

DEC 11 2007

ORDINANCE NO. 31A-233BOARD OF SUPERVISORS
JAMES CITY COUNTY

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VI, OVERLAY DISTRICTS, DIVISION 1, RESIDENTIAL CLUSTER DEVELOPMENT, SECTION 24-554, REVIEW AND APPROVAL PROCESS.

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 Section 24-554, Review and approval process.

Chapter 24. Zoning

Article VI. Overlay Districts

Division 1. Residential Cluster Development

Section 24-554. Review and approval process.

(a) *Review required.* A master plan ~~of development~~ for a residential cluster development proposed under this article shall be filed with the planning director, who shall submit it to the planning commission and board of supervisors in instances where a special use permit is required or to the development review committee in cases where a special use permit is not required. The planning director shall recommend action on the plan to the planning commission, and to the board of supervisors in instances where a special use permit is required. The planning commission and board of supervisors, where applicable, shall approve the *master* plan ~~of development~~ upon finding that:

- (1) Such cluster development will preserve the environmental integrity of the site by protecting features such as wetlands, steep slopes, stream valleys, or natural vegetation; and
- (2) The cluster development will not impair the character of the area or create unacceptable adverse offsite infrastructure impacts; and
- (3) The proposed project is in accordance with the Comprehensive Plan of James City County; and
- (4) The structures within the residential cluster development are sited in a way that preserves prominent open space features which are within or adjoin the site, such as open fields or farmland, scenic vistas, sight lines to historic areas or structures, and archaeological sites.

(b) *Master plan ~~of development~~.* The master plan ~~of development~~ shall identify proposed areas and uses of open space including the nondevelopable areas. The master plan ~~of development~~ shall be prepared by a licensed surveyor, engineer, architect, landscape architect or a planner. A scale shall be used so that the entire parcel can be shown on one piece of paper no larger than 36 inches by 48 inches. It shall include:

- (1) An inset map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions or landmarks.
- (2) A north arrow.
- (3) The location of existing property lines, existing above and below-ground utility easements, scenic easements, watercourses or lakes, wooded areas and existing woods which are within or adjoin the property.
- (4) The boundaries of each section, topography and approximate location of proposed streets, proposed areas and uses of open space, proposed parking areas, proposed recreation areas, proposed lots and/or buildings, and phasing of development.
- (5) Marginal data which shows the gross acreage of the site, the net developable area, the proposed facilities qualifying for density bonuses or required per the density standards, the total number of dwelling units and/or lots, the number of bonus units and/or lots, the minimum amount of open space required by section 24-551(a) and the total amount of open space.
- (6) Master water, sewer and drainage plans and schematic plans.
- (7) All required setbacks, right-of-way buffers and perimeter buffers; all preserved tree areas, preserved slopes, open space areas and proposed bicycle/pedestrian access thereto; and proposed storm water management facilities.

(c) *Status of master plan.* The approval of the master plan under this section shall not be considered an approved preliminary plat as defined in the subdivision ordinance.

~~—(d) *Amendment of master plan.* Upon application, an approved plan of development may be amended by the planning director, provided, however, that a proposed amendment does not:~~

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

~~—Proposed amendments that do not meet these criteria shall be referred to the planning commission and board of supervisors, where applicable, for review and action.~~

(d) The planning director may determine certain minor changes to a development plan are consistent with the master plan. A conceptual plan may be submitted to the planning director for this purpose in a form sufficient to illustrate the proposed deviations. For the purpose of this section, minor determinations of consistency include changes that meet all of the following:

- (1) Do not significantly affect the general location or classification of housing units or buildings as shown on the master plan.*
- (2) Do not significantly alter the distribution of recreation or open space areas on the master plan.*
- (3) Do not significantly affect the road layout as shown on the master plan.*
- (4) Do not significantly alter the character of land uses or other features or conflict with any binding conditions placed on the corresponding legislatively approved case associated with the master plan.*

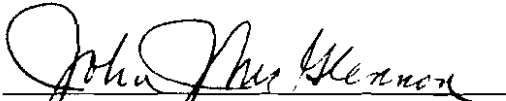
The planning director shall notify the chair of the development review committee when minor determinations of consistency are approved. Determinations of consistency that do not meet the criteria listed above shall follow the procedures for development plan review as outlined in section 24-554 (e) of the zoning ordinance.

(e) Development plan review. Development plans shall be submitted and reviewed in accordance with article III of this chapter or with the county's subdivision ordinance, whichever is applicable. Development plans may be submitted for review after approval of a master plan by the board of supervisors. All development plans shall be consistent with the master plan. Development plans may deviate from the master plan if the planning commission concludes, after reviewing written comments from the planning director, that the plan does not significantly alter the character of land uses or other features or conflict with any binding conditions placed on the approval of rezoning. A conceptual plan may be submitted to the planning commission for this purpose in a form sufficient to illustrate the proposed deviations. If the planning commission determines that a proposed change would significantly deviate from the approved master plan, the applicant may submit alternative proposed development plans or proceed with amendment of a master plan in accordance with section 24-13.

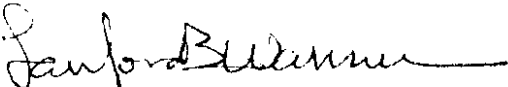
(~~e~~-f) Master plan review fees. Submittal of a master plan shall be accompanied by the fee charged for master plan review in accordance with section 24-7 of this chapter.

(~~f~~-g) Master plan-Agreement. Prior to final approval of the first sectional plan, an agreement shall be executed between the developer and the county which shall be binding upon the developer, his successors, assigns or heirs to the effect that the approved master plan shall govern the development of the total residential cluster development. This provision does not preclude the adjustment of the plan in accordance with section 24-553(d).

(~~g~~-h) Sectional plans-Action. Sectional plans submitted in accordance with subsection (d) shall be reviewed in accordance with and shall meet the requirements of, article III of this chapter or the county's subdivision ordinance, whichever is appropriate. However, all sectional plans submitted for moderate density cluster development shall be reviewed in accordance with and meet the requirements of article III of this chapter.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
BRADSHAW	AYE
GOODSON	AYE
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of December, 2007.

ResidClust_ord