

ORDINANCE NO. 31A-35

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISIONS OF ARTICLE IV, DISTRICTS: DIVISION 4, RESIDENTIAL, LIMITED, DISTRICT R-1; DIVISION 5, RESIDENTIAL, LIMITED, DISTRICT R-2; AND DIVISION 6, RESIDENTIAL, LIMITED, DISTRICT R-3; AND TO FURTHER AMEND CHAPTER 20, ZONING, BY ADDING THE FOLLOWING NEW DIVISIONS: DIVISION 7.A, MULTIFAMILY, RESIDENTIAL, DISTRICT R-5 AND DIVISION 7.B, RESIDENTIAL-AGRICULTURAL, DISTRICT R-6.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City be and the same is, hereby, amended by amending the following divisions of Article IV, Districts: Division 4, Residential, Limited, District R-1; Division 5, Residential, Limited, District R-2; and Division 6, Residential, Limited, District R-3; and to further amend Chapter 20, Zoning, by adding the following new divisions: Division 7.A, Multifamily, Residential, District R-5 and Division 7.B, Residential-Agricultural, District R-6, to read as follows:

CHAPTER 20

ZONING

Article IV. Districts.

Division 4. Residential, Limited, District R-1.

Section 20-42. Statement of intent.

The residential, limited, district R-1 is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and to prohibit all activities of a commercial nature. To these ends, development is limited to low concentration and permitted uses are limited to single unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches and certain public facilities that serve the residents of this district.

Section 20-43. Permitted uses.

In the residential, limited, district R-1, structures to be erected on land to be used, shall be for one or more of the following uses:

Single-family dwellings.
Schools, libraries or fire stations.
Churches.
Parks and playgrounds or recreational areas.
Off-street parking as required by this chapter.
Accessory buildings as defined, however, garages or other accessory buildings, such as carports, porches or stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five feet to any side or rear property line.
Public utilities such as poles, lines, distribution transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance, including water and sewerage facilities in accordance with a conditional use permit and provisions contained herein.
Home occupations, as defined.
Renting of a room or rooms with a conditional use permit.
Golf, swimming, tennis or boating.

Section 20-44. Area requirements.

Lots served by public water and sewage disposal systems shall have a minimum area of fifteen thousand square feet.

Lots served by a public sewage disposal system but not a public water distribution system shall have a minimum area of seventeen thousand five hundred square feet.

Lots served by a public water distribution system but not a public sewage disposal system shall have a minimum area of twenty thousand square feet.

Lots served by individual water and sewage disposal systems shall have a minimum area of thirty thousand square feet.

These minimum sizes shall not apply to lots recorded or legally in existence prior to March 22, 1976, the date of adoption of this article.

Section 20-45. Setback requirements.

Structures shall be located a minimum of thirty-five feet from any street right-of-way which is fifty feet or greater in width. If the street right-of-way is less than fifty feet in width, structures shall be located a minimum of sixty feet from the center line of the street. This shall be known as the "setback line", except that in subdivisions the following shall apply:

(a) Where forty percent or more of frontage on one side of a street within the same block is improved with buildings, no building shall project beyond the average front yard so established.

(b) No building shall be required to have a front yard greater than that of one of two existing buildings on immediately adjoining lots on each side, whichever is the farthest removed from the street.

(c) 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.

Section 20-46. Minimum frontage.

Lots of less than twenty thousand square feet shall have a minimum width at the setback line of one hundred feet.

Lots of twenty thousand square feet to forty-three thousand five hundred and sixty square feet shall have a minimum width at the setback line of one hundred and twenty-five feet.

Lots of more than forty-three thousand five hundred and sixty square feet shall have a minimum width at the setback line of one hundred and fifty feet.

Section 20-47. Yard regulations.

(a) Side. The minimum side yard for each main structure shall be fifteen feet, and the minimum total width of the two required side yards shall be thirty feet.

(b) Rear. Each main structure shall have a minimum rear yard setback of thirty-five feet.

Section 20-48. Height limits.

Buildings may be erected up to thirty-five feet in height from grade except:

(a) The height limit for dwellings may be increased to forty-five feet and to three stories, provided there are two side yards for each permitted use each of which is a minimum of fifteen feet plus one foot or more of side yard for each additional foot of building height over thirty-five feet.

(b) A public or semipublic building such as a school, church, library or general hospital may be erected to a height of sixty feet from grade, provided the required front, side and rear yards shall be increased one foot for each foot in height over thirty-five feet.

(c) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennae and home radio aerials

are exempt. Parapet walls may be a maximum of four feet above the height of the building on which the walls rest.

(d) No accessory building which is within twenty feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the main building in height, and in no case more than thirty-five feet in height.

Section 20-49. Special provisions for corner lots.

Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.

The side yard setback on the side facing the side street shall be a minimum of thirty-five feet for both main and accessory building.

Corner lots in subdivisions platted after March 1, 1969, shall have a minimum width at the setback line of one hundred twenty-five feet.

Section 20-49.1. Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the R-1 limited, residential, district, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article VIII of this chapter, except that home occupation signs shall not exceed four square feet in area.

Division 5. Residential, Limited, District R-2.

Section 20-50. Statement of intent.

The residential, limited, district R-2 is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and to prohibit all activities of a commercial nature. To these ends, development is limited to low concentration and permitted uses are limited to single unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district.

Section 20-51. Permitted uses.

In the residential, limited, district R-2, structures to be erected or land to be used, shall be for one or more of the following uses:

Single-family dwellings.

Two-family dwellings.

Tourist homes.

Schools, libraries or fire stations.

Churches.

Parks, playgrounds, golf courses or golf clubs.

Off-street parking as required by this chapter.

Accessory buildings as defined; however, garages or other accessory buildings, such as carports, porches or stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five feet to any side or rear property line.

Public utilities such as poles, lines, distribution transformers, pipes, meters and/or other facilities necessary for the provision and maintenance, including water and sewerage facilities with a conditional use permit and provisions contained herein.

Home occupations as defined.

Section 20-52. Area requirements.

Lots containing or intended to contain a single permitted use served by public water and sewage disposal systems shall have a minimum area of twelve thousand square feet.

Lots served by a public sewage disposal system but not a public water distribution system shall have a minimum area of fifteen thousand square feet.

Lots served by a public water distribution system but not a public sewage disposal system shall have a minimum area of twenty thousand square feet.

Lots containing or intended to contain a single permitted use or multiple uses served by individual water and sewage disposal systems shall have a minimum area of thirty thousand square feet.

Lots containing or intended to contain more than a single permitted use served by public water and sewage disposal systems shall have minimum lot area as follows:

Two units, fifteen thousand square feet; three units, seventeen thousand five hundred square feet.

For each additional unit above three, one thousand square feet.

These minimum sizes shall not apply to lots recorded or legally in existence prior to March 22, 1976, the date of adoption of this article.

Section 20-53. Setback requirements.

Structures shall be located a minimum of thirty-five feet from any street right-of-way which is fifty feet or greater in width. Where the street right-of-way is less than fifty feet in width, structures shall be located a minimum of sixty feet from the center line of the street. This shall be known as the "setback line", except that in subdivisions the following shall apply:

(a) Where forty percent or more of frontage on one side of a street within the same block is improved with buildings, no building shall project beyond the average front yard so established.

(b) No building shall be required to have a front yard greater than that of one of two existing buildings on immediately adjoining lots on each side, whichever is the farthest removed from the street.

(c) 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.

Section 20-54. Minimum frontage.

Lots of less than twenty thousand square feet shall have a minimum width at the setback line of eighty feet, and for each additional permitted use there shall be a minimum of ten feet of additional width at the setback line.

Lots of twenty thousand square feet to forty-three thousand five hundred and sixty square feet shall have a minimum width at the setback line of one hundred and twenty-five feet.

Lots of more than forty-three thousand five hundred and sixty square feet shall have a minimum width at the setback line of one hundred and fifty feet.

Section 20-55. Yard regulations.

(a) Side. The minimum side yard for each main structure shall be ten feet and the minimum total width of the two required side yards shall be twenty-five feet.

(b) Rear. Each main structure shall have a minimum rear yard setback of thirty-five feet.

Section 20-56. Height limits.

Buildings may be erected up to thirty-five feet in height from grade except:

(a) The height limit for dwellings may be increased to forty-five feet and to three stories provided there are two side yards for each permitted use each of which is a minimum of fifteen feet plus one foot or more of side yard for each additional foot of building height over thirty-five feet.

(b) A public or semipublic building such as a school, church, library or general hospital may be erected to a height of sixty feet from grade provided the required front, side and rear yards shall be increased one foot for each foot in height over thirty-five feet.

(c) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennae and home radio aerials are exempt. Parapet walls may be a maximum of four feet above the height of the building on which the walls rest.

(d) No accessory building which is within twenty feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the main building in height and in no case more than thirty-five feet in height.

Section 20-57. Special provisions for corner lots.

Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.

The side yard setback on the side facing the side street shall be a minimum of twenty-five feet for both main and accessory building.

Corner lots in subdivisions platted after March 1, 1969, shall have a minimum width at the setback line of one hundred feet.

Section 20-57.1. Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the residential, limited, district R-2, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article VIII of this chapter, except that home occupation signs shall not exceed four square feet in area.

Section 20-57.2. Density transfer areas.

Areas within this division may be designated as density transfer areas to permit the transfer of density (dwelling units) from one portion of the site to another and to permit the clustering of dwelling units in one or more locations on the site. Unless otherwise specified in this section, all other provisions of this division remain in force.

(a) The number of dwelling units permitted in a Density Transfer Area shall be three dwelling units for every net developable acre in the site. Net developable acres shall be defined as the gross acreage of the site minus stream beds, areas subject to flooding, marsh, and areas with slopes exceeding a twenty-five percent gradient.

(b) The site shall be divided into two categories of land: (1) Open Space Areas and (2) Development Areas. Open Space Areas may consist of perimeter open space, active and passive recreation areas and internal common open space to define the development areas and create buffers along roads and property lines. The designation of Open Space areas shall be considered permanent and so designated on all final site plans and plats. Development areas shall consist of clusters of residential lots, roads, parking and other uses permitted in the district. The number of dwelling units permitted on the site according to (a) above shall be located within the Development Areas. The number of lots created in the Development Areas shall not exceed the number of lots calculated in (a) above.

(c) Density Transfer Areas shall be served by public sewage and public or central water distribution systems.

(d) There shall be no minimum lot size, no minimum lot width, and no minimum side yard. The minimum setback from the right-of-way of roads which border the site shall be seventy feet.

(e) Lots within the Density Transfer Area shall have vehicular access only from roads which are internal to the site.

(f) The minimum site size for a Density Transfer Area shall be ten acres.

Division 6. Residential, General, District R-3.

Section 20-58. Statement of intent.

The residential, general, district R-3, is composed of certain quiet, low-density residential uses plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and to prohibit all activities of a commercial nature. To these ends, development is limited to low concentration and permitted uses are limited to single-family dwellings plus attendant uses. This district is not completely residential as it includes public and semipublic, institutional and other related uses.

Section 20-59. Permitted uses.

In the residential, general, district R-3 structures to be erected on land to be used, shall be for one or more of the following uses:

Single-family dwellings.

Two-family dwellings.

Tourist homes.

Three-family dwellings, with a conditional use permit.

Four-family dwellings, with a conditional use permit.

Schools, libraries or fire stations.

Churches.

Rest homes.

General hospitals, with a conditional use permit.

Clubs or lodges, with a conditional use permit.

Parks or playgrounds.

Home occupations as defined.

Off-street parking as required by this chapter.

Accessory buildings permitted as defined; however, garages or other accessory structures, such as carports, porches or stoops, attached to the main building, shall be considered part of the main building. No accessory building may be closer than five feet to any side or rear property line.

Public utilities: Poles, lines, distribution transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance, including water and sewerage facilities in accordance with a conditional use permit and provisions contained herein.

Section 20-60. Area requirements.

Lots containing or intended to contain a single permitted use served by public water and sewage disposal systems shall have a minimum lot area of ten thousand square feet.

Lots served by a public sewage disposal system but not a public water distribution system shall have a minimum area of twelve thousand square feet.

Lots served by a public water distribution system but not a public sewage disposal system shall have a minimum area of twenty thousand square feet.

Lots containing or intended to contain a single permitted use or multiple uses served by individual water and sewage disposal systems shall have a minimum lot area of thirty thousand square feet.

Lots containing or intended to contain more than a single permitted use served by public water and sewage disposal systems shall have a minimum lot area as follows:

Two units, twelve thousand square feet; three units, fourteen thousand square feet; and four units, fifteen thousand square feet.

These minimum sizes shall not apply to lots recorded or legally in existence prior to March 22, 1976, the date of adoption of the article.

Section 20-61. Setback requirements.

Structures shall be located a minimum of thirty-five feet from any street right-of-way which is fifty feet or greater in width except that signs advertising sale or rent of property may be erected up to the property line. If the street right-of-way is less than fifty feet in width, structures shall be located a minimum of sixty feet from the center line of the street. This shall be known as the "setback line", except that in subdivisions the following shall apply:

(a) Where forty percent or more of frontage on one side of a street within the same block is improved with buildings, no building shall project beyond the average front yard so established.

(b) No building shall be required to have a front yard greater than that of one of two existing buildings on immediately adjoining lots on each side, whichever is the farthest removed from the street.

(c) 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.

Section 20-62. Minimum frontage.

Lots of less than twenty thousand square feet shall have a minimum width at the setback line of seventy-five feet, and for each additional permitted use there shall be a minimum of ten feet of additional width at the setback line.

Lots of twenty thousand square feet to forty-three thousand five hundred and sixty square feet shall have a minimum width at the setback line of one hundred and twenty-five feet.

Lots of forty-three thousand five hundred and sixty square feet or more, shall have a minimum lot width at the setback line of one hundred and fifty feet.

Section 20-63. Yard regulations.

(a) Side. The minimum side yard for each main structure shall be ten feet and the minimum total width of the two required side yards shall be twenty-five feet.

(b) Rear. Each main structure shall have a minimum rear yard of twenty-five feet.

Section 20-64. Height limits.

Buildings may be erected up to thirty-five feet in height from grade except:

(a) The height limit for dwellings may be increased to forty-five feet and to three stories provided there are two side yards for each permitted use each of which is a minimum of ten feet, plus one foot or more of side yard for each additional foot of building height over thirty-five feet.

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

(c) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennae and home radio aeriels are exempt. Parapet walls may be a maximum of four feet above the height of the building on which the walls rest.

(d) No accessory building which is within ten feet of any property lot line shall be more than one story high. All accessory buildings shall be less than the main building in height and in no case more than thirty-five feet in height.

Section 20-65. Special provisions for corner lots.

Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

The side yard setback on the side facing the side street shall be a minimum of twenty-five feet for both main and accessory buildings.

Corner lots in subdivisions platted after March 1, 1969, shall have a minimum width at the setback line of one hundred feet.

Section 20-65.1. Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the residential, general, district R-3, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article VIII of this chapter; except, that home occupation signs shall not exceed four square feet in area, and shall direct attention to a product, commodity or service available on the premises of a clearly secondary use.

Division 7.A. Multi-family, Residential, District R-5.

Section 20-80.5. Statement of intent.

The multi-family, residential, district R-5, is composed of moderate to high density residential areas and other such areas where similar development is likely to occur. It is the purpose of this district to provide for a more harmonious and orderly relationship between multi-family residential uses and other lower density residential uses or nonresidential uses. A further purpose is to require that development within this district be adequately served by public facilities and that adequate open space and recreational areas be provided for the use of residents and for buffering of adjoining property.

Section 20-80.6. Permitted uses.

In the multi-family, residential, district R-5, structures to be erected or land to be used shall be for one or more of the following uses held for rent, for sale by individual unit or for sale in condominium.

- Single-family dwellings
- Single-family attached dwellings
- Two-family dwellings
- Townhouses
- Garden apartments
- Apartments with three or more stories
- Accessory structures for maintenance
- Parks, playgrounds, swimming pools, recreation buildings,
or clubhouses
- Churches
- Golf courses or clubs
- Schools, both private or public
- Marinas, boat docks or waterfront activities
- Coin laundries which are accessory to other residential uses
and for the primary use of its residents
- Restaurants which are accessory to permitted private clubs
and marinas
- Fire stations
- Off-street parking as required by this chapter
- Signs, as permitted by Article VIII of this chapter

Section 20-80.7. Minimum site size.

The minimum site size of a multi-family district shall be forty-three thousand five hundred and sixty square feet.

Section 20-80.8. Area requirements.

The minimum lot size for single-family and two-family homes shall be the product of forty-three thousand five hundred and sixty square feet divided by the density criteria in Section 20-80.11 below.

Section 20-80.9. Setback requirements.

(a) All structures shall be located a minimum of fifty feet from the right-of-way of any peripheral street which abuts or borders the site and has a right-of-way width of fifty feet or more. In the event such street has a right-of-way width which is less than fifty feet, all structures shall be located a minimum of seventy-five feet from the center line of the street.

(b) An additional twenty-five foot setback from peripheral roads shall be required for any structure which exceeds one story.

(c) All structures shall be located a minimum of twenty-five feet from any street which is internal to the project. Exceptions may be given for service drives, driveways, alleys and short cul-de-sac roads.

(d) Setbacks from peripheral roads shall be suitably landscaped with a minimum of three trees plus one tree per forty feet of frontage. Trees shall be evenly distributed and shall be not less than ten feet in height. Existing trees exceeding ten feet, which are retained, may be included in the calculation of this requirement.

(e) Off-street parking shall not be permitted within required setbacks.

Section 20-80.10. Yard regulations.

(a) All structures shall be located a minimum of thirty-five feet from any property line which adjoins property in a multi-family residential district, a business district, an agricultural district or public property.

(b) All structures shall be located a minimum of fifty feet from any property line which adjoins property which is in a residential limited, R-1 or R-2; residential general, R-3; or residential-agricultural, R-6, district. An additional twenty-five foot setback shall be required for any structures which exceed one story.

(c) The required yard area shall be suitably landscaped with a minimum of three trees plus one tree per forty feet of property line. Trees shall be evenly distributed and shall not be less than ten feet in height. Existing trees ten feet or more in height, which are retained, may be included in the calculation of this requirement.

(d) Off-street parking shall be excluded from the first forty feet of yard nearest the property line.

Section 20-80.11. Density requirements.

The number of dwelling units which may be constructed shall be determined by the number of net developable acres at the site and the use

proposed. Net developable acres equal the total gross acres of the site minus stream beds, areas subject to flooding, marsh, and areas with slopes exceeding a twenty-five percent gradient. The number of units which may be constructed are as follows:

<u>Use</u>	<u>Dwelling Units per Acre</u>
Single-Family Detached	4.4 U/Ac.
Single-Family Attached or Two-Family Dwellings	6 U/Ac.
Townhouses	10 U/Ac.
Garden Apartments	12 U/Ac.
Apartments of three stories or more	14 U/Ac.

Section 20-80.12. Subdivision regulations.

Any subdivision of land within a multi-family district, R-5, shall comply with the Subdivision Ordinance of James City County.

Section 20-80.13. Requirements for improvements and design.

(a) Sewer and water: All dwelling units within the multi-family, residential, district R-5 shall be served by central sewerage and central water systems. The sewerage facilities constructed shall comply with the sewerage facilities section of the County Subdivision Ordinance.

(b) Open Space: Thirty-five percent of the gross area of the site shall be retained in open space which may include areas left in their natural state or landscaped, trails, ponds, stream banks, recreation areas, easements, areas of excessive slopes, low lying areas, marshes and historic sites.

(c) Recreation: A playground area or areas with playground equipment shall be provided by the developer. Such areas shall be centrally located and total at least one half acre for every fifty dwelling units, provided the total shall not exceed ten percent of the gross area of the site. For multi-family projects with less than fifty dwelling units, the recreation areas shall total ten percent of the gross acreage of the site. The developer shall provide and install playground equipment specified on the site plan prior to the issuance of any certificates of occupancy. Recreation areas and facilities may be deeded to a residents association.

(d) Sidewalks: Sidewalks of a minimum width of four feet shall be constructed between buildings, parking areas and public areas. If paralleling a street, sidewalks shall be separated from the edge of the pavement by a two foot wide grass or landscaped strip. If not constructed of concrete, the material and design shall be specified on the site plan and subject to Commission approval.

(e) Utility lines: All utility lines including electrical, telephone, and cable television shall be placed below ground.

(f) Parking: Off-street parking facilities shall be provided in accordance with the off-street parking requirements.

(g) Bicycle storage racks: Bicycle storage and parking racks shall be provided with a capacity of 0.5 space for each dwelling unit.

(h) Streets: All dedicated public streets shall meet the requirements of the Virginia Department of Highways and Transportation or the requirements of the County subdivision regulations, whichever is greater. All streets shall be consistent with the major thoroughfare plan of the County Comprehensive Plan. The traffic generated by a multi-family, residential, district R-5 shall not exceed the capacity of adjoining thoroughfares. The daily traffic shall be determined by multiplying the number of proposed dwelling units by seven vehicle trips per day and compared to the existing traffic and road capacity as determined by the highway engineer.

(i) Fire hydrants: Fire hydrants shall be at locations and of types approved by the County Engineer and County Fire Marshal. No structure within the project shall be further than four hundred feet from a hydrant.

(j) Trash collection: Containers shall be conveniently located to serve all dwelling units. The sites for such containers shall be attractively screened by natural vegetation, landscaping or fences. A trash collection agreement shall be presented and approved by the Zoning Administrator prior to final site plan approval.

(k) Street lights: Street lights shall be provided, as specified on the site plan, generally at intersections and in parking lots and other public areas. The lighting shall be directed so as not to produce objectionable glare on adjacent property or into residences within the development. No lighting fixture shall exceed a height of fifteen feet.

(l) Site Plan: A site plan for the project must be approved in accordance with Article II of this chapter.

(m) Building height: No structure shall exceed thirty-five feet or three stories in height, without receiving certificates from the County Fire Marshal and County Engineer that fire protection facilities are adequate and a height limitation waiver from the Board of Supervisors. Upon application, the Board shall grant a height limitation waiver upon finding that:

- 1) Such building will not impair the property values in the surrounding area.
- 2) Such building will not impair the enjoyment of an historic attraction.

3) Such building would not be contrary to the public health, safety or general welfare.

(n) A maximum of ten townhouse units shall be included in one structure or group. The facade of townhouses within a group shall be changed by variation in the depth of front yards, building materials and/or design so that no more than two abutting units shall be of like appearance.

(o) Each single-family attached dwelling unit and each townhouse unit shall open directly into a private yard of a minimum of two hundred square feet.

(p) The distance between two main structures shall be a minimum of the height of the taller structure. Accessory structures shall be a minimum of ten feet from any other structure.

(q) Drainage and storm sewer requirements: Storm sewers shall be required for all multi-family, residential, districts R-5. They shall be built in accordance with the Drainage and Storm Sewer section of the County Subdivision Ordinance.

(r) Natural features and amenities: Existing features which would add value to the residential development or the County as a whole, such as trees, watercourses, historic spots and similar features shall be preserved wherever possible.

(s) Final plans: A copy of all final, "as-built" plans and specifications for all utilities, sewerage, fire hydrants, water and storm sewer facilities shall be submitted to the County Engineer prior to the issuance of any certificate of occupancy.

Section 20-80.14. Density bonuses.

In order to encourage attractive architectural and site designs which are harmonious with adjoining property; to encourage the preservation of open space within and around higher density development; to encourage preservation and restoration of historic sites; and to encourage developers to go beyond the minimum standards of the Zoning Ordinance, the Planning Commission may approve the following percentage increases of dwelling units where superior design offsets the problems which would otherwise be created. Density bonuses shall not be cumulative, nor shall such units exceed a maximum of an additional twenty percent.

(a) Setback bonus: For every twenty-five feet of setback in addition to the minimum required from the right-of-way of each peripheral road or adjoining property line which border the site, one percent additional dwelling units shall be added. Maximum additional setback on each side for which a bonus may be given shall be one hundred feet or a maximum four percent bonus for each side of the site. The total setback shall be calculated from the right-of-way or property line to the nearest building on the site. For the purposes of calculation, the site is considered to have four sides.

For irregularly shaped parcels, a flexible method of calculation may be used by the Zoning Administrator so the total bonus shall not exceed sixteen percent for this section.

(b) Recreation bonus: If the applicant designates, improves, and fully develops recreational facilities in excess of the playgrounds required in Section 20-80.13 (c) above, the Zoning Administrator shall recommend a bonus of seven percent additional dwelling units be granted. Such areas shall be conveniently located and consist of some combination of facilities such as tennis courts, large playgrounds, ball fields, swimming pools, tot lots, bike trails or other like items. Recreation facilities for which a density bonus is granted shall be fully completed before any certificates of occupancy may be issued.

(c) Landscape design: If the applicant presents an unusually attractive and harmonious site plan and building design which retains, relates to and enhances the natural vegetation and terrain of the site or which proposes unusually extensive landscaping and planting of borders, entrances, recreation areas, street frontage, areas surrounding buildings, or common open space, the Zoning Administrator shall recommend a bonus of ten percent additional dwelling units be granted. In order to promote superior design, the award of this bonus shall be made only in cases where the design of the project is clearly superior to the design of typical projects of its type in the community and where the applicant goes beyond the minimum standards required by this chapter.

(d) Public facilities: In the event a school fire station, library, park or other public facility shown in the Public Facilities Plan is proposed in or near the parcel, if the developer is willing to reserve a site suitable for the purpose intended and if the governing body is willing to acquire this site within twenty-four months of the approval of the final site plan, the Zoning Administrator shall recommend a bonus of seven percent additional dwelling units be granted to the number of units allowable on the remainder of the parcel.

Section 20-80.15. Relation to public utilities.

(a) Multi-family, residential, districts R-5 shall be so located in relation to sanitary sewers, water lines, storm sewers, surface drainage systems, and other utility systems that neither extension nor enlargement shall be required which results in higher net public cost or earlier incurrence of public cost than would development in forms generally permitted under existing zoning for the area.

(b) However, if applicants will provide land, facilities, utilities or services approved by the appropriate public agencies, or make provisions acceptable to these agencies and the governing body for offsetting his pro rata share of any added net public cost or earlier commitment of public funds made necessary by the construction of off-site facilities required to serve such development, the application shall be approved if otherwise acceptable.

(c) The pro rata share required from any applicant shall be based upon the connection policies of the appropriate public agency and shall, in accordance with Section 15.1-465, be limited to the proportion of the total estimated cost of the improvement which results from the increased flow or volume caused by the applicant in relation to the total service area of the project and its capacity. The payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the applicant.

Division 7.B. Residential, Agriculture, District R-6.

Section 20-80.16. Statement of intent.

The residential, agriculture, district R-6 is composed of those portions of the County where a quiet, low-density residential character has already been established that has limited agricultural operations functioning concurrently plus adjoining open areas of farms, forest or waterways where similar residential development seems likely to occur. This district is established for the purposes of (1) stabilizing and protecting the existing agricultural low-density residential character from encroachment by non-residential or higher density uses, (2) insuring that limited farming and livestock operations will function harmoniously with residential uses, (3) insuring that future development will be of a similar character, and (4) protecting water sheds, waterways and natural resources.

Section 20-80.17. Permitted Uses.

In residential, agriculture, district R-6, structures to be erected or land to be used shall be for one or more of the following uses:

- Single-family dwellings
- Schools or fire stations
- Churches
- Parks or playgrounds
- Golf, swimming, tennis or boating facilities or club houses
- Off-street parking, as required by this Chapter
- Accessory buildings as defined, however, garages or other accessory buildings such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than fifteen feet to any property line.

Signs. Signs shall comply with Article VIII of this chapter.

Agriculture, including accessory building for uses thereto, such as land and building used primarily for forestry, farming, the raising of livestock, excluding hogs, and other agricultural pursuits, except that any building, shed, feed pen, stable, kennel, barn or other accessory structure used in livestock operations shall be located not less than eighty feet from any adjoining street, road, or adjoining property line. Grazing and pasture areas may extend to the property line, but shall be fenced from adjoining property where livestock are to be raised.

Animal hospitals, veterinary offices, or private dog kennels.
Nursery greenhouses at which the projects thereof may be sold or offered for sale.

Garden centers or garden supply stores.

Horse or pony farms, riding stables or horse show areas.

Home occupations as defined herein, with a conditional use permit.

Fire stations with a conditional use permit.

Boat docks.

Preserves, conservation areas or hunting clubs.

Section 20-80.18. Area requirements.

The minimum lot area for permitted uses without livestock shall be forty-three thousand five hundred and sixty square feet.

The minimum lot area for permitted uses with livestock (defined as horses, cows, or sheep) shall be three acres.

Section 20-80.19. Setback requirements.

Structures shall be a minimum of thirty-five feet from any street the right-of-way of which is fifty feet or greater in width, or sixty feet from the center line or any street right-of-way less than fifty feet in width, except that signs advertising the sale or rental of the property may be erected up to the property line.

Section 20-80.20. Minimum frontage.

The minimum frontage for the permitted uses shall be one hundred and fifty feet at the setback line.

Section 20-80.21. Yard regulations.

(a) ^{20-80.17} Side. The minimum side yard, except for that indicated in Section ~~4A-1-10~~ shall be fifteen feet for each main structure and the total minimum width of the two required side yards shall be thirty feet.

(b) Rear. Each main structure, except as indicated in Section 4A-1-10, shall have a minimum rear yard setback of thirty-five feet.

Section 20-80.22. Special provisions for corner lots.

Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.

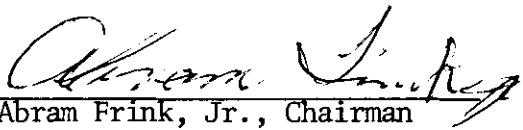
The minimum side yard setback on the side facing the side street shall be a minimum of thirty-five feet for both main and accessory building, except as indicated in Section 20-80.17.

Corner lots in subdivisions platted after the enactment of this ordinance, shall have a minimum width at the setback line of one hundred fifty feet.

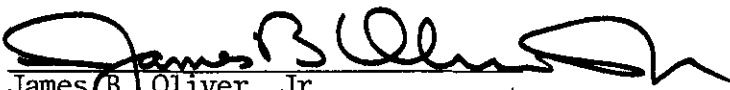
Section 20-80.23. Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the R-6 residential, agriculture, district, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article VIII of this chapter, except that home occupation signs shall not exceed four square feet in area.

This ordinance shall be in full force and effect from the date of its adoption.


Abram Frink, Jr., Chairman
Board of Supervisors

ATTEST:


James B. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, on the 22nd day of March, 1976.