SUP
	Photography sales and arts and crafts shops.		SUP

	Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Restaurants, taverns.		SUP
	Rest homes for fewer than 15 adults.	P	

	Rest homes for 15 or more adults.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Retreat facilities		SUP
	Sanitary landfills in accordance with <u>section 24-40</u> , waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use, but not for commercial purposes.	P	
	Tourist homes.		SUP
	Veterinary hospitals.		SUP

	Wayside stands for sale of agricultural products over 500 square feet in area.		SUP
	Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.	P	
	Yacht clubs and marinas and commercial and service facilities accessory thereto.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	

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

	General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.	P	
	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Raising of hogs.		SUP
	Storage and repair of heavy equipment as accessory use to a farm.	P	

	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Fire stations or rescue squad stations, volunteer or otherwise.		SUP
	Neighborhood Resource Centers.		SUP
	Places of public assembly used primarily as an event facility in accordance with <u>section 24-48</u> .	P	

	Places of public assembly used primarily as an event facility not in accordance with <u>section 24-48</u> .		SUP
	Places of public assembly.		SUP
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions.		SUP
	Seminaries.		SUP
Utility Uses	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	

	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Radio and television stations or towers.		SUP
	Telephone exchanges and telephone switching stations.		SUP

	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or		SUP

	commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.		
	Utility substations.		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the		SUP

following are permitted generally and shall not require a special use permit:

(a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line.

(b) Distribution lines and local facilities within a development, including pump stations.

	Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.	P	
	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities.	P	

Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with <u>section 24-43</u> .	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	

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

(Ord. No. 31A-88, § 20-36, 4-8-85; Ord. No. 31A-99, 10-6-86; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-131, 6-3-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-202, 12-21-99; Ord. No. 31A-259, 1-10-12; Ord. No. 31A-293, 8-12-14; Ord. No. 31A-319, 11-8-16; Ord. No. 31A-336, 8-8-17; Ord. No. 31A-348, 7-14-20)

Sec. 24-349. - Reserved.

Editor's note— Ord. No. 31A-336 adopted August 8, 2017, repealed § 24-349. Former § 24-349 pertained to uses permitted by special use permit only and derived from Ord. No. 31A-88, adopted April 8, 1985; Ord. No. 31A-104, adopted October 5, 1987; Ord. No. 31A-110, adopted September 12 1988; Ord. No. 31A-114, adopted May 1, 1989; Ord. No. 31A-122, adopted June 18, 1990; Ord. No. 31A-131, adopted June 3, 1991; Ord. No. 31A-145, adopted July 6, 1992; Ord. No. 31A-153, adopted November 1, 1993; Ord. No. 31A-176, adopted May 26, 1998; Ord. No. 31A-202, adopted December 21, 1999; Ord. No. 31A-208, adopted August 13, 2002; Ord. No. 31A-220, adopted October 11, 2005; Ord. No. 31A-242, adopted July 14, 2009; Ord. No. 31A-259, adopted January 10, 2012; Ord. No. 31A-293, adopted August 12, 2004; Ord. No. 31A-319, adopted November 8, 2016.

Sec. 24-350. - Area requirements.

Minimum lot size. The minimum lot size shall be three acres.

(Ord. No. 31A-88, § 20-37, 4-8-85; Ord. No. 31A-99, 10-6-86; Ord. No. 31A-202, 12-21-99)

Sec. 24-351. - Setback requirements.

Structures shall be located a minimum of 35 feet from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 60 feet from the centerline of the street. This shall be known as the "setback line," except that the following shall apply:

- (1) Where 40 percent or more of frontage on one side of street within the same block is improved with buildings, no building shall project beyond the average front yard so established.
- (2) No building shall be required to have a front yard greater than that of one of two existing buildings on the immediately adjoining lots on each side, whichever is the farthest removed from the street.
- (3) 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, § 20-38, 4-8-85; Ord. No. 31A-202, 12-21-99)

Sec. 24-352. - Minimum lot width.

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

(Ord. No. 31A-88, § 20-39, 4-8-85)

Sec. 24-353. - Yard regulations.

- (a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.
- (b) *Rear.* Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear

yard of 15 feet.

(Ord. No. 31A-88, § 20-40, 4-8-85)

Sec. 24-354. - Height limits.

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

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations may be erected to a total height of 60 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure upon finding that:
 - a. Such structure will not obstruct light to adjacent property;
 - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
 - c. Such structure will not impair property values in the surrounding area;
 - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
 - e. Such structure will not be contrary to the public health, safety and general welfare.
- (4) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (3) above and may exceed the height of the main structure and may exceed 45 feet in height.
- (5) Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.

(Ord. No. 31A-88, § 20-40.1, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-215, 2-22-05; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07; Ord. No. 31A-259, 1-10-12; Ord. No. 31A-319, 11-8-16)

Sec. 24-355. - Special provisions for corner lots.

- (a) For corner lots, the front of the lot shall be the shorter of the two sides fronting on streets.
- (b) No structures shall be located closer than 35 feet to the side street.
- (c) Each corner lot shall have a minimum width at the setback line of 125 feet or more.

(Ord. No. 31A-88, § 20-41, 4-8-85)

Sec. 24-356. - Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the Rural Residential District, R-8, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(Ord. No. 31A-88, § 20-41.1, 4-8-85; Ord. No. 31A-122, 6-18-90)

Sec. 24-357. - BMP requirements.

To assure an appearance and condition which is consistent with the purpose of the Rural Residential District, R-8, structural BMPs serving the properties within the district shall comply with the landscaping regulations in article II, division 4 of this chapter.

(Ord. No. 31A-202, 12-21-99)

Sec. 24-358. - Buffer requirements.

- (a) *Right-of-way buffer.* Within any major subdivision approved under this article, there shall be planned and maintained buffers along all external existing and planned arterial road rights-of-way, as follows:
 - (1) The minimum right-of-way buffer on Community Character Corridor roads as defined in the Comprehensive Plan shall be 150 feet, except when the average lot depth of the parent parcel is less than 600 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
 - (2) The minimum right-of-way buffer on all non-Community Character Corridor roads shall be 75 feet, except when the average lot depth of the parent parcel is less than 300 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
 - (3) If the buffer is non-wooded as defined for the purpose of this article as having no mature trees, then a minimum of two trees per 400 square feet of area shall be planted with a minimum 50 percent of said trees being evergreen. Otherwise, the buffer shall remain undisturbed or supplemented with additional plantings to achieve the planting ratio stated above.
- (b) *Perimeter buffers.* Within any major subdivision approved under this article, there shall be planned and maintained a perimeter buffer along the perimeter property lines of the development, except for areas adjacent to road rights-of-way. The minimum perimeter buffer shall be 35 feet. Landscaping guidelines for

perimeter buffers shall follow the requirements in section 24-94(a) of this chapter.

(c) *Waiver provisions.* In instances where properties have more than a 300-foot average depth and are located along a Community Character Corridor, or in all instances of perimeter buffers, the planning commission may reduce the buffer depth requirements of this section for residential developments when:

- (1) The development is less than five acres and a majority of the development=s units are dedicated to affordable housing; or
- (2) 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
- (3) 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 75 feet. The perimeter buffer shall not be reduced by a waiver provision to less than 20 feet. The planning commission may also, in the event of granting a waiver, require additional landscaping as determined on a case by case basis.

(d) *Modifications to the landscape requirements.* The planning commission may modify, permit substitutions, or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.

(e) *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 director of planning 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 commission under the following circumstances:

- (1) The buffer in which the temporary stockpile is to occur is nonwooded, defined as having no mature trees.
- (2) The stockpile should 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.

(f) *Limitations on stormwater management facilities within buffers.* Wet ponds, dry detention basins, and other structural BMPs shall not generally be permitted in the buffers, except that the planning commission 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.

(g) *Improvements allowed 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 commission. 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 different angle to the property line upon the recommendation of the environmental director and the approval of the planning commission.

- (h) *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 commission.

(Ord. No. 31A-202, 12-21-99)

Secs. 24-359—24-366. - Reserved.

DIVISION 2. - GENERAL AGRICULTURAL DISTRICT, A-1

Sec. 24-211. - Statement of intent.

The General Agricultural District, A-1, is intended for application to the rural areas of the county generally outside of the primary service area and where utilities and urban services generally do not exist and are not planned for the near future. The purpose of the district is to maintain a rural environment suitable for farming, forestry and low-density rural residence and at the same time to provide for certain recreational and public or semipublic and institutional uses which may require a spacious site and which, with proper conditions imposed, are compatible with rural surroundings. The district also serves to limit the scattering of commercial, industrial and urban residential uses into rural areas where such uses are not planned. The area regulations of the district are intended to provide a measure of flexibility in lot size and arrangement if coupled with a design review to ensure more careful use of the land.

(Ord. No. 31A-88, § 20-28, 4-8-85; Ord. No. 31A-114, 5-1-89)

Sec. 24-212. - Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with <u>section 24-32</u> .	P	
	Accessory apartment, detached, in accordance with <u>section 24-32</u> .		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Group home or residential facility, for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP

	Home care facilities.		SUP
	Manufactured homes that are on a permanent foundation.	P	
	Manufactured home parks in accordance with the special provisions of article IV.		SUP
	Single-family detached dwellings.	P	
	Two-family dwellings.		SUP
Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day care centers.		SUP
	Airports and landing fields, heliports or helistops and accessory uses.		SUP
	Animal hospitals, veterinary offices and kennels.		SUP
	Automobile graveyards.		SUP
	Automobile repair and service.		SUP
	Automobile service stations; if fuel is sold, then in accordance with <u>section 24-38</u> .		SUP
	Beauty and barber shops.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP

	Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.		SUP
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to <u>section 24-214(c)</u> .		SUP
	Contractors' warehouses, sheds, and offices.		SUP
	Convenience stores; if fuel is sold, then in accordance with <u>section 24-38</u> .		SUP
	Day care and child care centers.		SUP
	Dinner theaters and dance halls as an accessory use to a restaurant or tavern.		SUP
	Farm equipment sales and service.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	
	Farmers' markets over 2,500 square feet in area.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage.		SUP
	Gift shops and antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.	P	

	Home occupations, as defined herein.	P	
	Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
	Horse racing tracks.		SUP
	Horse show areas, polo fields.		SUP
	Hospitals and nursing homes.		SUP
	House museums.	P	
	Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
	Lumber and building supply stores.		SUP
	Medical clinics.		SUP
	Nurseries.	P	
	Off-street parking as required by <u>section 24-54</u> .	P	
	Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
	Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
	Race tracks for animals or vehicles, including racing courses for power boats.		SUP

	Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Rest homes for fewer than 15 adults.	P	
	Rest homes for 15 or more adults.		SUP
	Restaurants, taverns.		SUP
	Retreat facilities.		SUP
	Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.		SUP
	Retail sales of plant and garden supplies.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Sanitary landfills, in accordance with <u>section 24-40</u> , construction debris landfills, waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use but not for commercial purposes.	P	
	Slaughterhouses.		SUP
	Small-scale alcohol production.		SUP

	Tourist homes.		SUP
	Upholstery shops.		SUP
	Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, including agritourism activities, as defined in <u>section 24-2</u> .	P	
	Fish farming and aquaculture, but shall not include the processing of such products.	P	
	Food processing and storage, when it occurs in private homes per Code of Virginia § 3.2-5130 subdivisions A 3, 4, and 5.	P	
	General agriculture operation, production agriculture or silviculture activity, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.	P	
	Limited farm brewery.	P	
	Limited farm distillery.	P	
	Intensive agriculture as herein defined.	P	

	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands.	P	
	Storage and repair of heavy equipment as an accessory use to a farm.	P	
	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	
	Wineries, with accessory commercial facilities.		SUP
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Fire stations, rescue squad stations, volunteer or otherwise.		SUP
	Places of public assembly used primarily as an event facility in accordance with <u>section 24-48</u> .	P	
	Places of public assembly used primarily as an event facility not in accordance with <u>section 24-48</u> .		SUP
	Places of public assembly.		SUP
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions, public or private.		SUP
	Seminaries.		SUP

Utility Uses	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private) in compliance with article II, division 6 of this chapter.	P	
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Telephone exchanges and telephone switching stations.		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.		SUP
	Utility substations.		SUP

	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.		SUP
	Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.	P	
	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with <u>section 24-43</u> .	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)		SUP

	Manufacture and sale of wood products.		SUP
	Solid waste transfer stations.		SUP
	Storage and repair of heavy equipment.		SUP
	Storage, stockpiling and distribution of sand, gravel and crushed stone.		SUP

Editor's note— Ord. No. 31A-296, adopted June 9, 2015, amended § 24-212 in its entirety to read as herein set out. Former § 24-212 pertained to use list. See the Code Comparative Table for complete derivation.

(Ord. No. 31A-312, 11-8-16; Ord. No. 31A-335, 8-8-17; Ord. No. 31A-348, 7-14-20)

Sec. 24-213. - Reserved.

Editor's note— Ord. No. 31A-296, adopted June 9, 2015, repealed § 24-213, which pertained to uses permitted by special use permit only. See the Code Comparative Table for complete derivation.

Sec. 24-214. - Area requirements.

- (a) *Minimum lot size.* The minimum lot size, except as otherwise specified herein, shall be:
 - (1) One acre for nonresidential uses;
 - (2) Three acres for single-family dwellings;
 - (3) A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and
 - (4) Twenty acres for intensive agriculture:
 - a. No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.
- (b) *Minimum lot size for residential lots created after May 1, 1989.* No lot created under the area requirements of this section after May 1, 1989, the date of adoption of this section, unless created pursuant to paragraphs (c) or (d) below, shall be used for any residential dwelling unless the lot size is three acres or more. Provided, however, lots of less than six acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this section, shall be permitted to be subdivided into two lots for single-family residential use so long as no lot size is less than two acres.
- (c) *Purpose of area requirements; conditions for subdivisions with approved special use permits.* It is the purpose of the area requirements in this district to discourage urban residential developments, but at the same time to encourage careful design of low-density residential subdivisions in order to make best use

of the land, reduce development costs and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of article I and the special standards of this district. Upon issuance of a special use permit, a subdivision may be approved with a minimum lot size of less than three acres; provided, that all of the following conditions are met:

- (1) The overall gross density of the subdivision shall not exceed one dwelling unit per two acres.
 - (2) There shall be at least three residential lots in the subdivision.
 - (3) No lot shall be less than one acre in area.
 - (4) The subdivision shall only be for single-family detached dwellings.
 - (5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.
 - (6) Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.
 - (7) The general design standards of this section shall be complied with.
 - (8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.
 - (9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.
 - (10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.
 - (11) Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.
 - (12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.
- (d) *Lot size for family subdivisions with special use permits.* Upon issuance of a special use permit, a family subdivision may be approved with a minimum lot size of less than three acres, provided no lot shall be less than one acre.
- (e) *Minimum lots sized for two-family dwellings.* Lots for two-family dwellings shall have a minimum area of five acres.
- (f) *Not applicable to lots in existence prior to May 1, 1989.* These minimum sizes shall not apply to lots of

less than three acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this article. Such lots of less than three acres used for residential purposes shall be limited to one single-family residential use.

(Ord. No. 31A-88, § 20-30, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-165, 9-18-95)

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)

Sec. 24-216. - Minimum lot width and frontage.

- (a) Lots of five acres or more shall have a minimum lot width at the setback line of 250 feet.
- (b) Lots of three acres or more but less than five acres shall have a minimum lot width at the setback line of 200 feet.
- (c) Lots of one acre or more but less than three acres shall have a minimum lot width at the setback line of 150 feet.
- (d) The minimum lot frontage abutting a public right-of-way shall be 25 feet.

(Ord. No. 31A-88, § 20-32, 4-8-85; Ord. No. 31A-114, 5-1-89)

Sec. 24-217. - Yard regulations.

- (a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.
- (b) *Rear.* Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of 15 feet.

Sec. 24-218. - Height limits.

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

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations may be erected to a total height of 60 feet from grade.

Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, upon finding that:

- a. Such structure will not obstruct light to adjacent property;
 - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
 - c. Such structure will not impair property values in the surrounding area;
 - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
 - e. Such structure will not be contrary to the public health, safety and general welfare.
- (3) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall not be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed 45 feet in height.
 - (4) Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.

(Ord. No. 31A-88, § 20-33, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07; Ord. No. 31A-259, 1-10-12; Ord. No. 31A-312, 11-8-16)

Sec. 24-219. - Special provisions for corner lots.

- (a) For corner lots, the front of the lot shall be the shorter of the two sides fronting on streets.
- (b) No structures shall be located closer than 50 feet to the side street.

(c) Each corner lot shall have a minimum width at the setback line of 150 feet or more.

(Ord. No. 31A-88, § 20-34, 4-8-85; Ord. No. 31A- 114, 5-1-89)

Sec. 24-220. - Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the General Agricultural District, A-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(Ord. No. 31A-88, § 20-34.1, 4-8-85)

Secs. 24-221—24-230. - Reserved.

Chapter 19 - SUBDIVISIONS

Footnotes:

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Cross reference— *Building regulations, Ch. 4; erosion and sedimentation control, Ch. 8; zoning, Ch. 24.*

State Law reference— *Land subdivision and development, Code of Va., § 15.2-2240 et seq.; local planning, Code of Va., § 15.2-2212 et seq.*

ARTICLE I. - GENERAL PROVISIONS

Sec. 19-1. - Short title.

This chapter shall be known and may be cited as the "Subdivision Ordinance of James City County, Virginia," or simply as the "Subdivision Ordinance."

(Ord. No. 30A-15, 1-9-89)

Sec. 19-2. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter.

Agent. The James City County planning director or his designee.

Alternative on-site sewage disposal system. A treatment works that is not a conventional on-site sewage disposal system and does not result in a point source discharge.

Approved. The word "approved" shall be considered to be followed by the words "or disapproved," when the sense so requires.

Block. Land containing lots which are bounded by streets or a combination of conservation areas, streets, public parks, cemeteries, railroads, rights-of-way, shorelines or boundaries of the county.

Brownfield site. Real property wherein the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

Central water system. A water system in which all connections in the subdivision are served by one or more water sources through a common distribution system owned and operated by the James City Service Authority. Central water system shall include all structures, hydrants, property, equipment and appurtenances used in the production, storage and distribution of water.

Commission. The James City County Planning Commission.

Common open space. A parcel of land, an area of water, or a combination of land and water within a site designed and intended primarily for the use or enjoyment of residents, occupants, and owners within that development in which ownership is held in common with other owners of that development.

Conventional on-site sewage disposal system. A treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

County attorney. The James City County attorney or his designee.

Cul-de-sac. A street with only one outlet having a circular turn-around for a safe and convenient reverse traffic movement.

Development review committee. An administrative subcommittee of the commission charged with reviewing major subdivisions, conceptual plans, appeals of agent decisions, and exceptions to this chapter and making recommendations to the commission.

Division of building safety and permits. The James City County director of building safety and permits or his designee.

Dwelling. Any structure, or portion thereof, which is designed for use for residential purposes, except hotels, motels, boardinghouses, lodging houses, tourist cabins, time-share units, motor lodges, tents, travel trailers, recreational vehicles and similar accommodations. Dwellings may include the following types:

1. Single-family detached. A detached structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.
2. Multi-family. A building or structure including, but not limited to, townhouses, duplexes, and triplexes that are arranged or designed to be occupied by more than one family living in separate dwelling units with separate cooking, toilet facilities, and entrances.
3. Apartments. A building or structure arranged or designed to be occupied by three or more families living in separate dwelling units but sharing the entrance to the building.

Easement. A right granted by a property owner permitting a designated part or interest of the property to be used by others for a specific use or purpose.

Engineering and resource protection division. The director of the James City County engineering and resource protection division or his designee.

Fire chief. The James City County fire chief or his designee.

Governing body. The James City County board of supervisors.

Health department. The Commonwealth of Virginia Department of Health or an authorized official, agent or employee thereof.

Highly erodible soils. Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined by the Universal Soil Loss Equation as the product of the formula $RKLS-T$ where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly permeable soils. Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soil Survey Handbook" of November 1996, as amended, in the "Field Office Technical Guide" of the U.S. Department of Agricultural Natural Resources Conservation Service.

Hydric soils. Soils that are saturated, flooded or ponded long enough during the growing season to support wetland vegetation.

Impervious cover. A surface composed of any material that significantly impedes or prevents infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Improvements. All public and quasipublic utilities and facilities including, but not limited to, streets, sanitary sewers, waterlines, stormwater management and erosion control facilities, electrical service, monuments, signs, sidewalks and streetlights required by this chapter.

Lot. A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open space, lot width, and lot areas as are required by Chapter 24, Zoning, either shown on a plat of record or considered as a unit of property and described by metes and bounds. A lot is synonymous with parcel or tract.

Lot, corner. A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

Lot, double frontage. An interior lot having frontage on two streets.

Lot, flag. A lot where a majority of the parcel does not abut a public right-of-way, but that achieves access to the public road by a narrow section of land not less than 25 feet in width.

Lot frontage. The measurement of a lot along a street right-of-way from one side lot line to the other.

Lot, interior. Any lot other than a corner lot.

Lot of record. A lot, a plat or description of which has been recorded in the clerk's office of the circuit court.

Lot width. The horizontal distance between side lot lines measured at the setback line.

Monument. An iron pipe a minimum of 3/4 inches in diameter with a 24 inch length or a 5/8 inches in diameter reinforcing bar with a 24 inch length driven three inches to nine inches below the surface of the adjacent ground or an alternate type as approved by the agent.

Plat. A map or plan for a tract or parcel of land meeting the requirements of this chapter which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

Property. A unit or units of land of such size and dimensions that it may be subdivided into two or more lots.

Public sewer. A sewer system owned and operated by a municipality, county, service authority or the Hampton Roads Sanitation District Commission, approved by the governing body, licensed by the State Corporation Commission if required by law, and approved by the health department and State Water Control Board where appropriate.

Public water. A water system owned and operated by a municipality, county or service authority, approved by the governing body, licensed by the State Corporation Commission if required by law, and approved by the health department.

Right-of-way. The total width of land dedicated or reserved for public or restricted travel, including pavement, ditches, drainage facilities, curbing, gutters, pipes, sidewalks, shoulders and land necessary for the maintenance thereof. The right-of-way may contain public or private utilities.

Road, future or planned future right-of-way. Any road or similar transportation facility as shown on an approved plan of development or master plan or designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Hampton Roads Long Range Transportation Plan or any road plan adopted by the board of supervisors.

Runoff. Precipitation which enters downstream waterways or properties.

Service authority. The James City Service Authority.

Service authority manager. The manager of the James City Service Authority or his designee.

Service authority regulations. The James City Service Authority Regulations Governing Utility Service.

Setback line. A line showing the closest point from a property line that a dwelling or principal structure may be constructed consistent with the zoning ordinance.

Soil absorption systems. On-site sewage disposal systems which utilize the soil to provide final treatment and disposal of effluent from a septic tank in a manner that does not result in a point-source discharge and does not create a nuisance, health hazard or ground or surface water pollution.

Street. An existing or platted right-of-way dedicated for the use of the general public, or portions thereof, either accepted by the transportation department or approved as a private transportation system under the zoning ordinance. A street shall provide access to property by vehicular and pedestrian traffic for all purposes of travel transportation or parking to which it is adopted and devoted. This term is synonymous with road, lane, drive, avenue, right-of-way, highway, or any other thoroughfare.

Street functional classification. Streets shall be functionally classified as follows:

1. Interstate: A highway that is part of the nationwide U.S. Interstate Highway System connecting or involving different states.
2. Expressway and freeway: A roadway designated exclusively for unrestricted movement of traffic. Access is only with selected arterial streets by means of interchanges.
3. Arterial streets (principal, minor): Streets and roads which function within a regional network conveying traffic between major activity centers. The purpose of such streets is to carry relatively large volumes of traffic at higher speeds, and not to serve abutting lots except indirectly through intersecting streets. The arterial classification is further subdivided into "principal arterial" and "minor arterial" based on traffic volumes.
4. Collector streets (major, minor): Streets designed to conduct and distribute traffic between streets of lower order and streets of higher order linking major activity centers. The collector classification is further divided into "major collector" and "minor collector."
5. Local or access streets: Streets designed to carry low to moderate volumes of traffic, at low operating speeds. The primary function of these streets is to provide access to individual lots, typically within a residential subdivision.

The functional classification status of a specific road shall be determined by the agent after consulting with the transportation department.

Subdivide. The division of property into two or more lots.

Subdivider. An individual, corporation, partnership or other entity owning any property to be subdivided.

Transportation department. The Commonwealth of Virginia Department of Transportation or an authorized official, agent or employee thereof.

Yard. The space which lies between the lot line and the nearest point of a structure. The minimum yard required is defined for each zoning district.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-30, 4-13-04; Ord. No. 30A-35, 5-27-08; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-3. - Compliance with chapter mandatory.

- (a) No person shall subdivide land without making and recording a plat of subdivision and fully complying with the provisions of this chapter.
- (b) No plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the agent.
- (c) No person shall sell or transfer any land of a subdivision before such plat has been duly approved and recorded as provided herein unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto; provided, that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.
- (d) No clerk of any court shall file or record a plat of a subdivision required by this chapter until such plat has been approved by the agent as required herein.
- (e) The requirements of this chapter shall be considered separate from, and supplementary to, any requirements otherwise specified by this Code or by state or federal law. Nothing contained herein shall excuse compliance with other applicable ordinances or laws. Where local requirements are in conflict with mandatory state or federal requirements, the state or federal requirements shall prevail.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-4. - Penalties.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating the provisions of this chapter shall be subject to a fine of not more than \$500.00 for each lot or parcel of land so subdivided or transferred or sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt any transaction from such penalties or from other remedies.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99)

State Law reference— Code of Va., § 15.2-2254

Sec. 19-5. - Administration and enforcement of chapter.

The agent is hereby delegated to administer and enforce the provisions of this chapter. The agent shall be considered the agent of the governing body. Notwithstanding an appeal as provided for in section 19-8, approval or disapproval by the agent shall constitute approval or disapproval as though it were given by the governing body. The agent may consult

with the commission on matters contained herein and may call for written opinions or decisions from other county departments, the transportation department, and the health department in considering details of any submitted plat.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99)

State Law reference— State law governing land subdivision and development, Code of Va., § 15.2-2240 et seq.

Sec. 19-6. - Effect of private contracts.

This chapter bears no relation to any private easement, covenant, agreement or restriction, and the responsibility of enforcing such private easement, covenant, agreement or restriction is not implied herein to any public official. When this chapter calls for more restrictive standards than are required by private contract, the provisions of this chapter shall control.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-7. - Changes, erasures and revisions.

No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets, after the agent has approved in writing the plat or sheets, unless authorization for such changes has been granted in writing by the agent.

(Ord. No. 30A- 15, 1-9-89)

Sec. 19-8. - Subdivider may appeal from disapproval of plat.

In the event a plat for subdivision is disapproved by the agent or commission, the subdivider may appeal to the governing body. The governing body may override the recommendation of the agent or commission and approve said plat. No appeal shall be made unless it is filed in writing with the clerk of the governing body within 30 days of disapproval by the agent or commission.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-9. - Plan and plat preparation-by whom prepared.

Each subdivision plan and plat shall be prepared by an individual duly qualified as set forth in title 54.1 of the Code of Virginia.

(Ord. No. 30A-15,1-9-89; Ord. No. 30A-27, 12-15-99)

Sec. 19-10. - How chapter may be amended.

This chapter may be amended in whole or in part by the governing body. Any such amendment shall either originate with or be submitted to the commission for recommendation prior to adoption. If no recommendation is received from the commission after 60 days from submission, the governing body may act without a recommendation. No such amendment shall be adopted without a public hearing having been held by the governing body.

(Ord. No. 30A-15, 1-9-89)

State Law reference— For state law as to amendments to county subdivision ordinances, see Code of Va., § 15.2-2253; required filing of amendments, Code of Va., § 15.2-2252.

Sec. 19-11. - Resubdivision same as subdivision.

Any change in a recorded subdivision plat that modifies, creates or adjusts lot lines shall be approved in the same manner and under the same requirements as a new subdivision. This section applies to any subdivision plat of record, whether or not recorded prior to the adoption of a subdivision ordinance. Where a street, alley, easement for public passage or other public area laid out or described in such plat is affected, the plat shall be vacated pursuant to section 19-12 prior to resubdivision.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-12. - Vacation of recorded plat.

Any recorded plat, or part thereof, may be vacated by the governing body pursuant to Code of Va., § 15.2-2271 through § 15.2-2276, as amended or Code of Va., § 15.2-2006 through § 15.2-2008, as amended, as applicable.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-43, 3-8-16)

Sec. 19-13. - Construction and severability of provisions.

This chapter shall be liberally construed so as to effectuate its purposes. If any clause, sentence, paragraph, section or subsection of this chapter shall be adjudged by any court of competent jurisdiction to be invalid for any reason, including a declaration that it is contrary to the constitution of the Commonwealth or of the United States, or if the application thereof to any government, agency, person or circumstance is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application hereof, directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or subsection hereof, or affect the validity of the application thereof to any other government, agency, person or circumstance.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-14. - Private streets declaration.

If approved streets in a subdivision are not to be constructed to meet the standards necessary for inclusion in the secondary system of state highways, or are not to be dedicated to the transportation department, the subdivision plat and all deeds conveying lots in the subdivision shall contain a statement advising that the streets in the subdivision shall not be maintained by the transportation department or the county, and where applicable, do not meet state design standards.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-15. - Fees.

Fees shall be charged to offset the cost of reviewing plats and plans, making inspections and other expenses incident to the administration of this chapter. The following fees shall be charged and collected as provided below or as set forth in County Code Appendix A—Fee Schedule for Development Related Permits.

- (1) *Fees waived.* Payment of any permit set forth in County Code Appendix A—Fee Schedule for Development Related Permits shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (i) the other parties to the regional entity similarly waive fees; and (ii) the regional entity has locations in more than one locality.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-20, 5-6-91; Ord. No. 30A-25, 6-25-96; Ord. No. 30A-27, 12-15-99; Ord. No. 30-28, 5-14-02; Ord. No. 30A-29, 4-22-03; Ord. No. 30A-32, 10-26-04; Ord. No. 30A-34, 4-24-07; Ord. No. 30A-35, 5-27-08; Ord. No. 30A-40, 8-9-11; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13; Ord. No. 30A-47, 6-12-18)

Sec. 19-16. - Saving provision.

The adoption of this chapter shall not abate any pending action, liability or penalty of any person accruing or about to accrue, nor waive any right of the county under any provision in effect prior to the adoption of this chapter, unless expressly provided for in this chapter. Any subdivision plan which has received preliminary approval prior to the adoption of this chapter and for which a final plat is recorded within one year from the date of preliminary approval shall have vested rights under the ordinance in effect at the date of preliminary approval. Failure to record a plat within one year shall render the preliminary approval null and void.

(Ord. No. 30A-15, 1-9-89)

Sec. 19-17. - Special provisions for family subdivisions.

In the Rural Residential, R-8, and General Agricultural, A-1 districts, a single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner. For the purposes of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, 18 years of age or older or an emancipated minor under Virginia Code section 16.1-331 et seq., or parent of the owner. Such subdivision shall be subject only to the following provisions:

- (1) The property owner shall have owned the lot or parcel for a period of not less than five years prior to the application for a family subdivision. The property owner shall provide evidence of ownership satisfactory to the county attorney's office with the subdivision application.
- (2) Only one such division shall be allowed per family member and shall not be made for the purpose of circumventing this chapter. Lots created under this section shall be titled in the name of the immediate family member for whom the subdivision is made for a period of no less than three years unless such lots are subject to an involuntary transfer such as foreclosure, death, judicial sale, condemnation or bankruptcy.
- (3) The minimum width, yard and area requirements of all lots, including the remaining property from which the lot is subdivided, shall be in accordance with the zoning ordinance. Land proposed for subdivision shall be suitable for platting in accordance with section 19-32.
- (4) For property not served with public water and public sewer, each lot shall have its on-site sewage disposal

system and water source approved by the health department and shall be shown on the subdivision plat.

- (5) Each lot or parcel of property shall front on a road which is part of the transportation department system of primary or secondary highways or shall front upon a private drive or road which is in a right-of-way or easement of not less than 20 feet in width. Such right-of-way shall remain private and shall include a driveway within it consisting of, at a minimum, an all-weather surface of rock, stone or gravel, with a minimum depth of three inches and a minimum width of ten feet. The right-of-way shall be maintained by the adjacent property owners in a condition passable at all times. The provision of an all-weather drive shall be guaranteed in accordance with section 19-74. An erosion and sediment control plan with appropriate surety shall be submitted for approval if the proposed right-of-way and drive construction disturbs more than 2,500 square feet.
- (6) The corners of all lots created by family subdivisions shall be marked with iron pipes as provided for in section 19-35.
- (7) A final subdivision plan shall be submitted to the agent for approval as provided in section 19-29 of this chapter along with an affidavit describing the purposes of the subdivision and identifying the members of the immediate family receiving the lots created. Any plan submitted shall be subject to the fee set forth in section 19-15.
- (8) The above requirements shall be set forth in a subdivision agreement approved by the county attorney and recorded in the circuit court clerk's office for the City of Williamsburg and County of James City.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-19, 2-4-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-18. - Exceptions.

The commission may grant an exception to any requirement of the chapter, subject to the following:

- (1) No such exception shall be granted unless the subdivider petitions the commission in writing. The petition should be submitted with the initial submission of the subdivision plan and shall state fully the grounds for the exception and all the facts relied upon by the subdivider. The agent may require such additional information as he may deem necessary to process the request for the exception.
- (2) The agent shall provide written notification of the exception request to all adjacent property owners. The notification shall adhere to the following requirements:
 - (a) Such notice shall specifically describe the exception requested and the date, time and location of the development review committee meeting first considering such request; and
 - (b) Such notice shall be mailed by the agent at least ten days before the development review committee meeting; and
 - (c) Evidence that such notice was sent by first class mail to the last known address as shown on the current real estate tax assessment book shall be deemed adequate compliance.
- (3) The burden shall be on the subdivider to demonstrate the need for an exception.
- (4) The commission shall not approve any exception unless it first receives a recommendation from the development review committee and unless it finds that:
 - (a) Strict adherence to the ordinance requirement will cause substantial injustice or hardship;

- (b) The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others;
 - (c) The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter;
 - (d) No objection to the exception has been received in writing from the transportation department, health department, or fire chief; and
 - (e) The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.
- (5) The commission in authorizing an exception may impose such reasonable conditions in addition to the regulations of this chapter as it may deem necessary in the public interest. The commission may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- (6) If granted, such exception shall be specifically stated in writing together with the supporting justifications and filed with the subdivision plan or such plat or plans deemed necessary by the agent. A note shall be prominently placed on the record plat detailing any exception so granted.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

ARTICLE II. - PROCEDURES AND DOCUMENTS TO BE FILED

Sec. 19-19. - Preapplication conference and submission of conceptual plan.

- (a) Before submittal of any preliminary or final subdivision plan, the applicant is advised to confer with the subdivision agent and such other agencies of the state and county as the agent deems advisable concerning the proposed subdivision.
- (b) Prior to the submission of any major subdivision plan, the applicant or his representative is advised to submit three copies of a conceptual plan for review by the planning director, or his designee; such action does not constitute the submission of a preliminary plan and is not to be construed as an application for approval in computing time limitations in relation thereto. The planning division shall transmit comments to the applicant within 21 calendar days of submittal of a conceptual plan which meets all applicable submittal criteria.
- (c) The conceptual plan may be granted conceptual plan approval with conditions that should be satisfied prior to final plan approval by the zoning administrator; such action does not constitute final subdivision approval or preliminary plan approval.
- (d) Conceptual plans shall, at a minimum, identify or contain:
 - (1) property lines, project title, title block, legend, north arrow and graphic scale, zoning and zoning of surrounding properties
 - (2) vicinity and location maps and site address
 - (3) county tax parcel identification number, site boundary and parcel site information
 - (4) building location and orientation, location of buildings on adjacent properties, building and landscape

- setbacks, buffers such as resource protection areas (RPA) and community character corridors (CCC)
- (5) entrances/exits/access to the site (vehicular, pedestrian, greenway, etc.) and location of nearby roads
 - (6) greenway connections (on-site and those adjacent to the subject property)
 - (7) narrative description of the proposed use of site
 - (8) location of stormwater management facilities
 - (9) recorded easements (conservation, utility, rights-of-way, etc.)
 - (10) unique natural/visual features (viewsheds, water features, wetlands, etc.)
 - (11) unique natural/visual features to be preserved (mature or specimen trees, known archaeological sites, etc.)
 - (12) list of currently binding proffers or special use permit conditions
 - (13) location of entry signs
 - (14) existing topography of site using county base mapping (five foot contour) or other mapping sources or surveys
- (e) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-26, 5-11-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-51, 3-12-19)

Sec. 19-20. - Overall plan.

For multiphased subdivisions which are not subject to a binding master plan approved in accordance with article I of the zoning ordinance, the subdivider shall submit to the agent an overall plan for all phases of the proposed subdivision as part of the first preliminary plan submittal. The purpose of such an overall plan is to permit the agent to advise the subdivider whether his plans are generally in accordance with the requirements of this chapter. The commission, upon submission of any overall plan, may study it and advise the subdivider where it appears that changes are appropriate. The agent may mark the overall plan indicating appropriate changes. The subdivider shall return such overall plan to the agent with each preliminary plan. The overall plan shall, at a minimum, show the name, location and dimensions of all streets entering the property, adjacent to the property or terminating at the boundary of the property to be subdivided. It shall also show the location of all proposed streets, their functional classification (e.g., arterial, collector, etc.) and any future extensions, lots, development phases, parks, playgrounds and other proposed uses of the land to be subdivided and their approximate dimensions and a conceptual layout of the water and sewer systems. The overall plan is not binding on the subdivider or the governing body. Review of an overall plan does not constitute final subdivision approval or preliminary plan approval. For multiphased subdivisions reviewed under this section, review of an overall plan does not, in any way, guarantee approval of future subdivision phases.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-21. - Classification of subdivisions.

Parcels of land existing as of January 1, 1989, shall be considered and known as "parent parcels."

- (a) *Minor subdivision.* A minor subdivision shall be any division of a parent parcel into not more than five parcels abutting an existing public road within the transportation department system and which does not create a

new street or extend an existing street.

- (1) Any contiguous or internal property owned by the same subdivider, or deemed by the agent as a logical part of a contiguous or internal subdivision, cannot be subdivided into greater than five parcels without being reviewed as, and meeting the requirements of, a major subdivision. Any such subdivisions of a parent parcel shall not exceed a total of nine parcels, including the parent parcel.
- (2) Family subdivisions as allowed by section 19-17 shall not count toward this five parcel total. A preliminary or final plan shall include only those submittal requirements of this chapter and requirements for design and minimum requirements required by article III deemed necessary by the agent.
- (b) *Major subdivision.* A major subdivision shall be any division of a parent parcel into six or more parcels or any division which creates a new street or extends any existing street. However, where additional lots are being created for the sole purpose of permanent open space or for the purpose of being dedicated to a conservation organization, as evidenced by documentation acceptable to the planning director, the subdivision may be reviewed as, and meet the requirements of, a minor subdivision.
- (c) *Multifamily subdivision.* A multifamily subdivision shall be a division of a tract of land into lots for multifamily units as shown on an approved site plan pursuant to the zoning ordinance. A preliminary or final plan shall include only those requirements for design and minimum improvements required by article III of this chapter deemed necessary by the agent.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-22. - Procedure for review of minor subdivisions or multifamily subdivisions.

- (a) The subdivider shall submit to the agent one reproducible copy plus eight prints of a final plan for a minor or multifamily subdivision. If a preliminary plan is submitted, the number of copies of the preliminary plans required shall be determined by the agent. Upon submittal, the subdivider shall pay the appropriate subdivision plan review fee.
- (b) Upon meeting all submittal requirements, the plan shall be reviewed by the agent and other agencies of the county and state as deemed necessary by the agent. The agent shall transmit county staff review comments to the subdivider within 45 days. Eight copies of a revised plan shall be submitted to the agent who shall within 30 days review the second submittal of plans for compliance with applicable county regulations, the requirements for final approval and any conditions of the preliminary approval. The agent shall review each subsequent submittal of revised plans within 21 days. The agent shall within 90 days approve or deny the subdivision plan and notify the subdivider of the action in writing. If a final plan is approved, such approval shall be in accordance with section 19-30. The agent shall certify such approval by signing the record plat. If a preliminary plan is approved, the agent shall include in the notification of preliminary approval all conditions required for final approval. If disapproved, the agent shall state in the notification to the subdivider the specific reasons for denial. The reasons for denial shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-37, 6-22-10; Ord. No. 30A-41, 12-11-12)

Sec. 19-23. - Procedure for preliminary plan review for major subdivisions.

- (a) The subdivider shall submit to the agent 12 copies of the preliminary subdivision plan for a major subdivision and pay the appropriate subdivision plan review fee.
- (b) Upon meeting all submittal requirements, the plan shall be reviewed by the agent and other agencies of the county and state as deemed necessary by the agent. The agent shall prepare a composite report on the proposed subdivision to determine if it meets the requirements of this chapter and the zoning ordinance. The report shall include review requirements by other agencies. The preliminary plan and the agent's composite report shall be reviewed by the commission. In order for subdivision plans to be considered by the commission at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective commission meeting.
- (c) The commission shall consider the plan and either grant preliminary approval or disapprove it within 90 days of submittal. The plan may be granted preliminary approval with conditions. The agent shall notify the applicant of the commission's findings in writing within seven days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure final approval of the subdivision. If disapproved, the notice shall state the specific reasons for disapproval. The reasons for denial shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-37, 6-22-10; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-44, 7-26-16)

Sec. 19-24. - Procedure for preliminary plan review for major subdivisions of fewer than fifty lots.

Major subdivisions of fewer than 50 lots, including such major subdivisions that are part of a multiphased subdivision of 50 lots or more, may, at the agent's discretion, be reviewed under the procedures set forth in section 19-22.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-26, 5-11-99; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-25. - Effect of approval of preliminary plan.

Approval by the commission or the agent of the preliminary plan shall not constitute a guarantee of approval by the agent of the final plat.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99)

Sec. 19-26. - Term of validity for the preliminary plan and extension.

- (a) Once a preliminary subdivision plan is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such

preliminary subdivision plan approval, and upon 90 days written notice by certified mail to the subdivider, the commission or agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

- (b) If a subdivider records a final plat, which may be a section of a subdivision as shown on an approved preliminary plan, and furnishes to the county a certified check, cash escrow, bond, or letter of credit in an amount and form acceptable to the county for the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the commonwealth or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plan for a period of five years from the date of the latest recorded plat of subdivision for the property. The five-year period of validity shall extend from the date of the latest recorded plat. Such right shall be subject to the terms and conditions of the Code of Virginia and subject to engineering and construction standards and the zoning ordinance requirements in effect at the time that each remaining section is recorded.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-18, 1-22-91; Ord. No. 30A-36, 1-12-10)

Sec. 19-27. - Preliminary plan-submittal requirements.

The preliminary plan for a minor or major subdivision shall be on a blue-line or black-line print. The scale shall be 100 feet to the inch for the overall view, and the scale of the detailed drawings shall be appropriate to the level of detail but not less than 60 feet to the inch, except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan for a minor or major subdivision shall include the following information:

- (a) The name of the subdivision, owner, subdivider, and surveyor or engineer, the date of drawing, number of sheets, north arrow, tax parcel identification number, zoning and graphic scale. The plan shall also list any proffers or special use permit conditions that affect the property.
- (b) The location of the proposed subdivision on an inset map at a scale of not less than one inch equals 2,000 feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A closed boundary survey, or existing survey of record, total acreage, acreage of subdivided area, existing buildings and improvements, existing graves, objects or structures marking a place of burial, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines. If any exceptions have been granted by the planning commission in accordance with section 19-18, the plan shall include a note detailing any exception so granted.
- (d) All existing, platted and proposed streets, both private and public, including their names, route numbers and widths; existing and proposed utility or other easements, existing and proposed sidewalks, public areas, parking spaces, culverts, drains, watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall include a private streets declaration in accordance with section 19-14.
- (e) A drainage plan showing the proposed drainage system including all open ditches, closed storm drain pipes and stormwater management facilities proposed to convey the subdivision drainage to an adequate receiving channel. The plan shall include sizes of all pipes and ditches, types of pipes and ditch linings, drainage easements and construction details of any stormwater management facilities. Drainage

calculations shall be submitted with a design report with computations and drainage map to verify the design of the drainage system including the adequacy of the channel receiving drainage from the proposed subdivision.

For multiphased subdivisions, a drainage map shall be provided with drainage calculations for all phases of the subdivision to determine the adequacy of receiving channels. If receiving channels are not adequate, the map shall include the location of proposed stormwater management facilities.

The drainage plan shall include the topographic plan and a soil map of the site. The topographic plan shall be based on recent field run or aerial two-foot contour intervals. Five-foot contour intervals may be used with the approval of the agent. Spot elevations shall be shown at topographic low and high points.

- (f) A stormwater management plan showing proposed stormwater management facilities including best management practices (BMPs) in accordance with chapters 8, 18A and 23 of the county code, and associated checklists. Such plan shall include construction details for all parts of the stormwater and drainage system, including pipe bedding and backfill.
- (g) An erosion and sediment narrative and control plan showing the location, type and details of proposed erosion and sediment control devices to be used during and after construction. The plan shall meet all requirements of the erosion and sediment control ordinance and associated checklists and shall be provided at a scale of 50 feet to the inch except in cases where the engineering and resource protection director approves an alternate scale. The plan shall show existing and proposed contours at intervals of no more than two feet except in cases where the engineering and resource protection director approves an alternative interval.
- (h) Cross-sections showing the proposed street construction, depth and type of base, type of surface, compaction, shoulders, curbs and gutters, sidewalks, bikeways, utilities, side ditches and other features of the proposed streets.
- (i) Street profiles showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets, together with proposed connecting grade lines and vertical curve information.
- (j) Size and location of existing sanitary sewer and water facilities; location and method of proposed connections to existing sewer and water facilities; size and location of proposed sewer and water facilities showing location of proposed water meters, gate valves, fire hydrants, fittings, manholes, sewer laterals and cleanouts; grinder pump locations; profile views of water and sewer mains with manhole rim and invert elevations and percent of slope; sewage pump station location, design and details; and water well facility location, design and details. A capacity study of the existing system, in accordance with service authority regulations, may be required. All improvements shall be in accordance with the latest service authority Water and Sanitary Sewer Design and Acceptance Criteria Standards and Specifications.
- (k) As provided for in Code of Va., §§ 10.1-606.2 et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be set forth on the plan of the proposed subdivision.
- (l) As provided for in the Code of Va., § 15.2-2242, the agent may request submittal of a phase I environmental site assessment, where the proposed subdivision is located on a brownfield site, or where initial assessments indicate dumping or other contaminating activities have occurred on the property.

- (m) A phased clearing plan in accordance with section 24-89 of the zoning ordinance.
- (n) An outdoor lighting plan in accordance with section 24-130 of the zoning ordinance (these requirements do not apply to lighting on single family lots).
- (o) The following environmental information about the site proposed for development including:
 - (1) All existing easements, disturbed area, impervious cover, and percent impervious estimate;
 - (2) Flood zone designation, Resource Protection Areas (RPAs), soils (highly erodible, hydric, permeable, hydrologic soils group A and B);
 - (3) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
 - (4) Demonstration that the project complies with section 23-9(b)(1), (2), and (3) of the county's Chesapeake Bay Preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, and impervious cover minimized);
 - (5) County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
 - (6) Description of better site design or low impact development techniques if such is being used.
- (p) For proposed minor subdivisions, a copy of the plat showing the parent parcel to assist in verifying the requirements listed in section 19-21.
- (q) For proposed major subdivisions and multifamily subdivisions, a landscape plan showing street trees per section 19-73.1, and any applicable requirements of article II, division 4 of the zoning ordinance.
- (r) A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
 - (1) The preliminary plan is for a minor subdivision as defined in section 19-24.
 - (2) The preliminary plan is for a family subdivision as defined in section 19-17.
 - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.
 - (4) A phase I archaeological study for the project area has been previously completed and no further study is recommended.
 - (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
 - (6) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.
- (s) A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:
 - (1) The preliminary plan is for a minor subdivision as defined in section 19-24.
 - (2) The preliminary plan is for a family subdivision as defined in section 19-17.
 - (3) The preliminary plan is for property boundary line adjustments and/or extinguishments.

- (4) An approved natural resource inventory for the project area has been completed and either found no resources or a natural resource inventory recommendation has been appropriately addressed as determined by the director of planning.
- (5) The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.
- (6) The Virginia Department of Conservation and Recreation (DCR), or other appropriate state agency, already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.
- (7) The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning; provided, however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.
- (8) The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the Natural Resource Policy.

- (t) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-17, 2-5-90; Ord. No. 30A-22, 7-17-95; Ord. No. 30A-26, 5-11-99; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-49, 8-14-18; Ord. No. 30A-48, 6-12-18)

Sec. 19-28. - Preliminary plan-multifamily subdivisions.

The preliminary plan for a multifamily subdivision shall be on a blue-line or black-line print. The scale shall be 100 feet to the inch for the overall view, and the scale of the detailed drawings shall be appropriate to the level of detail but not less than 60 feet to the inch, except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan shall include the following information:

- (a) The name of the subdivision, owner, subdivider and surveyor or engineer, the date of drawing, number of sheets, north arrow, tax parcel identification number, zoning, and graphic scale. The plan shall also list any proffers or special use permit conditions that affect the property.
- (b) Location of the proposed subdivision on an inset map at a scale of not less than one inch equals 2,000 feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A closed boundary survey, or existing survey of record, total acreage, acreage of subdivided area, existing buildings, existing graves, objects or structures marking a place of burial, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines. If any exceptions have been granted by the planning commission in accordance with section 19-18, the plan shall include a note detailing any exception so granted.
- (d) All existing, platted and proposed streets, including their names, numbers and widths; existing and proposed utility, drainage or other easements, public areas and parking spaces; culverts, drains and watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall

include a private streets declaration in accordance with section 19-14.

(e) All parcels of land to be dedicated for public use and conditions of such dedication.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-16, 11-6-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-29. - Final plan-submittal requirements.

The final plan for a subdivision shall be on blue-line or black-line print. The scale shall be 100 feet to the inch except in cases where the agent approves an alternate scale. The size of the record plat portion of the final plan shall not be smaller than 8 ¹/₂ " x 11" or larger than 18" x 24" inches. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. In addition to the requirements of the preliminary plan, the final plan for a subdivision shall meet the requirements of 17VAC15-60 et seq. and shall include the following:

- (a) The accurate location and dimensions by bearings and distances, including all curve data, for all lots, and street lines and centerlines of streets. Distances and bearings shall balance and close with an accuracy of not less than one in 10,000 units.
- (b) The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.
- (c) When the subdivision consists of land acquired from more than one source of title, the outlines of these tracts shall be indicated by dashed lines, and the identification of the respective tracts shall be shown on the plat.
- (d) A certification of each owner's consent duly acknowledged before a licensed notary public in the following format:

Owner's Certificate

The subdivision of land shown on this plat and known as (name of subdivision) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and/or trustees.

Date

Signature

Name printed

Certificate of Notarization

Commonwealth of Virginia

City/County of _____

I, _____ (Print Name), a Notary Public in and for the City/County and State aforesaid, do hereby certify that the persons whose names are signed to the foregoing writing have acknowledged the same before me in the City/County aforesaid.

Given under my hand this _____ day of _____, (Year).

(Signature)

My commission expires: _____.

Notary registration number: _____.

- (e) Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided, the place of record of the last instrument in the chain of title, and that the subdivision

conforms to all requirements of the board of supervisors and ordinances of the County of James City, Virginia, in the following format:

Certificate of Source of Title

The property shown on this plat was conveyed by (previous owner) to (current owner) by (type of instrument), dated (date) and recorded in the Office of the Clerk of the Circuit Court of the County of James City in Deed Book (number), Page (number) or Instrument (number).

Engineer or Surveyor's Certificate

I hereby certify that, to the best of my knowledge or belief, this plat complies with all of the requirements of the Board of Supervisors and Ordinances of the County of James City, Virginia, regarding the platting of subdivisions within the county.

_____	_____
Date	Name

	Name printed

(f) Certificate of approval as follows:

Certificate of Approval

This subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to record.

_____	_____
Date	Virginia Department of Transportation
_____	_____
Date	Virginia Department of Health
_____	_____
Date	Subdivision Agent of James City County

- (g) If the subdivided property contains wetlands and/or resource protection areas, there shall be a note on the plat which states the following:
- "Wetlands and land within resource protection areas shall remain in a natural undisturbed state except for those activities permitted by section 23-7 of the James City County Code."
- (h) If the subdivided property contains a natural open space easement, there shall be a note on the plat which states the following:
- "Natural open space easements shall remain in a natural undisturbed state except for those activities referenced on the deed of easement."
- (i) The plat shall include the following note:
- "Unless otherwise noted, all drainage easements designated on this plat shall remain private."
- (j) If the streets are to be private, the plat shall include a private streets declaration in accordance with section 19-14.
- (k) If any exceptions have been granted by the planning commission in accordance with section 19-18, the plat shall include a note detailing any exception so granted.
- (l) If the subdivided property requires on-site sewage disposal systems, the plat shall include the following note: "On-site sewage disposal system information and soils information should be verified and reevaluated by the Health Department prior to any new construction."

(m) If the subdivided property contains an on-site sewage disposal system, the plat shall include the following note:

"On-site sewage disposal systems shall be pumped out at least once every five years per section 23-9(b)(6) of the James City County Code."

(n) The plat shall include the following note:

"Monuments shall be set in accordance with sections 19-34 through 19-36 of the county code."

(o) As provided for in Code of Va., § 10.1-606.2, et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be stated on the plat of the proposed subdivision.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-23, 7-17-95; Ord. No. 30A-27, 12-15-99; Ord. No. 30-33, 2-13-07; Ord. No. 30A-38, 10-12-10; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-45, 7-26-16)

Sec. 19-30. - Procedure for approval of final plan.

The subdivider shall submit for review and approval eight copies of the final plan for a major subdivision or as many copies of the final plat for minor subdivisions or multifamily subdivisions as deemed necessary by the agent. Upon approval of the final plan by the agent, the subdivider shall submit one reproducible copy plus eight prints of the record plat portion of the final plat to the agent for review and approval. The record plat shall not be approved until the applicant:

- (1) Has complied with the requirements and minimum standards of design set forth in this chapter;
- (2) Has incorporated such changes or complied with such conditions on the final plan as may have been stipulated in the letter of notification following action by the commission or agent on the preliminary plan;
- (3) Has made satisfactory arrangements for performance assurances as specified in article IV of this chapter, including improvements required by agencies including the Virginia Department of Transportation and James City Service Authority;
- (4) Has submitted data for major subdivisions in accordance with the "GIS Data Submittal Requirements for Major Subdivisions" policy, as approved by the governing body; and
- (5) Has executed all certificates required in section 19-29.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-50, 8-14-18)

Sec. 19-31. - Term of validity for the final plan.

The subdivider shall record the approved record plat in the clerk's office of the circuit court of the county within 180 days after approval thereof; otherwise, such approval shall become null and void.

(Ord. No. 30A-15, 1-9-89)

ARTICLE III. - REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS

Sec. 19-32. - Land must be suitable.

- (a) The agent shall not approve the subdivision of land if it is determined, after adequate investigations conducted by the transportation department, the health department or the engineering and resource protection director, that the site is not suitable for platting because of possible flooding, improper drainage, steep slopes, utility easements or other features harmful to the safety, health and general welfare of the public.
- (b) In determining the suitability of lots, the minimum criteria shall be for each lot to have an accessible building site that is in compliance with the requirements of the zoning ordinance, and with suitable access from an approved street as specified in sections 19-39 and 19-40.
- (c) Land not suitable within a proposed subdivision shall be platted for uses not endangered by periodic or occasional inundation and which otherwise shall not produce conditions contrary to public welfare or such land shall be combined with other suitable lots.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12)

Sec. 19-33. - Location of utilities.

- (a) All utilities, including, but not limited to, wires, cables, pipes, conduits and appurtenant equipment for electricity, voice, video and data, gas, cable television or similar service, shall be placed underground; provided, that the following utilities shall be permitted above ground:
 - (1) Electric transmission lines and facilities in excess of 50 kilovolts;
 - (2) Equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, outdoor lighting poles or standards, radio antenna and associated equipment, which is, under accepted utility practices, normally installed above ground;
 - (3) Meters, service connections and similar equipment normally attached to the outside wall of the customer's premises.
- (b) Whenever existing utilities are located aboveground in proposed subdivisions, they shall be removed and placed underground except where they are within ten feet of existing public street rights-of-way.
- (c) Where approved by the transportation department, with the exception of sewer laterals and water service lines, all utilities shall be placed within easements or street rights-of-way, unless otherwise required by the service authority.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-34. - Locations and specifications for monuments.

- (a) Monuments shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right-angle points and at the beginning and end points of curve along each street. Minimum requirements for monument material and installation shall be the same requirements contained in section 19-35 below. Alternate types of monuments may be used if approved by the agent prior to installation.
- (b) At least two new or existing monuments at exterior subdivision boundaries shall be referenced to the county geodetic control network. Control monuments other than those installed by James City County may be used with the approval of the agent and provided that the precision of other monuments used is at least equal to

that of James City County control monuments. Subdivision plats must show the coordinate values in U.S. survey feet of two or more monuments so referenced. Additionally, the geodetic control monument from which the coordinate values are derived shall be referenced including its published coordinate values.

- (c) This requirement shall apply to all subdivisions provided a county geodetic control monument exists within one mile of any exterior subdivision boundary. Surveys connecting to the James City County control monument network shall be conducted with a precision of 1:10,000. Surveyors may be required to submit coordinate value computations and supporting data to the agent.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-21, 5-6-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-35. - Lot corner monuments.

All lot corners shall be marked with an iron pipe monument not less than three-fourths inch in diameter and 24 inches long or a five-eighths inch in diameter reinforcing bar monument 24 inches long. The top of such monuments shall be driven three inches to nine inches below the surface of the ground. When rock is encountered, a hole shall be drilled four inches deep in the rock into which shall be cemented a steel rod one-half inch in diameter. The top of the rod shall be flush with the finished adjacent ground grade. Alternate types of monuments may be used if approved by the agent prior to installation.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-21, 5-6-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-36. - Monuments-general requirements.

The subdivider shall be responsible for replacing any monument that is damaged, disturbed or destroyed during construction. All monuments disturbed or destroyed shall be reset by a surveyor licensed in the Commonwealth of Virginia.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-21, 5-6-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-45, 7-26-16)

Sec. 19-37. - Easements.

Appropriate easements shall be provided by the subdivider. The easements shall be of sufficient width for the specified use, shall meet any applicable agency easement standards, and shall include the right of ingress and egress for installation and maintenance of such use. Wherever possible, easements should be adjacent and parallel to property lines. The agent may require that easements through adjoining property be provided.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-38. - Lot size.

The minimum lot size shall be in accordance with the zoning ordinance provided, however:

- (1) That where public water or public sewer systems or both such systems are not available, such minimum lot size may be increased by the agent in accordance with the recommendation of the health department;
and
- (2) Whenever there shall be plans in existence, approved by either the transportation department or by the

governing body, for the widening, extension, or construction of any street or highway, the commission may require additional setbacks and yards for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the planned future right-of-way for such proposed street or highway.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99)

Sec. 19-39. - Lot arrangements, design and shape.

The lot arrangement, design and shape shall be related to the topography such that each lot has:

- (1) An acceptable building site in compliance with the requirements of the zoning ordinance and applicable health regulations;
- (2) Suitable access to the building site from an approved street. In the case of flag lots, it must be possible to gain access to the building site through the portion of the flag that abuts the street in a manner that meets all applicable regulations. However, if the flag lot is located in a minor subdivision subject to the shared driveway provisions in section 19-71, the requirement of being able to gain access through the flag may be waived by the agent;
- (3) Unusually shaped or elongated lots, as determined by the agent, established primarily for the purpose of providing minimum square footage, or meeting minimum lot width, setback or yard requirements, shall not be permitted; and
- (4) Sidelines of lots shall be approximately at right angles or radial to the street line.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

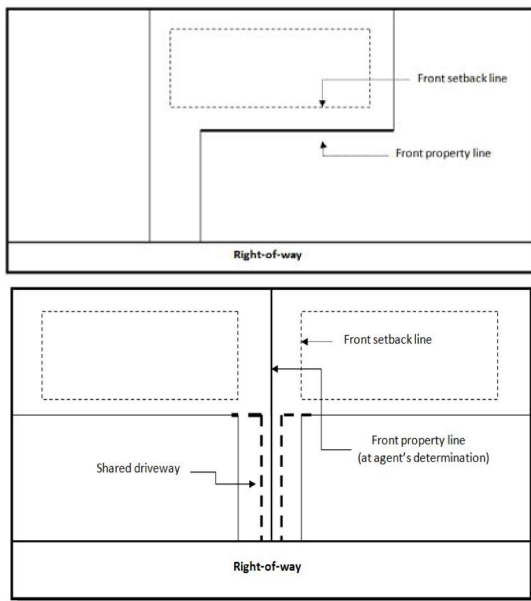
Sec. 19-40. - Lot access and frontage.

Each lot shall abut and have access to a proposed public street to be dedicated by the subdivision plat or to an existing publicly dedicated street. For flag lots, the minimum lot frontage abutting such public street right-of-way shall be 25 feet. In zoning districts which permit private streets and where such streets have been approved via the process specified in section 24-62 of the zoning ordinance, the access and minimum lot frontage requirements can be met through frontage on a private street. If the existing streets do not meet the minimum transportation department width requirement, including adequate right-of-way to accommodate the appropriate pavement width, drainage, sidewalks and bikeways, the subdivider shall dedicate adequate right-of-way necessary for the street to meet such minimum requirement.

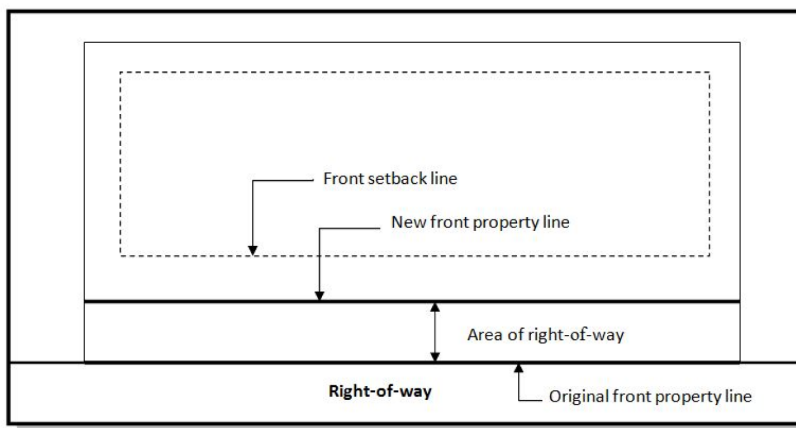
(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-41. - Building setbacks and yards.

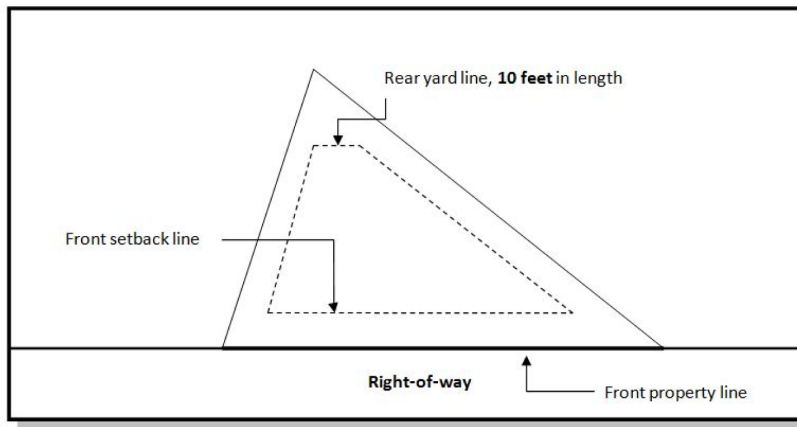
- (a) *Front setback.* The front setback line shall be a line parallel with the front property line at the minimum distance specified in the zoning district regulations and determined as follows:



- (1) For a flag lot, the front setback shall be measured from the front lot line, which is the lot line nearest and parallel or approximately parallel to the street to which the lot has access (see graphic). However, for lots within minor subdivisions that front on a shared driveway, the agent may determine that the front lot line is the lot line running parallel, or approximately parallel, to the shared driveway. In those instances the front setback line shall be measured accordingly (see graphic).
- (2) For a corner lot, the front property line of the lot shall be the shorter of the two sides fronting on streets, and the front setback line shall be measured accordingly.
- (3) In instances where right-of-way has been dedicated in accordance with section 19-42 of this chapter, the front setback line shall be measured from the new property line (i.e., the internal line of the dedicated area) (see graphic).



- (b) *Side and rear yard setbacks.* The front property line shall be used to determine the side and rear property lines. The minimum side and rear yard setback as specified in the zoning ordinance shall then be measured from these property lines. For rear yards where the lot is triangular or otherwise irregularly shaped, the yard setback shall be a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line (see graphic).



(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

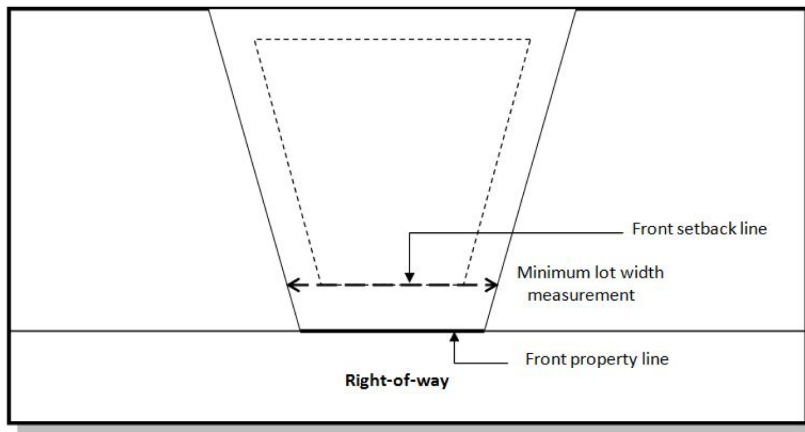
Sec. 19-42. - Street right-of-way dedication.

- (a) The subdivider of any major subdivision shall construct and dedicate a new public street to provide access to the lots. In zoning districts which permit private streets and where such streets have been approved by the process specified in section 24-62 of the zoning ordinance, the new street may be private.
- (b) In the case of lots fronting on an existing street right-of-way, if the existing street right-of-way is less than 50 feet in width, the subdivider shall dedicate half of the width necessary to result in a 50 foot right-of-way. In instances where the right-of-way is a prescriptive easement and the land is owned by the property owner to the street's centerline, the full area must be dedicated. In all other instances, the width dedicated shall be one half of the numerical difference between the existing width and 50 feet. Such area on the plat shall be indicated as dedicated to public use. This requirement may be waived or modified if an alternative minimum right-of-way width has been deemed appropriate by the agent.
- (c) In addition, whenever there are plans in existence, approved by either the transportation department or by the governing body, for the widening, extension or construction of any street or highway, the agent may require dedication of right-of-way sufficient to preserve and protect the planned future right-of-way for such proposed street or highway.
- (d) The area of the property dedicated as right-of-way shall not be counted toward meeting the minimum area requirements specified in the zoning districts.

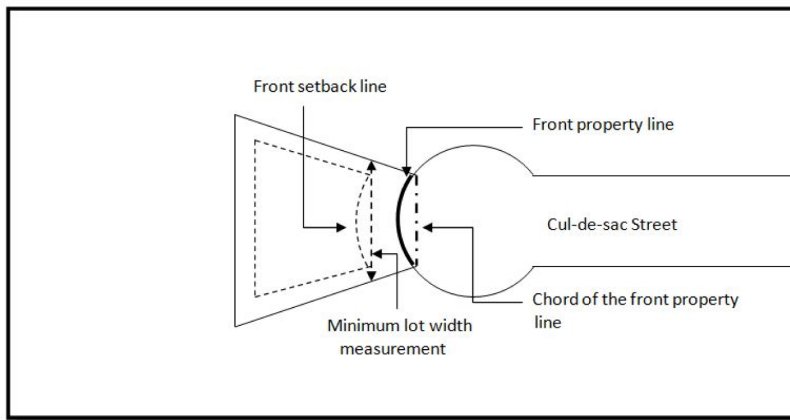
(Ord. No. 30A-41, 12-11-12)

Sec. 19-43. - Lot width.

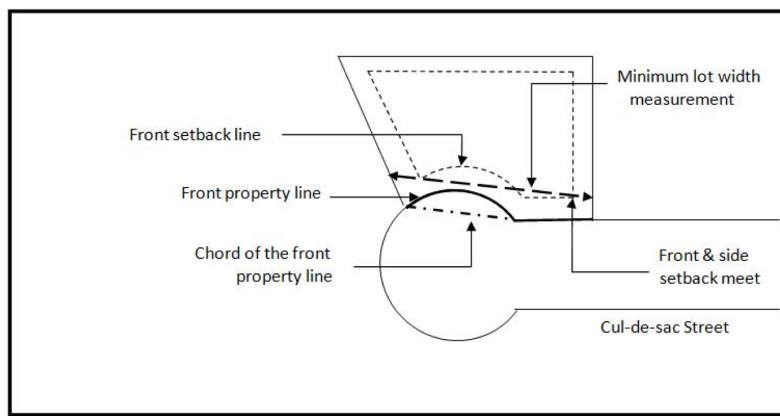
- (a) Where the front property line is straight, the lot width shall be measured as the distance between the side lot lines measured at the front setback line along a straight line parallel to the front property line (see graphic).



- (b) Where the front property line is an arc, the lot width shall be measured as the distance between the side lot lines measured at the front setback line along a straight line parallel to the chord of the front property line. For the purposes of meeting this requirement, "at the front setback line" shall mean that the line used to measure the width passes through at least one of the points formed by the meeting of the front setback line and the side setback line (see graphic).



- (c) In the case of irregular lots (front lot lines that contain arcs of opposing directions or both an arc and a straight segment), the lot width measurement method ((a) or (b) above) shall be based on the arc or straight segment that is of greatest length (see graphic).



- (d) Unusually shaped or elongated lots, as determined by the agent, that render reasonable measurement of the setbacks and minimum lot widths impossible, shall not be permitted.
- (e) Should the proposed lot fail to meet minimum lot width at the minimum front setback distance specified in

the zoning district regulations, the overall front setback distance may be increased to the point where the minimum lot width is met, if that is possible, provided that the resulting lot continues to meet all other setback and yard requirements and retains a suitable buildable area.

(Ord. No. 30A-41, 12-11-12)

Sec. 19-44. - Lot remnants.

Remnants of lots not meeting minimum lot requirements shall not generally be created by the subdividing of a tract. All such remnants shall be added to adjacent lots or, as approved by the agent, identified as common open space or natural open space.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-45. - Double frontage lots.

Double frontage lots shall not be permitted except where it is necessary that they abut existing streets with a functional classification other than local. Any access to such an existing street shall be prohibited by easement. This section shall apply to corner lots only if the lots abut such an existing street.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-46. - Separate ownership of lots to be subdivided.

Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property line is extinguished in the subdivision, each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Such a deed shall be recorded with the final plat.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-47. - Lot frontage.

Lots within major subdivisions shall not front on existing streets other than streets which are part of a recorded subdivision or an extension thereof.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-48. - Block length.

The length of blocks shall be determined by public safety, traffic flow and existing topographic conditions. Where streets are approximately parallel, connecting streets shall be provided. In addition, a minimum 50-foot right-of-way shall be platted to the property line at suitable intervals, as determined by the agent, where appropriate to afford access to undeveloped land. Such rights-of-way shall meet all applicable transportation department regulations.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-49. - Block width.

Blocks shall be designed to consist of two tiers of lots. If such block design is prevented by topographical conditions, open space, buffers, size of the property, adjoining major streets, railroads or waterways, the agent may approve a single tier of lots.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-50. - Street alignment and layout.

- (a) Streets in new subdivisions shall be designed to coordinate with other existing or planned streets contiguous to or within the general area of the subdivision as to location, width, grades and drainage. All street intersections shall be in accordance with transportation department standards. Street intersection jogs, with centerline offsets of less than 200 feet, shall be prohibited.
- (b) Where streets are planned in multi-phased subdivisions, and when those streets are planned to be constructed in different phases, the following requirements shall apply:
 - (1) These rights-of-way shall be clearly marked on the plats and labeled "Future Public Street" or "Future Public Street Extension" as appropriate.
 - (2) The following notation shall be incorporated into any plat showing a stub or future street: "This right-of-way is platted with the intent of being extended and continued in order to provide ingress and egress to and from future subdivisions or adjacent property."

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-51. - Street construction standards.

- (a) Subdivision streets, unless otherwise specifically provided for in this chapter, shall be paved and dedicated for public use in the state system of primary or secondary highways. Streets shall have a right-of-way width in accordance with transportation department standards. Street construction plans shall be submitted to the transportation department for approval as part of the subdivision review process required by this chapter. Construction of subdivision streets, unless otherwise permitted by this chapter, shall be in conformance with transportation department standards and accepted into the state system of primary or secondary highways prior to release of the construction surety. Streets of the entire subdivision as depicted on the master plan shall be designed to fit into a street hierarchy separating streets into categories based on traffic levels in accordance with transportation department standards.
- (b) Any private street permitted shall be certified to the satisfaction of the director of community development, or his designee, as having been constructed in accordance with all ordinance requirements and approved plans. Until such time as the director of community development has accepted and approved such certification, surety required to guarantee the proper construction of such private streets shall not be released. Construction certification shall be in accordance with administrative guidelines for certification of private street construction.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-24, 1-23-96; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13; Ord. No. 30A-46, 10-11-16)

Sec. 19-52. - Street drainage.

- (a) All drainage conveyance systems and associated components shall comply with the James City County drainage c guidelines.
- (b) Streets with a longitudinal slope of less than 0.75 percent as shown on the profile sheet of the preliminary and final plan shall be constructed as curb and gutter streets or as open ditch streets with a concrete paved ditch. The minimum longitudinal slope for any street to be constructed with a paved ditch shall be 0.5 percent.
- (c) The minimum longitudinal slope for curb and gutter sections shall be 0.3 percent. If curb and gutter is proposed for any portion of a subdivision, it shall be required for all subsequent sections which extend a curb and gutter improved street.
- (d) Drainage from street rights-of-way must be contained in either a pipe system constructed of materials approved by the transportation department, when within a street right-of-way, or a concrete paved ditch to the point where it outfalls into a drainage system that is adequate to convey the anticipated stormwater flows. Adequacy shall be provided consistent with state minimum standards. The paved ditch must have a minimum longitudinal slope of 0.3 percent. The upstream invert of any outlet pipe shall be 0.5 feet higher than the downstream invert and have a minimum slope of 0.2 percent. The downstream invert of the pipes or ditches must be at or above natural, existing ground. Side slopes of ditches not located within a public street right-of-way shall not exceed a slope of 3:1. These requirements may be waived or modified by the engineering and resource protection director upon written request and justification by the owner or developer.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12)

Sec. 19-53. - Pedestrian accommodations.

Pedestrian accommodations shall be required for all major subdivisions in accordance with section 24-35 of the zoning ordinance.

(Ord. No. 30A-17, 2-5-90; Ord. No. 30A-41, 12-11-12)

Sec. 19-54. - Cul-de-sac streets.

Cul-de-sac streets shall not exceed 1,000 feet in length. A cul-de-sac's length is measured from the center point of its turnaround, along the centerline of its right-of-way, to the centerline of the right-of-way of the nearest diverging or intersecting road. Each cul-de-sac shall be terminated by a turnaround meeting minimum transportation department and fire department standards.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-55. - Private streets.

There shall be no private streets permitted in any subdivision except where permitted by the zoning ordinance.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-56. - Street and subdivision names.

- (a) Proposed streets which align with existing streets shall bear the names of the existing streets. Names of proposed streets or subdivisions shall not duplicate, irrespective of suffixes, or be similar in sound or spelling

to existing street or subdivision names in James City County, the City of Williamsburg, or the northern portions of York County, and the southern portions of New Kent County which may be served by the Williamsburg or James City County Post Office, by common zip code or by interjurisdictional emergency services.

- (b) Street names shall be indicated on the preliminary and final plat and shall be approved by the agent. Names of existing streets or subdivisions shall not be changed except by approval of the governing body.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-57. - Street signs.

Permanent street identification signs shall be installed at all intersections. The signs shall be of a design approved by the agent, but at a minimum, the sign face shall meet all the design requirements of the transportation department.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-58. - Public water.

If public water is available, it shall be extended to all lots within a subdivision including recreation lots. Availability of public water shall be determined in accordance with the service authority regulations governing utility service.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-59. - Water facilities.

- (a) Major subdivisions inside the primary service area must connect to the service authority or Newport News Waterworks water system and the public sewer system.
- (b) If public water is not available, the subdivider of any major subdivision outside the primary service area shall construct a central water system including distribution lines, storage, treatment and supply facilities within the subdivision. Central water service shall be extended to all lots within a subdivision, including recreation lots. Upon completion and acceptance of the improvements, the water system, together with all necessary easements and rights-of-way, including the well lot, shall be dedicated to the service authority by deed and an accompanying plat.
- (c) The central water system requirement may be waived by the service authority manager. Such a waiver shall be requested in writing by the subdivider and approved prior to submission of preliminary plans. Any waiver may be subject to reasonable conditions which shall be communicated in writing to the agent and subdivider.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-60. - Individual wells.

If public water is not available, each lot in a minor subdivision shall be served by an individual well. All individual wells shall be approved by the health department or the service authority prior to approval of the subdivision plat.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-61. - Public sewer.

If public sewer is available, it shall be extended to all lots within the subdivision, including recreation lots. Availability shall be determined in accordance with the service authority regulations governing utility service.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-62. - Individual sewer.

If public sewer is not available, each subdivision lot shall be served by individual on-site sewage disposal systems in accordance with the following:

- (1) Individual on-site sewage disposal systems for each lot must be approved by the health department and shall be a soil absorption system of conventional or alternative design.
- (2) The plans for such subdivisions shall include specific on-site sewage disposal system locations, including primary and reserve drainfields and soils information, as well as appropriate notation as required in section 19-29 (l) and (m). The immediate area in and around each proposed system must be shown using a contour interval not greater than two feet; the contour area shown outside the system should be sufficient to establish the relationship of the area to relevant topographic features such as, but not limited to, drainage ways, sink holes, road cuts, and steep slopes. The record plat shall clearly designate each lot which has been approved by a soil absorption system of alternate design and shall contain a note which clearly discloses that such alternate systems may entail additional expenses.
- (3) For the purpose of subdivision of new lots, the on-site sewage disposal system must meet health department regulations that enable the health department to approve the system in perpetuity through a certification letter. For these new proposed lots, the applicant shall obtain subdivision approval from the county prior to health department issuance of any construction permits.

Any proposed lots not suitable for the installation of on-site sewage disposal systems shall be combined with lots that are suitable.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-31, 4-13-04; Ord. No. 30A-41, 12-11-12)

Sec. 19-63. - Regulations governing utility service.

All subdividers shall comply with the service authority regulations governing utility service.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-64. - Inspection of public water, sewer, and stormwater system.

- (a) Inspection of public water or sewer system installations shall be the responsibility of the service authority. Any subdivider of a subdivision shall obtain a certificate to construct sewer or water lines and facilities from the service authority prior to either extending existing facilities or building new facilities. Certificates to construct shall not be issued until the subdivider has paid the service authority inspection fees.
- (b) Inspection of public stormwater system installations shall be the responsibility of the county. Any subdivider of a subdivision shall obtain a certificate to construct stormwater system installations prior to either altering existing installations or building new installations. Surety provided in accordance with section 19-74 shall not be released until approved in accordance with section 19-74(b).

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-20, 5-6-91; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-32, 10-26-04; Ord. No. 30A-35, 5-27-08; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-65. - Fire protection.

Fire hydrants shall be installed in subdivisions at locations designated by the fire chief and the service authority at the time of an extension or construction of a public water system.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-66. - Streetlights.

- (a) The subdivider shall install streetlights as determined by the engineering and resource protection director and in accordance with article II, division 7 of the zoning ordinance and the streetlight standards policy, as approved by the governing body, in those subdivisions which require the construction of streets. The subdivider shall deposit with the agent one year's rent for the streetlight system prior to approval of the final plan. If the streets within the subdivision are not accepted by the transportation department prior to the end of the one-year billing period covered by the deposit, the subdivider shall compensate the county for any additional rental charges incurred prior to release of the subdivision surety.
- (b) Streetlights, in subdivisions with private streets, shall be installed by the subdivider as determined by the engineering and resource protection director and in accordance with article II, division 7 of the zoning ordinance and the streetlight standards policy, as approved by the governing body. Such streetlights shall be maintained and all operating expenses paid by the homeowners' association or other legal entity responsible for such expenses. The establishment of a homeowners' association or other legal entity shall be demonstrated to the satisfaction of the county attorney.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12)

Sec. 19-67. - Off-site sewer, water, and drainage costs.

The subdivider shall be required to pay a pro rata share of the cost of providing reasonable and necessary sewer, water or drainage improvements located outside of the property limits of the land owned or controlled by him whenever the following conditions exist:

- (1) The county determines that such off-site improvements to sewer, water or drainage are necessitated at least in part by the construction or improvement of the subdivision.
 - (2) The county or other appropriate authority has established a general sewer, water or drainage improvement program for an area having related and common water, sewer and drainage conditions.
 - (3) The subdivider's property is located within said designated area covered by such program.
 - (4) The estimated cost of the total water, sewer or drainage improvement program has been determined.
 - (5) The estimated water flow, sewage flow or stormwater runoff has been established for the designated area served by such program.
- (b) The subdivider's share of the above-estimated cost of improvements shall be limited to the proportion of such estimated cost which the increased water and sewage flow or increased volume and velocity of stormwater

runoff to be actually caused by his subdivision bears to the total estimated volume and velocity of such water, sewage or runoff from such area in its fully developed state.

- (c) Such payment received by the county shall be expended only for construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider; provided, however, that, in lieu of such payment, the county may permit the subdivider to post a bond with surety satisfactory to the county conditioned on payment at commencement of such construction.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-68. - Off-site road improvements.

A subdivider may voluntarily contribute and the county may accept funds for off-site road improvements substantially generated and reasonably required by the construction or improvement of the subdivision.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-41, 12-11-12)

Sec. 19-69. - Dedication and reservation of land for public purposes.

- (a) A subdivider may be required to dedicate or reserve land in the following ways:

- (1) Up to a maximum of five percent of the land subdivided for public purposes including, but not limited to, parks, playgrounds, well lots, schools, libraries, municipal buildings and similar public or semipublic uses;
- (2) Whenever there shall be plans in existence, approved by either the transportation department or by the governing body, for the widening, extension or construction of any street or highway, the commission may require the dedication or reservation of necessary right-of-way, including right-of-way for turn lanes, drainage, sidewalks and bikeways, in order to preserve and protect the planned future right-of-way for such proposed street or highway.

The governing body shall not be required to compensate any owner for such land if the need for the land is substantially generated by the subdivision. No land shall be reserved in such manner that would render it unusable to the subdivider if not used for the intended public purpose. The subdivider may petition the governing body to release the reservation of any land so reserved if not used for a proper purpose within a reasonable time.

- (b) A subdivider that provides for the transfer of adequate and suitable land for parks and playgrounds to a subdivision homeowners' association or a subdivision recreation association shall not be required to dedicate additional land for parks and playgrounds.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-70. - Establishment of homeowners association.

Within any major subdivision approved under this article in which an area is intended to be used in common for recreation and/or conservation, or other public or semipublic purposes, or where other improvements have been made in which operation and/or maintenance is the responsibility of the homeowners, no lot shall be approved, recorded, sold,

or used within the development until appropriate documents in a form approved by the county attorney have been executed. Such documents shall set forth the following:

- a. The nature of the permanent organization under which common ownership is to be established, including its purpose, and provisions establishing requirements for mandatory membership;
- b. How it shall be governed and administered;
- c. The provisions made for permanent care and maintenance of the common property or improvements, including surety when required by the county;
- d. The method of assessing the individual property for its share of the cost of adequately administering, maintaining and replacing such common property; and
- e. The extent of common interest held by the owner of each individual parcel in the tract held in common with others.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Sec. 19-71. - Entrance feature review.

The developer shall submit plans for all residential subdivision identification signs, supporting structures, and entrance features to be reviewed with the preliminary subdivision plans under the requirements of article II, division 3 of the zoning ordinance.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-72. - Stormwater management feature review.

Stormwater management features shall be screened in accordance with article II, division 4 of the zoning ordinance.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)

Sec. 19-73. - Shared driveway requirements for minor subdivisions.

- (a) For all minor subdivisions of three or more lots, direct access from all lots to the existing road shall be limited to one shared driveway.

This requirement shall not apply to developed lots within a proposed minor subdivision. However, as long as there are three or more other lots that are undeveloped, this requirement shall apply to those lots. Upon the request of the subdivider, and after finding that such waiver would not adversely affect public health, safety or welfare, the agent may waive this requirement for subdivisions inside the primary service area which are along local roads, as defined.

- (b) Such driveway shall have a paved surface at least ten feet wide consisting of two inches of pavement over four to six inches of stone aggregate. In addition, the shared driveway must meet all applicable transportation department requirements for the portion of the driveway that ties into the public road. A detail depicting the driveway specifications shall be included on the subdivision plat. An erosion and sediment control plan and land disturbance permit may be required for the shared driveway, as determined by the engineering and resource protection director.

- (c) Such driveway shall be located within a shared access easement that is depicted on the subdivision plat.
- (d) No such subdivision shall be recorded until appropriate shared care and maintenance documents in a form approved by the county attorney have been executed. Such documents shall be recorded concurrently with the subdivision plat and shall set forth the following:
 - (1) The provisions made for permanent care and maintenance of the shared driveway and any associated easement, including surety when required by the county; and
 - (2) The method of assessing the individual property for its share of the cost of adequately administering, maintaining and replacing such shared driveway.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)

Section 19-73.1. - Street trees.

Street trees shall meet the following requirements:

- (a) In all major subdivisions, deciduous shade trees shall be planted as street trees along all rights-of-way within the subdivision. Such trees shall generally be located within a five-foot landscape preservation easement contiguous to such right-of-way. Where located within an easement, the subdividing landowner shall dedicate the easement together with a maintenance easement to the property owners' association or other entity approved by the agent and county attorney. Street trees may also be located within the right-of-way. When located within the right-of-way, the trees will need to meet any applicable Virginia Department of Transportation (VDOT) standards and maintenance provisions. Street trees should only be located within the right-of-way when topographic, utility or other constraints prohibit the landscape preservation easement from being located adjacent to the right-of-way.
- (b) The easement or right-of-way shall contain at a minimum, one tree planted approximately every 40 feet.
- (c) All trees planted to meet this requirement shall have a minimum caliper of one and one-half inch and conform to the provisions of section 24-94 of the zoning ordinance. Existing trees within the landscape preservation easement that are protected and preserved in accordance with the standards contained in the zoning ordinance may be used to satisfy the planting requirement.
- (d) All street trees shall be deciduous shade trees that are native species or street trees commonly planted in James City County and adaptive to the soils and climate of James City County. If an applicant wishes to substitute the required shade trees with an evergreen or ornamental tree, a landscape modification request form referenced in section 24-91 of the zoning ordinance may be submitted for consideration by the planning director.
- (e) Installation. Unless otherwise approved by the director of planning or his designee, plantings shall occur between September and February while the plant materials are dormant. Installation shall be guaranteed in accordance with article IV of this chapter.

(Ord. No. 30A-48, 6-12-18)

ARTICLE IV. - PERFORMANCE ASSURANCES

Sec. 19-74. - Installation of improvements and bonding.

- (a) Prior to approval of the final plat, all publicly or privately maintained and operated improvements which are required by this chapter shall be completed at the expense of the subdivider. Pending such actual completion, the subdivider may obtain final plat approval by providing for completion of the required improvements by entering into an 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 the cost of all the improvements required to be installed by the subdivider as estimated by the engineering and resource protection director. Such documents shall be submitted to the engineering and resource protection director. The form of the agreement and type of surety shall be to the satisfaction of and approved by the county attorney. The length of time in which the improvements are to be completed shall be determined by the engineering and resource protection director. If the improvements are not completed in a timely manner, the engineering and resource protection director shall proceed to complete the improvements by calling on the surety.
- (b) Upon written request by the subdivider, the engineering and resource protection director shall make periodic partial releases of surety in a cumulative amount equal to no less than 80 percent of the original amount of the surety based upon the percentage of facilities completed and approved by the county, service authority or state agency having jurisdiction. Periodic partial releases shall not occur before the completion of at least 30 percent of the facilities covered by any surety or after completion of more than 80 percent of said facilities. The engineering and resource protection director shall not be required to execute more than three periodic partial releases in any twelve-month period.
- (c) Within 30 days after receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the engineering and resource protection director shall notify the subdivider of any nonreceipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures. "Written notice" shall consist of a letter from the subdivider to the engineering and resource protection director requesting reduction or release of the surety along with a set of as-built plans, if required, and a certificate of completion by a duly licensed engineer.
- (d) If no action is taken by the engineering and resource protection director within the thirty-day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail to the county administrator. The engineering and resource protection director shall act within ten working days of receipt of this request. If no action is taken, the request shall be deemed approved and final release granted to the subdivider.
- (e) Upon final completion of said facilities, the engineering and resource protection director shall release any remaining surety to the subdivider. For the purposes of final release, completion shall be deemed to mean either:
 - (1) Acceptance of the public facility for operation and maintenance by the state agency, county government department or agency or other public authority which is responsible for maintaining and operating such facility upon acceptance. This process only applies to those agencies that operate and maintain the applicable systems.
 - (2) Review and approval of the facility's as-builts and construction certifications as required, and acceptable resolution of any field-related deficiencies as determined by the engineering and resource protection

director.

- (f) In instances of multifamily or apartment development that will not involve subdivision of land, required public improvements shall be guaranteed in accordance with section 24-8 and 24-42 of the zoning ordinance. In addition, in instances of conditions attached to a rezoning or amendment to a zoning map, improvements required by the conditions shall be guaranteed in a public improvement bond in accordance with section 24-17 of the zoning ordinance.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-39, 7-26-11; Ord. No. 30A-41, 12-11-12)

ITEM SUMMARY

DATE: 8/11/2022

TO: The Policy Committee

FROM: Jose Ribeiro, Senior Planner II & Landscape Planner

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

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	1. Initiating Resolution	Resolution
☐	2. Community Character Chapter	Backup Material
☐	3. CCC Buffer Treatment	Backup Material
☐	4. Land Use Chapter	Backup Material
☐	5. Rural Roadway Preservation Analysis	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Walker, Jim	Approved	8/4/2022 - 1:34 PM
Policy	Holt, Paul	Approved	8/4/2022 - 1:35 PM
Publication Management	Daniel, Martha	Approved	8/4/2022 - 2:12 PM
Policy Secretary	Secretary, Policy	Approved	8/4/2022 - 2:31 PM

MEMORANDUM

DATE: August 11, 2022

TO: The Policy Committee

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

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

Introduction

At its meeting on October 26, 2021, the Board of Supervisors unanimously adopted the 2045 James City County Comprehensive Plan: *Our County, Our Shared Future*. The adopted plan includes the following strategy within the Land Use Chapter that focuses on preserving scenic roadways:

LU 6.3 - To help retain the character of Rural Lands, develop additional zoning and subdivision tools (e.g., scenic easement dedication requirements, increased minimum lot sizes, increased setbacks, and/or overlay districts) to protect and preserve scenic roadways such as Forge Road. Consider 400-foot setbacks along Community Character Corridors outside the PSA.

Aligning with this adopted strategy, the Board of Supervisors adopted an Initiating Resolution pertaining to the Zoning Ordinance and Subdivision Ordinance (see Attachment No. 1) at its meeting on November 23, 2021. The Initiating Resolution directs staff to consider additional requirements in both the Zoning Ordinance and Subdivision Ordinance to preserve scenic roadways such as Forge Road. To proceed with this amendment, staff seeks the Policy Committee's feedback or confirmation on a) what constitutes a scenic roadway, and b) which preservation tools should be explored for consideration for these roads.

Scenic Roadway Definition

The term "scenic roadways" is not specifically defined within the County Subdivision Ordinance or Zoning Ordinance or the adopted 2045 Comprehensive Plan, though "scenic resource corridors" are defined within the Zoning Ordinance as Community Character Corridors (CCCs) within the Comprehensive Plan. However, the County has a well-established practice of designating certain roadways as being important to the character of the County. Initially, "Greenbelt" roadways were designated on the 1975 Comprehensive Plan along five major segments of roads which were deemed to have great scenic value and contributed to the semi-rural character of the County. With public input, the concept and list of road segments expanded over time, and in 1997, Greenbelts were renamed CCCs in the Comprehensive Plan to recognize the diverse characteristics of these roads (wooded, suburban/urban, and open/agricultural). Over time, the CCC designation and related policies and Ordinance requirements have been critical in preserving the character of these roads and adjacent areas.

The 2045 Comprehensive Plan contains standards and guidelines for how CCCs are to be treated during development and how to preserve the unique community character along these key corridors throughout the County (see Attachment Nos. 2 and 3). Currently, there are three different types of landscape design guidelines for development along CCCs with buffer treatments: Open/Agricultural, Urban and Suburban, and Wooded. These guidelines are tailored to each CCC to ensure that character is preserved when development is proposed within the County.

Complementing its review of the Comprehensive Plan, Planning staff researched the existing scenic road designations from the Federal Highway Administration (FHA) and the Virginia Department of Transportation (VDOT). Both government agencies have designated three roadways as scenic within the County. The FHA has recognized the Colonial Parkway as a National Scenic Byway and has further designated it as an All-American Road meaning this byway has at least two intrinsic qualities in the National Scenic Byway program: Natural Quality and Historic Quality. The Colonial Parkway has been carefully planned and maintained by the National Park Service since its completion in the 1950s and is currently classified as a Wooded Community Character Corridor in the 2045 Comprehensive Plan.

VDOT has designated John Tyler Memorial Highway (Route 5) and Greensprings Road (Route 614) as Virginia Scenic Byways. A Virginia Scenic Byway is a road designated by the Commonwealth Transportation Board (CTB) as having relatively high aesthetic or cultural value, leading to or within areas of historical, natural, or recreational significance. John Tyler Memorial Highway and Greensprings Road are currently classified as Wooded Community Character Corridors in the 2045 Comprehensive Plan.

For the purpose of these Ordinance amendments to implement Land Use (LU) 6.3 for the Rural Lands of the County, staff recommends the Policy Committee identify “scenic roadways” as portions of CCCs located outside of the Primary Service Area (PSA). Should the Policy Committee proceed with this approach, the segments of the following CCCs outside the PSA would be considered for additional regulations as part of this Ordinance amendment process:

1. Forge Road (classified as “Open/Agricultural”)
2. Old Stage Road (classified as “Open/Agricultural”)
3. Richmond Road (classified outside the PSA as “Wooded”)
4. Monticello Avenue (classified outside the PSA as “Wooded”)
5. John Tyler Memorial Highway (classified outside the PSA as “Wooded”)
6. Riverview Road (classified as “Wooded”)
7. Centerville Road (classified as “Wooded”)
8. Colonial Parkway (classified as “Wooded”)

Current Preservation Tools

The County has several existing tools that offer a basic level of protection for roads that are considered scenic within the County. The most commonly applied tools are setbacks within each zoning district, buffering requirements for CCCs, and conservation easements voluntarily negotiated between property owners and the County.

- **Setbacks** - A setback is defined as “The distance by which any building or structure must be separated from the front lot line.” Since there is not a section within the Zoning Ordinance that defines scenic roadways and provides setbacks in accordance with their scenic designation, setbacks are applied uniformly within each zoning district. The vast majority of property designated for Rural Lands within the County is zoned A-1 District, which has a minimum setback requirement that is determined by the width of the adjacent right-of-way (ROW) and the acreage of the lot. This requirement is a minimum of 50 feet and ensures that this area on private property is free of structures that could interrupt the viewshed. Currently, the setback requirements within the A-1 District does not vary based on whether or not an adjacent road is considered scenic.
- **Buffers** - While setbacks only address structures and the distance they must be from the front lot line, buffers typically regulate all land use within a given area. In James City County, this will typically specify that existing vegetation remain undisturbed and/or that additional plant material be included to meet minimum planting requirements. While most zoning districts in the County require an ROW buffer for major subdivision developments (with an increased width for CCCs), this requirement is currently not included in the A-1 District (although there are some screening requirements in the

Landscaping section that may apply depending on the development configuration and adjacent zoning districts). For minor subdivision development, the A-1 District is similar to most other districts in not requiring a buffer. On the commercial use side, landscape buffer requirements found in the Landscaping section (Article II, Division 4) apply across all districts; section 24-98 covers landscape areas along rights-of-way, specifying an average width of 50 feet along CCCs and an average width of 30 feet along other roads.

- **Scenic Conservation Easements** - Prior to the County having ROW buffer requirements for CCCs in the Zoning Ordinance, the County and developers sometimes used scenic conservation easements as a way to uphold landscape standards along CCCs (e.g., Williamsburg West and St. George's Hundred). This was an inconsistent practice and became less utilized as the master plan and proffer system came into more widespread use and subsequent Zoning Ordinance requirements standardized minimum expectations for commercial developments and major subdivisions. Historically, the County has used its Greenspace Program to partner with willing property owners to extend scenic protection to certain properties. Specific examples have included a 150-foot scenic easement on property along Route 5 outside the PSA where there was no timbering buffer, a 400-foot scenic easement across the lots in Warren Farm Estates on Forge Road. More typically, scenic protection has been addressed as one item within a more extensive open space easement, such as the 1,000-foot visual buffer for Carlton Farms and the 400- to 800-foot landscape buffer for the Peaceful Meadows Farm.
- **Timbering Requirements** - There are some provisions in the Zoning Ordinance that address timbering (forestry activities) as a use, with the intent of addressing impacts of this use on community character. Section 24-43 of the Ordinance has buffer and setback requirements for timbering activities adjacent to rights-of-way. The buffer provisions of 75 feet and 150 feet, for roadways and CCCs respectively, do not apply to A-1 zoned land, and the 50-foot setback for timbering currently only applies to A-1 zoned land inside the PSA.

Potential Scenic Roadway Preservation Tools

Staff has provided an initial analysis of the examples listed within Goals, Strategies, and Actions (GSA) LU 6.3 (as well as an additional option) as a starting point for discussion by the Policy Committee. Staff has provided a table highlighting the major strength and weakness of each option for consideration by the Policy Committee. EPR, PC has provided a visual analysis of viewsheds and structures at specific distances from a roadway (see Attachment No. 5) to aid discussion of these options. This document is intended to show the Policy Committee how these distances affect character and what the current development pattern is within these distances.

Table 1: Requirement Options for Scenic Roadway Protection

GSA Option	Strength	Weakness
1. Scenic Easement Dedication Requirement	Could give the County the ability to regulate improvements within a certain distance of the ROW of scenic roadways, including those improvements not affected by setbacks (e.g., fencing).	After discussing this option with the County Attorney's Office, staff has concluded that requiring scenic easement dedication as an administrative requirement within the Subdivision Ordinance is not legally viable.
2. Increased Minimum Lot Size	Decreases development potential for future subdivisions along scenic roadways	Would only affect lots to be created in the future and could be potentially redundant, given the Ordinance amendment for the A-1 and R-8 Districts being considered; changing the minimum lot sizes without changing setbacks, could still allow structures to be constructed closer to the roadway.
3. Increased Setbacks/Buffering	Could immediately preserve the viewshed (open, wooded, etc.) for a set area through an established mechanism commonly implemented within the existing Zoning Ordinance.	Could create lawful non-conformities and restrict the development potential of shallower lots (though exemptions and grandfathering can be included to prevent undue hardship).
4. Overlay Districts	An approach that would allow regulations to be specifically crafted to the context of each scenic roadway. These regulations could include development standards, architectural review, etc.	An intensive zoning text amendment that would require the County to initiate the rezoning of hundreds of parcels, with additional development standards that could potentially exceed the scope of LU 6.3. Staff would need to determine if these are legally possible since this tool is frequently used in other localities in the context of protecting designated historic areas.
5. Mandatory Clustering for Major Subdivisions	Preserving 70% to 80% of open space of adjacent land would provide significant protection of scenic vistas and viewsheds.	Unless coupled with setback requirements specific to scenic roadways, this would not prevent residential development from occurring immediately adjacent to scenic roadways; this tool may not protect development occurring under minor subdivisions or with existing lots.

Based on staff's initial analysis provided above, staff does not recommend further evaluation of Option Nos. 1, 2, or 4. However, staff does recommend further evaluation of Option No. 3. Staff could further evaluate Option No. 5, as directed. Staff anticipates receiving an analysis of the scenic road preservation tools employed by peer localities within the Commonwealth of Virginia from EPR, PC prior to the next Policy Committee meeting, which will help inform staff's evaluation of Option Nos. 3 and 5.

Recommendation

Based on the materials provided by EPR, PC and the analysis presented in the overview above, staff recommends the Policy Committee, for the purpose of fulfilling the intent of this Initiating Resolution and LU GSA 6.3 (which focuses on those roadways outside of the PSA) identify “scenic roadways” as those portions of CCCs located outside of the PSA. Furthermore, staff recommends that the Policy Committee direct Planning staff to further evaluate Option No. 3 for scenic roadway protection.

TW/JLR/JR/md

ORD22-1ScenicRdProt-mem

Attachments:

1. Initiating Resolution
2. 2045 Comprehensive Plan Community Character Chapter
3. Community Character Corridor (CCC) Buffer Treatment Guidelines and Map
4. 2045 Comprehensive Plan Land Use Designation Description for Rural Lands
5. Rural Roadway Preservation Analysis

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

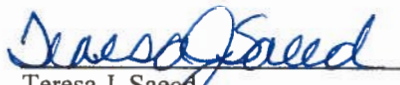
WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance and Subdivision Ordinance.

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

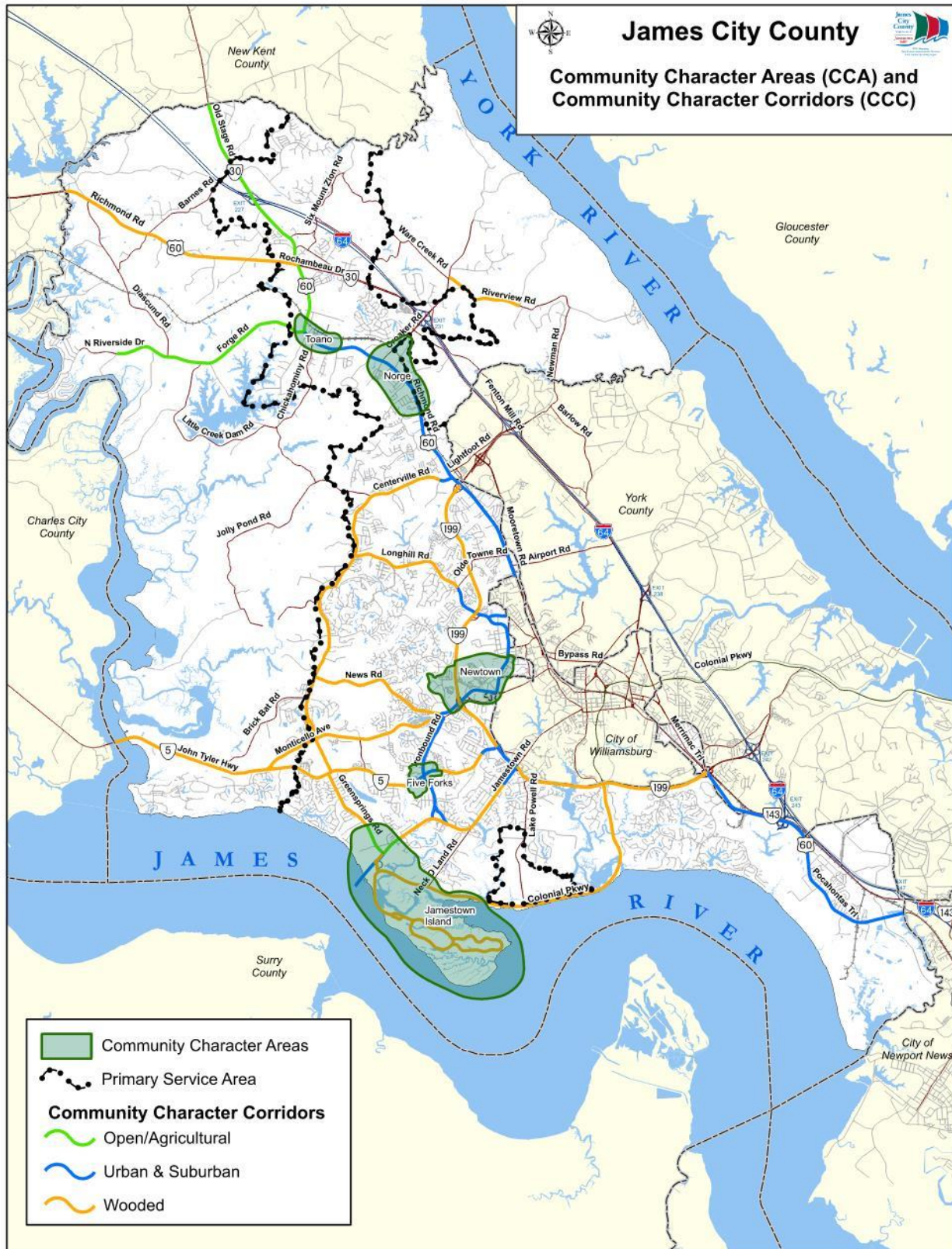
the County. Further action through the revised and updated Strategies and Actions will continue these efforts into the future.

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.

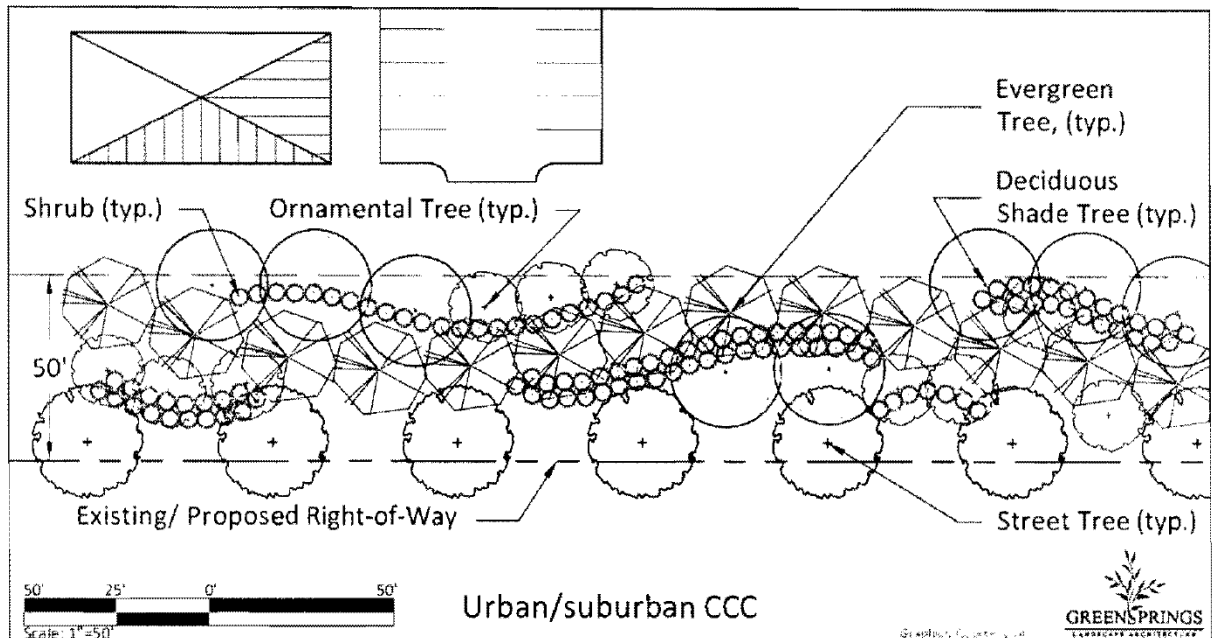
Urban/Suburban Community Character Corridors

- 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



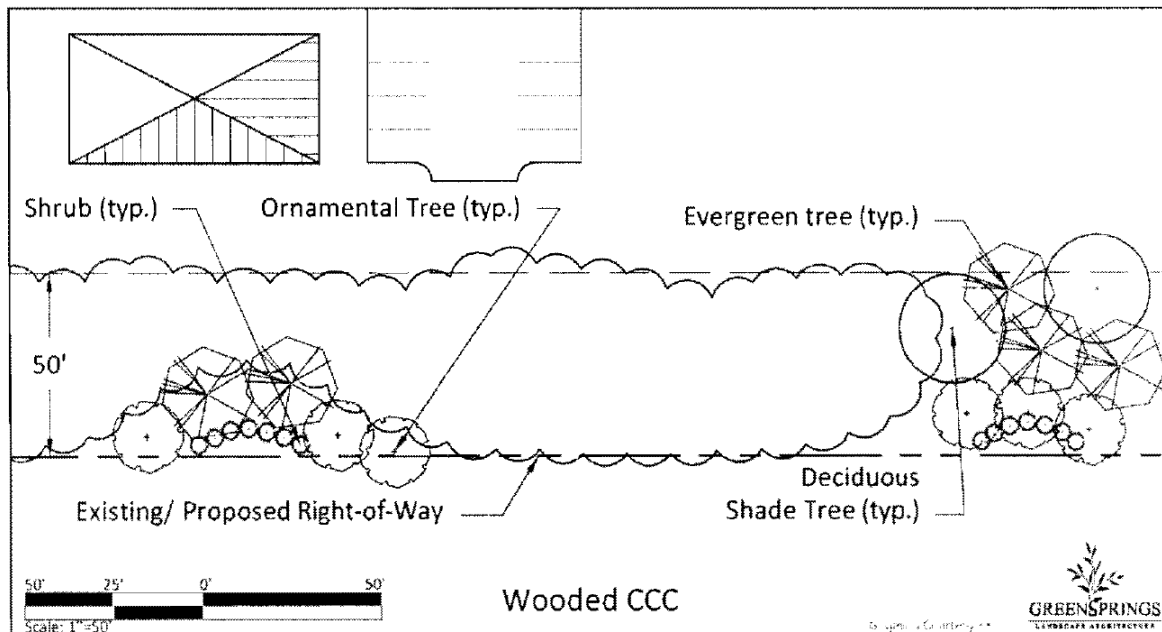
Wooded Community Character Corridors

- 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



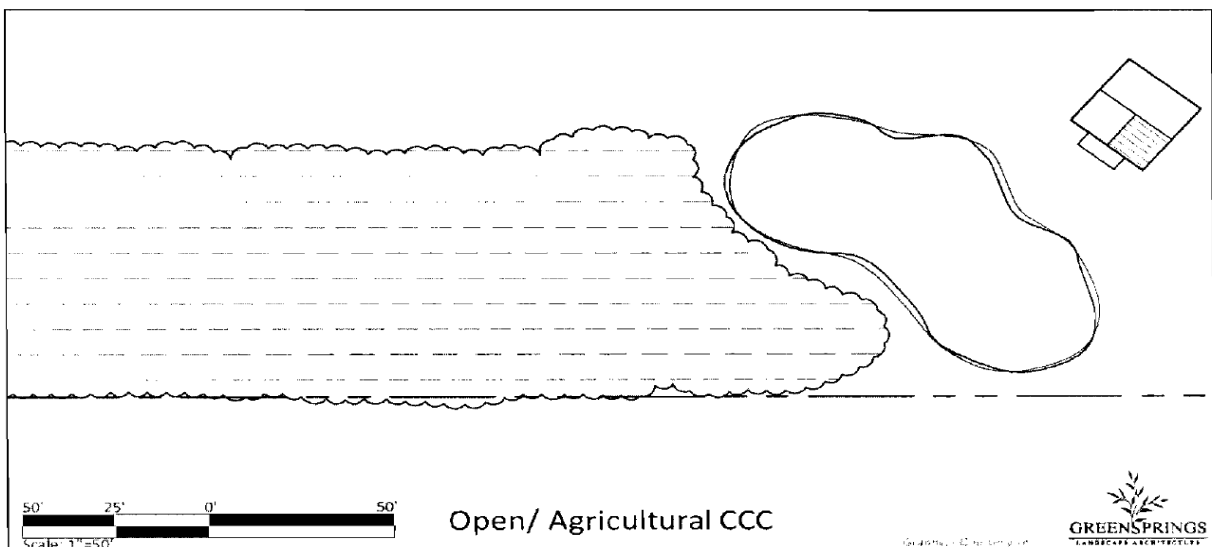
Open/Agricultural Community Character Corridors

- 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

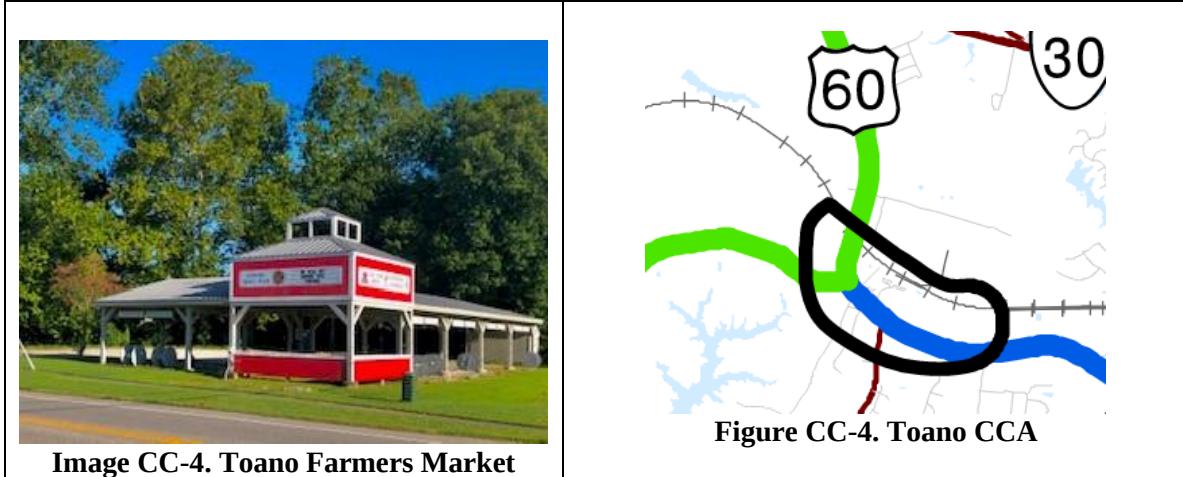
During the 1997 Comprehensive Plan process, certain areas of James City County were confirmed as important places during the public participation process. The following areas are identified as Community Character Areas (CCAs):

- 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.

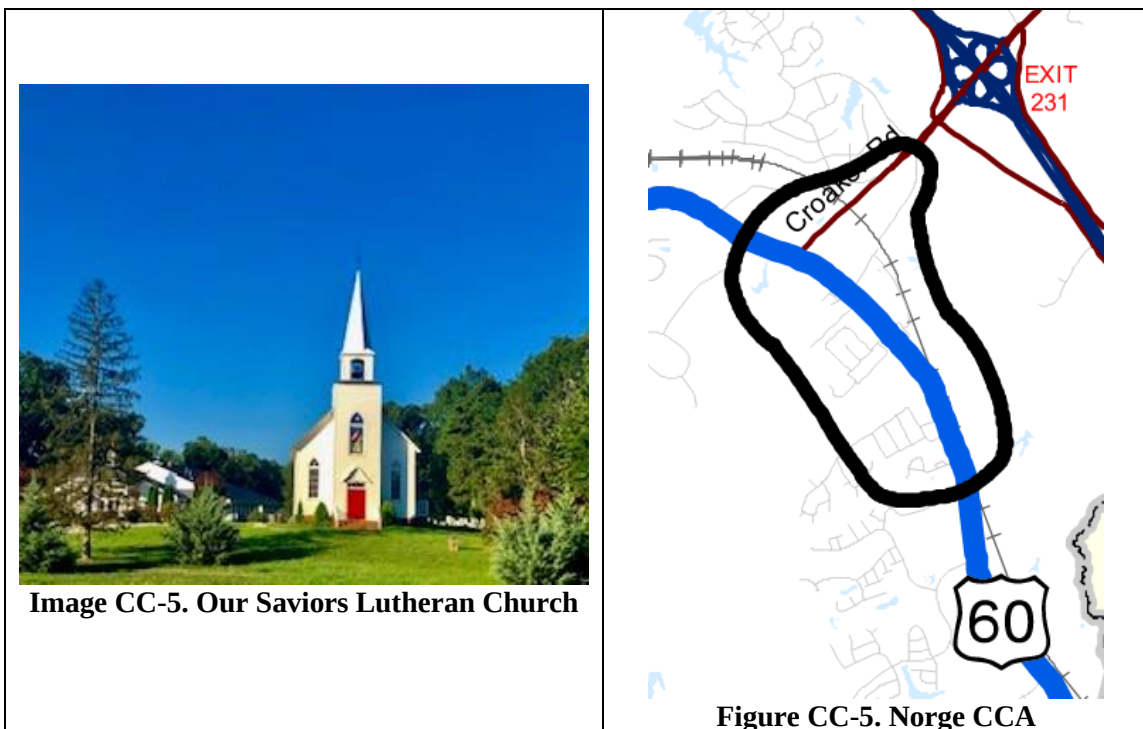
The addition of the railroad allowed commerce to grow, and by the early 20th century downtown Toano included the C&O depot, a variety of retail shops and trades services, banks, inns, and a school. The area became known as a “Village of Stores” and solidified itself as an important commercial hub for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

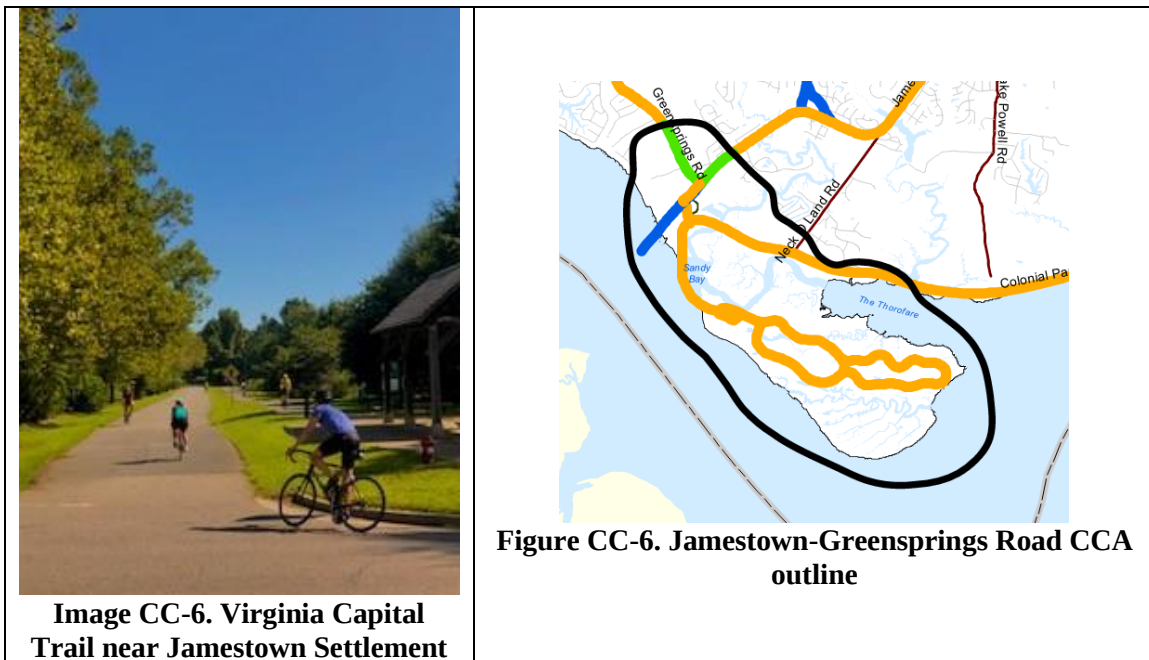
In contrast to Toano, Norge has been more impacted by recent commercial development along Richmond Road and has not been the subject of a subarea study. While Norge continues to have a unique and identifiable residential component located off Richmond Road, along with some pedestrian-oriented storefronts, 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.



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



Image CC-7. Center Street at New Town Avenue

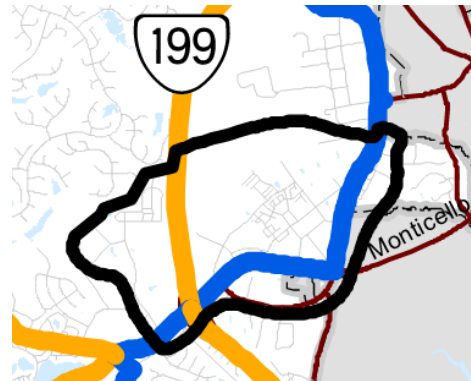


Figure CC-7. New Town CCA outline

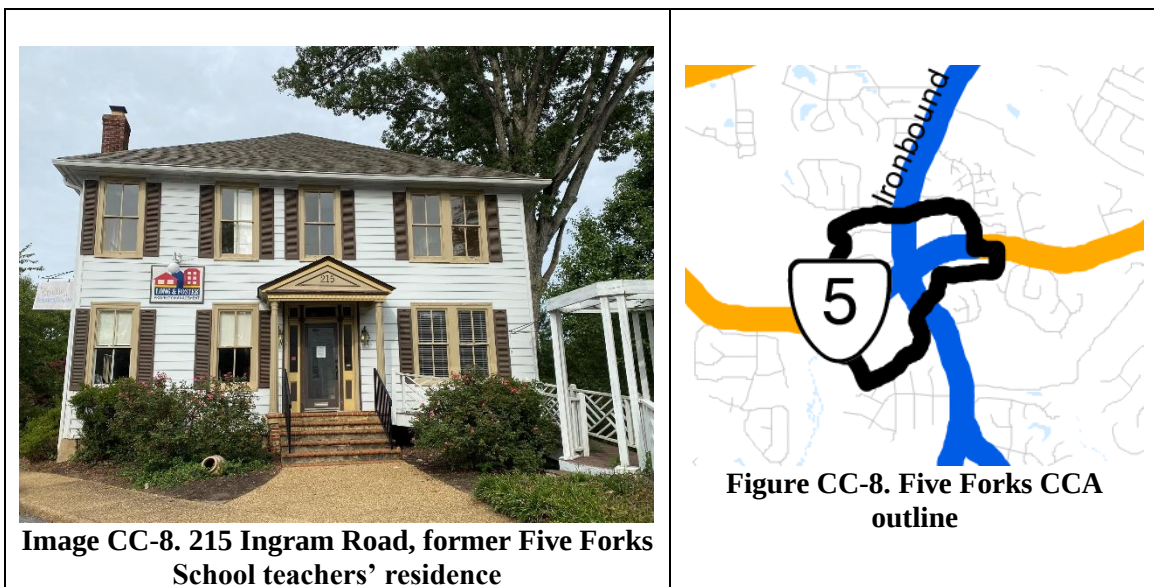
In August 1995, James City County and the C.C. Casey Limited Company sponsored parallel design competitions for a Courthouse and Town Plan, respectively, to be located on approximately 600 acres known as the “Casey” Property. The winning town plan, chosen from among 99 entries worldwide, was submitted 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.

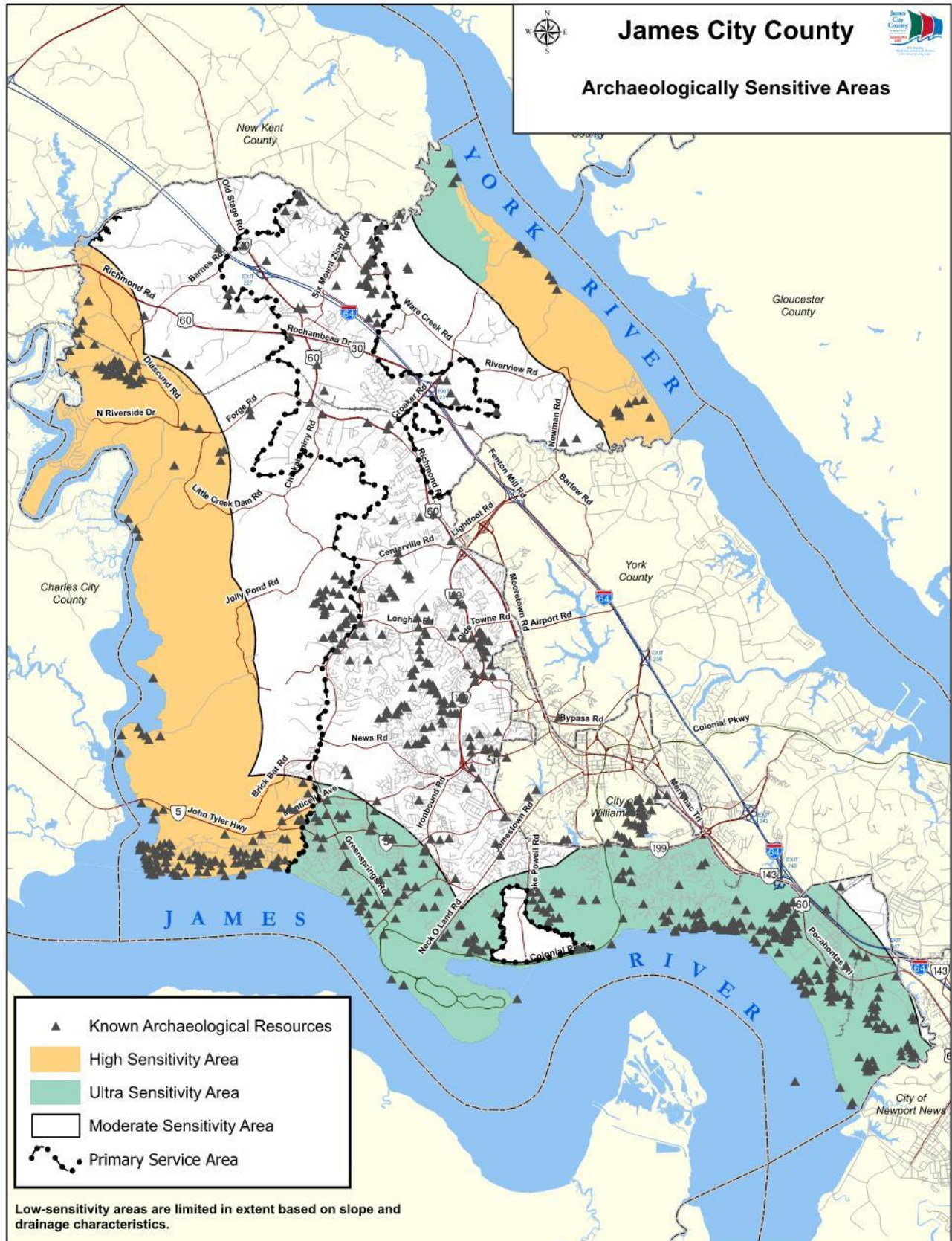
In addition to development-related requirements, the following studies have been commissioned to identify and evaluate the archaeological and historic resources in the County, and future opportunities for updates to these studies could be explored:

- *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.

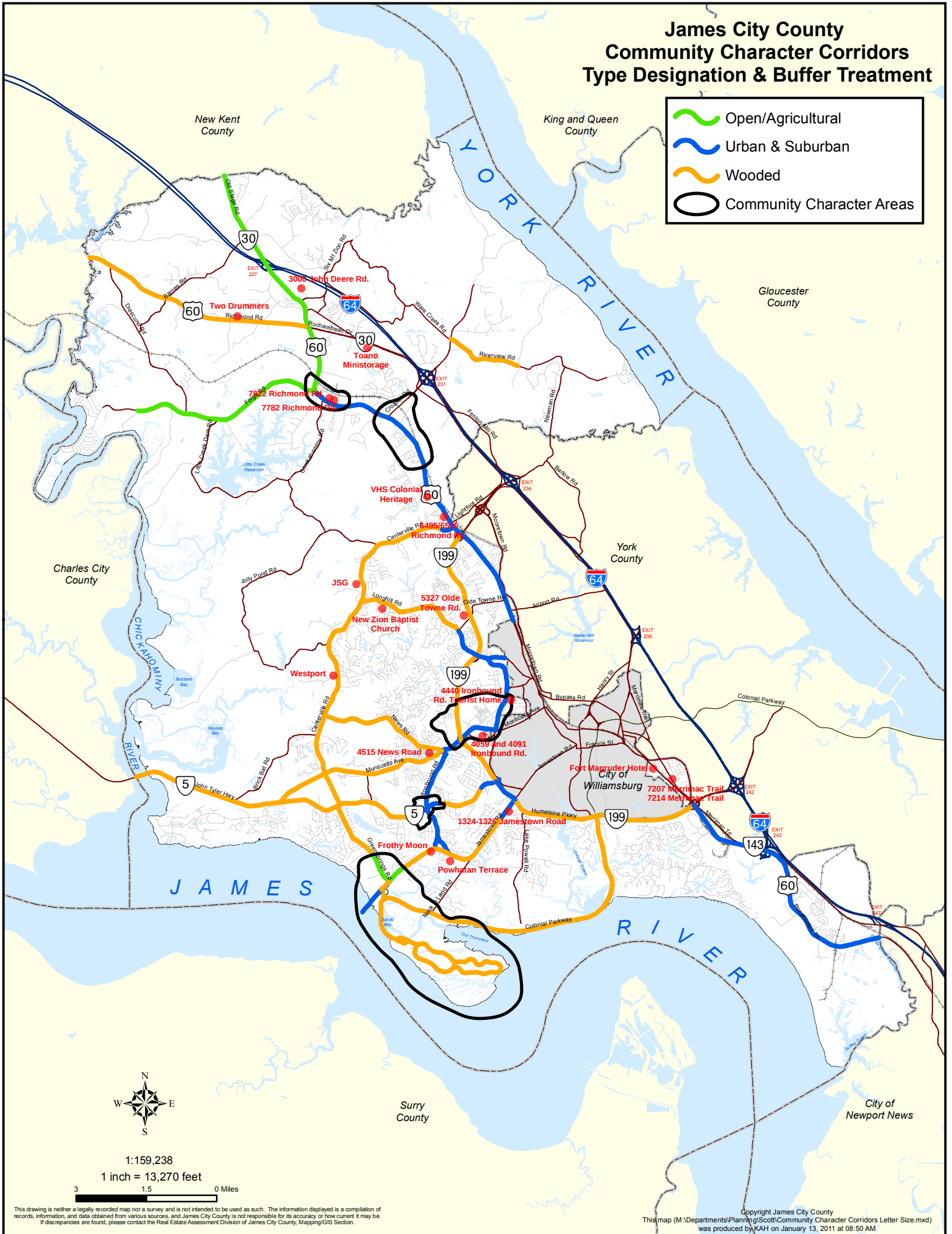
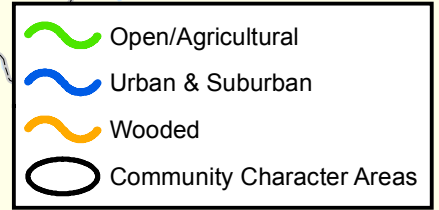
CC 6 - Identify and protect archaeological and historic sites.

- 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.

James City County Community Character Corridors Type Designation & Buffer Treatment



Land Use

Introduction

Land use planning attempts to align the related, yet sometimes competing, needs for population, economic development, public facilities, parks and recreation, environment, housing, transportation, and community character into a single coherent vision for future land development in the community. This vision is expressed in the community's land use policies, translated into its land use map, and supported through its Goals, Strategies, and Actions (GSAs). Together these elements make up the land use plan for the community.

The Land Use Chapter Goal, and the Strategies and Actions, are listed at the end of the chapter. After careful review and public input, the Goal language maintains the emphasis on reinforcing and improving the quality of life for citizens, but has been revised to add language about land use approaches within the Primary Service Area (PSA) and outside the PSA. The linkage from Land Use to the goals in the other eight chapters is maintained. The Goal now states: **“Achieve a pattern of land use and development that reinforces and improves the quality of life for citizens by encouraging infill, redevelopment, and adaptive re-use within the PSA; limiting development on rural and natural lands outside the PSA; and achieving the other eight goals of this Comprehensive Plan.”** Many important Land Use Chapter implementation activities have been achieved in the last five years, as detailed in the Spotlight on Implementation section. However, as the information in this chapter explains, further action through the revised and updated Strategies and Actions will be needed.

Key Planning Influences

Growth Management

The linchpin of James City County's land use planning is growth management. In simple terms, growth management is a set of tools to address the timing, character, and location of development so that growth occurs in an orderly and efficient manner. It answers the questions of where growth should occur, how it should occur, and when it should occur.

Growth management, however, does not seek to stop growth. Localities inevitably evolve over time, and planning for growth is a proactive way of preparing for these anticipated changes. Equally important, the *Code of Virginia*, as well as court decisions throughout the nation and Virginia, provide guidance requiring municipalities to reasonably plan for and accommodate growth. Caps on building or population are not permitted under Virginia law.

In general, growth management tools fall under the following categories:

- Zoning and other regulatory tools;

- Urban containment (growth boundaries, such as the Primary Service Area);
- Facility planning, adequacy, and timing;
- Promotion of infill and redevelopment;
- Open Space Preservation;
- Rural Lands Protection; and
- Regional planning.

Their implementation is often accomplished through a locality's policies, ordinances, and regulations, which are discussed in the sections that follow.

Primary Service Area (PSA)

The Primary Service Area policy is James City County's foundational, longstanding growth management tool having been incorporated in the first James City County Comprehensive Plan adopted by the Board of Supervisors in 1975 and all subsequent updates. As a growth management tool, the PSA uses a combined growth area/service area boundary to direct growth to areas where the land is most suitable to support growth and more intensive development and where public facilities and services exist or are planned. The area outside the PSA has a Rural Lands designation on the County's Future Land Use Map and has its own distinct character and primary uses. As a growth area/service area boundary, the PSA accomplishes the following goals:

- Increase public benefit per dollar spent;
- Encourage efficient utilization of public facilities and services (water and sewer, roadways, schools, fire and police stations, libraries, etc.);
- Help ensure such facilities and services are available where and when needed;
- Promote public health and safety through improved emergency response time;
- Minimize well and septic failures within the PSA; and
- Encourage utilization of Rural Lands for economically beneficial agriculture, forestry, and related uses.

The inclusion of the PSA in the Comprehensive Plan text and Future Land Use Map is consistent with state code guidance that a jurisdiction's comprehensive plan should show the long-range recommendations for development of the locality, thereby directing implementation actions through the zoning and subdivision ordinances and other mechanisms, such as the utility policy and the Capital Improvements Program. As the foundational growth management tool, the PSA also relates to and has implications for all chapters of the Comprehensive Plan, as it affects the appropriate levels of growth as well as the provision of services and facilities in different areas of the County.

On the Land Use Map, the PSA defines areas presently provided with public water and sewer and high levels of other public services, as well as areas expected to receive such services over the next 20 years. It is intended that most residential, commercial, and industrial development will occur within the PSA. Boundary changes to the PSA should only be conditioned upon significant changes in development trends and patterns, significant changes in County policy, and projected community needs. The PSA should provide for adequate economic growth and County housing needs at all levels of affordability.

Primary Service Area - Residential Capacity

The Comprehensive Plan has traditionally assessed the estimated residential development capacity of the area inside the PSA to absorb projected growth during the 20-year cycle of the Future Land Use Map. These estimates can help inform considerations of whether it might be appropriate to evaluate the extent of the PSA, or to consider other approaches to accommodate the community's vision of desired growth (e.g., increase recommended densities, etc.), or to manage the amount, type or pace of future residential growth (particularly in Categories 3 and 4 listed in Table LU-1 below) in a different manner than historical trends.

To estimate the capacity for future development located within the current PSA, County planning staff have used historic development data and current land use guidance to calculate the total residential capacity estimates set out in Table LU-1: Residential Units Based on Planning Division Staff Analysis. Staff has utilized the County's Geographic Information System (GIS), CaseTrak system, and JCC PermitLink system to calculate the current totals for the first two categories in **Table LU-1**. Staff also used these systems to estimate the amounts for Categories 3 and 4 within this table, as well as broad policy assumptions for the Mixed Use and Economic Opportunity designations, such as the percentage of the site dedicated for residential use and dwelling unit yield per acre. As such, the totals in Categories 3 and 4 are estimates, rather than a precise accounting.

To estimate the projected anticipated growth and related absorption rate, staff has typically used the historic average number of residential Certificates of Occupancy (COs) issued per year. The 15-year average for COs yields a rate of 563 per year, while the average over the last three years is approximately 434.

Finally, to estimate how long it may take for the estimated capacity within the PSA to be absorbed, the estimated capacity can be divided by the projected absorption rates, using a range from the three- and 15-year CO rates. Using these assumptions and estimates, the years to estimated absorption in the PSA are shown in **Table LU-1**.

Table LU-1. Residential Units Based on Planning Division Staff Analysis¹

Parcel Status	Estimated Development Potential (Dwelling Units)	Estimated Years to Absorption
1. Master Planned Communities and By-Right Subdivisions with Approved Construction Plans	6,787	13-17
2. Other Vacant Platted Lots	598	
Subtotal	7,385	
3. Undeveloped Parcels Designated Low Density or Moderate Density Residential	2,286	18-24
4. Totals Above, Plus Undeveloped Parcels Designated Mixed Use or Economic Opportunity (portion of designated areas)*	937	
Grand Total	10,608	

**Not all land designated Economic Opportunity is currently within the PSA, but the 2009 Comprehensive Plan made clear that it would all be brought in once master planned.*

There are several characteristics of Category 1 that provide context regarding the location and type of the potential dwelling units remaining within the PSA. Of the 6,787 units within this category, approximately 80% are located within large master planned communities. Of this 80%, developments that have more than 100 units left in the approved cap are: Colonial Heritage, Ford's Colony, Patriots Colony, New Town, the Settlement at Powhatan Creek, Williamsburg Landing and Stonehouse. These developments are governed by binding master plans, as well as proffers and conditions to mitigate impacts resulting from continued build out. Furthermore, approximately 17% of the units in Category 1 are located within Continuing Care Retirements Communities (CCRCs), such as Williamsburg Landing, Patriot's Colony, and WindsorMeade. These units are intended for a specific, older demographic with unique desires and needs and are not expected to be available to a younger population. As such, development trends within this sector may not correlate with broader market trends for residential development.

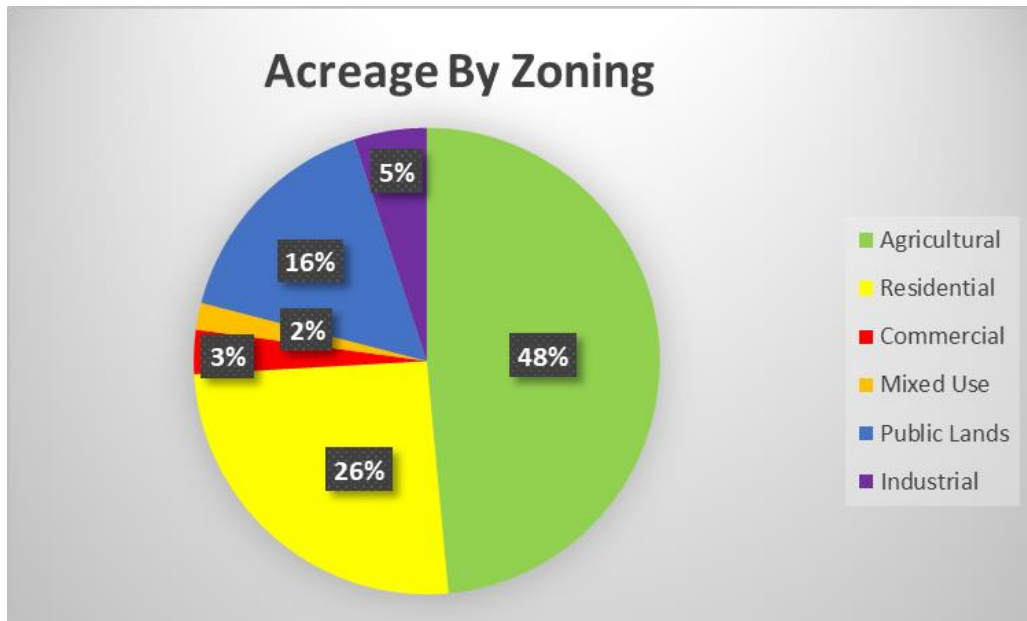
It is important to note that the information above pertains to the estimated development potential inside the PSA. Widespread residential uses in the rural areas outside the PSA are discouraged, but can still occur under current regulations, making the development potential of the entire County higher than what is reflected in Table LU-1.

Primary Service Area - Non-Residential Capacity

As can be seen in **Chart LU-1** below, the largest zoning category in the County by acreage is Agricultural, which accounts for approximately 48% of land (43,326 acres). The Residential zoning districts account for 26% (22,808 acres) of land in the County, making it the second largest zoning category. The Public Lands zoning district accounts for 16% (14,180 acres). Commercial, Mixed Use, and Industrial zoning districts combined account for 10% (8,904 ac).

¹ This analysis uses data from the residential subdivision build-out data/cumulative impact database, which is the source for the development status report updates included in the Planning Commission annual reports. However, it contains additional classification work for Categories 1 and 2, and as discussed in the text, application of assumptions to "acreage parcels" with certain designations (Categories 3 and 4).

Chart LU-1. Acreage by Zoning District



Zoning Districts are classified as follows: Agricultural (A-1, R-8), Residential (R-1, R-2, R-3, R-4, R-5, R-6, PUD-R), Commercial (LB, B-1, PUD-C), Mixed Use (MU), Public Lands (PL), Industrial (M-1, M-2).

In James City County, most commercial and industrial activity occurs in one of six zoning districts: Limited Business (LB), General Business (B-1), Mixed Use (MU), Limited Business/Industrial (M-1), General Industrial (M-2), and Planned Unit Development-Commercial (PUD-C). All of these zoning districts are intended for non-residential development of varying degrees of intensity, and occur inside the PSA. Based on County GIS information as of 2020, approximately 8,904 acres in the County are currently zoned as one of these six districts. Commercial and/or industrial activity can also occur in the Research and Technology (RT) and Economic Opportunity (EO) zoning districts, but there are no parcels currently zoned RT or EO.

In addition, as shown in **Table LU-2** below, staff analysis accounted for already-developed land, plus residential portions of Mixed Use areas and other refinements, which resulted in a total estimated undeveloped area of approximately 2,430 acres of land zoned for commercial or industrial. The total land designated for commercial or industrial use on the Future Land Use Map, but not yet zoned is approximately 1,032 acres, for a combined estimated figure of 3,462 acres. Of the land that is designated, but not yet zoned, the largest contiguous area is the Mooretown Road/Hill Pleasant Farm Economic Opportunity area, which was designated in 2009.

Table LU-2. Non-Residential Land Based on Planning Division Staff Analysis

Category	Acres
Zoned, undeveloped	2,317
Zoned, available portion of partially-developed parcels	113
Designated, not yet zoned	1,032
Total	3,462

This zoned and/or designated land contains a mixture of areas where utilities are already in place as well as areas without utilities. For the areas where utilities are not currently in place, utility extensions may increase the absorption rate for the parcels. As a result of the Engage 2045 process, the County will have new modeling tools that will enable the County to more easily track the current amount of non-residential capacity within the PSA.

Another important consideration in analyzing commercial capacity is the efficient use of commercial land through redevelopment, existing structure re-use and increased percent occupancy and infill techniques. Commercial redevelopment is an important goal. Per the input received as part of the Engage 2045 process, residents of the County prefer commercial redevelopment when compared to new commercial development as a way to ensure more compact development and reduce sprawl. Examples of progress on this front in the past decade include new commercial buildings at Candle Factory (CVS and Food Lion), approval of a Special Use Permit (SUP) for the former Williamsburg Outlet Mall property (Lightfoot Marketplace), the construction of the new buildings on the Williamsburg Pottery property, and the development of guidelines for redevelopment in Toano. Opportunities for redevelopment exist throughout the County, from the BASF property and the nearby soil and gravel mining operation in Grove (which operate under SUP conditions designed to ensure future re-use), to the possibility of an eventual change in the development pattern at one or more shopping centers, to additional possible new buildings and infrastructure at the Williamsburg Pottery and in Toano. Together, these and other properties represent hundreds of acres of land that may currently, or in the future, be suitable for redevelopment.

As the County considers future commercial redevelopment, it is paramount that such development maintain or enhance community character. The Engage 2045 community engagement process revealed that citizens are keenly interested in protecting the natural environment, maintaining the integrity of the rural areas outside of the PSA and upholding the established community character within the PSA. The engagement also confirmed the public's support of economic development that results in more businesses with higher paying jobs within the County. These desires create the opportunity for conflict if not managed well, as unplanned commercial growth could detract from community character. As such, commercial redevelopment within the PSA is encouraged, but only when it efficiently redevelops or utilizes land and maintains or enhances the existing community character of the immediate surrounding area through adherence to the Character Design Guidelines and other policies and regulations.

James City County's Utility Policy plays a major role in limiting growth to areas within the PSA. The following outlines the County's pertinent water and sewer requirements, which are explained in more detail in the County's Zoning Ordinance and Subdivision Ordinance, and in the regulations governing utility service provided by the James City Service Authority (JCSA).

Generally speaking, most existing development inside the PSA is connected to public water and sewer, and new development must connect if it is a major residential subdivision or within 55-feet of JCSA infrastructure that is accessible through an applicable and existing right-of-way and/or JCSA water or sanitary sewer easement. Most developments desire to be served by public water and sewer to achieve a higher density and reduce the infrastructure costs. Outside the PSA, subdividers of major subdivisions are required by the Subdivision Ordinance to construct an independent water system, but can use individual onsite sewage disposal systems. Subdividers of minor subdivisions are permitted to use individual well and sewage disposal systems.

An SUP is required for extensions of major water and sewer mains. SUPs for utility extensions within the PSA occur infrequently due to the extensive network of utility lines already in place. The PSA concept strongly discourages extension of utilities outside the PSA. Over past years, there have been certain limited locations that have received SUPs for extension of utilities. Other than two exceptions for neighborhoods (Governors Land on John Tyler Highway and Deer Lake Rural Cluster adjacent to Colonial Heritage), the extensions have been to serve a significant public purpose (school sites), address health and safety situations (Chickahominy Road Community Development Block Grant area, Riverview Plantation, and Greensprings Mobile Home Park), or improve utility service inside the PSA (Cranston's Mill Pond Road and Jolly Pond Road mains, and the JCSA College Creek Pipeline). In keeping with the Utility Policy included as part of the 1997 Comprehensive Plan, all of the SUPs associated with these mains include conditions that place clear limits on connections to directly adjacent properties, a policy that should continue into the future.

Finally, the developer is responsible for paying the cost of providing water and sewer service to and within new subdivisions. JCSA may contribute to the costs to upsize water or sewer lines to serve additional areas. Any decisions about changes to the Utility Policy and the PSA must be carefully examined in conjunction with decisions about Rural Lands policy, which is discussed above.

Facility Planning, Adequacy and Timing

James City County uses other growth management tools to complement the PSA policy, and has implemented a number of strategies to address facility planning, timing, and adequacy. Through utilization of these tools, the County has strived to strike a balance between accommodating additional development and providing services for already-approved development. Examples of policies that may be required of new development include: the provision of pedestrian/bicycle accommodations, adequate public schools facilities analysis, adequate transportation facilities analysis, traffic impact analysis, environmental constraints analysis, fiscal impact analysis, enhanced landscaping, green building incentives, and water conservation guidelines.

New residential development that requires a rezoning or special use permit will be approved only after careful consideration of adequate schools, transportation, water, sewer, recreation, and public safety facilities and services. In the past, the County has strongly encouraged applicants to mitigate the impacts of a proposed development through the combination of physical improvements and

timing requirements offered in the form of proffers, as allowed by state code. In terms of adequate facilities, many of the physical improvements are related to keeping traffic at an acceptable level of service (for example, through the construction of new turn lanes or traffic signals), and building recreational facilities as recommended by the Parks and Recreation Master Plan.

Assessing development impacts and creating policies to best address them continues to be an important and very complicated endeavor. Since 2009, the County has made progress in developing the means to track the cumulative impact of development proposals on existing and planned public facilities and services, and in developing guidelines for the content and methodology to be used for various submittal documents, such as traffic studies. Work will continue into the future on refining these systems and documents to best track and mitigate impacts generated by proposals.

Promotion of Infill and Redevelopment

Another key aspect of growth management is promoting infill development and redevelopment. Fostering infill and redevelopment is a viable alternative to the conversion of open space to new development that not only conserves rural and open land but also can save public infrastructure costs that would otherwise be needed to serve more sprawling growth patterns. Infill and redevelopment initiatives are important for residential, commercial, and mixed use developments to help with the creation of complete communities close to existing amenities and activities and to help direct development to appropriate locations within the PSA.

Development of previously undeveloped areas, sometimes called “greenfield” development, often has implicit financial or feasibility advantages for developers over infill development or redevelopment. In order to offset these implicit advantages, the County will need to offer incentives that rebalance the attractiveness of infill and redevelopment for the private sector. Over the years, the County has updated Ordinances and policies to try to encourage infill and redevelopment, including the creation of the R-3, Residential Redevelopment District and a re-examination of the setback requirements in the Mixed Use and other zoning districts. It will be important to continue to re-examine the County’s Ordinances going forward to see if they are working to facilitate or incentivize infill and redevelopment. In addition, the County can play a role by participating in public-private partnerships, and making or encouraging targeted investments in infrastructure, amenities or other improvements that work to reduce costs or increase the viability of infill and redevelopment. As this infill and redevelopment is being considered, it is essential that it be sensitive to community character and fit in with surrounding development. These efforts can also be supported by creating plans for particular portions of the County through sub-area or corridor master plans that show specific visions for preferred redevelopment or infill development. These efforts relate to LU 4.

Open Space Preservation

Open space can take many different forms, but in its simplest sense, can be viewed as any undeveloped or minimally developed land. To the casual observer, it may be unknown whether the vacant lot, marsh, or wooded area they consider open space has public access or is private, was a remnant of development or was created as a purposeful space, is temporarily or permanently preserved or is entitled to be developed. Nevertheless, it may be valued all the same for its scenic quality, enjoyment, or natural resource value. To those involved in land use planning, the concept of open space includes a broad range of possible specialized meanings, values and purposes, such as: environmental purposes including watershed protection, stormwater management, and carbon sequestration; economic development purposes including ecotourism and working lands; land

banking purposes for future public facilities; park and recreation purposes in the form of active and passive parks and trails; transportation purposes including greenways and roadway buffers; for the purpose of maintaining community character values such as historic preservation, cultural heritage landscapes, and scenic viewsheds; or for myriad land use and community design purposes including providing common spaces in neighborhoods, organizing elements in developments, and buffers between varying development patterns. These can exist in either the public or private realms, but still provide value to the entire community in terms of ecosystem service delivery, sense of community, and improved human and fiscal health.

James City County citizens' support for open space protection is prevalent in the expressed opinions in numerous outreach efforts for protecting nature, preserving community character, enhancing quality of life, and expanding economic development. As noted in various chapters of this plan, protecting open space includes various types of resource protection efforts such as wetlands and waterways; agricultural and forestal lands; green infrastructure; greenways; historic and archaeological resources; cultural heritage landscapes; scenic properties and scenic viewsheds; entrance corridors and road buffers including Community Character Corridors; open spaces within the County's Community Character Areas, neighborhoods and other built environments; and parks and recreation. Also noted is the role open space can play in shaping the character, direction and timing of community development, especially where the impacts of development will stress County facilities and resources. This is more likely to be a particular need within the PSA where higher development pressures may impact facilities and resources to a greater degree.

Opportunities exist for James City County to facilitate private actions to support the value of open space protection through the development review process; partnerships with land trusts; the development of policies, ordinances and programs that support environmental credit markets; and economic development efforts that promote agri-tourism, heritage and eco-tourism businesses, which relate to actions in LU Strategies 1, 4, and 6. In addition to facilitating private efforts for open space preservation, public actions will be necessary to close the gaps that cannot be effected solely by private actions and conserve resources important to the community. These public actions may range from expanding or initiating special planning efforts, strengthening policies and Ordinances; and reactivating, aligning and funding County open space programs, which relate to actions in LU Strategies 6 and 7. The latter programs should include efforts to acquire open space in an integrated and prioritized manner that maximizes the potential to leverage existing state datasets and state or federal funding sources. As explained in the Environment section, the concept of mapping and planning for a countywide system of "green infrastructure" can offer an organizing structure to these efforts so that James City County can realize its vision more fully, more efficiently and more strategically.

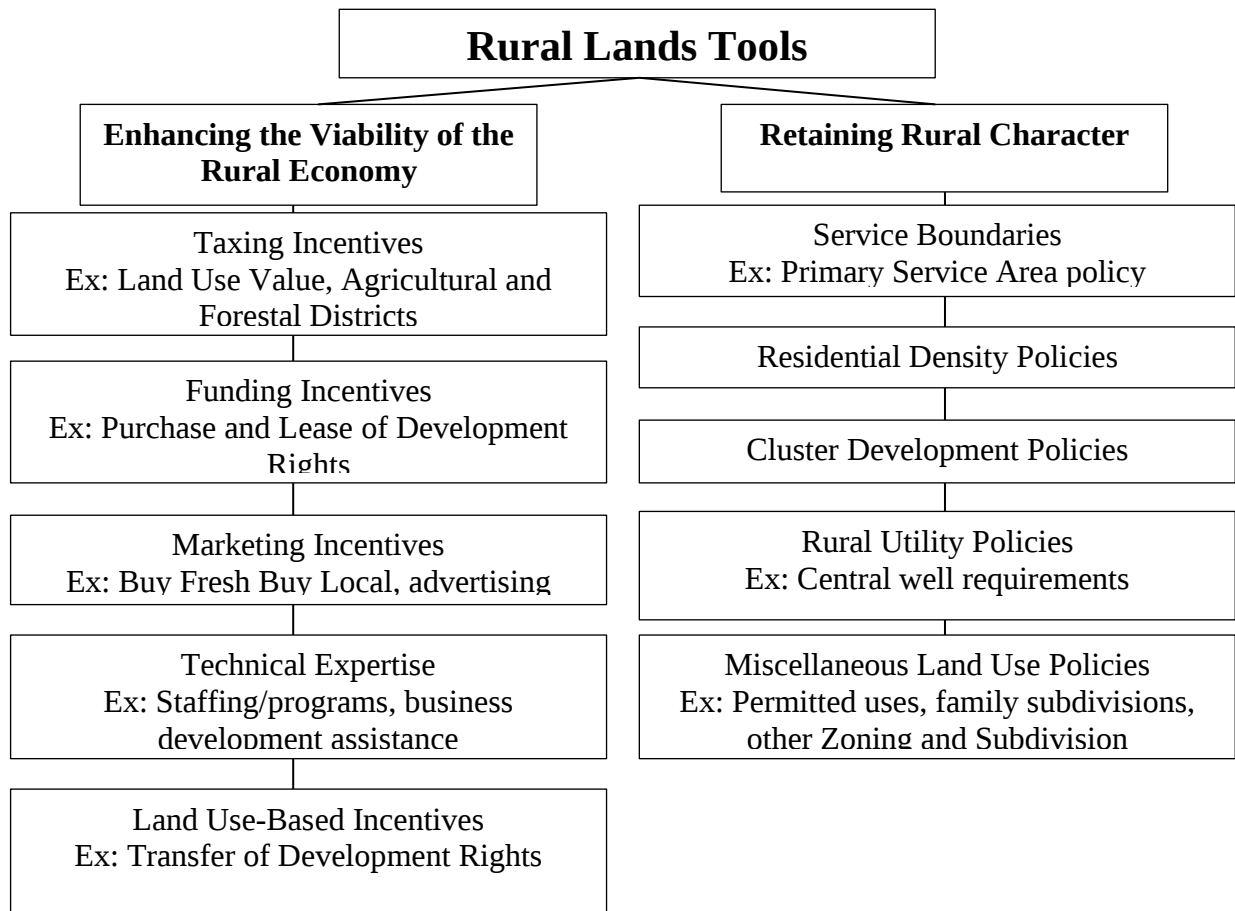
To help property owners and staff members sort through the major open space preservation options to find a tool that matches the property owner's intentions and the property's attributes, staff has created an open space tool decision tree located in Appendix L.

Rural Lands Protection

The areas outside of the PSA are in large part designated as Rural Lands on the Future Land Use Map. While areas with this designation are predominantly known for agricultural and forestal activities, they also contain lands that are vital to the broader environmental health of the County, such as natural areas, extensive Resource Protection Areas (RPAs), aquifer recharge areas, and the headwaters for important watersheds. Land preservation, especially of prime farmland soils, is of utmost importance in this area.

There are a number of tools available to local governments that apply to the protection of the Rural Lands, generally falling into two categories: enhancing the viability of the rural economy and retaining rural character. **Figure LU-1** outlines a spectrum of tools and includes information about existing County efforts as well as possible tools that can be used. To be successful, the tools must be tailored to reflect local land use regulations, market forces, community preferences, landowner expectations, property values, and fiscal constraints. It is also important to use tools from both of the categories below to create a balanced approach to the Rural Lands, provide the widest spectrum of opportunities for property owners, and continue to enhance and promote rural character.

Figure LU-1. Tools for Enhancing the Viability of the Rural Economy and Retaining Rural Character



Existing Rural Lands Tools

As a result of previous comprehensive plans and studies examining the Rural Lands, the County already employs several of the tools referenced in **Figure LU-1**, including:

- 1) Land use value taxation;
- 2) Agricultural and Forestal Districts (AFDs);
- 3) Greenspace and Purchase of Development Rights (PDR) programs (pending funding);
- 4) Restrictive utility, zoning, and subdivision requirements and service and
- 5) Limited business development assistance.

These programs can offer financial assistance to land owners to offset high land prices in rural areas or provide additional protections for agricultural uses. These existing tools used by the County are important building blocks. However, over the last five years, approximately 284 residential units have been added in the Rural Lands, facilitated in part by the creation of new “by-right” subdivisions and build out of established ones. The market for suburban-rural housing is expected to continue in the future, which could result in the continued “by-right” subdividing and build-out of rural areas within the County. The public road and community water requirements, which had once been major deterrents due to prohibitive costs, have appeared to be less effective in discouraging large-scale rural residential development outside the PSA. While the PSA and the land use designations remain cornerstones of the County’s growth management policies, it remains evident that the tools used to effect these policies need to be updated if they are to achieve the stated goals of the Rural Lands designation as discussed in more detail below.

Evaluation of Rural Lands Tools

As discussed previously, there are a number of tools that can be used to help preserve the economy and character in the Rural Lands. The County has conducted preliminary evaluations of some of these tools, both in terms of enhancements to existing tools as well as possible new tools. Using the categories from Figure LU-1 above to organize the discussion, the following provides a brief summary of efforts and investigations that have occurred in the past:

Residential Density Policies, as well as other Categories under the Retaining Rural Character heading

There have been multiple efforts over the years to address development policies in the Rural Lands, particularly residential density policies. In the mid-2000s, citizen committees worked with staff and consultants to research options and best practices. This work led to the development of a draft narrative ordinance with recommendations for amendments to the Zoning Ordinance that would provide incentives for developing large lot and rural cluster subdivisions instead of more conventional small-lot subdivisions. This draft narrative ordinance was not pursued further per new Board direction.

During and following the 2009 Comprehensive Plan update, the County undertook additional research and community engagement efforts. In 2010, as part of the update process, staff worked with a consulting team to research tools used by peer localities in Virginia. In 2013, the County

partnered with the Virginia Cooperative Extension to host an educational *Understanding Rural* panel discussion covering state and national trends in rural development best practices and information about farming, forestry, and marketing trends and resources. This partnership also included hosting the *Thinking Rural* discussions with rural landowners and other interested citizens that focused on defining “rural lands” and gathering community thoughts and preferences regarding policies, regulations and programs. Participant comments varied, and on multiple occasions presented opposite perspectives. On the whole, most participants valued the following features and characteristics of rural areas: open/undeveloped areas with low density development, agricultural and forestry productivity and minimal governmental regulations. However, there was wide variation in ideas of what the County could do to help achieve its long-term vision for Rural Lands. No additional work has proceeded on revising the ordinances to influence the residential development potential or pattern of the Rural Lands.

Land Use-Based Incentives, Example: Transfer of Development Rights

A feasibility study for a Transfer of Development Rights (TDR) program was completed by the consulting firm Design, Community and Environment (DC&E) for the County in October 2011. A TDR program essentially allows a developer to purchase development rights (in the form of dwelling units or commercial square footage) from a property in a designated “sending area” and move them to a designated “receiving area” to increase the permitted residential or commercial density. As the assumptions for the feasibility study were being developed, the Board of Supervisors identified the following goals for a potential TDR program in James City County: 1) to preserve rural character; 2) to keep rural landowners “whole” in the event of a downzoning; and 3) to not increase the overall net number of residential units permitted in the County. The study found that a TDR program under the Virginia enabling legislation would be feasible, but was not recommended because of several limitations, including high transfer ratios, an inadequate number and size of receiving areas, inability to hold overall County buildout at a constant level, difficulty with targeting preservation areas with a voluntary program, and difficulties with mitigating the impacts of more intense development in receiving areas.

Marketing Incentives and Technical Expertise

A Strategy for Rural Economic Development was completed in 2014 in conjunction with the Rural Economic Development Committee (REDC) of the Economic Development Authority (EDA) in recognition of the tremendous opportunity to support and grow agriculture- and forestry-based businesses and increase the agricultural sector of the local economy. Enhancing the viability of rural economic uses can also provide alternatives to residential development within the Rural Lands. As shared by Ed McMahon during his presentation titled *Nature, Agriculture, Economy and Community Character*, economic development is strongly linked to the retention of a unique community character, which is a competitive advantage in attracting asset-based businesses and potential employees.

Goals for the Strategy included: assisting existing agriculture- and forestry-based businesses to grow and succeed, identifying and creating opportunities for new business ventures, growing and diversifying the local tax base, and identifying and celebrating the uniqueness of James City County’s character. The Strategy includes a list of potential projects in the following three categories: marketing/public relations, business development and facilities/capital projects. The County could play an instrumental role in facilitating projects, establishing groundwork, helping to make connections, and identifying resources for implementation.

Considerations for Implementing Rural Lands Tools

As discussed above, there are many potential land use tools in the “toolkit” for rural protection that could be used, many of which are already being very effectively implemented by the County. However, given the significant public input received in this and prior rounds of Comprehensive Plan updates that the County needs to do more to preserve rural lands, it is important to take a strategic approach and assess which tools and practices are the most effective in meeting this goal of better rural lands protection. As part of the research done for this Comprehensive Plan update, a research paper on “Open Space & Rural Character Preservation Analysis” was developed that summarized some key principles for rural lands protection based on the historically most effective rural land protection programs in other Virginia localities. The four principles listed below stand out as opportunities to add new tools or expand existing ones in James City County.

1. Supportive Zoning

Experience in growing localities like James City County has shown that it is very hard to achieve long-term successful rural protection without supportive agricultural zoning. Rural zoning with minimum lot sizes of 1-10 acres is generally not conducive to the protection of rural character over the long term as it gradually converts the landscape both visually and functionally into a large lot residential character as land is subdivided into lots. In general, the most successful zoning for rural protection has been achieved in the 20-50 acres per dwelling unit range of density, often with sliding scale density program that depend on tract sizes. Minimum lot sizes of at least 20 acres, or cluster development of equivalent gross density, should be considered for implementation as important to both protecting the visual character and maintaining a rurally-focused economic character in the County over the long term.

2. Supportive Utility Policies

Consistent utility policies that do not allow the extension of utilities into rural areas are another feature of localities that have successfully protected their rural lands from extensive development. As part of this, it is important to have a rational basis for utility policies that is consistent with overall growth management policies in the Comprehensive Plan. Currently, the County’s independent water systems requirements for major subdivisions in rural lands acts as somewhat of an economic deterrent to large scale conversion of rural lands to residential subdivisions. For major subdivisions with independent water systems, the developer is responsible for constructing the well facility and infrastructure, but this infrastructure is then turned over to JCSA for ownership and maintenance. Operation of these systems currently results in a JCSA fiscal deficit. However, if the independent water system requirements are eliminated, it may be expected that the pace of rural development could increase significantly as the costs of developing large scale three-acre subdivisions in rural areas would be substantially less. If James City County waives the independent water system requirement for Rural Lands, mitigating measures should be proactively put in place in order to avoid the rapid development of the Rural Lands, which would go against the County’s long term vision for rural character protection. These measures could include revising lot sizes as discussed in the Supportive Zoning item above or implementing subdivision phasing requirements.

3. Supportive Rural Protection Programs

Rural protection programs also require consistent effort and funding. There are increasing opportunities for leveraging state and federal funding programs and these should be considered to minimize the impacts on local funding sources. In addition, there should be clear and objective

standards for selecting properties for these programs, and coordinating with eligibility criteria for state or federal funding programs will allow effective leveraging of other funding sources. See also the Open Space discussion earlier in this chapter.

4. Supportive Rural Economic Development Programs

A consistently funded and robust campaign to foster rural economic development has also been a key feature of successful rural protection in Virginia. A rural economic development staff position could be involved in supporting many different types of compatible rural economic development programs. A position like this could also be a conduit for grant funding, connect property owners and entrepreneurs with supportive programs or available land, and generally be a voice for the protection of a vibrant and economically successful rural culture in a community. This principle complements the discussion of the Strategy for Rural Economic Development in the section above.

The four key principles above relate to the Strategies and Actions found in LU 6 and LU 7 in the Land Use Chapter GSAs. In addition to these items, it will be important to continue to monitor enabling legislation in the state code for other potential tools going forward.

Regional Planning

James City County's growth trends are not the result of activities solely within its borders. The plans of surrounding localities and major institutions influence development within James City County and vice-versa. Therefore, James City County coordinates its planning efforts on a regional level, taking into account the comprehensive plans of other jurisdictions and participating in regional planning opportunities. Many opportunities to plan collaboratively and cooperatively exist in formal groups, such as the Hampton Roads Planning District Commission, while other opportunities are created and taken advantage of daily in normal work activities.

One such example was the coordination effort between James City County, York County, and the City of Williamsburg in the early 2010s. The purpose of this effort was to promote closer collaboration and communication concerning land use, transportation, and other comprehensive plan issues that cross jurisdictional boundaries, and to provide an opportunity for citizens of all three localities to talk about issues of mutual interest. The initial steps for this effort included the preparation of a combined map depicting existing land use across the Historic Triangle and development of a project website and reports on demographics, transportation, and housing. Next, the three localities hosted a series of joint community forums that gave citizens the opportunity to learn about the three comprehensive plans and to share their visions and goals for the future of the Historic Triangle. There was a particular focus on three key geographic areas where jurisdictional boundaries meet (the Riverside/Marquis/Busch focus area, the Lightfoot/Pottery focus area, and the Northeast Triangle and surrounding focus area). Next in the process, the three Planning Commissions held a joint work session to review and discuss the citizen comments of common concern, such as housing affordability, transportation, economic development, and land use compatibility along jurisdictional borders.

Upon the completion of these activities, York County and the City of Williamsburg continued with their comprehensive plan review and update processes with their respective Planning Commissions and governing bodies. The staffs of James City County, York County, and the City of Williamsburg continued to meet on a regular basis to share information about the discussions taking place in their respective jurisdictions. Following adoption of the updated Williamsburg and York County comprehensive plans in January and September 2013, respectively, a summary document was

compiled providing regional background information and describing the areas and topics where the localities had similar approaches as well as those areas where the localities' approaches were different. This document is not intended to be included within each of the three localities Comprehensive Plans, but is simply a resource for citizens.

The summary document also included a generalized future land use map that reflects the adopted Future Land Use Map in each locality's comprehensive plans; the map uses a common language and colors so that planners, developers, and citizens can better understand what is planned across borders by each individual locality. The County references this generalized future land use map when performing courtesy reviews for proposed legislative cases within York County and the City of Williamsburg. Overall, the purpose of the summary document is to serve as a foundation for ongoing dialogue and cooperation, which is reflected in this section's GSAs.

Fort Eustis Joint Land Use Study and BASF Site

The most significant example of regional cooperation since the County's previous comprehensive plan update is the Joint Base Langley-Eustis Joint Land Use Study (JLUS). The Joint Base Langley-Eustis (JBLE) is a 7,933-acre facility that is located in both Newport News and James City County and supports a population of 22,000 people, including active duty members, the Army National Guard, Army Reserve, and civilians and family members. JBLE is important to national defense and to the economies of the Commonwealth of Virginia, the Hampton Roads region, and James City County. JBLE is a significantly impactful land use with a unique mission of national defense. As such, the County places a high importance on taking into account how potential development and land use policies in the land adjacent to JBLE might impact or impair its mission.

One such potential development is the BASF site which consists of several contiguous parcels accounting for approximately 678.4 acres, a portion of which directly abuts the JBLE. This site was historically used for chemical manufacturing, though all manufacturing activity on the property ceased in 1994. Since then, the property has been undergoing remediation for contamination, primarily due to zinc. During the previous Comprehensive Plan update in 2015, the County received a request to change the land use designation for the BASF property from General Industry to a Mixed Use designation, which would have been more impactful to the surrounding area. As part of this requested review, the County received correspondence from the Virginia Secretary of Veterans and Defense Affairs, who recommended that no land use designation decision be made until a thorough Joint Land Use Study (JLUS) was conducted. This was due to the potential negative impact that a land use redesignation could have on the Fort Eustis military mission. In light of this recommendation, the proposed land use request was not granted and the site remains designated for General Industry use.

The Joint Base Langley-Eustis JLUS commenced in January 2017. The objective of this study was to identify land uses that are compatible with the mission and use of JBLE, as well as develop growth management guidelines that reduce encroachment on the military site without impairing growth within the surrounding communities.

The County was an active participant in the 15-month collaborative planning process that produced the JLUS. Stakeholders included the U.S. Department of Defense Office of Economic Adjustment, Joint Base Langley-Eustis (Fort Eustis), the City of Newport News, James City County, York County, and community residents and business representatives, including a representative from BASF. The County participated in multiple aspects of this process. Two members of County leadership were members of the Policy Committee for JLUS and steered its overall direction as well as its policy recommendations. Two members of Planning Division staff were members of the

Technical Working Group and provided technical expertise on local land use and planning matters relevant to the County. Planning staff also helped facilitate the public involvement process by hosting members of the neighboring communities at community workshops and neighborhood forums within facilities within the County.

The JLUS was published in March of 2018 and adopted by the County's Board of Supervisors in June of that same year. As such, the study is a valuable planning tool that provides a blueprint for the County and the JBLE for further partnership in land use matters. The JLUS recommends that the County and the JBLE establish formal communication procedures to ensure that development proposals and policy changes from either party are communicated clearly and in a timely manner. The JLUS also recommends that the County establish a Military Influence Overlay District (MIOD). The MIOD is a policy tool that would ensure a representative of JBLE would have the opportunity to provide comment and guidance on land use policy decisions and development proposals within the County portion of the JLUS study area. The County intends to continue its partnership with representatives from the JBLE in the future to ensure land use decisions serve County citizens without impeding the mission of the JBLE.

Other Localities

In addition to York County and the City of Williamsburg, the County is directly adjacent to the City of Newport News and New Kent County. The County also neighbors and has important transportation connections with Charles City County and Surry County via the Judith Stewart Dresser Memorial Bridge and the Jamestown-Scotland Ferry, respectively. James City County continues to monitor the comprehensive plans adopted in these localities to keep abreast of regional issues and implications.

Current Development Trends

Residential Trends

James City County has undergone continuous rapid growth since 1970. In the past 50 years, the County's population has more than quadrupled, growing from 17,853 in 1970 to 74,153 as reported in the 2018 American Community Survey. During that time significant changes in land use, particularly within the PSA, have transformed the predominantly rural character of James City County into a more urban and suburban environment. The majority of this development has occurred within the PSA and has largely been concentrated around the City of Williamsburg, though development has also spread to the northern and western areas of the County.

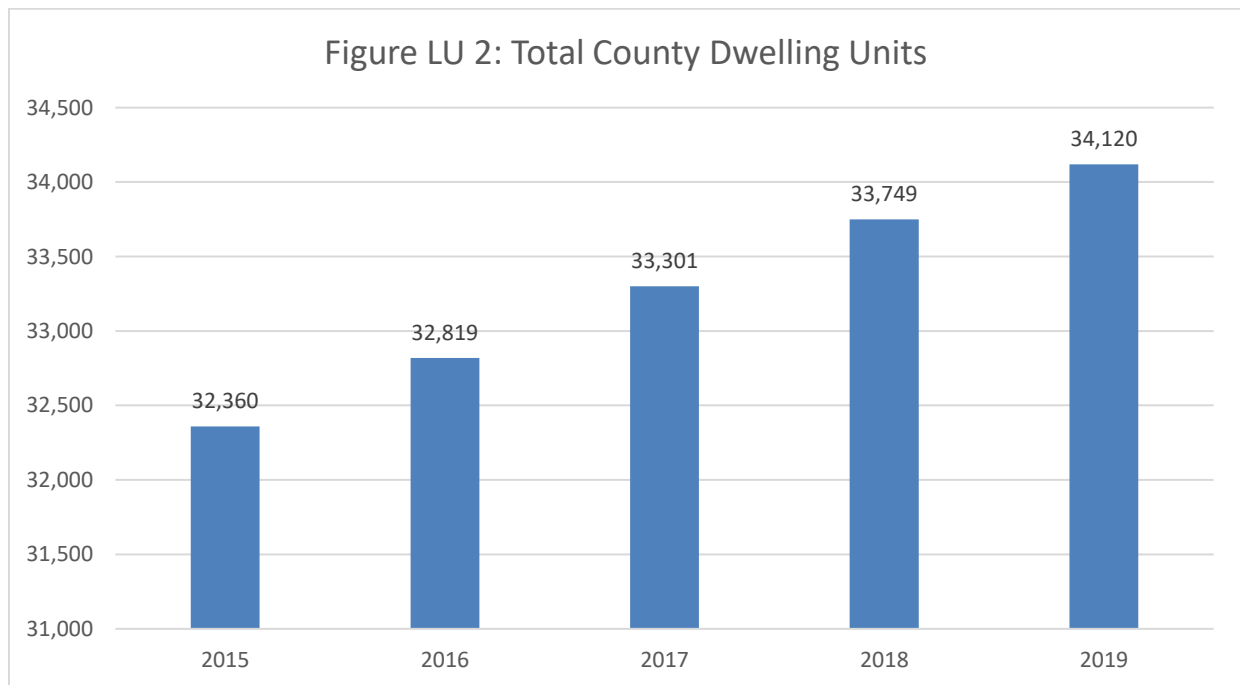
Many of the housing units in the County are located in subdivisions along Richmond Road, John Tyler Highway, Ironbound Road, Greensprings Road, Jamestown Road, Centerville Road, Monticello Avenue, and Longhill Road. Some established neighborhoods, such as Kingsmill, Kingspoint, and First Colony, have reached or are approaching build-out, or their permitted capacities. Other large planned communities such as Colonial Heritage and Stonehouse are expected to contribute new housing from their current inventory of approved units throughout the next several years.

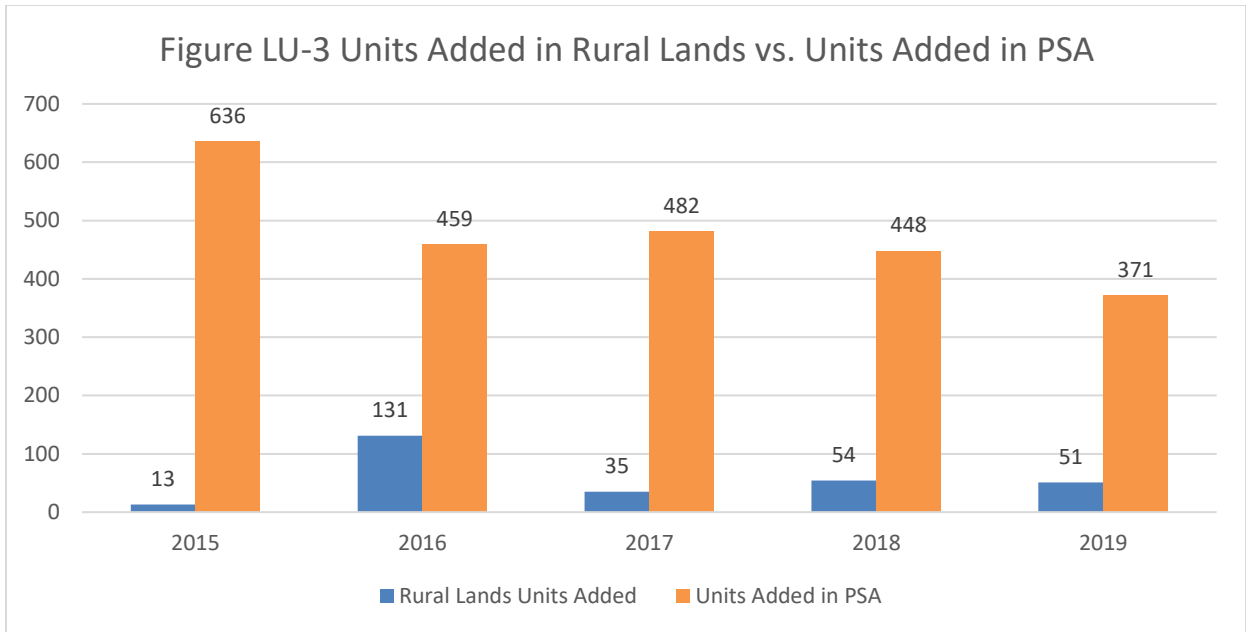
Approximately one-third of the County's existing dwelling units are in large master-planned communities (with 500 or more homes each) and, as of January 2020, approximately 4,821 dwelling units in these communities remain approved but are not yet constructed. More than one-

half of this potential output is located in Stonehouse, a master-planned community in the northern end of James City County.

Since the last Comprehensive Plan update in 2015, no new large master-planned communities with more than 500 units have been approved. One existing large master planned community, Stonehouse, was amended in 2019 to remove approximately 1,100 dwelling units from its maximum build-out. In addition, several smaller developments continued their build-out or reached build-out, including the Village at Candle Station, Governors Grove, Walnut Grove, and Powhatan Terrace. The total number of new units approved legislatively since 2015 was approximately 434. There are also several smaller developments that were legislatively approved since 2015 which have yet to commence or make substantial progress toward build-out, such as Forest Heights and Oakland Pointe.

As to geographic distribution, approximately 87% of the County's existing dwelling units are located inside the PSA. Outside of the PSA, the vast majority of remaining dwelling units are located within lands designated as Rural Lands. The heaviest concentrations of these units are located along John Tyler Highway near the Chickahominy River, within the Croaker area, and along Barnes and Richmond Roads. Excluding master-planned communities, the majority of the lots in large rural neighborhoods were subdivided prior to 1990. The 1989 density revision to the A-1, General Agricultural Zoning District and subsequent independent water system requirements initially slowed the trend of rural development considerably. However, in the past two decades, activity in rural areas has increasingly followed broader residential market trends, with demand for new housing units contributing to development pressure on rural areas. As can be seen in **Figures LU-2 and LU-3**, the total number of units in the County has increased by approximately 5.4% from 2015 to 2019, while the number of units located in land designated for Rural Lands has increased by approximately 7% during that same time, at an average of 57 units annually. The percentage of the County's total dwelling units located in Rural Lands has remained constant during this time at approximately 12%.





Commercial and Industrial Trends

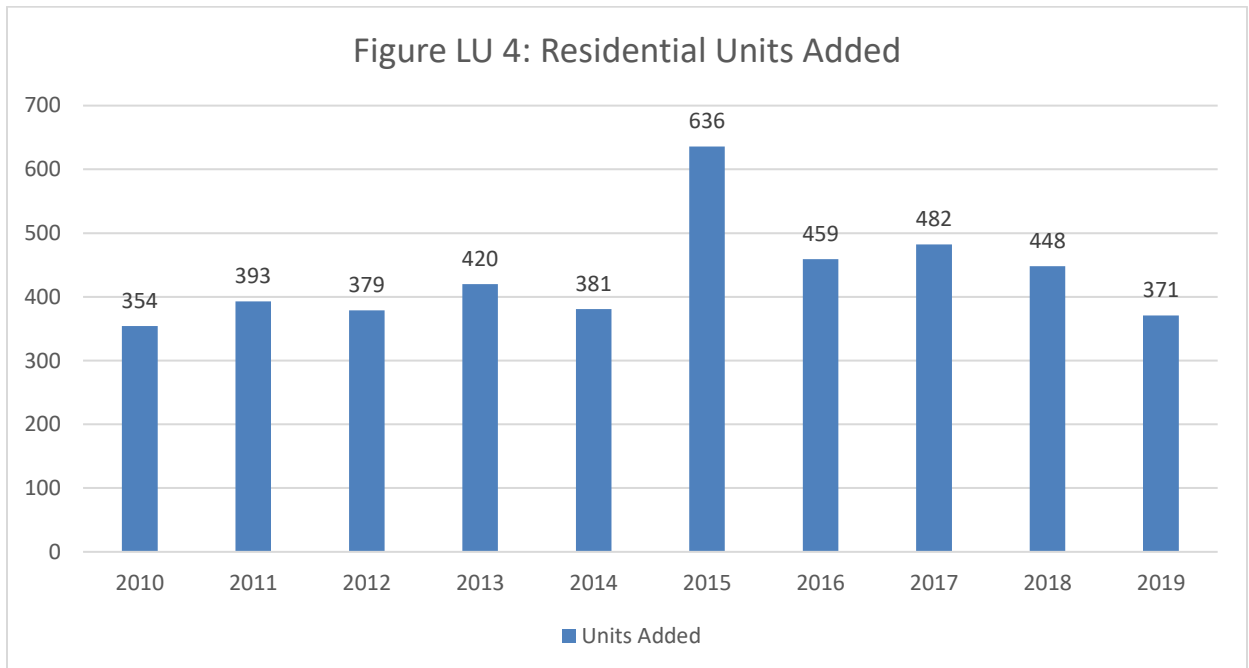
Beginning in the 1990s, the County experienced significant diversification in business and industry, a trend that has continued over the past two decades. One of the most prominent developments in James City County since 2000 has been New Town, a mixed use area approved for more than 1,000,000 square feet of commercial space. The primary retail corridor, Main Street, was completed in 2007 and is anchored by New Town Cinemas. New Town also includes the Discovery Office Park, where a substantial amount of the office square footage has been constructed. Since 2010, commercial development in the Settlers Market section of New Town has completed build-out of approximately 400,000 square feet of commercial space, with additional residential units currently under construction in this area as well. Nearby to New Town, complementary commercial development exists within the Courthouse Commons, Courthouse Green, WindsorMeade, Monticello Marketplace, and Monticello Shoppes developments.

The industrial sector also made gains over the last 40 years. Much of the industrial growth occurred in the formerly designated James River Enterprise Zone in the Grove area of the County, both in James River Commerce Park and Green Mount Industrial Park. In the last 10 years, Jacob's Industrial Park (adjacent to Hankins Industrial Park) has been a focus area of activity, adding significant infrastructure and several businesses. The County's industrial base includes three Fortune 500 (or Fortune Global 500) companies: Anheuser-Busch InBev, Ball Metal, and Walmart.

Opportunities for future industrial growth still exist within the County. In 2019, Navien, Inc. announced its plans to establish a manufacturing and assembly center in an available facility located within the Stonehouse Commerce Park. In addition to Stonehouse Commerce Park, Hankins Industrial Park, James River Commerce Center, and Green Mount Industrial Park have industrial property available for development. In addition to these major industrial parks, land zoned and/or designated for commercial and industrial development or redevelopment is available throughout the County.

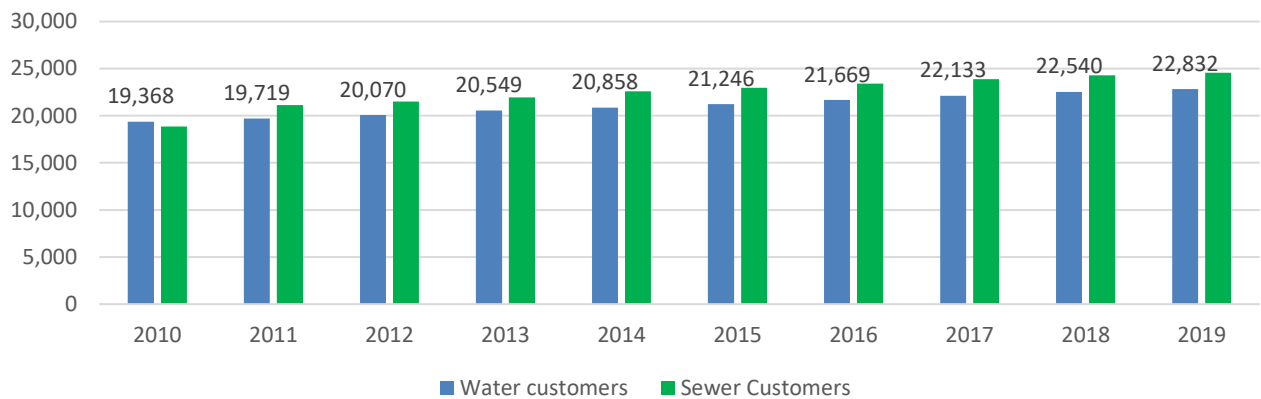
General Construction and Service Trends

Certificates of Occupancy (COs), building permits, trends in population, and water and sewer service connections all indicate the rate of growth and assist in the analysis of its total impact on the County. CO issuance confirms that a building is complete and ready for occupancy. Among other uses, CO data is useful in analyzing the number of new homes added to the County's housing stock and determining the amount of population growth. From year to year, both residential building permits and CO numbers tend to be cyclical, echoing fluctuations in the housing market. As can be seen in **Figure LU-4**, the number of units added in the County over the past decade has risen and fallen with market trends. Between 2010 and 2019, the County added an average of 432 residential units per year, with the average number of units added for 2010-2014 being 385 units per year and the number of units added for 2015-2019 being 480 units per year.



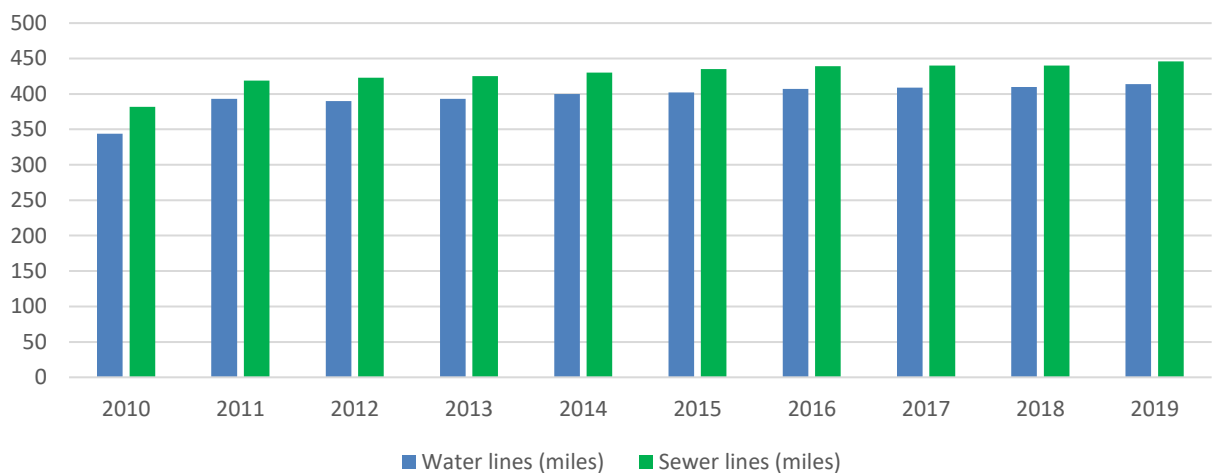
Another indication of growth and its impact on County services is the growth in public water and sewer. Sewer and water service connections have risen to meet population demands and to respond to health concerns. As can be seen in **Figure LU-5** below, the number of water and sewer customers for JCSA has increased steadily on an annual basis over the previous decade, with the water customer base increasing 1.8% annually on average and the sewer customer base increasing 3.0% annually on average. The public water and sewer infrastructure expanded in tandem with this growth in customer base. Per **Figure LU-6** below, the total mileage of water facilities increased by 20% and the total mileage of sewer facilities increased by 17%. In comparing the residential annual CO data with the water and sewer customer growth for each year, it is markedly clear that increased residential development positively correlates with increased demand for public water and sewer services.

Figure LU-5. Total Water & Sewer Customers 2010-2019



Source: JCSA Comprehensive Annual Financial Report 2019

Figure LU-6. Total Water and Sewer Mileage 2010-2019



Agriculture Trends

Agriculture continues to be an important part of a diverse economy and community in James City County. With lands available for both farming and timbering, agriculture not only remains an important area for targeted economic growth in the County, but also serves as a way to uphold the community character. Trends captured by the 2017 Census of Agriculture show that farming in the County did not necessarily mirror statewide trends. The state saw declining numbers of farms with less overall land in farms since 2012, but steady average farm sizes. Since 2002, the number of farms statewide showed a net decrease of approximately 9.2%. Comparatively, County trends showed a decrease in the number of farms since 2012, but with more land in farms overall and a larger average size. Since 2002, the number of farms County-wide showed a net increase of 12.5%. The County consistently uses a higher percentage of farmland as cropland compared to the rest of

the state; other uses for farmland can include woodlands or livestock-related uses such as pasturing. (See **Table LU-3**)

Table LU-3. Summary comparison data from Census of Agriculture 2002-2017

	2017		2012		2007		2002	
	State	County	State	County	State	County	State	County
Total Farms	43,225	72	46,030	83	47,383	74	47,606	64
Land in Farms (acres)	7,797,979	6,630	8,302,444	5,544	8,103,925	5,831	8,624,829	8,962
Avg. Size of Farm (acres)	180	92	180	67	171	79	181	140
Total Cropland (farms)	32,091	46	34,525	57	35,954	47	41,047	60
Total Cropland (acres)	3,084,067	3,591	2,990,561	2,987	3,274,137	2,990	4,194,158	6,342

The greatest number of farms in the County - 26 farms in total - are between 10 and 49 acres. This size range is consistently the most prevalent in the County since 2002, while statewide the most common range is 50 to 179 acres. Census of Agriculture numbers from 2002 to 2017 indicate that there are proportionally more small farms (farms of less than 50 acres) in the County than overall in the state.

Table LU-4 below shows the total size of farms by year since 2002:

Table LU-4. County and state farm size comparison

	2017				2012				2007				2002			
	State		County		State		County		State		County		State		County	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Farms by Size																
1 to 9 acres	4,595	11%	17	24%	3,343	7%	17	20%	3,530	7%	10	14%	3,027	6%	13	20%
10 to 49 acres	13,631	32%	26	36%	14,425	31%	34	41%	15,177	32%	40	54%	14,082	30%	22	34%
50 to 179 acres	14,800	34%	18	25%	16,850	37%	28	34%	17,589	37%	16	22%	18,315	38%	19	30%
180 to 999 acres	6,732	16%	9	13%	7,864	17%	3	4%	7,777	16%	7	9%	8,613	18%	7	11%
500 to 999 acres	2,127	5%	0	0%	2,173	5%	0	0%	1,985	4%	0	0%	2,183	5%	1	2%
1,000 acres or more	1,340	3%	2	3%	1,375	3%	1	1%	1,325	3%	1	1%	1,386	3%	2	3%

Community Design Policies

Large Retail Establishments

Due to their size and prominence within an area, large retail establishments are expected to impact their surrounding environment. Because these uses present both challenges and opportunities, the following policy statement was developed during the 2003 Comprehensive Plan update to guide their location and design: “a large retail establishment is defined as any combination of retail establishments occupying a single building comprising 40,000 square feet or more of floor space. This building may or may not be situated within a larger shopping center.”

The bulk, size, and scale of large retail establishments present many land use concerns for James City County, including but not limited to aesthetic and transportation impacts. Large retail establishments can be detrimental to the vision for James City County and can contribute to a loss of the unique sense of place when they result in massive individual structures that do not integrate into the character and fabric of the area. There are also significant problems involved in the recycling or adaptive re-use of a large retail establishment if it is abandoned, particularly if it was constructed as a stand-alone entity. However, there are advantages to these establishments in terms of convenience and impacts on public finance in the form of sales tax benefits and employment opportunities.

Currently, large retail establishments are regulated through the rezoning process and by a separate commercial SUP requirement for any commercial building or group of buildings which exceeds 10,000 square feet of floor area. The rezoning and SUP processes allow the County to control aesthetics, traffic and other physical impacts through proffers and conditions.

In order to ensure the success of a large retail establishment and to minimize the possible negative impacts on the County, particularly the problems of adaptive re-use, these establishments should be developed consistent with the following policies:

- Be designed as an integral and indivisible component of a larger retail and business enterprise (for example, such as Monticello Marketplace).
- Be sited in locations close to major arterial roads with adequate buffering from existing residential areas and careful integration with new residential areas.
- Be combined when possible with smaller retail merchants and smaller commercial structures in a well-designed and coordinated shopping and business center in a manner that visually reduces their bulk, size, and scale.
- Be designed with a unified theme of design, materials, and shared parking, as well as the utilization of facades that are compatible with local community character and avoid uniform, bland, box-like architecture.
- Be consistent with the design standards for commercial uses in the Character Design Guidelines.

Strip Commercial Development

Commercial developments gain exposure by being located next to each other and along major roadways. Incremental “strip” commercial development is a common suburban development pattern. While this may provide the desired exposure to the roadway, narrow bands of development yield an unbalanced image of a community and do not assist in reducing automobile dependency. Even if the developments are attractively designed, strip development does not allow the public to take advantage of the convenience of centralized commercial activity and may in fact deter shoppers from smaller establishments in smaller developments. Over time, this type of development pattern begins to negatively impact the attractiveness of the commercial area by virtue of its inherent traffic congestion and inconsistent character. County policy will continue to focus on the potentially adverse impacts of strip commercial development, but will also attempt to encourage a more complementary pattern of development into localized centers or nodes, especially at concentrated locations such as intersections of major thoroughfares. This policy is reflected in the different scales of development suggested by the Commercial and Mixed Use designations of the Future Land Use Map the general performance zoning principles in the Zoning Ordinance and the design standards for commercial uses in the Character Design Guidelines.

Continuing Care Retirement Communities (CCRCs)

James City County already has a number of developments and facilities to serve the senior segment of the population, from age-restricted communities like Colonial Heritage, to facilities with a range of care levels (known as Continuing Care Retirement Communities, or CCRCs) such as Williamsburg Landing and Patriots Colony. With the percentages of the senior segment of the population expected to increase, the need for housing and care options will likely increase as well. CCRCs are sometimes called life care communities and many have large campuses that include separate housing for those who live independently, assisted living facilities that offer more support, and nursing homes for those needing skilled nursing care. When all levels of care are included within the same grounds, people who are relatively active, as well as those who have serious physical and intellectual disabilities (like Alzheimer’s disease, dementia, etc.) will potentially live in close proximity. Residents then move from one housing choice to a progressively more supportive one as their needs change. CCRCs are a permitted or specially permitted use in the R-3, R-4, R-5, PUD (Planned Unit Development), and MU (Mixed Use) Zoning Districts.

While there has been some variation over the decades in evaluating the impact of CCRCs, the consistent recent practice for these purposes has been to calculate a CCRC’s density based on the number of independent living units, with the assisted living rooms and/or skilled nursing beds excluded from this calculation. While assisted living rooms and skilled nursing beds do have an impact on the County, they do not represent the same level of impact as a traditional dwelling unit. Assisted living rooms and skilled nursing beds have been considered to be more along the lines of an institutional land use (like a hospital) than a residential land use, and their impacts should be accounted for differently than with a density measurement. It should also be noted that density is just one of many potential measures of impact for a given project. For most CCRCs, the largest public impacts from the assisted living rooms and skilled nursing beds will likely come from traffic (staff members who support these units traveling to and from the site, delivery of goods and services, etc.), emergency services (Fire and EMS response support for these units), and the environmental impacts associated with locating the building(s) to house these units on the CCRC site. In the past, adequately addressing these types of impacts via the proposal’s master plan or proffers has been judged to have met the intent of the Comprehensive Plan and it is the intent of the County to continue to address CCRC impacts using this practice.

Short-Term Rentals

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.

Timeshares

In James City County, timeshares have traditionally been considered as appropriate uses in residential zoning districts and Comprehensive Plan future land use designations. When assessing impacts, it is important for projects to provide information on the maximum possible occupancy of units (given features such as lockout units). In the past, lockout features (typically, a unit which has the capability of being divided to create two separate but complete sections) have not been counted toward density, but should be taken into account, if appropriate, in assessing impacts. Timeshare development should be developed consistent with the following policies:

- It should not directly or adversely impact either existing or planned development.
- It should not be developed as a primary use within any non-residentially designated area.
- In Mixed Use areas, timeshares should be a secondary use and should not be located in areas generally reserved for commercial or industrial use.
- It should follow the design standards for residential uses in the Character Design Guidelines.

Community Guidance

Public Engagement

Public input for the Land Use Chapter was received at key points of the Engage 2045 process. All of the public engagement themes identified during this Comprehensive Plan update are related to this chapter. These public engagement themes are the protection of community character, protection of the natural environment, fostering affordable and workforce housing, growing the local economy, and enhancing quality of life. The 2019 Citizen Survey was conducted in the spring of 2019 and the results were reported in the summer. Overall, respondents to the 2019 Citizen Survey revealed a strong desire for the County to continue managing growth in a manner that upholds community character, protects rural lands and allows for enhancement of the community's overall quality of life.

The County hosted the Engage 2045 Summit on the Future in the fall of 2019 to engage with citizens to determine their priorities and preferences for the future. The responses from the Summit continued the themes from the Citizen Survey, revealing the community's strong desire for the County to protect and preserve rural character and the natural environment and specifying that growth should be located within the PSA and not in the Rural Lands.

This vision was more fully explored through the second round of community engagement, which occurred in the fall of 2020. The second round of public engagement included questionnaires on the Goal statements for each chapter, and feedback on alternative options for future growth and preservation. The results of the Goals Questionnaire for the Land Use chapter's goal showed that slightly more than 70% of respondents did not want to change the goal. Of those preferring change, there was an emphasis on the need to maintain the character of the community by discouraging new development and promoting infill and redevelopment of properties. The results from the questionnaire on alternative futures are expressed in the Scenario Planning key principles listed below.

The third round of community engagement was held in the winter of 2021. This round solicited input on policy directions the County should pursue, actions it should take, and design guidelines it should apply to enable citizens' vision for the future of the community to be realized. The recommended policy directions and actions included new development restrictions and public land acquisition to limit development impacts on natural lands, with a strong emphasis on protecting water resources. Regarding development style, there was more 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. Participants generally desired lower-density development, natural surroundings, and colonial inspired architecture. They indicated a preference for commercial areas separate from parking lots where shoppers can walk, with integrated greenspaces and tree cover, as well as a preference for craft cluster and craft core types of commercial/industrial spaces. Participants were generally concerned about preserving farmland and open space, and strongly preferred large lots (20+ acres), passive recreation, and wooded screening. There was also 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.

Scenario Planning - Key Policy Guidance

The results of the Scenario testing phase of community engagement yielded several key community preferences that relate to Land Use:

- Create more mixed-use “complete communities” that include connected open spaces and natural areas, increase walkability and connectedness, and provide new housing and work opportunities, while maintaining the natural green character of the County;
- Provide a more compact development pattern within the Primary Services Area (PSA) and reduce new development in rural lands outside the PSA, as well as potential reductions in the PSA;
- Support efforts to reuse or redevelop existing, older developments and undertake development on infill sites to maximize use of existing services, improve quality of older developed areas, and reduce pressure for development on rural and natural lands;
- Protect natural features and rural areas as critical community character assets that help to attract new businesses and workers, serve as active working lands, and are the foundation for agri-tourism and eco-tourism industries;
- Provide more housing options that increase the ability for workers to live locally and for households entering new lifestyle periods, such as first-time homebuyers and empty nesters, to have options that allow them to continue to live in the County; and
- Ensure high-quality design of new developments and redeveloped areas that focuses on maintaining community character, supporting green building best practices, incorporating of natural areas within the built environment, supporting walkability and multimodal access, and leveraging existing public infrastructure.

Spotlight on Implementation

Building a strong community for the future requires land use planning practices that will preserve natural resources, plan for adequate transportation and housing infrastructure, create a sense of place and community, and maintain an economic base that remains vital during a variety of market climates. In order to achieve a pattern of land use and development that reinforces and improves the quality of life for the community, James City County has identified the following strategic issues:

- Having a range of housing opportunities and choices;
- Having a diverse tax base;
- Achieving cooperation among all neighboring localities to ensure compatibility of land uses;
- Having attractive places with a discernible identity;
- Promoting the use of land in a manner harmonious with other land uses and the environment;
- Mixing land uses to promote the efficient use of land;
- Preserving natural resources such as open space, farmland and environmentally sensitive areas;
- Providing varied and adequate transportation opportunities;
- Directing development into designated growth areas and providing services and facilities that meet the needs of all citizens; and
- Encouraging the development of complete communities, multi-modal transportation options, and compact mixed use centers that are walkable and bikeable.

There have been a number of items accomplished since 2009 that originated in whole or in part from the Land Use section and Goals, Strategies, and Actions (GSAs). In terms of GSAs related to the area that is designated Rural Lands, the County conducted a study of the feasibility of starting a Transfer of Development Rights (TDR) program, continued to examine zoning regulations for this area, including holding several discussion sessions, and was awarded an Agricultural and Forestal Industries Development grant to enhance rural economic development activities.

With regard to engaging in planning efforts related to our regional context, the County partnered with federal officials, adjacent localities, residents, and business owners to complete the planning process portion of the Joint Base Langley-Eustis Joint Land Use Study (JLUS). This 15-month process resulted in the adoption of the study by the County's Board of Supervisors.

The Zoning and Subdivision Ordinances were also updated to address actions across multiple strategies. For example, the Zoning Ordinance was updated to permit places of public assembly used primarily as an event facility subject to certain performance standards, which helped fulfill one of the recommendations of the County's rural economic development strategy. Other examples include the Zoning Ordinance being updated to create a new section that lists standards and specifications for street trees in certain residential developments, to add bicycle improvements to

many of the required pedestrian accommodation improvements based on the Historic Triangle Bikeways Master Plan, to allow for electric vehicle charging stations as an accessory use to off-street parking, and to revise submittal requirements for legislative cases.

Finally, in terms of GSAs related to the tracking of impacts of development proposals in a comprehensive and cumulative manner, staff has updated its tracking methods and now creates annual updates so future development can be better projected. A land use modeling effort in collaboration with consultants as part of this Comprehensive Plan update will also provide additional resources for staff's tracking and analysis of development.

As the County looks to 2045, the Land Use section, along with the entire Comprehensive Plan, seeks to address the strategies listed above and provide the framework for the policy decisions and Ordinances that will guide the community both today and into the future.

Future Land Use Map Descriptions and Development Standards

The following Future Land Use Map descriptions define the Land Use Map designations and assist in interpreting the intent of the Comprehensive Plan. These descriptions are to be used in conjunction with the Comprehensive Plan's Land Use Development Standards and Future Land Use Map when considering any development proposal affecting areas within the County. On any given parcel, there may be factors or property features highlighted in other Comprehensive Plan sections (e.g., historic or environmental resources) which may also influence the preferred uses, intensities and general development of the property, or determine its suitability for open space preservation.

In some instances, existing developed areas are not shown on the Future Land Use Map because it would be imprudent to encourage further expansions of those uses at this time. There are also areas where a property's zoning is not consistent with its Comprehensive Plan Land Use Designation. The significant instances of this circumstance are described below.

The Future Land Use Map and Comprehensive Plan will be reviewed on a periodic basis to consider changes in development patterns or County policy which may affect the rationale behind particular Future Land Use Map designations. Because the plan is reviewed on a regular basis, the Future Land Use Map and Comprehensive Plan are intended to be relatively rigid guidelines for development over the next five years.

Land Use designations and zoning districts are both important, but each serve a different function. The Land Use designation, in conjunction with County development guidelines, is a guide for a property's desired use in the future. Zoning is a separate regulatory process and layer, and legally determines current development, such as building and structure dimensions, design, placement, and use on the property.

Primary Service Area (PSA)

The PSA defines areas presently provided with public water, sewer and high levels of other public services, as well as areas expected to receive such services over the next 20 years. Promoting efficiency in the delivery of public facilities and services through land use planning and timing

development is an important concept. The PSA concept encourages efficient use of public facilities and services, avoids overburdening such facilities and services, helps ensure facilities and services are available where and when needed, increases public benefit per dollar spent, promotes public health and safety through improved emergency response time, and minimizes well and septic failures within the PSA. Most residential, commercial, and industrial development will occur within the PSA. Development outside of the PSA is strongly discouraged.

Public utility sites, easements, and facilities are not shown on the Future Land Use Map; however, it is the intent of the Comprehensive Plan that any development of these sites, easements, and facilities, inside or outside the PSA, be subject to individualized review under § 15.2-2232 of the Code of Virginia.

Relationship between the Comprehensive Plan Future Land Use Map and Zoning Ordinance District Map for Areas with Residential Designations

The first James City County Zoning Ordinance was approved in 1969, following the first adopted Land Use Plan, which was adopted in 1965, but pre-dating the first Comprehensive Plan, which was adopted in 1975. The Comprehensive Plan Future Land Use map was created with recognition and deliberation of adjacent land uses, traffic conditions, zoning, and a variety of other considerations. The following information provides additional guidance on the zoning-Comprehensive Plan Future Land Use Map relationship.

	Future Land Use Map Residential Designations (Low Density Residential and Moderate Density Residential)
R-8 or A-1 Zoning Districts inside the PSA	1. For residential uses, it may be appropriate to rezone to a residential zoning district. 2. For commercial uses, certain uses are permitted by-right in these zoning districts, while others may require a Special Use Permit (SUP). In a limited number of instances, to be evaluated on a case-by-case basis, a rezoning to a limited commercial zoning district may be considered. For either SUP or rezoning legislative actions, careful adherence to the Low Density Residential /Moderate Density Residential development standards, which have more specific guidelines for these limited commercial uses/districts, will be extremely important.
Residential Zoning Districts (R-1, R-2, R-3)	1. Residential uses and residential zoning districts are in concert with these Future Land Use Designations. 2. For residentially-zoned properties where a property owner wishes to pursue a commercial use, a limited number of uses are permitted by-right in these zoning districts, while others may require an SUP. In a limited number of instances, to be carefully evaluated on a case-by-case basis, a rezoning to a limited commercial zoning district may be considered. In these instances, for either SUP or rezoning legislative actions, careful adherence to the Low Density Residential/Moderate Density Residential development standards, which have more specific guidelines for these limited commercial uses/districts, will be extremely important.
Commercial/Industrial Zoning	A number of properties in this scenario reflect the historical discrepancy between the property's original zoning and the Comprehensive Plan Future Land Use Map. In these instances, the future land use designation was deliberately put in

Districts (LB, B-1, M-1, M-2)	place to address a variety of considerations. Examples of this are described below, together with the rationale for the existing designation, and information to help guide future development in these areas. Where this discrepancy occurs, a property owner could choose to pursue a rezoning to a residential district to allow for a residential use, which is typically less intense than what would otherwise be allowed. Similar to the circumstances discussed in the previous categories, if a property owner wishes to pursue a commercial use, certain uses are permitted by-right in these zoning districts, while others may require an SUP. For legislative actions, careful adherence to the language pertaining to a particular area below (where applicable) and to the Low Density Residential /Moderate Density Residential development standards, which have more specific guidelines for these limited commercial uses/zoning districts, will be very important.
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Anderson's Corner Area

There are approximately 87 acres outside the area designated Mixed Use in Anderson's Corner that are zoned General Business (B-1) and designated Low Density Residential. The surrounding property is zoned General Agricultural (A-1) and Limited Residential (R-1).

The County recognizes this property's zoning and Comprehensive Plan land use designations are inconsistent; however, for the reasons outlined below, the County believes that no changes in Land Use Map designation are warranted.

- Changing the Future Land Use Map designation to Mixed Use is not recommended. There is a substantial amount of land designated Mixed Use in and around the Barhamsville Road and the Croaker Road interchanges. There is also a substantial amount of land designated for General Industry just to the south of Anderson's Corner.
- Changing the Future Land Use Map designation to make it consistent with the underlying zoning could lead to other adjacent property owners wishing to re-designate their parcels from Low Density Residential to a more intense land use classification. Further development beyond what could occur based on existing zoning could result in significant increases in traffic volumes on both Route 30 and Richmond Road (Route 60).
- Because these B-1 parcels are adjacent to existing single family homes and property designated Low Density Residential on the Comprehensive Plan, they are not an appropriate location for intense business/ commercial uses. By keeping the Low Density Residential designation in this area, the County is better able to mitigate the impacts of businesses that locate in this area through the SUP process. It is the policy of the County to mitigate these impacts during the development review process.

The County would evaluate development proposals in this area based on how well they measure against the following criteria:

- Protecting adjacent residential areas.
- Limiting curb cuts and minimize negative traffic impacts on the area.

- Discouraging “strip” development and promote a coordinated and comprehensive development plan for the entire area.
- Giving preference to office and limited industrial uses.
- Encouraging pedestrian travel.

Strawberry Plains Road and Route 199 Area

This property is located on the west side of Strawberry Plains Road north of John Tyler Highway (Route 5). The northern portion of this area is zoned Limited Business (LB) and the southern portion is zoned B-1. The northern half of this area has a Moderate Density Residential designation while the balance of the area is designated Low Density Residential. Most of the property designated Moderate Density is already developed with small commercial uses associated with the Midlands townhouse complex. A portion of the property zoned B-1 is owned by the County and has been utilized for Route 199 right-of-way and buffers, and the rest has been developed as the Strawberry Plains Center commercial area.

The County believes that no change in Comprehensive Plan designation is warranted. Given this area’s proximity to nearby residential development, including the Strawberry Plains subdivision in the City of Williamsburg, it is ill-suited for further intense business and commercial development. For the B-1 property, the County discourages development or redevelopment of this property in a strip commercial fashion.

Greensprings Road and John Tyler Highway (Route 5)

Several properties located at the southwestern corner of John Tyler Highway (Route 5) and Greensprings Road are zoned LB and designated Low Density Residential. These parcels front on both Greensprings Road and John Tyler Highway (Route 5). They are adjacent to Low Density Residential properties (built subdivisions). Historic Green Spring is located directly across the street. The western parcel has been developed as an office complex. Because of their location, the development of these parcels could have a significant impact on the entry point to Green Spring Road and Historic Green Spring and consequently their historic and natural character.

The County believes that no change in the Future Land Use Map designation is warranted. Development of these parcels should continue to be very low traffic generators that protect the adjacent residential communities and the historic and aesthetic character of Greensprings Road and John Tyler Highway (Route 5). By keeping the Low Density Residential designation in this area, the County is better able to mitigate the impacts of businesses that locate in this area through the SUP process.

Jamestown Road - Sandy Bay/Ironbound Road Area

There are a number of properties in this area that are zoned LB and designated Low Density Residential. Jamestown Road is projected to be approaching or over capacity in the future Widening would have a significant negative impact on the character of the road. Given the traffic concerns and the fact that this area is predominantly residential in character, the Low Density Residential designation is appropriate for this area and should remain unchanged. The most appropriate uses are either residential or the very limited accessory commercial uses referenced in the Low Density

Residential designation. The Low Density Residential designation affords more opportunity to guide future uses.

Land Use Designation Descriptions and Development Standards

The information and charts below summarize the preferred development standards for the following future land use designations:

- Economic Opportunity
- Community Character Conservation, Open Space or Recreation
- Williamsburg-Jamestown Airport
- Federal, State or County Land
- Rural Lands
- Low Density Residential
- Moderate Density Residential
- Neighborhood Commercial
- Community Commercial
- Limited Industry
- General Industry
- Mixed Use

The designation descriptions and development standards for these future land use designations describe preferred uses, intensities and general development characteristics for each designation. In addition, the Character Design Guidelines should also be consulted as they describe the preferred design guidelines for different land uses.

Economic Opportunity

Lands designated as Economic Opportunity are intended primarily for economic development, increased non-residential tax base, and the creation of jobs. The lands should be at strategic locations in the County relative to transportation, utilities infrastructure, and adjacent uses, and the lands should only be developed consistent with comprehensive area/corridor master plans.

The principal uses and development form should maximize the economic development potential of the area and encourage development types that have certain attributes, principally that they have a positive fiscal contribution, provide quality jobs, enhance community values, are environmentally friendly and support local economic stability. Master planning is at the core of this designation, and no development should occur unless incorporated into area/corridor master planning efforts which should address environmentally sensitive areas, available infrastructure (roads, water, sewer, transit, etc.), community character and context, public facilities and adjacent land uses to include lands in adjacent jurisdictions. The intent of this designation is to include parcels with this designation in the PSA (where not already included) pending the outcome of the master planning efforts.

These area/corridor master planning efforts should phase development to be in step with, and provide for, adequate amounts or capacities of roads, water, sewer, transit, bicycle and pedestrian facilities, fire stations, police and general government services, parks and recreation facilities, schools, and other facilities and service needs generated by the development. The master plan for

the area should also demonstrate appropriate variation in uses, densities/intensities, pattern, and design such that new development is compatible with the existing character of surrounding areas. If an individual landowner in lands designated Economic Opportunity does not wish to participate in the master planning effort, such land shall be recognized and adequate buffers provided in the master plan to protect the current use of that land.

Development should be designed to encourage trips by alternative transportation modes and should be concentrated on portions of the site to avoid sensitive environmental features and respect viewsheds from historic and Community Character areas and corridors.

Economic Opportunity - Mooretown Road/Hill Pleasant Farm Area

For the Mooretown Road/Hill Pleasant Farm Area, the primary suggested uses include industrial, light industrial, and office uses. Primary uses shall follow the recommendations for the general Economic Opportunity designation as described above. Development should refer to the commercial/industrial and residential development standards. Retail commercial uses should be limited in amount and type to support the primary uses. Mixed-cost housing, with a strong emphasis on affordable/workforce needs, may be permitted on up to 15% of developable land area. Housing shall only occur with (a) an area/ corridor master plan to balance regional residential distribution, and (b) assurance that the residential units must be built concurrently or after the office/ industrial component. High density residential may be permitted as a secondary use only with commitments to improved transit system infrastructure and programs (light rail, commuter rail, expanded bus transit, etc.); should transit not occur, high density residential uses are strongly discouraged. In addition, any residential density should be highest closest to transit access points, and should decrease as distance increases from those points. A portion of this area is included within the Norge Community Character Area. Additional information can be found in the Norge description in the Community Character section. New development in the northern portion should be of a design, scale and intensity that is complementary to the development standards for the Croaker mixed use area.

Economic Opportunity - Barhamsville Interchange Area

For the I-64 Exit 227 Interchange Area, the primary suggested uses include industrial, light industrial, office, medical/research, and/or tourist attraction uses. Primary uses shall follow the recommendations for the general Economic Opportunity designation described above. Development should refer to the commercial/industrial development standards. Retail commercial uses should be limited in amount and type to support the primary uses. As expressed in the general Economic Opportunity language, the master plan for this area should demonstrate appropriate variation in uses, densities/intensities, pattern and design such that new development is compatible with the existing character of surrounding areas. In particular for this site, buffers, open space, or other similar mechanisms should be used along the southern and western property lines in order to provide a transition to areas designated Rural Lands and Park, Public and Semi-Public Open Space. These parcels constitute a gateway into the County along I-64 and Route 30 which should be reflected in the development's architectural design, landscaping and buffering.

Transportation is a key component of this EO area, with proximity to the interstate interchange as an important driver. The phasing and intensity of future development should safeguard this important element by maintaining adequate levels of service at the interchange and surrounding roadways. The primary access for these EO parcels should be an internal access road that connects to Old Stage Road/Route 30. A secondary access onto Barnes Road could be considered depending

on the type of development that is ultimately proposed, as well as a more thorough analysis of the adequacy and safety of Barnes Road to handle traffic both from the north and the south. Any residential uses should be subordinate to and in support of the primary economic development uses and only located on the periphery of the property in areas that are not suitable for economic development uses. In addition, the location and amount of any residential uses should be depicted as an integrated element of the larger master plan for the area, should be limited to the amount or percentage allowed in the Economic Opportunity Zoning District, and should not be developed prior to a significant portion of the primary economic development uses. New development should be of a design, scale and intensity that is complementary to the development standards for the Stonehouse mixed-use area.

Economic Opportunity - Toano/Anderson's Corner Area

For the Toano/Anderson's Corner Area, the recommended uses are industrial, light industrial and office uses. Businesses that take advantage of the unique assets of the property or use agricultural or timber industry inputs are highly encouraged. In order to support Toano as the commercial center of this part of the County, retail commercial is not a recommended use unless accessory to the recommended uses. Any residential uses should be subordinate to and in support of the primary economic development uses. In addition, the location and amount of any residential uses should be depicted as an integrated element of the larger master plan for the area, should be limited to the amount or percentage allowed in the Economic Opportunity Zoning District, and should not be developed prior to a significant portion of the primary economic development uses. As expressed in the general Economic Opportunity language, the master plan for this area should demonstrate appropriate variation in uses, densities/intensities, pattern and design such that new development is compatible with the character of surrounding areas. In particular for this site, buffers, open space, or other similar mechanisms should be used along the southwest and western property lines in order to provide a transition to areas designated Rural Lands, and the site design and architecture should respect the local rural character and nearby historic structures. Maintaining mobility on Route 60 is also a significant consideration, so development should utilize best practices for access management. New development should be of a design, scale and intensity that is complementary to the development standards for the Anderson's Corner mixed-use area.

Community Character Conservation, Open Space or Recreation

The properties that are most appropriate for this designation are those that currently contribute to the rural, historic and scenic character of James City County, whether inside or outside the Primary Service Area, and are used for that purpose. Categories for these properties includes those larger, undeveloped areas within the Primary Service Area (PSA) that are protected by historic or scenic easements, properties of national or local historic significance such as Jamestown Island, Colonial Parkway, Green Springs National Park, Carter's Grove and Mainland Farm, and properties currently used for public recreation such as York River State Park, the Warhill Sports Complex, Chickahominy Riverfront Park and Freedom Park. Other properties that are appropriate for this designation are those that provide buffers to historic sites and environmentally sensitive areas such as reservoirs, natural heritage resources, educational resources, and areas for recreation and enjoyment.

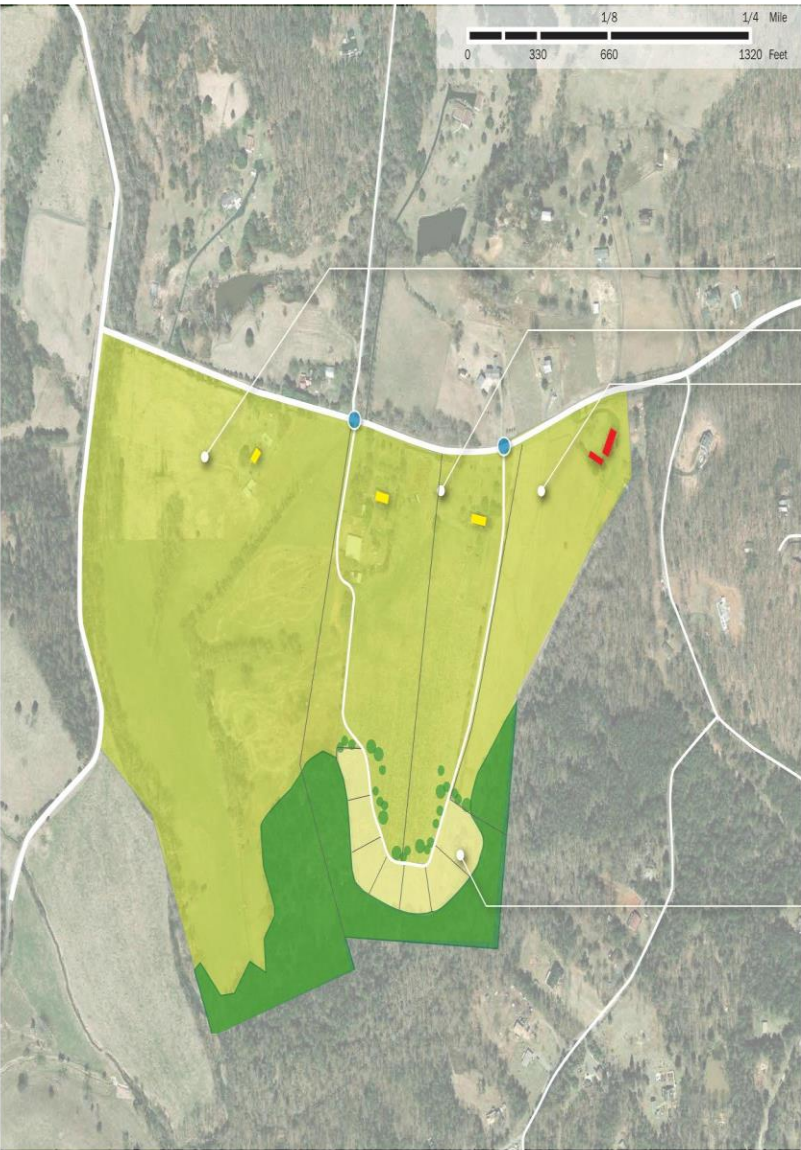
Williamsburg-Jamestown Airport

The principal suggested uses for the developable land associated with the airport include aviation, with airport-related commercial and office development as clearly secondary uses. Land which is currently in use as a mulching operation may continue in its current or a similar use, in a limited manner consistent with State and local permits. Changes in the use of this portion of the site to an activity which is similar or less intense than the previous activity may be permitted provided that all local, state, and federal permits are obtained and that the development of these uses is clearly secondary to the existing and future airport operations. Manufacturing, commercial, or industrial activities beyond the scope of what is described above are discouraged and any proposed development is to be considered in light of its impact on neighboring communities and subdivisions. The timing and intensity of development will be conditioned on the sufficient buffering and screening of adjacent property and the maintenance of an acceptable level of service for roads and other public services.

Federal, State, or County Land

Publicly owned lands included in this category are Eastern State Hospital, military installations, County offices and facilities, and larger utility sites such as the Hampton Roads Sanitation District treatment plant. Development in these areas should follow applicable development standards listed in the charts.

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	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. 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.
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	a) Uses in Rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to the following: - 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. b) Encourage the preservation and reuse of existing agricultural structures such as barns, silos, and houses. 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.
5. Rural Clusters	If built, rural clusters should develop with the following guidelines: - 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



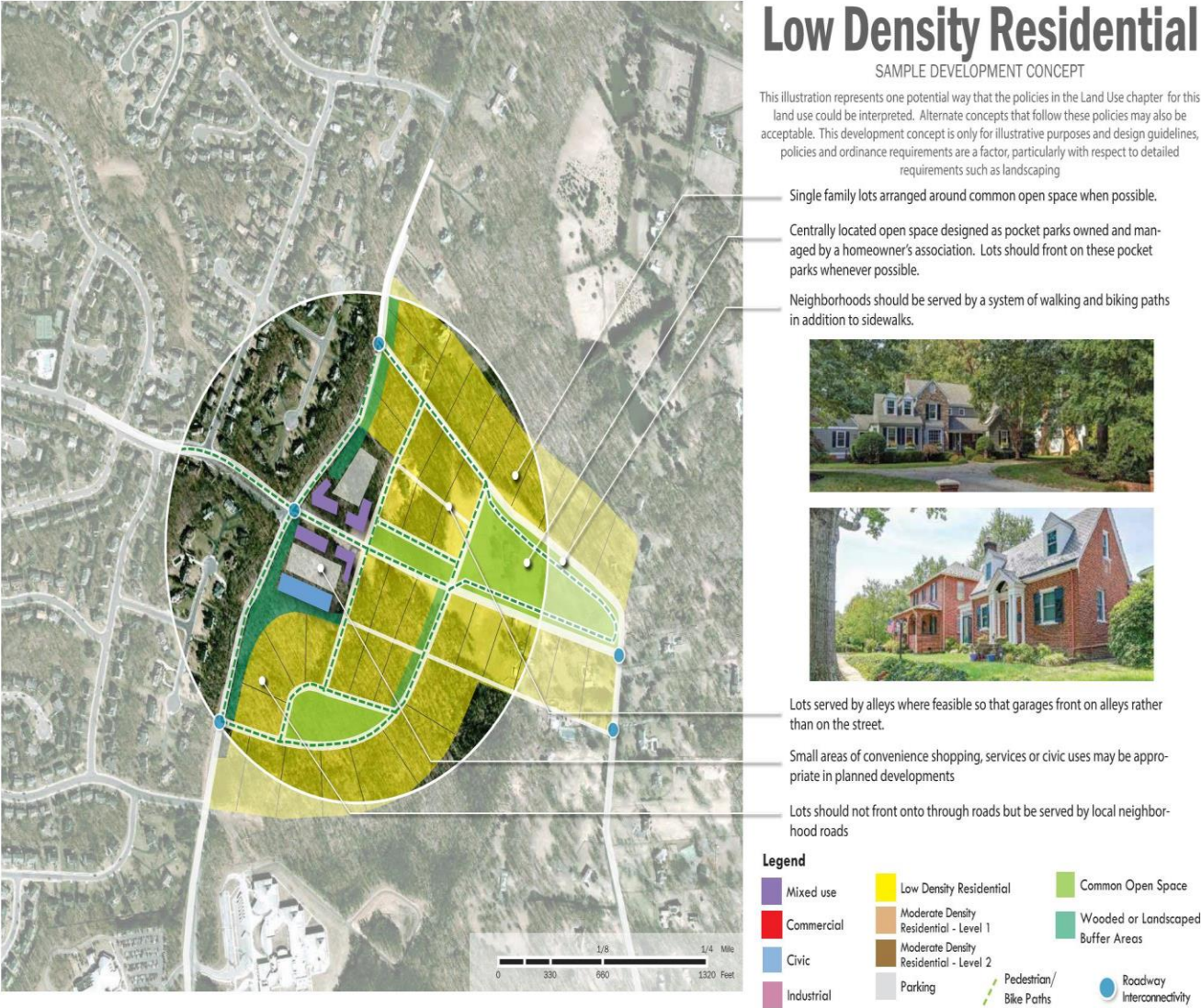
Small rural cluster sited away from roads and screened by trees to preserve rural viewsheds

- 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 |

Chart 2. Residential Designation Descriptions			
	Low Density Residential	Moderate Density Residential	
		Level 1	Level 2
1. Basic Description	• Located in the PSA where public services and utilities exist or are expected to be expanded to serve the sites over the next 20 years. • Have natural characteristics such as terrain and soils suitable for residential development.	• Located in the PSA where public services and utilities are available. • Optimally located near the intersections of collector or arterial streets. • Have natural characteristics such as terrain and soils suitable for compact residential redevelopment. • May serve as transitional uses, primarily to general commercial, Neighborhood Commercial, or Mixed Use areas.	• Have the attributes of Level 1, plus: • Optimally located on high capacity roadways, and near the intersections of collector or arterial streets. • May be part of a larger mixed use community as part of higher density uses at the core. • Should be located close to shopping and service uses with good multimodal connections to employment and recreation opportunities.
2. Recommended Density	• Gross density up to one dwelling unit per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwelling units proposed, and the degree to which the development is consistent with the Comprehensive Plan. • Gross density from one unit per acre up to four units per acre, if particular public benefits are provided. Examples of such public benefits include mixed-cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to the principles of open space design.	Minimum gross density of four units per acre up to 8 units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, and the degree to which the development is consistent with the Comprehensive Plan. Development at the highest density is not recommended unless it offers particular public benefits. Examples of such public benefits include mixed- cost housing, affordable and workforce housing, and enhanced environmental protection.	Minimum gross density of 8 units per acre up to 16 units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwelling units proposed, and the degree to which the development is consistent with the Comprehensive Plan. Development at the highest density is not recommended unless it offers particular public benefits. Examples of such public benefits include mixed- cost housing, affordable and workforce housing, and enhanced environmental protection.
3. Recommended Uses	Group 1 Single family and multifamily units, accessory units, cluster or cottage homes on small lots, recreation areas. Group 2 Schools, places of public assembly, very limited commercial, and community-oriented facilities. Group 3 (See also the CCRC and timeshare policies) Timeshares, retirement and care facilities and communities.	Group 1 Multifamily units (single family attached homes, duplexes, townhomes), lower density apartments, recreation areas, manufactured home parks and subdivisions in accordance with location standards. Group 2 Very limited commercial and community-oriented facilities. Group 3 (See also the CCRC and timeshare policies) Timeshares, retirement and care facilities and communities.	Group 1 Multifamily units (single family attached homes, duplexes, townhomes), apartments, recreation areas, in accordance with location standards. Group 2 Limited commercial and community-oriented facilities. Group 3 (See also the CCRC and timeshare policies) Timeshares, retirement and care facilities and communities.

Residential Development Standards	
4. Use and Character Compatibility	a) Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light, and traffic. b) Locate residential uses immediately adjacent to non-residential uses, major roads, railroads, airports, agricultural and forestal uses, and other conflicting uses only where the conflicts between such uses can be adequately addressed (noise, vibrations, and others). In some cases these conflicts may be addressed by sufficient screening or buffering, or other adequately protective site and building design features. c) For Moderate Density Residential uses generally, sufficient buffering should be provided so that the higher density development is compatible with nearby development and the natural and wooded character of the County. d) Uses in Groups 2 and 3 above should only be approved in these designations when the following standards are met: i. Maintain the residential character of the area; ii. Have traffic, noise, lighting and other impacts similar to surrounding residential uses; iii. Generally be located on collector or arterial roads at intersections; iv. Act as a transitional use between residential and commercial areas or, if located within a residential community, be integrated with the residential character of the area rather than altering its nature; v. Provide adequate screening and buffering to protect the character of nearby residential areas; and vi. Generally intended to support the residential area in which they are located (for Group 2 uses only). e) For uses that are covered in the Community Design Policies section of this chapter, follow the guidance for that use.
5. Public Services, Utilities, and Adequacy of Infrastructure	a) Timing and density of the development of particular sites will depend upon the availability and adequacy of public services, utilities, and facilities, and the maintenance of an acceptable level of service of roads and other public services. b) The need for public services (police, fire, education, recreation, etc.) and facilities (schools, fire stations, libraries, etc.) generated by a development should be met or mitigated by that development.
6. Open Space, Open Space Design	Use open space design and resource protection measures for new developments by: a) Basing design on a use of land reflecting topographic and other physical features and natural boundaries of the site rather than imposing a layout intended solely to satisfy minimum Ordinance requirements; b) Maintaining open fields, farm lands or contiguous forests suitable for timbering; c) Preserving scenic vistas; d) Protecting wildlife habitats, high-ranking Virginia Department of Conservation and Recreation designated Natural Areas and significant natural heritage resources, and other sensitive areas as open space; e) Retaining natural vegetative buffers around water bodies or wetlands; f) Preserving historic and archaeological resources; g) Ensuring that the common land adjoins protected open space on adjacent parcels; h) Maintaining existing trees and vegetation and preserving the character of the development’s natural setting; i) Emphasizing the use of natural screening/buffering (using vegetation, topography, etc.) over artificial or planted screening/buffering; j) Creating usable and functional public gathering places and recreational amenities that become focal points of the development and community; k) Designing effective pedestrian circulation to include trail systems (see also Nos. 8 and 9 below); l) Protecting land designated as conservation areas on development plans by perpetual conservation easement; and - m)Protecting designated Community Character Corridors.
7. Enhanced Environmental Protection	Provide enhanced environmental protection by designing the site in accordance with the open space design standards in No. 6, plus items such as: a) Adhering to the County’s adopted watershed master plans; b) Preserving soils with the highest potential for infiltration; c) Adhering to green building guidelines, such as LEED (Leadership in Energy and Environmental Design) or equivalent; d) Providing for water conservation measures and/or the use of grey or reclaimed water for irrigation; e) Providing for nutrient management plans; and f) Considering siting for solar orientation.

8. Transportation and Mobility	Minimize the impact of development proposals on overall mobility and traffic safety, especially on major roads by: a) Limiting access points and providing internal, on-site collector and local roads, side street access, and joint entrances, and prohibiting direct access to arterial and collector streets from individual single-family detached units and duplex units except in the case of a master planned community; b) Providing new public collector and arterial roads in master planned communities; c) Enhancing the efficiency of the entire street network by providing for vehicular connections to adjacent properties and developments; d) Providing for safe, convenient, and inviting bicycle, pedestrian, and greenway connections to adjacent properties and developments in accordance with the adopted Pedestrian Accommodations Master Plan and Regional Bikeway Map, with a special focus on providing adequate access between residential and nonresidential activity centers and among residential neighborhoods; e) Encouraging use of “complete streets” which integrate sidewalks and bikeways into the design of streets, and provide adequate associated facilities such as bike racks, such that these activities are given equal priority to motor vehicle activity; f) Providing for ultimate future road, bicycle, and pedestrian improvement needs and new road locations through the reservation of adequate right-of-way, and by designing and constructing roads, drainage improvements, and utilities in a manner that accommodates future road, bicycle, and pedestrian improvements; g) Explore bus and transit service need and provide facilities if appropriate; and h) Encouraging adequate off-street parking areas for multi-family residential developments that minimize conflicting turning movements with on-site and off-site traffic circulation.
9. Sense of Place and Streetscapes	Reference the Character Design Guidelines.
10. Affordable and Workforce Housing	a) Affordable and workforce housing should be provided in accordance with guidance or requirements in the Housing Chapter, Zoning Ordinance, and any other adopted policies or regulations. b) Where provided, affordable and workforce housing should be blended with other units of various types and prices throughout a given development. c) Public benefit in this area is most effectively achieved through provision of units or dedication of land.
11. Underground Utilities	Reference the Character Design Guidelines.





Moderate Density Residential - Level 1

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

Walking trails to link together residential clusters and create a sense of a unified community

Level 2 Moderate Density Residential located along major intersections to provide mixture of densities



Residential clusters anchored by communal green spaces

Level 1 Moderate Density Residential in the form of townhomes located in small courts or clusters anchored by open space

Small areas of low density residential to provide mixture of densities and housing types

Mixed use with convenience shopping and services within walking distance of homes

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	Pedestrian/Bike Paths
Industrial	Parking	Roadway Interconnectivity



Moderate Density Residential - Level 2

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

Lower density housing integrated into the community to provide a diversity of housing options and a mixed density community

Commercial uses along main highway act as "gateway" to the community

Mixed use buildings to create "main street" character with housing above walkable retail uses



Project designed as a "complete community" with a mixture of uses and housing types organized around a series of communal open spaces and walkable/bikable access to amenities

Ample open space in the community organized as small pocket parks or village greens with buildings fronting on them

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	Pedestrian/Bike Paths
Industrial	Parking	Roadway Interconnectivity

Chart 3. Commercial/Industrial Designation Descriptions				
	Neighborhood Commercial	Community Commercial	Limited Industry	General Industry
1. Basic Description	- Located in the PSA, serving residents of the surrounding neighborhoods in the immediate area and having only a limited impact on nearby development. - Location criteria for commercial uses are small sites; access to collector or arterial streets, preferably at intersections with local or other collector arterial roads; public water and sewer service; environmental features such as soils and topography suitable for compact development; and adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural and wooded character of the County.	- General business activities located within the PSA and usually having a moderate impact on nearby development are designated Community Commercial. - Location criteria for Community Commercial uses are access to arterial streets, preferably at intersections with collector and arterial streets; moderate to large sized sites; public water and sewer service; environmental features such as soils and topography suitable for compact development; and adequate buffering by physical features or adjacent uses to protect nearby residential development.	- Designated sites within the PSA for warehousing, office, service industries, light manufacturing plants, and public facilities that have moderate impacts on the surrounding area. - Limited Industry ordinarily requires access to arterial roads or major collector streets, public water and sewer, nearby police and fire protection, small to moderate sized sites, environmental features such as soils and topography suitable for intense development, and adequate buffers for nearby residential development.	- Areas located within the PSA that are suitable for industrial uses which, because of their potential for creating dust, noise, odor, and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses. - General Industry uses usually require access to interstate and arterial highways, public water and sewer, adequate supply of electric power and other energy sources, access to a sufficient labor supply, and moderate to large sized sites with natural features such as soils, topography, and buffering suitable for intense development.
2. Recommended Intensity	Recommended FAR range: No minimum-0.2 See Character Design Guidelines for massing information and other guidance.	Recommended FAR range: 0.2-0.4 Lower FARs are acceptable if the site includes open space for future expansion or buffering purposes. See Character Design Guidelines for massing information and other guidance.	Recommended FAR range: 0.2-No limit Lower FARs are acceptable if the site includes open space for future expansion or buffering purposes.	Recommended FAR range: 0.2-No limit Lower FARs are acceptable if the site includes open space for future expansion or buffering purposes.

3. Recommended Uses	Neighborhood scale commercial, professional and office uses such as individual medical offices, branch banks, small service establishments, day care centers, places of public assembly, convenience stores with limited hours of operation, small restaurants, and smaller public facilities. Examples of uses which are considered unacceptable include fast-food restaurants, 24-hour convenience stores, and gas stations.	Community-scale commercial, professional and office uses such as branch banks, places of public assembly, convenience stores, day care centers, general retail stores, grocery stores, indoor recreation facilities, medical offices, office parks, public facilities, service establishments, shopping centers, restaurants, and theaters.	See basic description for primary uses. Secondary uses in Limited Industry areas may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development.	Primary uses include uses that maximize the industrial opportunities of an area. Typical uses can be found in the M-2, General Industrial, section of the Zoning Ordinance. Secondary uses in General Industry areas may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development.
Commercial/Industrial Development Standards				
4. Compatibility	a) Locate proposed commercial and industrial developments adjacent to compatible uses (public or other similar uses, etc.). Where a commercial or industrial development is proposed at a location near a sensitive area, the site should be designed so that transitional uses such as offices and/or buffers are located between conflicting uses. Emphasis should be placed on ensuring the provision of open space; protection of the environment, historical and archaeological resources; and adjoining land uses; sufficient capacities of public facilities and services; quality and effectiveness of pedestrian circulation systems and facilities; and ability to meet the public needs of the development. b) Commercial uses, and particularly Neighborhood Commercial areas, will have a limited impact on adjacent residential areas especially in terms of visible parking areas, lighting, signage, traffic, odor, noise, and hours of operation. c) Acceptable Neighborhood Commercial uses should be compatible with surrounding or planned residential development in terms of scale, bulk, size, building design, materials, and color, and should provide safe and convenient multimodal access to nearby residential neighborhoods and adjacent sites. d) For uses that are covered in the Community Design Policies section of this chapter, follow the guidance for that use. e) For Limited Industry areas, dust, noise, odor, and other adverse environmental effects are primary considerations for determining whether land uses are acceptable in these areas. f) Each Community Commercial area should be clearly separated from other Community Commercial areas to retain the small town and rural character of the County, provide a sense of place, and promote transportation mobility. g) Be consistent with the Character Design Guidelines.			
5. Public Services, Utilities, and Adequacy of Infrastructure	a) Permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses. The need for public services (police, fire, education, recreation, etc.) and facilities generated by a development should be met or mitigated by that development. b) While a variety of market forces influence commercial and industrial development proposals, the maintenance of an acceptable level of service of roads and other public services and the availability and capacity of public utilities should be primary considerations.			
6. Environmental Protection	a) Protect environmentally sensitive resources including high-ranking Natural Areas and significant natural heritage resources, watersheds, historic and archaeological resources, designated CCCs and CCAs, and other sensitive resources by locating conflicting uses away from such resources and utilizing design features, including building and site design, buffers, and screening to adequately protect the resource. b) Protect land designated as conservation areas on development plans by perpetual conservation easement.			

7. Transportation	a) Minimize the impact of development proposals on overall mobility, especially on major roads, by limiting access points and providing internal, on-site collector and local roads, side street access, and joint entrances. When developing large master planned communities, provide new public collector and arterial roads that will mitigate traffic impacts on existing public collector and arterial roads. Provide for safe, convenient, and inviting bicycle, pedestrian, and greenway connections to adjacent properties and developments and activity centers. Vehicular connections to adjacent properties and developments should also be provided wherever possible in order to maximize the efficiency of the entire street network. Integrate multimodal facilities into the design of streets so that multimodal movement is safe, comfortable, and convenient. Multimodal activity should be given an equal priority to motor vehicle activity. b) Industrial and commercial areas should be planned and located to avoid traffic through residential and agricultural areas except in special circumstances where residential and nonresidential areas are both part of an overall master plan and special measures are taken to ensure that the residential or agricultural uses are adequately protected. c) Provide for ultimate future road, bicycle, and pedestrian improvement needs and new road locations through the reservation of adequate right-of-way and by designing and constructing roads, drainage improvements, and utilities in a manner that accommodates future road, bicycle, and pedestrian improvements. Explore bus and transit service need and provide facilities if appropriate.
8. Streetscapes	Reference the Character Design Guidelines.
Specific Commercial Areas The following Commercial areas and their recommended priorities of land uses can be found in James City County:	
Jamestown /Sandy Bay Road Area	Several parcels located at or near the intersection of Jamestown Road and Sandy Bay Road were re-designated from Low Density Residential to Neighborhood Commercial during the 1997 Comprehensive Plan update. This land use designation sought to recognize existing uses, zoning, and the future development of adjacent parcels while limiting negative impacts on the traffic capacity of Jamestown Road. Additional commercial development beyond the boundaries of the proposed Neighborhood Commercial designation would further impede traffic flow along this road. The principal suggested uses for the Jamestown Road Neighborhood Commercial area are very limited commercial uses. Future development is to be of a type and nature that is consistent with the Neighborhood Commercial designation. In addition, future development will consist only of low traffic generating uses due to the limited road capacity on Jamestown Road; the extent of parking will be minimal; uses will provide service to local, nearby neighborhoods, as opposed to the wider community; the site will develop as a pedestrian-oriented environment with a design compatible with nearby residential areas; a master development plan for the full area is encouraged; and driveways will be limited. There is to be full adherence to the County’s Community Character Corridor policy along the entire frontage of all properties along Jamestown Road.
Premium Outlets Area	The area in and around Premium Outlets was re-designated from Low Density Residential to Community Commercial during the 1997 Comprehensive Plan update. Re-designation of this area is in recognition of deliberate decisions of the Board of Supervisors to zone the area as commercial and of subsequent commercial development of the property. The Community Commercial designation of this area is not intended in any way to promote or accommodate an extension of a strip commercial development beyond its boundaries.



Neighborhood Commercial

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

- Small local shops or services located along collector streets serving a local neighborhood
- Cluster of professional office uses integrated with a new residential neighborhood with communal open space
- Neighborhood center with retail or office uses along arterial or collector roads designed to be compatible with surrounding context
- Community trails and sidewalks allow pedestrian and bicycle connections to nearby homes



Legend

Mixed use

Commercial

Civic

Industrial

Low Density Residential

Moderate Density Residential - Level 1

Moderate Density Residential - Level 2

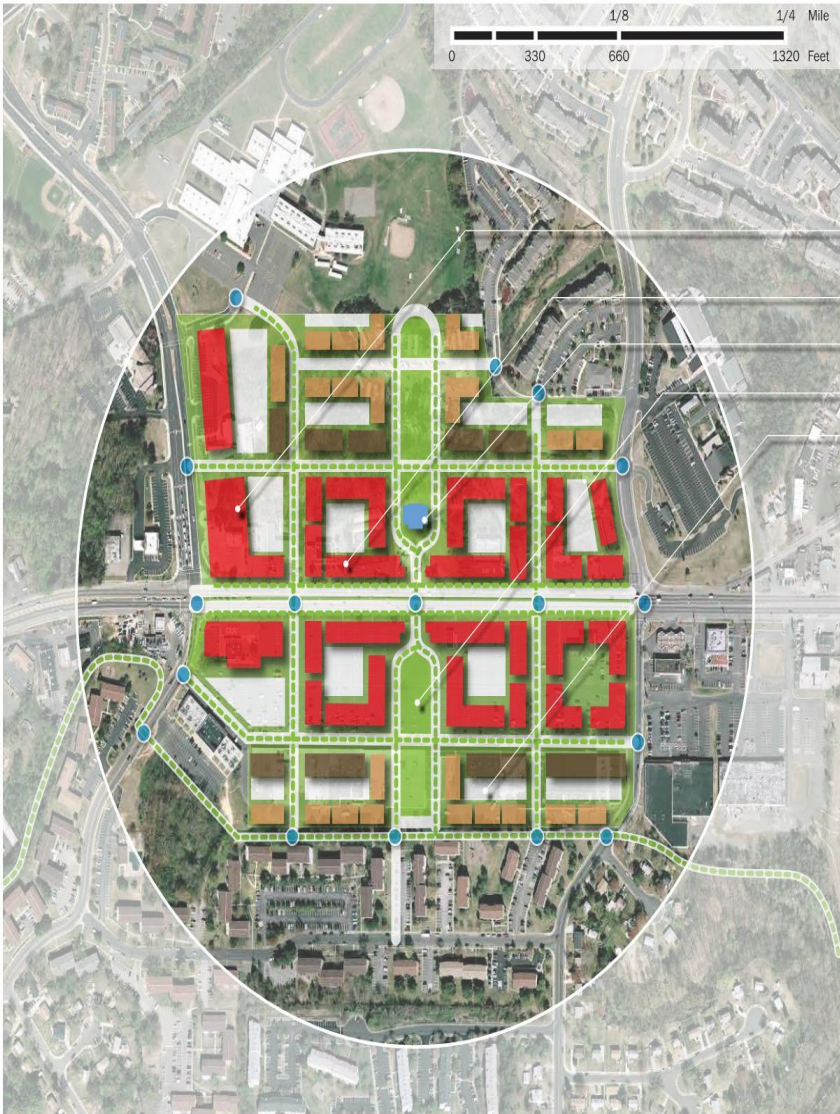
Parking

Common Open Space

Wooded or Landscaped Buffer Areas

Pedestrian/Bike Paths

Roadway Interconnectivity

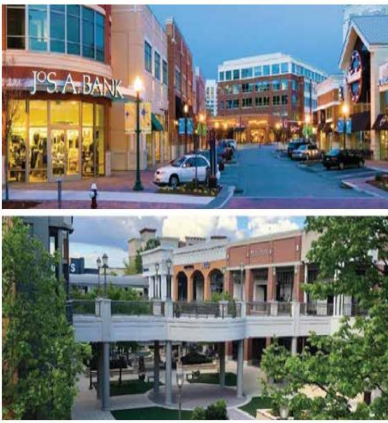


Community Commercial

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

- Larger scale commercial and retail uses facing major roadways and intersections with screened parking
- Smaller scale office or retail uses facing roadways to create a "main street" character on walkable boulevards
- Civic uses integrated to create a community focal point
- Central community open spaces connected to each block through a system of sidewalks and trails
- A mixture of housing types and densities integrated with commercial buildings to make a mixed use "complete community"



Legend

Mixed use

Commercial

Civic

Industrial

Low Density Residential

Moderate Density Residential - Level 1

Moderate Density Residential - Level 2

Parking

Common Open Space

Wooded or Landscaped Buffer Areas

Pedestrian/Bike Paths

Roadway Interconnectivity



Limited Industry

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

- Located near existing warehousing and light manufacturing as well as office uses and near high capacity transportation facilities
- Campus-style clusters of warehousing, office, service industries, light manufacturing plants, and public facilities compatible with surrounding areas
- Low scale flex and office uses compatible with light industrial uses
- Community trails and sidewalks allow pedestrian and bicycle connections to surrounding areas



General Industry

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

- Located with access to interstate and arterial highways and/or railroads
- Low density and low rise industrial buildings well screened and separated from adjacent communities because of their potential for creating adverse environmental impacts
- Wide separations and buffers, particularly to adjacent residential neighborhoods
- Limited office uses to support industrial complex



Chart 4. Mixed Use Designation Descriptions		
	Level 1: Areas Noted Below as “Rural or Village Center” or “Small Town or Suburban Center”	Level 2: Areas Noted Below as “Medium Town or Suburban Center”
1. Basic Description	• Located in the PSA where public services and utilities are available. • Located at the intersections of collector or arterial streets and intended to serve as local community focal points with a friendly blend of useful services, shopping, or employment and close-in housing just as in traditional town and village centers. • Have natural characteristics such as terrain and soils suitable for compact mixed use development or redevelopment. • Contain a mixture of uses, rather than uses segregated into individual areas for residences, retail, office, and services. • Designed with a pedestrian focus with good multimodal connections to surrounding areas and recreation opportunities. • Designed as lower intensity areas to be compatible with surrounding context and with transition areas and step downs in densities to respect nearby historic and/or residential areas. • Designed with a mix of uses that is compatible with the surrounding area, and is consistent with the specific area descriptions below.	- o Located in the PSA where public services and utilities are available. - o Designed as existing or future activity centers where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. - o Located at or near interstate interchanges or the intersections of major thoroughfares, or adjacent to mixed use areas of similar intensity, and intended to maximize the economic development potential of these areas by providing for more intensive commercial, office, and industrial development, with ancillary residential uses to make a complete community. - o Have characteristics such as terrain, high-capacity access and visibility that support higher density development with high design quality to serve as a countywide focal point. - o Include mixed uses within buildings such as office or residential above ground floor retail for most buildings. Single use buildings should be integrated into a neighborhood of mixed uses and densities to create a more urban neighborhood character. - o Designed as a walkable mixed-use community that supports multi-modal transportation choices and fosters substantial pedestrian activity.
2. Recommended Uses and Land Allocations	- o While no specific mix of uses is prescribed for Level 1 mixed use areas except as noted in the Specific Mixed Use Area descriptions below, each development should be designed as a complete community to foster pedestrian access to a wide range of employment, residential, recreational, civic and service opportunities. In addition, compatibility with surrounding context is paramount and land use mix and density should be aligned with the surrounding context. - o Within the general mix of uses noted in the Specific Mixed Use Area descriptions below, specific land area allocations should be within the following ranges. Land area allocations are guidelines and considerations of community compatibility may modify these to fit in better with the surrounding context: - o Residential area: 30-60% - o Non-residential area: 40-70% - o Civic, open space and recreation areas: 20% - o Note that the above are land allocations, not floor area allocations. Due to the typically higher Floor Area Ratios for commercial versus residential development, it would be expected that these land allocations would yield a much higher proportion of nonresidential floor area over residential floor area in a typical development.	- o While no specific mix of uses is prescribed for Level 2 mixed use areas except as noted in the Specific Mixed Use Area descriptions below, each development should have a mix of uses that complements the area and should be designed as a complete community to foster pedestrian access to a wide range of employment, residential, recreational, civic and service opportunities. - o Within the general mix of uses noted in the Specific Mixed Use Area descriptions below, specific land area allocations should be within the following ranges. Land area allocations are guidelines and variability may be allowed if alternate allocations can be shown to better meet the land use objectives of this district as described herein: - o Residential area: 20-50% - o Non-residential area: 50-80% - o Public/Civic area: 5% - o Open space and recreation areas: 10% - o Note that the above are land allocations, not floor area allocations. Due to the typically higher Floor Area Ratios for commercial versus residential development, it would be expected that these land allocations would yield a much higher proportion of nonresidential floor area over residential floor area in a typical development.

3. Recommended Density and Intensity	- o Densities and intensities should be generally as follows but variability may be allowed only to better achieve compatibility with surrounding communities. Note that these include a minimum as well as maximum range. This is intended to ensure that these community-serving areas be used for their community development function and not be locked into low intensity single uses that preclude their function as a local activity area. Densities and intensities should be net, exclusive of open spaces and unbuildable areas. - o Non-residential FAR: 0.2 to 0.4 - o Residential density: 4-8 units/acre - o Number of Stories: - o Multi-family Residential: 2-3 - o Office: 2-3 - o Retail and Service Commercial: 1-2. Single-story buildings should only be located when integrated into a plaza or other public gathering space. - o Developments at the higher ranges of density are not recommended unless they can be shown to be more compatible with surrounding community context and offer significant public benefits such as affordable/workforce housing, enhanced environmental protection, a high degree of access to multi-modal/transit transportation, or significant civic or recreational amenities.	- o Densities and intensities should be generally as follows but variability may be allowed if alternate densities and intensities can be shown to better meet the land use objectives of this designation as described herein. Note that these include a minimum as well as maximum range. This is intended to ensure that these prominently located areas be used for their economic development function and not be locked into low intensity uses that preclude future higher economic returns. Note also there is some flexibility language in the densities to allow for unique context considerations or innovative master plan approaches. Densities and intensities should be net, exclusive of open spaces and unbuildable areas. - o Non-residential FAR: 0.3 to 1.0 - o Residential density: 6-12 units/acre - o Number of Stories: - o Multifamily Residential: 2-5 - o Office: 2-6 - o Retail and Service Commercial: 1-2. Single story buildings should only be located when integrated into a plaza or other public gathering space. - o Developments at the higher ranges of density are not recommended unless they offer significant public benefits such as affordable/workforce housing, enhanced environmental protection, a high degree of access to multi-modal/transit transportation, or significant civic or recreational amenities.
Mixed Use Development Standards		
4. General Language	a) All developments should refer to the Residential and Commercial/Industrial Development Standards, including Affordable and Workforce Housing, Enhanced Environmental Protection, and Transportation and Mobility, along with the Mixed Use Development Standards. All developments should also refer to the Character Design Guidelines for more specific guidance on development character. b) Mixed Use developments should create vibrant urban/small town environments that bring compatible land uses, public amenities, and utilities together at various scales. These developments should create pedestrian-friendly, complete communities, with a variety of uses that enable people to live, work, play, and shop in one place. c) Mixed Use developments require nearby police and fire protection, high capacity road access, access to public utilities, large sites, environmental features such as soils and topography suitable for intense development, and proximity or easy access to large population centers. The timing and intensity of commercial development at a particular site are controlled by the maintenance of an acceptable level of service for roads and other public services, the availability and capacity of public utilities, and the resulting mix of uses in a particular area. Master plans are encouraged to be submitted to assist in the consideration of Mixed Use development proposals. The consideration of development proposals in Mixed Use areas should focus on the development potential of a given area compared to the area's infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts. d) Mixed Use developments should focus on place-making. Developments should be designed to create a sense of place and should be seen as community destinations. Focal open spaces, community oriented gathering places, unified architectural design, and a mix of uses and design that encourages pedestrian activity are all examples of creating a sense of place. e) Mixed Use developments should allow for compact development that create more efficient buildings and spaces, which can be less of a burden on the environment, creating a more sustainable community. f) Mixed Use developments should encourage the proximity of diverse uses to make it possible to reduce vehicle trips and vehicle miles traveled, providing for a greater potential for internal capture than with typical suburban development and should provide good multimodal networks for bicycle and pedestrian uses.	

Specific Mixed Use Areas	
The following Mixed Use Areas and their recommended priorities of land uses can be found in James City County:	
1. Stonehouse UDA: Medium Town or Suburban Center	The principal suggested uses for the Stonehouse Mixed Use area are light industrial and office/business park. Except for the area between I-64 and Old Stage Road, commercial uses should be clearly secondary in nature, should be limited in scale, comprise a small percentage of the land area of the overall mixed use area, and be oriented towards support services that employees and residents in the Stonehouse area can utilize. The commercial uses should not be developed in a “strip” commercial fashion, but rather should be internally oriented with limited and shared access to Route 30. For the area between I-64 and Old Stage Road, community-scale commercial uses (such as shopping center, hotel, restaurant, and office uses) consistent with prominent interstate interchange access and in support of surrounding residential development are envisioned. For the area between I-64 and Old Stage Road, residential is not a recommended use. The Stonehouse Planned Use Development should be developed in accordance with a binding master plan which maintains the appropriate mixture of principal and secondary uses. Development in the Mixed Use area should also emphasize shared access and parking, consistent treatment for landscaping and architecture, and the preservation of environmental and cultural resources. New residential developments in the Mixed Use area as well as the surrounding existing residential developments should be buffered from the light industrial and office uses through landscaping and architecture treatment, but connected with pedestrian access where possible. Future development in the Stonehouse area will be conditioned on the provision of adequate transportation access.
2. Andersons Corner UDA: “Rural or Village Center”	Andersons Corner is one of the few remaining areas in the PSA with significant rural agricultural vistas and contains one of the few remaining rural historic structures in the County, the Whitehall Tavern. Future development should occur in a manner that maintains an appropriate historic setting for the Whitehall Tavern and preserves the rural and historic character of the area. Views from Richmond Road (Route 60) and Route 30 should receive high priority. To accomplish this, significant amounts of open land and fields should be preserved along with agricultural and rural structures in a manner that creates a village commercial node that is integrated with surrounding residential development and suitably transitions to the Rural Lands areas to the west. The suggested principal uses are a balance of office and commercial. Residential is recommended as a supporting but not dominant use, and where it is proposed, the preferred format is integration in mixed use buildings that should be blended into the development of the principal uses for an overall village effect. Master planning of each of the Mixed Use intersection quadrants with adjacent existing and future residential development is strongly encouraged, with the use of shared access points as a primary consideration. Due to the width and traffic volumes on Routes 60 and 30, it is recognized that creation of a unified village effect that encompasses all four quadrants may be difficult, and for this reason, careful quadrant planning as described in the previous sentence will be important, and unique pedestrian connections, if feasible and appropriate, are encouraged. While greater intensities are anticipated, designs and land use patterns should reflect aspects of both appropriate PSA and Rural Lands Development Standards. Buildings and other structures should be small to moderate sized in scale, and of architectural styles that respect local rural and historic traditions. Standardized architectural and site designs should be strongly discouraged. Sections of Richmond Road (Route 60) east of Croaker Road are projected to be at or above capacity in the future. The extent to which development of this area contributes to traffic congestion in those sections of Richmond Road (Route 60) should be an important consideration in the review of development proposals.

3. Toano UDA: Rural or Village Center	The 2006 Toano Community Character Area Design Guidelines and Streetscape Plan recognized the special character of Historic Toano and the Transition Areas that included Forge Road, Chickahominy Road and Toano Drive. Architectural and streetscape guidelines were established for these areas and should be incorporated in any future development or redevelopment of this area. The ultimate goal is to preserve the village character of this historic community. Principal suggested uses include moderate density residential development, neighborhood scale commercial establishments, and small office developments. Limited industrial uses may be appropriate as secondary uses provided that they are set back and screened from Richmond Road (Route 60). Preservation and adaptive re-use of historic buildings are encouraged. Redevelopment of existing residential areas and commercial development are also encouraged. The following principles should guide streetscape and building designs in this area: • Highlight and honor history; • Encourage appropriate growth that enhances unique small town character; • Preserve open space, establish communal greenspace; • Enhance pedestrian and bicycle environment while slowing vehicular traffic; and • Improve streetscape and landscape to create a sense of place. For the area west of Richmond Road and north of Forge Road, development should follow the streetscape plan and associated recommendations of the Toano CCA Design Guidelines for creating and maintaining a sense of place in Toano. This area of Toano is located in the “Entrance Corridor from Anderson’s Corner” as described in the guidelines and should follow the design elements recommended in the study. Primary uses directly along Richmond Road should be commercial in nature with larger buildings closer to the road. Development of multi-use buildings, with retail on the first floor and residences above are also encouraged. Desired elements include two- and three-story buildings, windows on all floors, and first or second floor balcony. It is important to keep the scale of the building relatively small with density being reduced farther away from Richmond Road. Larger buildings should be broken down into smaller masses to give the appearance of shops or residential units. Buildings removed from Richmond Road should be limited to one and one-half and two stories. Other development in this area should focus more on residential development, with commercial as a clearly secondary use. Densities for this area should be to the lower end of the Moderate Density Residential scale, with building scale and massing decreasing. Vehicle parking and sidewalks should be internal rather than along the perimeter of this residential area, providing a more pleasing transitional view when traveling from Rural Lands into Toano. Buildings should have architectural treatments on the outward facing sides as well as on the front. Enhanced buffers should be provided to preserve existing farm or agricultural uses on adjoining properties. The creation of a street network adjacent and parallel to Richmond Road allows a finer grain of density to develop and contributes to the village-like feel. Additionally, this network should begin to draw development and interest into side streets and neighborhoods. If appropriate, public open space or a village green should also be incorporated into this area. Development in the eastern most portion of this area, which abuts Richmond Road to the north and is located south of the industrial properties, is to be appropriately buffered, scaled and sited to retain the historic, rural character of Toano and provide a visual gateway into Toano.
4. Norge UDA: Small Town or Suburban Center	For the Mixed Use area in the northeast corner of the Richmond Road (Route 60) and Croaker Road intersection, a balance of office uses and moderate density residential is recommended. For the Mixed Use area on the north side of Cokes Lane east of the materials distribution yard property and adjacent to the CSX railroad and Mirror Lakes subdivision, a balance of small offices and warehouses and moderate density residential is recommended. For lands southwest of the Croaker Road/Richmond Road intersection, suggested uses include commercial and office as primary uses with limited industry as a secondary use. The office, warehouse or commercial uses should be compatible with the adjacent residential development in terms of size, scale, and architecture. The architecture should also complement historic structures in Norge. These areas should be designed and developed under a unified development plan or multiple coordinated development plans which emphasize shared access and parking, consistent treatment for landscaping and architecture, and the preservation of environmental and cultural resources. The intensity of development should be conditioned on the provision of sufficient buffering and screening to protect adjacent residential development, and traffic, noise, light, odor and other impacts should be assessed and mitigated. Internal streets and sidewalks should be connected to adjacent properties to the extent possible.

5. Croaker Interchange UDA: Medium Town or Suburban Center	Future development for the Mixed Use interchange quadrants should be developed in accordance with a binding master plan which maintains the appropriate mixture of principal and secondary uses. The binding master plan shall address how the future development and/or redevelopment of adjacent parcels, including the Mooretown Road/Hill Pleasant Farm Economic Opportunity area, would be integrated into the overall plan of development for the Mixed Use area. As development occurs for each of these quadrants, an appropriate mixture of preferred and secondary uses shall be maintained at all times. Future development for these interchange quadrants will be conditioned upon County acceptance of a specific plan and implementation schedule to maintain adequate levels of service on the surrounding road system, including the interstate and the interchange. Suggested uses for the two quadrants are outlined below. 5A. Northwest Quadrant (adjacent to and east of the Mirror Lakes subdivision) The principal suggested uses include commercial and office. Secondary uses may include light industry and moderate density residential development. Moderate density residential development would be accommodated where it does not preclude the development of the principal uses. For the three properties to the west of Point O Woods Road and to the north of Croaker Road, suggested uses are those that meet the description and intensity of the Neighborhood Commercial designation (as found in Chart 3, Commercial/Industrial Designation Descriptions in the Land Use section), including medical offices, professional offices, branch banks, day care centers, and small restaurants. These three properties should be designed so they can share a single entrance onto Croaker Road, in a way that implements or incorporates best practices for access management. Particular attention should also be paid to adequately buffering potential development from the existing adjacent residential areas, and complementing the architecture of surrounding uses. 5B. Southeast Quadrant The principal suggested uses for new development or redevelopment include light manufacturing and office. New development or redevelopment within this quadrant is to include adequate buffering for the portion of any parcels designated for Community Character Conservation, Open Space or Recreation.
6. Lightfoot UDA: Small Town or Suburban Center	For the land east of Richmond Road (Route 60), the principal suggested uses are commercial and office development. The property is adjacent to the railroad and, if passenger or light rail were to become available, would be suitable for a transit- oriented mixed use development with a mixture of limited industry, commercial, and moderate density housing. This broader set of uses could also be recommended if found suitable through a corridor redevelopment plan. For lands west of Richmond Road (Route 60), the principal suggested uses are moderate density housing, commercial developments, and office developments. The Lightfoot Corridor is particularly well-suited for the development of workforce housing. There are significant capacity issues in this segment of Richmond Road and at the Lightfoot/Richmond Road intersection and Route 199/Richmond Road interchange, with development occurring in both the County and adjacent localities. Measures to mitigate traffic congestion and enhance multimodal facilities will be critical to maintaining the economic vitality of the area and to maintaining an acceptable degree of mobility. Commercial uses should not be developed in a “strip” commercial fashion, and should emphasize shared access and parking as well as consistent treatment for landscaping and architecture. Uses in this area should be compatible and integrate with the adjacent Economic Opportunity designated area to the extent possible.
7. New Town UDA: Medium Town or Suburban Center	The principal suggested uses are a mixture of commercial, office, residential, and limited industrial. Most of this area is governed by a detailed master plan and design guidelines for each distinct area within the New Town development, which provides guidelines for street, building, open space design, and construction similar to the scale, architecture, and urban pattern found in the City of Williamsburg. New development or redevelopment in this area should follow consistent design guidelines and strive to integrate uses. A portion of this area is not governed by New Town development master plan and design guidelines, including areas along the west side of Ironbound Road and areas south of Monticello Avenue. These areas should have design, scale and development pattern that is consistent with the New Town development. For the area along the west side of the Ironbound Road corridor, the expansion of existing businesses, or similar uses, is encouraged, with the added opportunity for mixed use structures that incorporate housing as a clearly secondary use in upper stories.
8. Five Forks Not a UDA, Use Level 1 Guidance	Development at the intersection of John Tyler Highway (Route 5) and Ironbound Road primarily serves nearby residential neighborhoods. The principal suggested uses are community-scale and neighborhood commercial and office uses. Moderate density residential development is encouraged as a secondary use. Development should tie into the larger Five Forks area with complementary building types and connections to surrounding commercial and residential development. The property on the west side of Ironbound Road and south side of John Tyler Highway (Route 5) is envisioned to be limited to community-scale and neighborhood commercial and office uses. Specifically, future development on the parcel directly to the south and west of the existing 7-Eleven should not exceed the intensity and density of development identified on the approved master plan and approved proffers for James City County Case Z-9-05/MP-6-05 (Governor’s Grove at Five Forks, approved by the Board of Supervisors August 9, 2005). For the parcel located at 133 Powhatan Springs Road, historical uses have included a contractor’s office/warehouse. Similar small-scale, low-intensity Limited Industrial uses that are consistent in terms of scale and impact to the contractor’s office/warehouse and those that can adequately mitigate

	impacts to adjacent low density residential areas may be appropriate. Expansion of the facilities to more intense industrial or commercial/retail uses is not recommended. Preservation and adaptive re-use of historic buildings are encouraged, as is the redevelopment of existing residential and commercial uses in the immediate area. Future development and redevelopment should also reflect the historic and scenic qualities of the Five Forks area and should adhere to the Board adopted Primary Principles for the Five Forks Area. Overall development intensities should be closely monitored to ensure they can be accommodated within the capacities of the existing two-lane roads.
9. Williamsburg Crossing UDA: Small Town or Suburban Center	The principal suggested uses are commercial, office, and moderate density residential. Continued access management is needed to maintain acceptable levels of service on John Tyler Highway (Route 5). Additional access points beyond those that currently exist for the Route 199 corridor will be strongly discouraged by the County.
10. Jamestown Ferry Approach Not a UDA, Level 1 & Level 2 Do Not Apply; See #4 General Language for Guidance	This land is located southeast of Jamestown Road and is bounded by Powhatan Creek, Jamestown Road, Jamestown Settlement, and undeveloped residential property. This area is designated as a CCA, and therefore all development should conform to the CCA design principles. Due to the unique character and location of this area, it should be developed in accordance with the approved Shaping Our Shores master plan and emphasis should be given to preserving the tree cover, protecting historic, archaeological, and environmental resources, and providing public access to the James River. Principal suggested uses include recreational and water-related establishments such as marinas and boat launches, but no water-dependent industries. Commercial uses may also be considered appropriate when their scale, intensity, and impacts can be appropriately accommodated. Designs should be encouraged to provide views of and public access to the James River and other points of interest. With capacity limitations on Jamestown Road, access management should be strongly encouraged. The traffic generation of any proposal should be in line with the goal of retaining Jamestown Road as a two-lane facility, as widening would significantly impact the visual character of the road.
11. Routes 60/143/199 Interchanges UDA: Medium Town or Suburban Center	The portion of this area to the south of the interchange is developed with minimal potential for additional development or redevelopment. For any new development or redevelopment that is proposed, the principal suggested uses are commercial, office and limited industrial development. For the portion of the Mixed Use area located north of the interchange, there is more potential for development and redevelopment. The principal suggested uses for this corridor are commercial and office development, with moderate density residential development as a secondary use. Future development should be consistent with the design guidelines and integrated with the layout of development planned in the City, including uses, architecture, landscaping, historic resources, and pedestrian amenities. A light rail station would be encouraged in this area should this be a viable option in the future. Given substantial planned development in both the City of Williamsburg and York County, future development should take steps to mitigate roadway and interchange capacity constraints, to the degree possible.
12. James River Commerce Center Not a UDA, Level 1 & Level 2 Do Not Apply; See #4 General Language for Guidance	Principal suggested land uses are limited industrial and office development. Public facilities are suggested as clearly secondary uses. The intensity of development in this area is conditioned on sufficient buffering and screening of Carter’s Grove and other adjacent residential development.
13. Green Mount UDA: Small Town or Suburban Center	For the Green Mount tracts north of Pocahontas Trail (Route 60), a balanced and integrated mixture of industrial, commercial, and residential uses is suggested. General Industry is the dominant use envisioned for this portion of the County. Uses in this Mixed Use area should therefore be comprised of support uses and should leave sufficient road and water capacity. Commercial uses should have a limited market area, primarily focused on direct services to nearby neighborhoods and employment centers, and should not include high traffic generators. In order to protect and enhance the character of the area and to maintain an access level that keeps the area attractive to large-scale economic development, the area should be designed and developed under a unified master plan that provides shared access and parking, compatible landscaping and architectural treatment, adequate buffering and screening, true mixed use concepts, and other measures that ensure it does not develop in a typical strip commercial fashion. Careful coordination between development and transportation issues will be important to avoid worsening the level of service along Pocahontas Road (Route 60), to retain a high degree of mobility through the area, and to preserve the options for improvements and/or alternatives to Pocahontas Road (Route 60). Shared access with the parcel to the north should be preserved as an option.

14. Treyburn Drive	This land is located west of Treyburn Drive and is bounded by the City of Williamsburg/James City County line to the west and Monticello Avenue to the south. Primary suggested uses for this area include neighborhood-scale commercial establishments and small offices that serve the needs of residents in surrounding neighborhoods. Residential is suggested as a secondary use and, where proposed, should be limited to integrated mixed use buildings. Safe and convenient pedestrian and bicycle connections to the surrounding area including High Street, and the William and Mary School of Education should be provided where feasible. Overall, development should have a limited impact on adjacent residential areas especially in terms of visible parking area, lighting, signage, odor, noise, and hours of operation. While RPA and steep slopes limit the developable area, designs should avoid linear strip patterns and instead aim to develop smaller groupings of inter-connected buildings with shared parking and access to Treyburn Drive. As a result, the area should preferably be developed in accordance with a unified development plan.
--------------------	--



Mixed Use Level 1

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

Mixed use buildings with ground floor shopping uses to create a traditional small town Main Street design character

A mixed density community with some attached or multifamily housing types mixed in with single family neighborhoods. Workforce housing mixed in with the various housing types

Community focused parks or open space in easy walking distance to residential neighborhoods

A mixture of housing types and densities designed with traditional bolcks and neighborhood patterns, integrated with mixed use buildings and tied together with a community trail system



Mixed Use Level 2

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

Mixed use clusters designed as "complete communities" around a major interchange

A combination of multifamily and mixed use buildings to create "main street" character with housing and walkable retail uses



Office and employment uses integrated into the community and oriented towards walkable amenities and community open spaces

Ample open space in the community organized as small pocket parks or village greens with buildings fronting on them

A mixture of housing types and densities integrated with commercial and mixed use buildings and tied together with a community trail system



Goals, Strategies, and Actions

Goal

LU - Achieve a pattern of land use and development that reinforces and improves the quality of life for citizens by encouraging infill, redevelopment, and adaptive re-use within the PSA; limiting development on rural and natural lands outside the PSA; and achieving the other eight goals of this Comprehensive Plan.

Strategies and Actions

LU 1 - Promote the use of land in a manner harmonious with other land uses and the environment.

- LU 1.1 - Craft regulations and policies such that development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.
- LU 1.2 - Review and update the Zoning Ordinance to ensure consistency between densities and intensities of development recommended by the Comprehensive Plan and the residential and commercial zoning districts.
- LU 1.3 - Use policy and ordinance tools to ensure the provision of open space as part of development proposals, as applicable. In particular, maintain or increase incentives for cluster development in exchange for additional open space that provides significant benefits to the community.
- LU 1.4 - Require that any development of new public streets, public parks or other public areas, public buildings or public structures, public utility facilities, or public service corporation facilities, inside or outside the Primary Service Area (PSA), be subject to individualized review as provided under Section 15.2-2232, Legal Status of Plan, of the Code of Virginia, as amended.
- LU 1.5 - In coordination with the Board of Supervisors and the County Attorney's Office, update the Planning Commission as-needed on major new planning legislation topics during non-Comprehensive Plan update years.
- LU 1.6 - Explore emerging technologies in the renewable energy industry, with the intention of protecting the County's unique rural character, preserving natural resources, and mitigating impacts to neighboring properties.
- LU 1.7 - Amend the Zoning Ordinance to address short-term rentals, including re-examining the districts where such uses are permitted.
- LU 1.8 - Use the conceptual plan process to provide early input and to allow applicants to better assess critical issues with the goal of having a predictable and timely development plan approval process.

LU 2 - Promote pedestrian, bicycle, and automotive linkages between adjacent land uses where practical.

- LU 2.1 - Plan for and encourage the provision of strategically located greenways, sidewalks, and bikeways to connect neighborhoods with retail and employment centers, parks, schools, and other public facilities and to effectively connect buildings and activities within individual sites, using the Pedestrian Accommodations Master Plan, the Historic Triangle Regional Bikeways Map, the Greenway Master Plan and other adopted plans for guidance.
- LU 2.2 - Facilitate the provision of road interconnections within new developments and between arterial and collector roads by promoting land use and road patterns within the developments which are conducive to such interconnections.

LU 3 - Promote regional cooperation among Hampton Roads localities, particularly the Peninsula, to ensure compatibility of land use planning activities.

- LU 3.1 - Promote regional solutions to managing growth through the following actions:
 - LU 3.1.1 - Engaging in joint planning efforts and allocating resources toward implementation.
 - LU 3.1.2 - Encouraging redevelopment, compact communities, and mass transit.
- LU 3.2 - Communicate with adjacent jurisdictions regarding development plans that have potential impacts on adjacent localities and public facilities. Work with them to coordinate plans and to identify and mitigate areas where there are conflicts.
- LU 3.3 - Continue to participate in regional planning processes with York County and the City of Williamsburg. Use the *Historic Triangle Coordinated Comprehensive Plan Review Summary Report* as a regional planning resource, particularly with regard to transportation and to land use issues in the three geographic focus areas (Riverside/Marquis/Busch, Lightfoot/Pottery, Northeast Triangle and Surrounding Area).
- LU 3.4 - In accordance with the recommendations of the adopted Joint Base Langley Eustis (Fort Eustis) Joint Land Use Study, establish a Military Influence Overlay District (MIOD) on the Future Land Use Map.
 - LU 3.4.1 - For areas within the MIOD, ensure a Fort Eustis representative provides input into development proposals.
 - LU 3.4.2 - For areas within the MIOD, update the Zoning and Subdivision Ordinances to incorporate the Code of Virginia sections that promote coordination between military installations and local municipalities.
 - LU 3.4.3 - For areas within the MIOD, update the Zoning and Subdivision Ordinances to establish a Military Influence Area (MIA) overlay district. The exact boundary of the MIA should be determined through additional discussion with Fort Eustis. The Zoning and Subdivision Ordinances should include:
 - (a) Siting guidelines for commercial solar wind farms and wind turbine farms, only if those uses become added to the Use List.

- (b) Standards and requirements for increased setbacks, buffers, and other design requirements to increase safety and security around the Fort Eustis installation.
- (c) Vertical obstruction standards and limitations.
- (d) Additional dark sky lighting requirements, as needed, within the defined air space of the Fort Eustis installation.
- (e) References to a newly created vertical constraints map identifying locations where tall structures should be prohibited.

LU 3.4.4 - For areas within the MIOD, ensure planned CIP projects would not conflict with the mission of Fort Eustis or otherwise promote incompatible growth with the installation.

LU 3.4.5 - For areas within the MIOD, create a user-friendly plan that provides guidance for a process by which water management issues can be addressed. Include an analysis of the use of the waterway and a strategy for emergency waterway closure, should the need arise.

- LU 3.5 - In accordance with the recommendations of the adopted Joint Base Langley Eustis (Fort Eustis) Joint Land Use Study, create a communication and coordination plan with the installation that provides opportunities to share information and a forum to receive feedback.
- LU 3.6 - In accordance with the recommendations of the adopted Joint Base Langley Eustis (Fort Eustis) Joint Land Use Study, create an education plan for the community in consultation with the installation.

LU 4 - Direct growth into designated growth areas in an efficient and low-impact manner.

- LU 4.1 - Enforce policies of the Comprehensive Plan to steer growth to appropriate sites in the PSA.
- LU 4.2 - Provide for low density and moderate density residential development in appropriate locations inside the PSA and prohibit such development on rural lands outside the PSA.
- LU 4.3 - Promote infill, redevelopment, revitalization, and rehabilitation within the PSA. Consider the following strategies when appropriate:

LU 4.3.1 - Use of financial tools such as public-private partnerships.

LU 4.3.2 - Revisions to the Zoning Ordinance and/or Subdivision Ordinance or the development of guidelines to provide additional flexibility, clear standards, or incentives, such as expedited plan review.

LU 4.3.3 - Partnerships with government agencies, non-profits, and private entities to facilitate improvements in areas identified for redevelopment.

- LU 4.4 - Accommodate mixed-use developments within the PSA, as further defined in the Mixed Use land use designation and development standards. Support design flexibility to promote the mixing of various types of residential and non-residential uses and structures. Encourage mixed use developments and complete communities to develop in compact nodes in well-defined locations within the PSA.

- LU 4.5 - Through the development process, reinforce clear and logical boundaries for commercial and industrial property within the PSA.

LU 4.5.1 - Provide sufficient buffering and open space from nearby residential uses.

LU 4.5.2 - Develop in a node pattern with a grid of internal parcels, internal streets, and judicious external connections, rather than in a strip pattern with individual connections along a single street.

- LU 4.6 - Emphasize the economic potential of interstate interchanges and encourage a mix of uses. Develop and maintain land use policies and other measures to achieve this strategy.
- LU 4.7 - Facilitate the development of sub-area/corridor master plans for strategic areas such as the County's interstate interchanges, Economic Opportunity Designations, and Mixed Use Designations/Urban Development Areas.
- LU 4.8 - Encourage development in the Economic Opportunity designations that is consistent with the Economic Opportunity land use designation and development standards. Explore tax incentives or other incentives used by other localities for such designations.

LU 5 - Continue land use planning and perform development review consistent with the capacity of existing and planned public facilities and services and the County's ability to provide such facilities and services.

- LU 5.1 - Encourage development of public facilities and the provision of public services within the PSA. As one component of this, maintain a utility policy that, along with other tools such as zoning regulations, supports the PSA as the growth boundary. Within the PSA, extend water and sewer service in the PSA according to a phased plan in accordance with the County's Comprehensive Plan and JCSA's master water/sewer planning. Outside the PSA, restrict the extension of water and sewer utilities.
- LU 5.2 - Through the following measures, coordinate allowable densities and intensities of proposed developments with the capacities and availability of water, public roads, schools, and other facilities and services:

LU 5.2.1 - Continue to develop and refine a model or models to assess and track the cumulative impact of development proposals and development of existing and planned public facilities and services.

LU 5.2.2 - Support-development of State enabling legislation for adequate public facilities ordinances to extend the policies to already zoned lands, if in a form acceptable to the Board of Supervisors.

LU 5.2.3 - Permit higher densities and more intensive development in accordance with the Future Land Use Map where existing public facilities and services are adequately provided.

- LU 5.3 - Ensure that developments are subject to zoning or special use permit review to mitigate their impacts through the following means:

LU 5.3.1 - Require sufficient documentation to determine the impacts of a proposed development, including but not limited to studies of traffic impact, capacity of public schools,

historic and archaeological resources, water quality and quantity, other environmental considerations, and fiscal impact.

LU 5.3.2 - Ensure that the recommendations of such studies are adequately addressed prior to preparation of development plans, or in instances where a rezoning or Special Use Permit is required, as part of those applications.

LU 5.3.3 - Continue to calculate and make available up-to-date information on the costs of new development in terms of public transportation, public safety, public schools, public parks and recreation, public libraries and cultural centers, groundwater and drinking water resources, watersheds, streams and reservoirs.

LU 5.3.4 - Consider and evaluate the use of impact fees to help defray the capital costs of public facilities related to residential development.

LU 6 - Enhance and preserve the agricultural and forestal economy and retain the character of Rural Lands and the predominantly wooded, natural, and small-town character of the County.

- LU 6.1 - Promote the economic viability of traditional and innovative farming and forestry as industries.

LU 6.1.1 - Support both the use value assessment and Agricultural and Forestal District (AFD) programs to the maximum degree allowed by the Code of Virginia. Explore extending the terms of the County's Districts.

LU 6.1.2 - Seek public and private funding for existing programs, investigate new programs, and support private or non-profit (such as land trust) actions that promote continued agricultural or forestal use of property.

- a. Encourage dedication of conservation easements to allow property owners to take advantage of State and Federal tax provisions. Develop a program that would provide information to property owners on the benefits of easement donation, including helping owners consider future possible plans for their property to verify they can be pursued under deed language.
- b. Seek a dedicated funding stream for open space preservation programs. Develop information for property owners on the benefits of participating in open space preservation programs.
- c. Stay informed of State legislation related to Transfer of Development Rights (TDR) and on the status of TDR programs in Virginia peer localities.

LU 6.1.3 - Continue to update the Zoning Ordinance list of permitted and specially permitted uses in the A-1 zoning district. Investigate adding a development standards policy for those uses that might benefit from a rural location. Continue to look at non-residential uses and development standards that may be appropriate, such as agri-business, eco-tourism, or green energy uses, and uses related to projects that are identified by the Strategy for Rural Economic Development.

LU 6.1.4 - As resources allow, support implementation of the recommendations in the Strategy for Rural Economic Development to maintain and create viable economic options for rural landowners.

LU 6.1.5 - Consider funding a staff position for a rural or agricultural development officer to support and help acquire funding for rural protection programs and to undertake other similar activities.

LU 6.1.6 - Protect farming and forestry uses from conflicting activities by encouraging buffers and open space design and by raising awareness among new rural land purchasers about existing farming and forestry uses in the County.

LU 6.1.7 - Craft regulations and policies in a manner that recognizes the value of, and promotes the conservation of, prime farmland soils and environmentally sensitive areas, and consider impacts to the County's farm and forestal assets in land use decisions.

LU 6.1.8 - Examine the actionable framework from the Lower Chickahominy study and consider incorporating the items recommended by that study that are a best fit with the overall economic development strategies and conservation goals for the County's rural lands.

- LU 6.2 - Residential development is not a recommended use in the Rural Lands. Creation of any residential lots should be in a pattern that protects the economic viability of farm and forestal assets, natural and cultural resources and rural character. Amend the Subdivision Ordinance, Zoning Ordinance, utility regulations, and related policies to promote such an overall pattern. Consider providing more than one option, such as the following, so long as an overall very low density pattern can be achieved, and the design and intensity of the development is consistent with the stated Rural Lands designation description and development standards and available infrastructure.

LU 6.2.1 - Revise the R-8 and A-1 Zoning Districts to set lot sizes to be consistent with the stated Rural Lands designation description and development standards. As part of this amendment, consider easing the subdivision requirements, such as eliminating the central well requirement or permitting the waiver of the central well requirement and/or allowing private streets in limited circumstances, as part of an overall balanced strategy.

LU 6.2.2 - Revise the rural cluster provisions in the A-1 zoning district to be more consistent with the Rural Lands designation description and development standards. As part of this amendment, consider easing the subdivision requirements such as eliminating the central well requirement or permitting the waiver of the central well requirement, allowing private streets in limited circumstances, making it a streamlined by-right use at certain scales, allowing off-site septic or community drainfields, etc.

LU 6.2.3 - Consider implementing a subdivision phasing program, where the number of blocks that could be created from a parent parcel within a given time period is limited.

LU 6.2.4 - Consider adding strong buffer and expanded setback regulations to the A-1 and R-8 Districts, particularly if the permitted densities are not lowered in these districts.

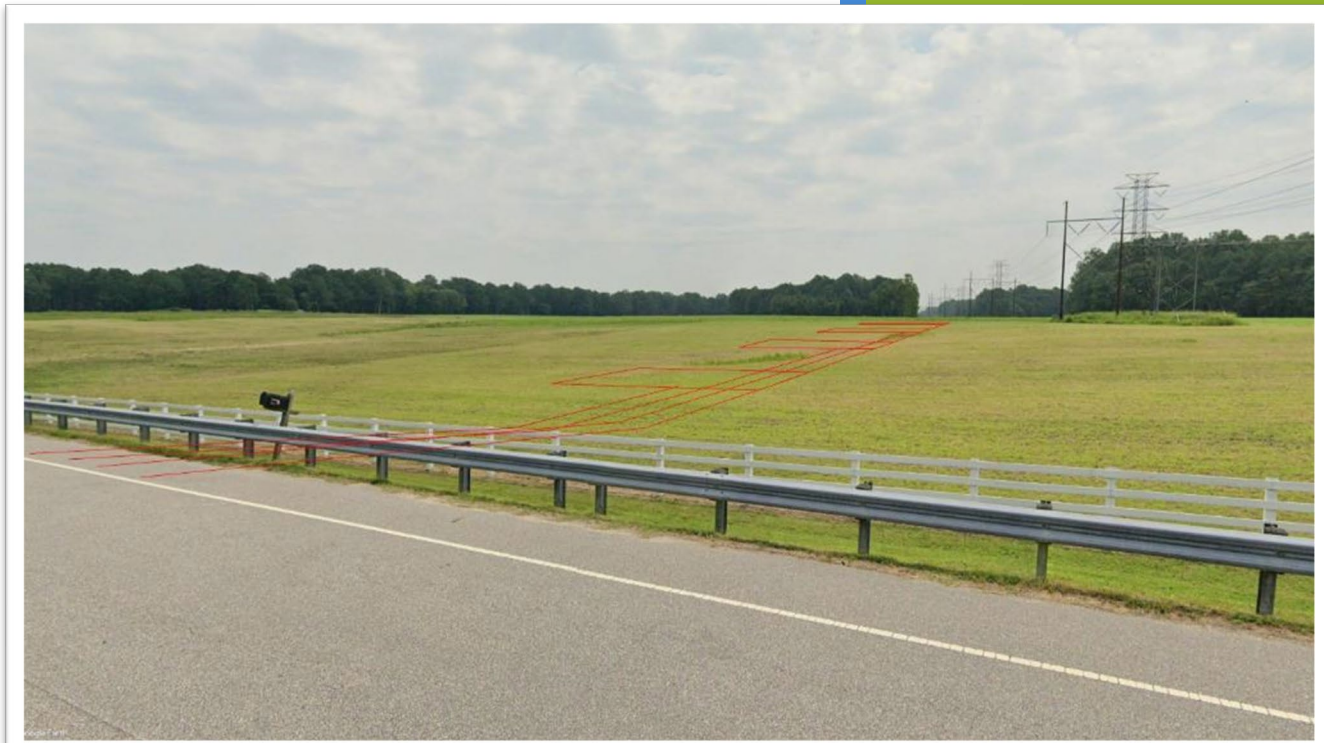
LU 6.3 - To help retain the character of Rural Lands, develop additional zoning and subdivision tools (e.g., scenic easement dedication requirements, increased minimum lot sizes, increased setbacks, and/or overlay districts) to protect and preserve scenic roadways such as Forge Road. Consider 400 foot setbacks along Community Character Corridors outside the PSA.

LU 7 - Develop tools for targeted open space preservation inside the PSA that work in concert with the tools used in the Rural Lands, while acknowledging that the PSA is the County's designated growth area.

- LU 7.1 - Align eligibility criteria for applications for open space preservation with state and federal eligibility criteria for funding and other County efforts such as green infrastructure and greenway master planning, watershed preservation, and recreational planning, and prioritize properties at greatest threat of development. Monitor development trends and zoning regulations to periodically assess the threat of development and prioritization for properties inside the PSA versus those in Rural Lands.
- LU 7.2 - Incorporate rural and open space preservation best practices within the new character design guidelines. Develop additional guidelines as necessary for specific resource protections including historic, environmental, or scenic resources.
- LU 7.3 - Refine the buffer and setback standards specifically for visual character protection, addressing viewshed protection and maintenance of community character.



Rural Roadway Preservation



James City County Zoning Update
DRAFT August 2, 2022

Prepared by EPR,PC

Contents

- Part 1. Visual Analysis of Viewsheds 2
 - Introduction 2
 - Ground Level Visualizations 2
 - Methodology..... 2
 - Results 3
 - House A: 4
 - House B. 6
 - Conclusions 8
 - Aerial Visualizations 9
 - Methodology..... 9
 - Results: 9
 - Conclusions 13

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)

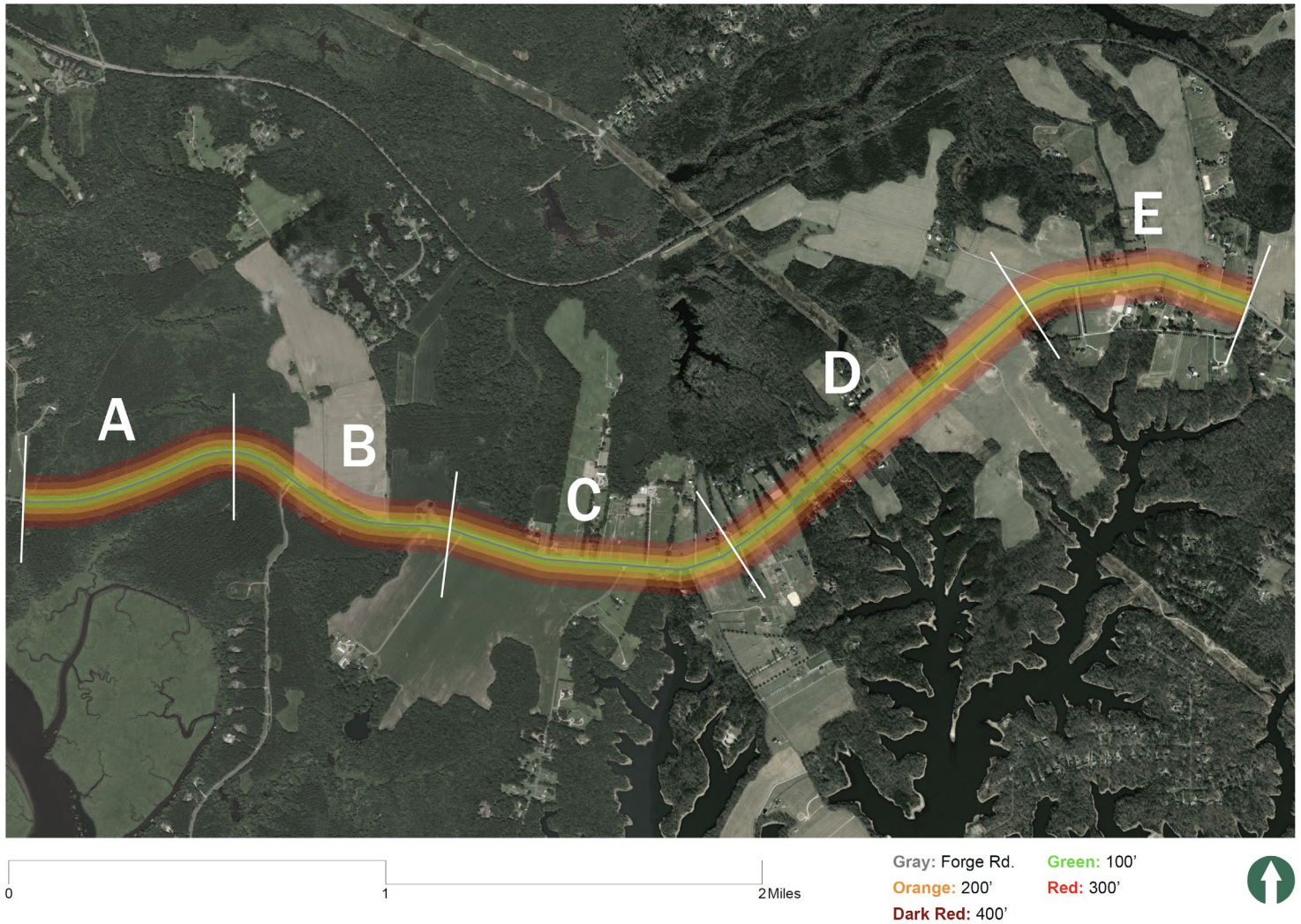


Figure 11. Base map showing alternate distances from the roadway

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

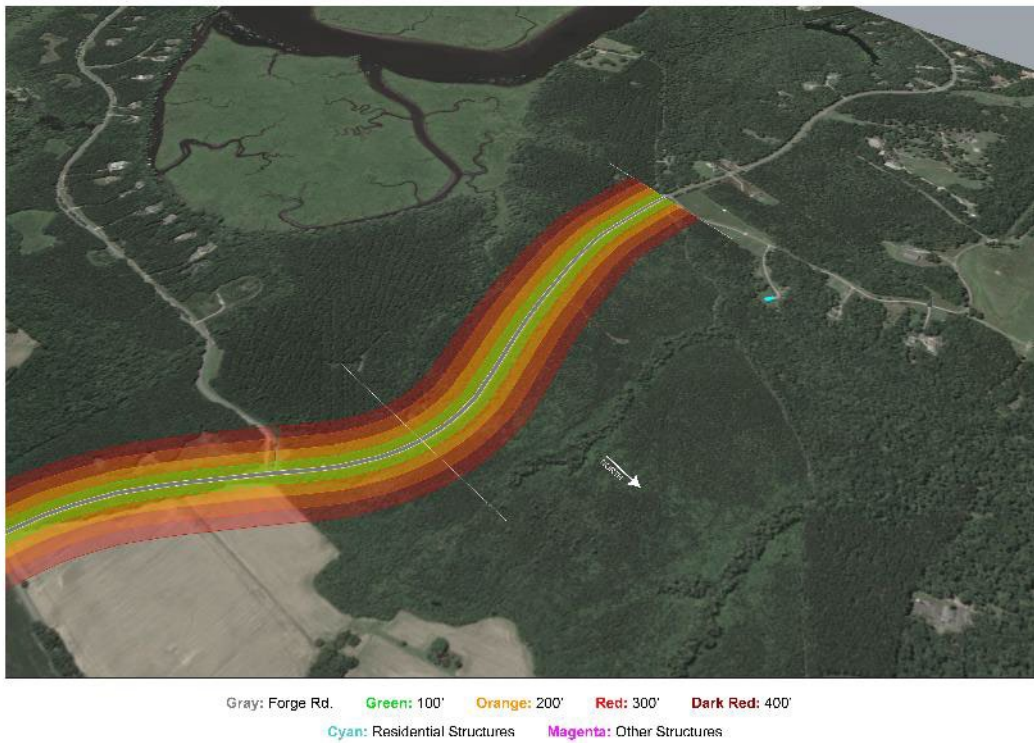


Figure 13. Potential distances - Segment A.

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

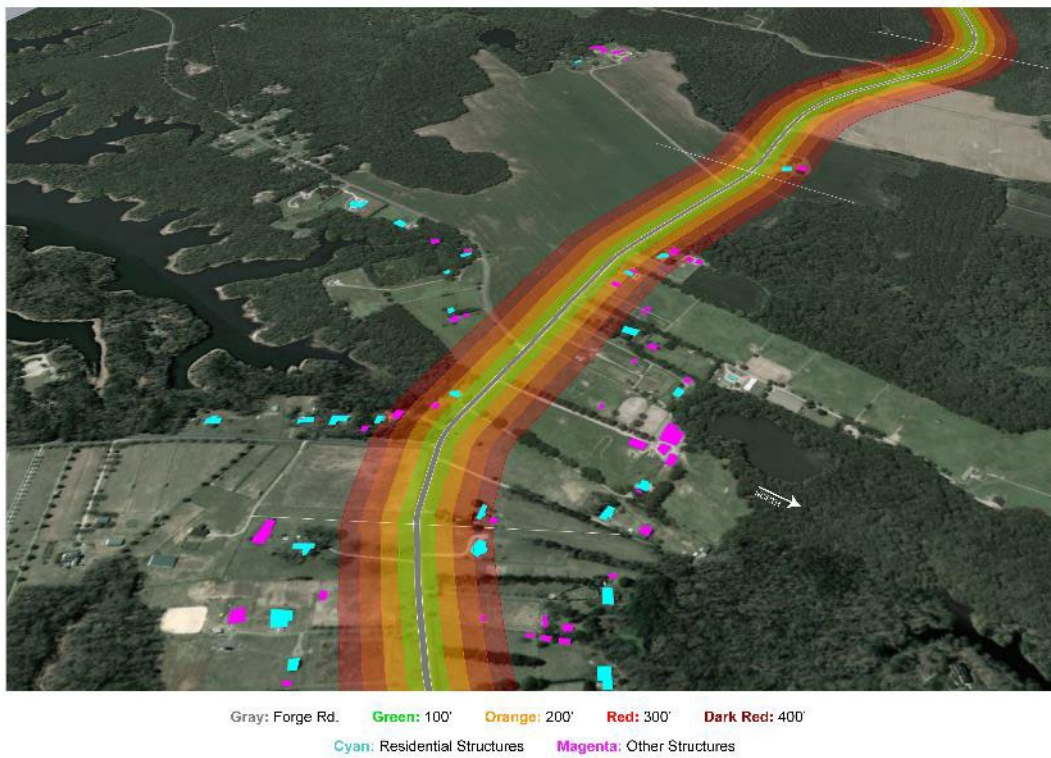


Figure 15. Potential distances - Segment C.

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

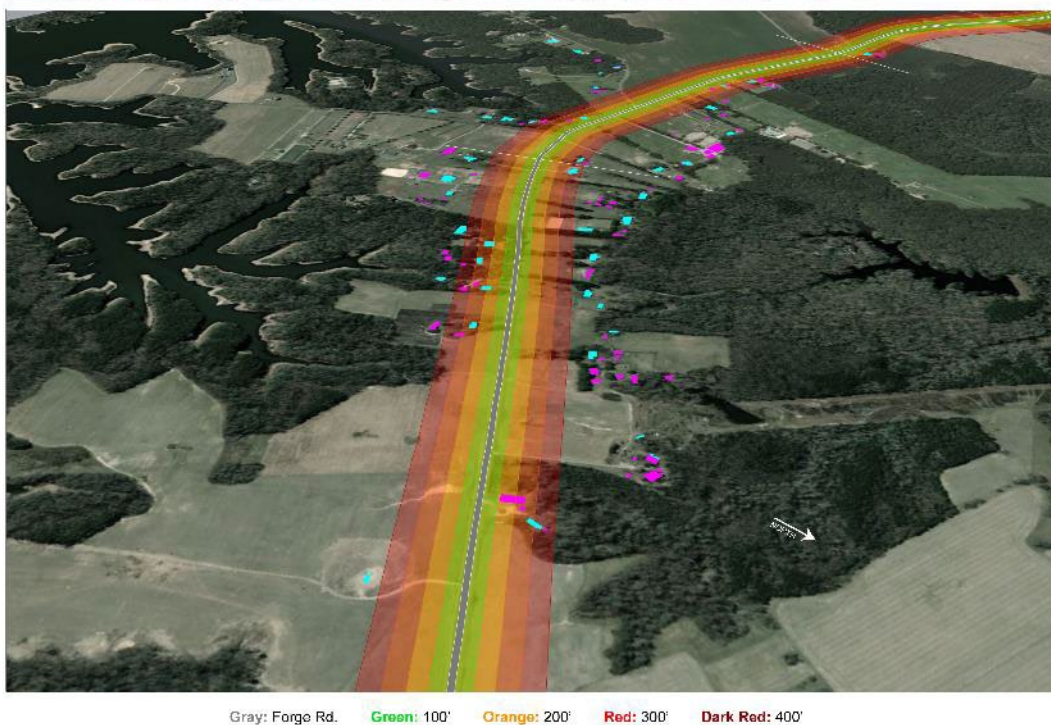


Figure 14. Potential distances - Segment D.

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

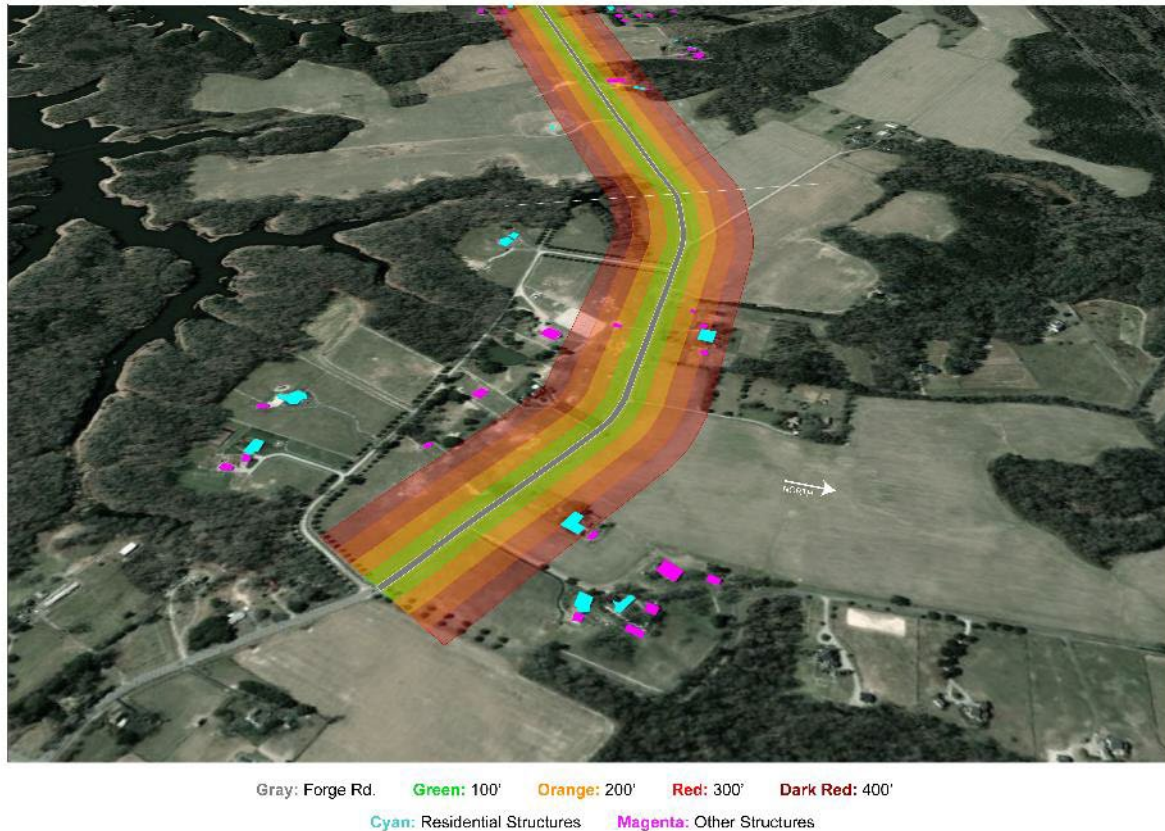


Figure 16. Potential distances - Segment E.

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.

ITEM SUMMARY

DATE: 8/11/2022

TO: The Policy Committee

FROM: Thomas Wysong, Senior Planner II; John Risinger, Planner

SUBJECT: ORD-22-0006. Amendments for A-1 Cluster Configuration Subdivision

ATTACHMENTS:

	Description	Type
▣	Memo	Cover Memo
▣	1. Initiating Resolution	Resolution
▣	2. Rural Lands Description	Backup Material
▣	3. Peer Locality Research	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Walker, Jim	Approved	8/4/2022 - 1:36 PM
Policy	Holt, Paul	Approved	8/4/2022 - 1:36 PM
Publication Management	Daniel, Martha	Approved	8/4/2022 - 2:10 PM
Policy Secretary	Secretary, Policy	Approved	8/4/2022 - 2:32 PM

MEMORANDUM

DATE: August 11, 2022

TO: The Policy Committee

FROM: Thomas Wyson, Senior Planner II
John Risinger, Planner

SUBJECT: ORD-22-0006. Amendments for A-1 Cluster Configuration Subdivision

Introduction

At its meeting on March 8, 2022, the Board of Supervisors adopted an Initiating Resolution pertaining to the R-8, Rural Residential and A-1, General Agricultural Districts (Attachment No. 1). The directives within this resolution are largely addressed by the materials presented in ORD-22-0002, as explained in the memorandum for that item. Given the intricacies of the standards within the Cluster Subdivision Ordinance and the potential scope of the resulting update, staff has separated the A-1 cluster configuration subdivision for its own focused review.

Regarding A-1 cluster configuration subdivisions, ORD-22-0002 includes a revision to the required density that would change the density from a maximum of one dwelling unit per two acres to one dwelling unit per 20 acres. Other than this change, the text amendments associated with ORD-22-0002 do not alter the remaining 11 standards for cluster subdivisions. Staff recommends that the remaining cluster configuration standards be examined and potentially updated to reflect recent guidance from the Comprehensive Plan and other best practices.

As a starting point for the Policy Committee, staff has prepared a summary of the existing standards for the A-1 cluster configuration, as well as potential considerations for revisions and improvements. EPR, PC has provided the County with an analysis of cluster subdivision requirements in peer localities within Virginia for the Committee's consideration.

Lot Size - A-1 Cluster Configuration Summary

Currently, the A-1 District regulations permit the creation of a cluster configuration subdivision via the Special Use Permit (SUP) process. In order to qualify for approval, a cluster configuration subdivision is required to meet the standards listed within the Ordinance, which are as follows:

Density

In accordance with the adopted density for the Rural Lands designation, the proposed revised language in ORD-22-0002 changes the required overall gross density for cluster configuration subdivisions from a maximum of one dwelling unit per two acres to a maximum of one dwelling unit per 20 acres.

By-Right/SUP

The existing regulations require cluster configuration subdivisions be approved through the SUP process. Staff plans to work with the County Attorney's Office to examine State Code and other relevant guidance to determine if any changes are needed.

Considerations may include the ability to closely examine and address impacts on neighboring properties, consistency with the Comprehensive Plan, and application process cost and time, especially as it compares to the typical subdivision process.

Minimum Parcel Size to Cluster and Minimum/Maximum Number of Lots for Cluster

The existing regulations require there be at least three residential lots in a cluster subdivision but do not limit the maximum number of lots than can be created in this configuration. The existing regulations do not include a minimum parcel size required in order to create a cluster subdivision. However, in practice, this minimum would be six acres based on the minimum number of lots and the maximum gross density.

Within EPR, PC's peer locality research, two counties (Hanover and Loudoun) are identified as having a minimum parcel size requirement of 20 acres for cluster development. Generally, the localities surveyed had no minimum or maximum number of lots for exercising the cluster development option.

Considerations for this standard include the overall density context and whether any particular number of lots at either the minimum or maximum end might not fulfill, or might conflict with, the intent of the rural cluster.

Minimum and Maximum Lot Size Requirements

The existing regulations require no lot be less than one acre in area (within the context of the overall gross subdivision density of one dwelling unit per two acres) and do not include a maximum lot size.

EPR, PC noted that there was a great deal of variation in minimum and maximum lot size requirements for cluster subdivisions among the localities surveyed. Minimum lot sizes ranged from 40,000 square feet to 30 acres and were related to the maximum density requirements in the cluster options. Maximum lot size requirements were similarly related to the minimum densities in each district and ranged from two acres to 10 acres.

There are complex considerations for lot sizes. The minimum lot size should accommodate the placement of well and septic facilities on each lot. Another consideration for the maximum lot size will be the type of open space/conserved area and whether it is exclusive of residential lots (see open space/conserved areas discussion below). The size of lots and their placement on the landscape (see development design discussion below) can affect whether the resulting cluster is perceived as more suburban or rural in character.

Permitted Uses

For cluster development, existing regulations only permit single-family detached dwellings. In the A-1 District generally, single-family detached dwellings are a permitted use and two-family dwellings are a specially permitted use. EPR, PC noted that in general, all the localities researched allowed only single-family detached residential uses as a permitted use in their agricultural zoning districts. Several of the localities allowed single-family attached or duplex units as special exception or conditional uses. Only Albemarle County allowed duplexes as a permitted use in a cluster if the same base density was maintained.

Density is an important factor when considering permitted unit types. For example, permitting two-family dwellings in a cluster could result in an increase in the density, unless provisions are included to account for the density of these units, as is the case in Albemarle County. Generally speaking, increasing density or allowing flexibility in unit types could grant greater affordability.

Road Frontage/Access

For cluster development, the existing regulations state “all lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not part of the subdivision. This condition shall not apply to subdivisions of less than five lots.” For standard configuration subdivisions, all lots in major subdivisions are required to front on the new streets developed for the subdivision while lots in minor subdivisions may front and take access from existing streets. One further access provision in the Subdivision Ordinance requires minor subdivisions of three or more lots to take access from a shared driveway. EPR, PC noted that the majority of the localities studied require all access to be on a new public road for cluster subdivisions, either for subdivisions that exceeded a certain number of lots or for all cluster subdivisions regardless of the number of lots.

Road frontage and access are important to consider due to their implications on development character. New public roads may result in a more suburban development character, though this requirement can be appropriate to provide safe and adequately maintained access for certain development scales. Another consideration is the impact of infrastructure costs on the viability of a development project. For example, requiring a new public street for all sizes of clusters could result in a cost disincentive when compared to a standard configuration subdivision that allows individual or shared driveways instead.

Open Space/Conserved Area Percentage

The existing regulations do not include a minimum percentage of open space/conserved area for either standard or cluster subdivisions. EPR, PC noted that most of the localities studied required a certain proportion of open space be maintained under the cluster option. This minimum range varied from 70% to 85%, although the proportion of open space preservation required was not necessarily proportional to the density permitted.

Based on EPR, PC’s research, minimum percentage of open space/conserved area is a common standard included in other localities’ Ordinances. Minimum open space/conserved area requirements should be carefully coordinated with the minimum/maximum lot sizes, and the other open space/conserved area considerations discussed below.

Open Space/Conserved Area Values, Configuration, and Ownership

The existing cluster regulations provide guidance on what areas of a site should be conserved. The regulations state “the subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter”. Furthermore, these regulations require that more than 30% of any lot shall be located in a floodplain area and that no more than 50% of any lot be covered by waters of a lake or pond; and encourage the development design to locate open space and buffers (among other design considerations) so as to promote harmonious relationships with the environment and existing public streets and roads.

The first consideration for this item is determining what features are appropriate for conservation in a rural cluster. The 2045 Comprehensive Plan and other County processes and documents discuss various conservation values that could be considered and may be appropriate in a rural cluster context. These include environmental, agricultural and forestry, heritage and cultural, scenic, and potentially recreational values.

The Ordinance could provide guidance on identifying areas of value on a property and how they are to be configured within the subdivision to retain their value and prevent disruption of sensitive areas. Another consideration is how the Ordinance might guide the ownership and use of conserved areas. For example, cluster development inside the Primary Service Area focuses on conservation of environmental features

and requires that the open space be separate from the residential lots (and owned/maintained by a homeowner association). However, other approaches may be appropriate in a rural cluster context if a broader range of values (such as agricultural) informs the areas that are conserved and how they would be managed and maintained going forward. One approach could be having the cluster include “conservation lots,” as has been used in other localities.

Development Design (Lots/Roads/Infrastructure) Guidance

The existing regulations provide some guidance on cluster development design. The regulations state that “the subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation;” and that “lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation.”

While many of these concepts should be retained, updating the existing development design standards language may be appropriate, with consideration given to the Rural Lands Designation Description in the 2045 Comprehensive Plan and the associated Rural section of the Character Design Guidelines (Attachment No. 2) as well rural cluster/conservation design best practice publications. Any Ordinance guidance on development design should work in partnership with Ordinance guidance on open space/conserved areas, and vice versa.

Buffer/Screening and Setbacks From Roadways

The existing regulations for the cluster specify an overall setback as “unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.” The lots would also need to meet the normal setback requirements specified elsewhere in the district. The existing regulations for the A-1 District do not include a buffer requirement for either standard or cluster subdivisions. For buffers/screening, EPR, PC noted that in general, there were few mandatory requirements for buffers, screening, or setbacks to adjacent development in the localities studied. Fauquier County and Clarke County required minimum setbacks of only 25 feet from adjacent uses in some cases. However, most localities included design guidelines rather than specifically defined setback requirements within their rural lot development standards. For setbacks from roadways, EPR, PC noted that there was considerable variation in requirements for building setbacks from roadways in the locality study. They ranged from as little as 35 feet to as much 200 feet from required setbacks from roads. Most of the setbacks were fairly limited, excluding Caroline County, which institutes a 200-foot required setback from the right-of-way. Landscaping and buffering standards in rural areas were not found in the localities studied.

A primary consideration for buffers and setbacks is maintaining the rural character, whether in an open/agricultural context or wooded context. These varying contexts can make drafting standards challenging. Staff will also consider this item in conjunction with other ongoing work associated with ORD-22-0001, Amendments for Scenic Roadway Protection.

Next Steps

For the cluster standards items listed above, staff looks forward to any Policy Committee questions. Staff also looks forward to any initial Policy Committee feedback on whether these seem to be appropriate items to consider and if there is Committee interest in any other types of standards. Since staff will continue to gather information and prepare analysis for a future Policy Committee meeting, staff does not need Committee direction on specific approaches or language for the standards themselves at this time.

ORD-22-0006. Amendments for A-1 Cluster Configuration Subdivision

August 11, 2022

Page 5

TW/JR/md

ORD22-6A1ClustrConf-mem

Attachments:

1. Initiating Resolution
2. 2045 Comprehensive Plan Land Use Designation Description for Rural Lands, and Character Design Guidelines - Rural Excerpt
3. Peer Locality Comparison for Cluster Subdivisions

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE AND

SUBDIVISION ORDINANCE TO ESTABLISH LOT SIZES IN THE R-8 AND A-1 ZONING

DISTRICTS THAT ARE CONSISTENT WITH THE STATED RURAL LANDS DESIGNATION

DESCRIPTION AND DEVELOPMENT STANDARDS OF THE 2045 COMPREHENSIVE PLAN

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 establish lot sizes in the Rural Residential District, R-8, and the General Agricultural District, A-1, that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan. 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 establish lot sizes in the Rural Residential District, R-8, and the General Agricultural District, A-1, that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan. 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.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby direct staff to include language that grandfathers all parcels in existence as of January 1, 2022 that are 25 or fewer acres in size.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby direct staff to include language that eliminates the central well requirement for subdivisions that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Teresa J. Sazed
Deputy Clerk to the Board

ICENHOUR
HIPPLE
LARSON
SADLER
MCGLENNON

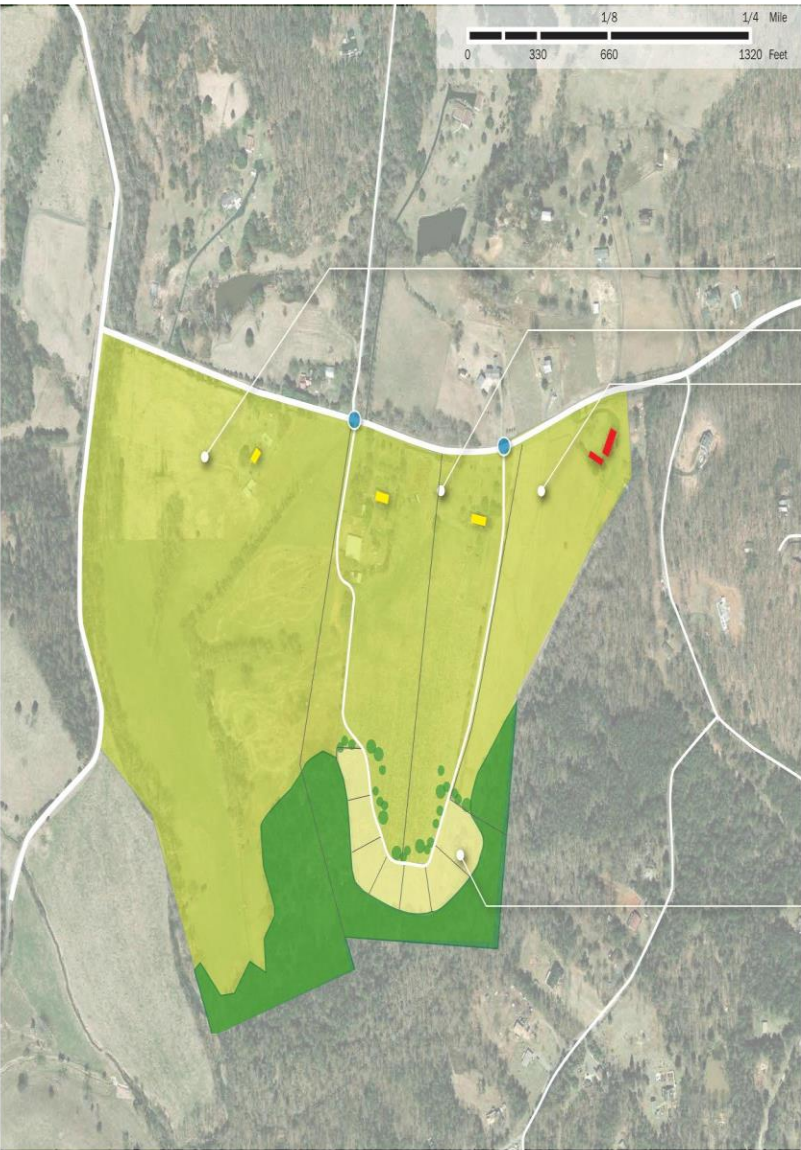
VOTES

<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 8th day of March, 2022.

InitConsRevR8-A1Zns-res

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	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. 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.
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	a) Uses in Rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to the following: - 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. b) Encourage the preservation and reuse of existing agricultural structures such as barns, silos, and houses. 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.
5. Rural Clusters	If built, rural clusters should develop with the following guidelines: - 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

3 RESIDENTIAL: RURAL

INTENT AND CHARACTER

FUTURE LAND USE

Per the Future Land Use Map, **Rural Lands** are areas containing farms, forests and scattered houses, exclusively outside of the Primary Service Area (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 are intended to help protect and enhance the viability of agricultural and forestal resources and support compatible rural economic development; residential development is not recommended.

A very limited amount of residential development may be permitted in the form of rural clusters and small residences in support of agricultural or forestal activities. Residential building in rural areas shall provide significant preservation of the natural resources, preserve rural qualities and character, keep uninterrupted views open and unmarred, and be compatible in scale with the surrounding landscape.

Rural Lands

Residential development is not recommended. Minor residential construction may be permitted in some cases. Standards for siting and design are included in this chapter.

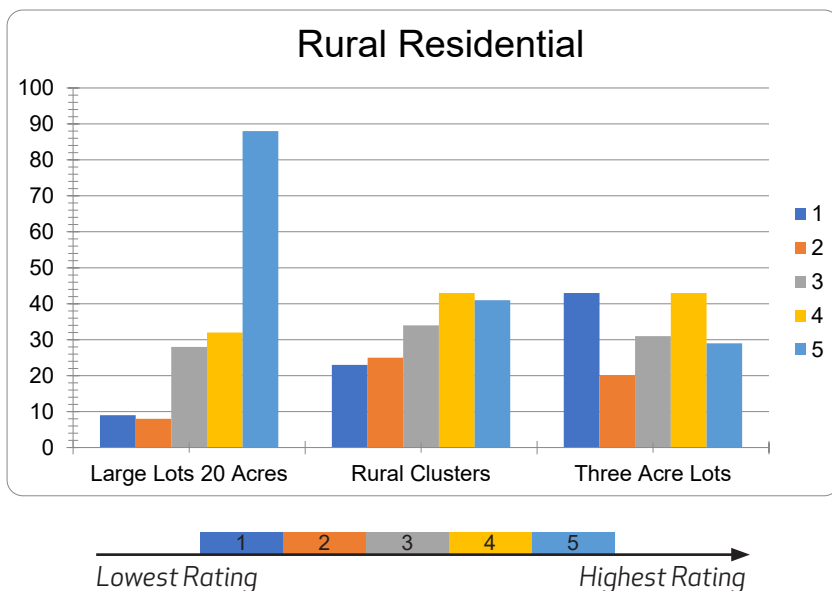
ENGAGE2045 PUBLIC INPUT

The 2019 survey and Round 1 public input from Engage2045 revealed a strong desire to maintain rural and pastoral qualities across the County. Preservation of the natural environment was listed as the most important issue for the County to address. Many residents stated that the natural and rural places are what they most value about living in James City County.

The Engage2045 survey conducted in January/February 2021 reflected a continued desire for natural surroundings, lower density development, and preservation of a rural character across many areas of the County. Participant comments trended toward the belief that higher density development would result in more traffic and crowded schools.

The desired rural character pairs with the desire for open space, passive recreation, and preservation of natural resources. Rural development that protects and complements the landscape, is sited to maintain open views, and preserves vegetation and farmland is ideal. In order to best preserve large swaths of usable land, small clusters of single-family housing are also appropriate for rural settings, provided they continue to support and uphold the pastoral setting.

Metroquest Survey results: For the purposes of this survey, language is not directly linked to Future Land Use designations.



SITE DESIGN

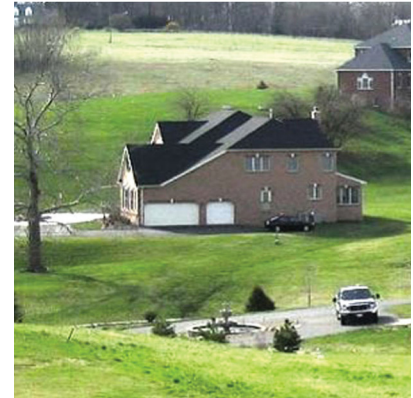
- 1 **Small groupings of related buildings may be sited together in a farmstead or cluster form.**

Buildings should be set far back from the street and have minimal to no visual impact from the road. Drive lanes should follow natural topography and include turns that reduce their visual impact from the street. Existing trees, meadows, and fields should be preserved.



RURAL DESIGN STANDARDS: FARMSTEAD

- 1 **Building design should be 1-2 stories tall and use architectural elements, colors, and materials that resemble farmhouses and barns.**
- 2 **Buildings visible from the road shall pursue a higher design standard and ensure that scale, form, and color are synonymous with a farmstead character and harmonious with the landscape.**



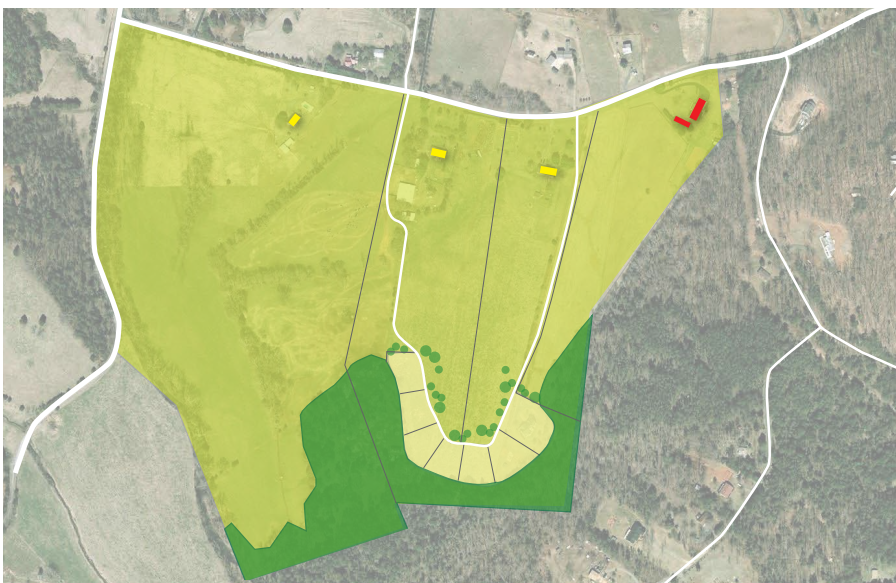
RURAL DESIGN STANDARDS: CLUSTERS

- 1 **Building design should employ either a farmstead architectural style or a Colonial architecture style as described in Chapter 4: Small Lots.**
- 2 **Trees and landscaping shall ensure that no more than 2 buildings are visible from the road and should be set back as far as possible from the road.**

Roof elements of other buildings may be visible, but landscape or berming along the frontage street shall substantially screen any cluster development and maintain clear views of landscape.



Images shown from the Metroquest Questionnaire vary in levels of community support.



Example of preferred rural site design showing large preserved working farms, large lots of at least 20 acres, or small clusters sited and screened so as to not be visible from roadways.



Rural Zoning Research



James City County Zoning Ordinance Update
July 27, 2022

Prepared by EPR,PC

Contents

RURAL ZONING RESEARCH	3
Introduction 3	
Methodology 3	
Overview of Research and Recommendations.....	4
Base Agricultural Zoning Density.....	4
Research Takeaways	4
Potential Recommendations	4
Cluster Option – Maximum Density	4
Research Takeaways	4
Potential Recommendations	4
Cluster Option- Minimum and Maximum Number of Lots	5
Research Takeaways	5
Potential Recommendations	5
Cluster Option- Permitted Unit Types.....	5
Research Takeaways	5
Potential Recommendations	5
Cluster Option-Minimum Percent of Open Space Required	5
Research Takeaways	5
Potential Recommendations	5
Cluster Option-Required Buffers and Screening.....	5
Research Takeaways	5
Potential Recommendations	5
Cluster Option-Road Access	6
Research Takeaways	6
Potential Recommendations	6
Cluster Option – Utilities.....	6
Research Takeaways	6
Potential Recommendations	6
Cluster Option – Minimum and Maximum Lot Size Requirements.....	6
Research Takeaways	6
Potential Recommendations	6

Cluster Option – Setbacks from Roadways	6
Research Takeaways	6
Potential Recommendations	7
Additional Notes and Conclusions.....	7
Appendix – Summary of Research of Virginia Agricultural Zoning Regulations for Selected Localities	8

RURAL ZONING RESEARCH

Introduction

On March 8, 2022, 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 establish lot sizes in the Rural Residential District, R-8, and the General Agricultural District, A-1, that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan.”

EPR, PC was asked to develop an analysis of various aspects of rural large lot zoning ordinances throughout the Commonwealth in order to better understand the range of options and possible standards that could be applied to potential amendments to the County zoning and subdivision standards.

The results of this research are presented below in summary form. While numerous zoning ordinances for different localities were analyzed in detail, this document presents only a summary of the research with key take away points that would be useful for determining proposed amendments to the County standards for the A1 and R8 zoning districts. Detailed standards for various aspects of the localities that were studied are presented in a matrix in the Appendix.

Methodology

This document is intended to build on the research that was conducted by EPR in 2021 as part of the Comprehensive Plan update process, that was summarized in the document titled, Open Space & Rural Character Preservation Analysis. That document presented a summary of research done for several peer communities that were examples of successful rural character preservation approaches through large lot and low-density provisions in their zoning ordinances. This document expands on that research and includes several more localities in Virginia, with a more detailed analysis of their specific requirements for base agricultural zoning and rural cluster development standards.

A number of counties in Virginia have long standing provisions in their zoning ordinance for protecting the scenic, environmental, and economic benefits of their rural landscape. Since the establishment of requirements for cluster zoning provisions in agricultural districts established by the General Assembly, every county with a 10% growth rate was also required to develop residential cluster provisions and standards in their zoning ordinances.¹

The following Virginia counties that incorporate rural preservation zoning standards were studied:

- Albemarle County
- Clarke County
- Caroline County
- Fauquier County
- Frederick County
- Hanover County
- Isle of Wight County
- Loudoun County

This document summarizes key take away points from this research and presents recommendations for consideration in developing revised standards for the A1 and R8 zoning districts in James City County. These recommendations are based on the analysis of peer

¹ § 15.2-2286.1. Provisions for clustering of single-family dwellings so as to preserve open space. The provisions apply to any county or city that had a population growth rate of 10% or more from the next-to-latest to latest decennial census year.

communities as well as our professional assessment of best practices in the profession, relative to our knowledge of the James City County context.

Overview of Research and Recommendations

James City County's Current agricultural zoning standards, for A1 and R8 zoning districts, generally require a minimum lot size of three acres.² The March, 2022 resolution by the Board of Supervisors directs the County to "establish lot sizes in the Rural Residential District, R-8, and the General Agricultural District, A-1, that are consistent with the stated Rural Lands designation description and development standards as contained within the adopted James City County 2045 Comprehensive Plan." In the comprehensive plan, the recommended lot sizes for Rural Lands are a minimum of 20 acres, with consideration for additional cluster provisions. The research of peer localities in Virginia revealed rural large lot zoning standards that ranged from 10 acre to 50 acre minimum lot sizes. While 20 acre lots are certainly not the largest lot sizes found in peer localities, they represent a realistic approach to large lot zoning intended to preserve rural character, as noted in the prior research on open space and rural character preservation. The following findings from the research detail the base density and cluster requirements of the various localities, along with potential recommendations for James City County to consider in revising its zoning ordinance standards.

Base Agricultural Zoning Density

Research Takeaways

Base agricultural zoning density for peer localities is not a simple issue that allows for clear comparisons. This is because several of the counties studied have adopted some form of sliding scale density, where the number of lots allowed is based on the size of the parent parcel. On the other hand, some counties such as Hanover County, Loudoun County and Caroline County had simple large lot zoning without sliding scale provisions. Nevertheless, the effective maximum density in the counties studied, whether under the sliding scale provisions, or under conventional large lot provisions was very low, ranging from a maximum density of 1 lot per 10 acres to 1 lot per 50 acres.

Potential Recommendations

The resolution adopted by the Board of Supervisors calls for an exemption for parcels under 25 acres from the new low density zoning standards. Based on that exemption, it appears less important to adopt some form of sliding scale density approach for James City County. If the County adopts a simple 20 acre minimum lot size with the 25 acre parcel size exemption, it should obviate the need for a sliding scale provision for the County.

Cluster Option – Maximum Density

Research Takeaways

In some cases, a cluster zoning option allows increases in the base density as a form of incentive to encourage cluster development versus conventional development. However, in the peer localities studied, only Loudoun County permitted higher densities for its cluster option. All the other counties had the same maximum density allowed in their cluster provisions as in their conventional large lot provisions.

Potential Recommendations

While cluster development can be a useful mechanism for preserving critical resource areas on a site, it is generally not accompanied by a density incentive in localities that have successfully preserved their rural character through large lot or low density rural zoning. Therefore, it is recommended that the same minimum density of one unit per 20 acres should apply for any cluster provision adopted by the County.

² Note that cluster provisions in A-1 allow an overall gross density of not greater than one unit per two acres, with no lot less than one acre in area to two acres.

Cluster Option- Minimum and Maximum Number of Lots

Research Takeaways

Two counties, Hanover County and Loudoun County, have a minimum parcel size of 20 acres required for any cluster development. Only Albemarle County had a maximum number of cluster lots, set at 20 lots. The other localities generally had no minimum or maximum number of lots required for exercising the cluster development option.

Potential Recommendations

Because of the relatively low densities proposed for James City County, it is not recommended that a minimum or maximum number of lots be required to exercise a cluster development option.

Cluster Option- Permitted Unit Types

Research Takeaways

In general, all the localities researched allowed only single family detached residential uses as a permitted use in their agricultural zoning districts. A few of the localities allowed single family attached or duplex units as special exception or conditional uses. Only Albemarle County allowed duplexes as a permitted use in a cluster if the same base density was maintained.

Potential Recommendations

Based on the comparable locality research, it is not recommended that any use other than a single family detached residential use be permitted by right in the rural zoning districts. However, some type of attached housing or multifamily housing may be considered as a special exception use to allow for the possibility for more affordable unit types in rural contexts.

Cluster Option-Minimum Percent of Open Space Required

Research Takeaways

Most of the localities studied required that a certain proportion of open space be maintained under the cluster option. This minimum range was from 70% to 85%, although the proportion of open space preservation required was not necessarily proportional to the base maximum density of the district. For example, Hanover County required 80% open space with a base density of one unit per 10 acres, whereas Isle of Wight County required 70% open space preservation with a base density of 1 unit per 40 acres.

Potential Recommendations

Given the base density anticipated in James City County of 1 unit per 20 acres, a minimum open space provision within the cluster development option should be considered ranging from 70% to 80%.

Cluster Option-Required Buffers and Screening

Research Takeaways

In general, there were few mandatory requirements for buffers, screening, or setbacks to adjacent development in the localities studied. Fauquier County and Clarke County required minimum setbacks of only 25 feet from adjacent uses in some cases. However, most localities included general design guidelines rather than specifically defined set back requirements within their rural lot development standards.³

Potential Recommendations

James City County may want to consider more detailed design guidelines for screening and buffering development in rural lands, to be included in the provisions of the new zoning amendments. Although few localities had dimensional setbacks attached to those guidelines, the county may want to consider specific setbacks or buffer standards as these could be beneficial to reduce the guesswork and interpretations in applying the guidelines.

³ other than, of course, normal yard setback requirements

Cluster Option-Road Access

Research Takeaways

The majority of the localities studied required all access to be on a new public road for cluster subdivisions, either for subdivisions that exceeded a certain number of lots or for all cluster subdivisions regardless of the number of lots.

Potential Recommendations

James City County's current subdivision standards require that lots front on a new public street constructed for the development for major subdivisions (subdivisions of six or more lots). Minor subdivisions must front on a public road and minor subdivisions of three or more lots are required to use shared driveways to minimize access points. Given that the majority of localities studied required that cluster subdivisions be accessed off a new internal public street, it is recommended that cluster subdivisions in the new standards also include this requirement. An exemption may be allowed for very small clusters of three or fewer lots, however.

Cluster Option – Utilities

Research Takeaways

In general, the localities studied did not allow public water and sewer in their rural areas, and some of them also did not allow private shared systems for utilities.

Potential Recommendations

The resolution adopted by the Board of Supervisors directs staff to include language that eliminates the central well requirement for subdivisions in rural areas. Therefore, it is recommended that language be added to the new ordinance and subdivision standards that public water and sewer are not intended to be located in rural lands. However, the county may want to consider allowing shared systems for either water or wastewater based on any concerns or recommendations from the James City County Virginia Service Authority.

Cluster Option – Minimum and Maximum Lot Size Requirements

Research Takeaways

There was a great deal of variation in minimum and maximum lot size requirements for cluster subdivisions in the localities studied. Minimum lot sizes ranged from 40,000 square feet to 30 acres, and were related to the maximum density requirements in the cluster options. Maximum lot size requirements were similarly related to the minimum densities in each district and ranged from 2 acres to 10 acres.

Potential Recommendations

Minimum and maximum lot sizes need to be calibrated to the base density in the cluster option. They also depend on whether or not offsite septic or well provisions are allowed. Allowing off-site shared septic systems can allow minimum lot sizes as small as an acre or less. However, if well and septic must be accommodated on each lot, it is recommended that the minimum lot size be at least two acres to allow flexibility in locating perc sites and well sites on each lot. Given the recommended 20 acre maximum density anticipated by the County, it is recommended that a minimum lot size of two acres and a maximum lot size of 4 acres be required. This should work well with the above recommendation of a minimum of 80% open space required for cluster developments.

Cluster Option – Setbacks from Roadways

Research Takeaways

There was considerable variation in requirements for building setbacks from roadways in the locality study. They ranged from as little as 35 feet to as much as 200 feet of required setbacks from roads. Most of the setbacks were fairly limited though, except for Caroline

county's 200 foot required set back from the right of way. Landscaping and buffering standards in rural areas were not found in the localities studied.

Potential Recommendations

Given the County's long legacy of scenic corridor protection and concerns about maintaining rural viewsheds from roadways, any new setback requirements from roadways should be sufficient to maintain the rural character that is found on many of James City County's rural roadways. Current County standards require landscape buffers along Community Character Corridors of 150 feet and 75 feet along non-Community Character Corridors. The consultants prepared a separate analysis of the visual impact of different potential setback standards on Forge Rd in another document. Based on this separate analysis, it is recommended that new standards be established requiring setbacks in the range of 300 ft. to 400 ft. and that these setbacks be measured from the edge of rights of way. Changes to the existing landscape buffers along Community Character Corridors may also be considered.

Additional Notes and Conclusions

One other important feature of the James City County rural zoning standards that was also found in some of the zoning ordinances studied was the inclusion of design guidelines for rural cluster subdivisions. the county's A1 zoning district currently has design standards that state that subdivision design should minimize grading and destruction of natural vegetation and shall provide protection of conservation areas. Based on research from other localities, these design standards could be expanded into a more robust set of lot siting, buffering and conservation standards and practices that would help preserve the visual and environmental integrity of the county's rural lands.

In general, the research has shown that James City County's proposal to lower the permitted density in its Rural Lands and incorporate large lot zoning provisions, along with a flexible cluster option is in accordance with the best practices of other Virginia localities that have instituted these kinds of provisions to protect their valued rural landscapes. The recommendations for specific standards for James City County's cluster provisions suggested in this document should not be taken as the only possible option for these standards. They are only starting points for consideration and discussion and are based on finding a middle ground in the range of standards that were encountered in other localities that were studied. The most important consideration is that new James City County standards should be sensitive to the County's particular rural context and legacy of valuing its rural areas for their important scenic and environmental benefits.

Appendix – Summary of Research of Virginia Agricultural Zoning Regulations for Selected Localities

Virginia Agricultural Zoning Regulations for Selected Localities												
LOCALITY	Large Lot Option		Cluster Option									
	Base Density in Ag. Zone	Sliding Scale Features	Max. Density for Cluster Development	Min./Max. Number of Lots	Permitted Unit Types	Percent Open Space Req.	Buffers/Setbacks	Road Access	Utilities	Lot Size Req.	Setback From Roads	NOTES
Albemarle	1:21 ac.	Up to 5 lots of at least 2 ac. allowed for each parent parcel ⁽¹⁾	Same as Sliding Scale base zoning	Max. 20 lots	Single family detached or duplex if required density is maintained	Rural conservation parcel of at least 40 ac. is required	Design guidelines to preserve scenic and historic features	All lots shall have access restricted to an internal street	Rural areas expected to have lower service level than Development areas.	Min. 2 ac. / No Maximum	75 ft from public roads / 25 ft from internal roads	The Cluster development option is called the Rural Preservation Option and has a number of design standards to ensure conservation of critical environmental features
Clarke	NA	Based on parcel size - ranges from 1:15 to 1: 69 ⁽⁶⁾	Same as Sliding Scale base zoning ⁽⁸⁾	NA	Single family residence	None	25 ft. along property lines for lots 20 ac. or larger	None ⁽⁷⁾	Shared utility systems not permitted in rural areas	Min. 2 ac. / Max. 4 ac.	100-150 ft. from CL depending on type of road	
Caroline	25 ac.	NA	NA	NA	Single family residence	NA	NA	NA	NA	NA	200 ft.	There does not appear to be any cluster provision in the ordiannce despite the state code requirement for cluster provisions in agricultural zoning districts
Fauquier	NA	1 - 10 lots for parcels up to 205 ac. +1 lot for each additional 50 acres ⁽²⁾	Same as Sliding Scale base zoning	Any parcel 35 ac. or greater must cluster with 85% preserved	Single family detached (or attached with Special Exception)	85%	25 ft. to residential districts (50 ft. if not cluster)	Public streets required for subdivisions of 3 or more lots	No public W&S or private shared systems in rural areas ⁽³⁾	30 ac. Min.	75-150 depending on road classification	
Frederick	1:50	3 divisions permitted for the first 25 ac. Then 1 lot per 50 ac. Above 25 ac.	Same as Sliding Scale base zoning	NA	Single family residence	NA	NA	Clusters of 6 or more lots shall be served by an internal public street	No public W&S or private shared systems in rural areas	2 ac. Max - 1.5 ac. Max. average of lots, Min. lot size subject to Health Dept. reg's.	NA	Planning Commission shall make final determination as to whether cluster development can be achieved in keeping with the purposes of the ordinance
Hanover	1:10	NA	1:10 ac. In A-1 District / 1: 6.25 ac. In RC District	Min. parcel size for cluster is 20 ac.	Single family residence	70%	None except for general design guidelines to preserve features	All cluster lots must have internal street access	Utility extensions to rural areas permitted at private expense	No min. lot req. in RC District. 2 ac. Min. in A-1 Dist. (no maximum)	60-125 ft depending on roadway width	Extensive design guidelines in the RC district direct cluster development to preserve scenic views and natural and historic features
Isle of Wight	1:40 ac.	2 lots for 1st 20 ac. + 1 lot per additional 40 ac.	Mandatory Cluster - all new lots must be max. 10 ac.	Same as Sliding Scale base zoning	Single family detached (or attached or multifamily as Conditional Use)	70%	100 ft. from road ROW; must be buffered with landscaping	All subdivisions shall be served by one point of road access	No private shared systems in rural areas	10 ac. Maximum / 40,000 s.f. Minimum	100 ft. from road ROW	Bike/Ped facilities required to connect to existing facilities and recreational areas. Common open space must incorporate sensitive environmental features. Residences to be set back 100 ft. from active farm operations
Loudoun	1:20 ac. Or 1:40 ac. ⁽⁴⁾	10 ac. Lots allowed for initial subdivision	1:5 ac. Or 1:15 ac. ⁽⁵⁾	Min. parcel size for cluster is 20 ac.	Single family residence	70% ⁽⁹⁾	NA	Lot access may be by private access easement	No public W&S in rural areas except for failing septic systems	None to 40,000 s.f. ⁽¹⁰⁾	35-100ft. Depending on roadway type	Homeowners associations required for any subdivision with common elements
(1) Development rights are required to create a lot of less than 21 acres in size in the rural area zoning district. The maximum number of development rights for any parcel, of any size is five. The total of all lots created on a parcel through development rights may not exceed 31 acres. Large parcels may use their development rights and create as many 21 acre lots as the parcel size may allow. Lots in the rural area may be as small as 2 acres, without clustering, if the lot is created by using a development right. (2) Allowable densities range from 1 lot per parcel on lots less than acre in size, to up to 10 lots for parcels 205 acres and above in size (plus one additional lot for each additional 50 acres). (3) Subdivisions in rural areas containing seven or more lots are required to develop shared water systems, and to conduct hydro-geologic studies (4) AR-1, with a base density of 1 unit per 20 acres and AR-2 with a base density of 1 unit per 40 acres - Cluster requirements listed are for AR-1 (20 ac. Min. zoning) (5) AR-1 district permits up to 1 unit per 5 acres ; AR-2 district permits up to 1 unit per 15 acres (6) Parcels of 14.99 ac. or below have one development right, gradually decreasing up to parcels of 1,003 ac. and above having 15 development rights (7) The Subdivision Ordinance includes a number of design guidelines for lots in rural areas, e.g. lots should not be lined up along roads and should use shared driveways (8) Note that Clarke County has no cluster option per se but has a maximum lot size of 4 acres within its base agricultural district (AOC District) (9) A minimum of 70% of the gross land area of the development shall be comprised of a Rural Economy Lot(s) or a combination of Rural Economy Lot(s) and Common Open Space. (10) (i) On-site Water and Wastewater. 40,000 sq. ft.; Off-site Wastewater, On-site Water. 20,000 sq. ft.; Off-site Water and Off-Site Wastewater, No minimum lot size.												