

**ADOPTED**

ORDINANCE NO. 31A-97

JUN 2 1986

**BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE IX, RESIDENTIAL CLUSTER DEVELOPMENT, BY AMENDING SECTION 20-513, REVIEW AND APPROVAL PROCESS, AND ADDING SECTION 20-514, SPECIAL PROVISIONS FOR STAGE DEVELOPMENT OF RESIDENTIAL CLUSTERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-513, Review and Approval Process, and adding Section 20-514, Special Provisions for Stage Development of Residential Clusters.

CHAPTER 20. ZONING

ARTICLE IX. RESIDENTIAL CLUSTER DEVELOPMENT

Section 20-513. Review and Approval Process.

(a) Review Required.

A proposed plan of development for a residential cluster development proposed under this Article shall be filed with the Planning Director who shall submit it to the Subdivision Review Committee or the Site Plan Review Committee whichever is appropriate. The Planning Director and the Subdivision Review Committee or the Site Plan Review Committee shall recommend action on the plan to the Planning Commission, which shall approve the plan of development upon finding that:

1. Such cluster development will preserve the environmental integrity of the site by protecting features such as steep slopes, stream valleys, desirable vegetation or farmland;
2. The cluster development will not impair the character of the area, nor likely reduce the value of surrounding buildings or property; and
3. The proposed project is substantially in accordance with the Comprehensive Plan of James City County.

(b) Plan of Development.

The plan of development shall include all information required to be on a preliminary plat by the Subdivision Ordinance, and shall identify proposed areas and uses of open space including the non-developable areas. As marginal information the plan of development shall show the total area of the site, the net developable area, the proposed facilities qualifying for density bonuses, the total number of dwelling units, and the number of bonus units, the minimum amount of open space required under Section 20-511(a), and the total amount of open space proposed.

(c) Status of Approved Plan of Development.

Upon approval of the plan of development under this Section, such plan shall be considered an approved preliminary plat, as defined in the Subdivision Ordinance, and such plan shall thereafter be controlled by the Subdivision Ordinance.

(d) Amendment of Plan of Development.

Upon application, an approved plan of development may be amended by the Planning Director; provided, however, that a proposed amendment does not:

1. Alter a recorded plat.
2. Conflict with the requirements of this Article.
3. Change the general character or content of an approved plan of development.
4. Impair property values in the surrounding area.
5. Result in any substantial change of major external access points.
6. Increase the approved number of dwelling units for any portion of the previously approved residential cluster development.

Proposed amendments that do not meet these criteria shall be referred to the Planning Commission for review and action.

(e) Plan of Development - Review Fees.

Submittal of a plan of development under this Section shall be accompanied by a fee in accordance with the fees established for site plan review under Section 20-6 of this Chapter or subdivision review under Section 17-54 of the County's Subdivision Ordinance.

Section 20-514. Special Provisions for Stage Development of Residential Clusters.

Residential cluster developments may be developed in stages or sections in accordance with the following provisions:

(a) Review Required.

An overall plan of development shall be submitted, reviewed and approved in accordance with Section 20-513(a).

(b) Plan of Development.

The plan of development shall be prepared by a licensed surveyor, engineer, architect, landscape architect, or a planner. A scale may be used so that the entire parcel can be shown on one piece of paper no longer than 30" by 40". It shall include:

1. An insert map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions or landmarks.
2. A north arrow.
3. The location of existing property lines, watercourses, or lakes, wooded areas and existing woods which are within or adjoin the property.
4. The boundaries of each section, topography, approximate location of proposed streets, proposed areas and uses of open space, proposed recreation areas, proposed lots and-or buildings.
5. Marginal data which shows the total area of the site, the net developable area, the proposed facilities qualifying for density bonuses, the total number of dwelling units and-or lots, the number of bonus units and-or lots, the minimum amount of open space required by Section 20-511(a), and the total amount of open space.
6. Master water, sewer and drainage plans and schematic plans which shall indicate the phasing of development.

(c) Status of Approved Plan of Development.

The approval of the plan of development under this Section shall not be considered an approved preliminary plat as defined in the Subdivision Ordinance.

(d) Relationship of Sectional Plans to Plan of Development.

Following, or as a part of the establishment and approval of the plan of development by the Planning Commission, the applicant shall furnish to the Site Plan Review Committee or the Subdivision Review Committee, whichever is appropriate, sectional plans of any part or parts of the residential cluster development. The term sectional plan shall mean site plan or subdivision plat. The sectional plans shall be consistent with the plan of development as approved, but may alter to any degree which the Planning Commission believes does not alter the basic concept or character of the development.

(e) Plan of Development - Agreement.

Prior to final approval of the first sectional plan, an agreement shall be executed between the developer and the County which shall be binding upon the developer, his successors, assigns or heirs to the effect that the approved plan of development shall govern the development of the total residential cluster development. This provision does not preclude the adjustment of the plan in accordance with Section 20-513(d).

(f) Sectional Plans, Plan of Development - Review Fees.

Submittals of a site plan or preliminary subdivision plat implementing any portion of the plan of development shall be accompanied by a fee in accordance with Section 20-6 of this Chapter or Section 17-54 of the County's Subdivision Ordinance. Submittal of a plan of development shall be accompanied by the fee charged for master plan review in accordance with Section 20-6 of this Chapter.

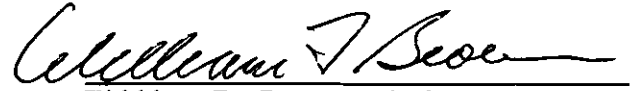
(g) Sectional Plans - Action.

Sectional plans submitted in accordance with Section 20-514(d) shall be reviewed in accordance with, and meet the requirements of, Article II of this Chapter or the County's Subdivision Ordinance, whichever is appropriate.

Section 20-515 - Section 20-523. Reserved

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William F. Brown, Chairman  
Board of Supervisors

ATTEST:



James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,  
this 2nd day of June, 1986.

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<u>SUPERVISOR</u>	<u>VOTE</u>
BROWN	AYE
DEPUE	AYE
EDWARDS	AYE
MAHONE	AYE
TAYLOR	AYE