

**ADOPTED**

**MAY 25 1999**

ORDINANCE NO. 31A-193

**BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICT, SECTION 24-484, DOCUMENTS REQUIRED FOR SUBMISSION; SECTION 24-487, RELATIONSHIP OF FINAL PLANS TO MASTER PLANS; SECTION 24-495, ADDITION OF LAND TO AN EXISTING PLANNED UNIT DEVELOPMENT; SECTION 24-497, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; SECTION 24-499, PERMITTED USES; BY AMENDING AND RENAMING SECTION 24-498, SETBACK, SIDE AND REAR YARD REQUIREMENTS, WITH NEW NAME SETBACK REQUIREMENTS AND YARD REGULATIONS; BY DELETING SECTION 24-501, SETBACK REQUIREMENTS FOR INDUSTRIAL USES; BY RENUMBERING SECTION 24-502, REQUIREMENTS FOR COMMERCIAL USES IN THE PUD-R DISTRICT WITH NEW NUMBER SECTION 24-501; BY RENUMBERING SECTION 24-503, REQUIREMENTS FOR LIGHT INDUSTRIAL USES IN THE PUD-C DISTRICT WITH NEW NUMBER SECTION 24-502; BY RENUMBERING SECTION 24-504, RESERVED WITH NEW NUMBER SECTION 24-503.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 14, Planned Unit Development District, Section 24-484, Documents required for submission; Section 24-487, Relationship of final plans to master plans; Section 24-495, Addition of land to an existing planned unit development; Section 24-497, Requirements for improvements and design; Section 24-498, Setback requirements and yard regulations; Section 24-499, Permitted uses; Section 24-501, Requirements for commercial uses in the PUD-R District; Section 24-502, Requirements for light industrial uses in the PUD-C District; and Section 24-503, Reserved.

Chapter 24. Zoning

Article V. Districts

Division 14, Planned Unit Development District, PUD

**Sec. 24-484. 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 30 inches by 48 inches. It shall include:

- (4) The approximate boundaries of each section, land use or density, the approximate location of proposed streets and right-of-ways 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 ~~in moderate-sized, concentrated, contiguous areas~~ 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:

Area Designations

Type of Development

A	Single-family
B	Attached structures containing two to four dwelling units
C	Attached structures less than three stories and containing more than four dwelling units

D	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.

**Sec. 24-487. Relationship of final plans to master plan.**

Following the establishment of a planned unit development district and approval of the board of supervisors of a master plan, the applicant may furnish to the planning commission seven copies of a final plan of any part or section of the community shown on the master plan. The term "final plan" shall mean site plan or subdivision plat. Final plans shall be submitted for review in accord with article III of this chapter or the county's subdivision ordinance. The final plans shall be consistent with the master plan as approved, but may alter to any degree which the planning commission believes does not alter the basic concept or character of the development. *The planning commission may make this determination using conceptual preliminary plans. If the variations are approved at the conceptual preliminary plan level, final plans shall be consistent with the variations approved by the planning commission.*

**Sec. 24-495. Addition of land to an existing planned unit development.**

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 ~~the addition will come under common~~ 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.

**Sec. 24-497. Requirements for improvements and design.**

- (d) *Street.* All streets shall meet the requirements of the Virginia Department of 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~~ ~~environmental director~~. 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~~ ~~service authority~~ and county fire chief. No structure within the district shall generally be further than 400 feet from a hydrant.
- (i) *Signs.* All signs within a planned unit development district shall comply with article II, division 3 of this chapter. ~~To assure an appearance and condition which is consistent with the purposes of the planned unit development district, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter, except that unique signing systems may be approved by the planning commission where such sign systems contribute significantly to the character of the planned community. However, in no case shall the sign's square foot size exceed the maximum allowed in article II, division 3 of this chapter.~~

**Sec. 24-498. Setback, side and rear yard requirements and yard regulations.**

- (a) *Peripheral setbacks. Any planned unit development, PUD, district approved under this article, shall adhere to the following setback requirements:*

*(1) Residential.*

*(a) Perimeter setbacks. For residential uses a minimum landscape setback of 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 attached structures in a PUD-R District adjoin an existing R-1, R-2 or R-6 District, or an A-1 or R-8 District that is designated low-density residential or rural lands on the Comprehensive Plan, the minimum setback shall be 75 feet.*

*(b) Right-of-way buffer setbacks. For residential uses, there shall be planned and maintained buffers along all external existing and planned arterial road rights-of-way, as follows:*

*(1) The minimum right-of-way buffer on external Community Character Corridor roads as defined in the Comprehensive Plan shall be 150 feet, except when the average lot depth of the parent parcel is less than 600 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.*

*(2) The minimum right-of-way buffer on all external non-Community Character Corridor roads shall be 75 feet, except when the average lot depth of the parent parcel is less than 300 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.*

(3) *If the buffer is non-wooded as defined for the purpose of this article as having no mature trees, then a minimum of two trees per 400 square feet of area shall be planted with a minimum 50 percent of said trees being evergreen. Otherwise, the buffer shall remain undisturbed or supplemented with additional plantings to achieve the planting ratio stated above.*

(c) *Waiver Provisions. In instances where properties have more than a 300-foot average depth and are located along a Community Character Corridor, the planning commission may reduce the buffer depth requirements of this section for residential developments when:*

(1) *A majority of the development's units are dedicated to affordable housing, or*

(2) *The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer, or*

(3) *The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.*

*In no case shall the right-of-way buffer be reduced by a waiver provision to less than 75 feet. The planning commission may also, in the event of granting a waiver, require additional landscaping as determined on a case by case basis.*

(d) *Modifications to the landscape requirements. The planning commission may modify, permit substitutions, or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.*

(e) All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the director of planning or his designee. Soil stockpiles and staging areas shall not be permitted within any buffer, except that temporary soil stockpiles may be allowed upon approval by the planning commission under the following circumstances:

(1) The buffer in which the temporary stockpile is to occur is nonwooded, defined as having no mature trees.

(2) The stockpile should not be visible from a Community Character Corridor or Community Character Area, unless the soil stockpiling is needed for approved berming in that buffer.

(3) Stockpiles shall not exceed 35 feet in height.

(4) Stockpiles shall be temporary, with a time limit of six months.

(5) Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.

(f) Wet ponds, dry detention basins, and other structural BMPs shall not generally be permitted in the buffers, except that the planning commission may approve them under the following circumstances:

(1) The need is necessitated by site conditions rather than economic factors;  
and

- (2) *The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.*
- (g) *An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning commission. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at different angle to the property line upon the recommendation of the environmental director and the approval of the planning commission.*
- (h) *Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes the views of structures within the development from the adjoining primary or secondary road as determined by the planning commission.*
- (b) (2) *Commercial.* For commercial uses a minimum landscape setback of 75 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 and/or existing or planned public roads or properties that are peripheral to the planned unit development district.
- (c) (3) *Industrial, public or institutional uses.* For industrial, public or institutional uses a minimum landscaped setback of 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 and/or existing or planned public roads or properties that are peripheral to the planned unit development district. Where industrial structures adjoin an existing residentially zoned



district or an A-1 District that is designated low-density residential or rural lands on the Comprehensive Plan, the minimum landscaped setback shall be increased to 125 feet.

~~(d) *Internal setback requirements for industrial uses. A minimum setback of 50 feet shall be required from streets which are internal to the site for any industrial structure.*~~

~~(e) *Yard regulations.*~~ Except for setbacks required on the perimeter of the district and except for industrial structures ~~specified in Section 24-498 (a) and (b) above~~, there shall be no minimum lot size nor minimum front, side or rear yard requirements for any lot within a planned unit development district other than as specified in approved final plans.

~~(e) *Parking restrictions in setbacks.*~~ Landscape setbacks shall not be used for streets or for parking except for entrances which may penetrate the setback.

**Sec. 24-499. 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:

Accessory buildings or structures, *as defined*.

Apartments.

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

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

Fire stations.

Golf courses, country clubs.

Houses of worship.

Marinas, docks piers, boat basins and waterfront activities; if fuel is sold, then in accordance with section 24-38.

Nursing homes and facilities for the residence and/or care of the aged.

Off-street parking as required by section 24-53.

Restaurants which are accessory to permitted private clubs and marinas.

Retail shops associated with community recreation facilities.

Schools.

Single-family dwellings.

Telephone exchanges and telephone switching stations.

Timbering in accordance with section 24-43.

Townhouses.

Two-family dwellings.

(2) Commercial uses:

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 24-38.

Banks and other similar financial institutions.

~~Barber and beauty shops.~~

Business and professional offices.

~~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.~~

Dry cleaners and laundries.

~~Fire stations.~~

Funeral homes.

~~Houses of worship.~~

Indoor theaters, museums and public meeting halls.

~~Libraries.~~

Medical clinics or offices.

Motels, hotels and resort facilities.

***Museums***

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

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

***Post offices.***

***Public meeting halls.***

***Public utilities.***

Radio and television stations.

Restaurants, tea rooms and taverns.

***Retail and service stores, including the following stores: books, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, greeting card, ice cream, jewelry sales and service, locksmith, music and records, pet, picture framing, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel and yard goods.***

Retail food stores, bakeries, fish markets.

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

Telephone exchanges and telephone switching stations.

Timbering in accordance with section 24-43.

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

(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:

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.

Research, design and development ~~facilities or~~ laboratories.

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

(3) Theme parks.

(4) Apartments, townhouses and condominiums.

(5) Private streets within "qualifying industrial parks" in accordance with section 24-55.

(c) In the planned unit development district, residential (PUD-R) or commercial (PUD-C), all structure to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors.

(1) Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities.

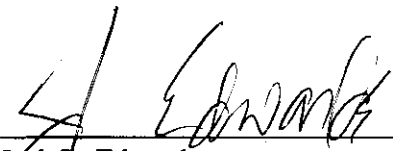
**Sec. 24-501. ~~Setback requirements for industrial use.~~**

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

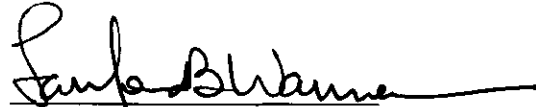
**Sec. 24-502. Requirements for commercial uses in the PUD-R District.**

**Sec. 24-503 ~~502~~. Requirements for light industrial uses in the PUD-C District.**

**Secs. 24-504 ~~503~~ - 24-513. Reserved.**

  
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Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:

  
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Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of May, 1999.