

ADOPTED

MAY 09 2023

Board of Supervisors
James City County, VA

ORDINANCE NO. 31A-357

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING ARTICLE V, DISTRICTS, BY AMENDING DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, BY ADDING NEW SECTION 24-213, OVERALL DENSITY WITHIN SUBDIVISIONS; AND BY AMENDING SECTION 24-222, CLUSTER CONFIGURATION; AND BY AMENDING DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, BY AMENDING SECTION 24-232, USE LIST; BY AMENDING SECTION 24-233, OVERALL DENSITY WITHIN SUBDIVISIONS; BY DELETING SECTION 24-234, DENSITY; AND BY RESERVING SECTION 24-234; AND BY AMENDING DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, BY AMENDING SECTION 24-252, USE LIST; BY AMENDING SECTION 24-253, OVERALL DENSITY WITHIN SUBDIVISIONS; BY DELETING SECTION 24-254, DENSITY; AND BY RESERVING SECTION 24-254; AND BY AMENDING DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, BY DELETING SECTION 24-273.6, DENSITY; BY RESERVING SECTION 24-273.6; AND BY AMENDING SECTION 24-273.7, OVERALL DENSITY WITHIN SUBDIVISIONS; AND BY AMENDING DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, BY AMENDING SECTION 24-278, PERMITTED DENSITY OVERALL; AND SECTION 24-279, PERMITTED DENSITY WITHIN RESIDENTIAL AREAS; AND BY AMENDING DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, BY AMENDING SECTION 24-307, OVERALL DEVELOPMENT DENSITY; BY DELETING SECTION 24-308, DENSITY; AND BY RESERVING SECTION 24-308; AND BY AMENDING DIVISION 7, LOW-DENSITY RESIDENTIAL DISTRICT, R-6, BY ADDING NEW SECTION 24-337, OVERALL DENSITY WITHIN SUBDIVISIONS; AND BY AMENDING DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, BY ADDING NEW SECTION 24-349, OVERALL DENSITY WITHIN SUBDIVISIONS; AND BY AMENDING DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, BY AMENDING SECTION 24-487, DENSITY; AND BY AMENDING DIVISION 15, MIXED USE, MU, BY AMENDING SECTION 24-519, DENSITY; AND BY AMENDING DIVISION 17, ECONOMIC OPPORTUNITY, EO, BY AMENDING SECTION 24-536.3, DENSITY; AND BY AMENDING ARTICLE VI, OVERLAY DISTRICTS, DIVISION 1, RESIDENTIAL CLUSTER DEVELOPMENT, BY DELETING SECTION 24-548, DENSITY, BY RESERVING SECTION 24-548, AND BY AMENDING SECTION 24-549, DENSITY STANDARDS.

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 I, In General, Section 24-2, Definitions; and by amending Article V, Districts, by amending Division 3, Limited Residential District, R-1, and by amending Section 24-232, Use list; by amending Section 24-233, Overall density within subdivisions; and by amending Division 4, General Residential District, R-2, by amending Section 24-252, Use list; and by amending Section 24-253, Overall density within subdivisions; and by amending Division 4.1, Residential Redevelopment District, R-3, by amending Section 24-273.7, Overall density within subdivisions; and by amending Division 5, Residential Planned Community District, R-4, by amending Section 24-278, Permitted density overall; and Section 24-279, Permitted density within residential areas; and by amending Division 6, Multifamily Residential District, R-5, by amending Section 24-307, Overall development density; and by amending Division 7, Low-Density Residential District, R-6, by adding new Section 24-337, Overall density within subdivisions; and by amending Division 14, Planned Unit Development Districts, PUD, by amending Section 24-487, Density; and by amending Division 15, Mixed Use, MU, by amending Section 24-519, Density; and by amending Division 17, Economic Opportunity, EO, by amending Section 24-536.3, Density; and by amending Article VI, Overlay Districts, Division 1, Residential Cluster Development, by amending Section 24-549, Density standards.

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

Density, net. Net density shall be calculated as the number of dwelling units divided by the developable area.

Article V. Districts

Division 3. Limited Residential District, R-1

Sec. 24-232. Use list.

Residential Uses	Single-family detached dwellings with a maximum gross <i>net</i> density of one dwelling unit per acre in accordance with section 24-233(a)	P	
	Single-family detached dwellings with a maximum gross <i>net</i> density of more than one dwelling unit per acre in accordance with section 24-233(b)		SUP

Sec. 24-233. Overall density within subdivisions.

- (a) All subdivisions shall have a maximum **gross net** density of one unit per acre, except for minor subdivision as defined in the county's subdivision ordinance. In these instances, the lots in a minor subdivision must still adhere to the area requirements set forth in section 24-255.
- (b) Upon application, the board of supervisors may grant a special use permit for subdivisions to have a maximum **gross net** density of more than one unit per acre, but of no more than two units per acre upon finding the developer has made assurances in a master plan, proffers, or other document approved by the county attorney, for at least two points as specified in the density bonus item options table in section 24-549 of this chapter.

Sec. 24-234. Density.

~~The density of a proposed subdivision (other than minor subdivisions, as specified in section 24-233) 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:~~

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

~~Illustration of Gross Acreage Calculation~~

- ~~(a) If a 50-acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Because 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.~~
- ~~(b) If the 50-acre parcel instead had 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Because 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 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).~~

Sec. 24-234. Reserved.

Division 4. General Residential District, R-2

Sec. 24-252. Use list.

Residential Uses	Multifamily dwellings of between five and eight units, contained within a residential cluster development with a maximum <i>gross net</i> density of more than one unit per acre in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including four units, with a maximum <i>gross net</i> density of one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter	P	
	Multifamily dwellings, up to and including four units, with a maximum <i>gross net</i> density of more than one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including two units, in accordance with section 24-260		SUP
	Single-family detached dwellings with a maximum <i>gross net</i> density of one dwelling unit per acre, either	P	
	• in accordance with section 24-253(a), or		
	• contained within residential cluster development in accordance with article VI, division 1 of this chapter		
	Single-family detached dwellings with a maximum <i>gross net</i> density of more than one dwelling unit per acre, either		SUP
	• in accordance with section 24-253(b), or		
	• contained within residential cluster development in accordance with article VI, division 1 of this chapter		

Sec. 24-253. Overall density within subdivisions.

- (a) All subdivisions shall have a maximum *gross net* density of one unit per acre, except for minor subdivisions as defined in Chapter 19 of the county code. In these instances, the lots in a minor subdivision must still adhere to the area requirements set forth in section 24-255.
- (b) Upon application, the board of supervisors may grant a special use permit for subdivisions to have a maximum *gross net* density of more than one unit per acre, but of no more than two units per acre upon finding the developer has made assurances in a master plan, proffers, or other document approved by the county attorney, for at least two points as specified in the density bonus item options table in section 24-549 of this chapter.

Sec. 24-254. Density.

The density of a proposed subdivision (other than minor subdivisions, as specified in section 24-253) 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:

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

Illustration of Gross Acreage Calculation

(a) If a 50-acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Because 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.

(b) If the 50-acre parcel instead had 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Because 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 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).

Sec. 24-254. Reserved.

Division 4.1. Residential Redevelopment District, R-3

Sec. 24-273.6. Density.

The density of a proposed subdivision 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:

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

Illustration of Gross Acreage Calculation

(a) If a 50-acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Because 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.

(b) If the 50-acre parcel instead had 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Because 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 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).

Sec. 24-273.6. Reserved.

Sec. 24-273.7. Overall density within subdivisions.

No project shall have a *net* density (including bonuses) of more than four units per acre. In order to achieve the densities listed below, the developer shall make assurances in a master plan, proffers, or other document approved by the county attorney, for the density bonus items.

<i>Net Density</i>	Required density bonus points from list below
Up to 2.5	None required
More than 2.5, but no more than 3	3
More than 3, but no more than 3.5	4
More than 3.5, but no more than 4	5

	Bonus Item Options	Bonus Points
A.	For every 15 percent of the total units that meet the definition of affordable and workforce housing (starting above the threshold set forth in the Residential Redevelopment Policy, as amended).	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay Preservation Ordinance standards and requirements through extensive use of Better Site Design/Low Impact Development techniques, as approved by the engineering and resource protection division.	1.5
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division.	1.5
D.	Meeting a majority of items (a)(d) listed in section 24-551, open space development design elements, as determined by the planning director.	1.5
E.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units.	1
F.	Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee.	1
G.	Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as approved by the parks and recreation director or designee.	1
H.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements in set forth in section 24-35 of this chapter.	1
I.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director.	0.5

J.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the Comprehensive Plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.	0.5
K.	For projects with fewer than 50 residential units, providing a neighborhood park of 0.25 acre, with a minimum width of 60 feet. The parkland should be centrally located, relatively level land with a minimum of 70 percent groomed space. The balance may be left in natural tree cover.	1
L.	Providing at least 25 percent of the total units which are offered at fair market rate. Such units shall be fully integrated into the development with regard to location, exterior materials, appearance from the street, and other attributes as determined by the planning director.	0.5
M.	Providing one playground with a minimum area of 2,500 square feet and a minimum of five activities.	0.5

Division 5. Residential Planned Community District, R-4

Sec. 24-278. Permitted density overall.

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

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

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 800 units in (a) and 736 units in (b).~~

Sec. 24-279. 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:

<u>Area Designation</u>	<u>Dwelling Type</u>	<u>Maximum Gross Net Density as defined in section 24-278 (Dwelling Units Per Acre)</u>
A	Single-family	4
B	Multi-family dwellings containing up to and including four dwelling units	9.6
C	Multi-family dwellings containing more than four dwelling units	12
D	Apartments	18

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

Division 6. Multifamily Residential District, R-5

Sec. 24-307. Overall development density.

- (a) *Gross density limitation.* No project shall have a *gross net* density (including bonuses) of more than 12 units per acre.
- (b) *Determination of number of dwelling units.* ~~The number of units which may be constructed shall be determined by the gross acreage at net density of the site and the use proposed as follows:~~

BASE DWELLING UNITS PER ACRE NET DENSITY		
Number of units	Multifamily and apartments under three stories	Multifamily and apartments three stories or more
1-100	8	10
101-200	7	9
Over 200	6	8

- (c) *Density bonuses.* In order to encourage attractive architectural and site designs which are harmonious with adjoining property, to encourage the preservation of open space within and around higher density development, to encourage preservation and restoration of historic sites and to encourage developers to go beyond the minimum standards of the zoning ordinance, the board of supervisors may approve density bonuses as specified in the density bonus item options table in section 24-549 of this chapter. Density bonuses shall not exceed a maximum of an additional 20 percent above the ~~maximum dwelling units per acre net density~~ that would otherwise be permitted and in no case shall exceed 12 units per acre, in accordance with the following:

<i>Bonus increase from base net density</i>	<i>Required density bonus points from list</i>
Up to the base density	0
Greater than the base density, up to and including ten percent above the base density	1
Greater than ten percent above the base density, up to and including 20 percent above the base density	2

- (d) *Subdivision in order to circumvent provisions prohibited.* Property shall not be subdivided to circumvent this section and project phases shall be considered one development.

~~Sec. 24-308. Density.~~

~~The density of a proposed subdivision 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:~~

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

~~Illustration of Gross Acreage Calculation~~

- (a) ~~If a 50-acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Because 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.~~
- (b) ~~If the 50-acre parcel instead had 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Because 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 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).~~

~~Sec. 24-308. Reserved.~~

Division 7. Low-Density Residential District, R-6

~~Sec. 24-337. Overall density within subdivisions.~~

~~Lots in a minor subdivision must adhere to the area requirements set forth in section 24-330. All other subdivisions shall have a maximum net density of one unit per acre.~~

Division 14. Planned Unit Development Districts, PUD

Sec. 24-487. Density.

- (a) The **gross net** density 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 maximum densities of dwelling units per acre which may be constructed in any area designation are:

Area Designation	Dwelling Type	Base net density (dwelling units per acre)	Maximum gross net density with density bonus (see table under section 24-488(e)(b))
A	Single family	2	4
B	Multi-family dwellings containing up to and including four dwelling units	5	10
C	Multi-family dwellings containing more than four dwelling units	6	12
D	Apartments	9	18

- ~~(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:~~

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

Illustration of Gross Acreage Calculation

- ~~(a) If a 50-acre parcel has seven 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 50-acre parcel instead had 14 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 (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 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).~~

- ~~(e)(b) In addition to the base **net** density standards from section 24-487 (a), a density bonus can be achieved with the provision of options as detailed below. In order to achieve the densities listed below, the developer shall make assurances in a master plan, proffers, or other documents approved by the county attorney for the density bonus items.~~

<i>Bonus Increase from Base Net Density</i>	<i>Required Density Bonus Points from List Below</i>
Up to the base <i>net</i> density	0
Greater than the base <i>net</i> density, up to and including 33 percent above the base density	2
Greater than 33 percent above the base <i>net</i> density, up to and including 66 percent above the base density	4
Greater than 66 percent above the base <i>net</i> density, up to and including 100 percent above the base density	6

	<i>Bonus Item Options</i>	<i>Bonus Points</i>
A.	For every 10 percent of the units committed to provision of affordable and workforce housing (starting above the threshold set in the county's housing opportunities policy)	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay preservation ordinance standards and requirements through extensive use of better site design/low impact development techniques, as approved by the engineering and resource protection division	1.5
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division.	1.5
D.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units	1
E.	Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee.	1
F.	Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as approved by the parks and recreation director or designee.	1
G.	Preserving a single area of healthy, mature, mixed hardwood forestland at least two acres in size, within the developable portion of the site. The planning director may request that the developer provide confirmation, prepared by a certified horticulturalist, that these qualities are present.	1
H.	Retaining a single area of agricultural land designated on the United States Department of Agriculture (USDA) maps to be of prime or statewide importance that is at least five acres in size.	1
I.	Preserving one of the following underlined environmentally-related conservation features. The underlined item must constitute at least five percent of the developable area of the site.	
	1. <u>100-foot buffers around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer</u>	1
	2. <u>Soils in hydrologic groups A and B, as defined by the USDA, and as verified on-site by a licensed geotechnical engineer (retain at least 50 percent of these soils on site)</u>	
	3. <u>Conservation area as identified by an approved watershed management plan</u>	

	4. Wildlife habitat corridors that:	
	• Protect a corridor at least 100 feet in width from one protected area (on or off the development property) to another protected area, and	
	• Consist of mature forestland	
J.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements in set forth in section 24-35 of this chapter.	1
K.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director.	0.5
L.	Providing a 100-foot buffer from the internal edge of a right-of-way buffer and/or perimeter buffer (must constitute at least five percent of the developable area of the site).	0.5
M.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the comprehensive plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.	0.5

Division 15. Mixed Use, MU

Sec. 24-519. Density.

- (a) ~~The number of dwelling units which may be constructed in any residential or mixed use residential area designation as indicated on the master plan shall be determined by the number of gross acres at the site and the use proposed. The maximum net densities of dwelling units per acre which may be constructed are:~~

<i>Area Designation</i>	<i>Dwelling Type</i>	<i>Base Gross Net Density (Dwelling Units Per Acre)</i>	<i>Maximum Gross Net Density with density bonus (see table under section 24-519 (e) (b))</i>
A	Single-family structures	3	6
B	Multi-family dwellings containing up to four dwelling units	5	10
C	Multi-family dwellings containing more than four dwelling units	6	12
D	Apartments	9	18

- (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:~~

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

Illustration of Gross Acreage Calculation

- (a) ~~If a 50 acre parcel has seven 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 50 acre parcel instead had 14 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 (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 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).~~
- (e)(b) In addition to the base *net* density standards from section 24-519 (a), a density bonus can be achieved with the provision of options as detailed below. In order to achieve the densities listed below, the developer shall make assurances in a master plan or otherwise for the density bonus items.

Bonus increase from base <i>net</i> density	Required density bonus points from list below
Up to the base <i>net</i> density	0
Greater than the base <i>net</i> density, up to and including 33 percent above the base density	2
Greater than 33 percent above the base <i>net</i> density, up to and including 66 percent above the base density	4
Greater than 66 percent above the base <i>net</i> density, up to and including 100 percent above the base density	6

	Bonus Item Options	Bonus Points
A.	For every 10 percent of the units committed to provision of affordable and workforce housing (starting above the threshold set in the county's housing opportunities policy).	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay Preservation Ordinance standards and requirements through extensive use of better site design/low impact development techniques, as approved by the engineering and resource protection division.	1.5
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division.	1.5
D.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units	1

E.	Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee.	1
F.	Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as approved by the parks and recreation director or designee.	1
G.	Preserving a single area of healthy, mature, mixed hardwood forestland at least two acres in size, within the developable portion of the site. The planning director may request that the developer provide confirmation, prepared by a certified horticulturalist, that these qualities are present.	1
H.	Preserving one of the following underlined environmentally-related conservation features. The underlined item must constitute at least 5 percent of the developable area of the site.	1
	1. <u>100 foot buffers</u> around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer	
	2. <u>Soils in hydrologic groups A and B, as defined by the USDA, and as verified on-site by a licensed geotechnical engineer</u> (retain at least 50 percent of these soils on site)	
	3. <u>Conservation area as identified by an approved watershed management plan</u>	
	4. <u>Wildlife habitat corridors that:</u>	
	• Protect a corridor at least 100 feet in width from one protected area (on or off the development property) to another protected area, and	
	• Consist of mature forestland	
I.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements set forth in section 24-35 of this chapter.	1
J.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director.	0.5
K.	Providing a 100-foot buffer from the internal edge of a right-of-way buffer and/or perimeter buffer (must constitute at least five percent of the developable area of the site).	0.5
L.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the comprehensive plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.	0.5

~~(d)~~(c) To achieve the intent of a mixed use development, more than one land use category shall be used and no single use or use category shall exceed 80 percent of the developable land area within a mixed use area, as delineated on the master plan. Where the mixed use development contains one or more mixed use structures (vertical mixed use), the developable land area may be converted to square feet to demonstrate compliance with this requirement.

Illustration of vertical mixed use buildings calculation.

For a vertical mixed use building of 60,000 square feet in size, no one use could exceed 48,000 square feet.

~~(e)~~(d) For areas designated neighborhood commercial or community commercial on the comprehensive plan, all proposed structures should be mixed use structures (vertical mixed use) and residential floor area should not exceed 50 percent of the total floor area. Either of these criteria may be modified if specifically shown on a master plan approved by the board of supervisors that exceeds mixed use designation development standards in the comprehensive plan.

Division 17. Economic Opportunity, EO

Sec. 24-536.3. Density.

(a) *Balance of land uses.* Not more than 15 percent of the developable land area within an economic opportunity area, as delineated on the master plan, shall be dedicated to non-primary workplace uses. The remaining 85 percent of the developable land area shall be dedicated to primary uses. Non-primary workplace uses include, retail, convenience and service uses, restaurants, child care, residential development or other uses intended to support and complement primary workplace uses. For the purposes of this requirement primary workplace uses include office, research, light industrial, or other uses that will provide a significant fiscal benefit to the county.

Additionally, non-primary workplace uses should be grouped together in an effort to maximize the area for workplace uses. The location of the non-primary workplace uses should not prevent the availability of large contiguous sections of land for office, research, or light industrial development.

(b) *Residential.* Residential dwelling units are permitted in the urban/residential core area, as delineated on the master plan, which shall not exceed 10 percent of the total developable master planned economic opportunity area. ~~The number of dwelling units which may be constructed in any of the urban/residential core as indicated on the master plan shall be determined by the number of acres of the economic opportunity master plan area and the use proposed.~~ The maximum *net* densities of dwelling units *per acre within the developable area of the urban/residential core area* which may be constructed are:

Dwelling Type	Maximum Net Density
Multi-family structures (attached housing)	7
Apartments	10

~~In the economic opportunity district, only developable area shall be used for the purposes of calculating density.~~

Article VI. Overlay Districts

Division 1. Residential Cluster Development

Sec. 24-548. Density.

The density of a proposed subdivision 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:

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

Illustration of Gross Acreage Calculation

- (a) If a 50-acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Because 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.
- (b) If a 50-acre parcel has 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Because 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 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).

Sec. 24-548. Reserved.

Sec. 24-549. Density standards.

No project shall have a *net* density (including bonuses) of more than four units per acre. In order to achieve the *net* densities listed below, the developer shall provide at least the minimum amount of open space, and shall make assurances in a master plan, proffers, or other document approved by the county attorney, for the density bonus items. The approval process for cluster development shall be as stated in section 24-556.


<i>Net</i> Density	Percent of developable acreage as open space	Required density bonus points from list below
Up to 1	25 percent	None
More than 1, but no more than 2	25 percent	2
More than 2, but no more than 3	30 percent	4
More than 3, but no more than 4	35 percent	6

	Bonus Item Options	Bonus Points
A.	For every 10 percent of the units committed to provision of affordable and workforce housing (starting above the threshold set in the county's housing opportunities policy, as amended)	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay Preservation Ordinance standards and requirements through extensive use of better site design/low impact development techniques, as approved by the engineering and resource protection division	1.5
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division	1.5
D.	Meeting a majority of items (a) - (d) listed in section 24-551, Open space development design elements, as determined by the planning director	1.5
E.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units	1
F.	Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee	1
G.	Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved greenway master plan, the Virginia outdoors plan, or such other useful and logical location as approved by the parks and recreation director or designee	1
H.	Preserving a single area of healthy, mature, mixed hardwood forestland at least two acres in size within the developable portion of the site. The planning director may request that the developer provide confirmation, prepared by a certified horticulturalist, that these qualities are present	1
I.	Retaining a single area of agricultural land designated on the United States Department of Agriculture (USDA) maps to be of prime or statewide importance that is at least five acres in size	1
J.	Preserving one of the following underlined environmentally-related conservation features. The underlined item must constitute at least five percent of the developable area of the site.	1
	1. <u>100 foot buffers</u> around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer;	
	2. <u>Soils in hydrologic groups A and B, as defined by the USDA, and as verified on-site by a licensed geotechnical engineer</u> (retain at least 50 percent of these soils on site);	
	3. <u>Conservation area as identified by an approved watershed management plan; or</u>	
	4. <u>Wildlife habitat corridors that:</u>	
	a. Protect a corridor at least 100 feet in width from one protected area (on or off the cluster property) to another protected area, and	
	b. Consist of mature forestland	
K.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements set forth in section 24-35 of this chapter	1

L.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director	0.5
M.	Providing a 100-foot buffer from the internal edge of a right-of-way buffer and/or perimeter buffer (must constitute at least five percent of the developable area of the site)	0.5
N.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the comprehensive plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA	0.5


 Michael J. Hipple
 Chairman, Board of Supervisors

ATTEST:


 Teresa J. Saeed
 Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2023.