

Draft Height Limitation Waiver Conditions

- 1. Height Limitations:** This Height Limitation Waiver (the “Waiver”) shall be valid for a twenty-five (25) foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of buildings (the “Buildings”) up to sixty (60) feet above ground level on property zoned R-5, Multifamily Residential, further identified as James City County Real Estate Tax Map Parcel No. 4820100012, as generally shown on the plan prepared by Guernsey Tingle, dated February 27, 2017 and entitled “Master Plan for Williamsburg Landing Marclay Road Property” (the “Master Plan”). The height of the Buildings shall be calculated in accordance with the Zoning Ordinance definition for “Building, height of” in effect as of the adoption date of the Waiver.
- 2. As Built Survey:** An as-built survey shall be submitted to and approved by the Director of Planning for any building exceeding the permitted building height in the zoning district prior to final certificate of occupancy. The intent of this condition is to ensure compliance with the Waiver and any permits or conditions set forth by the Federal Aviation Administration and or the Virginia Department of Aviation.
- 3.** The Waiver shall only apply to Area II Unit Type D on the Master Plan.
- 4. Severability:** The Waiver is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.