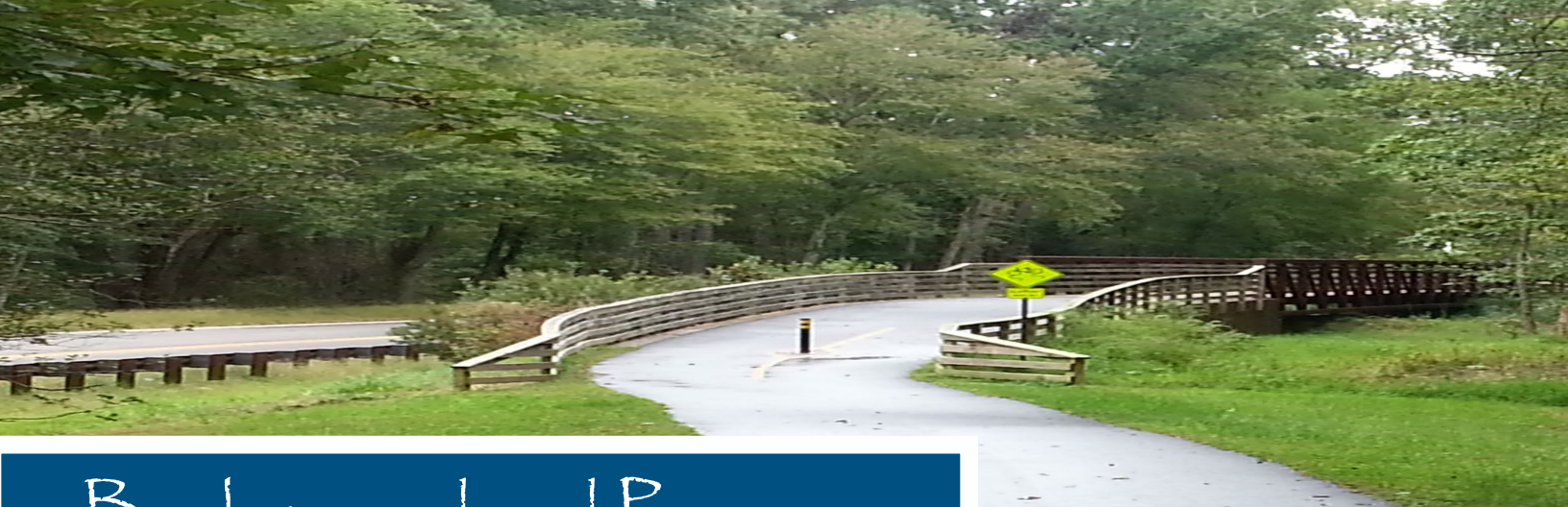




Capitalizing on the **VIRGINIA CAPITAL TRAIL**

A guide for development in Charles City County, Virginia





Background and Purpose

The Virginia Capital Trail is an off-road bicycle and pedestrian trail which will run 52 miles from the Commonwealth's capital of Richmond, to the historic capitals of Jamestown and Williamsburg. The completed trail will begin in downtown Richmond City and pass through the eastern half of Henrico County, and all of Charles City County before crossing the Chickahominy River into James City County. The Charles City County Courthouse is located at the advantageous midpoint of the trail. The opportunities represented by the trail will benefit not only the counties through which the trail passes but the region and the state.

This document is intended to be a guide for future development along the trail in Charles City County. It is not a legally binding document, and does not alter current zoning in the corridor. However, it can act as a guide to future development by expressing the importance of development that is respectful of the Capital Trail and the historic Route 5 corridor, and providing positive examples.

Charles City County staff requested the Richmond Regional Planning District Commission (RRPDC) staff provide the document as part of the technical assistance provided through the Rural Transportation Planning Grant from the Virginia Department of Transportation (VDOT). Project scope was developed jointly by the County and RRPDC staff.

Three sections of the Virginia Capital Trail (VCT) will run through Charles City County: The New Market Heights, Charles City Courthouse, and Sherwood Forest. Of the three, only the Courthouse phase has been built as of the summer of 2012.

The eight-mile section of the trail runs from Virginia Commonwealth University's Rice Center for Environmental Sciences to the Charles City Courthouse, and was built entirely within existing VDOT right-of-way.

Construction of the Sherwood Forest Phase began in May 2012, and is expected to be complete by October 2013. The trail will be eight feet wide, like already existing sections, and will run 12.5 miles from the terminus of the Courthouse phase to the existing Chickahominy Riverfront phase in James City County, allowing pedestrians and cyclists to travel a total of 27 miles on the trail, all the way to Jamestown High School, where it joins the existing Colonial Parkway leading into the center of Williamsburg.



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History of Route 5

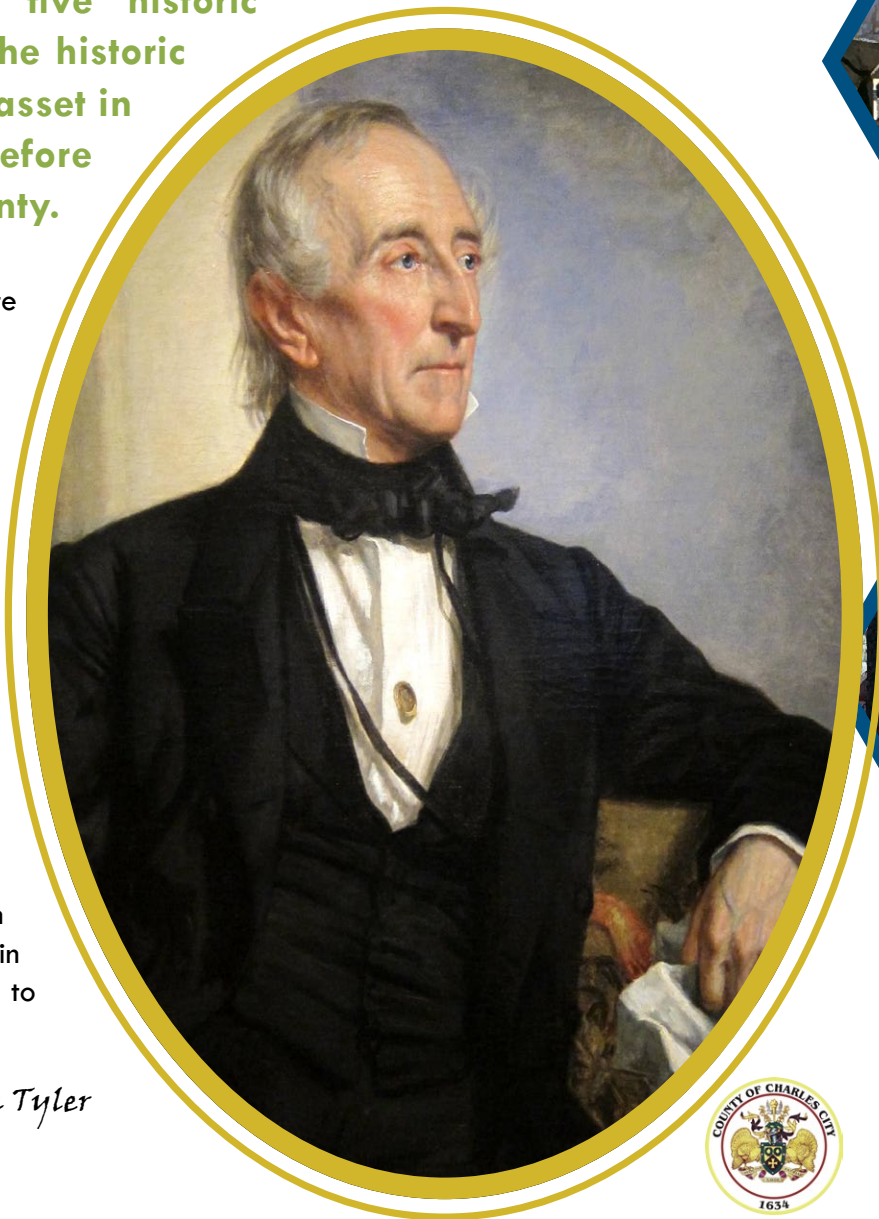
Route 5, or John Tyler Memorial Highway, is one of the oldest and most historic transportation corridors in the United States. It has been in constant use since its creation over 400 years ago, and runs between Richmond , Jamestown and Williamsburg. Route 5 in Charles City County is best known for the five historic James River plantations along it; the historic nature of the road is an important asset in the tourist experience, and is therefore economically important to the county.

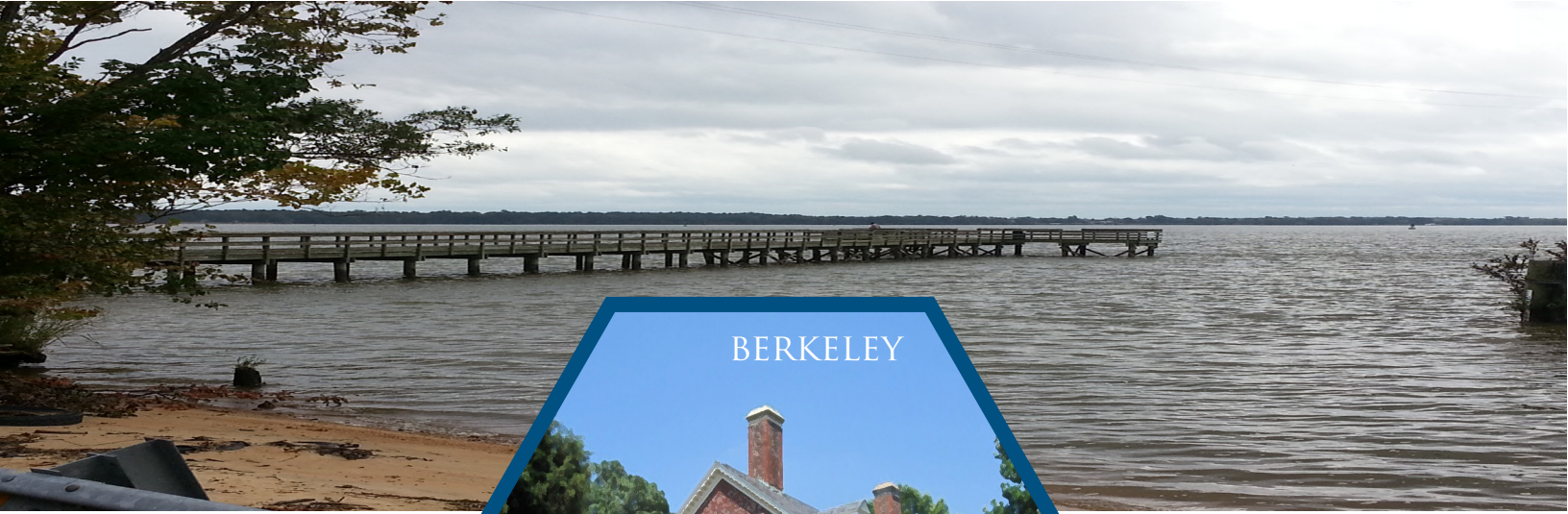
The Virginia Capital Trail runs directly along Route 5, or John Tyler Memorial Highway, from Richmond to Williamsburg, and crosses the Chickahominy River by the Judith Stewart Dresser Bridge.

Route 5 is a designated Virginia Scenic Byway, and roughly parallels the James River, though the river is not visible from the road. Along its way, Route 5 passes several historic Virginia Plantations, including Shirley, Berkley, and Westover. The Sherwood Forest phase of the trail is named for Sherwood Forest Plantation, where President John Tyler lived after leaving the White House in 1845, and which the Tyler family still owns.

Route 5 is arguably one of the most historic corridors in the nation, and certainly in Virginia. It has been in use since the first capitals were established in Williamsburg and Jamestown, and was the access to these beautiful plantations.

President John Tyler





BERKELEY



NORTH
BEND



WESTOVER



SHERWOOD



EDGEWOOD



EVELYNTON



SHIRLEY

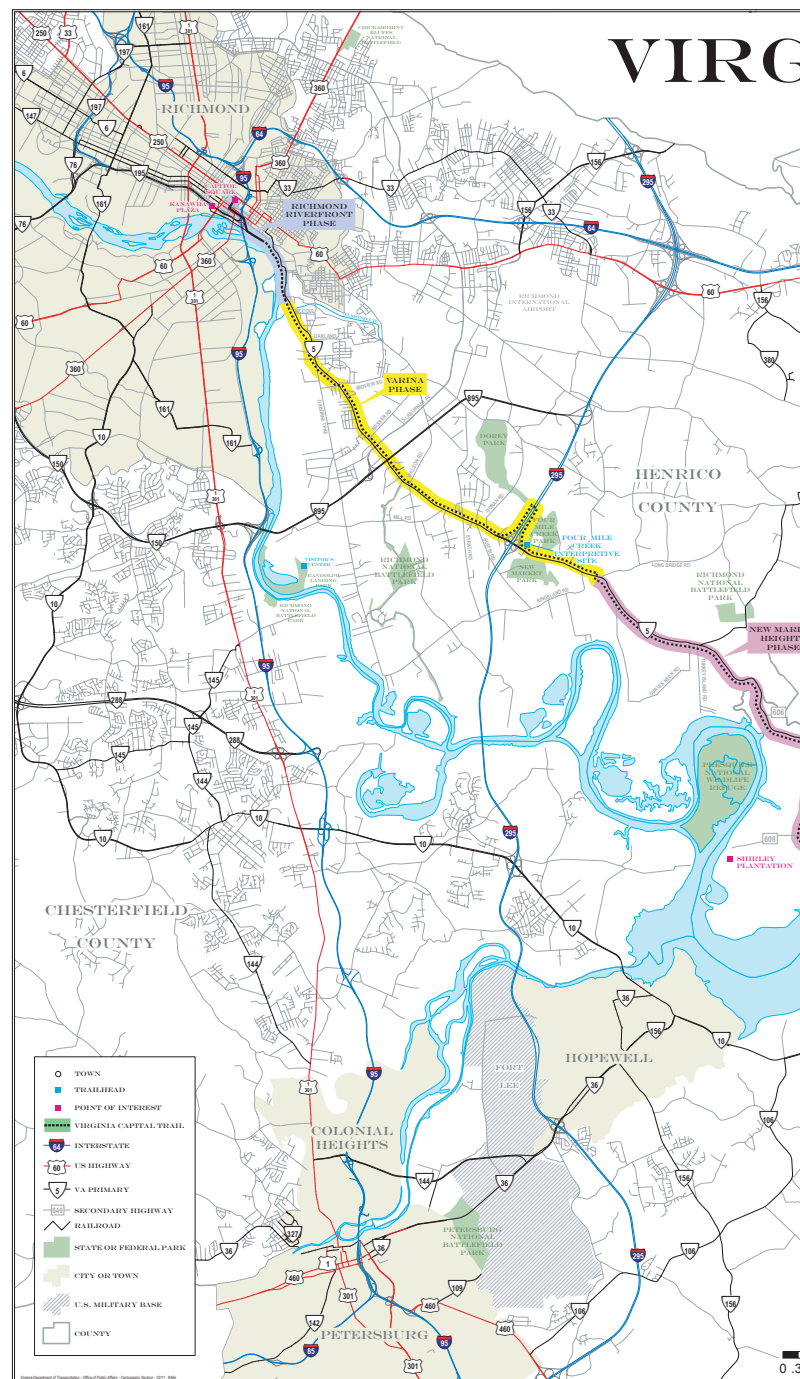


The Virginia Capital Trail

The Virginia Capital Trail is a paved pedestrian and biking trail that when completed will stretch 52 miles from downtown Richmond to Jamestown and Williamsburg, allowing walkers and bikers of all ages and skill levels to enjoy the beautiful, historic Route 5 corridor.

The trail will bring visitors from across the region, the state and beyond to Charles City, making the trail a strong economic development engine, as well as a recreational amenity.

The Virginia Capital Trail Foundation, a non-profit organization dedicated to promoting and supporting the trail, has conducted surveys showing the benefits of the existing sections of the trail in Charles City and James City Counties.



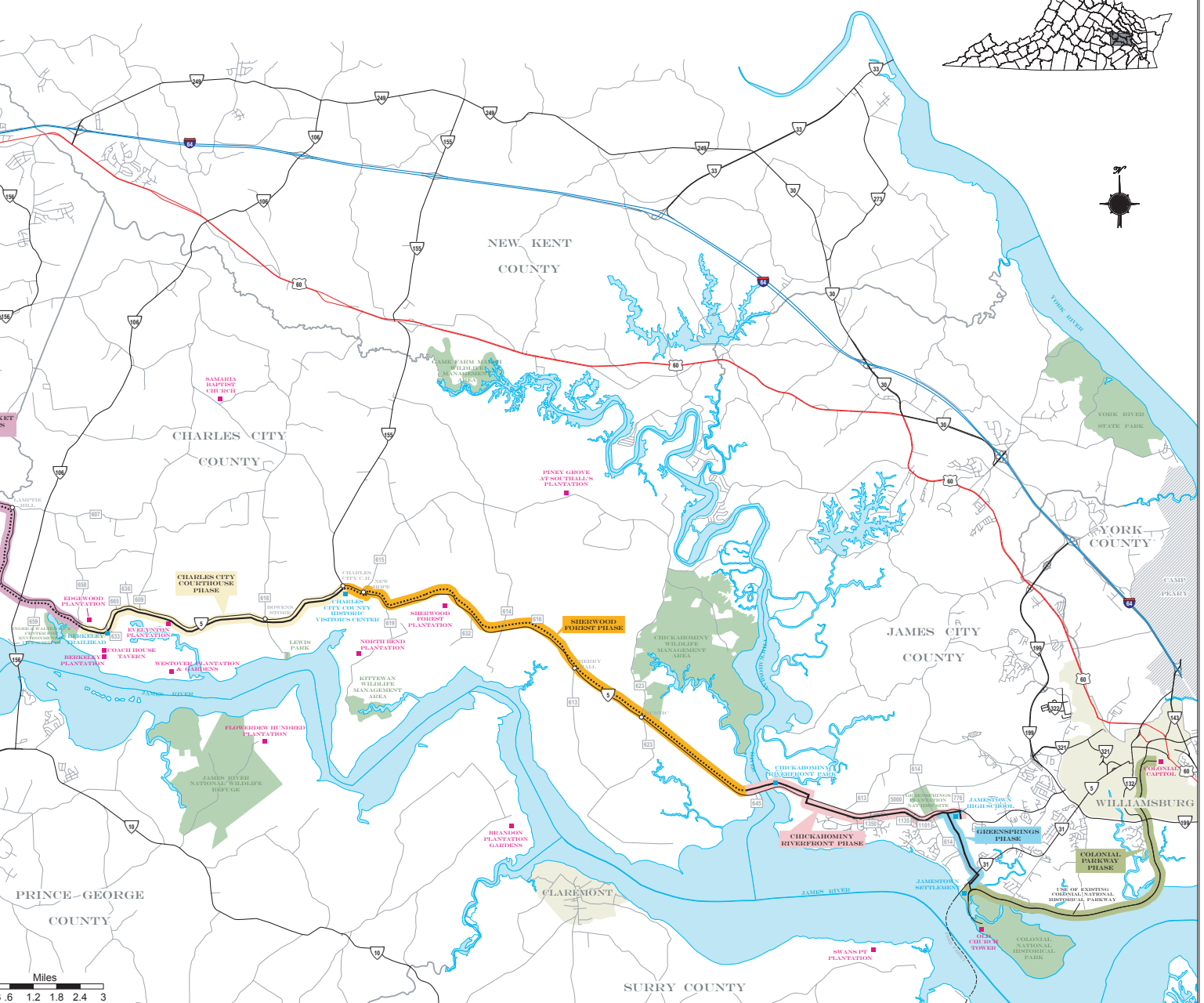
Map courtesy of VDOT

One recent survey found that non-local users have increased from 25 to 37 percent of total users from the summer of 2010 to 2011. The surveys also showed that 66 percent of survey respondents considered the trail a strong influence in their decisions to visit the area, and 17 percent said that their decision was somewhat influenced.

The potential for economic impact in the county and along the corridor is huge. Non-local users are likely to spend the night, patronizing local hotels and bed and breakfasts, as well as restaurants and shops. The Washington and Old Dominion (W & OD) trail in Northern Virginia, an off-road biking and pedestrian trail very similar to the Virginia Capital Trail, attracts more than 2 million visitors a year. Local users spend an average of \$10 a day along the trail, while non-locals spend an average of \$17 per day.

The Capital Trail Foundation has also counted trail users. On one counter they recorded over 50,000 users on one section of the trail, and project that once completed, the trail will attract 200,000 users in the first few years after the trail is completed in 2014. With marketing, they say, the number can be far greater.

GINIA CAPITAL TRAIL





Study Area

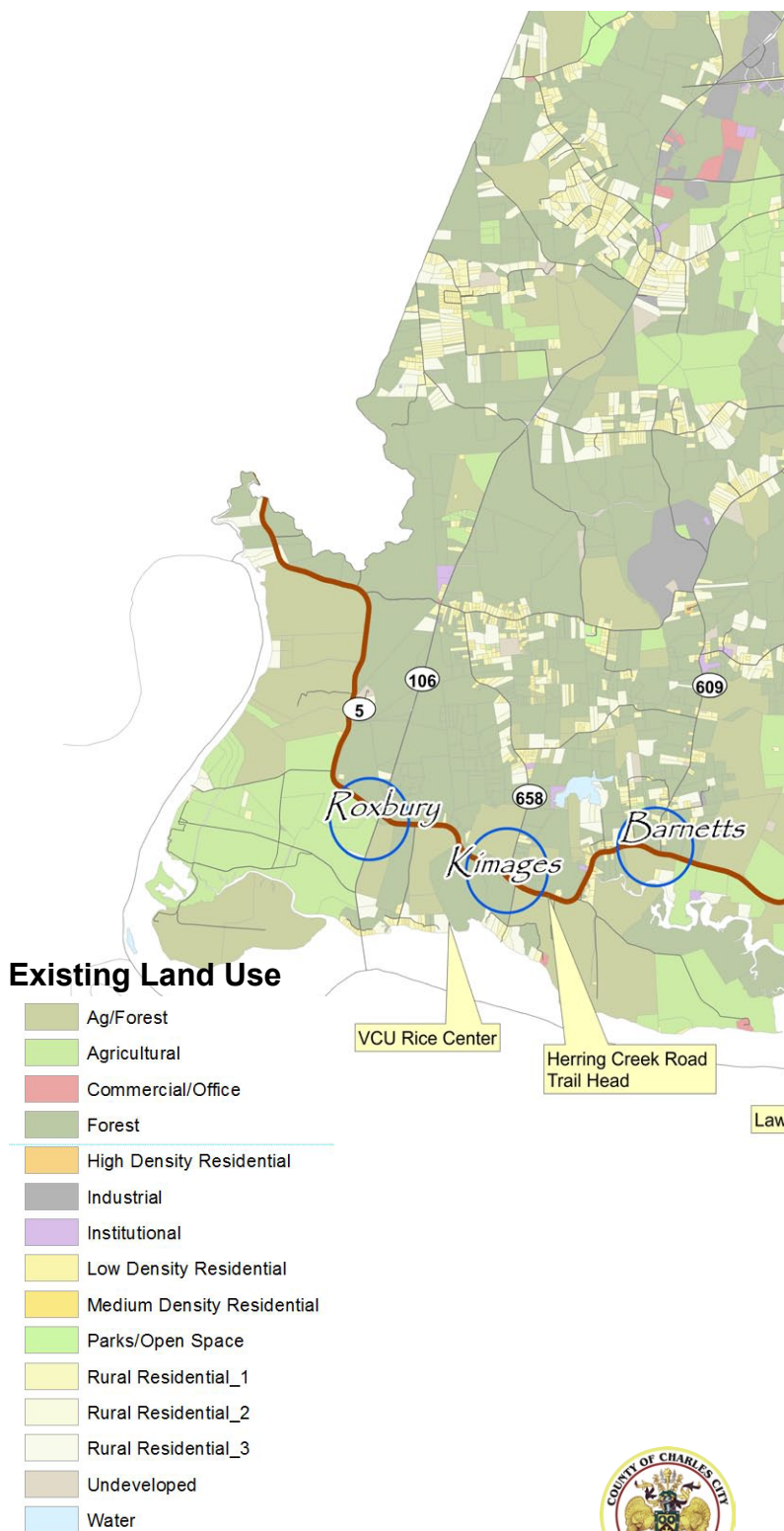
The area through which the Capital Trail will run is extremely rural, with little current development aside from that near the Courthouse and near major intersections. The road is lined in many parts with mature trees or picturesque farmland, increasing the impression that the road has not changed much since it was first used hundreds of years ago. It is this scenic, historic character of the road that led to its inclusion in VDOT's Virginia Scenic Byways program.

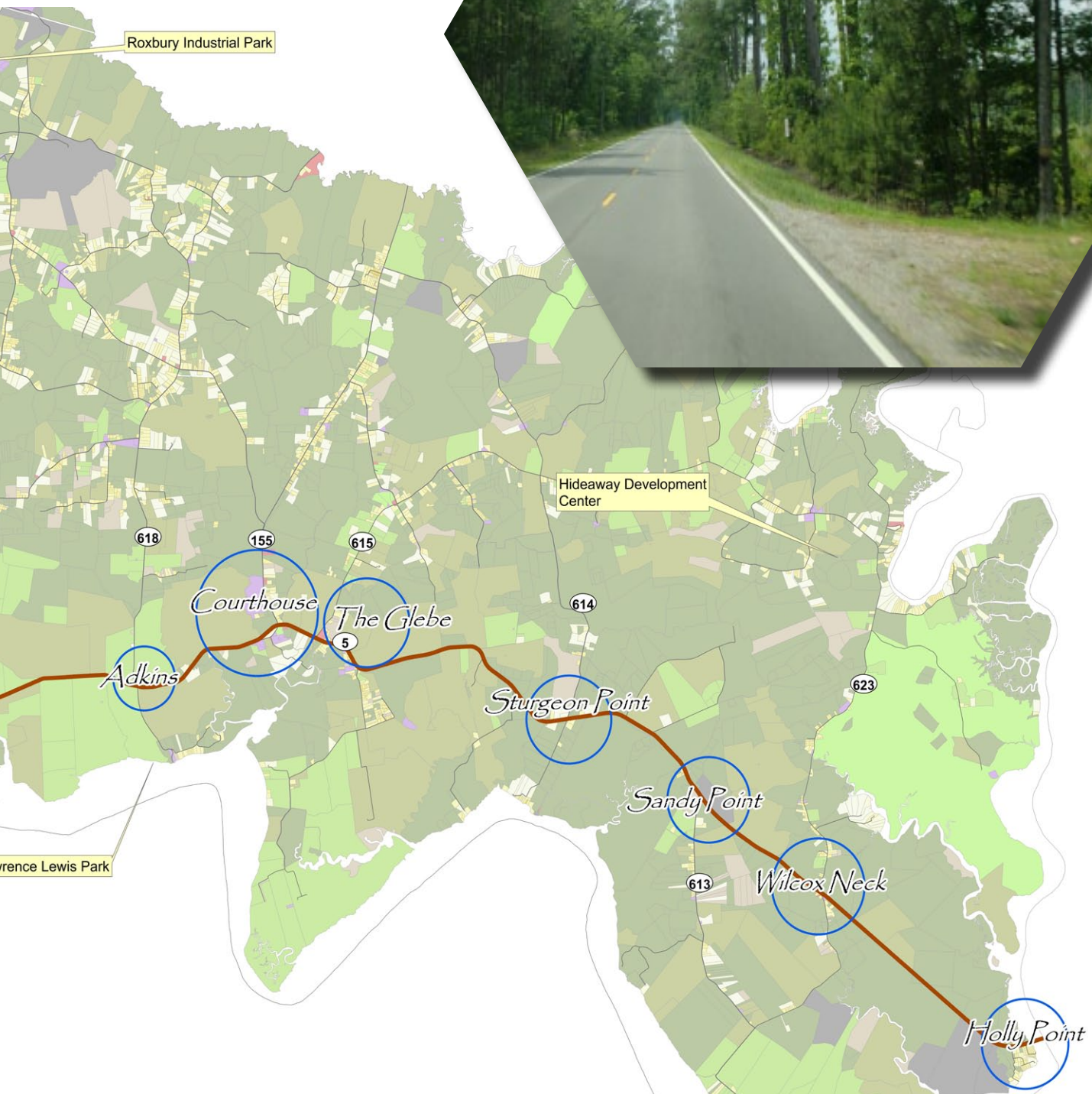
The land use along Route 5 in the County is predominantly agriculture and forest with residential and commercial uses clustered near intersections where roads cross Route 5 leading to the north and south. The agricultural and forested parcels also have residences scattered throughout. Any public, or institutional uses are limited to the Courthouse area. (See existing land use map to the right.)

According to the County's Comprehensive Plan, adopted in 2009, the intent is to guide growth toward three development centers: Roxbury, Hideaway and Courthouse. The Courthouse development center is the only one along the trail. A Neighborhood Service Area at Wilcox Neck Road and Route 5 is served by public water and sewer infrastructure.

The majority of the parcels along the trail are over two acres, and are not served by municipal water and sewer. Of the 260 parcels which border Route 5 in the county, 168 have not been developed. Of those, the great majority are over two acres (159 parcels).

The map on the right shows existing land use in the corridor, with each major intersection circled with the road name.





ECONOMIC DEVELOPMENT



There is significant economic development potential related to the Virginia Capital Trail. New businesses, catering to trail visitors, stand to be extremely successful, as well as create a strong base for other, less trail-related businesses. Much of the increased tourism and the success of these economic development efforts are dependent on the character of the trail. For example, in a survey of users of the Virginia Creeper Trail in Damascus, Va, trail users and trail-related businesses all claim that the character of the area is the greatest draw for them to locate on or visit the trail. The Route 5 corridor's beautiful agricultural landscapes, mature forests, and connection to its history are its biggest assets. Working to keep those assets will ensure that the trail experience continues to be a rich one and the County can benefit from its patronage.

The creation and completion of the Capital Trail provides the opportunity and the need for new, trail-related businesses. Major intersections around the trail are good locations to build new business, while trail access points such as the Courthouse area are prime places to build a group of trail-supporting features.

Out-of-town visitors will need support businesses and amenities relating to their trail visit. Overnight visitors will need a place to stay, and there are currently no hotels or campgrounds along the trail, and few bed and breakfasts. The County may want to give consideration to public campgrounds on the 24-acre property of Lawrence Lewis Park, located just west of the Courthouse.

This would be ideal for large groups such as boy- or girl-scout troops who would want to spend a couple of days riding the trail, but would otherwise not be able to. For riders who want more comfort at night, a locally-owned hotel is necessary to keep visitors in the County.

WHY PROTECT THE CAPITAL TRAIL IN CHARLES CITY?

Tax Revenue is spent on a recreational facility, like the Virginia Capital Trail

Recreational facility attracts visitors from outside the county, who spend money in the county

Spending creates jobs and income for county residents, benefitting the community



No matter how long out-of-town visitors stay, they will most likely purchase food and need to use rest facilities and have bicycle support, flat tire fixes, et cetera. Many visitors may wish to rent bikes, rather than bring them, so a bicycle rental shop would fill a need for visitors.

New restaurants and cafes along the trail would be welcome, and existing convenience stores could begin to cater to trail users by supplying items that they may need or want. (Image to the left is of the Creeper Trail Cafe, along the Virginia Creeper Trail in Damascus.)





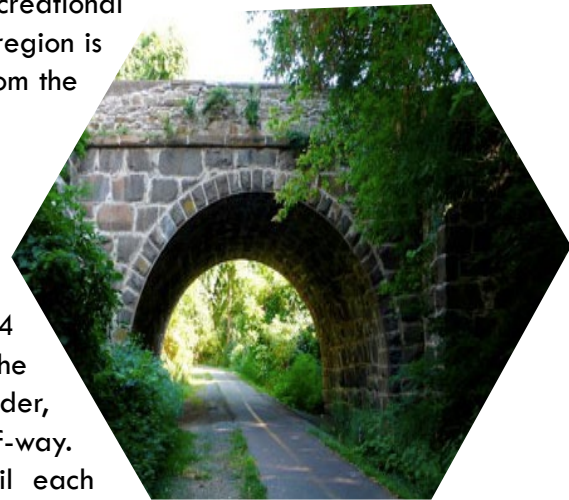
WASHINGTON AND OLD DOMINION TRAIL

The Washington and Old Dominion Trail (W&OD) extends 45 miles from Arlington to Purcellville, VA. Unlike other trails in the state, its proximity to suburban areas enables it to be used as a commuter trail as well as for recreation. According to a study prepared for the Virginia Department of Conservation and Recreation, “an estimated 1.7 million adult W&OD users spent in total about \$12 million annually related to their recreational use of the trail”. The study attributes a net economic value of the trail to the region is between \$14.4 and \$21.6 million, and the economic benefits to the region from the trail are far greater than the cost to build and maintain the trail.



VIRGINIA CREEPER TRAIL

The Virginia Creeper Trail is a 33.4 mile trail connecting Abingdon with the Virginia/North Carolina state border, built on a former railroad right-of-way. Over 100,000 people use the trail each year, most from out of the area. The trail has



had significant positive economic impact on the area. According to a 2011 study by the Economic Development Studio at Virginia Tech, more than half of businesses in Damascus, through which the town runs, attribute over 61% of their income from trail use. In the same survey, eight businesses which paid meals tax (restaurants, cafes, bed & breakfasts) estimated that just under 80% of their income could be attributed to the Creeper Trail.

NEW RIVER TRAIL STATE PARK

The New River Trail State Park parallels 39 miles of the New River, from Galax to Pulaski, in Southwestern Virginia. The trail itself totals 57 miles, and the park averages 80 feet wide, buffering the trail on each side, totalling 1,337 acres. According to the same Virginia Tech study, the trail also has economic impact on the surrounding communities. In its survey of Galax business owners, the study found that 8% of business revenue can be attributed to the trail (Galax has a diverse tourism base aside from the trail). Trail users surveyed spent on average: \$133 for privately-owned lodging, \$13 for publically-owned lodging, \$44 for food and drinks from restaurants and bars, and \$32 for other snacks and drinks.



Lessons can be learned from all three of these trails. Land use patterns along the Virginia Creeper and New River trails are the most similar, and it is therefore important to look at the Capital Trail in the context of Charles City's land use character.





Economic Opportunity Areas

There is ample opportunity for economic development along the VCT in Charles City, and it is even vital in order to enhance trail users' experience, and allow the County to capitalize on the trail. The primary area for economic development is in the Courthouse area, building on existing commercial uses and the County's comfort station. The Courthouse is not only the most developed area along the trail, but it is strategically located equidistant from Richmond and Williamsburg, making it a perfect place to stop and rest, even stay the night.

The second trail-related opportunity site is adjacent to the newly-built trail access point at Herring Creek. Currently there is parking and places to sit; a cafe or other trail-related business could complete the experience.

In addition to these sites, there are five major intersections along the Sherwood Forest phase of the trail which currently have some commercial development, and could house more which could serve both trail-related and unrelated traffic.



ABOVE: AN AERIAL VIEW OF THE COURTHOUSE AREA, AN IDEAL LOCATION FOR NEW TRAIL-RELATED BUSINESSES. LEFT: TRAIL ACCESS AT HERRING CREEK.





LEFT: INTERSECTION WITH
STURGEON POINT ROAD,
FACING SOUTH



LEFT: FACING SOUTH FROM THE
GLEBE LANE (RTE 615) ONTO RTE 5
BELOW: FACING ACROSS RTE 5 TO
THE GLEBE LANE (RTE 615)



TOP: SANDY POINT ROAD AT SANDY
POINT SUPERETTE
RIGHT: FROM THE NORTHWEST COR-
NER OF THE WILCOX NECK ROAD INTER-
SECTION, AT SS SUB SHOP



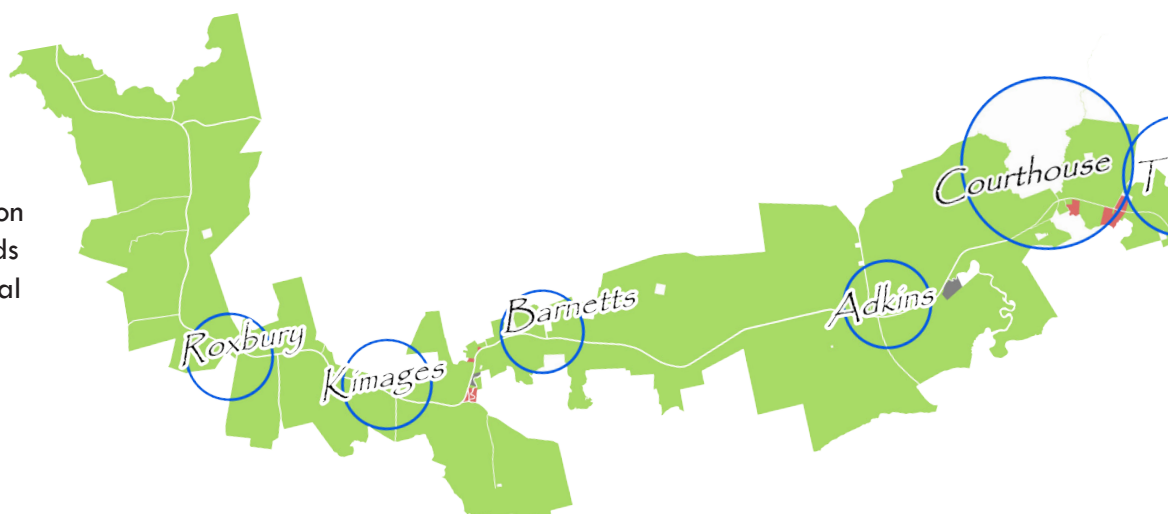
Current Zoning

Most of the land in the county, and in the study area, is zoned as Agricultural, or A-1. The county zoning ordinance defines the A-1 district as follows:

“This district is established to provide opportunities for a mixture of land uses that are considered necessary and beneficial to the residents and economy of the County. Agricultural and forestal uses remain the primary use in this district. Limited residential development will be allowed provided such development is designed to be compatible and blend with agricultural and forested uses. Commercial and other types of uses that are related to and compatible with agricultural, forestal and residential uses, and the existing infrastructure, and that serve the needs of County residents and contribute to the overall economic well-being of the County will also be permitted under certain conditions and with appropriate site development criteria. Certain limited commercial and specialized manufacturing activities will be permitted on or in proximity to designated local, state and/or federal historic sites where such activities are related to such historic sites. Mineral extraction and/or processing may be permitted with an appropriate Special Use Permit. Through or cross transit to other or different zones would be permitted.

Although many typical agricultural activities are in concordance with the historic, rural nature of Route 5 and the Virginia Capital Trail, there are many uses allowed (either permitted or by special use permit) in the A-1 district that, if developed, would disrupt the trail experience. Such permitted uses include: boarding houses, club facilities, commuter parking, single- or two-family dwellings, family day homes, golf courses, governmental activities, hospital, house of worship, kennels, landing strips, personal services facilities, playgrounds, professional services buildings, schools, communication towers, and veterinary hospitals. Uses with special use permits include: campgrounds, inns, mining, outdoor shooting ranges, communication towers, vegetative waste facilities, and zoos.

Along the corridor, the majority of houses are on parcels zoned as A-1, while three groupings of parcels are both zoned and used as commercial. There is one large parcel between Sturgeon Point and Sandy Point roads currently zoned for industrial use but is covered in forest.



EXISTING ZONING
ALONG THE CORRIDOR

Landscaping Ordinance

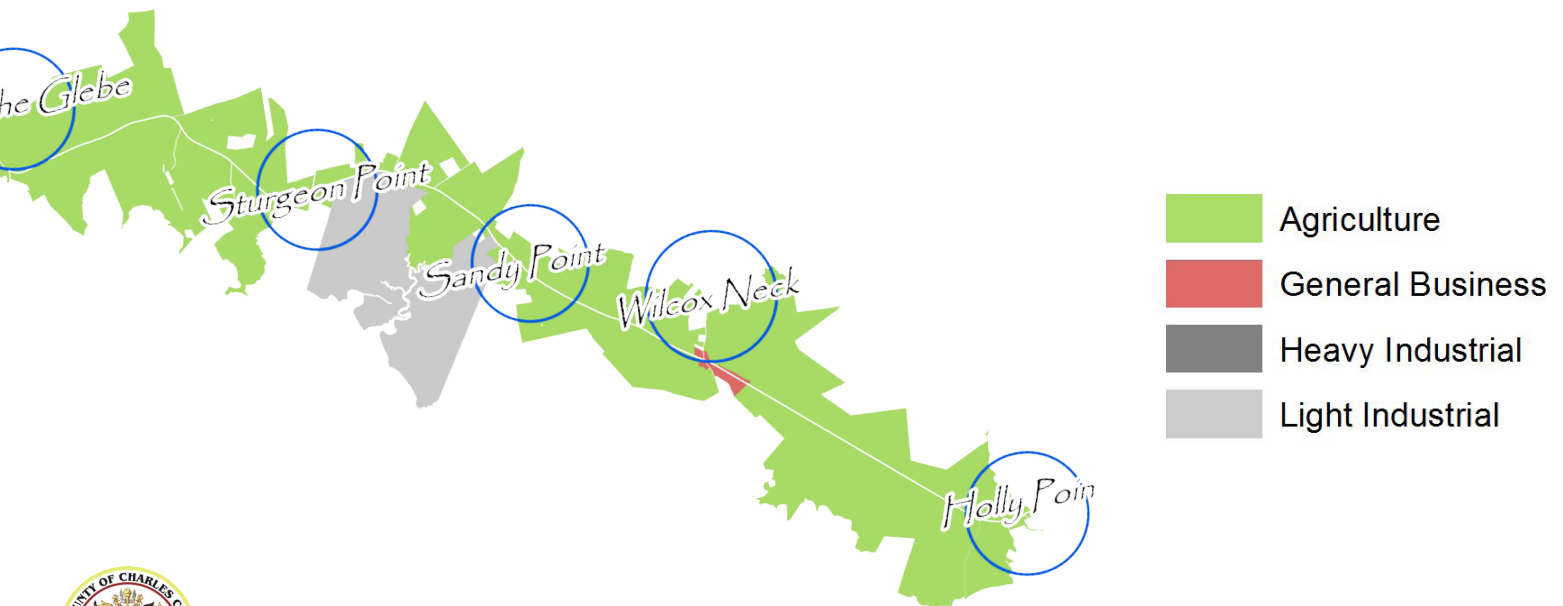
Charles City's Landscaping Ordinance, found in section 17 of the Zoning Ordinance, currently requires that all new development submit landscaping plans, except for single-family residences.

GENERALLY

1. A landscaping plan shall be submitted for review and approval for development or redevelopment activities. Such activities could include the expansion of a structure or use; the creation of new parking areas; or the enlargement of existing parking areas by more than four additional parking spaces.
2. A screening plan shall be submitted for review and approval for development and redevelopment activities within business, residential and industrial districts. This plan will be designed to screen the uses of the most intensive use district from the adjoining least intensive use district and public streets.

MINIMUM SCREENING STANDARDS

1. Screening shall consist of a planting strip, existing vegetation, a slightly opaque wall or fence, or combination, to the reasonable satisfaction of the agent.
2. Where only vegetative screening is provided, the screening strip shall not be less than five feet wide in the business and ten feet wide in the industrial districts. Vegetative screening may consist of a double staggered row of evergreen trees planted 15 feet on center, or a double staggered row of evergreen shrubs planted ten feet on center. The agent may approve alternative methods of vegetative screening. Where a fence or wall is provided, it shall be a minimum of six feet in height and plantings shall be required at intervals along the fence or wall.



Other Plans and Protective Measures

VIRGINIA SCENIC BYWAYS

Virginia has designated nearly 2,000 miles of road across the state as Scenic Byways, roads which are of historic significance or are uncommonly beautiful, such as the Blue Ridge Parkway or scenic Route 39 in the Alleghany Highlands. Route 5 was designated as a Scenic Byway for both its aesthetic appeal and the prevalence of historic landmarks along it. VDOT's Scenic Byways program provides funding for special projects along these roads, such as pedestrian and bicycle facilities, turnouts or interpretive signage and marketing assistance. In addition, a jurisdiction must apply for a roadway to be designated as a scenic byway, which is an indication of the County's commitment to keeping Route 5, and therefore the Virginia Capital Trail, as pristine and undeveloped as possible.

CHARLES CITY COUNTY COMPREHENSIVE PLAN

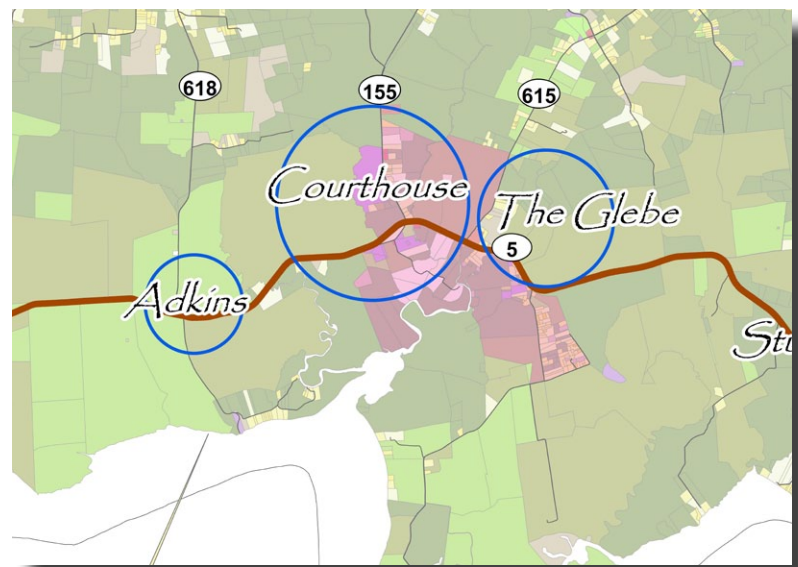
The county's comprehensive plan, adopted in 2009, makes statements of the goal to limit scattered residential development and guide both new commercial and residential growth toward designated development centers. Guiding growth in this way, the plan says, "is not only beneficial for business and citizens but allows for preservation of rural character outside of development centers". The Courthouse Development Center is the only development center along the trail. Neighborhood Service Areas are located at the intersection of Route 5 and Wilcox Neck Road and Route 5 and Kimages Road.

Preserving the rural character of Route 5 and the Virginia Capital Trail is also in keeping with three of the five goals of the 2009 Comprehensive Plan, in particular goals 2, 3 and 4:

GOAL: New Development will be consistent with the scenic integrity and quality of life of existing communities and be size- and location-appropriate, overall be compact.

GOAL: Retain lands for farms and forests outside of Development Centers.

GOAL: Promote and preserve the heritage, cultural diversity and quality of life of the people.



COURTHOUSE DEVELOPMENT
CENTER

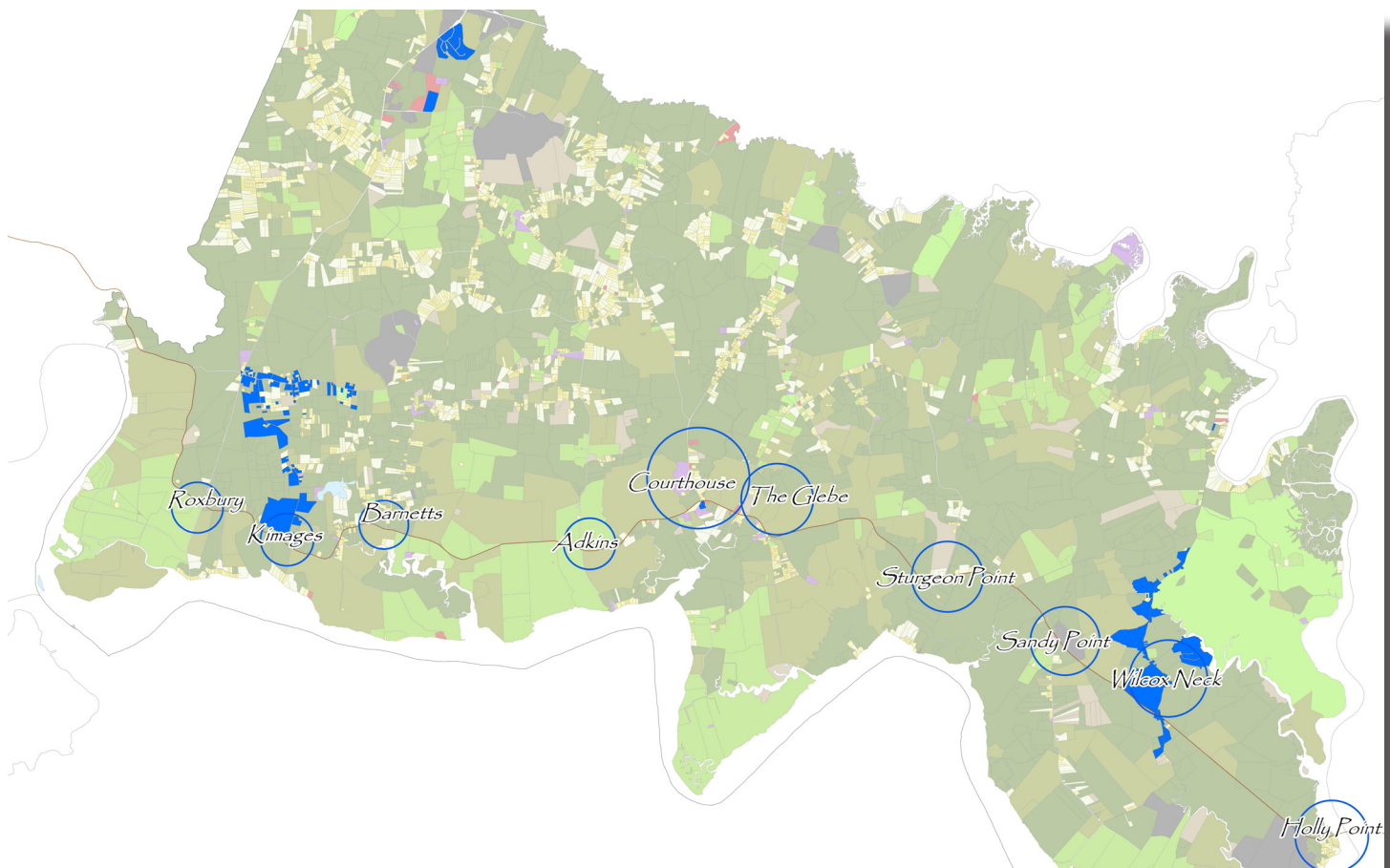
In addition, the plan states that future land use patterns will be guided into four categories:

DEVELOPMENT CENTERS - The primary focus for future growth where high intensity development is intentional and planned and infrastructure is planned or provided.

INDUSTRIAL RESERVE - Located along a section of Route 106 and reserved for future industrial uses that cannot locate within Roxbury Development Center.

NEIGHBORHOOD SERVICE AREAS - Located around crossroads and other community anchors that provide limited space for high intensity residential development and associated neighborhood commercial activities. These are areas where citizens from the outlying rural areas may come to get goods and services without having to drive to development centers. Public, government sponsored water and sewer infrastructure is not planned for these areas. However, as Neighborhood Service Areas grow over time it is anticipated that some may take on the aspects of and become development centers.

RURAL - The majority of the land area within the County is designated to remain rural. Centralized water and sewer, community facilities and road improvements are not anticipated. Farm and forestry operations predominate in this area.



MAJOR INTERSECTIONS WITH
NEIGHBORHOOD SERVICE AREAS IN BLUE



VDOT ACCESS MANAGEMENT REGULATIONS

The Virginia Department of Transportation (VDOT) established Access Management Regulations and Standards to help regulate placement and frequency of entrances to any parcel. VDOT does not have specific requirements for entrances constructed along the Virginia Capital Trail; meeting the standard access management requirements are the only necessary compliance. For a Rural Minor Arterial, as Route 5 is classified in that area, a number of regulations are relevant to protecting the Capital Trail and the Route 5 corridor. Commercial entrances must “accommodate pedestrian and bicycle users of the abutting highway in accordance with the Commonwealth Transportation Board’s “Policy for Integrating Bicycle and Pedestrian Accommodations”. Also, the regulations state that “the use of a shared entrance between adjacent property owners shall be the preferred method of access”. This also provides firm guidance for protection of the trail by limiting the number of times a drive or access road crosses it.

In addition, the regulations state that permit applicants for commercial entrances must contact the appropriate local government agencies to identify potential conflicts with other plans, studies, etc.

Currently, the Access Management Standards and Regulations are the only provision in place to dictate the number of new driveways or roads across the Trail. However, the Regulations do state, under 24VAC3073-60, *General provisions governing entrances*, that “any entrance standards established by localities that are stricter than those of VDOT shall govern”.

VDOT POLICY FOR INTEGRATING BICYCLE AND PEDESTRIAN ACCOMMODATIONS

VDOT maintains that “bicycling and walking are fundamental travel modes and integral components of an efficient transportation network”, and created the policy for integrating bicycle and pedestrian accommodations in order to “provide the framework through which [VDOT] will accommodate bicyclists and pedestrians, including pedestrians with disabilities, along with motorized transportation modes in the planning, funding, design, construction, operation and maintenance of Virginia’s transportation network to achieve a safe, effective, and balanced multimodal transportation system”. Though the policy discusses multiple considerations involving the inclusion of new bike/ped accommodations in new projects or repaving, it does not discuss controlling the type of development so that the bike/ped accommodations will remain intact and safe.





RECOMMENDATIONS

1

Familiarize staff with plans and protections already in place

2

Coordinate with VDOT to ensure that new development is up to all highest standards

3

Create and implement a Community Character Corridor program

4

Create a Capital Trail Zoning Overlay Protection District

5

Update Comprehensive Plan to include provisions for Virginia Capital Trail

6

Update Landscaping Ordinance to make provisions for Capital Trail corridor

7

Work closely with developers to collaborate on landscape and access plans that protect the Trail and the County's character



The following recommendations are meant to be used together, alone, or in whichever combination is available to the County.

1 Familiarize staff with plans and protections already in place

The information contained in this document is the first step in protecting the Virginia Capital Trail through Charles City County. Having all the necessary information together in one document will allow county staff and potential developers to work together to protect this valuable resource.

2 Coordinate with VDOT to ensure that new development is up to all highest standards

Consistent, timely communication with VDOT about plans for development, Access Management Regulations and Standards and County expectations for development will help to ensure that development occurs in a manner that is considerate of the Trail and the Route 5 corridor.

3 Create and implement a Community Character Corridor program

In James City County, the methods by which Route 5 is protected also protect the Capital Trail through the county.

The county's designated "Community Character Corridors" (CCCs) are roads which promote the "rural, natural or historic character" of the county, and which the county works to preserve and protect. In most of James City County, Route 5 is designated as a "wooded CCC", which means that any development should be entirely screened from the road. Charles City should adopt a similar designation, and ensure that all development along Route 5 and the Capital Trail is buffered from the road by trees.

The CCC program is incorporated into the Comprehensive Plan, thus giving it the ability to guide development.

4 Create a Capital Trail Zoning Overlay Protection District

A zoning overlay district is a regulatory tool that creates a special zoning district, to be placed over an existing district which identify special provisions in addition to those in the base zone. The boundaries of the zoning overlay district do not have to coincide with the base district.

The Capital Trail Protection District would cover the parcels adjacent to the trail and would suggest area and setback requirements and entrance standards, as well as require a vegetative buffer that is more natural and protective than those outlined in the landscaping ordinance. See Design Considerations section of this document.



5

Update Comprehensive Plan to include provisions for Virginia Capital Trail

The County's current comprehensive plan, adopted in 2009, contains only a brief mention about the Virginia Capital Trail, under the Transportation Network section.

The next comprehensive plan update should include a larger section, outlining the trail's benefit to the county and methods of preserving the character of the trail and the Route 5 corridor. For example, identify obvious economic development opportunities at key nodes where parcel size will best accommodate. (See Design Considerations section of this document, as well as descriptions of major intersections on pages 8-11 of this document.)

6

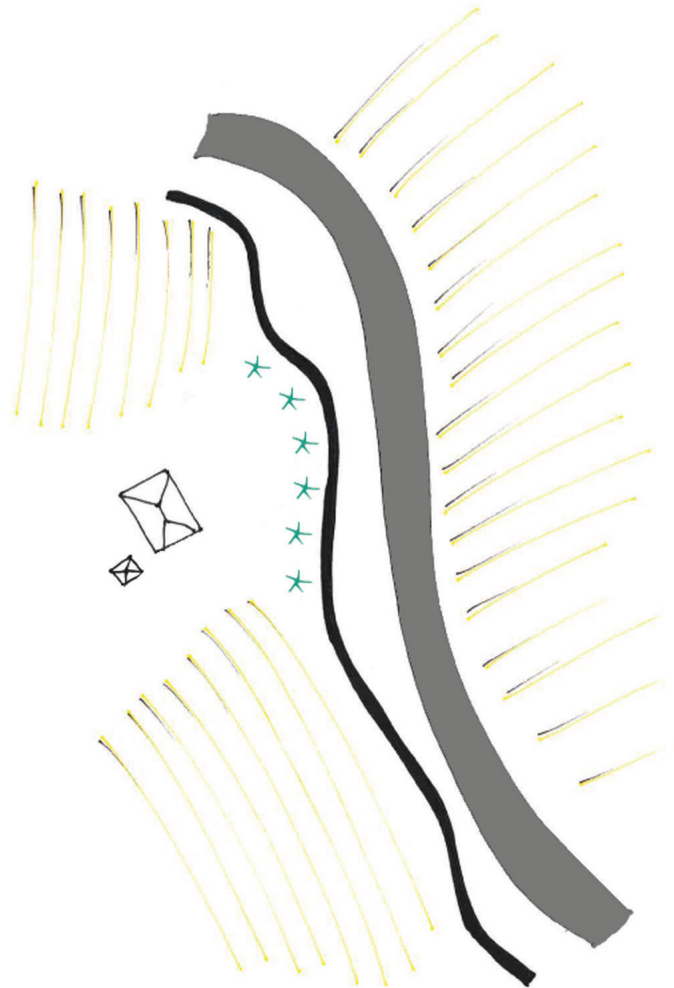
Update Landscaping Ordinance to make provisions for Capital Trail corridor

The Landscaping Ordinance, or section 17 of the County's Zoning Ordinance, contains provisions for vegetated or other buffers between new development and public rights-of-way. When the zoning ordinance is updated, written guidance can be included to make special exceptions for parcels along the Capital Trail.

Landscaping plans are required for all development except residential development. Along the Capital Trail Corridor, landscaping plans should be considered for submission for *all* development, including individually developed residential. Current standards for screening include planting strips, any existing vegetation, or slightly opaque walls or fences. Vegetative screening may be no less than five feet in commercial areas and ten feet in industrial areas, and may utilize newly planted evergreen trees or shrubs. **The image at the right shows the tree planting requirements currently in the landscaping ordinance.**

New landscaping standards for development along the Trail should 1) encourage keeping existing, mature trees whenever possible, 2) increase minimum screening standards to minimum of 20' where possible with trees, not shrubs, 3) require native plants and trees or those historically used in Virginia to be used in landscaping plan.

See Design Considerations section of this document.

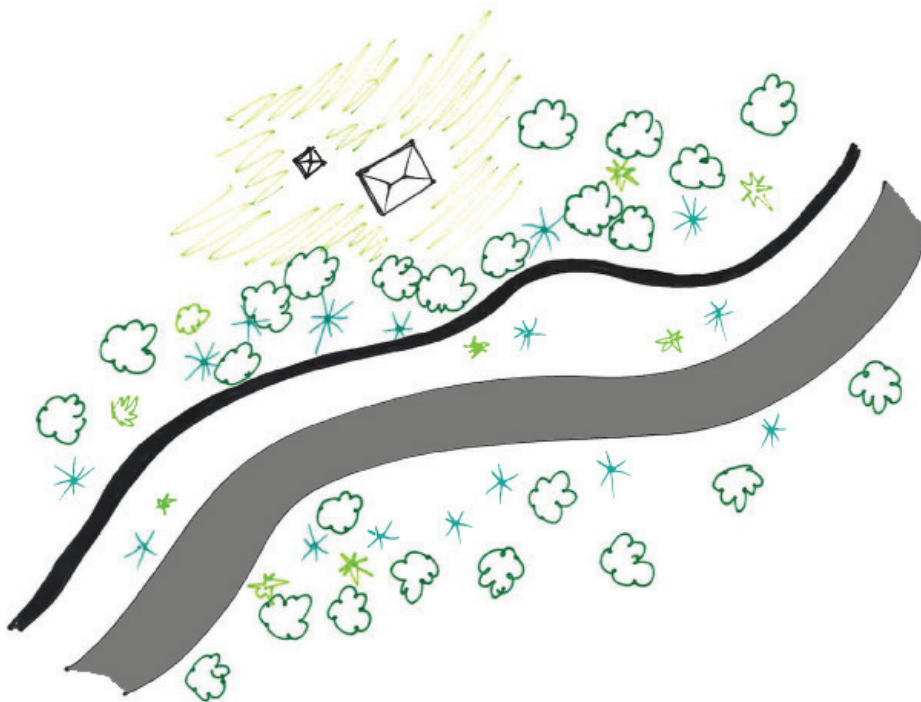


DESIGN CONSIDERATIONS

BUFFERS

Buffers are arguably the single most important consideration for development along the Virginia Capital Trail. Preserving the character of the trail means preserving the aesthetics of the corridor. Riding a bicycle or walking, one can see much more of one's surroundings, so the thinner buffers that would work to preserve the character of a roadway to speeding cars will not be sufficient for protecting the trail.

A fully forested buffer of at least 20 feet will protect the view from the trail. (In some cases this may not be possible; exceptions can be determined on an individual basis and the provision can be made to ensure that screening is effective.) Buffers will also keep new residences private from trail users. Existing and mature trees should be protected from development, because in addition to helping to maintain a healthy environment, mature trees further increase the sense of the age of the corridor. No trees of over 10" caliper (diameter of the trunk at one foot from the ground) should be destroyed in the development of any property along the corridor or within the overlay district.



Since much of the corridor is currently forested, it is important to keep it that way, even when parcels become developed. Keeping a wide buffer of existing and mature trees is the ideal way to maintain the forested character.

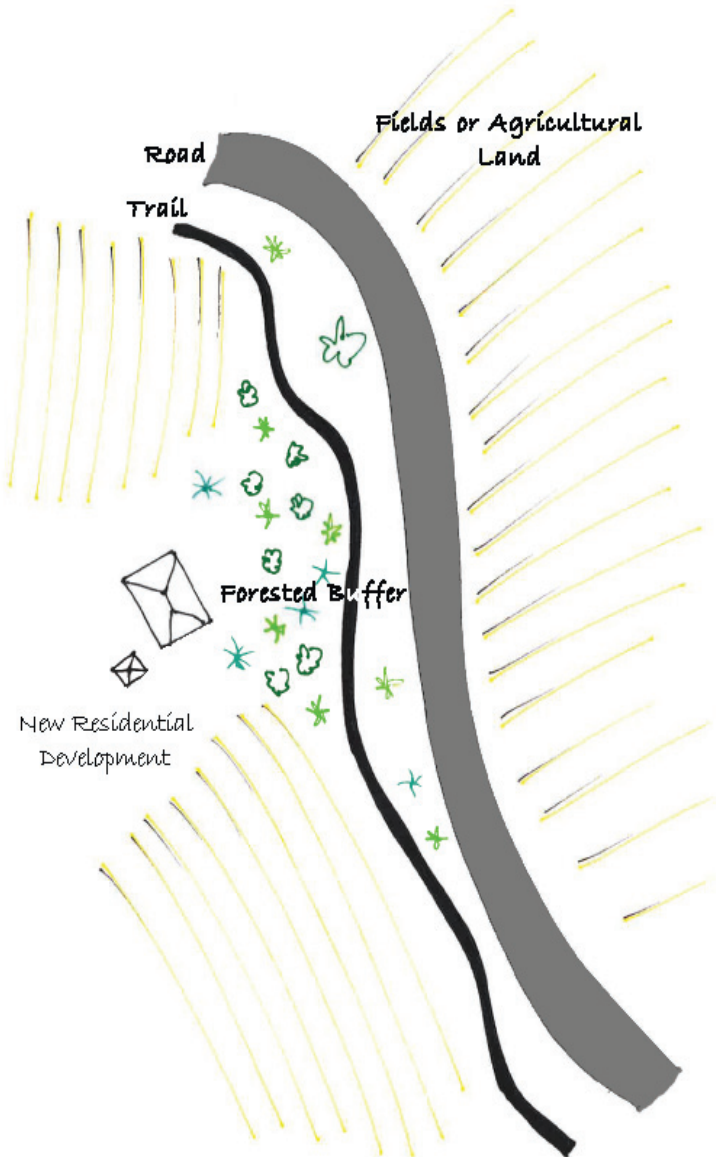
The figure to the left shows an example of a forested buffer using existing trees. The thick buffer of mature trees and smaller undergrowth preserve the rural, historic quality of the area for both trail users and homeowners.

The figure to the left shows another potential scenario along the trail in Charles City: development of existing farms or fields, where there is currently no existing buffer.

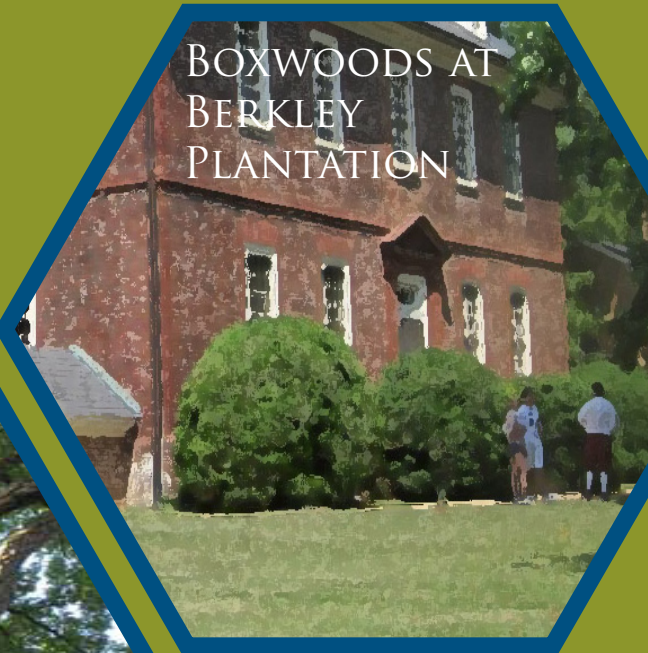
When this is the case, the landscaping plan should incorporate native trees and other vegetation, in a natural, unregimented pattern.

Native Trees and Plants

The historic, natural elements of the Route 5 and Virginia Capital Trail corridor will be best preserved if any new plantings are plants or trees either native to Virginia, or commonly used historically. For example, the White Oak is a native Virginia tree and is commonly found in this region's landscapes. Boxwoods, on the other hand, while native to western and southern Europe, were first introduced to the area by colonist in the 1600s, and have been synonymous with Southern landscaping ever since.



BOXWOODS AT
BERKLEY
PLANTATION



WHITE OAK



Buffers and Setbacks

BUFFERS (CONTINUED)

The three images on these pages show a greenfield with two different buffer options for new development.

1

The greenfield in the first image (below) shows existing rural landscape next to built trail. The trail users have an uninterrupted sense of the historic corridor and the rural surroundings.

2

The second image (top right) shows a house on the property with minimal trees for screening, exposing trail users to the residential development and the homeowners to trail users.

3

The third image (bottom right) shows the same house with a thick buffer of trees and shrubs. In this image, the house is barely visible, giving the homeowners privacy and the trail users a much more continuous sense of the historic corridor and the rural surroundings.

It is important to note that this concept can be applied to commercial, office and industrial development, as well as residential. For industrial development, the buffers should be increased; the depth of the buffer can be determined by the intensity of the use.





Setbacks and Parking

SETBACKS

The further the house or building is back from the public right of way, the more it will be naturally screened from the trail, increasing privacy for home- or business owners and patrons.

The image below shows a bank of trees on the right that hides a large residential subdivision, which is unnoticeable to the trail user due to ample setbacks and screening.

PARKING

On the opposite page, the image on the top right, from another county, shows a parking lot of a business along an already-built section of the trail. The parking lot is not only in full view of the trail, but there is no barrier at all protecting trail users from the traffic moving in and out of the lot.

When new construction is proposed, locating parking lots at the back of a commercial or office building is a simple way of maintaining the value and safety of the trail.

The image at the bottom right gives an indication of what a commercial building could look like with native or traditional plantings in the front, with the parking moved to the back.

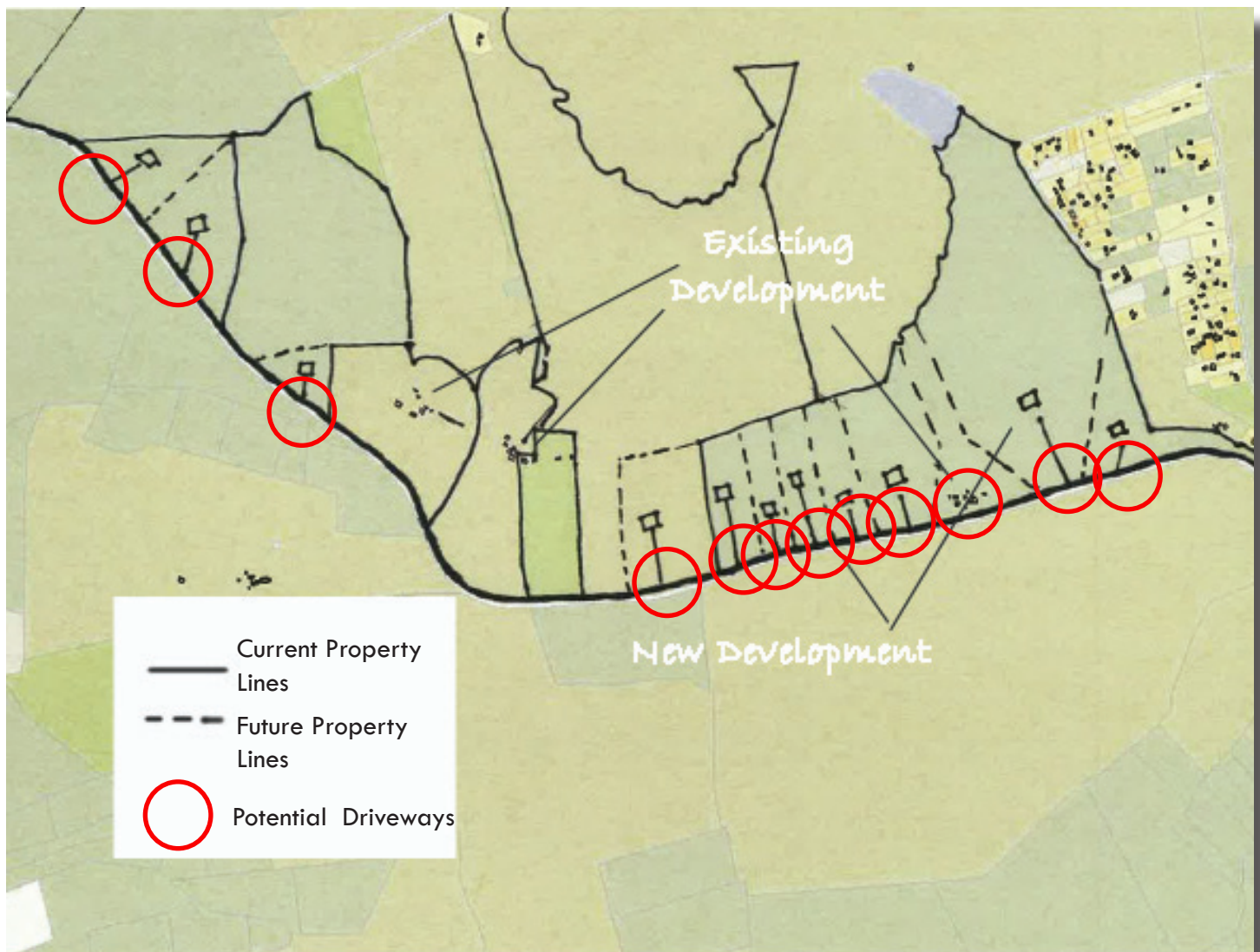




Limited Driveways and Trail Crossings

If frequent development occurs along the trail corridor, even if it is screened with thick buffers, the trail experience will be interrupted if each small parcel has its own drive.

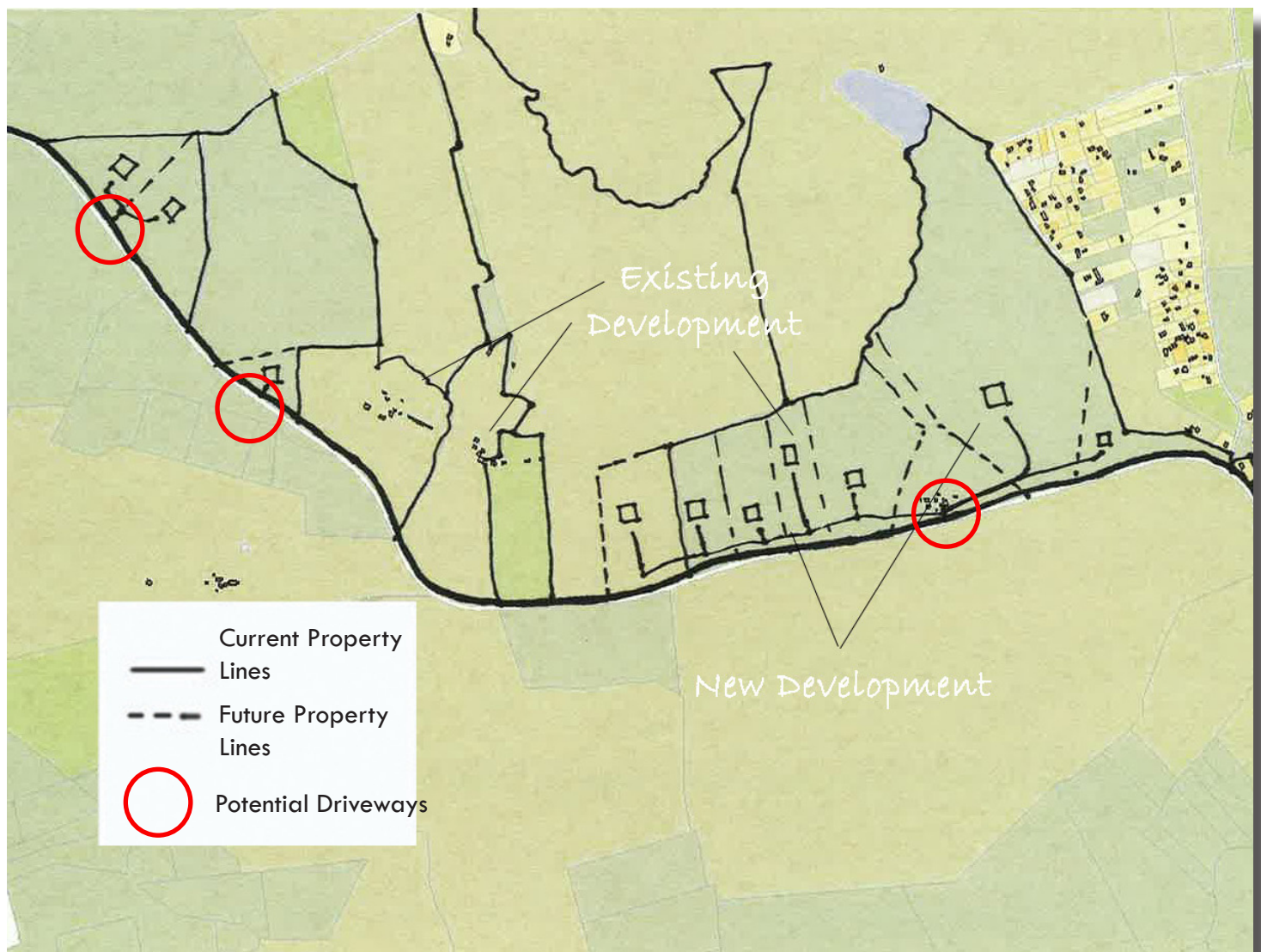
Currently, there are only 20 residential or commercial lots developed along the trail side of the corridor (south of Route 5 leaving the Courthouse area, and north after crossing at The Glebe), after leaving the Courthouse Area, as well as four roads the trail must cross. While it is unlikely new major roads will be constructed, there is the possibility a number of new driveways or access roads crossing the trail could hamper or ruin the rural experience of the trail and cause unsafe conditions.



The two images on this page show a portion of the trail with theoretical residential development along it. The first shows each new house with a driveway to producing 11 new trail crossings. The second shows one single driveway, one shared driveway, and one frontage road (behind a buffer, ideally) that would access 7 new houses from an existing driveway.

Currently there are three driveways in this section of trail. The first image shows a future scenario with a total of 14 driveways, or cuts across the trail. The second shows the same amount of residential development with only two additional cuts, totalling five cuts.

Each development situation is different, but with each consideration should be given to potential sharing.

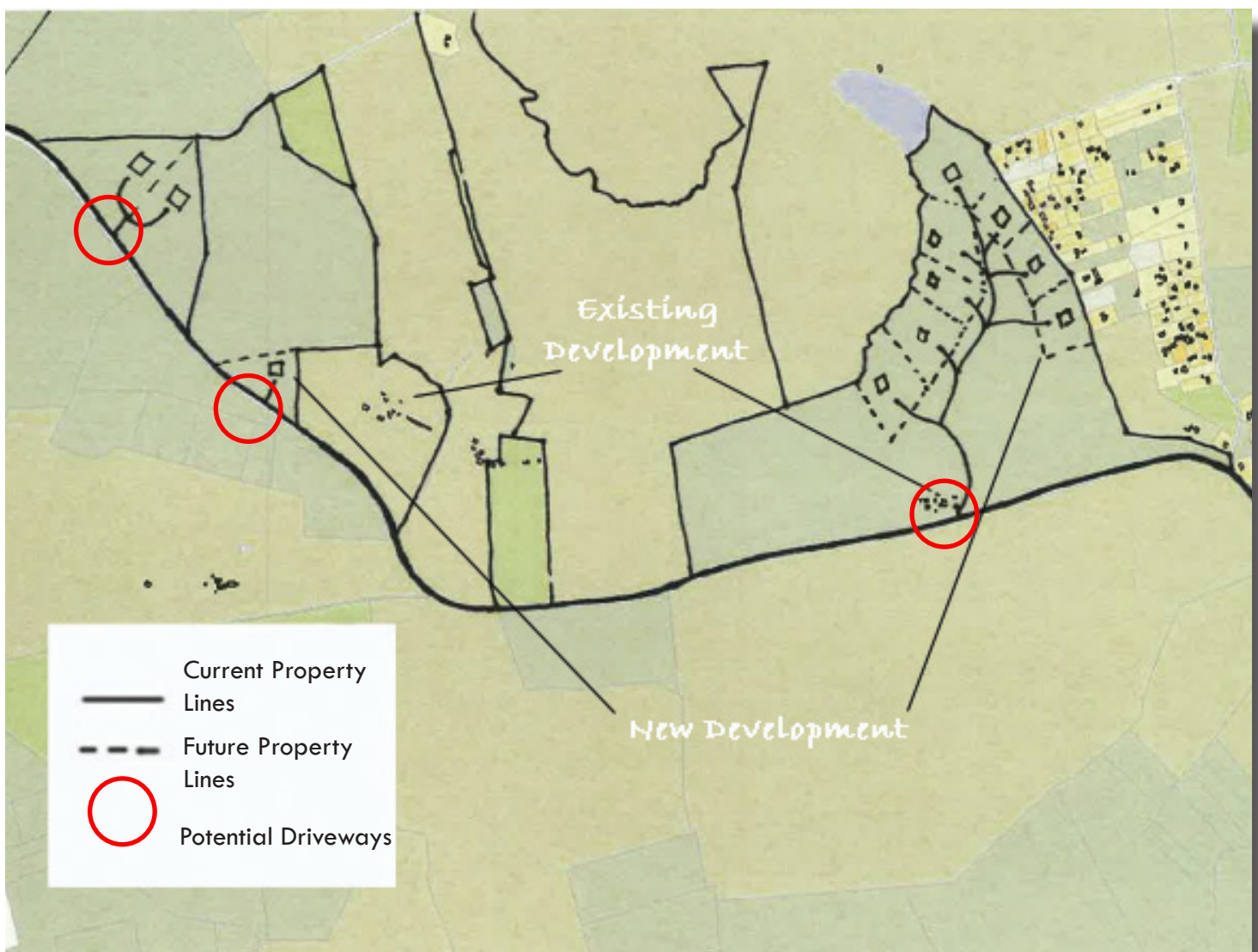


Clustered Development

A better scenario than subdividing parcels along Route 5, even with a frontage road, is clustered residential development as far from the road as possible. If houses are set far back from the road and a private road or long driveway is used to access them, the need for a frontage road is eliminated, as well as (potentially) the need to plant buffers.

In the below image, the same lot yield is reached, with only three total new driveways, instead of the potential 11 shown in the first image, on page 26.

Larger lots with greater depth will have more flexibility of setback from the trail, so they should be encouraged to develop with the integrity of the trail in mind.



Key Takeaways

- The Virginia Capital Trail is a project of major regional significance, running the length of Charles City County along the historic Route 5 corridor.
- The County has the potential to gain significant economic benefit from the increased activity the trail will bring.
- Ensuring that development along the trail corridor happens in a manner that is respectful and protective of the trail will ensure that the trail experience is safe and enjoyable to users.
- Increased trail use, especially by visitors, will increase the economic impact of the trail, benefiting the County. (See pages 10-11 for examples of similar trails.)
- This booklet can be used by planners and County staff to guide development with the trail in mind.





APPENDIX

1

Relevant Zoning Categories

2

Landscaping Ordinance

3

VDOT Access Management
Standards and Regulations

4

James City County Community
Character Corridor Descriptions

5

James City County CCC
Buffer Guidelines



SECTION 5 - AGRICULTURAL DISTRICT (A-1)

5-1 STATEMENT OF INTENT

This district is established to provide opportunities for a mixture of land uses that are considered necessary and beneficial to the residents and economy of the County. Agricultural and forestal uses remain the primary use in this district. Limited residential development will be allowed provided such development is designed to be compatible and blend with agricultural and forestal uses. Commercial and other types of uses that are related to and compatible with agricultural, forestal and residential uses, and the existing infrastructure, and that serve the needs of County residents and contribute to the overall economic well being of the County will also be permitted under certain conditions and with appropriate site development criteria. Certain limited commercial and specialized manufacturing activities will be permitted on or in proximity to designated local, state and/or federal historic sites where such activities are related to such historic sites. Mineral extraction and/or processing may be permitted with an appropriate Special Use Permit. Through or cross transit to other or different zones would be permitted.

5-2 PERMITTED USES

.1 Abattoir as defined, under the following conditions:

- a. Process less than 450 animal units of poultry annually.
- b. Operates under a grant of inspection from the United States Department of Agriculture or the Virginia Department of Agriculture and Consumer Affairs.
- c. Maintains and implements a Sanitation Standard Operating Plan (SSOP) and a Hazard Analysis and Critical Control Point Plan (HACCP).
- d. The external appearance and arrangement of such facility is compatible with appearance and arrangement of other uses in the general area.
- e. Any structure to have a setback of not less than 200 feet from the exterior property line not owned by the same property owner.
- f. Holding of live poultry not to exceed 24 hours.
- g. Kill time is limited to 8 a.m. - 4 p.m., Monday thru Friday, excluding Holidays and weekends.(4/24/2007)

1. Agriculture
2. Agriculture, Intensive as defined, which meets the following requirements:
 - a. Setbacks:
 - i. Swine structures or pens: 500 feet from any existing dwelling not owned by the farmer; any existing commercial establishment; any church, school, public property or public highway; 500 feet from any exterior property line (this 500 feet setback from exterior property lines for swine can be reduced to 250 feet with a signed and recorded waiver by the adjoining property owner).
 - ii. Other intensive agriculture will be 500 feet, except that setbacks from exterior property lines will be one-third of those set out above.
 - iii. Waste applications: 200 feet from any occupied dwelling; 100 feet from any wells or springs utilized for private or public water; and 25 feet (if incorporated) or 100 feet (for surface application) from any public road or exterior property line.
 - b. A waste disposal plan approved by the appropriate state and local agencies that includes, at a minimum, an anaerobic treatment system (or equivalent) that allows for separate spreading of liquids and solids and which reduces offensive odors to the maximum extent reasonably possible, except that swine operations that are not within a pen or structure would be exempt from this requirement.
 - c. A nutrient management plan approved by the appropriate state and local agencies.
 - d. For the purpose of this section, expansion of an operating intensive agriculture facility shall be based upon the dwellings, wells, and commercial establishments, which existed at the time of the original construction of that facility's pens or structures.
3. Biosolids application per State laws and regulations.
4. Boarding house
5. Boat landing/ramp
6. Business, agricultural
7. Business, historic
8. Business services facility as defined and shall be subject to the following:
 - a. No more than one building with not more than 2,000 square feet.

- b. No more than four persons are engaged in the production of finished goods produced for retail sale on the premises.
- c. No outside storage shall be permitted except for required parking, loading and unloading.
- d. No use shall be open to the public between 10:00 PM and 6:00 AM.
- e. No use shall be permitted which the Uniform Statewide Building Code classifies as high hazard.
- f. The external appearance and arrangement of such use shall be of a form and character, which is compatible with the appearance and arrangement of other uses typically allowed in the zoning district.

~~9. Campground~~ Move to §5-3 Special Use Permit (5/25/2010)

- 10. Cemetery
- 11. Central utility system, in conjunction with a right-of-way less than 30 feet in width.
- 12. Club facility\
- 13. Commuter parking
- 14. Day care
- 15. Dwelling, single-family
- 16. Dwelling, two-family
- 17. Family day home
- 18. Golf course
- 19. Governmental activity
- 20. Home occupation
- 21. Hospital
- 22. House of worship
- 23. Hunt club facility

~~24. Inn~~ Move to §5-3 Special Use Permit (5/25/2010)

- 25. Kennel (large), dog
- 26. Kennel (residential), dog
- 27. Kennel (small), dog
- 28. Landing strip
- 29. Livestock market
- 30. Park
- 31. Personal services facility as defined and shall be subject to the following:
 - a. No more than one building with not more than 2,000 square feet.
 - b. No more than four persons are engaged in the production of finished goods produced for retail sale on the premises.
 - c. No outside storage shall be permitted except for required parking, loading and unloading.
 - d. No use shall be open to the public between 10:00 PM. and 6:00 AM.
 - e. No use shall be permitted which the Uniform Statewide Building Code classifies as high hazard.
 - f. The external appearance and arrangement of such use shall be of a form and character, which is compatible with the appearance and arrangement of other uses typically allowed in the zoning district.
- 32. Playground
- 33. Preserve
- 34. Professional services facility as defined and shall be subject to the following:
 - a. No more than one building with not more than 2,000 square feet.
 - b. No more than four persons are engaged in the production of finished goods produced for retail sale on the premises.
 - c. No outside storage shall be permitted except for required parking, loading and unloading.
 - d. No use shall be open to the public between 10:00 PM and 6:00 AM.

- e. No use shall be permitted which the Uniform Statewide Building Code classifies as high hazard.
 - f. The external appearance and arrangement of such use shall be of a form and character, which is compatible with the appearance and arrangement of other uses typically allowed in the zoning district.
35. Recreation, general, at which less than 500 people are reasonably expected to attend. Where more than 500 but less than 2000 people are reasonably expected to attend, an entertainment permit is required. See the Entertainment Permit section of this ordinance.
36. Recreation, special, at which less than 51 people are reasonably expected to attend, except that an entertainment permit is required. See the Entertainment Permit section of this ordinance.
37. Retreat center
38. School
39. Tower, communication less than or equal to 50 feet in height.
40. Use, accessory

40.1 Vegetative Waste Recycling Facility as defined and where such facility is not less than 300 feet from any property line of someone other than the operator or owner of the facility. The use of a stump grinder or similar mechanical equipment is prohibited. **(10/24/2006)**

41. Veterinary hospital

42. Wetlands Mitigation Bank, as defined which meets the following requirements:

- 1. Wetlands mitigation bank permit issued by the County of Charles City which documents:
 - a. That all adjacent and adjoining landowners and residents within 1000 feet of the proposed wetlands bank have been advised by the applicant of the application, all hearing dates, the process for comment, and protest and any other rights relating to any application to the United States Army Corps of Engineers and/or Virginia Department of Environmental Quality and provided by certified mail copies of any federal or state public hearing announcement for such wetlands bank a minimum of 21 days prior to such hearing.
 - b. Detrimental offsite effects, and where these effects may be present,

those measures to be taken to minimize such effects;

- c. That the physical improvements associated with the proposed development are compatible with existing or proposed development of record on adjacent properties.
 - d. Consistency with existing land use documents approved by the County Board of Supervisors such as Comprehensive Plan, Land Use Ordinances etc.
- 2. Install temporary signs at the boundary of the proposed bank identifying potential bank location prior to any Federal or State Public Hearing 21 days prior to that Public Hearing. These signs are to be visible from the public traveled way
 - 3. Copies of all federal, state and local regulatory agencies permits and/or permit applications that are necessary for the development to occur in Charles City County are provided Charles City County.

The Wetlands mitigation bank shall be a minimum of 100 feet from any line of a lot owned by a different individual or entity unless waived in writing by the adjoining property owner or entity. **(8/22/2006)**

5-3 USES WITH SPECIAL USE PERMIT

.01 Campground (5/25/2010)

- 1. Central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width.

1.1 Inn (5/25/2010)

- 2. Kennel, commercial
- 3. Kennel (large), dog with more than 50 dogs
- 4. Mining
- 5. Recreation, general, at which more than 2000 people are reasonably anticipated.
- 6. Recreation, special, at which more than 50 people are reasonably expected to attend.
- 7. Shooting range, outdoor
- 8. Tower, communication greater than 50 feet in height.

8.1 Vegetative Waste Recycling Facility as defined that uses a stump grinder or other similar mechanical equipment, and includes the incidental sale of firewood. **(10/24/2006)**

9. Zoo: No structures other than screening fences can be closer than 50 feet to an adjacent property line; all off-street parking and loading areas shall be located at least 25 feet from any property line and effectively screened from view by landscaping and supplemented if necessary by screening fences.

5-4 AREA REQUIREMENTS

1. Residential uses: all lots shall be a minimum of one acre per dwelling unit.
2. Non-residential uses: no minimum lot size, but all setbacks, as set forth below must be met.

5-5 SETBACK REQUIREMENTS

1. Buildings shall be located a minimum of 100 feet, from any public street right-of-way. For lots without frontage on a public street, buildings shall be located a minimum of 100 feet from the “front” property line. **For such lots, any private drive or right of way will be included in the determination of any setback distance.** The front is often the first property line touched by the street or drive coming from a public street, but may be another property line if the shape or geography of the lot would make that other line a more appropriate front. **(4/22/2008)**
2. Agricultural stands: The front setback for temporary agricultural stands shall be 25 feet.
3. For a corner lot, the front shall be deemed to be the shortest side of the two sides fronting on streets.

5-6 WIDTH REQUIREMENTS

The minimum width for permitted uses is that width which is sufficient to meet all setback requirements.

5-7 YARD REQUIREMENTS

1. Side: The minimum side setback for each main structure shall be 25 feet.
2. Rear: All areas in the rear of the lot, based on the front setback being the front, not less than 50 feet from the rear lot line.

5-8 HEIGHT REQUIREMENTS

Buildings may be erected up to 45 feet in height except that:

1. A public or semipublic building such as a school, church, library, or general hospital as well as a barn or silo used for agricultural purposes may be erected to a height of 100 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 45 feet.
2. Church spires, belfries, cupolas, monuments, water towers, chimneys, flue, flagpoles, television antennae, grain elevators and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

5-9 OFF-STREET PARKING REQUIREMENTS

All parking required for General Agriculture District shall comply with the Off-Street Parking section of this Ordinance.

5-10 UTILITY REQUIREMENTS

Water and sewer: The developer shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities.

5-11 LANDSCAPING REQUIREMENTS

Structures and uses within the Agricultural District shall comply with the Landscape, Screening and Buffer section of this Ordinance.

5-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with the Signs section of this Ordinance.

5-13 ACCESSORY USES AND STRUCTURES

1. No accessory building may be located closer than ten feet to any side or rear property line.
2. Any accessory building taller than the principal building must meet all the setback requirements of the principal building.

5-14 SPECIAL CONDITIONS

None.

5-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other Environmental and Site Plan Ordinances and regulations

SECTION 8 - GENERAL BUSINESS DISTRICT (B-1)

8-1 STATEMENT OF INTENT

The purpose of this district is to provide sufficient land in appropriate locations for a wide variety of retail, service and public activities, generally serving large portions of the County and the region. General commercial development is encouraged to locate in appropriate Development Centers, at or near the intersections of major roads or other locations convenient to large populations. The clustering of commercial development is to be encouraged as opposed to scattered or strip development. Permitted uses do not include large warehouses or other facilities that require constant, heavy trucking, as opposed to stocking and delivery of light retail goods, or facilities which generate nuisance factors such as dust, odor or noise. Commercial uses should be developed in a manner that is compatible with surrounding land uses and road capacities, properly screened and provided with appropriate internal circulation patterns. Through or cross-transit to other or different zones would be permitted.

8-2 PERMITTED USES

1. Agriculture that meets Performance Standards, Conditions Applicable to Agriculture and Forestry in Certain Zones.
2. Boat landing/ramp
3. Business, agriculture
4. Business, retail
5. Business services facility
6. Cemetery
7. Central utility system in conjunction with a right-of-way less than 30 feet in width.
8. Club facility
9. Commuter parking
10. Day care
11. Day care center
12. Dwelling, single-family

13. Garage, business
14. Golf course
15. Governmental activity
16. Home occupation
17. Hospital
18. Hotel/motel
19. House of worship
20. Inn
21. Kennel, commercial
22. Kennel (residential), dog
23. Landing strip
24. Lounge
25. Mini-warehouse
 - a. All storage buildings shall face the center of the property. All circulation on-site shall be designed to be internal; no aisles shall be placed between a building and a property line unless only one building is proposed on site.
 - b. All interior driveways shall be at least 26 feet wide when cubicles open into one side only and at least 30 feet wide when cubicles open onto both sides to accommodate loading and unloading at individual cubicles. When interior drives are specified to be “one way only” the widths shall be at least 26 feet wide. Adequate turning radiuses shall be provided, where appropriate, for a 30-foot long single unit truck or moving van.
 - c. Activity on site other than storage of customer’s goods and wares shall be prohibited.
 - d. Outdoor storage areas shall be used for the storage of motor vehicles, trailers, boats, and recreational vehicles only. All outdoor storage areas shall be screened from adjoining properties according to Landscaping, Screening and Buffers Section of this Ordinance.
 - e. Mini-warehouse developments shall not be accessible to the general public (excluding on site managers) between the hours of Midnight and 5:00 A.M.

- f. The minimum lot size for a mini-warehouse development shall be two acres, and the maximum developed area for a mini-warehouse shall be four acres.
- g. No door openings for a cubicle shall be constructed facing any residential use type.

26. Parks

27. Personal services facility

28. Playgrounds

29. Professional services facility

30. Recreational facility, private

31. Restaurant

32. Schools

33. Tower, communication less than or equal to 50 feet in height.

34. Use, accessory

35. Veterinary hospital

8-3 USES WITH SPECIAL USE PERMIT

- 1. Airport
- 2. Automobile graveyard
- 3. Business, wholesale
- 4. Central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width.
- 5. Marina
- 6. Theme park
- 7. Tower, communication greater than 50 feet in height.
- 8. Zoo: No structures other than screening fences can be closer than 50 feet to an adjacent property line; all off-street parking and loading areas shall be located at least 25 feet from any property line and effectively screened from view by

landscaping and supplemented if necessary by screening fences.

8-4 AREA REQUIREMENTS

1. Lots that are served by community water and sewer service, the minimum lot size shall be 20,000 square feet.
2. Lots that are not served by public or community water and sewer, the minimum lot size shall be one acre.

8-5 SETBACK REQUIREMENTS

Buildings shall be located a minimum of 100 feet from any public street right-of-way.

8-6 WIDTH REQUIREMENTS

The minimum width for permitted uses is that width which is sufficient to meet all setback requirements.

8-7 YARD REQUIREMENTS

1. Side: None required, except that the minimum side yard setback shall be 50 feet from any Agricultural, Residential or Multi-Family Residential Districts.
2. Rear: None required, except that the minimum side yard setback shall be 50 feet from any Agricultural, Residential or Multi-Family Residential Districts.

8-8 HEIGHT REQUIREMENTS

Buildings may be erected up to 45 feet in height, except that:

1. Any building may be erected to a height of 60 feet provided that required setback shall be increased one foot for each foot in height over 45 feet.
2. Church spires, belfries, cupolas, monuments, water towers, chimneys, flue, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
3. Accessory buildings located less than 50 feet, but more than 25 feet from any Agricultural, Residential or Multi-Family Residential District shall be no more than one story high.

8-9 OFF-STREET PARKING REQUIREMENTS

All parking required for the General Business District shall comply with the Off-Street Parking section of this Ordinance.

8-10 UTILITY REQUIREMENTS

Water and sewer: The developer shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities.

8-11 LANDSCAPING REQUIREMENTS

Structures and uses within the General Business District shall comply with the Landscape, Screening and Buffer section of this Ordinance.

8-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with Sign section of this Ordinance.

8-13 ACCESSORY USES AND STRUCTURES

1. Accessory buildings meeting the setback requirements may be 45 feet in height.
2. Accessory buildings: No accessory building shall be located closer than 25 feet to any Agricultural, Residential or Multi-Family Residential District.

8-14 SPECIAL CONDITIONS

None.

8-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other Environmental and Site Plan Ordinances and regulations.

SECTION 11 - LIGHT INDUSTRIAL DISTRICT (M-1)

11-1 STATEMENT OF INTENT

The primary purpose of this district is to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses on or near major thoroughfares or railroads in Regional Development Centers. Such manufacturing uses typically involve the use of raw materials produced elsewhere. The processing shall not include the conversion of basic raw materials such as ores, minerals, stone and crude oil into interim products, nor shall the processes, materials to be used, or final products to be manufactured present an immediate threat to surrounding land and property, the natural environment or public from either explosion, fire or other offensive conditions or hazards. These restrictions are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply. Through or cross transit to other or different zones would be permitted.

11-2 PERMITTED USES

1. Agriculture that meets Performance Standards, Conditions Applicable to Agriculture and Forestry in Certain Zones.
2. Agriculture, Intensive as defined, which meets the following requirements:
 - a. Setbacks:
 - i. Swine structures or pens: 500 feet from any existing dwelling not owned by the farmer; any existing commercial establishment; any church, school, public property or public highway; 500 feet from any exterior property line (this 500 feet setback from exterior property lines for swine can be reduced to 250 feet with a signed and recorded waiver by the adjoining property owner).
 - ii. Other intensive agriculture will be 500 feet, except that setbacks from exterior property lines will be one-third of those set out above.
 - iii. Waste applications: 200 feet from any occupied dwelling; 100 feet from any wells or springs utilized for private or public water; and 25 feet (if incorporated) or 100 feet (for surface application) from any public road or exterior property line.
 - b. A waste disposal plan approved by the appropriate state and local agencies that includes, at a minimum, an anaerobic treatment system (or equivalent) that allows for separate spreading of liquids and solids and which reduces offensive odors to the maximum extent reasonably possible, except that swine operations that are not within a pen or structure would be exempt from this requirement.

- c. A nutrient management plan approved by the appropriate state and local agencies.
 - d. For the purpose of this section, expansion of an operating intensive agriculture facility shall be based upon the dwellings, wells, and commercial establishments, which existed at the time of the original construction of that facility's pens or structures.
- 3. Biosolids application per State laws and regulations.
- 4. Boat landing/ramp
- 5. Business, wholesale
- 6. Central utility system in conjunction with a right-of-way less than 30 feet in width.
- 7. Commuter parking
- 8. Dwelling, single-family specifically living quarters for a proprietor or manager and family located in the same building or upon the same lot as the place of occupation, or the living quarters for a watchman or custodian of an industrial establishment are allowed.
- 9. Garage, business
- 10. Governmental activity
- 11. Home occupation

11.1 Industrial Sales & Services (10/28/2008)

- 12. Landing strip
- 13. Livestock market
- 14. Manufacturing, light
- 15. Marina
- 16. Mini-warehouse
 - a. All storage buildings shall face the center of the property. All circulation on-site shall be designed to be internal; no aisles shall be placed between a building and a property line unless only one building is proposed on site.
 - b. All interior driveways shall be at least 26 feet wide when cubicles open into

one side only and at least 30 feet wide when cubicles open onto both sides to accommodate loading and unloading at individual cubicles. When interior drives are specified to be “one way only” the widths shall be at least 26 feet wide. Adequate turning radiuses shall be provided, where appropriate, for a 30-foot long single unit truck or moving van.

- c. Activity on site other than storage of customer’s goods and wares shall be prohibited.
- d. Outdoor storage areas shall be used for the storage of motor vehicles, trailers, boats, and recreational vehicles only. All outdoor storage areas shall be screened from adjoining properties according to Landscaping, Screening and Buffers Section of this Ordinance.
- e. Mini-warehouse developments shall not be accessible to the general public (excluding on site managers) between the hours of Midnight and 5:00 A.M.
- f. The minimum lot size for a mini-warehouse development shall be two acres, and the maximum developed area for a mini-warehouse shall be four acres.
- g. No door openings for a cubicle shall be constructed facing any residential use type.

17. Tower, communication less than or equal to 50 feet in height.

18. Use, accessory

18.1 Vegetative Waste Recycling Facility, as defined and where such facility is not less than 300 feet from any property line of someone other than the operator or owner of the facility. The use of a stump grinder or similar mechanical equipment is prohibited. **(10/24/2006)**

19. Warehousing

20. Wetlands Mitigation Bank, as defined which meets the following requirements:

- 1. Wetlands mitigation bank permit issued by the County of Charles City which documents:
 - a. That all adjacent and adjoining landowners and residents within 1000 feet of the proposed wetlands bank have been advised by the applicant of the application, all hearing dates, the process for comment, and protest and any other rights relating to any application to the United States Army Corps of Engineers and/or Virginia Department of Environmental Quality and provided by

certified mail copies of any federal or state public hearing announcement for such wetlands bank a minimum of 21 days prior to such hearing.

- b. Detrimental offsite effects, and where these effects may be present, those measures to be taken to minimize such effects;
 - c. That the physical improvements associated with the proposed development are compatible with existing or proposed development of record on adjacent properties.
 - d. Consistency with existing land use documents approved by the County Board of Supervisors such as Comprehensive Plan, Land Use Ordinances etc.
2. Install temporary signs at the boundary of the proposed bank identifying potential bank location prior to any Federal or State Public Hearing 21 days prior to that Public Hearing. These signs are to be visible from the public traveled way
 3. Copies of all federal, state and local regulatory agencies permits and/or permit applications that are necessary for the development to occur in Charles City County are provided Charles City County.

The Wetlands mitigation bank shall be a minimum of 100 feet from any line of a lot owned by a different individual or entity unless waived in writing by the adjoining property owner or entity. **(8/22/2006)**

11-3 USES WITH SPECIAL USE PERMIT

1. Airport
2. Automobile graveyard
3. Boat yard
4. Central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width.
5. Junk yard
6. Mining
7. Port
8. Storage yard shall be screened from adjacent parcels.

9. Tower, communications greater than 50 feet in height
10. Truck terminal
- 11. Vegetative Waste Recycling Facility**, as defined that uses a stump grinder or other similar mechanical equipment, and includes the incidental sale of firewood. **(10/24/2006)**

11-4 AREA REQUIREMENTS

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The Zoning Administrator may require a greater area if considered necessary by the Health Official.

11-5 SETBACK REQUIREMENTS

1. Buildings shall be located a minimum of 100 feet from any public street right-of-way except that lots fronting on a public street or right-of-way entirely within the subdivision of which the lot is a part, shall be a minimum of 50 feet.
2. For a corner lot, the front shall be the shortest side of the two sides fronting on streets.

11-6 WIDTH REQUIREMENTS

The minimum width for permitted uses is that width which is sufficient to meet all setback requirements.

11-7 YARD REQUIREMENTS

1. When adjacent to any Agricultural, Residential, or Multi-Family Residential District, the side and rear yard regulations shall be the same as for the adjoining district.
2. Sufficient area shall be provided (a) to adequately screen permitted uses from adjacent business and residential district and (b) for off-street parking of vehicles incidental to the industry, its employees and clients.

11-8 HEIGHT REQUIREMENTS

1. Buildings may be erected up to a height of 50 feet.
2. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are allowed up to 75 feet.

3. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

11-9 OFF-STREET PARKING REQUIREMENTS

All parking required for the Light Industrial District shall comply with the Off-Street Parking section of this Ordinance.

11-10 UTILITY REQUIREMENTS

Water and sewer: The developer shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities.

11-11 LANDSCAPING REQUIREMENTS

1. Structures and uses within the Light Industrial section shall comply with the Landscape, Screening and Buffer section of this Ordinance.
2. Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three feet, and to within 50 feet from the corner of an intersecting street.

11-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with the sign section of this Ordinance.

11-13 ACCESSORY USES AND STRUCTURES

1. Day care
2. Day care center
3. Parks
4. Playgrounds
5. Showroom and outlet sales facilities must occupy less than 25 percent of the total floor area.
6. Accessory buildings located less than 50 feet, but more than 25 feet from any Agricultural, Residential or Multi-Family Residential Districts shall be no more than one story high.

11-14 SPECIAL CONDITIONS

1. Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the Zoning Administrator for study. The Zoning Administrator may refer these plans to the Planning Commission for recommendations. Modifications of the plans may be required.
2. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or evergreen hedge at least six feet in height. Public utilities and signs requiring natural air, circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storage of any materials.

11-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other Environmental and Site Plan Ordinances and regulations.

SECTION 10 - TOURIST BUSINESS DISTRICT (B-3)

10-1 STATEMENT OF INTENT

This district is designed to provide locations that are not appropriate for General Business (B-1) zoning for tourist related commercial activities such as hotels, restaurants or recreational facilities. Such locations are typically associated with a unique geographic feature (such as a river) or historical site. All such locations and activities shall not be detrimental to the attraction. Through or cross transit to other or different zones would be permitted.

10-2 PERMITTED USES

1. Agriculture that meets Performance Standards, Conditions Applicable to Agriculture and Forestry in Certain Zones.
2. Boarding house
3. Boat landing/ramp
4. Business, historic
5. Business, retail
6. Business services facility
7. Cemetery
8. Central utility system in conjunction with a right-of-way less than 30 feet in width.
9. Club facility
10. Commuter parking
11. Daycare
12. Dwelling, single-family
13. Golf course
14. Governmental activity
15. Home occupation
16. Hospital

17. Hotel/motel
18. House of worship
19. Inn
20. Kennel (residential), dog
21. Lounge
22. Parks
23. Personal services facility
24. Playgrounds
25. Professional services facility
26. Restaurant
27. Schools
28. Towers, communication less than or equal to 50 feet in height.
29. Use, accessory

10-3 USES WITH SPECIAL USE PERMIT

1. Airport
2. Business, agriculture
3. Campground
4. Central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width.
5. Landing strip
6. Marina
7. Recreational facility, private
8. Theme park
9. Tower, communication greater than 50 feet in height.

10. Zoo: No structures other than screening fences can be closer than 50 feet to an adjacent property line; all off-street parking and loading areas shall be located not less than 25 feet from any property line and effectively screened from view by landscaping and supplemented if necessary by screening fences.

10-4 AREA REQUIREMENTS

1. Lots served by central water and sewer service, the minimum lot size shall be 20,000 square feet.
2. Lots not served by both public or community water and sewer, the minimum lot size shall be one acre.

10-5 SETBACK REQUIREMENTS

Buildings shall be located a minimum of 100 feet from any public street right-of-way.

10-6 WIDTH REQUIREMENTS

The minimum width for permitted uses is that width which is sufficient to meet all setback requirements.

10-7 YARD REQUIREMENTS

The minimum side and rear yard requirements adjacent to any Agriculture, Residential or Multi-Family Residential Districts shall be 50 feet, except where the adjoining property is owned by the same owner as the Tourist Business zoned parcel, in which case the side or rear yard shall be ten feet.

10-8 HEIGHT REQUIREMENTS

Buildings may be erected up to 35 feet in height, except that:

1. The height limit for buildings may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use, each of which is ten feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet.
2. Church spires, belfries, cupolas, monuments, water towers, chimneys, flue, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

10-9 OFF-STREET PARKING REQUIREMENTS

All parking required for the Tourist Business District shall comply with the Off-Street Parking section of this Ordinance.

10-10 UTILITY REQUIREMENTS

Water and sewer: The developer shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities.

10-11 LANDSCAPING REQUIREMENTS

Structures and uses within the Tourist Business section shall comply with the Landscape, Screening and Buffer section of this Ordinance.

10-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with Sign section of this Ordinance.

10-13 ACCESSORY USES AND STRUCTURES

1. Accessory buildings located less than 50 feet, but more than 25 feet from any Agriculture, Residential or Multi-Family Residential District shall be no more than one story high. Accessory buildings meeting the setback requirements may be 35 feet in height.
2. Accessory buildings: No accessory building shall be located closer than 25 feet to any Agriculture, Residential or Multi-Family Residential District.

10-14 SPECIAL CONDITIONS

None.

10-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other Environmental and Site Plan Ordinances and regulations.

SECTION 11 - LIGHT INDUSTRIAL DISTRICT (M-1)

11-1 STATEMENT OF INTENT

The primary purpose of this district is to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses on or near major thoroughfares or railroads in Regional Development Centers. Such manufacturing uses typically involve the use of raw materials produced elsewhere. The processing shall not include the conversion of basic raw materials such as ores, minerals, stone and crude oil into interim products, nor shall the processes, materials to be used, or final products to be manufactured present an immediate threat to surrounding land and property, the natural environment or public from either explosion, fire or other offensive conditions or hazards. These restrictions are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply. Through or cross transit to other or different zones would be permitted.

11-2 PERMITTED USES

1. Agriculture that meets Performance Standards, Conditions Applicable to Agriculture and Forestry in Certain Zones.
2. Agriculture, Intensive as defined, which meets the following requirements:
 - a. Setbacks:
 - i. Swine structures or pens: 500 feet from any existing dwelling not owned by the farmer; any existing commercial establishment; any church, school, public property or public highway; 500 feet from any exterior property line (this 500 feet setback from exterior property lines for swine can be reduced to 250 feet with a signed and recorded waiver by the adjoining property owner).
 - ii. Other intensive agriculture will be 500 feet, except that setbacks from exterior property lines will be one-third of those set out above.
 - iii. Waste applications: 200 feet from any occupied dwelling; 100 feet from any wells or springs utilized for private or public water; and 25 feet (if incorporated) or 100 feet (for surface application) from any public road or exterior property line.
 - b. A waste disposal plan approved by the appropriate state and local agencies that includes, at a minimum, an anaerobic treatment system (or equivalent) that allows for separate spreading of liquids and solids and which reduces offensive odors to the maximum extent reasonably possible, except that swine operations that are not within a pen or structure would be exempt from this requirement.

- c. A nutrient management plan approved by the appropriate state and local agencies.
 - d. For the purpose of this section, expansion of an operating intensive agriculture facility shall be based upon the dwellings, wells, and commercial establishments, which existed at the time of the original construction of that facility's pens or structures.
- 3. Biosolids application per State laws and regulations.
 - 4. Boat landing/ramp
 - 5. Business, wholesale
 - 6. Central utility system in conjunction with a right-of-way less than 30 feet in width.
 - 7. Commuter parking
 - 8. Dwelling, single-family specifically living quarters for a proprietor or manager and family located in the same building or upon the same lot as the place of occupation, or the living quarters for a watchman or custodian of an industrial establishment are allowed.
 - 9. Garage, business
 - 10. Governmental activity
 - 11. Home occupation

11.1 Industrial Sales & Services (10/28/2008)

- 12. Landing strip
- 13. Livestock market
- 14. Manufacturing, light
- 15. Marina
- 16. Mini-warehouse
 - a. All storage buildings shall face the center of the property. All circulation on-site shall be designed to be internal; no aisles shall be placed between a building and a property line unless only one building is proposed on site.
 - b. All interior driveways shall be at least 26 feet wide when cubicles open into

SECTION 17 - LANDSCAPING, SCREENING AND BUFFERS

17-1 GENERALLY

1. A landscaping plan shall be submitted for review and approval for development or redevelopment activities. Such activities could include the expansion of a structure or use; the creation of new parking areas; or the enlargement of existing parking areas by more than four additional parking spaces.
2. A screening plan shall be submitted for review and approval for development and redevelopment activities within business, residential and industrial districts. This plan will be designed to screen the uses of the most intensive use district from the adjoining least intensive use district and public streets.

17-2 EXCEPTIONS

1. Individually developed single-family residences. (A landscaping plan is required for the development of a residential subdivision.)
2. Additions to or accessory buildings of single-family residences;
3. Any construction necessitated by the destruction by fire, calamity, storm or other accidental means of less than 50 percent of pre-existing improvements;
4. Interior and facade improvements made to a structure not requiring any exterior enlargement thereof

17-3 MINIMUM LANDSCAPING STANDARDS

Landscaping shall consist of at least a five feet wide landscaped area, along the street right-of-way, in business and residential districts and at least a ten feet wide landscaped area, along the street right-of-way, in the industrial districts. These areas are exclusive of the area required for sidewalks, utility easements, rights-of-way, or parking.

17-4 MINIMUM SCREENING STANDARDS

1. Screening shall consist of a planting strip, existing vegetation, a slightly opaque wall or fence, or combination, to the reasonable satisfaction of the agent.
2. Where only vegetative screening is provided, the screening strip shall not be less than five feet wide in the business and ten feet wide in the industrial districts. Vegetative screening may consist of a double staggered row of evergreen trees planted 15 feet on center, or a double staggered row of evergreen shrubs planted ten feet on center. The agent may approve alternate methods of vegetative screening. Where a fence or a wall is provided, it shall be a minimum of six feet

in height and plantings shall be required at intervals along the fence or wall.

3. Public utilities and signs requiring natural air, circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storage of any materials.

17-5 WAIVERS

In lieu of planting new materials, existing trees and vegetation may satisfy landscaping and screening requirements, subject to the Administrator's approval. Upon review of the site and/or site plan, the Administrator may reduce or suspend any of the requirements of this section, if the site presents special circumstances whereby the strict compliance of this Ordinance will produce an undue hardship or if the spirit of the Ordinance has been met and deviation has been deemed to be in the best interest of the County.

17-6 APPROVAL PERIOD AND REVISIONS

1. All landscaping shall be planted and maintained according to established planting and maintenance procedures using good quality plant materials. The required plant materials may be chosen from a recommended species list provided by the Administrator. Plant materials not listed may be substituted for suggested plant material if the agent expressly approves such substitution.
2. Approval of landscaping and screening plan under the provisions of this article is valid for a period of one year; however, if said plan is part of approved site plan in accordance with the Zoning Ordinance or an approved subdivision plan, then approval is extended for same period as the site or subdivision plan.
3. Requested changes or revisions to approved landscaping and screening plans may be authorized in writing by the agent as long as said revisions do not, in the agent's opinion, substantially effect terms of the original approval. Otherwise, the agent may require a new plan be prepared and submitted for review in accordance with the provisions of this article.
4. All landscaping and screening required by this article shall be installed at the cost of the developer or property owner. The owner shall be responsible for maintaining all landscaping in good condition so as to present a healthy, neat appearance and shall be kept free from refuse and debris.
5. All landscaping and screening features shown on the approved plan must be adequately maintained and kept in effect in order for approved plan to remain valid and not become a violation of the Zoning Ordinance.

17-7 PLANS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT

No building permit shall be issued by Charles City County until the applicant provides to the Building Official an approved plans required by this Section.

17-8 OCCUPANCY PERMIT

A permanent certificate of occupancy for such development will not be issued until the landscaping and/or screening required has been completed. A temporary occupancy permit may be issued with respect to the development, if, in the opinion of the Administrator, landscaping and/or screening has been delayed for reasons beyond the control of the developer, such as weather and other causes.



Access Management Regulations:
Minor Arterials, Collectors, and Local Streets
24VAC30-73

January 1, 2012

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CHAPTER 73

ACCESS MANAGEMENT REGULATIONS: MINOR ARTERIALS, COLLECTORS, AND LOCAL STREETS

24VAC30-73-10. Definitions.

"Access management" means the systematic control of the location, spacing, design, and operation of entrances, median openings/crossovers, traffic signals, and interchanges for the purpose of providing vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system.

"Collectors" means the functional classification of highways that provide land access service and traffic circulation within residential, commercial, and industrial areas. The collector system distributes trips from principal and minor arterials through the area to the ultimate destination. Conversely, collectors also collect traffic and channel it into the arterial system.

"Commissioner" means the individual who serves as the chief executive officer of the Department of Transportation or his designee.

"Commonwealth" means the Commonwealth of Virginia.

"Crossover" means an opening in a nontraversable median (such as a concrete barrier or raised island) that provides for crossing movements and left and right turning movements.

"Design speed" means the selected speed used to determine the geometric design features of the highway.

"District" means each of the nine areas in which VDOT is divided to oversee the maintenance and construction on the state-maintained highways, bridges and tunnels within the boundaries of the area.

"District administrator" means the VDOT employee assigned to supervise the district.

"District administrator's designee" means the VDOT employee or employees designated by the district administrator.

"Entrance" means any driveway, street, or other means of providing for movement of vehicles to or from the highway.

"Entrance, Commercial" means any entrance serving land uses that generate more than 50 vehicular trips per day or the trip generation equivalent of more than five individual private residences or lots for individual private residences using the methodology in the Institute of Transportation Engineers Trip Generation, 8th Edition.

"Entrance, Low Volume Commercial" means any entrance, other than a private entrance, serving five or fewer individual residences or lots for individual residences on a privately owned

and maintained road or land uses that generate 50 or fewer vehicular trips per day using the methodology in the Institute of Transportation Engineers Trip Generation, 8th Edition.

“Entrance, Private” means an entrance that serves up to two private residences and is used for the exclusive benefit of the occupants or an entrance that allows agricultural operations to obtain access to fields or an entrance to civil and communication infrastructure facilities that generate 10 or fewer trips per day such as cell towers, pump stations, and stormwater management basins.

"Frontage road" means a road that generally runs parallel to a highway between the highway right-of-way and the front building setback line of the abutting properties and provides access to the abutting properties for the purpose of reducing the number of entrances to the highway and separating the abutting property traffic from through traffic on the highway.

"Functional area" means the area of the physical highway feature, such as an intersection, roundabout, railroad grade crossing, or interchange, plus that portion of the highway that comprises the decision and maneuver distance and required vehicle storage length to serve that highway feature.

"Functional area of an intersection" means the physical area of an at-grade intersection plus all required storage lengths for separate turn lanes and for through traffic, including any maneuvering distance for separate turn lanes.

"Functional classification" means the federal system of classifying groups of highways according to the character of service they are intended to provide and classifications made by the commissioner based on the operational characteristics of a highway. Each highway is assigned a functional classification based on the highway's intended purpose of providing priority to through traffic movement or adjoining property access. The functional classification system groups highways into three basic categories identified as (i) arterial, with the function to provide through movement of traffic; (ii) collector, with the function of supplying a combination of through movement and access to property; and (iii) local, with the function of providing access to property and to other streets.

"Highway," "street," or "road" means a public way for purposes of vehicular travel, including the entire area within the right-of-way.

"Intersection" means (i) a crossing of two or more highways at grade, (ii) a crossover, or (iii) any at-grade connection with a highway such as a commercial entrance.

“Intersection sight distance” means the sight distance required at an intersection to allow the driver of a stopped vehicle a sufficient view of the intersecting highway to decide when to enter, or cross, the intersecting highway.

"Legal speed limit" means the speed limit set forth on signs lawfully posted on a highway or, in the absence of such signs, the speed limit established by Article 8 (§46.2-870 et seq.) of Chapter 8 of Title 46.2 of the Code of Virginia.

"Level of service" means a qualitative measure describing the operational conditions within a vehicular traffic stream, generally in terms of such service measures as speed, travel time, freedom to maneuver, traffic interruptions, and comfort and convenience. "Level-of-service" is defined and procedures are presented for determining the level of service in the Highway Capacity Manual, 2010 (Transportation Research Board).

"Limited access highway" means a highway especially designed for through traffic over which abutting properties have no easement or right of light, air, or access by reason of the fact that those properties abut upon the limited access highway.

"Local streets" means the functional classification for highways that comprise all facilities that are not collectors or arterials. Local streets serve primarily to provide direct access to abutting land and to other streets.

"Median" means the portion of a divided highway that separates opposing traffic flows.

"Median opening" means a crossover or a directional opening in a nontraversable median (such as a concrete barrier or raised island) that physically restricts movements to specific turns such as left turns and U turns.

"Minor arterials" means the functional classification for highways that interconnect with and augment the principal arterial system. Minor arterials distribute traffic to smaller geographic areas providing service between and within communities.

"Operating speed" means the speed at which drivers are observed operating their vehicles during free-flow conditions with the 85th percentile of the distribution of observed speeds being the most frequently used measure of the operating speed of a particular location or geometric feature.

"Permit" or "entrance permit" means a document that sets the conditions under which VDOT allows a connection to a highway.

"Permit applicant" means the person or persons, firm, corporation, government, or other entity that has applied for a permit.

"Permittee" means the person or persons, firm, corporation, government, or other entity that has been issued a permit.

"Preliminary subdivision plat" means a plan of development as set forth in §15.2-2260 of the Code of Virginia.

"Principal arterials" means the functional classification for major highways intended to serve through traffic where access is carefully controlled, generally highways of regional importance, with moderate to high volumes of traffic traveling relatively long distances and at higher speeds.

"Professional engineer" means a person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects through licensure as a professional engineer.

"Reverse frontage road" means a road that is located to the rear of the properties fronting a highway and provides access to the abutting properties for the purpose of reducing the number of entrances to the highway and removing the abutting property traffic from through traffic on the highway.

"Right-of-way" means that property within the systems of state highways that is open or may be opened for public travel or use or both in the Commonwealth. This definition includes those public rights-of-way in which the Commonwealth has a prescriptive easement for maintenance and public travel.

"Roadway" means the portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways.

"Roundabout" means a circular intersection with yield control of all entering traffic, right-of-way assigned to traffic within the circular roadway, and channelized approaches and a central island that deflect entering traffic to the right.

"Shared entrance" means a single entrance serving two or more adjoining parcels.

"Sight distance" means the distance visible to the driver of a vehicle when the view is unobstructed by traffic.

"Site plan" and **"subdivision plat"** mean a plan of development approved in accordance with §§15.2-2286 and 15.2-2241 through 15.2-2245 of the Code of Virginia.

"Systems of state highways" means all highways and roads under the ownership, the control, or the jurisdiction of VDOT, including but not limited to, the primary, secondary and interstate highways.

"Trip" means a single or one-directional vehicle movement either entering or exiting a property; a vehicle leaving the property is one trip and a vehicle returning to the property is one trip.

"Turn lane" means a separate lane for the purpose of enabling a vehicle that is entering or leaving a highway to increase or decrease its speed to a rate at which it can more safely merge or diverge with through traffic; an acceleration or deceleration lane.

"Urban area" means an urbanized area with a population of 50,000 or more, or an urban place (small urban area) as designated by the Bureau of the Census having a population of 5,000 or more

and not within any urbanized area. The Federal Highway Administration defines "urban area" in more detail based on the federal-aid highway law (23 USC §101).

"VDOT" means the Virginia Department of Transportation, its successor, the Commissioner of Highways, or his designees.

24VAC30-73-20. Authority to regulate entrances to highways.

A. VDOT's authority to regulate highway entrances and manage access to highways is provided in §§33.1-13, 33.1-197, 33.1-198, 33.1-198.1, and 33.1-199 of the Code of Virginia, and its authority to make regulations concerning the use of highways generally is provided in §33.1-12 (3) of the Code of Virginia. Each proposed highway entrance creates a potential conflict point that impacts the safe and efficient flow of traffic on the highway; therefore, private property interests in access to the highway must be balanced with public interests of safety and mobility. Managing access to highways can reduce traffic congestion, help maintain the levels of service, enhance public safety by decreasing traffic conflict points, support economic development by promoting the efficient movement of people and goods, reduce the need for new highways and road widening by improving the performance of existing highways, preserve the public investment in new highways by maximizing their efficient operation, and better coordinate transportation and land use decisions.

B. The Commonwealth Transportation Board has the authority to designate highways as limited access and to regulate access rights to those facilities as provided in §33.1-58 of the Code of Virginia. No private or commercial entrances shall be permitted within limited access rights-of-way except as may be provided for by the regulation titled Change of Limited Access Control (24VAC30-401).

C. VDOT district administrators or their designees are authorized to issue private entrance permits and commercial entrance permits in accordance with the provisions of this chapter.

24VAC30-73-30. Application to minor arterials, collectors, and local streets.

A. This chapter shall apply on October 14, 2009, to any highway with a functional classification as a minor arterial, collector, or local street. Any highway with a functional classification as a principal arterial is governed by the provisions of 24VAC30-72.

B. The commissioner shall publish maps of the Commonwealth on the VDOT web site which show all highways with the above functional classifications and shall periodically update such maps.

24VAC30-73-40. Administrative procedures and rules for obtaining entrance permits.

All applications for entrance permits shall be obtained from and submitted to the district administrator's designee for the county in which the work is to be performed. The permit applicant shall submit the permit application form, and the entrance permit, if approved, will be issued in accordance with the applicable administrative rules, requirements and procedures of this chapter and the Land Use Permit Regulations (24VAC30-151).

24VAC30-73-50. Appeal and sight distance exception procedure.

A. The permit applicant may appeal denial or revocation or conditions of a permit in writing to the district administrator with a copy to the district administrator's designee and the chief administrative officer of the locality where the entrance is proposed.

1. All appeals must be received within 30 calendar days of receipt of written notification of denial or revocation or issuance of a permit with contested conditions and must set forth the grounds for the appeal and include copies of all prior correspondence with any local government official and VDOT representatives regarding the issue or issues. The permit applicant may request a meeting with the district administrator concerning the appeal and the district administrator will set a date, time, and location for such meeting.

2. After reviewing all pertinent information, the district administrator will advise the permit applicant in writing regarding the decision on the appeal within 60 calendar days of receipt of the written appeal request or such longer timeframe jointly agreed to by the parties, with a copy to the district administrator's designee and the chief administrative officer of the locality where the entrance is proposed.

3. The permit applicant may further appeal the district administrator's decision to the commissioner within 30 calendar days of receipt of written notification of the district administrator's decision. The commissioner will advise the permit applicant in writing regarding the decision on the appeal within 60 calendar days of receipt of the written appeal request, with a copy to the district administrator and the chief administrative officer of the locality where the entrance is proposed.

B. The commissioner may grant an exception to the required sight distance after a traffic engineering investigation has been performed.

1. If a sight distance exception is requested, the permit applicant shall provide such request in writing to the commissioner with a copy to the district administrator's designee and the chief administrative officer of the locality where the entrance is proposed and shall furnish the commissioner with a traffic engineering investigation report, prepared by a professional engineer. Refer to Instructional and Informational Memorandum IIM-LD-227.5, 2011 (VDOT) for requirements concerning approval of sight distance exceptions.

2. The commissioner will advise the permit applicant in writing regarding the decision on the sight distance exception request within 60 calendar days of receipt of the written exception request or such longer timeframe jointly agreed to by the parties, with a copy to the district administrator's designee and the chief administrative officer of the locality where the entrance is proposed.

24VAC30-73-60. General provisions governing entrances.

A. No entrance of any nature may be constructed within the right-of-way until the location has been approved by VDOT and an entrance permit has been issued. Any person violating any provision of this chapter and any condition of approval of an entrance permit shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § 33.1-198 of the Code of Virginia. Such person shall be civilly liable to the Commonwealth for actual damage sustained by the Commonwealth by reason of his wrongful act.

B. VDOT will permit reasonably convenient access to a parcel of record. VDOT is not obligated to permit the most convenient access, nor is VDOT obligated to approve the permit applicant's preferred entrance location or entrance design. If a parcel is served by more than one road in the systems of state highways, the district administrator's designee shall determine upon which road or roads the proposed entrance or entrances is or are to be constructed.

C. Entrance standards established by localities that are stricter than those of VDOT shall govern.

24VAC30-73-70. Commercial entrance design.

A. Low volume commercial entrance design and construction shall comply with the private entrance design standards in Appendix F of the Road Design Manual, 2011 (VDOT) and the stopping sight distance provision in 24VAC30-73-80. Commercial entrance design and construction shall comply with the provisions of this chapter and the standards in the Road Design Manual, 2011 (VDOT), the Road and Bridge Standards, 2008, revised 2011 (VDOT), the Road and Bridge Specifications, 2007, revised 2011 (VDOT), other VDOT engineering and construction standards as may be appropriate, and any additional conditions, restrictions, or modifications deemed necessary by the district administrator's designee to preserve the safety, use and maintenance of the systems of state highways. Entrance design and construction shall comply with applicable guidelines and requirements of the Americans with Disabilities Act of 1990 (42 USC §12101 et seq.). Ramps for curb sections shall be provided as required in §15.2-2021 of the Code of Virginia. The standard drawing for depressed curb ramp as shown in the Road and Bridge Standards, 2008, revised 2011 (VDOT) shall be utilized in the design.

1. In the event an entrance is proposed within the limits of a funded roadway project that will ultimately change a highway, the permit applicant may be required to construct, to the extent possible, entrances compatible with the roadway's ultimate design.
2. All entrance design and construction shall accommodate pedestrian and bicycle users of the abutting highway in accordance with the Commonwealth Transportation Board's "Policy for Integrating Bicycle and Pedestrian Accommodations", 2004.
3. All entrance design and construction shall accommodate transit users of the abutting highway where applicable and provide accommodations to the extent possible.
4. Based on the existing and planned developments, the district administrator's designee will determine the need for curb and gutter, sidewalks, or other features within the general area of the proposed entrance in accordance with the requirements of this chapter and the design standards in Appendix F of the Road Design Manual, 2011 (VDOT).
5. Sites accessed by an entrance shall be designed so as to prevent unsafe and inefficient traffic movements from impacting travel on the abutting highway. At the request of the district administrator's designee, the permit applicant shall furnish a report that documents the impact of expected traffic movements upon the function of the abutting highway during the peak hours of the abutting highway or during the peak hours of the generator, whichever is appropriate as determined by the district administrator's designee.

6. The use of a shared entrance between adjacent property owners shall be the preferred method of access.

7. The construction of new crossovers, or the relocation, removal, or consolidation of existing crossovers shall be approved in accordance with the crossover location approval process specified in Appendix F of the Road Design Manual, 2011 (VDOT).

B. It is essential that entrance and site design allow safe and efficient movements of traffic using the entrance while minimizing the impact of such movements on the operation of the systems of state highways.

1. The permit applicant shall supply sufficient information to demonstrate to the satisfaction of the district administrator's designee that neither the entrance, nor the proposed traffic circulation patterns within the parcel, will compromise the safety, use, operation, or maintenance of the abutting highway. A rezoning traffic impact statement or a site plan/subdivision plat supplemental traffic analysis submitted for a proposed development of a parcel in accordance with the Traffic Impact Analysis Regulations (24VAC30-155) may be used for this purpose, provided that it adequately documents the effect of the proposed entrance and its related traffic on the operation of the highway to be accessed.

2. If the proposed entrance will cause the systems of state highways to experience degradation in safety or a significant increase in delay or a significant reduction in capacity beyond an acceptable level of service, the applicant shall be required to submit a plan to mitigate these impacts and to bear the costs of such mitigation measures.

3. Proposed mitigation measures must be approved by the district administrator's designee prior to permit approval. The district administrator's designee will consider what improvements will be needed to preserve the operational characteristics of the highway, accommodate the proposed traffic and, if entrance design modifications are needed, incorporate them accordingly to protect the transportation corridor. Mitigation measures that may be considered include but are not limited to:

- a. Construction of auxiliary lanes or turning lanes, or pavement transitions/tapers;
- b. Construction of new crossovers, or the relocation, removal, or consolidation of existing crossovers;
- c. Installation, modification, or removal of traffic signals and related traffic control equipment;
- d. Provisions to limit the traffic generated by the development served by the proposed entrance;
- e. Dedication of additional right-of-way or easement, or both, for future road improvements;
- f. Reconstruction of existing roadway to provide required vertical and horizontal sight distances;

g. Relocation or consolidation of existing entrances; or

h. Recommendations from adopted corridor studies, design studies, other access management practices and principles, or any combination of these, not otherwise mentioned in this chapter.

4. If an applicant is unwilling or unable to mitigate the impacts identified in the traffic impact analysis, the entrance shall be physically restricted to right-in or right-out movements or both or similar restrictions such that the public interests in a safe and efficient flow of traffic on the systems of state highways are protected.

24VAC30-73-80. Minimum sight distance for commercial entrances.

A. No less than minimum intersection sight distance shall be obtained for a commercial entrance and no less than minimum stopping sight distance shall be obtained for a low volume commercial entrance. Sight distances shall be measured in accordance with VDOT practices, and sight distance requirements shall conform to VDOT standards as described in Appendix F of the Road Design Manual, 2011 (VDOT). The legal speed limit shall be used unless the design speed is available and approved for use by VDOT.

B. The operating speed may be used in lieu of the legal speed limit in cases where the permit applicant furnishes the district administrator's designee with a speed study prepared in accordance with the Manual on Uniform Traffic Control Devices, 2003, revised 2007 (FHWA) methodology that demonstrates the operating speed of the segment of highway is lower than the legal speed limit and, in the judgment of the district administrator's designee, use of the operating speed will not compromise safety for either a driver at an entrance or a driver on the abutting highway.

C. VDOT may require that the vertical or horizontal alignment of the existing roadway be adjusted to accommodate certain design elements of a proposed commercial entrance including, but not limited to, median openings, crossovers, roundabouts, and traffic signals, where adjustment is deemed necessary. The cost of any work performed to adjust the horizontal or vertical alignment of the roadway to achieve required intersection sight distance at a proposed entrance shall be borne by the permit applicant.

24VAC30-73-90. Private entrances.

A. The property owner shall identify the desired location of the private entrance with the assistance of the district administrator's designee. If the minimum intersection sight distance standards specified in Appendix F of the Road Design Manual, 2011 (VDOT) cannot be met, the entrance should be placed at the location with the best possible sight distance as determined by the district administrator's designee. The district administrator's designee may require the property owner to grade slopes, clear brush, remove trees, or conduct other similar efforts, or any combination of these, necessary to provide the safest possible means of ingress and egress that can be reasonably achieved.

B. The property owner shall obtain an entrance permit and, on shoulder and ditch section roads, shall be responsible for installing the private entrance in accordance with VDOT policies and engineering standards. The property owner may request VDOT to perform the stabilization of the shoulder and installation of the entrance pipe. In such cases, VDOT may install the private entrance pipe and will stabilize the shoulder at the property owner's expense. If VDOT installs these portions of the entrance, a cost estimate for the installation will be provided to the property owner; however, VDOT will bill the property owner the actual cost of installation. The property owner shall be responsible for all grading beyond the shoulder.

C. Grading and installation of a driveway from the edge of the pavement to the right-of-way line shall be the responsibility of the property owner.

D. Installation of a private entrance on a curb and gutter street shall be the responsibility of the property owner.

E. Maintenance of private entrances shall be by the owner of the entrance, except that VDOT shall maintain:

1. On shoulder section roadways, that portion of the entrance within the normal shoulder portion of the roadway.
2. On roadways with ditches, the drainage pipe at the entrance.
3. On roadways with curb, gutter, and sidewalk belonging to VDOT, that portion of the entrance that extends to the back of the sidewalk. If a sidewalk is not present, to the back of the curb line.
4. On roadways with curb, gutter, and sidewalk not belonging to VDOT, only to the flow line of the gutter pan.
5. On roadways with shoulders, ditches, and sidewalk belonging to VDOT, that portion of the entrance that extends to the back of the sidewalk.

24VAC30-73-100. Commercial entrances - coordination with local governments.

A. For all commercial entrances, the permit applicant shall contact and coordinate with appropriate local government agencies to identify possible conflicts with local, state or federal regulations and plans, including but not limited to local zoning and subdivision regulations, environmental regulations, land use plans, transportation plans, corridor studies, and access management plans.

B. If local governments have established site plan/subdivision plat approval processes for developments, VDOT will not approve a commercial entrance permit for the development prior to the local government's approval of the site plan or subdivision plat for the development. If neither a local government site plan nor a subdivision plat approval process is applicable, VDOT will not approve a commercial entrance permit for the development prior to the local government's approval of any applicable land use authorization for the development.

C. Any transportation-related funds, real property, or improvements committed to or received by a local government through the land use regulatory process does not release the applicant from fees and improvements required by VDOT. When a local government requires improvements to the abutting state highway in accordance with the locality's adopted transportation plan, VDOT may require additional improvements to ensure the safety and capacity of the proposed entrances and to manage existing entrances along the highway.

24VAC30-73-110. Existing commercial entrances.

A. The tenure of a commercial entrance to any highway is conditional. Reconstruction, relocation, commercial entrance consolidation, or upgrading, or a combination of these, may be required at the owner's cost when the district administrator's designee determines after review that one of the conditions listed below exists. If the necessary changes are not made, the entrance may be closed at the direction of the district administrator's designee.

1. Safety - When the entrance has been found to be unsafe for public use in its present condition because of physical degradation of the entrance, increase in motor vehicle traffic, or some other safety-related condition.
2. Use - When traffic in and out of the entrance has changed significantly to require modifications or reconstruction, or both. Such changes may include, but are not limited to, changes in traffic volume or operational characteristics of the traffic.
3. Maintenance - When the entrance becomes unserviceable due to heavy equipment damage or reclamation by natural causes.

B. VDOT will maintain the commercial entrance only within the normal shoulder of the roadway or to the flow line of the gutter pan. The owner shall maintain all other portions of the entrance, including entrance aprons, curb and gutter, culvert and drainage structures.

C. Commercial entrances may also be reviewed by the district administrator's designee, and reconstruction, relocation, commercial entrance consolidation, or upgrading, or a combination of these, may be required, when any of the following occur:

1. The property is being considered for rezoning or other local legislative action that involves a change in use of the property.
2. The property is subject to a site plan or subdivision plat review.
3. There is a change in commercial use either by the property owner or by a tenant.
4. Vehicular/pedestrian circulation between adjoining properties becomes available.

These periodic reviews are necessary to provide both the driver and other highway users with a safe and operationally efficient means of travel on state highways.

D. The provisions of this section shall apply to low volume commercial entrances.

24VAC30-73-120. Commercial entrance access management.

A. As commercial entrance locations and designs are prepared and reviewed, appropriate access management regulations and standards shall be utilized to ensure the safety, integrity and operational characteristics of the transportation system are maintained. The proposed commercial entrance shall meet the access management standards contained in Appendix F of the Road Design Manual, 2011 (VDOT) and the regulations in this chapter to provide the users of such entrance with a safe means of ingress and egress while minimizing the impact of such ingress and egress on the operation of the highway.

B. A proposed development's compliance with the access management requirements specified below should be considered during the local government and VDOT's review of any rezoning, site plan, or subdivision plat for the development. VDOT's review of a rezoning traffic impact statement and a site plan/subdivision plat supplemental traffic analysis submitted for a development in accordance with the Traffic Impact Analysis Regulations (24VAC30-155) shall include comments on the development's compliance with the access management requirements specified below.

C. Access management requirements, in addition to other regulations in this chapter, include but are not limited to:

1. Restricting commercial entrance locations. To prevent undue interference with free traffic movement and to preserve safety, entrances to the highways shall not be permitted within the functional areas of intersections, roundabouts, railroad grade crossings, interchanges or similar areas with sensitive traffic operations. A request for an exception to this requirement submitted according to 24VAC30-73-120 D shall include a traffic engineering investigation report that contains specific and documented reasons showing that highway operation and safety will not be adversely impacted.

2. Entrances shared with adjoining properties on minor arterials and collectors. To reduce the number of entrances to state highways, a condition of entrance permit issuance shall be that entrances serve two or more parcels. A street that meets the Secondary Street Acceptance Requirements (24VAC30-92) will be publicly maintained and shall be the preferred method for shared entrances as such entrances will allow for the future development of a network of publicly maintained streets. Otherwise a shared commercial entrance shall be created and designed to serve adjoining properties. A copy of the property owners' recorded agreement to share use of and maintain the entrance shall be included with the entrance permit application submitted to the district administrator's designee. The shared entrance shall be identified on any site plan or subdivision plat of the property. The district administrator's designee is authorized to approve an exception to this requirement upon submittal of a request according to 24VAC30-73-120 D that includes the following:

- a. Written evidence that a reasonable agreement to share an entrance cannot be reached with adjoining property owners, or
- b. Documentation that there are physical constraints, including but not limited to topography, environmentally sensitive areas, and hazardous uses, to creating a shared entrance.

3. Spacing of entrances and intersections. The spacing of proposed entrances and intersections shall comply with the spacing standards for entrances and intersections in Appendix F of the Road Design Manual, 2011 (VDOT) except as specified below.

a. Where a plan of development or a condition of development that identifies the specific location of an entrance or entrances was proffered pursuant to §15.2-2297, 15.2-2298, or 15.2-2303 of the Code of Virginia as part of a rezoning approved by the locality prior to October 14, 2009, such entrances shall be exempt from the applicable spacing standards for entrances and intersections, provided the requirements of §15.2-2307 of the Code of Virginia have been met. Entrances shall be exempt from the applicable spacing standards for entrances and intersections when the location of such entrances are shown on a subdivision plat, site plan, preliminary subdivision plat, or a Secondary Street Acceptance Requirements (24VAC30-92) conceptual sketch that was submitted by the locality to VDOT for review and received by VDOT prior to October 14, 2009 or is valid pursuant to §§15.2-2260 and 15.2-2261 and was approved in accordance with §§15.2-2286 and 15.2-2241 through 15.2-2245 prior to October 14, 2009. The district administrator's designee is authorized to exempt such entrances from the spacing standards upon submittal of a request according to 24VAC30-73-120 D that includes documentation of the above criteria.

b. VDOT may work with a locality or localities on access management corridor plans. Such plans may allow for spacing standards that differ from and supersede the applicable spacing standards for entrances and intersections, subject to approval by the district administrator. Such plans may also identify the locations of any physical constraints to creating shared entrances or vehicular/pedestrian connections between adjoining properties (see 24VAC30-73-120 C.2 and C.4). If the permit applicant submits a request according to 24VAC30-73-120 D for an exception to the spacing standards and provides documentation that the location of the proposed commercial entrance is within the limits of an access management plan approved by the local government and by VDOT, the plan should guide the district administrator's designee in approving the exception request and in determining the appropriate location of the entrance.

c. On older, established business corridors of a locality within an urban area where existing entrances and intersections did not meet the spacing standards prior to October 14, 2009, spacing for new entrances and intersections may be allowed by the district administrator's designee that is consistent with the established spacing along the highway, provided that the permit applicant submits a request according to 24VAC30-73-120 D for an exception to the spacing standards that includes evidence that reasonable efforts were made to comply with the other access management requirements of this section including restricting entrances within the functional areas of intersections, sharing entrances with and providing vehicular and pedestrian connections between adjoining properties, and physically restricting entrances to right-in or right-out or both movements.

d. Where a developer proposes a development within a designated urban development area as defined in §15.2-2223.1 of the Code of Virginia or an area designated in the local comprehensive plan for higher density development that incorporates principles of new urbanism and traditional neighborhood development, which may include but need not be

limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) satisfaction of requirements for stormwater management, (vi) mixed-use neighborhoods, including mixed housing types, (vii) reduction of front and side yard building setbacks, and (viii) reduction of subdivision street widths and turning radii at subdivision street intersections, the district administrator's designee may approve spacing standards for public street intersections internal to the development that differ from the otherwise applicable spacing standards, provided that the developer submits a request according to 24VAC30-73-120 D for an exception to the spacing standards that includes information on the design of the development and on the conformance of such entrances and intersections with the intersection sight distance standards specified in Appendix F of the Road Design Manual, 2011 (VDOT).

e. Where a development's second or additional commercial entrances are necessary for the streets in the development to be eligible for acceptance into the secondary system of state highways in accordance with the Secondary Street Acceptance Requirements (24VAC30-92) and such commercial entrances cannot meet the spacing standards for highways, the developer may submit a request according to 24VAC30-73-120 D for an exception to the spacing standards that includes information on the design of the development. The following shall apply to the exception request:

- 1) For highways with a functional classification as a collector or local street, the district administrator's designee may approve spacing standards that differ from the otherwise applicable spacing standards to allow the approval of the entrance or entrances. Such commercial entrances shall be required to meet the intersection sight distance standards specified in Appendix F of the Road Design Manual, 2011 (VDOT).

- 2) For highways with a functional classification as a minor arterial, the district administrator's designee shall, in consultation with the developer and the locality within which the development is proposed, either approve spacing standards that differ from the otherwise applicable spacing standards to allow the approval of the entrance or entrances, or waive such state requirements that necessitate second or additional commercial entrances. If approved, such commercial entrances shall be required to meet the intersection sight distance standards specified in Appendix F of the Road Design Manual, 2011 (VDOT).

f. Where a parcel of record has insufficient frontage on a highway to meet the spacing standards because of the dimensions of the parcel or a physical constraint such as topography or an environmentally sensitive area, the entrance shall be physically restricted to right-in or right-out movements or both or similar restrictions such that the public interests in a safe and efficient flow of traffic on the systems of state highways are protected and preserved. A request for an exception to this requirement submitted according to 24VAC30-73-120 D shall include a traffic engineering investigation report that contains specific and documented reasons showing that highway operation and safety will not be adversely impacted.

4. Vehicular/pedestrian circulation between adjoining properties. To facilitate traffic circulation between adjacent properties, reduce the number of entrances to the highway, and maximize use of new signalized intersections, the permit applicant shall be required on a highway with a functional classification as a minor arterial highway, and may be required by the district administrator's designee on a highway with a functional classification as a collector, as a condition of permit issuance to record access easements and to construct vehicular connections to the boundaries of the property (which may include frontage roads or reverse frontage roads) in such a manner that affords safe and efficient future access between the permit applicant's property and adjoining undeveloped properties. Where appropriate, the permit applicant also shall construct pedestrian connections to the boundary lines of adjoining undeveloped properties and adjoining developed properties with sidewalks that abut the property. At such time that a commercial entrance permit application is submitted for the adjoining property, a condition of permit issuance shall be to extend such vehicular/pedestrian connections into the proposed development. Development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall provide a unified vehicular and pedestrian access connection and circulation system between the sites.

a. Such connections shall not be required if the permit applicant submits a request for an exception according to 24VAC30-73-120 D and provides documentation that there are physical constraints to making such connections between properties, including but not limited to topography, environmentally sensitive areas, and hazardous uses.

b. If a permit applicant does not wish to comply with this requirement, the permit applicant's entrance shall be physically restricted to right-in or right-out movements or both or similar restrictions such that the public interests in a safe and efficient flow of traffic on the systems of state highways are protected.

5. Traffic signal spacing. To promote the efficient progression of traffic on highways, commercial entrances that are expected to serve sufficient traffic volumes and movements to require signalization shall not be permitted if the spacing between the entrance and at least one adjacent signalized intersection is below signalized intersection spacing standards in Appendix F of the Road Design Manual, 2011 (VDOT). If sufficient spacing between adjacent traffic signals is not available, the entrance shall be physically restricted to right-in or right-out movements or both or similar restrictions such that the public interests in a safe and efficient flow of traffic on the systems of state highways are protected and preserved. A request for an exception to this requirement submitted according to 24VAC30-73-120 D shall include a traffic engineering investigation report that (i) evaluates the suitability of the entrance location for design as a roundabout, (ii) contains specific and documented reasons showing that highway operation and safety will not be adversely impacted.

6. Limiting entrance movements. To preserve the safety and function of certain highways, the district administrator's designee may require an entrance to be designed and constructed in such a manner as to physically prohibit certain traffic movements.

D. A request for an exception from the access management requirements in 24VAC30-73-120 C shall be submitted in writing to the district administrator's designee. The request shall identify the type of exception, describe the reasons for the request, and include all documentation specified in 24VAC30-73-120 C for the type of exception. After considering all pertinent information including any improvements that will be needed to the entrance or intersection to protect the operational characteristics of the highway, the district administrator's designee will advise the applicant in writing regarding the decision on the exception request within 30 calendar days of receipt of the written exception request, with a copy to the district administrator. The applicant may appeal the decision of the district administrator's designee to the district administrator in accordance with the procedures for an appeal set forth in 24VAC30-73-50.

24VAC30-73-130. Drainage.

A. Entrances shall be constructed so as not to impair drainage within the right-of-way and so that surface water shall drain from the roadway.

B. Where deemed necessary by the district administrator's designee, a commercial entrance applicant shall provide copies of a complete drainage layout based on a drainage study by a licensed design professional. This layout shall clearly show how the permit applicant proposes to handle the drainage and run-off from applicant's development.

C. Pipe ends of culverts shall be reviewed independently by the district administrator's designee and grading or treatment at pipe ends shall minimize any hazard the pipe ends or structures may present to an errant vehicle.

24VAC30-73-140. (Repealed.)

24VAC30-73-150. Temporary entrances (construction/logging entrances).

A. Construction of temporary construction or logging entrances upon the systems of state highways shall be authorized in accordance with the provisions in the Land Use Permit Regulations, (24VAC30-151). The permit applicant must contact the appropriate district administrator's designee to approve the location prior to installing an entrance or utilizing an existing entrance. The district administrator's designee shall also be contacted to arrange and conduct a final inspection prior to closing a temporary construction or logging entrance. In the event that adequate sight distance is not achieved, additional signage that meets the Manual on Uniform Traffic Control Devices standards, 2003, revised 2007 (FHWA) and certified flaggers shall be used to ensure safe ingress and egress.

B. Entrances shall be designed and operated in such a manner as to prevent mud and debris from being tracked from the site onto the highway's paved surface. If debris is tracked onto the highway, it shall be removed by the permittee immediately as directed by the district administrator's designee.

C. The permittee must restore, at the permittee's cost, all disturbed highway rights-of-way, including, but not limited to, ditches, shoulders and pavement, to their original condition when removing the entrance. All such restorations are subject to approval by the district administrator's designee.

24VAC30-73-160. Access to public waters.

VDOT may grant the use of portions of the highway right-of-way for access to public waters upon written request from the Executive Director of the Virginia Department of Game and Inland Fisheries to the commissioner. The district administrator's designee may require that a commercial entrance permit be obtained in accordance with the provisions of this chapter for entrances that will provide access to landings, wharves, and docks.

24VAC30-73-170. (Repealed.)

FORMS (24VAC30-73)

LUP-A - Land Use Permit Application (rev. 03/10).

LUP-SP – Land Use Permit Special Provisions: Notice of Permittee Liability (rev. 12/10).

LUP-CSB - Corporate Surety Bond (rev. 03/10).

LUP-LC - Letter of Credit Bank Agreement (rev. 03/10).

LUP-SB – Land Use Permit Surety Bond (rev. 03/10).

DOCUMENTS INCORPORATED BY REFERENCE (24VAC30-73)

Information pertaining to the availability and cost of any of these publications should be directed to the address indicated for the specific document. Requests for documents of the Virginia Department of Transportation (VDOT) may be obtained from the department at 1401 E. Broad St., Richmond, Virginia 23219; however, department documents may be available over the Internet at www.virginiadot.org.

VDOT Road Design Manual, 2011

Note: Appendix F (Access Management Design Standards for Entrances and Intersections) contains the access management standards referenced in Chapters 863 and 928 of the 2007 Acts of Assembly and Chapters 274 and 454 of the 2008 Acts of Assembly.

VDOT Road and Bridge Specifications, 2007, revised 2011.

VDOT Road and Bridge Standards, 2008, revised 2011.

Manual on Uniform Traffic Control Devices for Streets and Highways, effective 2003, revised 2007, Federal Highway Administration, Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954.

VDOT Policy for Integrating Bicycle and Pedestrian Accommodations, 2004.

Highway Capacity Manual, 2010, Transportation Research Board, 500 Fifth Street, NW, Washington, DC 20001.

VDOT Instructional and Informational Memorandum IIM-LD 227.5, 2011.

Trip Generation, 8th Edition, 2008, Institute of transportation Engineers, 1099 14th Street, N.W., Suite 300 West, Washington, D.C. 20005.

Community Character Corridors and Other Roads

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 because they set the important first impression that many visitors have of the area.

In the past, the community has made conscious decisions to pursue protections beyond those afforded by the CCC designation, such as attempting to maintain certain CCCs as two-lane roads through alternatives to widening (for example, adding new connector roads, decreasing traffic from development, or accepting lower levels of service) and these efforts are expected to continue.

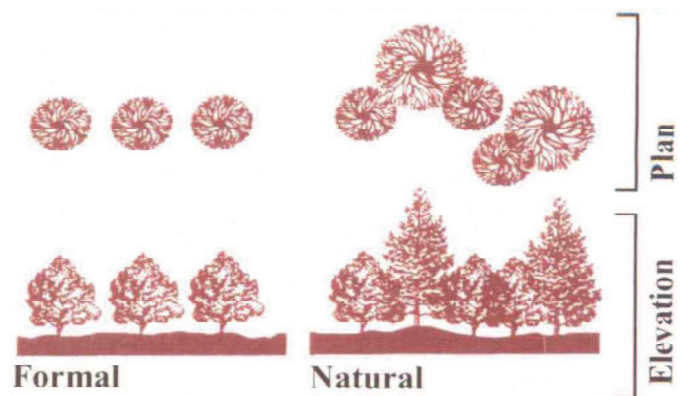
Types of Community Character Corridors and Guidelines

Since the 1997 Comprehensive Plan, each plan has identified the following types of CCCs and their corresponding goals. Designating CCCs throughout the County as wooded, urban and suburban, or open/agricultural will define standards for how corridor buffers are to be treated during development. Having these designations will give developers and citizens a better understanding of how the County intends to create design elements to preserve the unique community character along these key corridors throughout the County.

To provide the most effective immediate buffer, 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 urban and suburban CCCs that do not have existing vegetation, it may be beneficial to take a more formal approach to the buffer design. Trees and shrubs can be planted in rows or groupings that effectively screen as a group. These buffers are more groomed and require higher maintenance. Figure CC-1 shows examples of natural and formal landscape treatments.

Figure CC-1: Examples of formal and natural landscape treatments



The three types of buffer treatments and their corresponding goals are listed below.

Suburban and Urban CCC

A suburban or urban CCC is characterized as an area that has moderate to high traffic volumes, moderate to high levels of existing or planned commercial or moderate density residential uses, and may contain some natural screening buffers along roads. The objective of these CCCs is to ensure that James City County retains its unique character. The predominant visual character of the suburban CCC should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape. In urban CCCs, landscaping should be more formal and the built environment and pedestrian and other streetscape amenities are dominant. Off-street parking should be a minor part of the streetscape. Development in urban and suburban CCCs should not replicate standardized designs commonly found in other communities, but rather reflect nearby historic structures, a sensitivity to the history of the County in general, and an emphasis on innovative design solutions. The scale and placement of buildings in relation to each other, the street, and parking areas should be compatible with the character. In these areas, the CCC designation would provide enhanced

landscaping, preservation of specimen trees and shrubs, berming, and other desirable design elements which complement and enhance the visual quality of the urban corridor.

Wooded CCC

A wooded CCC is characterized as an area that has natural wooded areas and vegetation along the road, low to moderate traffic volumes, and suburban or rural development patterns with minimal existing or planned commercial development. In these areas, the main objective of the CCC designation should be to fully screen development from the adjacent roadway by retention and enhancement of existing vegetation along the full width of the buffer. The intended effects would be to protect development from the impacts of traffic, to preserve open space and animal habitats, and to maintain the wooded and natural character of the County.

Open/Agricultural CCC

An open/agricultural CCC is characterized as an area that is located primarily in rural areas where farming and forestal activities are predominant or are sought to be preserved. In these areas, the objective of the CCC designation is to preserve the views and integrity of farm fields and natural open spaces so that they remain dominant visual features.

Designated Community Character Corridors

The following roads are designated as CCCs:

- Greensprings Road
- Monticello Avenue
- Jamestown Road
- John Tyler Highway (Route 5)
- Ironbound Road*
- Centerville Road
- Longhill Road
- Longhill Connector Road
- Forge Road
- Colonial Parkway
- Route 199
- News Road
- Riverview Road from Croaker Road to the entrance of York River State Park
- Sandy Bay Road from Ironbound Road to Jamestown Road
- Richmond Road (Route 60) from the New Kent County line to Anderson's Corner

- Pocahontas Trail (Route 60) south of Route 199 to the Newport News border
- Barhamsville Road (Route 30) from New Kent County line to Anderson's Corner
- Richmond Road (Route 60) from Anderson's Corner to the City of Williamsburg line

*A portion of Ironbound Road from Strawberry Plains Road to News Road, which was previously designated, has been removed as a CCC.

Rural Roads

A number of secondary roads both inside and outside the Primary Service Area (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

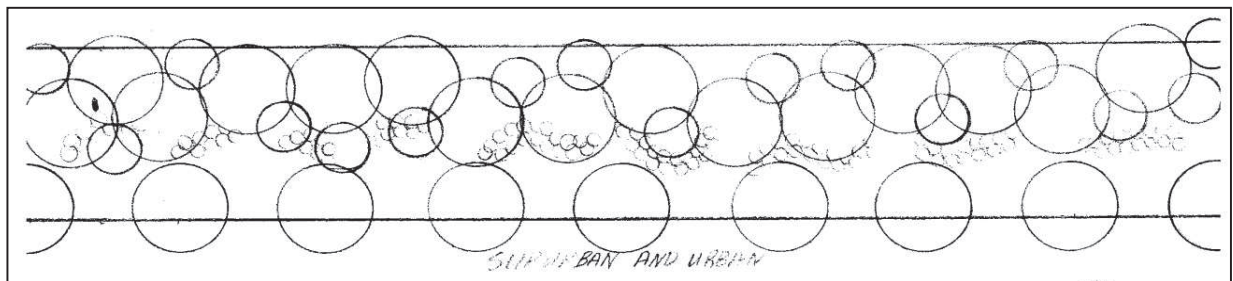
Existing Community Character Areas

During the 1997 Comprehensive Plan process, certain areas of James City County were confirmed as important places during the public participation process. Guidelines for future development were

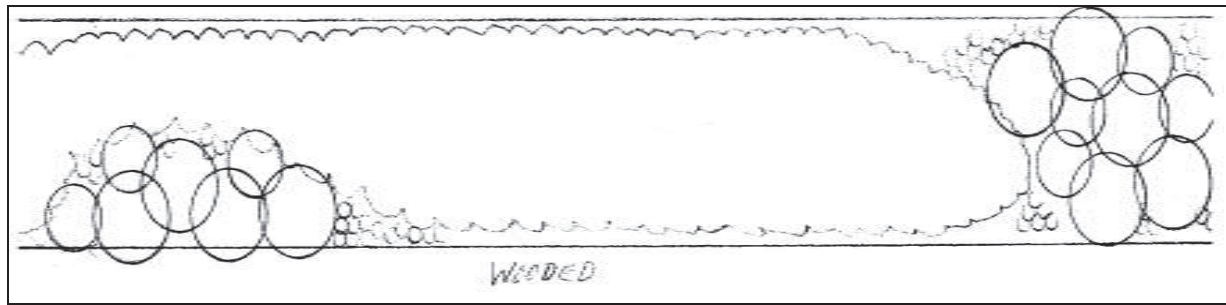
Community Character Corridor Buffer Treatments Guidelines

Purpose: James City County has designated all Community Character Corridor (CCCs) buffers as Urban/Suburban, Wooded, or Open/Agricultural. All commercial developments along these roads are required to provide a 50 foot average buffer. Through the designation of these buffers and their types the County is providing direction on design guidelines for landscape areas along these buffers. Below are design guidelines of the various types of buffers, including descriptions of their landscape treatments and a sample drawing of the landscaping style required.

Urban/Suburban CCCs - *An urban/suburban area is characterized as having high to moderate traffic, commercial, and some residential uses. The predominant visual character of these areas should be the built environment and the natural landscape, with parking and other auto-related areas as a secondary component. The buffer treatments should incorporate existing specimen and understory trees, required plantings and any legislated enhancements such as over-sized landscape plants, the use of berms, and other desirable design features which compliment and enhance the visual quality of the urban corridor. Auto-related activities such as parking lots and other outdoor operations should be screened with required evergreen plantings. This treatment provides the applicant with the most visibility of the commercial use and the most flexibility in establishing a manicured and/or formal look compared to the Wooded and Open/Agricultural treatments. The areas designated with this type of treatment are the Community Character Areas and other urban areas of the County that have mainly commercial uses. Roads in New Town, Five Forks, Toano, Norge, and Richmond Road are examples of the urban/suburban type of treatment.*



Wooded CCCs - *A wooded CCC is characterized as an area having natural wooded areas along the road, with light to moderate traffic and minimal existing or planned commercial development. The objective of the buffer is to visually screen the development from the road. Ideally, existing vegetation should be preserved or supplemented to create a wooded buffer that preserves open space and wildlife habitat to maintain the natural character of the County. Areas of the County that are appropriate for this type of treatment include areas that have existing vegetation consisting of mature trees and shrubs and that are mostly developed with residential uses. Areas of John Tyler Highway, Centerville Road, Longhill Road, and Greensprings Road, and Route 199 are examples of the wooded landscape type treatment. This type of treatment offers the least amount of visibility to the development, and the intent is to preserve the natural beauty of the site. The design should be informal and natural.*



Open/Agricultural CCCs - An open/agricultural CCC is characterized as an area that is located primarily in rural lands where farming and forestry activities are predominant or sought to be preserved. The objective of the Open/Agricultural designation is to preserve the view and integrity of farm fields and natural open spaces so they remain the dominant visual features. This type of treatment is appropriate for the agricultural areas that exist in the County. Areas around Anderson's Corner, Forge Road, and Old Stage Road are examples of the open/agricultural treatment type.

