

ORDINANCE NO. _____

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 2, GENERAL AGRICULTURAL DISTRICT, A-1 BY AMENDING SECTION 24-214, AREA REQUIREMENTS; BY ADDING NEW SECTION 24-221, LIVESTOCK STOCKING RATES; AND BY ADDING NEW SECTION 24-222, CLUSTER CONFIGURATION.

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 2, General Agricultural District, A-1 by amending Section 24-214, Area requirements; by adding Section 24-221, Livestock stocking rates; and by adding Section 24-222, Cluster configuration.

Chapter 24. Zoning

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-214. Area requirements.

(a) Minimum lot size. The minimum lot size, except as otherwise specified herein, shall be:

(1) One acre for nonresidential uses;

(2) ~~Three~~ **Twenty** acres for **residential uses** ~~single family dwellings; however~~

i. Parcels of twenty-five acres or less recorded or legally in existence as of January 1, 2022, shall be permitted to be subdivided for residential use so long as no lot size is less than three acres.

ii. Parcels of less than six acres recorded or legally in existence prior to May 1, 1989, shall be permitted to be subdivided into two lots for single-family residential use so long as no lot size is less than two acres.

iii. Upon issuance of a special use permit, family subdivisions as permitted in section 19-17 of the county subdivision ordinance may be approved with a lot size that is less than the minimum sizes specified in (a)(2) and (a)(2)(i), provided no lot is less than one acre.

iv. Upon issuance of a special use permit, a cluster configuration subdivision may be approved with a minimum lot size of less than twenty acres; provided that the overall gross density of any cluster configuration subdivision does not exceed one dwelling unit per twenty acres, and also meets the requirements of section 24-222.

v. Parcels of less than twenty acres recorded or legally in existence prior to [Insert Adoption Date] may be used for residential purposes and shall be limited to one single-family residential use.

~~(3) — A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and~~

~~(4) — Twenty acres for intensive agriculture:~~

~~a. — No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.~~

~~(b) — *Minimum lot size for residential lots created after May 1, 1989.* No lot created under the area requirements of this section after May 1, 1989 [Insert Adoption Date], the date of adoption of this section, unless created pursuant to paragraphs (2)(i), (2)(ii), (2)(iii) or (2)(iv) above (c) or (d) below, shall be used for any residential dwelling unless the lot size is ~~three~~ *twenty* acres or more. Provided, however, that lots of less than six acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this section, shall be permitted to be subdivided into two lots for single family residential use so long as no lot size is less than two acres.~~

~~(c) — *Purpose of area requirements; conditions for subdivisions with approved special use permits.* It is the purpose of the area requirements in this district to discourage urban residential developments, but at the same time to encourage careful design of low density residential subdivisions in order to make best use of the land, reduce development costs and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of article I and the special standards of this district. Upon issuance of a special use permit, a subdivision may be approved with a minimum lot size of less than three acres; provided, that all of the following conditions are met:~~

~~(1) — The overall gross density of the subdivision shall not exceed one dwelling unit per two acres.~~

~~(2) — There shall be at least three residential lots in the subdivision.~~

~~(3) — No lot shall be less than one acre in area.~~

~~(4) — The subdivision shall only be for single family detached dwellings.~~

~~(5) — All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.~~

~~(6) — Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.~~

~~(7) — The general design standards of this section shall be complied with.~~

~~(8) — The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.~~

~~(9) — The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.~~

~~(10) — No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.~~

~~(11) — Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.~~

~~(12) — Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.~~

~~(d) — Lot size for family subdivisions with special use permits. Upon issuance of a special use permit, a family subdivision may be approved with a minimum lot size of less than three acres, provided no lot shall be less than one acre.~~

~~(e) — Minimum lots sized for two family dwellings. Lots for two family dwellings shall have a minimum area of five acres.~~

~~(f) Not applicable to lots in existence prior to May 1, 1989. These minimum sizes shall not apply to lots of less than three acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this article. Such lots of less than three acres used for residential purposes shall be limited to one single-family residential use.~~

Sec. 24-221. Livestock stocking rates.

- (a) A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and
- (b) Twenty acres for intensive agriculture:
- (1) No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.

Sec. 24-222 Cluster configuration.

~~Purpose of area requirements; conditions for subdivisions with approved special use permits. It is the purpose of the area requirements in this district to discourage urban residential developments, but at the same time to encourage careful design of low density residential subdivisions in order to make best use of the land, reduce development costs and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of article I and the special standards of this district. Upon issuance of a special use permit, a *cluster configuration* subdivision may be approved with a minimum lot size of less than three acres; provided, that all of the following conditions are met:~~

- (1) The overall gross density of the subdivision shall not exceed one dwelling unit per ~~two~~ **twenty** acres.
- (2) There shall be at least three residential lots in the subdivision.
- (3) No lot shall be less than one acre in area.
- (4) The subdivision shall only be for single-family detached dwellings.
- (5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.
- (6) Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.
- (7) The general design standards of this section shall be complied with.
- (8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.
- (9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.
- (10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.
- (11) Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.

(12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.

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