



## **NARRATIVE ORDINANCE DESCRIPTION**

DRAFT 1-29-07

[Note: This draft is a narrative description of potential ordinance amendments for the James City County Rural Lands, incorporating the work-to-date of the Technical Committee for Rural Lands and staff comments. Final ordinance revisions will be prepared after the narrative description has been reviewed. This draft assumes that the recommendations will be incorporated into the County's existing A-1 and R-8 zoning districts which are the primary districts in the Rural Lands, although there are also some limited areas of A-1 and R-8 zoned land in within the Primary Service Area. General notes and comments are indicated in blue.](#)

### **AMENDMENTS TO THE A-1 AND R-8 ZONING DISTRICTS**

#### **Statement of Intent:**

In addition, the purpose of the Residential Development Options of this district is to preserve natural, agricultural, forestal, and open space resources that contribute to the rural economy and rural character. It is anticipated that rural residential areas developed under these provisions in this district will have a lower level of service delivery than residential areas in the Public Service Area.

The permitted residential development options in this district are intended to ensure that substantial, sustainable areas of open space, natural features and prime agricultural and forestal lands will be permanently conserved and maintained. In addition, the Residential Development Options are established to fulfill the following specific purposes:

1. Provide residential development options that permit flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
2. Preserve important, unique, or sensitive natural, cultural, and historic resources such as floodplains, prime agricultural lands, the Chesapeake Bay Resource Protection Area, wetlands, streams, steep slopes, woodlands, populations of endangered or threatened plant species and

related habitat areas, archeological sites, and historic sites and structures through alternative residential development options.

3. Protect the natural groundwater resources in the County from land uses with potential on- and off-site impacts that could impair the water quality and integrity of those resources.
4. Retard runoff, prevent erosion, filter non-point source pollution from runoff, moderate stream temperature, and protect the physical and ecological integrity of the streams and surface waters in the rural areas.
5. Permit clustering of houses and structures in less environmentally sensitive areas, which will reduce the amount of infrastructure, including roads and utilities, necessary for residential development.
6. Promote land uses in the County's rural areas that are consistent with the existing rural character and enhance rural economic development with compatible uses.

**Applicability:**

The following ordinance revisions will apply to those properties that are currently zoned R-8 or A-1.

**Definitions:**

[Note: The definitions section of the County Code will need to be updated to include the new development options.](#)

**Permitted Uses:**

[Note: Residential Permitted Uses would remain the same as currently found in Section 24-212 in the A-1 district and in Section 24-348 in the R-8 district as follows:](#)

A-1 Permitted Residential Uses:

- Accessory apartments in accordance with section 24-32.
- Accessory buildings and structures.
- Accessory uses, as defined herein.
- Single-family detached dwellings.

R-8 Permitted Residential Uses:

- Accessory apartments in accordance with section 24-32.
- Accessory buildings and structures.

Accessory uses, as defined herein.  
Site-built single-family detached dwellings and modular homes.

**Residential Subdivision Options to be added to Both Districts:**

1. Single Family Residential Subdivisions, under the Fixed Lot Development Option, provided that they contain 7 or fewer lots, and subject to Section \_\_\_\_\_
2. Single Family Residential Subdivisions, under the Conventional Development Option subject to Section \_\_\_\_\_
3. Single Family Residential Subdivisions, under the Base Density Cluster Option subject to Section \_\_\_\_\_
4. Single Family Residential Subdivisions, under the Rural Conservation Cluster Option, provided that they contain 30 or fewer lots, and subject to Section \_\_\_\_\_

[Note: The non-residential permitted uses have been omitted in this draft and should be incorporated at a future date, when the County reviews the existing non-residential lists in the A-1 and R-8 districts and considers the addition of emerging rural economic development uses.](#)

**Additional Special Use Permit Uses:**

Single Family Residential Subdivisions under the Rural Conservation Cluster Option, provided that they contain more than 30 lots, as described below.

[Note: The other special permit uses allowed in the R-8 and A-1 districts have been omitted in this draft and will be added at a future date, when the County evaluates permitted and permissible uses in the A-1 and R-8 districts.](#)

**Special Use Permit Criteria:**

[Note: Most of the existing Special Use Permit criteria in the R-8 and A-1 districts relate to non-residential uses. New criteria for Rural Conservation Clusters over 30 units are included later in this draft.](#)

**Calculation of Residential Density:**

For all residential subdivision development options in this district, except for the Rural Conservation Cluster Option, residential density shall be calculated based

on the gross (total) site area. Gross site area shall include all portions of the property subject to the subdivision application.

Residential development density in subdivisions developed under the Rural Conservation Cluster Option shall be calculated based on net developable density, defined as follows:

Developable area shall consist of the total site area minus intermittent (as defined by County Code) and perennial streams; 100 year floodplain, as defined in Section 24-590; wetlands regulated by the Army Corps of Engineers, the Virginia Marine Resource Commission, or Virginia Department of Environmental Quality; and contiguous areas of 5,000 square feet or greater with slopes exceeding 25 percent gradient

### **Eligibility for Residential Subdivision Options:**

Notwithstanding Section 24-214(b), Residential Subdivisions, subject to these provisions, may be permitted by right or by special use permit, as applicable, on any parcel of record as of [Date & Time of Adoption of Ordinance] that:

- a. meets the specific minimum parcel size for the proposed subdivision type;
- b. is zoned A-1 or R-8 at the time of the subdivision or special permit use application.

### **Residential Development Options:**

The following four residential development subdivision options are permitted:

1. Fixed Lot Development Option
2. Conventional Development Option
3. Base Density Cluster Option
4. Rural Conservation Cluster Option

[Note: Provisions for each development option follow in another section.](#)

## **GENERAL REGULATIONS**

[NOTE: The general regulations for the underlying A-1 or R-8 district would apply except where more specific requirements \(lot size, lot area, setbacks,](#)

[building heights, lot width, etc.\) are provided under the individual subdivision options.](#)

### **Minimum Lot Size:**

[Note: The minimum lot sizes for the new subdivision options are listed under specific provisions for each option. Lot standards for non-residential uses in this district shall be determined after the non-residential use list is evaluated by the County. The current minimum non-residential lot size is 1 acre in A-1 and 3 acres in R-8.](#)

## **FIXED LOT DEVELOPMENT OPTION**

The following provisions shall apply to single family residential development that uses the Fixed Lot Development Option:

### **Applicability of Regulations:**

The Fixed Lot Subdivision is a by-right development option in the A-1 and R-8 zoning districts.

### **Minimum Lot Size/ Density:**

The minimum lot size for residential development under the Fixed Lot Development Option shall be 2 acres and overall gross density may not exceed 1 unit per 3 acres.

The maximum number of residential lots that can be subdivided under this option for any tract size is limited to 7 lots, including the parent tract; except that lands to be used exclusively as open space and subject to an easement in a form approved by the County, shall not count toward the 7 lot limit.

If the property is fully subdivided into 7 residential lots upon initial development, further subdivision of the resulting lots will not be permitted.

If an initial subdivision includes less than 7 residential lots, including the parent tract, the subdivider must either submit a binding phasing plan for the remaining lots, or shall provide deed restrictions that prohibit further subdivision of lots and include a statement on the subdivision plat relinquishing any further development rights.

**Setback Requirements:**

Front setback:	Min. 75 ft. from Right of Way for streets 50 ft. or wider; min. 100 ft. from Center Line for streets less than 50 ft. wide
Front setback along a Community Character Corridor:	150 ft
Minimum lot width at front setback line:	175 ft.
Minimum lot frontage abutting public Right of Way	25 ft.
Side setback:	40 ft, except that the total of individual adjoining side setbacks on adjoining residential lots within the subdivision must equal at least 100 ft.
Rear setback:	75 ft.

**Height Limits:**

Single family dwellings may be built to a height of 35 feet, which may be increased to 45 feet provided that the two side yards for the building are increased by one foot for each additional foot of building height over 35 feet.

**Special Provisions:**

Future subdivision of the resulting lots will not be permitted.

**Required Open Space:**

A minimum of 30% of the site shall be maintained in public or private open space that is restricted from further development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the County, pursuant to Section \_\_\_\_\_,

**CONVENTIONAL DEVELOPMENT OPTION**

The following provisions shall apply to single family residential development that uses the Conventional Development Option:

**Applicability of Regulations:**

The Conventional Subdivision is a by right development option in the A-1 and R-8 zoning districts.

**Minimum Lot Size:**

The minimum lot size for residential development under the Conventional Development Option shall be 12 acres.

**Setback Requirements:**

Front setback: 200 ft. on existing primary and secondary roads; 100 ft. on internal subdivision roads

Front setback along a Community Character Corridor: Minimum 400 ft.; may be reduced to 200 ft. if it is demonstrated that the intent of the ordinance to protect conservation resources is being met to an equivalent degree

Minimum lot width at front setback line: 400 ft.

Minimum lot frontage abutting public Right of Way 25 ft.

Side setback: 50 ft.

Rear setback: 100 ft.

The Development Review Committee (DRC) may approve reductions of setbacks for the purpose of protecting conservation resources.

**Height Limits:**

Single family dwellings may be built to a height of 35 feet, which may be increased to 45 feet provided that the two side yards for the building are increased by one foot for each additional foot of building height over 35 feet.

## **Design Standards for Conventional Subdivisions:**

The development should be designed so as to provide a quality environment for residents by minimizing its adverse impacts. General considerations for minimal impact are as follows:

1. Road and street layout should use topography so that unnecessary cuts and fills are avoided.
2. Road and lot layouts and utility lines should be designed to avoid large specimen trees and to be consistent with Section \_\_\_\_\_ (refer to Statement of Intent).
3. Utility lines shall be placed underground.
4. Road and lot layouts should be designed in a way so that major streams and rivers are left in a natural state.
5. Lots shall not be unusually shaped or elongated solely to conform to area requirements except when necessary to protect topographic features or other natural, cultural or scenic resources that are a priority for conservation.

## **Special Provisions:**

Future subdivision of the resulting lots, with the exception of family subdivisions, subject to Section \_\_\_\_\_, will not be permitted.

The requirements for communal well systems are hereby waived, and all single family uses under this option may be developed with private, on-site wells.

If the following provisions are met, all of the Major Subdivision provisions under this development option are waived, and the subdivision will be considered a Minor Subdivision, as defined in Section \_\_\_\_\_:

- a. For every two contiguous lots, excluding the parent tract, developed under the Conventional option, a shared driveway, subject to a private access easement recorded for at least the first 50 feet of driveway length measured from the edge of the public right of way, shall be required. In instances where the private access easement is located on a common property boundary, the entire length of the private access easement shall be recorded.
- b. No more than 20% of lots in this type of subdivision shall be flag lots. The DRC may grant a waiver of the flag lot restriction due to topographic

constraints or to allow for site design that better conserves environmental, cultural or scenic resources.

## **BASE DENSITY CLUSTER DEVELOPMENT OPTION**

The following provisions shall apply to single family residential development that uses the Base Density Cluster Development Option:

### **Applicability of Regulations:**

The Base Density Cluster Subdivision is a by right development option in the A-1 and R-8 zoning districts.

### **Minimum Lot Size and Density Requirements:**

The minimum lot size for residential development under the Base Density Cluster Development Option shall be 8 acres. The maximum gross density under this option shall be 1 unit per 12 acres.

### **Required Open Space:**

A minimum of 30% of the site shall be maintained in public or private open space that is restricted from further development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the County, pursuant to Section \_\_\_\_\_.

The maximum residential density under this option is one unit per 12 acres; except that a lot(s) that is to be used exclusively as open space and subject to an easement in a form approved by the County shall not count toward the density calculation.

If the property is fully subdivided into a density of one residential unit per 12 acres upon initial development, further subdivision of the resulting lots will not be permitted.

If an initial subdivision is developed to a density of less than one unit per 12 acres, including the parent tract, the subdivider must either submit a phasing plan for the remaining lots, or shall provide deed restrictions that prohibit further subdivision of lots and include a statement on the subdivision plat relinquishing any further development rights.

**Setback Requirements:**

Front setback: 200 ft. on existing primary and secondary roads; 100 ft. on internal subdivision roads

Front setback along a Community Character Corridor: Minimum 400 ft.; may be reduced to 200 ft. if it is demonstrated that the intent of the ordinance to protect conservation resources is being met to an equivalent degree

Minimum lot width at front setback line: 400 ft.

Minimum lot frontage abutting public Right of Way 25 ft.

Side setback: 50 ft.

Rear setback: 100 ft.

**Height Limits:**

Single family dwellings may be built to a height of 35 feet, which may be increased to 45 feet provided that the two side yards for the building are increased by one foot for each additional foot of building height over 35 feet.

**Design Standards for Base Density Cluster Subdivisions:**

The development should be designed so as to provide a quality environment for residents by minimizing its adverse impacts. General considerations for minimal impact are as follows:

1. Road and street layout should use topography so that unnecessary cuts and fills are avoided.
2. Road and lot layouts and utility lines should be designed to avoid large specimen trees and to be consistent with Section\_\_\_\_\_ (refer to Statement of Intent).
3. Utility lines shall be placed underground.

4. Road and lot layouts should be designed in a way so that major streams and rivers are left in a natural state.

5. Lots shall not be unusually shaped or elongated solely to conform to area requirements except when necessary to protect topographic features or other natural, cultural or scenic resources that are a priority for conservation.

**Special Provisions:**

Future subdivision of the resulting lots, with the exception of family subdivisions, subject to Section \_\_\_\_\_, will not be permitted.

The requirements for communal well systems are hereby waived, and all single family uses under this option may be developed with private, on-site wells.

If the following provisions are met, all of the Major Subdivision provisions under this development option are waived, and the subdivision will be considered a Minor Subdivision:

a. For every two contiguous lots, excluding the parent tract, developed under the Base Density Cluster option, a shared driveway, subject to a private access easement recorded for at least the first 50 feet of driveway length measured from the edge of the public right of way, shall be required. In instances where the private access easement is located on a common property boundary, the entire length of the private access easement shall be recorded.

b. No more than 20% of lots in this type of subdivision shall be flag lots. The DRC may grant a waiver of the flag lot restriction due to topographic constraints or to allow for site design that better conserves environmental, cultural or scenic resources.

**RURAL CONSERVATION CLUSTER DEVELOPMENT OPTION**

The following provisions shall apply to single family residential development that uses the Rural Conservation Cluster Development Option:

**Applicability of Regulations:**

The Rural Conservation Cluster Subdivision must be located in an existing A-1 or R-8 zoning district. A Rural Conservation Cluster Subdivision of 30 lots or fewer is a by-right development option. A Rural Conservation Cluster Subdivision of

more than 30 lots requires approval of a Special Use Permit, subject to Section \_\_\_\_\_.

**Required Open Space:**

A minimum of 60% of the site shall be maintained in public or private open space that is restricted from further development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the county, pursuant to \_\_\_\_\_, and shall be known as the Cluster Conservation Area.

**Developed Area:**

A maximum of 40% of the site may be developed in residential cluster lots and shall be known as the Cluster Development Area.

**Density:**

The Maximum Net Density in the Rural Conservation Cluster, including Cluster Conservation Areas and Cluster Development Areas shall not exceed 1 unit per 4 acres and must be calculated in accordance with the provisions of Section \_\_\_\_\_.

**Lot Types and Sizes:**

In a Rural Conservation Cluster, the tract shall be subdivided into two types of lots hereafter established:

Cluster Lots – located in the Cluster Development Area, the minimum lot size for Cluster Lots shall be 0.75 acres.

The 0.75-acre minimum required lot area of a cluster lot may not include non-developable areas and public or private roadways.

The maximum average lot size of all the cluster lots in a subdivision shall be 1.5 acres.

Conservancy Lot – located in the Cluster Conservation Area, the Conservancy Lot shall be in public or private ownership that is restricted from further development, except that --if the lot is in private ownership--there shall be allowed one single family residence within the Conservancy Lot. This lot shall be counted in calculating the total density of the subdivision; however, it shall not be counted in calculating the maximum average lot area of the cluster lots.

There shall be no minimum lot size for the Conservancy Lot; however the Conservancy Lot must not be less than 60% of the total Cluster Conservation Area.

**Setback Requirements:**

Cluster Lot Yard Requirements

- Front setback: 30 ft.
- Minimum lot width at setback line: 125 ft.
- Side setback: 40 ft, except that the total of individual adjoining side setbacks on adjoining residential lots within the subdivision must equal at least 100 ft.
- Rear setback: 50 ft.

**Height Limits:**

Single family dwellings may be built to a height of 35 feet, which may be increased to 45 feet provided that the two side yards for the building are increased by one foot for each additional foot of building height over 35 feet.

Conservancy Lot Yard Requirements

- Front setback: 200 ft. from street Right of Way
- Minimum lot width at setback line: 400 ft.
- Side setback: 100 ft.
- Rear setback: 100 ft.

**Height Limits:**

Single family dwellings may be built to a height of 35 feet, which may be increased to 45 feet provided that the two side yards for the building are increased by one foot for each additional foot of building height over 35 feet.

### **Right of Way Buffer:**

A minimum 200-foot right of way buffer (i.e. cluster development lots must be located at least 200 feet from the adjacent qualifying roadway) must be maintained along all the perimeter property lines for any Rural Conservation Cluster that abuts an existing or planned arterial roadway or a Community Character Corridor. Modification or waiver of this buffer requirement may be approved by the DRC if it is determined that a reduction is needed due to the topography, forestation, or presence of prime agricultural soils or environmentally sensitive areas, and that such reduction will preserve rural vistas, preserve farmland, screen dwellings from existing roads or adjacent properties, or preserve environmentally sensitive areas to an equivalent degree.

### **Standards to Determine Conservation Area:**

The following primary features are required to be included within the Cluster Conservation Area, unless the Applicant demonstrates to the DRC that this provision would constitute an unusual hardship related to the physical characteristics of the site and be counter to the purposes of this article:

1. The 100-year floodplain
2. All areas within the Chesapeake Bay Resource Protection Area (RPA)
3. Slopes above 25% of at least 5000 square feet contiguous area
4. Populations of endangered or threatened plant species, or habitat for such species
5. Archaeological sites, cemeteries and burial grounds as may be identified in accordance with the James City County 1998 Archaeological Policy, the Comprehensive Plan or the 1997 archaeological assessment prepared by The William and Mary Center for Archaeological Research or the James City County Historical Commission
6. Important historic sites as identified on the National Register of Historic Places, the Virginia Landmarks Register, the Comprehensive Plan, the James City County Historical Commission or the 1986 (updated 1992) historic inventory of James City County prepared by the Colonial Williamsburg Foundation

The following are important secondary features that should be included within the Cluster Conservation Areas to the maximum extent feasible, consistent with the preservation of significant conservation resources per Section \_\_\_\_\_ (Statement of Intent), such as:

1. Existing healthy, native forests of at least ten acres contiguous area
2. Other significant natural features and scenic viewsheds such as ponds and views to open water, particularly those that can be seen from public roads
3. Prime or statewide important agricultural lands of at least twenty acres contiguous area
4. Existing trails that connect the tract to neighboring areas
5. Natural habitat area associated with threatened or endangered plant species

On the application for development, the applicant shall identify which of the features listed above is the dominant resource feature(s) of the Conservation Area, and how the development plan is designed to conserve that resource. The Conservation Area shall adjoin any neighboring areas of Conservancy Lots, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Conservancy Lots.

### **CONSERVANCY LOTS**

1. The Conservancy Lot shall be subject to a permanent conservation easement and shall be permanently restricted from future subdivision and residential development.

2. One single family home shall be permitted on a Conservancy Lot. Under no circumstances shall any additional dwelling units be permitted on the Conservancy Lot at any time except that one tenant house or property caretaker's dwelling may be permitted on Conservancy Lots of 25 acres or more, subject to Board of Supervisors approval of a special use permit, provided the following conditions are met:

a. No tenant/property caretaker dwelling unit shall exceed 1,200 square feet in floor area, unless a greater square footage is approved by the Board of Supervisors

b. At least one occupant of the tenant dwelling shall be an employee or family member who derives all or part of his/her income from labor performed on the farm where the unit is located; or, if the unit is a property caretaker unit, it may only be occupied by the caretaker and their immediate family.

3. The Conservancy Lot shall include at least 60% of the Cluster Conservation Area.

### **Conservancy Lot Ownership:**

1. Conservancy Lots may be held under one or more of the following forms of ownership:

1. Conservancy Lots may be owned by an individual provided it is subject to a permanent conservation easement prohibiting future development in perpetuity which is held by a public or private entity acceptable to the County, or
2. Conservancy Lots may be owned by a Homeowners Association subject to a permanent conservation easement in a form acceptable to the County, that identifies the Conservancy Lot for common use by residents of the Residential Cluster Development, and that precludes future subdivision or development; or,
3. A Conservancy Lot may be owned by a public or private non-profit entity, whose primary purpose is conservation, that is acceptable to the County, provided it is subject to a permanent conservation easement prohibiting future development in perpetuity executed in a form acceptable to the County.

### **Road and Design Standards:**

1. All lots shall be accessed by an internal road network that is connected to an existing public road. Internal roads shall be public roads designed to meet VDOT standards and be eligible for acceptance into the VDOT system. Private streets may be permitted for clusters with a Special Use Permit.

2. Newly created individual lots may not access an existing public road, with a VDOT State Route number of 600 or lower, unless the point of access existed prior to approval of the cluster development option and the access point serves an existing residential, agricultural or historic structure that is to be retained and incorporated into the cluster development.

### **Rural Conservation Cluster Approval Process**

#### **Application and Review Process for Rural Conservation Clusters**

**Master Plan Required:** A master plan of development for all Rural Conservation Cluster development proposed under this section shall be filed with the Planning Director. The Planning Director shall submit master plans for all Rural Conservation clusters to the DRC.

The Planning Director shall submit the master plan of development for large Rural Conservation clusters (more than 30 lots), which require special permit approval, to the planning commission and board of supervisors. The Planning Director shall recommend action on the development plan to the Planning Commission, and to the Board of Supervisors in instances where a special permit is required. The Planning Commission and Board of Supervisors, where applicable, shall approve the plan of development upon finding that:

- (1) Such cluster development will preserve substantial, sustainable areas of the most significant conservation resources on the property;
- (2) The cluster development will not impair the character of the area or create unacceptable adverse offsite infrastructure impacts; and
- (3) The proposed project is in accordance with the Comprehensive Plan of James City County; and
- (4) The structures within the residential cluster development are sited in a way that preserves prominent open space features which are within or adjoin the site, such as open fields, forests or farmland, scenic vistas, sight lines to historic areas or structures, and archaeological sites.

Master Plan Features: The master plan of development shall identify non-developable areas, proposed cluster conservation areas, cluster development areas and proposed cluster lots and conservancy lots, and if applicable, phasing. The master plan of development shall be prepared by a licensed surveyor, engineer, architect, landscape architect or a planner. A scale shall 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) A statement of one or more conservation resources on the property that the plan is designed to protect.
- (2) An inset map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions or landmarks.
- (3) A north arrow.
- (4) The location of existing property lines, existing above and below-ground utility easements, scenic easements, watercourses or lakes, wooded areas and existing woods which are within or adjoin the property.
- (5) The boundaries of each section, topography and approximate location of proposed streets, proposed areas and uses of open space, proposed parking

areas, proposed recreation areas, proposed lots and/or buildings, and phasing of development.

(6) Marginal data which shows the gross acreage of the site, the net developable area, the total number of dwelling units and/or lots, required open space, lots sizes and lot averages.

(7) Location of wells, septic fields and communal systems.

(8) All required setbacks, right-of-way buffers and perimeter buffers; all preserved tree areas, preserved slopes,

Status of Master Plan. The approval of the Master Plan under this section shall not be considered an approved preliminary plat as defined in the subdivision ordinance.

Amendment of Master Plan. Upon application, an approved plan of development may be amended by the planning director; provided, however, that a proposed amendment does not:

(1) Alter a recorded plat.

(2) Conflict with the requirements of this article.

(3) Change the general character or content of an approved master plan of development.

(4) Impair the character of the surrounding area.

(5) Result in any substantial change of major external access points.

(6) Increase the approved number of dwelling units for any portion of the previously approved residential cluster development. Proposed amendments that do not meet these criteria shall be referred to the Planning Commission and Board of Supervisors, where applicable, for review and action.

Master Plan-Agreement. Prior to final approval of the first sectional plan, an agreement shall be executed between the developer and the county which shall be binding upon the developer, his successors, assigns or heirs to the effect that the approved Master Plan shall govern the development of the total residential cluster development. This provision does not preclude the adjustment of the plan in accordance with Section \_\_\_\_\_.

## **SEWER AND WATER REQUIREMENTS**

[Note: The Technical Committee has also suggested that the following revisions be incorporated into the JCSA utility policy standards.](#)

### **Fixed Lot Residential Option:**

Individual on-site sewage disposal systems (such as a septic system) and individual private wells shall be permitted for minor subdivisions. Communal wells shall not be required in these instances.

### **Conventional Development Option:**

Individual on-site sewage disposal systems (such as a septic system) and individual private wells shall be permitted. Communal wells shall not be required.

### **Base Density Cluster Option:**

Individual on-site sewage disposal systems (such as a septic system) and individual private wells shall be permitted. Communal wells shall not be required.

### **Rural Conservation Cluster:**

#### **0 to 15 lots**

Individual on-site sewage disposal systems (such as a septic system) and individual private wells shall be permitted. Communal wells shall not be required.

#### **16 to 30 lots**

Individual on-site sewage disposal systems (such as a septic system) shall be permitted. Communal wells shall be required, but may be exempt from fire-flow requirements provided that sprinklers are included in each home.

#### **More than 30 lots**

Rural Conservation Clusters containing more than 30 lots will be subject to special use permit consideration by the Board of Supervisors and the utility standards for such clusters will be determined on a case-by-case basis at the time of special use permit review and approval. Such provisions may include the requirement for a communal well with fire-flow requirements unless waived by the Board of Supervisors.