

ADOPTED

JUL 6 1992

ORDINANCE NO. 31A-145

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, BY AMENDING ARTICLE I, IN GENERAL, BY AMENDING SECTION 20-2, DEFINITIONS; SECTION 20-6, ADMINISTRATIVE FEES; SECTION 20-14, LANDSCAPING AND TREE PRESERVATION REQUIREMENTS; ARTICLE III, MANUFACTURED HOME PARKS, SECTION 20-67, STREETS REQUIRED; ARTICLE IV, DISTRICTS, DIVISION 1, GENERALLY, SECTION 20-87, DIVISION OF UNINCORPORATED AREAS INTO DISTRICTS; SECTION 20-100, SPECIAL REQUIREMENTS FOR DISH ANTENNAE; SECTION 20-104, SPECIAL USE PERMIT REQUIREMENTS FOR CERTAIN COMMERCIAL AND OFFICE USES, EXEMPTIONS; DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 20-110, PERMITTED USES; SECTION 20-111, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 3, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 20-130, PERMITTED USES; SECTION 20-131, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 4, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 20-150, PERMITTED USES; SECTION 20-151, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 5, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 20-170, PERMITTED USES; SECTION 20-171, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 6, MIXED USE, SECTION 20-197, PERMITTED USES; SECTION 20-198, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 20-201, HEIGHT OF STRUCTURES; DIVISION 7, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 20-213, DOCUMENTS REQUIRED FOR SUBMISSION; SECTION 20-215, APPROVAL OF MASTER PLAN; RELATIONSHIP TO FINAL PLANS; AMENDMENTS; SECTION 20-222, PERMITTED DENSITY WITHIN RESIDENTIAL AREAS; SECTION 20-224,

PERMITTED USES; SECTION 20-230, HEIGHT LIMITS; DIVISION 8, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 20-242, PERMITTED USES; SECTION 20-243, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 20-251, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 9, LOW DENSITY RESIDENTIAL DISTRICT, R-6, SECTION 20-266, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 11, LIMITED BUSINESS DISTRICT, LB, SECTION 20-307, PERMITTED USES; SECTION 20-308, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 12, GENERAL BUSINESS DISTRICT, B-1, SECTION 20-329, PERMITTED USES; SECTION 20-330, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 20-336, HEIGHT AND BULK LIMITS; ARTICLE VIII, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 20-468, DOCUMENTS REQUIRED FOR SUBMISSION; SECTION 20-470, PROCEDURES; SECTION 20-476, DENSITY; ARTICLE IX, RESIDENTIAL CLUSTER DEVELOPMENT, SECTION 20-507, YARD REGULATIONS; SECTION 20-508, DENSITY; ARTICLE X, OVERLAY DISTRICTS, DIVISION 1, RESERVOIR PROTECTION OVERLAY DISTRICT, RP, SECTION 20-533, REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL USES; BY DELETING SECTION 20-479, PUBLIC USES; BY RENUMBERING SECTION 20-480, ADDITION OF LAND TO AN EXISTING PLANNED UNIT DEVELOPMENT; SECTION 20-485, ACCESS POINTS; SECTION 20-486, SETBACK REQUIREMENTS FOR INDUSTRIAL USE; SECTION 20-487, REQUIREMENTS FOR COMMERCIAL USES IN THE PUD-R DISTRICT; BY RENUMBERING AND AMENDING SECTION 20-481, HEIGHT AND SPACING OF BUILDINGS; SECTION 20-482, REQUIREMENTS FOR IMPROVEMENT AND DESIGN; SECTION 20-483, SETBACK, SIDE AND REAR YARD REQUIREMENTS; AND SECTION 20-484, PERMITTED USES; TO REVISE THE ZONING ORDINANCE BY ADDING DEFINITIONS AND CLARIFYING THE ABOVE SECTIONS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF JAMES CITY COUNTY BY ENSURING THAT THE TERMS USED IN THE ZONING ORDINANCE ARE CLEAR, CONSISTENT AND CONCISE.

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 Article I, in General, by amending Section 20-2, Definitions; Section 20-6, Administrative fees; Section 20-14, Landscaping and tree preservation requirements; Article III, Manufactured Home Parks, Section 20-67, Streets required; Article IV, Districts, Division 1, Generally, Section 20-87, Division of Unincorporated Areas into Districts; Section 20-100, Special requirements for dish antennae; Section 20-104, Special use permit requirements for certain commercial and office uses, exemptions; Division 2, General Agricultural District, A-1, Section 20-110, Permitted Uses; Section 20-111, Uses Permitted by Special Use Permit Only; Division 3, Rural Residential District, R-8, Section 20-130, Permitted Uses; Section 20-131, Uses Permitted by Special Use Permit only; Division 4, Limited Residential District, R-1, Section 20-150, Permitted Uses; Section 20-151, Uses Permitted by Special Use Permit only; Division 5, General Residential District, R-2, Section 20-170, Permitted Use; Section 20-171, Uses Permitted by Special Use Permit only; Division 6, Mixed Use, District, MU, Section 20-197, Permitted Uses; Section 20-198, Uses Permitted by Special Use Permit only; Section 20-201, Height of Structures; Division 7, Residential Planned Community District, R-4, Section 20-213, Documents Required for Submission; Section 20-215, Approval of Master Plan; Relationship to Final Plans; Amendments; Section 20-222, Permitted Density Within Residential Areas; Section 20-224, Permitted Uses; Section 20-230, Height Limits; Division 8, Multifamily Residential District, R-5, Section 20-242, Permitted Uses; Section 20-243, Uses Permitted by Special Use Permit Only; Section 20-251, Requirements for Improvements and Design;

Division 9, Low Density Residential District, R-6, Section 20-266, Uses Permitted by Special Use Permit Only; Division 11, Limited Business District, LB, Section 20-308, Uses Permitted by Special Use Permit Only; Division 12, General Business District, B-1, Section 20-329, Permitted Uses; Section 20-330, Uses Permitted by Special Use Permit Only; Section 20-336, Height and Bulk Limits and Height Limitation Waivers; Article VIII, Planned Unit Development Districts, PUD, Section 20-468, Documents Required for Submission; Section 20-470, Procedures; Section 20-476, Density; Article IX, Residential Cluster Development, Section 20-507, Yard Regulations; Section 508, Density; Article X, Overlay districts, Division 1, Reservoir Protection Overlay District, RP, Section 20-533, Requirements for Commercial and Industrial Uses; By deleting Section 20-479, Public Uses; By Renumbering Section 20-480, Addition of Land to an Existing Planned Unit Development; Section 20-485, Access Points; Section 20-486, Setback Requirements for Industrial Use; Section 20-487, Requirements for Commercial Uses in the PUD-R District; By Renumbering and Amending Section 20-481, Height and Spacing of Structures; Section 20-482, Requirements for Improvements and Design; Section 20-483, Setback, Side and Rear Yard Requirements; and Section 20-484, Permitted Uses; To revise the Zoning Ordinance by adding definitions and clarifying the above sections to protect the public health, safety and welfare of the residents of James City County by ensuring that the terms used in the Zoning Ordinance are clear, consistent and concise.

Chapter 20. Zoning
Article I. In General

Section 20-2. Definitions.

DEVELOPMENT PLANS. Any site plan or subdivision plan.

MIXED USE STRUCTURE. A building or other structure containing a combination of two or more different principle uses.

PLANNED ROAD. Any road or similar transportation facility as designated on the Comprehensive Plan, Six-year Primary or Secondary Road Plan, Peninsula Area Transportation Plan, or any road plan adopted by the Board of Supervisors.

RECREATION FACILITY, COMMUNITY. A place designed and equipped for recreational activities by the inhabitants ~~for~~ of a residential or mixed use project and which is operated for noncommercial purposes by a developer, homeowner association, nonprofit organization, or a governmental agency.

Section 20-6. Administrative Fees.

Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing

of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

	<u>Procedure</u>	<u>Fee</u>
1.	Application for Amendments to the Zoning Map	
	a. Rezoning for 10 acres or less	\$ 300
	b. Rezoning for more than 10 acres but less than 50 acres	\$ 600
	c. Rezoning for 50 acres or more but less than 100 acres	\$ 900
	d. Rezoning for 100 acres or more but less than 400 acres	\$1,200
	e. Rezoning for 400 acres or more	\$1,500
2.	Applications for Special Use Permits	
	a. Generally	\$ 400
	b. Manufactured home on an individual lot	\$ 100
	c. Family Subdivision under Section 20-112	\$ 100
	d. Reservoir Protection Overlay District	\$ 100
	e. Amendment to a special use permit	\$ 200
3.	Master Plan Review	
	a. Initial review of any Residential Cluster, <i>Mixed Use</i> or a PUD with less than 400 acres (PUD's with 400 acres or more shall pay a rezoning fee only)	\$ 200
	b. Revision of approved plan	
	1) Residential Cluster	\$ 75
	2) R-4, PUD, <i>Mixed Use</i>	\$ 150

4. Site Plan Review

a. Administrative review

- 1) Residential structures or improvements \$100 plus \$30 per residential unit
- 2) Nonresidential structures or improvements \$100 plus \$30 for each 2,500 sq. ft. of building coverage
- 3) *Mixed Use structures or improvements* \$100 plus \$30 per residential unit plus \$30 for each 2,500 sq. ft. of nonresidential building coverage

b. Planning Commission review

- 1) Residential structures or improvements \$300 plus \$30 per residential unit
- 2) Nonresidential structures or improvements \$300 plus \$30 for each 2,500 sq. ft. of building coverage
- 3) *Mixed Use structures or improvements* \$300 plus \$30 per residential unit plus \$30 for each 2,500 sq. ft. of nonresidential building coverage

c. Amendment to an approved plan

- 1) Residential structures or improvements \$100 plus \$10 per residential unit
- 2) Nonresidential structures or improvements \$100 plus \$10 for each 2,500 sq. ft. of building coverage
- 3) *Mixed Use structures or improvements* \$100 plus \$10 per residential unit plus \$10 for each 2,500 sq. ft. of nonresidential building coverage

- 3)4) Residential or nonresidential structures or improvements where the number of dwelling units or area of building coverage, pavement, or open space is not changed more than 15 percent \$100

d.	Zoning Administrator and Fire Department Review only	\$ 20
5.	Sign Permits	\$3 per square foot of gross sign area
6.	Appeals to the Board of Zoning Appeals	\$100

Section 20-14. Landscaping and Tree Preservation Requirements.

D. Landscape Requirements by Zoning District

All uses and developments requiring a site plan and landscape plan in accordance with Article II, Site Plan, and this Section shall comply with the above requirements and those which follow. Where no landscape requirements are provided for a specific zoning district, the landscape plan shall be prepared in accordance with the requirements for the district which is deemed by the Planning Director, to be the most similar to the character of the proposed use, situation and surrounding conditions. In making this determination, the following shall be considered: the characteristics of the proposed use and surrounding area, existing Zoning and Comprehensive Plan designations, and use regulations of this Chapter. At a minimum, required setbacks and yards shall be provided as landscape areas which meet the requirements of this Section.

1. R-5, Multifamily residential district

- a. Setbacks. Setbacks from existing or planned peripheral public street right-of-ways shall contain a landscape area having an average width of thirty (30) feet in accordance with paragraph C.2.c. above. The balance of the setback and setbacks from internal streets shall contain existing trees and plantings in conformance with paragraphs C.2.a. above. This requirement shall not apply to single-family dwellings.
- b. Yards. All required yards shall contain existing trees and plantings in conformance with paragraphs C.2.a. above. This requirement shall not apply to single-family dwellings.
- c. Transitional screening. For developments with two hundred (200) or less units, a transitional screening area in accordance with paragraph C.2.d., with a minimum width of thirty (30) feet shall be provided within the first thirty (30) feet of yard area or setback from any property line when adjacent to or across a peripheral public street from any residential district other than R-5 or any agricultural district designated for low density residential or rural

~~residential~~ lands on the Comprehensive Plan. For larger developments, such transitional screening area shall be a minimum of thirty five (35) feet in width.

2. ~~R-7,~~ Manufactured Home Subdivision and a Manufactured Home Park

a. Perimeter landscape area. A perimeter landscape area at least 30 feet in width shall be provided around the entire site in addition to all other yard requirements in manufactured home subdivisions and parks. Such landscape area shall be provided in accordance with paragraphs C.2.a., and C.2.c. above.

3. LB, Limited Business District; B-1, General Business District; M-1, Limited Business/Industrial District; M-2, General Industrial District; M-3, Limited Industrial

a. Side and Rear Landscape Area. A landscape area adjoining all side and rear property lines shall be provided which is at least 15 feet in width. Along the rear property lines, such landscape area may be reduced to a minimum of 10 feet in width or 5 percent of the average lot depth, whichever is greater, on lots with less than 65,000 square feet which were recorded or legally in existence prior to July 3,

1990. Such landscape area shall be landscaped in accordance with paragraph C.2.a. above. Such area may be broken by necessary driveways or utilities perpendicular to the property line.

- b. Transitional Screening. Landscape areas along property lines of properties zoned LB, B-1, M-1, ~~and~~ M-2, *and M-3* shall be increased to the following widths when adjacent to or across a public street from a residential district or agricultural district if designated residential on the Comprehensive Plan:

LB District: 30 Feet
B-1 District: 35 Feet
M-1 District: 35 Feet
M-2 District: 50 Feet
M-3 District: 35 Feet

Such landscape areas shall be exclusive of any planned future right-of-way and shall be left in an undisturbed natural state and supplemented with additional plantings to create a visual screen in accordance with paragraph C.2.d. above.

c. Landscape Open Space and Impervious Cover.

As required in Chapter 19B, Chesapeake Bay Preservation Ordinance, impervious cover shall not exceed sixty (60) percent of the lot area except where an exception is approved in accordance with Chapter 19B. Provided, however, in no case shall minimum landscape open space be less than that required below for the respective district:

LB District: 35% of total lot area

B-1 District: 30% of total lot area

M-1 District: 30% of total lot area

M-2 District: 25% of total lot area

M-3 District: 30% of total lot area

4. PUD, Planned Unit Development District

- a. Setbacks. Setbacks from existing or planned peripheral public street right-of-ways shall contain a landscape area having an average width of thirty (30) feet in accordance with paragraph C.2.c. above. The balance of that setback and setbacks from internal streets shall contain existing trees and plantings in conformance with paragraph C.2.a. above. Landscape requirements along internal streets shall not apply to single-family dwellings. Requirements of this

paragraph shall not apply to active recreation playing areas designated on the Master Plan and approved in accordance with Article VIII.

b. Yards. All yards shall contain existing trees and plantings in conformance with paragraph C.2.a. above. This requirement shall not apply to single-family dwellings or active recreation playing areas designated on the Master Plan and approved in accordance with Article VIII.

c. Transitional Screening.

(1) Residential. Where a multifamily or townhouse structure in a PUD district is located adjacent to or across a peripheral public street from an R-1, R-2, R-3, or R-6 ~~or R-7~~ residential district or agricultural district if designated low density residential or rural ~~residential~~ lands on the Comprehensive Plan, a thirty five (35) foot wide transitional screening area in accordance with paragraph C.2.d. above shall be provided within the first 35 feet of yard area or setback from any property line adjoining such district.

- (2) Commercial, industrial, public or institutional uses. Where a commercial, industrial, public or institutional use in a PUD district is located adjacent to or across a peripheral public street from any residential district or agricultural district if designated for residential use on the Comprehensive Plan, transitional screening shall be provided in accordance with requirements for LB, B-1, M-1 or , M-2, or M-3 districts as required in paragraph D.3.b. above. The applicable transitional screening requirements shall be determined by the Planning Director in accordance with paragraph D above.

Article III. Manufactured Home Parks

Section 20-67. Streets Required.

Each manufactured home lot shall front on a public or private street. All streets shall meet the design and construction standards of the Virginia Departments of Highways--and Transportation, or the County's subdivision ordinance, whichever is greater. The construction and maintenance of private streets shall be guaranteed by a surety bond, letter of credit, cash escrow, or other form of surety approved by the County Attorney and Department of Public Works. Public streets shall be part of Virginia Department of Highways--and Transportation road system.

Article IV. Districts

Division 1. Generally

Section 20-87. Division of Unincorporated Areas into Districts.

For the purposes of this Chapter, the unincorporated areas of James City County, Virginia are hereby divided into the following Districts, as shown on the Zoning Map:

General Agricultural, A-1

Limited Residential, R-1

Limited Residential, R-2

~~General Residential, R-3~~

Residential Planned Community, R-4

Multifamily Residential, R-5

Low-Density Residential, R-6

~~Manufactured Home Subdivision, R-7~~

Rural Residential, R-8

Mixed Use, MU

Residential Planned Unit Development, PUD-R

Commercial Planned Unit Development, PUD-C

~~Industrial Planned Unit Development, PUD-I~~

General Business, B-1

Limited Business, LB

Limited *Business/Industrial*, M-1

General Industrial, M-2

Limited Industrial, M-3

Section 20-100. Special Requirements for Dish Antennae.

Dish antennae in all residential districts served by a cable company with a valid franchise obtained from the County shall be permitted only after the issuance of a special use permit by the board of supervisors. In all other districts, dish antennae shall be permitted as accessory uses upon the issuance of a building permit for such dish antennae subject to the following requirements:

1. Size and Height Limitations. Dish antennae shall not exceed ten feet in diameter and shall not exceed the height limitations for accessory structures of each district.

2. Yard Limitations. Dish antennae shall meet all yard requirements for accessory structures of each district. Additionally, they shall be further restricted as follows:
 - (a) A-1 and R-8 Districts. For lots in the A-1 and R-8 districts, dish antennae shall be permitted in side and rear yards only and on roofs as provided in Subsection (3).

- (b) R-1, R-2, R-3, and R-6, and R-7 Districts. For all lots in the R-1, R-2, R-3, and R-6 and R-7 Districts, dish antennae shall be permitted in rear yards only.
- (c) R-4, R-5, MU, PUD-R, LB, B-1, M-1, M-3 and PUD-C Districts. For all lots in the R-4, R-5, MU, PUD-R, LB, B-1, M-1, M-3 and PUD-C Districts, dish antennae shall be permitted in rear yards and on roofs as provided in Subsection (3).
- (d) M-2 District. In the M-2 District, dish antennae shall be permitted in all yards and on roofs as provided in Subsection (3).
3. Roof Location. A dish antenna located on a roof shall be set back from all edges of the roof at least two times the height of the dish antenna. A dish antenna may be located on the roof of a public building in any district.
4. Standards. All dish antennae and the construction and installation thereof shall conform with applicable Uniform Statewide Building Code requirements. No dish antenna may be installed on a portable or moveable device. Further, all dish antennae shall be of noncombustible and corrosive-resistant materials, and be erected in a secure, wind-resistant manner located and designed to reduce visual impact from surrounding properties at street level and from public streets.

5. Exceptions. Upon a finding by the Zoning Administrator that a usable satellite signal cannot be obtained by locating a dish antenna in the rear yard or upon a roof as provided in Subsection (3) in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, MU, PUD-R, PUD-C, LB, B-1, M-3 and M-1 Districts or in the rear or side yard or upon a roof as provided in Subsection (3) in the A-1 and R-8 districts, the Board of Zoning Appeals may grant an exception to the provisions of this section to allow placement of a dish antenna in a side or front yard in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, MU, PUD-R, PUD-C, LB, B-1, M-3 and M-1 Districts or the front yard in the A-1 and R-8 Districts, if the placement will provide for the reception of a usable signal. No exception shall be granted unless it is determined that the granting of such exception will not be of substantial detriment to adjacent property and will not change the character of the Districts. In granting an exception, the Board of Zoning Appeals may impose conditions including, but not limited to, the following:

(a) Screening by architectural or landscape methods to reduce visual impact from surrounding properties and public streets.

(b) Placement and installation methods to limit detrimental impact upon surrounding properties and to enhance the public health, safety, and general welfare.

- (c) Other reasonable requirements deemed necessary to make the use consistent with the character of surrounding properties.

Section 20-104. Special Use Permit Requirements for Certain Commercial and Office Uses, Exemptions.

D. Exemptions

The following shall be exempt from the requirements of this Section: 1) any use or building and expansion or addition thereto with preliminary site plan approval prior to May 21, 1990; 2) any use or building and expansion or addition thereto for which the start of construction began prior to May 21, 1990, in accordance with a site plan approved prior to that date; 3) any use or building and expansion or addition thereto shown on a proffered binding Master Plan that binds the general location of all of the features on the plan as required under this Section; 4) any building located in a *Mixed Use District*, Residential Planned Community District or Planned Unit Development District; or, 5) any building predominantly used as a warehouse, distribution center, or for other industrial or manufacturing purposes.

Division 2. General Agricultural District, A-1

Section 20-110. Permitted Uses.

Houses of worship, ~~churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples and synagogues,~~ and cemeteries accessory hereto.

Off-street parking as required by *Section 20-12* of this Chapter.

Water impoundments, *new or expansion* of, less than 20 acres and with dam heights of less than 15 feet.

Section 20-111. Uses Permitted by Special Use Permit Only.

Airports and landing fields, heliports or helistops, and accessory uses, ~~subject to the requirements of the Federal Aviation Administration.~~

Automobile service stations, *if fuel is sold, then* in accordance with Section 20-89.

Beauty ~~shops~~ and barber shops.

Convenience store ~~with sale of~~ , *if fuel is sold, then in accordance with Section 20-89.*

Day care ~~or~~ and child care centers.

Hospitals, nursing homes, ~~sanitoria.~~

Water impoundments, *new or expansion* of, ~~existing impoundments,~~ *to provide water area* of 20 acres or more or with a dam height of 15 feet or more.

Water and sewer facilities (public or private), 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, 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.

Rental of rooms up to a maximum of three rooms.

Waterfront business activities: ~~Wholesale--and--retail~~ marine interests, such as boat docks, piers, yacht clubs, marinas, and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.

~~Yacht clubs--and--marinas--and--commercial--and--service--facilities accessory thereto.~~

Division 3. Rural Residential District, R-8

Section 20-130. Permitted Uses.

Houses of worship, ~~churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples and synagogues~~ and cemeteries accessory thereto.

Off-street parking as required by *Section 20-12* of this chapter.

Water impoundments, *new or expansion* of, less than twenty ~~(20)~~ acres and with dam heights of less than fifteen ~~(15)~~ feet.

Section 20-131. Uses Permitted by Special Use Permit Only.

~~Airports~~, *and landing fields, heliports or helistops, and accessory uses.*

Convenience stores ~~with the sale of~~ , *if fuel is sold, then in accordance with Section 20-89.*

Day care ~~or~~ *and* child care centers.

Nursing homes, ~~saniteria.~~

Rental of rooms to a maximum of three rooms.

Water impoundments, *new or expansion* of, ~~existing impoundments, to provide water area of~~ 20 acres or more or with a dam heights of 15 feet or more.

Water and sewer facilities (public or private), 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, 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, *including pump stations,* and distribution lines and local facilities within a subdivision or development, are permitted generally and shall not require a Special Use Permit.

Schools, libraries, museums and similar institutions, ~~public or~~
~~private.~~

Division 4. Limited Residential District, R-1

Section 20-150. Permitted Uses.

Home occupations *as defined*.

Water impoundments, *new or expansion* of, less than 50 acres and with dam heights of less than 25 feet.

Section 20-151. Uses Permitted by Special Use Permit Only.

Day care ~~or~~ *and* child care centers.

Water impoundments, *new or expansion* of, ~~for public or private use of~~ ~~50~~ fifty acres or more ~~and a~~ or with dam heights of ~~25~~ *twenty-five* feet or more.

Water and sewer facilities (public or private), 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, private connections to existing mains, *with no additional connections to be made to the line*, which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, *including pump stations*, are permitted generally and shall not require a Special Use Permit.

Division 5. General Residential District, R-2

Section 20-170. Permitted Uses.

Off-street parking as required by *Section 20-12* ~~this Chapter~~.

Water impoundments, *new or expansion* of, less than fifty acres and with dam heights of less than twenty-five feet.

Section 20-171. Uses Permitted by Special Use Permit Only.

Day care ~~or~~ *and* child care centers.

Water impoundments, new or expansion of, ~~for public or private use~~ of, fifty acres or more ~~and~~ or with a dam heights of less than twenty-five feet or more.

Water and sewer facilities (public or private), 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, private connections to existing mains, *with no additional connections to be made to the line*, which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, *including pump stations*, are permitted generally and shall not require a Special Use Permit.

Division 6. Mixed Use District, MU

Section 20-197. Permitted uses.

(2) Nonresidential Uses

Antique ~~stores~~ shops.

Arts and Crafts ~~stores~~ shops.

Automobile service stations, if fuel *is* sold, then in accordance with Section 20-89.

Banks, ~~credit unions~~, and other similar financial institutions.

Barbershops and beauty shops.

Convenience stores, if fuel *is* sold, then in accordance with Section 20-89.

~~Corporate~~, business, professional and governmental offices.

~~Doctor, dentist, and other~~ medical clinics and offices.

~~Equipment storage and rest room facilities in conjunction with other permitted uses.~~

Houses of worship, ~~churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples and synagogues,~~ and cemeteries accessory hereto.

Limousine service.

Off-street parking as required by ~~Section 20-12 this Chapter.~~

Printing, lithographing, ~~engraving,~~ photocopying, blueprinting, and publishing establishments.

Rental of rooms to a maximum of three rooms ~~in a single family dwelling unit.~~

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other *indoor* centers of amusement.

~~Public utilities: Poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities.~~

Water impoundments, new or expansion of. ~~for public or private use.~~

Welding and machine shops with storage ~~under cover~~ *limited to a fully enclosed building* or screened with landscaping and fencing from adjacent property.

Section 20-198. Uses Permitted By Special Use Permit Only.

Marinas, docks, piers, yacht clubs, boat basins, *boat storage* and servicing, repair and sale facilities for the same, if fuel is sold, then in accordance with Section 20-89.

Truck stop, if fuel is sold, then in accordance with Section 20-89.

Truck terminals, if fuel is sold, then in accordance with Section 20-89.

Water and sewer facilities (public or private), 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, private connections to existing mains *with no additional connections to be made to the line* which

are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, *including pump stations*, are permitted generally and shall not require a Special Use Permit.

~~Yacht clubs, private or commercial marinas, boat storage, and service facilities, if fuel sold, then in accordance with Section 20-89.~~

Section 20-201. Height of Structures.

Structures may be erected up to sixty feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure.

A structure in excess of sixty feet *in height but not in excess of 100 feet* from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, radio, television, and microwave antennas and towers or other accessory functions, may be erected only upon the granting of a height limitation waiver by the Board of Supervisors.

Upon application, 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;
- (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 ~~certifies~~ *finds* that the fire safety equipment to be installed is adequately designed and that the structure 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.

DIVISION 7. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4.

Section 20-213. Documents Required for Submission.

- (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 thirty-six by forty-eight inches. 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 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, a general circulation plan with an indication of whether streets are to be public or private, and the

approximate location of recreation areas, sidewalks and other pedestrian access ways, common open space areas, public facilities and areas proposed for dedication to public use within the project. Each residential section of the Master Plan shall be designated according to the following categories:

<u>Area Designation</u>	<u>Dwelling Type</u>
A	Single family
B	Two family, multifamily Attached structures containing three or two to four dwelling units, or townhouses
C	Multifamily Attached structures less than three stories and containing more than four dwelling units
D	Multifamily Attached structures of three or more stories and containing more than four dwelling units

The above designation shall be the highest and densest use to which such land may be put without amending the Master Plan. However, where the Planning Commission finds the project does not vary the basic concept or character of the planned community and where it does not exceed the maximum density permitted under Section 20-223, the Planning Commission may approve Final Plans for projects with lower densities or a lower category of uses than those shown on the Master Plan without amending the Master Plan. Common open space shall be located in a usable way and located so

as to enhance the living environment of the residential planned community. Generally this shall mean that the common open space shall be distributed throughout the community and not aggregated in large areas that provide little or no benefit to the individual uses or the community at large.

- (5) As marginal data it shall contain a table which shows, for each section or area of different uses, the use, approximate phasing, maximum number of dwelling units and density for residential areas, square feet of floor space for commercial areas, and their acreage.
- (6) Schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans.
- (7) A statement 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.

Section 20-215. Approval of Master Plan; Relationship to Final Plans;
Amendments.

- (b) The residential planned community shall be established upon approval of the Master Plan by the Board of Supervisors. Thereafter, all amendments to the Master Plan shall be in accordance with Section 20-15 ~~of this Chapter~~. Approved final plans, provided for in Section 20-216, shall supersede the Master Plan and schematic plans. The Zoning Administrator shall not issue ~~a temporary~~ any Certificate of Occupancy ~~or 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.

Section 20-222. Permitted Density Within Residential Areas.

The Master Plan shall designate the proposed dwelling unit densities within each residential area shown, according to the following categories:

<u>Area Designation</u>	<u>Dwelling Type</u>	<u>Maximum Gross Density (dwelling per acre)</u>
A	single family	4
B	two family, multifamily Attached structures containing three or two to four dwelling units or townhouses	9.6
C	multifamily Attached structures less than three stories and containing more than four dwelling units	12
D	multifamily Attached structures of three or more stories and containing more than four dwelling units	18

Units for sale in condominium may be in any of the dwelling types listed above, and the number of dwelling units per acre shall be determined by the dwelling type.

Section 20-224. Permitted Uses.

Yacht clubs, private or commercial marinas, boat storage, and service facilities ~~with sale of~~, if fuel is sold, then in accordance with Section 20-89.

~~Corporate,~~ Business, professional and governmental offices.

~~Barbershops~~ and beauty shops.

Banks and other *similar* financial institutions.

~~Doctor, dentist, and other~~ medical clinics and offices.

Automobile service stations ~~with sale of, if fuel is sold, then~~
in accordance with Section 20-89.

Property maintenance facilities, sheds or garages.

~~Equipment storage and rest room facilities in conjunction with other permitted uses.~~

Water impoundments, new or expansion of, ~~for public or private use of~~ less than fifty acres and dam heights of less than twenty-five feet.

Water impoundments ~~for public or private use~~ , new or expansion of, ~~more than~~ fifty acres or more and or with dam heights of more than twenty-five feet with a Special Use Permit.

Off-street parking as required by Section 20-12 this Chapter.

Section 20-230. Height Limits.

~~Buildings Structures~~ may be erected up to sixty feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions, ~~but excluding those items listed in subsection (b) below~~ , which are part of the structure.

- (a) A building structure in excess of sixty feet in height but not in excess of 100 feet, from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, radio, television, and microwave antennas and towers or

other accessory functions, ~~but excluding those items listed in subsection (b) below~~, may be erected only upon the granting of a height limitation waiver by the Board of Supervisors.

Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:

- (1) Such *building structure* is in accordance with the uses, densities, design, and traffic analysis shown on the original Master Plan;
- (2) Such *building structure* will not obstruct light from adjacent property;
- (3) Such *building structure* will not impair the enjoyment of historic attractions and areas of significant historic interest;
- (4) Such *building structure* will not impair property values in the surrounding area;
- (5) Such *building structure* is adequately designed and served from the standpoint of safety, and the County Fire Chief ~~certifies~~ *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 *building structure* will not be contrary to the public health, safety and general welfare.

~~(b) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennas and home radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the wall rests.~~

DIVISION 8. MULTIFAMILY RESIDENTIAL DISTRICT, R-5.

Section 20-242. Permitted Uses.

Off-street parking as required by *Section 20-12* ~~this Chapter~~.

Rental of one room.

Water impoundments, *new or expansion* of, less than fifty acres and with dam heights of less than twenty-five feet.

Section 20-243. Uses Permitted by Special Use Permit Only.

~~General~~ ~~h~~Hospitals, ~~sanitoria~~, and rest homes.

Water impoundments, new or expansion of, ~~for public or private use of~~ fifty acres or more ~~and or with~~ a dam heights of twenty-five feet or more.

Water and sewer facilities (public or private), 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, 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.

Rental of ~~two or three~~ rooms to a maximum of three rooms.

Section 20-251. Requirements for Improvements and Design.

- (j) Building Structure height. Structures may be erected up to thirty-five feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure.

A building structure ~~may—exceed~~ in excess of thirty-five feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, radio, television and microwave antennas and towers or other accessory functions, may be erected only upon the granting of a height limitation ~~exception~~ waiver by the Board of Supervisors.

Upon application, the Board of Supervisors may grant a height limitation ~~exception~~ waiver upon finding that:

- (1) Such building structure will not obstruct light from adjacent property;
- (2) Such building structure will not impair the enjoyment of historic attractions and areas of significant historic interest;

- (3) Such ~~building structure~~ will not impair property values in the surrounding area;
- (4) Such ~~building structure~~ is adequately designed and served from the standpoint of safety, and the County Fire Chief ~~certifies 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
- (5) Such ~~building structure~~ would not be contrary to the public health, safety and general welfare.
- (p) Guarantee for improvements. The Zoning Administrator shall not issue ~~a---temporary~~ *any* Certificate of Occupancy ~~or 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 approved site plan by providing either a letter of credit, certified check, cash escrow, cash payment, or other surety, approved by the County Attorney.

Division 9. Low-Density Residential District, R-6

Section 20-266. Uses Permitted by Special Use Permit Only.

Day care ~~or~~ *and* child care centers.

Water impoundments, new or expansion of, ~~for public or private use~~
50 acres or more ~~and~~ *or with* a dam heights of 25 feet or more.

Water and sewer facilities (public or private), 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, 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.

Division 11. Limited Business District, LB

Section 20-308. Uses Permitted by Special Use Permit Only

Automobile service stations ~~with sale of~~ *if fuel is sold, then* in accordance with Section 20-89.

Convenience stores ~~with or without the sale of~~ *if fuel is sold, then* in accordance with Section 20-89 ~~and Section 20-104.~~

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same ~~with the sale of~~ *if fuel is sold, then* in accordance with Section 20-89.

Water and sewer facilities (public and private), 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, private connections to existing mains, *with no additional connections to be made to the line,* which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, *including pump stations,* are permitted generally and shall not require a Special Use Permit.

Division 12. General Business District, B-1

Section 20-329. Permitted Uses.

Automobile service stations, ~~subject to the special requirements of this chapter~~, *if fuel is sold, then in accordance with Section 20-89.*

Banks and other *similar* financial institutes.

~~Corporate,~~ business, governmental, and professional offices.

~~Doctors, dentist and other~~ medical clinics or offices.

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same ~~with the sale of~~ *if fuel is sold, then* in accordance with Section 20-89.

~~Wholesale and retail -~~Marine or waterfront businesses to include the receipt, storage, and transshipment of waterborne commerce, or seafood receiving, packing or distribution.

Section 20-330. Uses Permitted by Special Use Permit Only.

Convenience stores ~~with or without the sale of~~ *if fuel is sold, then* in accordance with Section 20-89 ~~and Section 20-104.~~

Vehicle Rentals.

Water and sewer facilities (public and private), 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, private connections to

existing mains, *with no additional connections to be made to the line*, which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, *including pump stations*, are permitted generally and shall not require a Special Use Permit.

Water impoundments, new or expansion of, ~~for public or private use~~ of fifty acres or more ~~and~~ *or with* dam heights of twenty-five feet or more.

Section 20-336. Height and Bulk Limits *and Height Limitation Waivers*.

- (5) Such structure is adequately designed and served from the standpoint of safety, and the County Fire Chief ~~certifies~~ *finds that* the fire safety equipment to be installed is adequately designed, and the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

Article VIII. PLANNED UNIT DEVELOPMENT DISTRICTS, PUD

Section 20-468. Documents Required for Submission.

- (a) Required Documents. The applicant shall submit the following documents to the Zoning Administrator for submission to the Planning Commission:
- (1) Application for rezoning.
 - (2) Master Plan, ~~21~~ *thirty* 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, ~~ten~~ *thirty* 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, or 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~~ *thirty* inches by ~~48~~ *forty-eight* inches. 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 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 rights-of-way 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 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 Designation</u>	<u>Type of Development</u>
A	Single-family
B	Two-family, multifamily Attached structures containing three or two to four dwelling units, or townhouses
C	Multifamily Attached structures less than three stories and containing more than four dwelling units
D	Multifamily 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
H	Light Industrial Uses
I	Institutional or Public Uses
J	Areas of Common Open Space, with recreation areas noted

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) ~~approximate~~ *maximum* number of dwelling units and density for residential areas, *maximum* square feet of floor space for commercial or industrial areas and
- (d) ~~the approximate~~ *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) ~~Traffic to be generated by the project, the capacity of surrounding roads, specific road improvements necessary.~~
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 tax 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.

Section 20-470. 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 *thirty* 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.

(b) Consideration by the Planning Commission and Board of Supervisors. The procedures for public hearing and consideration by the Planning Commission and Board of Supervisors shall be as set forth in Section 20-15. 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 20-15 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 20-471, shall supersede the Master Plan and schematic plans. The Zoning Administrator shall not issue ~~a--temporary any Certificate--of--Occupancy--or~~ 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.

Section 20-476. Density.

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% *twenty-five percent* gradient. The number of units which may be constructed are:

<u>Area Designation</u>	<u>Dwelling Type</u>	<u>Maximum Density (dwelling units per acre)</u>
A	Single family	4
B	Two family, multifamily Attached structures containing three two to or four dwelling units, or townhouses	9.6
C	Multifamily Attached structures less than three stories and containing more than four dwelling units	12
D	Multifamily Attached structures of three stories or more and containing more than four dwelling units	18

~~Section 20-479. Public Uses.~~

~~Prior to the recordation of any subdivision plat or the issuance of any building permit within any area shown on the Master Plan, the applicant shall, 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 occasioned by the development of the Planned Unit Development. The land 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 one acre per 100 dwelling units proposed or one acre per 30 acres of industrial or commercial uses proposed. 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 the applicant to comply with these requirements shall be grounds for withholding approval of any pending or future final plan.~~

Section 20-480 79. Addition of land to an existing PUD.

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 it is under the same 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.

Section 20-481 0. Height and Spacing of ~~Buildings~~ Structures.

~~Buildings~~ Structures may be erected up to 60 sixty feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions, ~~but excluding these items listed in (b) below, which are part of the structure.~~

(a) A ~~building~~ structure in excess of 60 sixty feet in height but not in excess of 100 feet, from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, radio, television, and microwave antennas and towers or other accessory functions, ~~but excluding these items listed in (b) below,~~ may be erected only upon the granting of a height limitation waiver by the Board of Supervisors.

Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:

(1) Such ~~building~~ structure is in accordance with the uses, densities, design, and traffic analysis shown on the original Master Plan;

(2) Such ~~building~~ structure will not obstruct light from adjacent property;

(3) Such ~~building~~ structure will not impair the enjoyment of historic attractions and areas of significant historic interest;

(4) Such ~~building structure~~ will not impair property values in the surrounding area;

(5) Such ~~building structure~~ is adequately designed and served from the standpoint of safety, and the County Fire Chief ~~certifies 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 ~~building structure~~ would not be contrary to the public health, safety or general welfare.

~~(b) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennas and home radio aeriels are exempt. Parapet walls may be up to four feet above the height of the building on which the wall rests.~~

Section 20-482 1. Requirements for Improvements and Design.

(b) Recreation areas. Areas on the Master Plan designated as A (single-family detached), B (~~two-family or townhouses~~ *attached structures containing two to four dwelling units*), C (~~multifamily~~ *attached structures less than three stories*) or D (~~multifamily~~ *attached structures of three or more stories*) 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 20-12* of this Chapter.

(d) Streets. All streets shall meet the requirements of the *State Virginia* Department of ~~Highways~~ and Transportation or the requirements of the County subdivision regulations, whichever is greater. Such streets shall be coordinated with the major transportation network shown in the County Comprehensive Plan. The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the County Attorney and Director of Code Compliance. Private streets may be permitted upon the approval of the Board of Supervisors.

(e) Fire hydrants. Fire hydrants shall be at locations and of types approved by the County Director of Code Compliance and County Fire Chief. No structure within the District shall generally be further than ~~four-hundred~~ 400 feet from a hydrant.

(f) Street lights. Street lights shall generally be provided at each intersection and adequately spaced in parking lots and other public areas. The lighting shall be directed so as not to produce objectionable glare on adjacent property or into residences within or near the development. No lighting fixture shall exceed a height of ~~15~~ *fifteen* feet within

residential areas of a Planned Unit Development District, nor ~~30~~ *thirty* 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 ~~Highways and~~ Transportation Drainage Manual.

Section 20-483 2. Setback, side and rear yard requirements.

(a) Residential. For residential uses a minimum landscape setback of fifty ~~(50)~~ feet shall be maintained from all property lines adjoining a different zoning district and-or the right-of-way of any existing or planned public roads which abut the site. Where ~~multifamily or townhouse attached~~ structures in a PUD-R District adjoin an existing R-1, R-2, ~~R-3~~, R-6 or ~~R-7~~ District, or an A-1 or ~~A-2~~ R-8 District that is designated ~~for~~ low density residential or rural ~~residential~~ *lands* on the Comprehensive Plan the minimum setback shall be seventy-five (75) feet.

(b) Commercial. For commercial uses a minimum landscape setback of ~~75~~ *seventy-five* feet shall be maintained from all property lines adjoining a different zoning district and or the right-of-way of any existing or planned public roads which abut the site.

(c) Industrial, public, or institutional uses. For industrial, public, or institutional uses a minimum landscaped setback of ~~one-hundred~~ (100) feet shall be maintained from all property lines adjoining a different zoning district and or the right-of-way of any existing or planned public roads which abut the site. Where industrial structures adjoin an existing residentially zoned District or an A-1 District that is designated ~~for~~ low density residential or rural ~~residential~~ *lands* on the Comprehensive Plan, the minimum landscaped setback shall be increased to ~~one-hundred-twenty-five~~ (125) feet.

Section 20-484 3. Permitted uses.

(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.

Single-family dwellings.

Two-family dwellings.

Townhouses.

Apartments.

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

Retail shops associated with community recreation facilities.

Houses of worship.

Golf courses, country clubs.

Schools, ~~both private and public.~~

Marinas, ~~boat docks, piers, boat basins~~ and waterfront activities, *if fuel is sold, then in accordance with Section 20-89.*

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

Restaurants which are accessory to permitted private clubs and marinas.

Fire stations.

Off-street parking as required by ~~this Chapter~~ Section 20-12.

~~Signs, as permitted by this Chapter.~~

Nursing home and facilities for the residence and-or care of the aged.

Accessory buildings or structures.

Telephone exchanges and telephone switching stations.

(2) Commercial Uses.

Retail food stores, bakeries, fish markets.

Dry cleaners and laundries.

Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys,

music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.

Drug stores and barber or beauty shops.

Restaurants, tea rooms and taverns.

Banks and other *similar* financial institutions.

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

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 20-89.*

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

~~Corporate,~~ business, and professional offices.

~~Doctors, dentists and other~~ medical clinics or offices.

Indoor theaters, museums and public meeting halls.

Schools, fire stations, post offices, public utilities, ~~churches,~~ *houses of worship,* libraries.

Funeral homes.

Radio and television stations.

Motels, hotels and resort facilities.

Telephone exchanges and telephone switching stations.

(b) 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:

Research, design and development laboratories.

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

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.

(3) Theme parks.

(4) Apartments, townhouses and condominiums.

Section 20-485 4. 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.

Section 20-486 5. Setback requirements for industrial use.

A minimum landscape setback of fifty ~~(50)~~ feet shall be required from streets which are internal to the site for any industrial structure.

Section 20-487 6. Requirements for Commercial Uses in the PUD-R District.

If commercial uses specified in Section 20-484(a)(2) 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%~~ *thirty percent* of the gross area of the District. The size and scale of commercial uses shall be compatible with surrounding residential areas.

Section 20-488 7. Requirements for light industrial uses in the PUD-C District.

If light industrial uses specified in Section 20-484(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.

Article IX. Residential Cluster Development

Section 20-507. Yard Regulations.

The rear and side yards may be reduced to zero provided that easements or covenants 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. Reductions of rear or side yards made under this provision shall also be subject to the following conditions:

(a) The minimum distance between any two buildings within the residential cluster development shall be governed by the State of Virginia Building Code.

(b) No building in a residential cluster development in an R-1, R-2, R-3, or R-5 district shall be closer than thirty-five feet to property outside the residential cluster development.

Section 20-508. Density.

In a residential cluster development, the minimum and maximum number of dwelling units per acre of gross acreage as calculated below shall be as follows:

Comprehensive Plan Designation	<u>Minimum</u>	<u>Gross Density Allowable Base</u>	<u>Maximum</u>
Low Density Residential	0	2.5	4.0
Moderate Density Residential	4.0	4.0	12.0

In areas designated as Low Density Residential by the Comprehensive Plan, the gross density may be as high as 2.5 units per acre without accumulating density bonuses. In areas designated as Moderate Density Residential by the Comprehensive Plan the gross density shall be 4.0 units per acre without accumulating density bonuses.

For the purpose of calculating gross density, gross acreage shall equal the sum of total developable area and up to thirty-five percent of the total ~~nondevelopable~~ area as calculated below:

GROSS ACREAGE

<u>Percentage of Nondevelopable Area</u>	<u>Gross Acreage Shall Equal:</u>
Less than 35%	Total Area of Parcel.
More than 35%	Developable Land Plus Up To 35% of the Parcel's Land.


Developable area shall consist of the total land area of the site minus stream beds, areas subject to flooding, wetlands, and areas with slopes exceeding twenty-five percent gradient. If the cluster development lies in more than one Comprehensive Plan Land Use Designation, the number of dwelling units shall be calculated separately for each district.

Article X. Overlay Districts

Division 1. Reservoir Protection Overlay District, RP

Section 20-533. Requirements for Commercial and Industrial Uses.

For the purposes of this article, commercial and industrial activities are defined as activities permitted by right or by special use permit in the General Business B-1, Limited *Business/Industrial* M-1, ~~or~~ General Industrial M-2~~r~~ , *or Limited Industrial, M-3 Districts.*



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
DEPUE	AYE
TAYLOR	AYE
SISK	AYE
KNUDSON	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 6th day of July, 1992.

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