

MAR 25 1997

ORDINANCE NO. 31A-175

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 V, DISTRICTS, DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, BY ADDING SECTION 20-241, OVERALL DENSITY WITHIN MAJOR SUBDIVISIONS; BY AMENDING DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 20-255, OVERALL DENSITY WITHIN MAJOR SUBDIVISIONS; ARTICLE VI, OVERLAY DISTRICTS, DIVISION 1, RESIDENTIAL CLUSTER DEVELOPMENT, SECTION 20-547, DENSITY; SECTION 20-548, DENSITY BONUSES; IN ORDER TO SET MAXIMUM GROSS DENSITIES WITHIN MAJOR SUBDIVISIONS AT ONE UNIT PER ACRE.

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 adding Section 20-241, Overall density within major subdivisions; by amending Section 20-255, Overall density within major subdivisions; Section 20-547, Density; Section 20-548, Density bonuses; in order to set maximum gross densities within major subdivisions at one unit per acre.

#### Chapter 20. Zoning

#### Article V. Districts

#### Division 3. Limited Residential District, R-1

#### *Sec. 20-241. Overall density within major subdivisions.*

*(a) All major subdivisions shall have a maximum gross density of one unit per acre. For the purposes of this section, the term "major subdivision" shall be defined as a division of a tract of land into six or more lots.*

~~(b) Any contiguous property owned by the same subdivider, or deemed by the development review committee as a logical part of a contiguous subdivision cannot be subdivided into greater than five lots without meeting the density requirements of a major subdivision.~~

~~Secs. 20-241-2-20-250. Reserved.~~

#### Division 4. General Residential District, R-2

##### **Sec. 20-255. Overall density within major subdivisions.**

(a) All major subdivisions shall have a maximum gross density of ~~two~~ one units per acre. For the purposes of this section, the term "major subdivision" shall be defined as a division of a tract of land into six or more lots.

(b) Any contiguous property owned by the same subdivider, or deemed by the development review committee as a logical part of a contiguous subdivision cannot be subdivided into greater than five lots without meeting the density requirements of a major subdivision.

#### Article VI. Overlay Districts

##### Division 1. Residential Cluster Development

**Sec. 20-547. 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:

<i>Comprehensive Plan Designation</i>	<i>Minimum</i>	<i>Gross Density</i>	
		<i>Allowable Base</i>	<i>Maximum</i>
Low-Density Residential	0	<del>2.5</del> 1.0	<del>4.0</del> 1.0
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 1/2 units~~ *one unit* per acre ~~without accumulating density bonuses~~. In areas designated as moderate-density residential by the Comprehensive Plan the gross density shall be four 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 35 percent of the total area as calculated below:

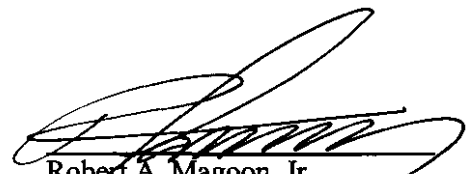
<i>Gross Acreage</i>	
<i>Percentage of Nondevelopable Area</i>	<i>Gross Acreage Shall Equal:</i>
Less than 35	Total area of parcel
More than 35	Developable land plus up to 35% of the parcel's land

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 25 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.

**Sec. 20-548. Density bonuses.**


(a) The allowable base density of ~~2 1/2 units per acre in low-density residential areas and the~~ four units per acre in moderate-density residential areas may be increased upon the granting of a density bonus by the planning commission. Upon application, the planning commission may grant density bonuses in accordance with part (b) hereunder upon finding that the increased density will not impair the character of the area or create unacceptable adverse off-site infrastructure impacts. A density bonus shall not be granted for any improvement, design or action otherwise required by county, state or federal law.

(b) A density bonus may be awarded for each condition, specified in (1) through (16) below, which is met by the cluster development; provided, however, that in no case shall the accumulated density bonus' exceed the maximum gross units per acre as noted in section 20-547. The density bonus percentages shall always be calculated against the allowable base density of ~~2 1/2 units per acre in low-density residential areas and~~ four units per acre in moderate-density residential areas.



Robert A. Magoon, Jr.  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of March, 1997.