

# ADOPTED

ORDINANCE NO. 31A-275

SEP 11 2012

Board of Supervisors  
James City County, VA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE 5, DISTRICTS, DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICT, PUD, BY AMENDING SECTION 24-484, DOCUMENTS REQUIRED FOR SUBMISSION; BY DELETING SECTION 24-485, MASTER PLAN ADMINISTRATIVE REVIEW FEES; SECTION 24-486, PROCEDURES; SECTION 24-487, RELATIONSHIP OF FINAL PLANS TO MASTER PLAN; SECTION 24-488, FINAL PLANS- CONTENTS; SECTION 24-489, SAME- ADMINISTRATIVE REVIEW FEES; AND SECTION 24-490, SAME- ACTION/ BY AMENDING AND RENUMBERING SECTION 24-491, MINIMUM AREA OF DISTRICTS WITH NEW NUMBER 24-486; BY AMENDING AND RENUMBERING SECTION 24-492, DENSITY WITH NEW NUMBER 24-487; BY RENUMBERING SECTION 24-493, ADEQUACY OF PUBLIC FACILITIES AND ROADS WITH NEW NUMBER 24-485; BY RENUMBERING SECTION 24-494, OPEN SPACE WITH NEW NUMBER 24-488; BY AMENDING AND RENUMBERING SECTION 24-495, ADDITION OF LAND TO AN EXISTING PLANNED UNIT DEVELOPMENT WITH NEW NUMBER 24-489; BY AMENDING AND RENUMBERING SECTION 24-496, HEIGHT AND SPACING OF STRUCTURES WITH NEW NUMBER 24-491; BY AMENDING AND RENUMBERING SECTION 24-498, SETBACK REQUIREMENTS AND YARD REGULATIONS WITH NEW NUMBER 24-492; BY AMENDING, RENAMING AND RENUMBERING SECTION 24-499, PERMITTED USES WITH NEW NUMBER AND NAME 24-493, USE LIST; BY RENUMBERING SECTION 24-500, ACCESS POINTS WITH NEW NUMBER 24-494; BY AMENDING AND RENUMBERING SECTION 24-501, REQUIREMENTS FOR COMMERCIAL USES IN THE PUD-R DISTRICT WITH NEW NUMBER 24-495; BY AMENDING AND RENUMBERING SECTION 24-502, REQUIREMENTS FOR LIGHT INDUSTRIAL USES IN THE PUD-C DISTRICT WITH NEW NUMBER 24-496; AND BY RESERVING SECTIONS 24-497 THROUGH 24-502.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended by amending Article V, Districts, Division 14, Planned Unit Development Districts, PUD, by amending Section 24-484, Documents required for submission; Section 24-485, Adequacy of public facilities and roads; Section 24-486, Minimum area of districts; Section 24-487, Density; Section 24-488, Open space; Section 24-489, Addition of land to an existing planned unit development; Section 24-490, Height and spacing of structures; Section 24-491, Requirements for improvements and design; Section 24-492, Setback requirements and yard regulations; Section 24-493, Use list; Section 24-494, Access points; Section 24-495, Requirements for commercial uses in the PUD-R District; and Section 24-496, Requirements for light industrial uses in the PUD-C District, and by reserving Sections 24-497 through 24-502.

## Chapter 24

### ARTICLE V. DISTRICTS

#### DIVISION 14. PLANNED UNIT DEVELOPMENT DISTRICTS, PUD

##### **Sec. 24-482. Statement of intent.**

The purpose of the planned unit development district is to promote efficient use of land, allow flexible application of development controls, allow various densities and land uses, protect surrounding property and protect the natural features and scenic beauty of the land. This shall be accomplished by permitting a wider range of densities and uses to be developed in accordance with a master plan which allows for clustering of uses or densities in various areas of the site.

##### **Sec. 24-483. Designation of zoning district.**

Planned unit development districts shall be categorized as either residential (PUD-R) or commercial (PUD-C), and upon approval of the master plan by the board of supervisors, this designation shall be the zoning district of the parcel.

##### **Sec. 24-484. Documents required for submission.**

(a) *Required documents.* The applicant shall submit ~~the following documents~~ *in accordance with section 24-23* to the ~~zoning administrator~~ *planning director* for submission to the ~~planning commission~~ *prior to any rezoning or special use permit application consideration by the planning commission.*

(1) ~~Application for rezoning.~~

- ~~(2) Master plan, 30 copies, ten submitted with application for rezoning with balance of required copies submitted at the request of staff in preparation for planning commission review.~~
- ~~(3) Community impact statement, for any planned unit development containing 50 or more acres or comprising 200 or more dwelling units, 30 copies, ten submitted with application for rezoning with balance of required copies submitted at the request of staff in preparation for planning commission review.~~

~~(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 30 inches by 48 inches. It shall include:~~

- ~~(1) 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 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, the approximate location of proposed streets and right of ways with an indication of whether public or private; the approximate location of recreation areas and common open space areas; and all areas proposed for dedication to public use within the project. Common open space shall be located so as to enhance the living environment of the proposed development. Generally this shall mean that the common open space shall be distributed throughout the site in moderate sized, concentrated, contiguous areas and not aggregated in large areas that provide little or no benefit to the individual uses or the development at large.~~

Each section or area of the master plan shall be designated as follows:

<u>Area Designations</u>	<u>Type of Development</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
E	Commercial uses
F	Wholesale and warehouse uses
G	Office uses

<del>H</del>	<del>Light industrial uses</del>
<del>I</del>	<del>Institutional or public uses</del>
<del>J</del>	<del>Areas of common open space, with recreation areas noted</del>

~~For purposes of this article, the term "common open space area" shall refer to any tract of land intended to be used in common primarily by residents of the planned unit development.~~

~~(5) As marginal data it shall contain a table which shows, for each section or area of different uses, the following:~~

- ~~a. The use;~~
- ~~b. Approximate development phasing;~~
- ~~c. Maximum number of dwelling units and density for residential areas, maximum square feet of floor space for commercial or industrial areas; and~~
- ~~d. Maximum acreage of each use.~~

~~(6) Schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans.~~

~~(7) A statement satisfactory to the county attorney 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 project, such as estimated 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.~~

~~(6) — Employment opportunities to be generated by the development.~~

~~**Sec. 24-485. Master plan-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.~~

~~**Sec. 24-485. Adequacy of public facilities and roads.**~~

~~Planned unit development districts shall be located and developed so that they will not exceed the capacity of the adjacent roads which will serve the property or the capacity of public water and sewer systems in the event connections to one or both are proposed, unless the applicant shall dedicate right-of-way, contribute to the construction of new facilities or create such facilities to the extent their share of such as the percentage of their land developed and so served. The rate of development shall not exceed the rate of construction and increasing capacity of the limiting facility.~~

~~**Sec. 24-486. Procedures.**~~

~~(a) — Report of the planning director. The planning director may refer copies of the master plan and community impact statement to other local public officials for their comments. Within 30 working days of the receipt of the application and accompanying documents, the planning director shall prepare a report with recommendations regarding the application. A copy of the report shall be sent to the applicant. The application, master plan, community impact statement and report of the planning director shall be placed on the agenda of the planning commission at its next regularly scheduled meeting.~~

~~The report of the planning director shall include, but not necessarily be limited to, the following:~~

- ~~(1) — Evaluation of the proposed density and uses at the site in relation to the county's Comprehensive Plan.~~
- ~~(2) — Evaluation and recommended changes in the design of land use, circulation and densities shown on the master plan of the property.~~
- ~~(3) — Impact of the proposal on surrounding property and the environment.~~
- ~~(4) — Evaluation of the fiscal impacts of the proposal and the proposed financing of required improvements.~~
- ~~(5) — Recommendations regarding the dedication of property or facilities for public use.~~
- ~~(6) — Final recommendations regarding approval of the application and master plan or changes which are necessary.~~

~~(b) — Consideration by the planning commission and board of supervisor. The procedures for public hearing and consideration by the planning commission and board of supervisors shall be as set forth in section 24-13. The board of supervisors, if it approves the master plan, may impose conditions to such approval.~~

~~Upon approval of the master plan by the board of supervisors, the planned unit development district is deemed established. Thereafter, all amendments to the master plan shall be in accord with section 24-13~~

~~of this chapter. The master plan shall guide the general location of all features shown therein, including land uses, densities, roads, public uses and other features. Approved final plans, provided for in section 24-487, 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.~~

**~~Sec. 24-487. Relationship of final plans to master plan.~~**

~~Following the establishment of a planned unit development district and approval of the board of supervisors of a master plan, the applicant may furnish to the planning commission seven copies of a final plan of any part or section of the community shown on the 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 the county's subdivision ordinance. The final plans shall be consistent with the master plan as approved, but may alter to any degree which the planning commission believes does not alter the basic concept or character of the development. The planning commission may make this determination using conceptual preliminary plans. If the variations are approved at the conceptual preliminary plan level, final plans shall be consistent with the variations approved by the planning commission.~~

**~~Sec. 24-488. Final plans Contents.~~**

~~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, and proposed use of all buildings and of all areas dedicated for public or private common use.~~

**~~Sec. 24-489. Same Administrative review fee.~~**

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

**~~Sec. 24-490. Same Action.~~**

~~Final plans submitted pursuant to section 24-487 shall be approved or disapproved in accordance with article III of this chapter or in accordance with the county's subdivision ordinance.~~

**~~Sec. 24-491 486. Minimum area of districts.~~**

~~Planned unit development districts shall be located on a single parcel of land or separate but *eontiguous adjacent* parcels which are under one ownership or control and which shall total ~~not less than~~ five acres *or more*.~~

**~~Sec. 24-492 487. Density.~~**

- (a) ~~The gross density of the net developable area of the planned unit development shall not exceed the maximum density suggested by the Comprehensive Plan and in no case shall exceed four dwelling units per acre. The number of dwelling units which may be constructed in any area designation shall be determined by the number of net developable acres at the site and the use~~

~~proposed. The net developable acres shall equal the total land area of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a 25 percent gradient. The number of units which may be constructed are:~~ *The maximum densities of dwelling units per acre which may be constructed in any area designation are:*

<i>Area Designation</i>	<i>Dwelling Type</i>	<i>Maximum Base density (dwelling units per acre)</i>	<i>Maximum gross density with density bonus (see table under section 24-488(c))</i>
A	Single family	4.2	4
B	<del>Attached structures</del> <i>Multi-family dwellings</i> containing <del>two up to and including</del> four dwelling units, <del>or townhouses</del>	9.6-5	10
C	<del>Attached structures less than three stories and</del> <i>Multi-family dwellings</i> containing more than four dwelling units	12-6	12
D	<del>Attached structures of three stories or more and containing more than four dwelling units</del> <i>Apartments</i>	18.9	18

*(b) The density of a proposed development shall be calculated as the number of units divided by the gross acreage. For the purposes of this section, the gross acreage shall be calculated as follows:*

<i>Percent non-developable land</i>	<i>Percent of gross acreage added to the developable land</i>
<i>0-20 percent</i>	<i>Use total parcel acreage</i>
<i>21-40 percent</i>	<i>20</i>
<i>41-70 percent</i>	<i>15</i>
<i>71-100 percent</i>	<i>10</i>

*Illustration of Gross Acreage Calculation*

*(a) If a 50 acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Since 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.*

*(b) If the 50 acre parcel instead had 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Since 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 acres).*

*In this example, if an applicant sought a density of two dwelling units per acre, they would yield a maximum of 100 units in (a) and 92 units in (b).*

*(c) In addition to the base density standards from section 24-487 (a), a density bonus can be achieved with the provision of options as detailed below. In order to achieve the densities listed below, the developer shall make assurances in a master plan, proffers, or other documents approved by the county attorney for the density bonus items.*

<i>Bonus Increase from Base Density</i>	<i>Required Density Bonus Points from List Below</i>
<i>Up to the base density</i>	<i>0</i>
<i>Greater than the base density, up to and including 33 percent above the base density</i>	<i>2</i>
<i>Greater than 33 percent above the base density, up to and including 66 percent above the base density</i>	<i>4</i>
<i>Greater than 66 percent above the base density, up to and including 100 percent above the base density</i>	<i>6</i>

	<i>Bonus Item Options</i>	<i>Bonus Points</i>
<i>A.</i>	<i>For every 10 percent of the units committed to provision of workforce housing (starting above the threshold set in the county's workforce housing opportunities policy)</i>	<i>2, up to a max of 4</i>
<i>B.</i>	<i>Designing a stormwater management plan that meets Chesapeake Bay Preservation Ordinance standards and requirements through extensive use of better site design/low impact development techniques, as approved by the engineering and resource protection division</i>	<i>1.5</i>
<i>C.</i>	<i>Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division.</i>	<i>1.5</i>
<i>D.</i>	<i>Achieving green building certification using EarthCraft, LEED or equivalent program for all units</i>	<i>1</i>
<i>E.</i>	<i>Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee.</i>	<i>1</i>
<i>F.</i>	<i>Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as approved by the parks and recreation director or designee.</i>	<i>1</i>
<i>G.</i>	<i>Preserving a single area of healthy, mature, mixed hardwood forestland at least two acres in size, within the developable portion of the site. The planning director may request that the developer provide confirmation, prepared by a certified horticulturalist, that these qualities are present.</i>	<i>1</i>
<i>H.</i>	<i>Retaining a single area of agricultural land designated on the United States Department of Agriculture (USDA) maps to be of prime or statewide importance that is at least five acres in size.</i>	<i>1</i>



I.	<p><i>Preserving one of the following underlined environmentally-related conservation features. The underlined item must constitute at least five percent of the developable area of the site.</i></p> <ol style="list-style-type: none"> <li><i>1. <u>100 foot buffers around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer</u></i></li> <li><i>2. <u>Soils in hydrologic groups A and B, as defined by the USDA, and as verified on-site by a licensed geotechnical engineer (retain at least 50 percent of these soils on site)</u></i></li> <li><i>3. <u>Conservation area as identified by an approved watershed management plan</u></i></li> <li><i>4. <u>Wildlife habitat corridors that:</u></i> <ul style="list-style-type: none"> <li><i>o Protect a corridor at least 100 feet in width from one protected area (on or off the development property) to another protected area, and</i></li> <li><i>o Consist of mature forestland</i></li> </ul> </li> </ol>	1
J.	<p><i>Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements in set forth in section 24-35 of this chapter.</i></p>	1
K.	<p><i>Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director.</i></p>	0.5
L.	<p><i>Providing a 100-foot buffer from the internal edge of a right-of-way buffer and/or perimeter buffer (must constitute at least five percent of the developable area of the site).</i></p>	0.5
M.	<p><i>Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the comprehensive plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.</i></p>	0.5

**Sec. 24-493. Adequacy of public facilities and roads.**

~~Planned unit development districts shall be so located and developed that they will not exceed the capacity of the adjacent roads which will serve the property or the capacity of public sewer and water systems in the event connections to them are proposed, unless the applicant shall dedicate right of way, contribute to the construction of new facilities or create such facilities to the extent of his fair share of such as the percentage of his land developed and so served. The rate of development shall not exceed the rate of construction and increasing capacity of the limiting facility.~~

**Sec. 24-494 488. Open space.**

(a) Thirty-five percent of the gross area of any planned unit development district shall be retained in open space. This may include common open areas, perimeter open space, buffers between various uses or densities, public open space, recreation areas, easements, areas of ~~excessive slopes~~ *steep slopes or slopes exceeding 25 percent gradient*, low lying areas, ~~marshes~~ *resource protection areas* or historic sites or

other features which will enhance the value of the site, reduce adverse impacts and otherwise be an asset to the community. For the purposes of this article, the term "open space" shall exclude open space in the private yards of individual dwelling units.

(b) Common open space areas shall be protected by assurances, satisfactory to the county attorney, that set forth the provisions made for the permanent care and maintenance of such property. Easements or covenants shall 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 or covenants shall establish the rights of each affected owner to gain access to each owner's building for purposes of essential maintenance and service.

**Sec. 24-495 489. Addition of land to an existing planned unit development.**

Additional land area may be added to an existing planned unit development if it is adjacent to ~~(except for public roads)~~, forms a logical addition to and if the addition will come under common ownership or control as the original parcel. The procedure for an addition shall be the same as if an original application were filed, and the requirements of this article shall apply, except the minimum acreage requirement.

**Sec. 24-496 490. Height and spacing of structures.**

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures ~~or are building mounted~~ in accordance with division 6, Wireless Communications Facilities. ~~Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~
- (b) 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 church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, 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:

- (1) Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
- (2) Such structure will not obstruct light from adjacent property;
- (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- (4) Such structure will not impair property values in the surrounding area;

- (5) 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
- (6) Such structure would not be contrary to the public health, safety or general welfare.

**Sec. 24-497 491. Requirements for improvements and design.**

- (a) *Water and sewer.* Except as set forth herein, all structures and uses within a planned unit development district shall be served by public water and public ~~sewage~~ *sewer* systems. 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. Nonresidential structures and uses may be permitted to temporarily operate on individual well and septic systems provided the following conditions are met:
  - (1) The structure or use 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 *planning* director of ~~building safety and permits~~ 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 or use shall connect to public utilities within thirty 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;~~
  - (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 planning director. 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) ~~Extensions and/or expansions of public water and/or sewer to serve the structure or use are being planned or constructed by the developer or the appropriate public agency. Such extensions and/or expansions shall be within the minimum connection distance for public utilities as determined by the James City Service Authority. If such extensions and/or expansions are being planned and constructed by the developer, their construction shall be guaranteed by surety, letter of credit, cash escrow or other form of guaranty approved by the county attorney;~~
  - (5) *No more than one structure served by an individual well and septic system shall be permitted at one time within a planned unit development.*
  - (6) ~~The fire marshal of James City County shall determine that there is adequate fire protection for the proposed structure or use; and~~

- ~~(7) The foregoing notwithstanding, the structure or use shall connect to public utilities within three years from the date of final site plan approval.~~
- (b) *Recreation areas.* Areas on the master plan designated as A (single-family detached), B (~~attached structures~~ *multi-family dwellings* containing ~~two up~~ to four dwelling units), C (~~attached structures less than three stories~~ *multi-family dwellings containing more than four dwelling units*) or D (~~attached structures of three or more stories~~ *apartments*) shall be provided with a recreation area or areas. The developer shall provide and install playground equipment, playfields, tennis courts or other recreation facilities prior to the issuance of certificates of occupancy. Such facilities shall be owned and maintained by the developer or a residents' association.
- (c) *Parking.* Off-street parking facilities shall be provided in accordance with the off-street parking requirements of section 24-53.
- (d) *Streets.* All dedicated public streets shown on the development plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county subdivision ordinance, whichever is more stringent. Such public streets shall be coordinated with the major transportation network shown in the Comprehensive Plan. Private streets may be permitted upon the approval of the board of supervisors in accordance with the provisions of section 24-62.
- ~~(e) *Fire hydrants.* Fire hydrants shall be at locations and of types approved by the service authority and county fire chief. No structure within the district shall generally be further than 400 feet from a hydrant.~~
- (e) *Pedestrian accommodation.* *Pedestrian accommodations shall be provided in accordance with section 24-35.*
- (f) *Streetlights Outdoor lighting.* *Streetlights Outdoor lighting* shall generally be provided, ~~at each intersection and adequately spaced in parking lots and other public areas. as required by article II, division 7 of this chapter and the county subdivision ordinance.~~ The lighting shall be directed so as not to produce objectionable glare on adjacent property or into residences within or near the development. No lighting fixture shall exceed a height of 15 feet within residential areas of a planned unit development district nor 30 feet in commercial or industrial areas.
- ~~(g) *Drainage facilities.* Facilities for the adequate control of stormwater drainage and erosion and sedimentation shall be provided in accordance with the *Virginia Erosion and Sediment Control Handbook* and the *Virginia Department of Transportation Drainage Manual.*~~
- (h) *Natural features and amenities.* Existing features which would add value to the residential development or to the county as a whole, such as trees, watercourses, historical sites and similar irreplaceable assets, shall be preserved to the maximum extent possible.
- (i) *Signs.* To assure an appearance and condition which is consistent with the purposes of the planned unit development district, 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~~ *director* where such sign systems contribute significantly to the character of the 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.

**Sec. 24-498 492. Setback ~~and/or buffer~~ requirements and yard regulations.**

- (a) *Peripheral setbacks buffers.* Any planned unit development, PUD, district approved under this article, shall adhere to the following ~~setback~~ *buffer* requirements:

(1) Residential.

- a. *Perimeter setbacks buffers.* For residential uses a minimum landscape ~~setback~~ *buffer* of 50 feet shall be maintained from all property lines adjoining a different zoning district which abut the site. Where attached structures in a PUD-R District adjoin an existing R-1, R-2, ~~R-3~~ or R-6 District, or an A-1 or R-8 District that is designated low-density residential or rural lands on the Comprehensive Plan, the minimum ~~setback~~ *buffer* shall be 75 feet.
- b. *Right-of-way buffers ~~setbacks~~.* For residential uses, 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 external 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 external 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. The buffer shall be planted in accordance with section 24-96, general landscape area standards. Buffers along Community Character Corridor roads shall also adhere to the Community Character Corridor Buffer Designation Map and Buffer Treatment Guidelines.~~
- c. *Waiver provisions.* In instances where properties have more than a 300-foot average depth and are located along a Community Character Corridor, the planning ~~commission~~ *director* may reduce the buffer depth requirements *specified in (1)a and b* of this section for residential developments when:
1. *The development is less than five acres and A a majority of the development's units are dedicated to affordable workforce 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 planning ~~commission~~ **director** 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~~ **director** 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 **director** 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~~ **director** 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~~ **shall** 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.
  6. *Stockpiling shall conform with any applicable requirements of the Virginia Erosion and Sediment Control regulations, the Virginia Erosion and Sediment Control Handbook and County Erosion and Sediment Control program policies.*
- f. *Limitations on buffers.* ~~Wet ponds, dry detention basins, and other~~ Structural BMPs *such as wet and dry ponds* shall not generally be permitted in the buffers, except that the planning ~~commission~~ **director** 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



*applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.*

- (bd) *Internal setback requirements for industrial uses.* A minimum setback of 50 feet shall be required from streets which are internal to the site for any industrial structure.
- (ee) *Yard regulations.* Except for ~~setbacks~~ *buffers* specified in section 24-498 492 (a) and (b) above, there shall be no minimum lot size nor minimum front, side or rear yard requirements for any lot within a planned unit development district other than as specified in approved final plans.
- (df) *Parking restrictions in setbacks-buffers.* Landscape ~~setbacks~~ *buffers* shall not be used for streets or for parking except for entrances which may penetrate the ~~setback~~ *buffer*.

**Sec. 24-499 493. Permitted-uses Use list.**

- (a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

~~(1) Residential uses:~~

~~Accessory buildings or structures, as defined.~~

~~Apartments.~~

~~Coin laundries which are accessory to other residential uses and for the primary use of their residents.~~

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

~~Fire stations.~~

~~Golf courses, country clubs.~~

~~Houses of worship.~~

~~Marinas, docks piers, boat basins and waterfront activities; if fuel is sold, then in accordance with section 24-38.~~

~~Nursing homes and facilities for the residence and/or care of the aged.~~

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

~~Restaurants which are accessory to permitted private clubs and marinas.~~

~~Retail shops associated with community recreation facilities.~~

~~Schools.~~

~~Single family dwellings.~~



~~Telephone exchanges and telephone switching stations.~~

~~Timbering in accordance with section 24-43.~~

~~Townhouses.~~

~~Two-family dwellings.~~

~~(2) Commercial uses:~~

~~Automotive service stations, with major repair in a fully enclosed building, or retail sale of automotive accessory items; if fuel is sold, then in accordance with section 24-38.~~

~~Banks and other similar financial institutions.~~

~~Barber and beauty shops.~~

~~Business and professional offices.~~

~~Drug stores.~~

~~Dry cleaners and laundries.~~

~~Fire stations.~~

~~Funeral homes.~~

~~Houses of worship.~~

~~Indoor theaters.~~

~~Libraries.~~

~~Medical clinics or offices.~~

~~Motels, hotels and resort facilities.~~

~~Museums.~~

~~Photography studios and sales, artist and sculptor studios, arts and crafts and handcraft shops, antique shops, reproduction and gift shops.~~

~~Plants and garden supply, hardware and paint, and home appliance sales and service, with storage in a fully enclosed building.~~

~~Post offices.~~

~~Public meeting halls.~~

Public utilities.

Radio and television stations.

Restaurants, tea rooms and taverns.

Retail and service stores, including the following stores: books, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, greeting card, ice cream, jewelry sales and service, locksmith, music and records, pet, picture framing, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel and yard goods.

Retail food stores, bakeries, fish markets.

Schools.

Telephone exchanges and telephone switching stations.

Timbering in accordance with section 24-43.

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

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential Uses</i>	<i>Accessory buildings or structures, as defined</i>	<i>P</i>	
	<i>Accessory apartments</i>	<i>P</i>	
	<i>Apartments</i>	<i>P</i>	
	<i>Group homes or residential facilities, for eight or fewer adults</i>	<i>P</i>	
	<i>Group homes or residential facilities, for nine or more adults</i>		<i>SUP</i>
	<i>Home occupations, as defined</i>	<i>P</i>	
	<i>Independent living facilities</i>	<i>P</i>	
	<i>Multi-family dwellings up to and including four dwellings</i>	<i>P</i>	
	<i>Multi-family dwellings more than four dwellings</i>	<i>P</i>	
	<i>Single-family dwellings</i>	<i>P</i>	
	<i>Townhouses</i>	<i>P</i>	
	<i>Two family dwellings</i>	<i>P</i>	
<i>Commercial Uses</i>	<i>Accessory buildings or structures, as defined</i>	<i>P</i>	
	<i>Assisted living facilities</i>	<i>P</i>	
	<i>Automotive service stations, with major repair in a fully enclosed building, or retail sale of automotive accessory items; if fuel is sold, then in accordance with section 24-38</i>	<i>P</i>	
	<i>Banks and other similar financial institutions</i>	<i>P</i>	
	<i>Barber and beauty shops</i>	<i>P</i>	

	<i>Business and professional offices</i>	<i>P</i>	
	<i>Coin laundries which are accessory to other residential uses and for the primary use of their residents</i>	<i>P</i>	
	<i>Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities</i>	<i>P</i>	
	<b><i>Continuing care retirement facilities</i></b>	<b><i>P</i></b>	
	<i>Drug stores</i>	<i>P</i>	
	<i>Dry cleaners and laundries</i>	<i>P</i>	
	<i>Funeral homes</i>	<i>P</i>	
	<i>Golf courses, country clubs</i>	<i>P</i>	
	<i>Indoor theaters</i>	<i>P</i>	
	<i>Marinas, docks piers, yacht clubs, boat basins and waterfront activities, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38</i>	<i>P</i>	
	<i>Medical clinics or offices</i>	<i>P</i>	
	<i>Motels, hotels and resort facilities</i>	<i>P</i>	
	<i>Museums</i>	<i>P</i>	
	<del><i>Nursing homes and facilities for the residencee and/or care of the aged</i></del>	<del><i>P</i></del>	
	<i>Off-street parking as required by section 24-53</i>	<i>P</i>	
	<i>Photography studios and sales, artist and sculptor studios, arts and crafts and handicraft shops, antique shops, reproduction and gift shops</i>	<i>P</i>	
	<i>Plants and garden supply, hardware and paint, and home appliance sales and service, with storage in a fully enclosed building</i>	<i>P</i>	
	<i>Restaurants, tea rooms and taverns</i>	<i>P</i>	
	<i>Restaurants which are accessory to permitted private clubs and marinas</i>	<i>P</i>	
	<i>Retail and service stores, including the following stores: books, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, greeting card, ice cream, jewelry sales and service, locksmith, music and records, pet, picture framing, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel and yard goods</i>	<i>P</i>	
	<i>Retail food stores, bakeries, fish markets</i>	<i>P</i>	
	<i>Retail shops associated with community recreation facilities</i>	<i>P</i>	
	<b><i>Skilled nursing facilities (nursing home)</i></b>	<b><i>P</i></b>	
	<b><i>Veterinary hospitals</i></b>	<b><i>P</i></b>	
	<b><i>Wineries</i></b>	<b><i>P</i></b>	
<i>Civic Uses</i>	<i>Fire stations</i>	<i>P</i>	

	<i>Houses of worship</i>	<i>P</i>	
	<i>Libraries</i>	<i>P</i>	
	<i>Places of public assembly, such as houses of worship, public meeting halls, lodges or fraternal organizations</i>	<i>P</i>	
	<i>Post offices</i>	<i>P</i>	
	<i>Public meeting halls</i>	<i>P</i>	
	<i>Schools</i>	<i>P</i>	
<i>Open Uses</i>	<i>Timbering in accordance with section 24-43</i>	<i>P</i>	
<i>Utility Uses</i>	<i>Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities</i>		<i>SUP</i>
	<i>Public utilities</i>	<i>P</i>	
	<i>Radio and television stations</i>	<i>P</i>	
	<i>Telephone exchanges and telephone switching stations</i>	<i>P</i>	
	<i>Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities</i>		<i>SUP</i>
	<i>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. However, the following are permitted generally and shall not require a special use permit.</i>  <i>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;</i>  <i>b. Distribution lines and local facilities within a development; including pump stations</i>		<i>SUP</i>
	<i>Wireless communications facilities that utilize alternative mounting structures, <del>or are building mounted, or are camouflaged,</del> and comply with division 6, Wireless Communications Facilities</i>	<i>P</i>	

(a) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

(1) ~~Commercial uses: Same as paragraph (2) of subsection (a) above.~~

(2) ~~Light industrial uses:~~

~~Printing and publishing.~~

~~Processing, assembly and manufacture of light industrial products or components, with all storage,  
 processing, assembly and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect.~~

~~Research, design and development facilities or laboratories.~~

~~Wholesale and warehousing, with storage in a fully enclosed building.~~

~~(3) Theme parks.~~

~~(4) Apartments, townhouses and condominiums.~~

~~(5) Private streets within "qualifying industrial parks" in accordance with section 24-55.~~

~~(6) Golf courses.~~

~~(c) In the planned unit development district, residential (PUD-R) or commercial (PUD-C), all structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors.~~

~~(1) Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities.~~

~~(2) 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. 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.~~

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential Uses</i>	<del>Apartments, townhouses and condominiums</del>	<i>P</i>	
	<del>Group homes or residential facilities, for eight or fewer adults</del>	<i>P</i>	
	<del>Group homes or residential facilities, for nine or more adults</del>		<i>SUP</i>
	<del>Home occupations, as defined</del>	<i>P</i>	
	<del>Independent living facilities</del>	<i>P</i>	
	<del>Multi-family dwellings</del>	<i>P</i>	
<i>Commercial Uses</i>	<del>Commercial uses: Same as paragraph (2) of subsection (a) above</del>		
	<del>Assisted living facilities</del>	<i>P</i>	
	<del>Continuing care retirement facilities</del>	<i>P</i>	

	<b>Skilled nursing facilities (nursing home)</b>	<b>P</b>	
	Golf courses	P	
	Theme parks	P	
<i>Civic Uses</i>	<b>Civic uses as listed in (a) above</b>		
<i>Utility Uses</i>	<b>Utility uses as listed in (a) above</b>		
	<b>Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities, only in areas with a designation other than residential on a board adopted master plan</b>	<b>P</b>	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities		SUP
	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. 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		SUP
<i>Industrial Uses</i>	Printing and publishing	P	
	Private streets within "qualifying industrial parks" in accordance with section 24-55	P	
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect	P	
	Research, design and development facilities or laboratories	P	
	Wholesale and warehousing, with storage in a fully enclosed building	P	

**Sec. 24-500 494. Access points.**

All commercial and light industrial areas within the district shall have safe and convenient access onto a collector street or major thoroughfare. Turning lanes of sufficient length may be required to be built and dedicated by the developer.

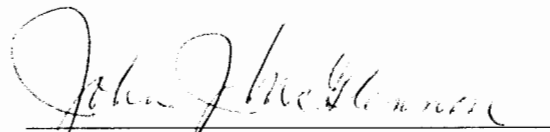
**Sec. 24-501 495. Requirements for commercial uses in the PUD-R District.**

If commercial uses specified in section 24-499 493(a)(2)(commercial) are included within the district, they shall be located in well-planned commercial areas and so designated on the master plan. In a PUD-R, the commercial area or areas with accompanying parking shall not exceed a total of 30 percent of the gross area of the district. The size and scale of commercial uses shall be compatible with surrounding residential areas.

**Sec. 24-502 496. Requirements for light industrial uses in the PUD-C District.**

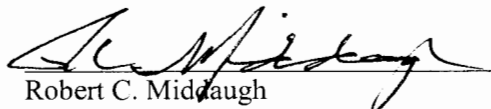
If light industrial uses specified in section 24-499 493(b)(2)-above are included within the district, they shall be located in well planned light industrial areas and so designated on the master plan. All light industrial activities shall be of a nature and so conducted that the effects of noise, dust, light or odor shall not extend beyond the limits of the light industrial area of the district.

**Secs. 24-503 497 - 24-513. Reserved.**



John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:



Robert C. Middaugh  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	___	___
JONES	<u>X</u>	___	___
KENNEDY	<u>Absent</u>	___	___
ICENHOUR	<u>X</u>	___	___
KALE	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2012.