

NOV 08 2016

ORDINANCE NO. 31A-317

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 V, DISTRICTS; DIVISION 6, MULTIFAMILY RESIDENTIAL, R-5, SECTION 24-305, USE LIST; AND SECTION 24-310, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts; Division 6, Multifamily Residential, R-5, Section 24-305, Use list; and Section 24-310, Requirements for improvements and design.

DIVISION 6 - MULTIFAMILY RESIDENTIAL, R-5

Sec. 24-305. Use list.

In the Multifamily Residential District, R-5, structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory buildings or structures as defined	P	
	Apartments	P	
	Group home or residential facilities, for eight or fewer adults	P	
	Group home or residential facilities, for nine or more adults		SUP
	Independent living facilities		SUP
	Multifamily dwellings containing two or more dwelling units	P	
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers	P	
	Assisted living facilities		SUP
	Barber and beauty shops		SUP
	Business, professional and governmental offices		SUP
	Child day care centers	P	
	Coin laundries which are accessory to other residential uses and for the primary use of its residents	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ballfields, tennis courts and other similar recreation facilities	P	
	Continuing care retirement communities		SUP
	Golf courses, country clubs		SUP
	Home occupations, as defined	P	
	Hospitals and mental health facilities		SUP
	Lodges, civic clubs, fraternal organizations, service clubs		SUP
	Marina, boat dock or waterfront recreational facilities	P	
	Off-street parking as required by article II, division 2 of this chapter	P	

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Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Photography studios and sales, artist and sculptor studios	P	
	Professional and business offices located in the same structure as and accessory to multifamily uses		SUP
	Rental of one room	P	
	Rental of two or three rooms to a maximum of three rooms		SUP
	Restaurants which are accessory to permitted private clubs or marinas	P	
	Retail shops accessory to community recreation facilities	P	
	Skilled nursing facilities (nursing homes)		SUP
	Temporary offices in accordance with section 24-111		SUP
	Tourist homes	P	
Civic	Cemeteries and memorial gardens		SUP
	Fire stations	P	
	Libraries	P	
	Places of public assembly	P	
	Schools	P	
	Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
Utility	Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvement in existing railroad rights-of-way are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas,		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment's such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines, and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	
Open	Timbering in accordance with section 24-43	P	

Sec. 24-310. Requirements for improvements and design.


- (a) *Sewer and water.* All dwelling units within the Multifamily Residential District, R-5, shall be served by publicly owned and operated sewer and water systems.
- (b) *Open space.* There shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.
 - (1) Non-developable areas shall be maintained as open space and shall not be included on any private lot, and should be protected though a conservation easement dedicated to the county or other legal entity approved by the county attorney.
 - (2) In addition, ten percent of the developable area shall also be set aside as open space. The developable area open space may include, but is not limited to:
 - a. Areas on site necessary to meet county policies pertaining to natural resources, archaeology and parks and recreation;
 - b. Areas on site used to achieve density bonus points in accordance with section 24-307;
 - c. The following areas, up to the percent specified:

1. Required rights-of-way and perimeter buffers cannot exceed 50 percent of the developable open space required; and
 2. Stormwater management facilities cannot exceed 20 percent of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures).
- (3) For the purpose of meeting the developable open space requirements, open space area may not include:
- a. Area on any individual private lots, with the exception of easements for streetscapes, or
 - b. Land within public road rights-of-way and utility or drainage easements.
- (4) Open space shall be arranged on the site in a manner that is suitable in its size, shape and location for the conservation and recreational uses intended, with adequate access for all residents and served with adequate facilities for such purpose. Existing features which would enhance the residential environment or the county as a whole such as trees, watercourses, historic spots and similar features shall be preserved to the maximum extent possible.
- (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 50 dwelling units; provided, that the total shall not exceed ten percent of the gross area of the site. For multifamily projects with less than 50 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) *Parking.* Off-street parking facilities shall be provided in accordance with article II, division 2 of this chapter.
- (e) *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 in accordance with the provisions of section 24-62. The traffic generated by a Multifamily 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 the appropriate trip generation rate as listed in the latest edition of a book entitled Trip Generation published by the Institute of Transportation Engineers and compared to the existing traffic and road capacity as determined by the highway engineer.
- (f) *Outdoor lighting.* Outdoor lighting shall be provided, as required by article II, division 7 of this chapter and the county subdivision ordinance. No lighting fixture on pedestrian or bicycle paths or parking lots shall exceed a height of 15 feet.
- (g) *Structure height.* Structures may be erected up to 35 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, penthouse, electrical, plumbing, elevator, athletic field lighting, water tank or other accessory functions which are part of the structure ~~and~~

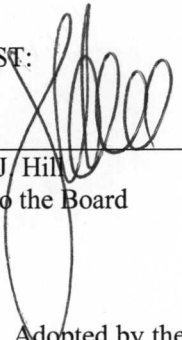
~~accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities.~~ A structure in excess of 35 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, penthouse, electrical, plumbing, elevator, athletic field lighting, water tank ~~radio, television and microwave antennas and towers~~ or other accessory functions, ~~and for wireless communications facilities that utilize alternative mounting structures to exceed 35 feet in height but not to exceed 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. *Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.*

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 will not obstruct light from adjacent property;
 - (2) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
 - (3) Such structure will not impair property values in the surrounding area;
 - (4) Such structure is adequately designed and served from the stand point of safety and the county fire chief certifies 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 to offer adequate protection to life and property; and
 - (5) Such structure would not be contrary to the public health, safety and general welfare.
- (h) *Maximum number of units and facade variety.* A maximum of ten multifamily dwelling units shall be included in one structure. The facade of multifamily dwelling 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.
- (i) *Minimum distances.* The distance between two main structures on a single lot shall be a minimum of the height of the taller structure. Accessory structures shall be a minimum of ten feet from any other structure.
- (j) *Maintenance of common open space, recreation facilities, etc.* The maintenance of common open space, recreation facilities, sidewalks, parking, private streets and other privately owned but common facilities serving the project shall be guaranteed by the developer, project owner or a properly established homeowners' association.
- (k) *Signs.* To assure an appearance and condition which is consistent with the purposes of this district, outdoor signs shall comply with the regulations for exterior signs in article II, division 3 of this chapter.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2016.

Sec24-305and24-310-R5-ord