

## ARTICLE 7 - RESIDENTIAL PLANNED COMMUNITY, DISTRICT R-4

Statement of Intent

This district is intended to permit development in accordance with a master plan therefore, of cluster-type communities containing not less than four hundred (400) contiguous acres under one ownership or control, in a manner that will protect and preserve the natural resources, trees, watersheds, contours and topographic features of the land, protect and enhance the natural scenic beauty and permit the greatest amount of recreational facilities by leaving as permanent open area not less than forty (40) per cent of the total acreage. Within such communities, the location of all improvements shall be controlled in such manner as to permit a variety of housing accommodations in an orderly relationship to one another with the greatest amount of open area and the least disturbance to natural features. "Open area" shall include parks, lakes, roads, roadways, walkways, trails, school sites, playground and recreation facilities, golf and other sports facilities, non-residential clubhouse grounds and rights of way and surface easements for drainage and other utilities over areas not within the lines of any residential lot. A planned residential district may include a variety of residential accommodations and light commercial activity, but no industrial development is permitted.

## ESTABLISHMENT

## 7-1. REQUEST AND MASTER PLAN

Request for establishment of a residential planned community shall be made initially to the Planning Commission and subsequently to the County Board of Supervisors accompanied by a "Master Plan" for the proposed community of not less than four hundred (400) contiguous acres under one ownership or control.

## 7-2. APPLICATION

- 7-2-1. The applicant shall furnish with his application for establishment of a residential planned community, a statement of the impact on the community, together with seven (7) copies of a Master Plan prepared by a surveyor, engineer or architect, duly authorized by the State to practice as such, upon which shall be shown the approximate location of the open areas which shall comprise not less than forty (40) per cent of the various land uses, the general location and the general location of any commercial centers and the residential density classifications of each residential area. (Amended June 12, 1972.)
- 7-2-2. The applicant shall further submit with his application seven (7) copies of a set of schematic preliminary plans which shall indicate a method by which the Master Plan may be implemented and show the general circulation plan. (Amended June 12, 1972.)
- 7-2-3. Upon approval by the County Board of Supervisors of the Master Plan, the Residential Planned Community shall be deemed established. After approval, the Master Plan may not be altered without approval of the County Board of Supervisors. The Master Plan and any preliminary submittals of the Final Plans shall be superseded by the Final Plans hereinafter pro-

vided for upon approval. The developer may be required to furnish a surety bond against completion of any improvements specified at the time of filing final plans.

#### DEVELOPMENT

#### 7-3. FINAL PLAN

- 7-3-1. Following the establishment of a residential planned community by approval of the Board of Supervisors of a Master Plan therefore, the applicant shall furnish to the Planning Commission seven (7) copies of a Final Plan of any part or section of the community shown on the Master Plan and from time to time thereafter shall submit additional Final Plans comprising the whole area of the Master Plan. The final plan shall be prepared or certified by a surveyor or engineer or architect. The Final Plans shall be consistent with the Master Plan as approved, but may vary from the preliminary plans to any degree which the Planning Commission believes does not vary the basic concept or character of the development. (Amended June 12, 1972.)
- 7-3-2. The Final Plans shall show to scale the layout of all major and local roads, public and private, the general location of all buildings and improvements, other than single family dwellings (as to these buildings the general location for improvements within the lines of each lot shall be shown) and other than school buildings or other buildings to be built by public authority (as to which the site or lot shall be shown), all parking areas, pedestrian ways, utility easements, lot lines and shall show the different types of open area and other public or community amenities, the proposed use of all buildings and of all areas dedicated for public or private common use. (Amended June 12, 1972.)
- 7-3-3. The applicant shall furnish with a Final Plan a proposed deed of easement including restrictions safeguarding the permanent use of open areas, if any. (Amended June 12, 1972.)
- 7-3-4. The Planning Commission shall, within thirty (30) days of receipt of a Final Plan pursuant to Section 7-3-1, review the Final Plan and report its recommendations for approval or disapproval to the Board of Supervisors. The Board of Supervisors shall, within thirty (30) days of its first regular meeting following receipt of the report of the Planning Commission, approve the Final Plan if the Board of Supervisors determines that implementation of the Final Plan will not adversely affect the health or safety of persons residing or working in the area, will not be detrimental to the public welfare or injurious to property or improvements in the Community, and will be in accord with the provisions and purposes of this ordinance and the land use plan of James City County. The Board of Supervisors if it approves such Final Plan, may, in so doing, impose conditions to such approval pursuant to other provisions of this ordinance. Failure of the Board of Supervisors to disapprove the Final Plan within such thirty (30)

day period shall be deemed approval of such Final Plan. Upon approval of the Final Plan by the Board of Supervisors, applicant may record the Final Plan, provided that locations on the recorded plat may be shown by metes and bounds. Thereafter, no modification may be made in any Final Plan except by an amended Final Plan submitted as provided for the original Final Plan. (Amended June 12, 1972.)

7-3-5. It shall be the obligation of applicant, upon the approval of the Master Plan, to convey to the Board of Supervisors or its designee such lands as may be required herein. Subsequent to the establishment of the Master Plan as provided in Section 7-2-3 hereof, applicant shall, from time to time, upon request of the Board of Supervisors, furnish a deed or deeds, without consideration, to such amount or amounts of land as may be determined by the Board of Supervisors to be reasonably required as sites for additional or expanded public services (including, but not limited to education, fire protection and municipal functions), the need for which services has been, or is reasonably anticipated in the future to be, occasioned by the development of the residential planned community. The land or lands to which a deed or deeds is to be furnished hereunder may be selected by the applicant, but must be suitable from the standpoint of size, location and topography, to the public purposes for which required. The amount of land required to satisfy the requirements of this section shall be not more than four (4) acres per 1,000 population, computed by reference to the maximum density permitted under the Master Plan. The obligation imposed upon applicant by this section may be satisfied in whole or in part by written agreement between applicant and the Board of Supervisors. Failure of applicant to comply with the requirements shall be grounds for withholding approval of any pending or future Final Plan. (Amended June 12, 1972.)

7-3-6. No land shown on a Master Plan shall be subdivided, nor shall any structure be erected on such land except in accordance with a Final Plan approved and recorded pursuant to Section 7-3-4 above. ( Amended June 12, 1972.)

#### 7-4. ADDITIONAL LAND

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

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

#### 7-5. COMPUTING POPULATION DENSITY

The average population density of the aggregate gross area shall not exceed ten (10) persons per acre.

For the purpose of computing population maximum density, a factor of three and seven-tenths (3.7) persons shall be used per detached single family dwelling or permanent mobile home, three (3) persons per townhouse, two (2) persons per unit, in multi-family structures of three stories or less, and one and five-tenths (1.5) persons per unit in residential club house, hotel, motel or high rise (elevator) apartment or other structure of more than three stories above ground. (Amended June 12, 1972.)

7-6. PERMITTED POPULATION DENSITY

7-6-1. Five residential density areas shall be permitted in the Residential Planned Community generally in the location shown on the Master Plan. Such density areas shall be designated as follows:

- "A" areas for detached single family dwelling units.
- "B" areas for townhouse units.
- "C" areas for multi-family residential structures of not more than three stories above ground.
- "D" areas for multi-family residential structures of more than three stories above ground.
- "E" areas for permanent mobile homes.

The population density within an "A" area shall not exceed fifteen (15) persons per acre of gross residential area which term gross residential area shall include roads within such area; the population density within a "B" area shall not exceed fifty-five (55) persons per area of gross residential area; the population density in a "C" area shall not exceed fifty (50) persons per acre of gross residential area; and the population density in a "D" area shall be determined after proper presentation of plans to the Planning Commission and data indicating the impact of the multi-story facility has been studied by the Commission. The population in an "E" area shall not exceed twenty-five (25) persons per acre of gross residential area.

7-7. USE REGULATIONS

7-7-1. All uses permitted by right or by special permit in the Limited Residential District R-1, in the Limited Residential District R-2, and in the General Residential District R-3 of the James City County Zoning Ordinance shall be permitted as in the respective districts of the Residential Planned Community, as well as the following uses. All uses are subject to the limitations hereinafter provided.

7-7-2. Golf courses and country clubs.

7-7-3. Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields.

- 7-7-4. Dinner theaters.
- 7-7-5. Outdoor theaters and entertainment.
- 7-7-6. Preserves and conservation areas.
- 7-7-7. Public and private recreation areas.
- 7-7-8. Hunting clubs.
- 7-7-9. Yacht clubs, private or commercial marinas, boat storage and service facilities shall be permitted.(Amended June 12, 1972.)
- 7-7-10. Cemeteries and memorial gardens.
- 7-7-11. Fire stations.
- 7-7-12. All uses permitted in General Business District B-1 of the James City County Zoning Ordinance shall be permitted in the Residential Planned Community except that the following uses will not be permitted.
- 7-7-13. Auto sales and service.
- 7-7-14. Lumber and building (with storage under cover).
- 7-7-15. Plumbing and electrical supply (with storage under cover).
- 7-7-16. Wholesale and processing.
- 7-7-17. Machinery sales and service.
- 7-7-18. Waterfront business activities such as docks and areas for the receipt, storage and transshipment of water-borne commerce; seafood and shellfish receiving, packing and shipping plants.
- 7-7-19. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
- 7-7-20. Design, research and/or evaluating laboratories.
- 7-7-21. Trailer sales and service.
- 7-7-22. All uses are subject to the limitations hereinafter provided.
- 7-8. LIMITATIONS
- 7-8-1. Commercial uses shall be located in well designed commercial areas of the Residential Planned Community shown on the Master Plan and on the Final Plan.

- 7-8-2. Not more than twenty percent (20%) of the total area is to be devoted to commercial uses in the Residential Planned Community, and such commercial uses are to be limited to the areas designated on the Master Plan and on the Final Plan.

Contiguous off-street parking areas shall not be included in computing open areas.

- 7-8-3. No tourist camps or mobile home parks shall be permitted. However, permanent mobile home subdivision may be included provided that they represent no more than twenty per cent (20%) of the premissable living units. For the purpose of computing the number of permitted permanent trailer sites, a mobile home subdivision shall be considered "E" area as defined herein under Section 7-6-1 and for the purpose of computing population density, the factor for mobile homes shall be 3.7 persons per mobile home. The developer shall submit protective covenants and restrictions which shall be in addition to those contained in the Zoning Ordinance and shall be designed to insure the beautification of the area of the permanent mobile home subdivisions for prior approval of the Planning Commission

- 7-8-4. Uses in a Residential Planned Community shall be permissible only in the general location shown on the approved Master Plan as previously set forth.

- 7-8-5. The use of any area within a Residential Planned Community shall be shown on the Final Plan as previously set forth.

7-9. BUILDING LOCATION REQUIREMENTS

The location of all structures shall be as shown on the Final Plan as required in Section 7-3 other than single family dwellings as to which building restriction lines or construction area limit shall be shown with respect to each lot. The proposed location and arrangement of structures shall not be detrimental to the existing or prospective development of the neighborhood.

Open spaces between structures shall be protected where necessary by adequate covenants running with the land, conveyances or dedications. Lot sizes and setback lines shall be as shown on the approved Final Plan.

7-10. UTILITIES

Prior to approval of the Final Plan, the applicant must submit plans and specifications of a public or private sewer and a public or private water supply system adequate to serve the area covered by the Final Plan in conformity with standards of the Virginia State Water Control Board and the Virginia State Health Department. Approval may be granted to a Final Plan subject to the conditions that no lot may be sold or conveyed until assurances satisfactory

to the Board of Supervisors have been given by the applicant with respect to the timely extension of water and sewer to the particular lot. (Amended June 12, 1972.)

7-11. STREET IMPROVEMENTS

- 7-11-1. All dedicated public streets shown on the Final Plan shall meet requirements of the Virginia Department of Highways Subdivision Standards. Before approval of any Final Plan the Resident Agent shall so certify. Such public streets shall be coordinated with the Major Transportation Network shown in the County Comprehensive Plan. (Amended June 12, 1972.)
- 7-11-2. Private streets shown on the Final Plan shall be similarly coordinated with existing or planned streets of both the Master Plan and the County Comprehensive Plan. Private streets shown on the Final Plan need not meet the requirements of the Virginia Department of Highways, but shall meet all requirements of the County Subdivision Ordinance except as these may be waived or modified by the Board of Supervisors as set forth hereafter. (Amended June 12, 1972.)
- 7-11-3. To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the Board of Supervisors that a property owners' community association or similar organization has been legally established under which the lots within the area of the Final Plan will be assessed for the cost of maintaining private streets, and that such assessments shall constitute a pro-rata lien upon the individual lots shown on the Final Plan. (Amended June 12, 1972.)
- 7-11-4. Approval may be granted to a Final Plan subject to the condition that no lot may be sold or conveyed until assurances satisfactory to the Planning Commission have been given by the applicant with respect to the timely extension of public or private roads to the particular lot.
- 7-11-5. The uniqueness of each proposal for a Residential Planned Community requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities, and the specifications for curbs, gutters, sidewalks, street lights and storm water drainage shall be subject to modification from the specifications established in the County Subdivision Ordinance. The Board of Supervisors may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for a particular facility where the Board of Supervisors finds that such specifications are not required in the interests of the residents of the Residential Planned Community and that the modifications of such specifications are not inconsistent with the interests of the entire county. (Amended June 12, 1972.)

- 7-11-6. It shall be the responsibility of the applicant to demonstrate to the satisfaction of the Board of Supervisors with respect to any requested waiver or modification: (Amended June 12, 1972.)
- a. That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;
  - b. That the waiver or modification is reasonable because of the uniqueness of the Residential Planned Community or because of the large area of the Residential Planned Community within which the nature and excellence of design and construction will be coordinated, preplanned and controlled;
  - c. That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur within the area of the Master Plan;
  - d. That any waiver or modification as to sidewalks in "B" "C", "D", or "E" density areas be justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic.
  - e. That traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic and in no case less than 10 feet wide; and
  - f. That waivers or modifications as to base and surface construction of streets and as to the construction of ditches or drainage way be based upon soil tests for CBR value and erosion characteristics of the particular subgrade support soils in the area.

7-12. SPECIAL PROVISIONS

The provisions hereof shall not be limited by any provisions of any other part of the James City County Zoning or Subdivision Regulations inconsistent herewith. (Amended June 12, 1972.)



dwelling areas will be designated.

- 7-2-3. Upon approval by the County Board of Supervisors of the Master Plan, the Residential Planned Community shall be deemed established. After approval, the Master Plan may not be altered without approval of the County Board of Supervisors. The Master Plan and any preliminary submittals of the Final Plans shall be superseded by the Final Plans hereinafter provided for upon approval. The developer may be required to furnish a surety bond against completion of any improvements specified at the time of filing final plans.

#### DEVELOPMENT

#### 7-3. FINAL PLAN

- 7-3-1. Following the establishment of a Residential Planned Community by approval of the Board of Supervisors of a Master Plan therefore, the applicant shall furnish to the Planning Commission seven (7) copies of a Final Plan of any part or section of the community comprising not less than twenty-five (25) acres of land shown on the Master Plan and from time to time thereafter shall submit additional Final Plans comprising the whole area of the Master Plan. The final plan shall be prepared or certified by a surveyor or engineer or architect. The Final Plans shall be consistent with the Master Plan as approved but may vary from the preliminary plans to any degree which the Planning Commission believes does not vary the basic concept or character of the development.
- 7-3-2. The Final Plans shall show by metes and bounds the layout of all major and local roads, public and private, the location of all buildings and improvements, other than single family dwellings (as to these buildings the general location for improvements within the lines of each lot shall be shown) and other than school buildings or other buildings to be built by public authority (as to which the site or lot shall be shown), all parking areas, pedestrian ways, utility easements, lot lines, and shall show the different types of open area and other public or community amenities, the proposed use of all buildings and of all areas dedicated for public or private common use.
- 7-3-3. The applicant shall furnish with a Final Plan a proposed deed of easement including restrictions safeguarding the permanent use of open areas and preventing encroachment thereupon. The applicant shall furnish simultaneously with, or prior to, approval of any Final Plan a deed or deeds, without consideration to any land within its area determined by the County Board of Supervisors to be reasonably required for the particular community for public purposes.

The population density within an "A" area shall not exceed fifteen (15) persons per acre of gross residential area which term gross residential area shall include roads within such area; the population density within a "B" area shall not exceed fifty-five (55) persons per acre of gross residential area; the population density in a "C" area shall not exceed fifty (50) persons per acre of gross residential area; and the population density in a "D" area shall be determined after proper presentation of plans to the Planning Commission and data indicating the impact of the multi-story facility has been studied by the Commission. The population in an "E" area shall not exceed twenty-five (25) persons per acre of gross residential area.

7-7. USE REGULATIONS

- 7-7-1. All uses permitted by right or by special permit in the Limited Residential District R-1, in the Limited Residential District R-2, and in the General Residential District R-3 of the James City County Zoning Ordinance shall be permitted as in the respective districts of the Residential Planned Community, as well as the following uses. All uses are subject to the limitations hereinafter provided.
- 7-7-2. Golf courses and country clubs.
- 7-7-3. Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields.
- 7-7-4. Dinner theaters.
- 7-7-5. Outdoor theaters and entertainment.
- 7-7-6. Preserves and conservation areas.
- 7-7-7. Public and private recreation areas.
- 7-7-8. Hunting clubs.
- 7-7-9. Yacht clubs.
- 7-7-10. Cemeteries and memorial gardens.
- 7-7-11. Fire stations.
- 7-7-12. All uses permitted in General Business District B-1 of the James City County Zoning Ordinance shall be permitted in the Residential Planned Community except that the following uses will not be permitted.
- 7-7-13. Auto sales and service.
- 7-7-14. Lumber and building (with storage under cover).

- 7-8-4. Uses in a Residential Planned Community shall be permissible only in the general location shown on the approved Master Plan as previously set forth.
- 7-8-5. The use of any area within a Residential Planned Community shall be shown on the Final Plan as previously set forth.

7-9. BUILDING LOCATION REQUIREMENTS

The location of all structures shall be as shown on the Final Plan as required in Section 7-3 other than single family dwellings as to which building restriction lines or construction area limit shall be shown with respect to each lot. The proposed location and arrangement of structures shall not be detrimental to the existing or prospective development of the neighborhood.

Open spaces between structures shall be protected where necessary by adequate covenants running with the land, conveyances or dedications. Lot sizes and setback lines shall be as shown on the approved Final Plan.

7-10. UTILITIES

Prior to approval of the Final Plan, the applicant must submit plans and specifications of a public or private sewer and a public or private water supply system adequate to serve the area covered by the Final Plan in conformity with standards of the Virginia State Water Control Board and the Virginia State Health Department. Approval may be granted to a Final Plan subject to the conditions that no lot may be sold or conveyed until assurances satisfactory to the Planning Commission have been given by the applicant with respect to the timely extension of water and sewer to the particular lot.

7-11. STREET IMPROVEMENTS

- 7-11-1. All dedicated public streets shown on the Final Plan shall meet all requirements of the Virginia Department of Highways Subdivision Standards. Before approval of any Final Plan the Resident Agent shall so certify. Such public streets shall be coordinated with the Major Transportation Network shown in the County Comprehensive Plan.
- 7-11-2. Private streets shown on the Final Plan shall be similarly coordinated with existing or planned streets of both the Master Plan and the County Comprehensive Plan. Private streets shown on the Final Plan need not meet the requirements of the Virginia Department of Highways, but shall meet all requirements of the County Subdivision Ordinance except as these may be waived or modified by the Planning Commission as set forth hereafter.

- d. That any waiver or modification as to sidewalks in "B", "C", "D", or "E" density areas be justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic.
- e. That traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic and in no case less than 10 feet wide; and
- f. That waivers or modifications as to base and surface construction of streets and as to the construction of ditches or drainage way be based upon soil tests for CBR value and erosion characteristics of the particular subgrade support soils in the area.

7-12. MINIMUM STREET REQUIREMENTS CHART

In no case shall the Planning Commission grant waivers or modifications as to width of streets, curbs, gutters, and sidewalks that will permit less than the following:

7-13. SPECIAL PROVISIONS

The provisions hereof shall not be limited by any provisions of any other part of the James City County Zoning or Subdivision Regulations inconsistent herewith.

If following the establishment of a Residential Planned Community, a Final Plan shall be submitted to the Planning Commission as hereinbefore provided, such Final Plan shall be deemed approved by the Planning Commission if no action has been taken by the Planning Commission within sixty (60) days after the Planning Commission meeting at which the Final Plan was submitted. (This entire section adopted by the Board of Supervisors, June 14, 1971.)