

ADOPTED

SEP 11 2012

Board of Supervisors
James City County, VA

ORDINANCE NO. 31A-273

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE 5, DISTRICTS, DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, BY AMENDING SECTION 24-276, DOCUMENTS REQUIRED FOR SUBMISSION; BY DELETING SECTIONS 24-577, ADMINISTRATIVE REVIEW FEES; 24-278, APPROVAL OF MASTER PLAN; RELATIONSHIP TO FINAL PLANS; AMENDMENTS; 24-279, FINAL PLANS- SUBMISSION; CONTENTS GENERALLY; VARIATIONS FROM APPROVED MASTER PLAN; 24-280, SAME- ADMINISTRATIVE REVIEW FEE; 24-281, SAME- CONTENTS; PROPOSED DEED OF EASEMENT; AND 24-282, SAME- ACTION; BY RENUMBERING SECTION 24-283, ADDITION OF LAND TO EXISTING COMMUNITY, TO NEW NUMBER; 24-277; BY AMENDING AND RENUMBERING SECTION 24-284, PERMITTED DENSITY OVERALL WITH NEW NUMBER 24-278; BY AMENDING AND RENUMBERING SECTION 24-285, PERMITTED DENSITY WITHIN RESIDENTIAL AREAS WITH NEW NUMBER 24-279; BY RENUMBERING SECTION 24-286, OPEN SPACE REQUIREMENTS WITH NEW NUMBER 24-280; BY AMENDING, RENAMING, AND RENUMBERING SECTION 24-287, PERMITTED USES, WITH NEW NUMBER AND NAME 24-281, USE LIST; BY RENUMBERING SECTION 24-288, LIMITATIONS, WITH NEW NUMBER 24-282; BY AMENDING AND RENUMBERING SECTION 24-289, UTILITIES, WITH NEW NUMBER 24-283; BY RENUMBERING SECTION 24-290, STREET IMPROVEMENTS, WITH NEW NUMBER 24-284; BY DELETING SECTION 24-291, EFFECT OF OTHER PROVISIONS OF ZONING AND SUBDIVISION REGULATIONS WITH NEW NUMBER 24-285; BY AMENDING AND RENUMBERING SECTION 24-293, HEIGHT LIMITS, WITH NEW NUMBER 24-286; BY DELETING SECTION 24-294, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND BY RESERVING SECTION 24-287 THROUGH 24-294.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended by amending Article V, Districts, Division 5, Residential Planned Community District, R-4, by amending Section 24-276, Documents required for submission; Section 24-277, Addition of land to existing community; Section 24-278, Permitted density overall; Section 24-279, Permitted density within residential areas; Section 24-280, Open space requirements; Section 24-281, Use list; Section 24-282, Limitations; Section 24-283, Utilities; Section 24-284, Street improvements; Section 24-285, Sign regulations; Section 24-286, Height limits, and by reserving Section 24-287.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 5. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4

Sec. 24-274. Statement of intent.

This district is intended to permit development, in accordance with a master plan, of large, cluster-type communities in a manner that will protect and preserve the natural resources, trees, watersheds, contours and topographic features of the land, protect and enhance the natural scenic beauty and permit the greatest amount of recreational facilities by leaving large areas permanently open. Within such communities, the location of all improvements shall permit a variety of housing accommodations in an orderly relationship to one another with the greatest amount of open area, the least disturbance to natural features and to implement the policies and designations of the Comprehensive Plan. A planned residential district may include a variety of residential accommodations and light commercial activity, but no industrial development is permitted.

Sec. 24-275. Residential planned community defined.

For purposes of this article, a residential planned community shall be a large, planned development consisting of 400 acres or more under a single ownership or control. The residential planned community is predominated by residential land uses and open space, but also contains such uses as recreation centers, fire stations, schools and retail establishments which make the residential planned community largely self-sufficient. An important feature of the residential planned community is its emphasis on site planning and the retention of large, open areas.

Sec. 24-276. Documents required for submission.

(a) *Generally.* The applicant shall submit ~~the following documents in accordance with section 24-23 to the planning director for submission to the planning commission prior to any rezoning or special use permit application consideration by the planning commission.~~

- (1) ~~Application for rezoning.~~
- (2) ~~Master plan, 30 copies, ten submitted with the application for rezoning with the balance of the required copies submitted at the request of staff in preparation for planning commission review.~~
- (3) ~~Community impact statement, 30 copies, ten submitted with the application for rezoning with the balance of the required copies submitted at the request of staff in preparation for planning commission review.~~

The purpose of the master plan and community impact statement is to set an overall population and development ceiling for the ~~P~~planned ~~C~~community, to determine off-site impacts of the development and to identify the general arrangement of internal land uses.

(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 36 inches by 48 inches.~~ It shall include:

- (1) ~~An inset map at a scale of not less than one inch to one mile (1" = 1 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) ~~I~~ 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	Attached structures <i>Multi-family dwellings</i> containing two up to and including four dwelling units
C	Attached structures less than three stories and <i>Multi-family dwellings</i> containing more than four dwelling units
D	Attached structures of three or more stories and containing more than four dwelling units <i>Apartments</i>

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~~ *director* 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 24-285 ~~279~~, the planning ~~commission~~

director 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 2) 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 3) Schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans.
- (7 4) 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.

~~(e) *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) 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 development, 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; and~~
- ~~(6) Employment opportunities to be generated by the development.~~

~~Sec. 24-277. Administrative review fees.~~

~~Submittal of a master plan and subsequent revisions proposed by the applicant to the planning commission shall be accompanied by a fee as specified in section 24-7.~~

~~Sec. 24-278. Approval of master plan; relationship to final plans; amendments.~~

~~(a) The procedures for approval of a master plan shall be as specified in the procedures for public hearing and consideration by the planning commission and board of supervisors shall be as set forth in section 24-13.~~

~~(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 24-13. Approved final plans, provided for in section 24-279, shall supersede the master plan and schematic plans. The zoning administrator shall not issue any 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.~~

~~Sec. 24-279. Final plans Submission; contents generally; variations from approved 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 with the county's Subdivision Ordinance, whichever is applicable. The final plans shall be consistent with the master plan as approved, but may vary to any degree which the planning commission believes does not vary the basic concept or character of the development.~~

~~Sec. 24-280. Same Administrative review fee.~~

~~Submittals of a site plan or preliminary subdivision plat to implement any portion of an approved master plan shall be accompanied by a fee in accord with section 24-7 or section 19-15.~~

~~Sec. 24-281. Same Contents; proposed deed of easement.~~

~~(a) Where land is to be subdivided within the district, the final plan shall comply with the county's subdivision ordinance. Where land is not to be subdivided within the district, final plans shall comply with article III of this chapter. All final plans shall show the different types of open areas and other public or community amenities, the proposed use of all buildings and of all areas dedicated for public or private common use.~~

~~(b) The applicant shall furnish with a final plan a proposed deed of easement including restrictions safeguarding the permanent use of open areas.~~

~~(c) Easements and covenants shall clearly 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/covenants shall establish the rights of each affected owner to gain access to each owner's building for purposes of essential maintenance and service.~~

~~(d) Lot sizes and setback lines shall be shown on final plans.~~

~~Sec. 24-282. Same Action.~~

~~Final plans submitted pursuant to section 24-279 shall be approved or disapproved in accordance with article III of this chapter or accordance with the county subdivision ordinance.~~

Sec. 24-283 277. Addition of land to existing community.

(a) Additional land area may be added to an existing residential planned community if it is adjacent ~~(except for public roads)~~ and forms a logical addition to the existing residential planned community and if it is under the same ownership or control.

(b) The procedure for an addition shall be the same as if an original application were filed and all of the requirements of this article shall apply, except the minimum acreage requirement of 400 acres.

Sec. 24-284 278. Permitted density overall.

(a) The gross density of the total area of the planned residential community shall not exceed two dwelling units per acre.

~~(b) For the purpose of calculating gross density, gross acreage shall equal the sum of the total developable area and up to 35 percent of the total area as calculated below:~~

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

(b) The density of a proposed development shall be calculated as the number of units divided by the gross acreage. For the purposes of this section, the gross acreage shall be calculated as follows:

<i>Percent non-developable land</i>	<i>Percent of gross acreage added to the developable land</i>
<i>0-20 percent</i>	<i>Use total parcel acreage</i>
<i>21-40 percent</i>	<i>20</i>
<i>41-70 percent</i>	<i>15</i>
<i>71-100 percent</i>	<i>10</i>

Illustration of Gross Acreage Calculation

(a) If a 400 acre parcel has 56 acres of non-developable land, then the non-developable area of the site is 14 percent. Since 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.

(b) If the 400 acre parcel instead had 112 acres of non-developable land, then the non-developable area of the site is 28 percent. Since 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (288 acres) and 20 percent of the total parcel acreage (80 acres) are added together to obtain the gross acreage used to calculate allowed density (368 acres).

In this example, if an applicant sought a density of two dwelling units per acre, they would yield a maximum of 100 units in (a) and 92 units in (b).

~~(c) Developable area shall consist of the total land area of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a 25 percent gradient.~~

Sec. 24-285 279. 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:

<i>Area Designation</i>	<i>Dwelling Type</i>	<i>Maximum Gross Density as defined in section 24-278 (Dwelling Units Per Acre)</i>
A	Single-family	4
B	Attached structures <i>Multi-family dwellings</i> containing two up to and including four dwelling units	9.6
C	Attached structures less than three stories and <i>Multi-family dwellings</i> containing more than four dwelling units	12
D	Attached structures of three or more stories and containing more than four dwelling units <i>Apartments</i>	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.

Sec. 24-286 280. Open space requirements.

(a) At least 40 percent of the total acreage of the residential planned community shall be designated as open space. Such open space may include parks, lakes, walkways, trails, playground and recreation facilities, sports facilities, nonresidential clubhouse grounds, and rights-of-ways and surface easements for drainage and other utilities over areas not within the lines of any residential lot. Golf courses may also be counted as open space for the purpose of meeting this requirement to a maximum of 60 percent of the required open space.

(b) The required open space shall contain recreation open space in the amount of one acre or more per 350 dwelling units. For the purposes of this section, recreational open space shall mean parks, playgrounds, swimming pools, tennis courts or other similar recreational facilities serving residents of the approved planned community.

Sec. 24-287 281. Permitted uses Use list.

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

~~Accessory buildings or structures, as defined.~~

~~Apartments.~~

~~Automobile service stations; if fuel is sold, then in accordance with section 24-38.~~

~~Banks and other similar financial institutions.~~

~~Barber and beauty shops.~~

~~Business, professional and governmental 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, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores.~~

~~Dinner theaters.~~

~~Dry cleaners and laundries.~~

~~Funeral homes, cemeteries and memorial gardens.~~

~~Home occupations as defined.~~

~~Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields.~~

~~Hospitals, nursing homes and rest homes.~~

~~Hotels, resort hotels, motels, tourist homes and convention centers.~~

~~Houses of worship.~~

~~Hunting clubs, conservation areas and preserves.~~

~~Indoor theaters, museums, public meeting halls and outdoor entertainment, other than drive-in theaters.~~

~~Medical clinics and offices.~~

~~Off street parking as required by section 24-53 of this chapter.~~

~~Parks, playgrounds, golf courses, tennis courts, swimming pools and other public or private recreation areas.~~

~~Photographer, artist and sculptor studios.~~

~~Private clubs, civic or service clubs, lodges and fraternal organizations.~~

~~Property maintenance facilities, sheds or garages.~~

~~Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other 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.~~

~~Rental of rooms to a maximum of three rooms.
 Restaurants, fast food restaurants, tea rooms and taverns.~~

~~Retail food stores, bakeries and fish markets.~~

~~Schools, libraries, fire stations and post offices.~~

~~Single family dwellings.~~

~~Telephone exchanges and telephone switching stations.~~

~~Timbering in accordance with section 24 43.~~

~~Townhouses and condominiums.~~

~~Two family dwellings.~~

~~Water impoundments, new or expansion of, 50 acres or more with dam heights of more than 25 feet with a special use permit.~~

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

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

~~Yacht clubs, private or commercial marinas, boat storage and service facilities; if fuel is sold, then in accordance with section 24 38.~~

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential Uses</i>	<i>Accessory buildings or structures, as defined</i>	<i>P</i>	
	<i>Accessory apartments</i>	<i>P</i>	
	<i>Apartments</i>	<i>P</i>	
	<i>Group homes or residential facilities for eight or fewer adults</i>	<i>P</i>	
	<i>Group homes or residential facilities for nine or more adults</i>		<i>SUP</i>
	<i>Independent living facilities</i>		<i>SUP</i>
	<i>Multi-family dwellings (up to and including four dwelling units)</i>	<i>P</i>	
	<i>Multi-family dwellings (more than four dwelling units)</i>	<i>P</i>	
	<i>Single-family dwellings</i>	<i>P</i>	
	<i>Townhouses and condominiums</i>	<i>P</i>	

	Two-family dwellings	P	
<i>Commercial Uses</i>	<i>Accessory buildings or structures, as defined</i>	<i>P</i>	
	<i>Assisted living facilities</i>	<i>P</i>	
	<i>Automobile service stations; if fuel is sold, then in accordance with section 24-38</i>	<i>P</i>	
	<i>Banks and other similar financial institutions</i>	<i>P</i>	
	<i>Barber and beauty shops</i>	<i>P</i>	
	<i>Business, professional and governmental offices</i>	<i>P</i>	
	<i>Continuing care retirement facilities</i>	<i>P</i>	
	<i>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, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores</i>	<i>P</i>	
	<i>Dinner theaters</i>	<i>P</i>	
	<i>Dry cleaners and laundries</i>	<i>P</i>	
	<i>Funeral homes, cemeteries and memorial gardens</i>	<i>P</i>	
	<i>Home occupations, as defined</i>	<i>P</i>	
	<i>Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields</i>	<i>P</i>	
	<i>Hospitals, nursing homes and rest homes and mental care facilities</i>	<i>P</i>	
	<i>Hotels, resort hotels, motels, tourist homes and convention centers</i>	<i>P</i>	
	<i>Hunting clubs, conservation areas and preserves</i>	<i>P</i>	
	<i>Indoor theaters, museums, public meeting halls and outdoor entertainment, other than drive-in theaters</i>	<i>P</i>	
	<i>Medical clinics and offices</i>	<i>P</i>	
	<i>Off-street parking as required by section 24-53 of this chapter</i>	<i>P</i>	
	<i>Parks, playgrounds, golf courses, tennis courts, swimming pools and other public or private recreation areas</i>	<i>P</i>	
	<i>Photographer, artist and sculptor studios</i>	<i>P</i>	
	<i>Property maintenance facilities, sheds or garages</i>	<i>P</i>	
	<i>Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement</i>	<i>P</i>	
<i>Rental of rooms to a maximum of three rooms</i>	<i>P</i>		
<i>Restaurants, fast food restaurants, tea rooms and taverns</i>	<i>P</i>		

	<i>Retail food stores, bakeries and fish markets</i>	<i>P</i>	
	<i>Skilled nursing facilities (nursing homes)</i>	<i>P</i>	
	<i>Yacht clubs, private or commercial marinas, boat storage and service facilities; if fuel is sold, then in accordance with section 24-38</i>	<i>P</i>	
<i>Civic Uses</i>	<i>Fire stations</i>	<i>P</i>	
	<i>Libraries</i>	<i>P</i>	
	<i>Post offices</i>	<i>P</i>	
	<i>Houses of worship</i>	<i>P</i>	
	<i>Places of public assembly, such as houses of worship, public meeting halls, lodges or fraternal organizations</i>	<i>P</i>	
	<i>Private clubs, civic or service clubs, lodges and fraternal organizations</i>	<i>P</i>	
	<i>Schools</i>	<i>P</i>	
<i>Utility Uses</i>	<i>Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities</i>		<i>SUP</i>
	<i>Public utilities: Poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities</i>	<i>P</i>	
	<i>Telephone exchanges and telephone switching stations</i>	<i>P</i>	
	<i>Tower mounted wireless communication facilities in accordance with division 6, Wireless Communication Facilities, only in areas with a designation other than residential on a board adopted master plan</i>		<i>SUP</i>
	<i>Water facilities (public) and sewer facilities (public), 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 shall be a permitted use only after the issuance of a special use permit by the board of supervisors. However, the following are permitted generally and shall not require a special use permit:</i>		<i>SUP</i>
	<i>(1) Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;</i>		

	<i>(2) Distribution lines and local facilities within a development; including pump stations.</i>		
	<i>Water impoundments, new or expansion of, 50 acres or more with dam heights of more than 25 feet with a special use permit</i>		<i>SUP</i>
	<i>Water impoundments, new or expansion of, less than 50 acres and dam heights of less than 25 feet</i>	<i>P</i>	
	<i>Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities</i>	<i>P</i>	
<i>Open Uses</i>	<i>Timbering in accordance with section 24-43</i>	<i>P</i>	

All uses are subject to the limitations hereinafter provided.

Sec. 24-288 282. Limitations.

(a) Commercial uses shall be located in well-designed commercial areas of the residential planned community and shall be shown on the master plan and on pertinent final plans.

(b) Not more than 20 percent of the total area shall be devoted to commercial uses in the residential planned community and such commercial uses are to be limited to the areas designated on the master plan and on pertinent final plans.

(c) Uses in a residential planned community shall be permissible only in the general location shown on the approved master plan as previously set forth.

Sec. 24-289 283. Utilities.

(a) All development within the R-4 District shall be served by publicly owned and operated water and sewer systems,

(b) Extensions and expansions of public utilities to serve the development shall be governed by the regulations and policies governing service of the appropriate public agency.

(c) Recreational maintenance facilities, maintenance facilities, temporary sales offices, temporary construction offices and accessory structures may be permitted to temporarily operate on individual well and septic systems provided the following is met:

- (1) The structure shall not be within the minimum connection distance for public utilities as determined by the James City Service Authority;
- (2) Individual wells shall be approved by the health department and the *planning* director ~~of building safety and permits~~ prior to preliminary site plan approval;
- (3) Individual septic tank systems shall be approved by the health department prior to preliminary site plan approval;

- (4) The structure shall connect to public water within five years from the date of final site plan approval and shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and the director of building safety and permits. The structure shall connect to public utilities within 30 days of the date that such facilities are constructed within the minimum connection distance for public utilities as determined by the James City Service Authority; and
- (5) No more than one structure served by an individual well and septic system shall be permitted at one time within a ~~P~~planned ~~C~~community.

~~(d) Water facilities (public) and sewer facilities (public), 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 shall be a permitted use only after the issuance of a special use permit by the board of supervisors. However, the following are permitted generally and shall not require a special use permit:~~

- ~~—(1) Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;~~
- ~~—(2) Distribution lines and local facilities within a development; including pump stations.~~

Sec. 24-290 284. Street improvements.

(a) All dedicated public streets shown on the development plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county subdivision ordinance, whichever is more stringent. Such public streets shall be coordinated with the major transportation network shown in the Comprehensive Plan.

(b) Private streets may be permitted in accordance with the provisions of section 24-62.

~~**Sec. 24-291. Effect of other provisions of zoning and subdivision regulations on division.**~~

~~The provisions of this division shall not be limited by any provision of any other part of the county zoning or subdivision regulations inconsistent herewith~~

Sec. 24-292 285. Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the residential planned community district, R-4, 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 and the board of supervisors where such sign systems contribute significantly to the character of the residential 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. Home occupation signs shall not be permitted in the residential planned community district.

Sec. 24-293 286. Height limits.

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, athletic field lighting, or other accessory functions,

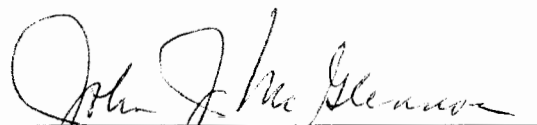
which are part of the structure. ~~Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~ A structure in excess of 60 feet in height but not in excess of 100 feet, from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, radio, television and microwave antennas and towers or other accessory functions, and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures ~~or are building mounted~~ in accordance with division 6, *and* Wireless Communications Facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted, may be erected only upon the granting of a height limitation waiver by the board of supervisors. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- a. Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
- b. Such structure will not obstruct light from adjacent property;
- c. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- d. Such structure will not impair property values in the surrounding area;
- e. Such structure is adequately designed and served from the standpoint of safety and the county fire chief 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
- f. Such structure will not be contrary to the public health, safety and general welfare.

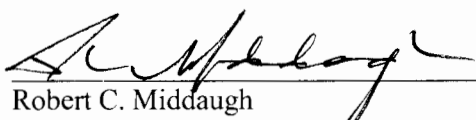
~~Sec. 24-294. Uses permitted by special use permit only.~~

~~— Tower mounted wireless communication facilities in accordance with Division 6, Wireless Communications Facilities.~~

~~Secs. 24-295 287 - 24-303. Reserved.~~


 John J. McGlennon
 Chairman, Board of Supervisors

ATTEST:


 Robert C. Middaugh
 Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	___	___
JONES	<u>X</u>	___	___
KENNEDY	___	<u>Absent</u>	___
ICENHOUR	<u>X</u>	___	___
KALE	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2012.