

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 4, LANDSCAPING, BY ADDING SECTION 24-102, STREET TREES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special regulations, Division 4, Landscaping, by adding Section 24-102, Street trees.

## **Chapter 24. Zoning**

### **Article II. Special Regulations**

#### **Division 4. Landscaping**

##### ***Section 24-102. Street trees.***

*In multi-family and independent living facilities and apartment developments, or areas of multi-family or apartment units containing two or more dwelling units, deciduous shade trees shall be planted as street trees along all rights-of-way. In instances where all or portions these developments are designed as parking lots rather than rights-of-way, then landscaping shall instead be provided in accordance with section 24-99. Street trees shall meet the following requirements:*

- a) Deciduous shade trees shall be planted as street trees along all right-of-ways within the development. Such trees shall be located either within the right-of-way or within a five-foot (5') landscape preservation easement contiguous to such right-of-way. Where located within an easement, the subdivided shall dedicate the easement together with a maintenance easement to the property owners' association or other entity approved by the county attorney.*
- b) The easement or right-of-way shall contain at a minimum, one (1) tree planted approximately every forty feet (40').*
- c) All trees planted to meet this requirement shall have a minimum caliper of one and one half inch (1 ½") and conform to the provisions of section 24-94 of the zoning ordinance. Existing trees within the landscape preservation easement that are protected and preserved in accordance with the standards contained in the zoning ordinance may be used to satisfy the planting requirement.*
- d) All street trees shall be deciduous shade trees that are native species or street trees commonly planted in james city county and adaptive to the soils and climate of james city county. if an applicant wishes to substitute the required shade trees with an evergreen or ornamental tree, a landscape modification request form referenced in section 24-91 of the zoning ordinance may be submitted for consideration by the planning director.*
- e) Installation. Unless otherwise approved by the planning director or his designee, plantings shall occur between September and February while the plant materials are dormant; however, temporary certificates of occupancy may be issued pursuant to section 24-8 (b).*