

## Chapter 24

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## Chapter 24

### ARTICLE V. DISTRICTS

#### DIVISION 1. GENERALLY

##### **Sec. 24-197. Division of unincorporated areas into districts.**

For the purposes of this chapter, the unincorporated areas of James City County, Virginia, are hereby divided into the following districts, as shown on the zoning map:

General Agricultural, A-1

Limited Residential, R-1

General Residential, R-2

Residential Planned Community, R-4

Multifamily Residential, R-5

Low-Density Residential, R-6

Rural Residential, R-8

Mixed Use, MU

Residential Planned Unit Development, PUD-R

Commercial Planned Unit Development, PUD-C

General Business, B-1

Limited Business, LB

Limited Business/Industrial, M-1

General Industrial, M-2

Limited Industrial, M-3

(Ord. No. 31A-88, § 20-25, 4-8-85; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-145, 7-6-92)

##### **Sec. 24-198. Interpretation of zoning map.**

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

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- (1) Where district boundaries are indicated as approximately following or being at right angles to property lines, or the centerlines of streets, highways, alleys or railroad tracks, such property lines, centerlines, or lines at right angles to such property lines or centerlines shall be construed to be such boundaries, as the case may be.
  - (2) Where a district boundary is indicated to follow a river, creek or branch or other body of water, such boundary shall be construed to follow the centerline at low water or at the limit of jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
  - (3) If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the zoning map. In case of subsequent dispute, the matter shall be referred to the board of zoning appeals which shall determine the boundary.
- (Ord. No. 31A-88, § 20-26, 4-8-85)

**Sec. 24-199. Limitation on the number of dwellings on a lot.**

Two or more principal residential uses may be located on a single lot; provided, however, that yard, area and other dimensional requirements of the zoning district in which the lot is located shall apply to each principal residential use as if the lot were subdivided to accommodate the principal residential uses on individual lots. The placement of two or more principal residential uses on a single lot shall be situated so as to permit the future subdivision of the lot in accordance with the zoning district in which the lot is located and the county's subdivision ordinance.

(Ord. No. 31A-88, § 20-27.6, 4-8-85)

**Sec. 24-200. Public utilities.**

(a) Except where a public utility requires a special use permit, public utilities shall be allowed as a permitted use in each zoning district. Public utilities include poles, power lines, distribution transformers or substations, pipes, meters, telephone exchanges and other facilities necessary for the provision and maintenance of utilities, including water and sewer facilities, water storage facilities, pumping or regulator stations.

(b) The height of public water storage facilities may exceed the height limits specified by a zoning district upon the issuance of a special use permit and a height waiver by the board of supervisors. The height waiver shall meet the requirements for a height waiver of the zoning district in which the public water storage facility is located.

(c) The location of all utilities and utility easements shall be shown on the site plans, or subdivision plats, as appropriate. New utilities are to be placed underground except for required transformers, switching equipment, meter pedestals, telephone pedestals, outdoor lighting poles and meter and service connections attached to buildings. In consideration of voltage requirements, existing overhead service, existing tree cover and physical features of the site and the surrounding area, the planning commission may waive requirements for underground utilities upon a favorable recommendation of the development review committee. Waivers in subdivisions must comply with section 19-18 of the subdivision ordinance.

(Ord. No. 31A-88, § 20-27.8, 4-8-85; Ord. No. 31A-112, 2-6-89; Ord. No. 31A-216, 2-22-05)

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**Sec. 24-201. Individual utilities.**

Individual water wells and septic drainfields shall be generally permitted except where in conflict with chapter 19, chapter 24 or the James City Service Authority regulations.  
(Ord. No. 31A-150, 4-5-93; Ord. No. 31A-153, 11-1-93)

**Secs. 24-202 - 24-210. Reserved.**

## Chapter 24

### ARTICLE V. DISTRICTS

#### DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

##### **Sec. 24-211. Statement of intent.**

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

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

##### **Sec. 24-212. Permitted uses.**

In the General Agricultural District, A-1, structures to be erected or land to be used shall be for the following uses:

Accessory apartments in accordance with section 24-32.

Accessory buildings and structures.

Accessory uses, as defined herein.

Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.

Farmers' markets, limited in area to 2,500 square feet.

General agriculture, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.

Greenhouses, commercial.

Home occupations, as defined herein.

Horse and pony farms (including the raising and keeping of horses), riding stables.

House museums.

Houses of worship and cemeteries accessory hereto.

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Intensive agriculture as herein defined.

Manufactured homes that are on a permanent foundation.

Nurseries.

Off-street parking as required by section 24-53.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Rest homes for fewer than 15 adults.

Retreat facilities.

Single-family detached dwellings.

Silviculture, with timbering in accordance with section 24-215(c).

Slaughter of animals for personal use but not for commercial purposes.

Storage and repair of heavy equipment as an accessory use to a farm.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.

Wireless communication facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

(Ord. No. 31A-88, § 20-29, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-131, 6-3-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-162, 6-19-95; Ord. No. 31A-165, 9-18-95; 31A-169, 5-28-96; Ord. No. 31A-176, 5-26-98)

**Sec. 24-213. Uses permitted by special use permit only.**

In the General Agricultural District, A-1, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter.

Adult day care centers.

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Airports and landing fields, heliports or helistops and accessory uses.

Animal hospitals, veterinary offices and kennels.

Automobile graveyards.

Automobile repair and service.

Automobile service stations; if fuel is sold, then in accordance with section 24-38.

Beauty and barber shops.

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.

Communication towers over 35 feet in height.

Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).

Contractors' warehouses, sheds and offices.

Convenience stores; if fuel is sold, then in accordance with section 24-38.

Day care and child care centers.

Dinner theaters and dance halls as an accessory use to a restaurant or tavern.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

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

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, for more than five such persons.

Farm equipment sales and service.

Farmers' markets over 2,500 square feet in area.

Feed, seed and farm supplies.

Fire stations, rescue squad stations, volunteer or otherwise.

Fish farming and aquaculture.

Flea markets, temporary or seasonal.

Food processing and storage.

Gift shops and antique shops.

Golf courses and country clubs.

Group quarters for agricultural workers.

Home care facilities.

Horse racing tracks.

Horse show areas, polo fields.

Hospitals and nursing homes.

Hunting preserve or club, rifle or pistol range, trap or skeet shooting.

Lodges, civic clubs, fraternal organizations or service clubs.

Lumber and building supply stores.

Manufacture and sale of wood products.

Manufactured home parks in accordance with the special provisions of article IV.

Medical clinics.

Petroleum storage, other than on a farm for farm use or accessory for a residence.

Post offices and public buildings generally.

Professional offices of not more than 2,000 square feet with no more than one office per lot.

Race tracks for animals or vehicles, including racing courses for power boats.

Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Rental of rooms to a maximum of three rooms.

Rest homes for 15 or more adults.

Restaurants, taverns.

Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.

Retail sales of plant and garden supplies.

Retail shops associated with community recreation facilities.

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Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions, public or private.

Seminaries.

Slaughterhouses.

Solid waste transfer stations.

Storage and repair of heavy equipment.

Storage, stockpiling and distribution of sand, gravel and crushed stone.

Telephone exchanges and telephone switching stations.

Tourist homes.

Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Two-family dwellings.

Upholstery shops.

Utility substations.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.

Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.

Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.

Wayside stands for sale of agricultural products over 500 square feet in area.

Wineries, with accessory commercial facilities.  
(Ord. No. 31A-88, § 20-29.1, 4-8-85; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-131, 6-1-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-149, 2-1-93; Ord. No. 31A-153, 11-1-93; Ord. No. 31A-162, 6-19-95; Ord. No. 31A-165, 9-18-95; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-208, 8-13-02; Ord. No. 31A-222, 2-14-06; Ord. No. 31A-237, 2-10-09)

**Sec. 24-214. Area requirements.**

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

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

(b) *Minimum lot size for residential lots created after May 1, 1989.* No lot created under the area requirements of this section after May 1, 1989, the date of adoption of this section, unless created pursuant to paragraphs (c) or (d) below, shall be used for any residential dwelling unless the lot size is three acres or more. Provided, however, lots of less than six acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this section, shall be permitted to be subdivided into two lots for single-family residential use so long as no lot size is less than two acres.

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

- (1) The overall gross density of the subdivision shall not exceed one dwelling unit per two acres.
- (2) There shall be at least three residential lots in the subdivision.
- (3) No lot shall be less than one acre in area.
- (4) The subdivision shall only be for single-family detached dwellings.
- (5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.

- (6) Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.
- (7) The general design standards of this section shall be complied with.

- (8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.
  - (9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.
  - (10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.
  - (11) Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.
  - (12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.
- (d) *Lot size for family subdivisions with special use permits.* Upon issuance of a special use permit, a family subdivision may be approved with a minimum lot size of less than three acres, provided no lot shall be less than one acre.
- (e) *Minimum lots sized for two-family dwellings.* Lots for two-family dwellings shall have a minimum area of five acres.
- (f) *Not applicable to lots in existence prior to May 1, 1989.* These minimum sizes shall not apply to lots of less than three acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this article. Such lots of less than three acres used for residential purposes shall be limited to one single-family residential use.  
(Ord. No. 31A-88, § 20-30, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-165, 9-18-95)

#### **Sec. 24-215. Setback requirements.**

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

(c) All timbering activities in the primary service area shall be located a minimum of 50 feet from any public road right-of-way unless done in accordance with section 24-43. This distance shall be known as the setback for timbering.  
(Ord. No. 31A-88, § 20-31, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-165, 9-18-95; Ord. No. 31A-169, 5-28-96)

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

- (a) Lots of five acres or more shall have a minimum lot width at the setback line of 250 feet.
- (b) Lots of three acres or more but less than five acres shall have a minimum lot width at the setback line of 200 feet.
- (c) Lots of one acre or more but less than three acres shall have a minimum lot width at the setback line of 150 feet.
- (d) The minimum lot frontage abutting a public right-of-way shall be 25 feet.  
(Ord. No. 31A-88, § 20-32, 4-8-85; Ord. No. 31A-114, 5-1-89)

**Sec. 24-217. Yard regulations.**

- (a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.
- (b) *Rear.* Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of 15 feet.  
(Ord. No. 31A-88, § 20-33, 4-8-85)

**Sec. 24-218. Height limits.**

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

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations and accessory or nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.

Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:

- a. Such structure will not obstruct light to adjacent property;
- b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- c. Such structure will not impair property values in the surrounding area;
- d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- e. Such structure will not be contrary to the public health, safety and general welfare.

(3) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall not be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed 45 feet in height.

(4) Communication towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height.

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

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

(a) For corner lots, the front of the lot shall be the shorter of the two sides fronting on streets.

(b) No structures shall be located closer than 50 feet to the side street.

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

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

**Sec. 24-220. Sign regulations.**

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

(Ord. No. 31A-88, § 20-34.1, 4-8-85)

**Secs. 24-221 - 24-230. Reserved.**

## Chapter 24

### ARTICLE V. DISTRICTS

#### DIVISION 3. LIMITED RESIDENTIAL DISTRICT, R-1

##### **Sec. 24-231. Statement of intent.**

The Limited Residential District, R-1, is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development is likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to prohibit all activities of a commercial nature and to implement the policies and designations of the Comprehensive Plan applicable to low-density residential areas. To these ends, development is limited to low-density residential and generally permitted uses are limited to single-family dwellings, plus certain additional community-oriented uses that serve the residents of this district.

(Ord. No. 31A-88, § 20-42, 4-8-88; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-195, 5-25-99)

##### **Sec. 24-232. Permitted uses.**

In the Limited Residential District, R-1, structures to be erected or land to be used, shall be for the following uses:

Accessory buildings or structures as defined.

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities.

Home occupations as defined.

Off-street parking as required by section 24-53.

Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-234(a).

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

(Ord. No. 31A-88, § 20-43, 4-8-85; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-195, 5-25-99)

**Sec. 24-233. Uses permitted by special use permit only.**

In the Limited Residential District, R-1, buildings, to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Accessory apartments in accordance with section 24-32.

Adult day care centers.

Cemeteries and memorial gardens.

Child day care centers.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Fire stations.

Golf courses, country clubs.

Home care facilities.

Houses of worship.

Libraries.

Neighborhood resource centers.

Publicly owned solid waste container sites.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit.

Rental of rooms to a maximum of three rooms.

Residential cluster development in accordance with article VI, division 1 of this chapter.

Retail shops and food service establishments associated with community recreation facilities.

Schools.

Single-family detached dwellings with a maximum gross density of more than one unit per acre in accordance with section 24-234(c).

Telephone exchanges and telephone switching stations.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids.

However, extensions or private connections to existing pipelines which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development are permitted generally and shall not require a special use permit.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

- (a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;
- (b) Distribution lines and local facilities within a development, including pump stations.

Water impoundments, new or expansion of, 50 acres or more and dam heights of 25 feet or more. (Ord. No. 31A-88, § 20-43.1, 4-8-85; Ord. No. 31A-131, 6-3-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-148, 1-4-93; Ord. No. 31A-153, 11-1-93; Ord. No. 31A-195, 5-25-99; Ord. No. 31A-208, 8-13-02)

**Sec. 24-234. Overall density within subdivisions.**

(a) All subdivisions shall have a maximum gross density of one unit per acre, except for minor subdivision as defined below. In these instances, the lots in a minor subdivision must still adhere to the area requirements set forth in section 24-255.

(b) For the purposes of this section, the term “minor subdivision” shall be defined as a division of a tract of land into not more than five lots abutting an existing public road within the transportation department road system and which does not create a new street or extend an existing street. Any contiguous property owned by the same subdivider, or deemed by the development review committee as a logical part of a contiguous subdivision cannot be subdivided into greater than five lots without meeting the density requirements.

(c) Upon application, the board of supervisors may grant a special use permit for subdivisions to have a maximum gross density of more than one unit per acre, but of no more than two units per acre upon finding the developer has made assurances in a master plan or otherwise for the following:

- (1) Implementation of Streetscape Guidelines as defined in the Streetscape Guidelines Policy.
- (2) Implementation of the county’s Archaeological Policy.
- (3) Provision of sidewalks on at least one side of all internal streets in the development, including the entrance road. This requirement may be waived by the planning commission if the development is infill development of less than 20 units where sidewalks do not exist and are not planned on adjacent property. In addition, a sidewalk shall be provided as required in section 24-35.
- (4) Provision of recreation facilities as recommended in the county’s Comprehensive Parks and Recreation Master Recreation Plan. Upon application for an exception, the Board of Supervisors may approve alternate facilities or allow cash contributions in lieu of constructing a percentage of the facilities,

provided that the alternate facilities or cash contributions are consistent with the recommendations and contributions per unit presented in the master plan.

(5) Implementation of the county's Natural Resources Policy.  
(Ord. No. 31A-175, 3-25-97; Ord. No. 31A-195, 5-25-99)

**Sec. 24-235. Area requirements.**

(a) *Public water/sewage disposal.* Lots served by public water and public sewage disposal systems shall have a minimum area of 15,000 square feet.

(b) *Public sewage disposal only.* Lots served by a public sewage disposal system but not a public water distribution system shall have a minimum area of 17,500 square feet.

(c) *Public water distribution only.* Lots served by a public water distribution system but not a public sewage disposal system shall have a minimum area of 20,000 square feet.

(d) *Individual water/sewage disposal.* Lots served by individual water and sewage disposal systems shall have a minimum area of 30,000 square feet.

(e) *Applicability to certain lots.* These minimum sizes shall not apply to lots of less than 15,000 square feet recorded or legally in existence prior to April 8, 1985.  
(Ord. No. 31A-88, § 20-44, 4-8-85; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-195, 5-25-99)

**Sec. 24-236. Setback requirements.**

Structures shall be located a minimum of 35 feet from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 60 feet from the centerline of the street. This shall be known as the "setback line"; all subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, shall be allowed to adhere to these established setback lines.

(Ord. No. 31A-88, § 20-45, 4-8-85; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-195, 5-25-99)

**Sec. 24-237. Minimum lot width.**

(a) Lots of up to and including 43,560 square feet shall have a minimum width at the setback line of 100 feet.

(b) Lots of more than 43,560 square feet shall have a minimum width at the setback line of 150 feet.  
(Ord. No. 31A-88, § 20-46, 4-8-85; Ord. No. 31A-195, 5-25-99)

**Sec. 24-238. Yard regulations.**

(a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.

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

(Ord. No. 31A-88, § 20-47, 4-8-85; Ord. No. 31A-195, 5-25-99)

**Sec. 24-239. Special provisions for corner lots.**

(a) The front of the lot shall be deemed to be the shorter of the two sides fronting on streets.

(b) No structure shall be located closer than 35 feet to the side street.

(c) Each corner lot shall have a minimum width at the setback line of 125 feet.

(Ord. No. 31A-88, § 20-49, 4-8-85; Ord. No. 31A-195, 5-25-99)

**Sec. 24-240. Height limits.**

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

(1) The height limit for dwellings may be increased to 45 feet and to three stories; provided, that there are two side yards for each permitted use each of which is a minimum of 15 feet plus one foot or more of side yard for each additional foot of building height over 35 feet.

(2) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

(3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennae and home radio aerials and wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:

a. Such structure will not obstruct light to adjacent property;

b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

c. Such structure will not impair property values in the surrounding area;

d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

e. Such structure will not be contrary to the public health, safety and general welfare.

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- (4) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and the accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 35 feet in height.

(Ord. No. 31A-88, § 20-48, 4-8-85; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-195, 5-25-99; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07)

#### **Sec. 24-241. Sign regulations.**

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

(Ord. No. 31A-88, § 20-49.1, 4-8-85; Ord. No. 31A-195, 5-25-99)

#### **Sec. 24-242. Open space within major subdivisions.**

(a) Within every subdivision consisting of 50 or more lots, there shall be planned and set aside permanently an amount of open space to be maintained exclusively for recreation or conservation and recreation purposes. The amount of such open space shall not be less than ten percent of the net developable area of the site. The developable area of right-of-way buffers and perimeter buffers may be counted as open space for the purpose of meeting this requirement to a maximum of 50 percent of the required open space.

(b) In addition, all nondevelopable area consisting of all stream beds, areas subject to flooding under the 100-year storm event, and wetlands shall be maintained as open space. Areas with slopes of 25 percent or more which are contiguous to the above-mentioned areas may be incorporated into individual lots provided that the sloped areas are placed in conservation easements approved by the county attorney.

(c) Before accepting the open space as meeting the requirements of paragraph (a) of this section, the planning commission shall find that:

- (1) No land lying within a proposed or existing road right-of-way, utility easement or drainage facility is counted toward the minimum open space requirement; and
- (2) The land is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for the entire development and served with adequate facilities for such purpose; and
- (3) No part of a private yard or area determined by the planning director to be a part thereof, with the exception of easements for streetscapes, shall be counted as meeting the open space requirements of this chapter; and
- (4) No more than 50 percent of the required open space shall be used for active recreational uses.

(d) Evidence shall be given that satisfactory arrangements will be made for the perpetual preservation of designated open space areas to relieve the county of any obligation to maintain.  
(Ord. No. 31A-195, 5-25-99)

**Sec. 24-243. Ownership of open space.**

Within any residential development approved under this article on which a tract is intended to be used in common for recreational or other public or semipublic purposes, no lot shall be approved, recorded, sold or used within the development until a declaration of covenants and restrictions or other document necessary to establishing a mandatory permanent home owners organization has been approved by the county attorney and has been executed. Such documents shall set forth the following:

- (1) The nature of the permanent organization under which common ownership is to be established, including its purpose; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property including necessary bonds when required by the county; and the method of assessing the individual property for its share of the cost of adequately administering and maintaining and replacing such common property; and
- (2) The extent of common interest held by the owner of each individual parcel in the tract held in common.

(Ord. No. 31A-195, 5-25-99)

**Sec. 24-244. BMP requirements.**

To assure an appearance and condition which is consistent with the purpose of the Limited Residential District, R-1, structural BMPs serving the properties within the district shall comply with the landscaping regulations in article II, division 4 of this chapter.

(Ord. No. 31A-195, 5-25-99)

**Sec. 24-245. Buffer requirements.**

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

- (1) The minimum right-of-way buffer on Community Character Corridor roads as defined in the Comprehensive Plan shall be 150 feet, except when the average lot depth of the parent parcel is less than 600 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
- (2) The minimum right-of-way buffer on all non-Community Character Corridor roads shall be 75 feet, except when the average lot depth of the parent parcel is less than 300 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
- (3) If the buffer is non-wooded as defined for the purpose of this article as having no mature trees, then a minimum of two trees per 400 square feet of area shall be planted with a minimum 50 percent of said trees being evergreen. Otherwise, the buffer shall remain undisturbed or supplemented with additional plantings to achieve the planting ratio stated above.

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(b) *Perimeter buffers.* Within any major subdivision approved under this article, there shall be planned and maintained a perimeter buffer along the perimeter property lines of the development, except for areas adjacent to road rights-of-way. The minimum perimeter buffer shall be 35 feet. Landscaping guidelines for perimeter buffers shall follow the requirements in section 24-94(a) of this chapter.

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

- (1) The development is less than 5 acres and a majority of the development's units are dedicated to affordable housing; or
- (2) The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or
- (3) The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 75 feet. The perimeter buffer shall not be reduced by a waiver provision to less than 20 feet. The planning commission may also, in the event of granting a waiver, require additional landscaping as determined on a case by case basis.

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

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

- (1) The buffer in which the temporary stockpile is to occur is nonwooded, defined as having no mature trees.
- (2) The stockpile should not be visible from a Community Character Corridor or Community Character Area, unless the soil stockpiling is needed for approved berming in that buffer.
- (3) Stockpiles shall not exceed 35 feet in height.
- (4) Stockpiles shall be temporary, with a time limit of six months.
- (5) Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.

(f) *Limitations on buffers.* Wet ponds, dry detention basins, and other structural BMPs shall not generally be permitted in the buffers, except that the planning commission may approve them under the following circumstances:

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

(g) *Improvements allowable within buffers.* An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning commission. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at a different angle to the property line upon the recommendation of the environmental director and the approval of the planning commission.

(h) *Roads within buffers.* Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning commission.

(Ord. No. 31A-195, 5-25-99)

**Secs. 24-246 - 24-250. Reserved.**

## Chapter 24

### ARTICLE V. DISTRICTS

#### DIVISION 4. GENERAL RESIDENTIAL DISTRICT, R-2

##### **Sec. 24-251. Statement of intent.**

The General Residential District, R-2, is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development is likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage the clustering of residential developments to maximize shared and purposeful open space, to protect the natural environment and to promote a sense of community, to prohibit activities of a commercial nature and to implement the policies and designations of the Comprehensive Plan applicable to low-density residential areas. To these ends, development is limited to low-density residential and permitted uses are limited to dwellings designed to be occupied by one family or more than one family under certain conditions plus certain additional community-oriented uses that serve the residents of the district.

(Ord. No. 31A-88, § 20-50, 4-8-85; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-196, 5-25-99)

##### **Sec. 24-252. Permitted uses.**

In the General Residential District, R-2, structures to be erected or land to be used, shall be for the following uses:

Accessory apartments in accordance with section 24-32.

Accessory buildings or structures as defined.

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities.

Four-family dwellings contained within a residential cluster development with a maximum gross density of one unit per acre in accordance with article VI, division 1 of this chapter.

Home occupations, as defined.

Off-street parking as required by section 24-53.

Residential cluster development with a maximum gross density of one unit per acre in accordance with article VI, division 1 of this chapter.

Retail shops associated with community recreation facilities.

Single-family detached dwellings with a maximum gross density of one unit per acre in accordance with section 24-254(a).

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Three-family dwellings contained within a residential cluster development with a maximum gross density of one unit per acre in accordance with article VI, division 1 of this chapter.

Timbering in accordance with section 24-43.

Two-family dwellings contained within a residential cluster development with a maximum gross density of one unit per acre in accordance with article VI, division 1 of this chapter.

Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.  
(Ord. No. 31A-88, § 20-51, 4-8-85; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-148, 1-4-93; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-196, 5-25-99)

**Sec. 24-253. Uses permitted by special use permit only.**

In the General Residential District, R-2, buildings to be erected or land to be used for the following or similar uses shall be permitted only after issuance of a special use permit by the board of supervisors:

Adult day care centers.

Cemeteries and memorial gardens.

Child day care centers.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Fire stations.

Five to eight-family dwellings contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter provided that the overall density does not exceed the permitted density in the previously approved master plan or the James City County Comprehensive Plan.

Four-family dwellings contained within a residential cluster development with a gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter.

Golf courses, country clubs.

Home care facilities.

Houses of worship.

Libraries.

Neighborhood resource centers.

Publicly owned solid waste container sites.

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Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Rental of rooms to a maximum of three rooms.

Residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter.

Schools.

Single-family detached dwellings with a maximum gross density of more than one unit per acre in accordance with section 24-254(c).

Telephone exchanges and telephone switching stations.

Three-family dwellings contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Two-family dwellings contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter.

Two-family dwellings in accordance with section 24-254.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

- (a) Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;
- (b) Distribution lines and local facilities within a development, including pump stations.

Water impoundments, new or expansion of, 50 acres or more and a dam height of 25 feet or more. (Ord. No. 31A-88, § 20-51.1, 4-8-85; Ord. No. 31A-131, 6-3-91; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-148, 1-4-93; Ord. No. 31A-153, 11-1-93; Ord. No. 31A-196, 5-25-99; Ord. No. 31A-208, 8-13-02; Ord. No. 31A-211, 3-11-03)

**Sec. 24-254. Overall density within subdivisions.**

(a) All subdivisions shall have a maximum gross density of one unit per acre, except for minor subdivisions as defined below. In these instances, the lots in a minor subdivision must still adhere to the area requirements set forth in section 24-255.

(b) For the purposes of this section, the term “minor subdivision” shall be defined as a division of a tract of land into not more than five lots abutting an existing public road within the transportation department road system and which does not create a new street or extend an existing street. Any contiguous property owned by the same subdivider, or deemed by the development review committee as a logical part of a contiguous subdivision cannot be subdivided into greater than five lots without meeting the density requirements of a major subdivision.

(c) Upon application, the board of supervisors may grant a special use permit for subdivisions to have a maximum gross density of more than one unit per acre, but of no more than two units per acre upon finding the developer has made assurances in a master plan or otherwise for the following:

- (1) Implementation of Streetscape Guidelines as defined in the Streetscape Guidelines Policy.
- (2) Implementation of the county’s Archaeological Policy.
- (3) Provision of sidewalks on at least one side of all internal streets in the development, including the entrance road. This requirement may be waived by the planning commission if the development is infill development of less than 20 units where sidewalks do not exist and are not planned on adjacent property. In addition, a sidewalk shall be provided as required in section 24-35.
- (4) Provision of recreation facilities as recommended in the county’s Comprehensive Parks and Recreation Master Recreation Plan. Upon application for an exception, the Board of Supervisors may approve alternate facilities or allow cash contributions in lieu of constructing a percentage of the facilities, provided that the alternate facilities or cash contributions are consistent with the recommendations and contributions per unit presented in the master plan.
- (5) Implementation of the county’s Natural Resources Policy.  
(Ord. No. 31A-138, 2-18-92; Ord. No. 31A-139, 5-4-92; Ord. No. 31A-175, 3-25-97; Ord. No. 31A-196, 5-25-99)

**Sec. 24-255. Area requirements.**

(a) *Public water/sewage disposal.* Lots served by public water and public sewage disposal systems shall have a minimum area of 10,000 square feet.

(b) *Public sewage disposal only.* Lots served by a public sewage disposal system but not a public water distribution system shall have a minimum area of 12,000 square feet.

(c) *Public water distribution only.* Lots served by a public water distribution system but not a public sewage disposal system shall have a minimum area of 20,000 square feet.

(d) *Individual water/sewage disposal.* Lots served by individual water and sewage disposal system shall have a minimum area of 30,000 square feet.

(e) *Applicability to certain lots.* These minimum sizes shall not apply to lots of less than 12,000 square feet recorded or legally in existence prior to April 8, 1985.  
(Ord. No. 31A-88, § 20-52, 4-8-85; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-196, 5-25-99)

**Sec. 24-256. Setback requirements.**

Structures shall be located a minimum of 25 feet from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 50 feet from the centerline of the street. This shall be known as the "setback line"; all subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, shall be allowed to adhere to these established setback lines. Off-street parking shall not be permitted within the required setbacks, except that parking spaces for single-family and two-family dwellings may be located within the required setback.

(Ord. No. 31A-88, § 20-53, 4-8-85; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-196, 5-25-99)

**Sec. 24-257. Minimum lot width.**

- (a) Lots of less than 20,000 square feet shall have a minimum width at the setback line of 75 feet.
  - (b) Lots of 20,000 square feet to 43,560 square feet shall have a minimum width at the setback line of 100 feet.
  - (c) Lots of more than 43,560 square feet shall have a minimum width at the setback line of 150 feet.
- (Ord. No. 31A-88, § 20-54, 4-8-85; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-196, 5-25-99)

**Sec. 24-258. Yard regulations.**

- (a) *Side.* The minimum side yard for each main structure shall be ten feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of ten feet.
  - (b) *Rear.* Each main structure shall have a minimum rear yard of 35 feet. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of ten feet.
- (Ord. No. 31A-88, § 20-55, 4-8-85; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-196, 5-25-99)

**Sec. 24-259. Special provisions for corner lots.**

- (a) The front of the lot shall be the shorter of the two sides fronting on streets.
  - (b) No structures shall be located closer than 25 feet to the side street.
  - (c) Each corner lot shall have a minimum width at the setback line of 100 feet.
- (Ord. No. 31A-88, § 20-57, 4-8-85; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-196, 5-25-99)

**Sec. 24-260. Special provisions for two-family dwellings.**

- (a) Lots intended for two-family dwellings shall be:
  - (1) Served by a public water system;
  - (2) Served by a public sewer system;

- (3) Required to have a minimum lot size of 15,000 square feet.
  - (4) Required to meet all other requirements of this district.
- (b) In addition to the above requirements, when each dwelling unit of a two-family dwelling is on an individual lot, each individual lot shall:
- (1) Have a minimum lot size of 7,500 square feet;
  - (2) Have a minimum lot width of 40 feet; and
  - (3) Have no minimum side yard requirement on the common side lot line.
- (c) Upon application, the board of supervisors may grant a waiver from the public sewer connection requirement referenced above upon finding:
- (1) The development site is a single lot recorded or legally in existence prior to the date of adoption of this section; and
  - (2) The State Health Department has approved the location and adequacy of the proposed septic drainfields; and
  - (3) The proposed two-family dwelling is located in the Primary Service Area and is in accord with the James City Service Authority Regulations Governing Utility Service.
- (Ord. No. 31A-88, § 20-55.1, 4-8-85; Ord. No. 31A-90, 10-7-85; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-140, 5-4-92)

**Sec. 24-261. Height limits.**

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

- (1) The height limit for dwellings may be increased to 45 feet and to three stories; provided, that there are two side yards for each permitted use each of which is a minimum of 15 feet plus one foot or more of side yard for each additional foot of building height over 35 feet.
- (2) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas and home radio aerials and wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:

- a. Such structure will not obstruct light to adjacent property;
- b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- c. Such structure will not impair property values in the surrounding area;
- d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- e. Such structure will not be contrary to the public health, safety and general welfare.

- (4) No accessory building which is within ten feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and the accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 35 feet in height.

(Ord. No. 31A-88, § 20-56, 4-8-85; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-196, 5-25-99; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07)

**Sec. 24-262. Sign regulations.**

To assure an appearance and condition which is consistent with the purpose of the General Residential District, R-2, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(Ord. No. 31A-88, § 20-57.1, 4-8-85; Ord. No. 31A-138, 2-18-92; Ord. No. 31A-196, 5-25-99)

**Sec. 24-263. Open space within major subdivisions.**

(a) Within every subdivision consisting of 50 or more lots, there shall be planned and set aside permanently an amount of open space to be maintained exclusively for recreation or conservation and recreation purposes. The amount of such open space shall not be less than 15 percent of the net developable area of the site. The developable area of right-of-way buffers and perimeter buffers may be counted as open space for the purpose of meeting this requirement to a maximum of 50 percent of the required open space.

(b) In addition, all nondevelopable area consisting of all stream beds, areas subject to flooding under the 100-year storm event, and wetlands shall be maintained as open space. Areas with slopes of 25 percent or more which are contiguous to the above-mentioned areas may be incorporated into individual lots provided that the sloped areas are placed in conservation easements approved by the county attorney.

(c) Before accepting the open space as meeting the requirements of paragraph (a) of this section, the planning commission shall find that:

- (1) No land lying within a proposed or existing utility easement or drainage facility is counted toward the minimum open space requirement; and

- (2) The land is suitable in its size, shape, and location for the conservation and recreational use intended, with adequate access for the entire development and served with adequate facilities for such purpose;

and

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- (3) No part of a private yard or area determined by the planning director to be a part thereof, with the exception of easements for streetscapes, shall be counted as meeting the open space requirements of this chapter; and
- (4) No more than 50 percent of the required open space shall be used for active recreational uses.
- (d) Evidence shall be given that satisfactory arrangements will be made for the perpetual preservation of designated open space areas to relieve the county of any obligation to maintain.  
(Ord. No. 31A-138, 2-18-92; Ord. No. 31A-196, 5-25-99)

**Sec. 24-264. Ownership of open space.**

Within any residential development approved under this article on which a tract is intended to be used in common for recreational or other public or semipublic purposes, no lot shall be approved, recorded, sold or used within the development until a declaration of covenants and restrictions or other document necessary to establishing a mandatory permanent home owners organization has been approved by the county attorney and has been executed. Such documents shall set forth the following:

- (1) The nature of the permanent organization under which common ownership is to be established, including its purpose; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property including necessary bonds when required by the county; and the method of assessing the individual property for its share of the cost of adequately administering and maintaining and replacing such common property; and
- (2) The extent of common interest held by the owner of each individual parcel in the tract held in common.  
(Ord. No. 31A-196, 5-25-99)

**Sec. 24-265. BMP requirements.**

To assure an appearance and condition which is consistent with the purpose of the General Residential District, R-2, structural BMPs serving the properties within the district shall comply with the landscaping regulations in article II, division 4 of this chapter.  
(Ord. No. 31A-196, 5-25-99)

**Sec. 24-266. Buffer requirements.**

- (a) *Right-of-way buffer.* Within any major subdivision approved under this article, there shall be planned and maintained buffers along all external existing and planned arterial road rights-of-way, as follows:
  - (1) The minimum right-of-way buffer on Community Character Corridor roads as defined in the Comprehensive Plan shall be 150 feet, except when the average lot depth of the parent parcel is less than 600 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
  - (2) The minimum right-of-way buffer on all non-Community Character Corridor roads shall be 75 feet, except when the average lot depth of the parent parcel is less than 300 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.

(3) If the buffer is non-wooded as defined for the purpose of this article as having no mature trees, then a minimum of two trees per 400 square feet of area shall be planted with a minimum 50 percent of said trees being evergreen. Otherwise, the buffer shall remain undisturbed or supplemented with additional plantings to achieve the planting ratio stated above.

(b) *Perimeter buffers.* Within any major subdivision approved under this article, there shall be planned and maintained a perimeter buffer along the perimeter property lines of the development, except for areas adjacent to road rights-of-way. The minimum perimeter buffer shall be 35 feet. Landscaping guidelines for perimeter buffers shall follow the requirements in section 24-94(a) of this chapter.

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

- (1) The development is less than five acres and a majority of the development's units are dedicated to affordable housing; or
- (2) The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or
- (3) The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 75 feet. The perimeter buffer shall not be reduced by a waiver provision to less than 20 feet. The planning commission may also, in the event of granting a waiver, require additional landscaping as determined on a case by case basis.

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

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

- (1) The buffer in which the temporary stockpile is to occur is non-wooded, defined as having no mature trees.
- (2) The stockpile should not be visible from a Community Character Corridor or Community Character Area, unless the soil stockpiling is needed for approved berming in that buffer.
- (3) Stockpiles shall not exceed 35 feet in height.
- (4) Stockpiles shall be temporary, with a time limit of six months.

(5) Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.

(f) *Limitations on buffers.* Wet ponds, dry detention basins, and other structural BMPs shall not generally be permitted in the buffers, except that the planning commission may approve them under the following circumstances:

(1) The need is necessitated by site conditions rather than economic factors; and

(2) The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.

(g) *Improvements allowable within buffers.* An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning commission. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at different angle to the property line upon the recommendation of the environmental director and the approval of the planning commission.

(h) *Roads within buffers.* Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning commission.

(Ord. No. 31A-196, 5-25-99)

**Secs. 24-267 - 24-273. Reserved.**

## Chapter 24

### ARTICLE V. DISTRICTS

#### DIVISION 5. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4

##### **Sec. 24-274. Statement of intent.**

This district is intended to permit development, in accordance with a master plan, of large, cluster-type communities in a manner that will protect and preserve the natural resources, trees, watersheds, contours and topographic features of the land, protect and enhance the natural scenic beauty and permit the greatest amount of recreational facilities by leaving large areas permanently open. Within such communities, the location of all improvements shall permit a variety of housing accommodations in an orderly relationship to one another with the greatest amount of open area, the least disturbance to natural features and to implement the policies and designations of the Comprehensive Plan. A planned residential district may include a variety of residential accommodations and light commercial activity, but no industrial development is permitted.

(Ord. No. 31A-88, § 20-66, 4-8-85; Ord. No. 31A-142, 5-4-92)

##### **Sec. 24-275. Residential planned community defined.**

For purposes of this article, a residential planned community shall be a large, planned development consisting of 400 acres or more under a single ownership or control. The residential planned community is predominated by residential land uses and open space, but also contains such uses as recreation centers, fire stations, schools and retail establishments which make the residential planned community largely self-sufficient. An important feature of the residential planned community is its emphasis on site planning and the retention of large, open areas.

(Ord. No. 31A-88, § 20-66.1, 4-8-85; Ord. No. 31A-142, 5-4-92)

##### **Sec. 24-276. Documents required for submission.**

(a) *Generally.* The applicant shall submit the following documents to the planning director for submission to the planning commission:

- (1) Application for rezoning.
- (2) Master plan, 30 copies, ten submitted with the application for rezoning with the balance of the required copies submitted at the request of staff in preparation for planning commission review.
- (3) Community impact statement, 30 copies, ten submitted with the application for rezoning with the balance of the required copies submitted at the request of staff in preparation for planning commission review.

The purpose of the master plan and community impact statement is to set an overall population and development ceiling for the Planned Community, to determine off-site impacts of the development and to identify the general arrangement of internal land uses.

(b) *Master plan.* The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 36 inches by 48 inches. It shall include:

- (1) An inset map at a scale of not less than one inch to one mile (1" = 1 mile), showing the property in relation to surrounding roads, subdivisions or major landmarks.
- (2) A north arrow.
- (3) The location of existing property lines, watercourses or lakes, wooded areas and existing roads which are within or adjoin the property.
- (4) The approximate boundaries of each section, land use or density, a general circulation plan with an indication of whether streets are to be public or private, and the approximate location of recreation areas, sidewalks and other pedestrian access ways, common open space areas, public facilities and areas proposed for dedication to public use within the project. Each residential section of the master plan shall be designated according to the following categories:

<u>Area Designation</u>	<u>Dwelling Type</u>
A	Single-family
B	Attached structures containing two to four dwelling units
C	Attached structures less than three stories and containing more than four dwelling units
D	Attached structures of three or more stories and containing more than four dwelling units

The above designation shall be the highest and densest use to which such land may be put without amending the master plan. However, where the planning commission finds the project does not vary the basic concept or character of the planned community and where it does not exceed the maximum density permitted under section 24-285, the planning commission may approve final plans for projects with lower densities or a lower category of uses than those shown on the master plan without amending the master plan. Common open space shall be located in a usable way and located so as to enhance the living environment of the residential planned community. Generally this shall mean that the common open space shall be distributed throughout the community and not aggregated in large areas that provide little or no benefit to the individual uses or the community at large.

- (5) As marginal data it shall contain a table which shows, for each section or area of different uses, the use, approximate phasing, maximum number of dwelling units and density for residential areas, square feet of floor space for commercial areas, and their acreage.
- (6) Schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans.
- (7) A statement on the guarantees and assurances to be provided for the maintenance of common open space, recreation areas, sidewalks, parking, private streets and other privately owned but common facilities serving the project.

(c) *Community impact statement.* The community impact statement shall describe the probable effects of the proposed development upon the community. At a minimum, it shall address the following topics:

- (1) Adequacy of existing public facilities and services to serve the development. Analysis shall be made of sewer, water, schools, fire stations and other major locally financed facilities;
- (2) Additional on-site and off-site public facilities or services which would be required as a result of the development;
- (3) A traffic impact study shall be prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the planning director. Such study shall address projected traffic generation; internal and external traffic; turning movements and distribution at each access point; traffic distribution; capacity of surrounding roads; and road and access improvements;
- (4) Fiscal impact of the proposed development, such as estimated tax revenues to be generated versus the cost of public improvements to be financed by the county or the state. Such study shall be prepared by an individual or firm qualified to conduct a fiscal impact analysis in a manner and form acceptable to the planning director;
- (5) Impact of construction and permanent changes in land use upon surrounding property, such as aesthetics, vegetation, stormwater drainage, noise and air or water pollution; and

(6) Employment opportunities to be generated by the development.  
(Ord. No. 31A-88, § 20-67, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-118, 2-5-90; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-145, 7-6-92)

**Sec. 24-277. Administrative review fees.**

Submittal of a master plan and subsequent revisions proposed by the applicant to the planning commission shall be accompanied by a fee as specified in section 24-7.  
(Ord. No. 31A-88, § 20-67.1, 4-8-85)

**Sec. 24-278. Approval of master plan; relationship to final plans; amendments.**

(a) The procedures for approval of a master plan shall be as specified in the procedures for public hearing and consideration by the planning commission and board of supervisors shall be as set forth in section 24-13.

(b) The residential planned community shall be established upon approval of the master plan by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with section 24-13. Approved final plans, provided for in section 24-279, shall supersede the master plan and schematic plans. The zoning administrator shall not issue any certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, public water and public sewer facilities, shown on the final plan by providing either a letter of credit, certified check, cash escrow, cash payment, or other surety, approved by the county attorney.

(Ord. No. 31A-88, § 20-69, 4-8-85; Ord. No. 31A-92, 12-2-85; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-145, 7-6-92)

**Sec. 24-279. Final plans-Submission; contents generally; variations from approved master plan.**

The term "final plan" shall mean site plan or subdivision plat. Final plans shall be submitted for review in accord with article III of this chapter or with the county's Subdivision Ordinance, whichever is applicable. The final plans shall be consistent with the master plan as approved, but may vary to any degree which the planning commission believes does not vary the basic concept or character of the development.

(Ord. No. 31A-88, § 20-70, 4-8-85; Ord. No. 31A- 112, 2-6-89; Ord. No. 31A-142, 5-4-92)

**Sec. 24-280. Same-Administrative review fee.**

Submittals of a site plan or preliminary subdivision plat to implement any portion of an approved master plan shall be accompanied by a fee in accord with section 24-7 or section 19-15.

(Ord. No. 31A-88, § 20-70.1, 4-8-85; Ord. No. 31A-130, 5-6-91)

**Sec. 24-281. Same-Contents; proposed deed of easement.**

(a) Where land is to be subdivided within the district, the final plan shall comply with the county's subdivision ordinance. Where land is not to be subdivided within the district, final plans shall comply with article III of this chapter. All final plans shall show the different types of open areas and other public or community amenities, the proposed use of all buildings and of all areas dedicated for public or private common use.

(b) The applicant shall furnish with a final plan a proposed deed of easement including restrictions safeguarding the permanent use of open areas.

(c) Easements and covenants shall clearly establish the rights of two abutting properties where main buildings are to be constructed on or within five feet of a property line. Such easements/covenants shall establish the rights of each affected owner to gain access to each owner's building for purposes of essential maintenance and service.

(d) Lot sizes and setback lines shall be shown on final plans.  
(Ord. No. 31A-88, § 20-71, 4-8-85)

**Sec. 24-282. Same-Action.**

Final plans submitted pursuant to section 24-279 shall be approved or disapproved in accordance with article III of this chapter or accordance with the county subdivision ordinance.

(Ord. No. 31A-88, § 20-72, 4-8-85)

**Sec. 24-283. Addition of land to existing community.**

(a) Additional land area may be added to an existing residential planned community if it is adjacent (except for public roads) and forms a logical addition to the existing residential planned community and if it is under the same ownership or control.

(b) The procedure for an addition shall be the same as if an original application were filed and all of the requirements of this article shall apply, except the minimum acreage requirement of 400 acres.

(Ord. No. 31A-88, § 20-75, 4-8-85; Ord. No. 31A-142, 5-4-92)

**Sec. 24-284. Permitted density overall.**

(a) The gross density of the total area of the planned residential community shall not exceed two dwelling units per acre.

(b) For the purpose of calculating gross density, gross acreage shall equal the sum of the total developable area and up to 35 percent of the total area as calculated below:

<u>Percentage of Nondevelopable Area</u>	<u>Gross Acreage</u>
Less than 35%	Total area of parcel
More than 35%	Developable land plus up to 35% of the parcel's land

(c) Developable area shall consist of the total land area of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a 25 percent gradient.

(Ord. No. 31A-88, § 20-76, 4-8-85; Ord. No. 31A-102, 6-1-87; Ord. No. 31A-113, 4-3-89; Ord. No. 31A-142, 5-4-92)

**Sec. 24-285. Permitted density within residential areas.**

The master plan shall designate the proposed dwelling unit densities within each residential area shown, according to the following categories:

<u>Area Designation</u>	<u>Dwelling Type</u>	<u>Maximum Gross Density (Dwelling Units Per Acre)</u>
A	Single-family	4
B	Attached structures containing two to four dwelling units	9.6
C	Attached structures less than three stories and containing more than four dwelling units	12
D	Attached structures of three or more stories and containing more than four dwelling units	18

Units for sale in condominium may be in any of the dwelling types listed above and the number of dwelling units per acre shall be determined by the dwelling type.

(Ord. No. 31A-88, § 20-77, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-145, 7-6-92)

**Sec. 24-286. Open space requirements.**

(a) At least 40 percent of the total acreage of the residential planned community shall be designated as open space. Such open space may include parks, lakes, walkways, trails, playground and recreation facilities, sports facilities, nonresidential clubhouse grounds, and right-of-ways and surface easements for drainage and other

over areas not within the lines of any residential lot. Golf courses may also be counted as open space for the purpose of meeting this requirement to a maximum of 60 percent of the required open space.

(b) The required open space shall contain recreation open space in the amount of one acre or more per 350 dwelling units. For the purposes of this section, recreational open space shall mean parks, playgrounds, swimming pools, tennis courts or other similar recreational facilities serving residents of the approved planned community.

(Ord. No. 31A-88, § 20-77.1, 4-8-85; Ord. No. 31A-142, 5-4-92)

#### **Sec. 24-287. Permitted uses.**

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Accessory buildings or structures, as defined.

Apartments.

Automobile service stations; if fuel is sold, then in accordance with section 24-38.

Banks and other similar financial institutions.

Barber and beauty shops.

Business, professional and governmental offices.

Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores.

Dinner theaters.

Dry cleaners and laundries.

Funeral homes, cemeteries and memorial gardens.

Home occupations as defined.

Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields.

Hospitals, nursing homes and rest homes.

Hotels, motels, tourist homes and convention centers.

Houses of worship.

Hunting clubs, conservation areas and preserves.

Indoor theaters, museums, public meeting halls and outdoor entertainment, other than drive-in theaters.

Medical clinics and offices.

Off-street parking as required by section 24-53 of this chapter.

Parks, playgrounds, golf courses, tennis courts, swimming pools and other public or private recreation areas.

Photographer, artist and sculptor studios.

Private clubs, civic or service clubs, lodges and fraternal organizations.

Property maintenance facilities, sheds or garages.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement.

Public utilities: Poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities.

Rental of rooms to a maximum of three rooms.

Restaurants, fast food restaurants, tea rooms and taverns.

Retail food stores, bakeries and fish markets.

Schools, libraries, fire stations and post offices.

Single-family dwellings.

Telephone exchanges and telephone switching stations.

Timbering in accordance with section 24-43.

Townhouses and condominiums.

Two-family dwellings.

Water impoundments, new or expansion of, 50 acres or more with dam heights of more than 25 feet with a special use permit.

Water impoundments, new or expansion of, less than 50 acres and dam heights of less than 25 feet.

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

Yacht clubs, private or commercial marinas, boat storage and service facilities; if fuel is sold, then in accordance with section 24-38.

All uses are subject to the limitations hereinafter provided.  
(Ord. No. 31A-88, § 20-78, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98)

**Sec. 24-288. Limitations.**

(a) Commercial uses shall be located in well-designed commercial areas of the residential planned community and shall be shown on the master plan and on pertinent final plans.

(b) Not more than 20 percent of the total area shall be devoted to commercial uses in the residential planned community and such commercial uses are to be limited to the areas designated on the master plan and on pertinent final plans.

(c) Uses in a residential planned community shall be permissible only in the general location shown on the approved master plan as previously set forth.  
(Ord. No. 31A-88, § 20-79, 4-8-85; Ord. No. 31A-142, 5-4-92)

**Sec. 24-289. Utilities.**

(a) All development within the R-4 District shall be served by publicly owned and operated water and sewer systems,

(b) Extensions and expansions of public utilities to serve the development shall be governed by the regulations and policies governing service of the appropriate public agency.

(c) Recreational maintenance facilities, maintenance facilities, temporary sales offices, temporary construction offices and accessory structures may be permitted to temporarily operate on individual well and septic systems provided the following is met:

- (1) The structure shall not be within the minimum connection distance for public utilities as determined by the James City Service Authority;
- (2) Individual wells shall be approved by the health department and the director of code compliance prior to preliminary site plan approval;
- (3) Individual septic tank systems shall be approved by the health department prior to preliminary site plan approval;
- (4) The structure shall connect to public water within five years from the date of final site plan approval and shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and the director of code compliance. The structure shall connect to public utilities within 30 days of the date that such facilities are constructed within the minimum connection distance for public utilities as determined by the James City Service Authority; and
- (5) No more than one structure served by an individual well and septic system shall be permitted at one time within a Planned Community.

(d) Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions shall be a permitted use only after the issuance of a special use permit by the board of supervisors. However, the following are permitted generally and shall not require a special use permit:

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

(2) Distribution lines and local facilities within a development; including pump stations.

(Ord. No. 31A-88, § 20-80.1, 4-8-85; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-216, 2-22-05)

**Sec. 24-290. Street improvements.**

(a) All dedicated public streets shown on the final plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county subdivision ordinance, whichever is

greater. Such public streets shall be coordinated with the major transportation network shown in the county Comprehensive Plan.

(b) Private streets may be permitted upon approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the final plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.

The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of code compliance.

(c) To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the planning commission that a property owner's community association or similar organization has been legally established under which the lots within the area of the final plan will be assessed for the cost of maintaining private streets and that such assessments shall constitute a pro rata lien upon the individual lots shown on the final plan.

(d) The uniqueness of each proposal for a residential planned community requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities and the specifications for curbs, gutters, sidewalks, street lights and storm water drainage be subject to modification from the specifications established in Chapter 19. The planning commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for a particular facility where the planning commission finds that such specifications are not required in the interests of the residents of the residential planned community and that the modifications of such specifications are not inconsistent with the interests of the entire county.

It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with respect to any requested waiver or modification:

- (1) That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;
- (2) That the waiver or modification is reasonable because of the uniqueness of the residential planned community or because of the large area of the residential planned community within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;
- (3) That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur within the area of the master plan;
- (4) That any waiver or modification as to sidewalks in "B", "C", "D", or "E" density areas be justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic.
- (5) That traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic and in no case less than ten feet wide; and
- (6) That waivers or modifications as to base and surface construction of streets and as to the condition of ditches or drainage ways be based upon soil tests for CBR value and erosion characteristics of the particular subgrade support soils in the area.

(Ord. No. 31A-88, § 20-80.2, 4-8-85; Ord. No. 31A-105, 2-22-88; Ord. No. 31A-142, 5-4-92)

**Sec. 24-291. Effect of other provisions of zoning and subdivision regulations on division.**

The provisions of this division shall not be limited by any provision of any other part of the county zoning or subdivision regulations inconsistent herewith.

(Ord. No. 31A-88, § 20-80.3, 4-8-85; Ord. No. 31A-142, 5-4-92)

**Sec. 24-292. Sign regulations.**

To assure an appearance and condition which is consistent with the purposes of the residential planned community district, R-4, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter, except that unique signing systems may be approved by the planning commission and the board of supervisors where such sign systems contribute significantly to the character of the residential planned community. However, in no case shall the sign's square foot size exceed the maximum allowed in article II, division 3 of this chapter. Home occupation signs shall not be permitted in the residential planned community district.

(Ord. No. 31A-88, § 20-80.4, 4-8-85; Ord. No. 31A-112, 2-6-89; Ord. No. 31A-142, 5-4-92)

**Sec. 24-293. Height limits.**

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, athletic field lighting, or other accessory functions, which are part of the structure. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. A structure in excess of 60 feet in height but not in excess of 100 feet, from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, radio, television and microwave antennas and towers or other accessory functions, and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted, may be erected only upon the granting of a height limitation waiver by the board of supervisors. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- a. Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
- b. Such structure will not obstruct light from adjacent property;
- c. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- d. Such structure will not impair property values in the surrounding area;
- e. Such structure is adequately designed and served from the standpoint of safety and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- f. Such structure will not be contrary to the public health, safety and general welfare.

(Ord. No. 31A-89, 9-9-85; Ord. No. 31A-142, 5-4-92; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-223, 4-11-06; Ord. No. 31A-232, 12-11-07)

**Sec. 24-294. Uses permitted by special use permit only.**

Tower mounted wireless communication facilities in accordance with Division 6, Wireless Communications Facilities.

(Ord. No. 31A-219, 8-9-05)

**Secs. 24-295 - 24-303. Reserved.**