Draft Height Limitation Waiver Conditions

1. **Height Limitations**: This Height Limitation Waiver (the "Waiver") shall be valid for a five (5) foot waiver to the height limitation requirements set forth in the James City County Zoning Ordinance to allow for the erection of buildings up to forty (40) feet above ground level (the "Buildings") on property zoned R-5, Multifamily Residential located at 7581 Richmond Road, and further identified as James City County Real Estate Tax Map Parcel No. 2310100002. 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. **Master Plan**: The Buildings shall be located as generally shown on the plan prepared by AES Consulting Engineers, dated October 25, 2017 and revised on September 26, 2018 and entitled "Master Plan for Oakland Pointe A Multi-Family Community."

3. **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.

4. **Severability**: The Waiver is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.