

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

October 11, 2011

7:00 P.M.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. MOMENT OF SILENCE**
- D. PLEDGE OF ALLEGIANCE** – Hannah Fulton, a tenth-grade student homeschooled
- E. PUBLIC COMMENT**
- F. BOARD REQUESTS AND DIRECTIVES**
- G. CONSENT CALENDAR**
 - 1. Minutes –
 - a. September 27, 2011, Work Session
 - b. September 27, 2011, Regular Meeting
 - 2. Contract Award – Warhill Trail Dam Decommissioning – \$429,741.50
 - 3. Request of Appropriation for Fire Station 1 – \$30,000
 - 4. Appropriation of Grant Award - Virginia Department of Emergency Management - \$15,600
- H. PUBLIC HEARINGS**
 - 1. Case No. ZO-0004-2011. Commercial Districts
- I. PUBLIC COMMENT**
- J. REPORTS OF THE COUNTY ADMINISTRATOR**
- K. BOARD REQUESTS AND DIRECTIVES**
- L. CLOSED SESSION**
 - 1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Thomas Nelson Community College Local Board
 - b. Social Services Advisory Board
- M. ADJOURNMENT** to 4 p.m. on October 25, 2011

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF SEPTEMBER 2011, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Bruce C. Goodson, Vice Chair, Roberts District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. STAGE II ZONING ORDINANCE UPDATE FOR NON PRIORITY ITEMS

The work session will address draft ordinances and policies for four areas: Wireless Communication Facilities, Residential Districts, Multiple Use Districts, and Administrative items.

Mr. McGlennon noted he felt that it would take several work sessions to review all of these items.

Ms. Tammy Rosario, Senior Planner, stated the purpose of the work session is to share changes to the ordinances and to receive feedback from the Board so that staff can move forward with preparing the items for final consideration.

1. Wireless Communication Facilities

Mr. Luke Vinciguerra, Planner, stated that the proposed revisions to the Wireless Communications Facilities Ordinance include a mechanism to review applications for multi-antenna systems such as Distributed Antenna Systems (DAS), clarify the camouflaged towers provision, permit Portable Cellular Tower Facilities (PCTF), and encourage alternatively mounted antennas.

He also noted that the Policy Committee recommended language regarding the minimum quality of products that can be used for camouflaged towers utilizing the Native Vegetation provision and requiring a Special Use Permit (SUP) for camouflaged towers in residential districts.

Mr. Goodson clarified with the County Attorney that the proposed changes comply with Federal law.

Mr. Rogers replied that they do.

Mr. Jack Fraley, Chair of the Planning Commission, stated that the consultant reported to the Policy Committee that he was not aware of any locality in Virginia that allows towers at 120 feet by right in residential districts.

Mr. Goodson asked why the SUP requirement only applied to camouflaged towers.

Mr. Fraley noted that many citizens prefer the use of “slick sticks” to a camouflaged tower intended to look like native vegetation such as a pine tree.

Mr. Goodson asked if alternatively mounted antennas on buildings would continue to be allowed by right.

Mr. Vinciguerra replied that they would be and that the proposed ordinance adds language which clarifies that they are allowed by right.

Mr. Icenhour asked if a distributed antenna system such as DAS, would require an SUP in a residential district.

Mr. Vinciguerra replied that it would require an SUP and that the Board could approve all of the antennas in such a system at one time in a single application.

Mr. Icenhour asked if an alternatively mounted antenna was allowed by right in all districts.

Mr. Vinciguerra responded affirmatively. He added that camouflaged towers, as determined by the Planning Director, of 120 feet or less are currently allowed by right in any district, including residential.

The Board expressed a desire to require an SUP for any tower, including camouflaged, in all residential districts.

Mr. Icenhour verified that a PCTF under 120 feet currently can be approved administratively for up to 90 days.

Mr. Goodson asked if there was a provision in the ordinance to extend approval for a PCTF beyond 90 days.

Mr. Icenhour asked if 120 feet was the appropriate height limit for a PCTF.

The Board expressed an interest in adding language that would allow the Board to extend approval for a PCTF beyond 90 days.

2. Residential Districts

Ms. Ellen Cook, Senior Planner, provided a summary of proposed changes to the Residential Districts. Changes made to both R-1 and R-2 included coordinating the density bonus system with the cluster overlay district and adding selected commercial uses allowed by SUP. Changes to the R-5 district include changing permitted uses to include only multi-family dwellings containing more than four dwelling units.

Mr. McGlennon asked if the staff had evaluated how well these ordinances had performed previously.

Ms. Cook replied that they had.

Ms. Tammy Rosario, Principal Planner, suggested starting the review with the cluster overlay.

Ms. Cook noted that the major changes in this cluster overlay district were revisions of the nondevelopable land definition, revision to the density standards and bonus items, and inclusion of new design information for open space and for development.

The Board discussed the way that density is calculated in the residential and some of the multiple use districts, and whether it should be based on gross land area, net land area (which does include the nondevelopable land), or a calculated area based on the percentage of nondevelopable land.

Mr. McGlennon said the County has generally determined density based on all of the area of the site (gross land area). He asked if there was consideration given for using only developable area, and how the proposed changes to the nondevelopable area definition and to the density calculation method in Cluster would affect density.

Ms. Cook stated that she thought the proposed changes would tend to reduce overall density to some degree, but that it would be dependent on the conditions present at a given site.

Mr. Icenhour noted that PUD was the only place that density had been based on developable acreage and asked why there had been a difference. He also noted his preference that density be based on developable acreage in all districts.

Mr. McGlennon noted that density in the Economic Opportunities (EO) Zone is based on developable acreage.

Mr. Goodson said he desired predictability, and thought it would be hard to calculate developable acreage in some cases.

Mr. Icenhour said this incentivizes development on properties that are environmentally sensitive. He said the proposal allows too much density in a smaller area and where it is not wanted.

Mr. McGlennon and Mr. Icenhour stated their preference to determine density based on developable land.

Mr. Goodson and Ms. Jones said they supported the staff proposal.

Mr. Kennedy asked for additional information and mentioned that a Transfer of Development Rights (TDR) program could affect this question.

Discussion ensued about the impact of changing the determination of density.

The Board requested that in terms of the calculated area method, staff investigate an altered scale method that limits the density achievable at the highest level of nondevelopable land, similar to a sliding scale method.

The Board also requested that in terms of the net land area method, staff provide more information on potential effects through example scenarios and at ways to compensate the landowner.

The Board then discussed the density bonus item options in the cluster overlay district.

Mr. Icenhour expressed a concern that the ordinance gives incentives for practices that he thought the County should expect as standard.

The Board discussed whether the bonus item list should be shorter and more prioritized.

The Board requested that staff provide a spreadsheet or other form so feedback on the Board's high, medium, and low priorities could be gathered.

Prompted by several questions from Mr. Icenhour, the Board discussed the R-5, Multi-family Residential District, and the Cluster Overlay District and the connection between the two.

The Board discussed the way the density provisions and incentives in each of the districts worked, and whether it made sense to either remove the R-5 cluster option, or to reduce the base densities in R-5 and allow the densities to be achieved through greater use of the density bonus items.

The Board requested that staff examine each of those options and provide that information to the Board and discussed the R-3 Redevelopment District, a proposed new district.

Ms. Kate Sipes, Business Development Coordinator, explained that this new district is intended to apply in instances where development has occurred, where improvements to infrastructure is needed, where rehabilitation or replacement of structures is needed or where legally non-conforming lots exist. In the past, the Mixed Use district has been applied to these types of developments, but it not always a good fit.

The question was raised as to why the proposed ordinance seeks "greater conformance" given that property would be rezoned to R-3. There was consensus to amend the ordinance to state that non-conforming parcels should be brought into conformance.

The Board also raised questions about the density bonus item options and expressed a concern that some should be expectations. The question of whether the County needed density bonuses for County projects was also raised. Staff was asked to review the list for possible changes.

There was acknowledgement among Board members that common areas require maintenance, but in redevelopment projects for existing neighborhoods, the County cannot require existing property owners to join a new association. R-3 language requires a mechanism for maintaining open space, but allows flexibility from firm homeowners association requirements found in other districts.

Mr. Fraley raised the issue of providing incentives for re-use of empty storefronts.

D. BREAK

At 6:12 p.m., the Board took a break.

Robert C. Middaugh
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF SEPTEMBER 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Bruce C. Goodson, Vice Chair, Roberts District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Holden Lipscomb, a ninth-grade student at Warhill High School, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION – CERT Graduation

Ms. Kate Hale, Director of Emergency Management, and Chairman Jones recognized volunteers who have recently graduated from the James City County Community Emergency Response Team (JCC CERT) training program:

Mr. Kenneth Barnhart, III	Riverview
Mr. Mark Callazzo	Pointe at Jamestown
Ms. Gina Clayton	Ford's Colony
Ms. Linda Cole	Villages at Westminster
Mr. Jeffrey S. Lovejoy	Kingsmill
Mr. Paul S. Pao	Kingsmill
Mr. Jeff Saly	Colonial Heritage
Mr. Spencer Tuftee	Stonehouse Glen

F. PUBLIC COMMENT

1. Ms. Sue Sadler, 9929 Mountain Berry Court, commented on her opposition to Agenda 21 and the International Council for Local Environmental Initiatives (ICLEI).

2. Mr. Ed Oyer, 139 Indian Circle, commented about recent property sales and compared them to similar sales in 1993, he also commented on the use of consultants by the schools.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon asked that the County emphasize, particularly to senior citizens, the points in a recent press release warning of scams relating to tree removal.

Mr. McGlennon also asked that the Virginia Department of Transportation (VDOT) be notified of citizen concerns about the lack of any lane striping in the repaving project on Route 199. At night or when raining, drivers do not know where the pavement boundaries exist and this creates a dangerous driving situation.

H. CONSENT CALENDAR

- 1. Minutes-
 - a. September 13, 2011, Regular Meeting
- 2. Grant Award – Department of Motor Vehicles – \$41,212

RESOLUTION

GRANT AWARD – DEPARTMENT OF MOTOR VEHICLES – \$41,212

WHEREAS, the James City County Police Department has been awarded a highway safety grant award from the Virginia Department of Motor Vehicles (DMV) for \$41,212; and

WHEREAS, funds are to be used towards traffic enforcement overtime and related training and equipment; and

WHEREAS, the grant requires an in-kind match.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation to the Special Projects/Grants fund:

Revenue:

DMV – FY 12 Grant	<u>\$41,212</u>
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Expenditure:

DMV – FY 12 Grant	<u>\$41,212</u>
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3. Purchasing Policy Update and Public-Private Educational and Infrastructure Act (PPEA) Procedures Update

RESOLUTION

PURCHASING POLICY AND PUBLIC-PRIVATE EDUCATIONAL AND

INFRASTRUCTURE ACT (PPEA) PROCEDURES UPDATES

WHEREAS, the Board of Supervisors adopted the current Purchasing Policy on January 9, 2001, and the current PPEA Procedures on June 24, 2003; and

WHEREAS, recent changes to the Code of Virginia, County policies, and widely recognized purchasing best practices require updates to the Purchasing Policy and the PPEA Procedures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached updated versions of the Purchasing Policy and PPEA Procedures.

Mr. Icenhour made a motion to approve the Consent Calendar with two spelling changes in names of persons in the minutes.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

I. PUBLIC HEARINGS

1. Qualified School Construction Bonds

Mr. John McDonald, Manager of Financial and Management Services, presented this matter to the Board with an accompanying resolution.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Ms. Jones indicated that while she supported the project at Jamestown High School, she did not support the additional debt.

Mr. McGlennon made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour (4). NAY: Jones (1).

RESOLUTION AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED \$1,000,000
GENERAL OBLIGATION SCHOOL BOND, SERIES 2011A, OF THE COUNTY OF
JAMES CITY, VIRGINIA, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY
AND PROVIDING FOR THE FORM AND DETAILS THEREOF

- WHEREAS, the Board of Supervisors (the “Board”) of the County of James City, Virginia (the “County”), has determined that it is necessary and expedient to borrow an amount not to exceed \$1,000,000 and to issue its general obligation school bond (as more specifically defined below, the “Local School Bond”) for the purpose of financing an expansion to Jamestown High School, which constitutes a capital project for public school purposes (the “Project”); and
- WHEREAS, the County held a public hearing, duly noticed, on September 27, 2011, on the issuance of the Local School Bond in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the “Virginia Code”); and
- WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Local School Bond and consented to the issuance of the Local School Bond; and
- WHEREAS, the Virginia Public School Authority (“VPSA”) has offered to purchase the Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA in the fall of 2011 (the “VPSA Bonds”); and
- WHEREAS, VPSA intends to issue the VPSA Bonds as “qualified school construction bonds” (referred to below as “QSCBs”) within the meaning of Section 54F of the Internal Revenue Code of 1986, as amended (the “Tax Code”), which section was added to the Tax Code by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5, 123 Stat. 355), enacted on February 17, 2009; and
- WHEREAS, VPSA intends to elect to treat the VPSA Bonds as “specified tax credit bonds” under Section 6431 of the Tax Code, as amended by the Hiring Incentives to Restore Employment Act (Pub. L. No. 111-147, 123 Stat. 301), enacted on March 18, 2010, which status enables an issuer of a QSCB to receive a direct payment of a refundable credit in lieu of providing a tax credit to the purchaser or holder of the QSCB; and
- WHEREAS, the refundable credit payable with respect to each interest payment date will be equal to the lesser of (i) the amount of interest payable under the QSCB on such date or (ii) the amount of interest which would have been payable under the QSCB on such date if such interest were determined at the applicable credit rate determined under Section 54A(b)(3) of the Tax Code (that is, the rate used in computing the amount of tax credit that could be claimed by the QSCB holder absent the “specified tax credit bond” refundable credit election); and
- WHEREAS, subject to the terms and conditions set forth or referred to below, VPSA will transfer to the County the allocable portion of the refundable credit actually received in cash by VPSA with respect to the VPSA Bonds; and

WHEREAS, the allocation of QSCB volume cap pursuant to which VPSA will issue the VPSA Bonds will be made by Executive Order to be issued by the Governor of the Commonwealth of Virginia (the "Executive Order"), to finance the Project along with a number of other projects selected through a competitive evaluation process administered by the Virginia Department of Education; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$1,000,000 is the amount of proceeds requested (the "Proceeds Requested") by the County from the VPSA in connection with the sale of the Local School Bond; and

WHEREAS, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking consideration of such factors as the purchase price to be received by VPSA from the sale of the VPSA Bonds, the underwriters' discount and the other issuance costs of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds; and

WHEREAS, such factors may result in the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) because the maximum authorized principal amount of the Local School Bond set forth in paragraph 1 of this Resolution cannot exceed the Proceeds Requested, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby

1. Authorization of Local School Bond and Use of Proceeds

The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bond in a principal amount not to exceed \$1,000,000 (the "Local School Bond") for the purpose of financing the Project and the County's allocable share of (A) VPSA's costs of issuing the VPSA Bonds and (B) any upfront flat fees of VPSA as determined by VPSA to be necessary to compensate VPSA for the on-going costs related to administering the local school bonds purchased with the VPSA Bonds, including the County's Local School Bond (such upfront fees may be in lieu of the Annual Administrative Fee described in paragraph 4 in this Resolution). The Board hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution and the Bond Sale Agreement.

2. Sale of the Local School Bond

The sale of the Local School Bond, within the parameters set forth in paragraph 4 of this Resolution, to VPSA is authorized. Given the VPSA Purchase Price Objective and market conditions, the County acknowledges that the limitation on the maximum principal amount on the Local School Bond set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, however, the Local School Bond may be sold for a purchase price of not lower than 90% of the Proceeds Requested.

The Chairman of the Board, the County Administrator, or either of them and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into an agreement with VPSA providing for the sale of the Local School Bond to VPSA (the "Bond Sale Agreement"). The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved.

3. Details of the Local School Bond

The Local School Bond shall be dated the date of its issuance and delivery; shall be designated "General Obligation School Bond, Series 2011A;" shall bear interest from the date of delivery thereof payable semi-annually on dates specified by VPSA (each, an "Interest Payment Date" at the rates established in accordance with paragraph 4 of this Resolution; and shall mature annually in the years (each a "Principal Payment Date," and together with any Interest Payment Date, a "Payment Date") and in the amounts (the "Principal Installments") determined by the County Administrator, subject to the provisions of paragraph 4 of this Resolution.

4. Interest Rate and Principal Installments

The County Administrator is hereby authorized and directed to accept the interest rate on the Local School Bond established by VPSA, provided that each interest rate may be up to five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Bonds, to the extent required by VPSA (the "Annual Administrative Fee"), and provided further that the true interest cost of the Local School Bond does not exceed seven and a half percent (7.50%) per annum. The Payment Dates and the Principal Installments shall be specified by VPSA. The County Administrator is hereby authorized and directed to accept the final Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution and the final maturity of the Local School Bond shall be no later than the earlier of December 31, 2030, and the latest maturity date permitted under Section 54A of the Tax Code. The execution and delivery of the Local School Bond as described in paragraph 10 hereof shall conclusively evidence the approval and acceptance all of the details of the Local School Bond by the County Administrator as authorized by this Resolution.

5. Certain Acknowledgements

The County acknowledges that the interest rate on the Local School Bond will be set at the level necessary to pay the interest on the allocable portion of the VPSA Bonds plus the Annual Administrative Fee, if any, and that the County will be obligated to pay interest on the Local School Bond at the stated taxable rate thereon regardless of the elimination or reduction of the refundable credit to be received by VPSA due to (i) any amendments by Congress to Sections 54A, 54F or 6431 or any other applicable sections of the Tax Code, (ii) any failure or determination by Congress not to appropriate funds necessary to pay the refundable credit, (iii) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, or (iv) any action or omission by VPSA, the County or any other locality selling local school bonds to VPSA in connection with the VPSA Bonds that causes the VPSA Bonds to lose their status as QSCBs and/or specified tax credit bonds in whole or in part. It is also acknowledged that the County has the right to effect an extraordinary optional redemption of the Local School Bond in whole or in part upon the occurrence of any of these events as provided in the form of Local School Bond.

6. Certain Investment Earnings

The Board hereby acknowledges that VPSA will (i) issue the VPSA Bonds with multiple maturities or with a single “bullet” maturity, in either case, with a final maturity date on or shortly before the latest maturity date permitted for the VPSA Bonds under Section 54A of the Tax Code, (ii) invest the Principal Installments for the benefit of the County until they are applied to pay the principal of the VPSA Bonds and (iii) either remit the investment earnings periodically to the County or credit the investment earnings against the County’s obligation to make Principal Installments, at the option of VPSA. The Board further acknowledges that VPSA may cause a portion of such earnings to be deposited into a reserve fund or account to be applied by VPSA for use to pay the costs, fees and expenses described in paragraph 15 below. Any balance in such reserve fund or account attributable to investment earnings on the County’s Principal Installments as reasonably determined by VPSA will be remitted or credited to the County on the final maturity date of the VPSA Bonds.

7. Form of the Local School Bond

The Local School Bond shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

8. Payment; Paying Agent and Bond Registrar

The following provisions shall apply to the Local School Bond:

(a) For as long as VPSA is the registered owner of the Local School Bond, all payments of principal of and interest and premium, if any, on the Local School Bond shall be made in immediately available funds to, or at the direction of, VPSA at, or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Payment Date or date fixed for payment, prepayment or redemption.

(b) The Bond Registrar and Paying Agent for the Local School Bond shall be the banking institution selected by VPSA for such purposes.

9. Prepayment or Redemption

The Principal Installments of the Local School Bond may be subject to optional prepayment or redemption prior to their stated maturities as determined by VPSA. The Principal Installments of the Local School Bond will be subject to extraordinary mandatory redemption (i) if certain proceeds of the Local School Bond have not been spent within three years after the date of its issuance and delivery (which three year period may be extended by the U.S. Secretary of the Treasury or his delegate), (ii) due to a loss of “qualified tax credit bond” and “qualified school construction bond” status of the VPSA Bonds corresponding to the Local School Bond under Sections 54A and 54F of the Tax Code, and (iii) if due to (a) any amendments by Congress to Sections 54A, 54F or 6431 or any other applicable sections of the Tax Code or (b) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, there is a reduction or elimination of the direct payment of the refundable credit to be received by VPSA with respect to the VPSA Bonds. The Principal Installments of the Local School Bond shall be redeemed at the redemption prices and upon the other terms set forth in the Local School Bond.

10. Execution of the Local School Bond

The Chairman and the Clerk of the Board are authorized and directed to execute and deliver the Local School Bond and to affix the seal of the County thereto.

11. Pledge of Full Faith and Credit

For the prompt payment of the principal of and interest and premium, if any, on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Local School Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and interest and premium, if any, on the Local School Bond as such principal and interest and premium, if any, shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

12. Use of Proceeds Certificate and Tax Compliance Agreement

The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of the Local School Bond and containing such covenants as may be necessary for the VPSA Bonds to qualify as and to remain as "qualified tax credit bonds," "qualified school construction bonds" and "specified tax credit bonds" under Sections 54A, 54F and 6431 of the Tax Code and the applicable regulations. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in the Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Tax Code so that the VPSA Bonds will not lose their status as "qualified tax credit bonds," "qualified school construction bonds" and "specified tax credit bonds" under Sections 54A, 54F and 6431 of the Tax Code.

13. State Non-Arbitrage Program; Proceeds Agreement

The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer and the Manager of Financial and Management Services, either of whom may act, to participate in the State Non-Arbitrage Program in connection with the Local School Bond. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Local School Bond by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository. The Proceeds Agreement is hereby approved.

14. Continuing Disclosure Agreement

The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix E to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 3 of the

Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

15. Fees, Costs and Expenses

The County agrees to pay the following fees, costs and expenses incurred by VPSA in connection with its purchase and carrying of the Local School Bond within thirty days after receipt by the County Administrator of a written bill therefor:

- (a) The County's allocable share of (i) the fees, costs and expenses of the trustee, paying agent and bond registrar under the indenture pursuant to which VPSA will issue the VPSA Bonds and (ii) any fees, costs and expenses payable to third parties in connection with such indenture or VPSA's School Tax Credit Bond Program, as determined by VPSA; and
- (b) To the extent permitted by law, the reasonable fees, costs and expenses, including reasonable attorneys' fees, if any, incurred by VPSA in connection with any false representation or certification or covenant default by the County or any County or School Board official, employee, agent or contractor under the Local School Bond, the Continuing Disclosure Agreement, the Tax Compliance Agreement, the Proceeds Agreement and/or any document, certificate or instrument associated therewith (collectively, the "County Documents"), or in connection with any extraordinary mandatory redemption of the Local School Bond as described in paragraph 9 above and the corresponding VPSA Bonds, any amendment to or discretionary action that VPSA makes or undertakes at the request of the County under any of the County Documents or any other document related to the VPSA Bonds.

16. Filing of Resolution

The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the City of Williamsburg and the County of James City.

17. Election to Proceed under Public Finance Act

In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.

18. Further Actions

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond and any such action previously taken is hereby ratified and confirmed.

19. References to Chairman and Clerk

Any references herein to the Chairman of the Board shall be deemed to include the Vice Chairman of the Board, and any references to the Clerk of the Board shall be deemed to include any Deputy Clerk.

20. Effective Date

This Resolution shall take effect immediately.

2. Ordinance to Amend and Reordain Chapter 15, Offenses – Miscellaneous, by Amending Section 15-36, Discharge of Firearms, Etc., in Certain Areas; Exceptions

Ms. Lola Rodriguez Perkins, Assistant County Attorney, presented three proposed changes to Section 15-36 of the County Code (Code) relating to the discharge of firearms. The changes clarified the definition of a recorded subdivision as related to these sections of the Code; expands exemptions allowed for properties subject to a Division of Game and Inland Fisheries (DGIF) management plan; and brings the Code into compliance with changes in State law enacted in 2011 by the General Assembly relating to pneumatic guns.

Responding to questions from Mr. Kennedy, Mr. Todd Englemeyer of DGIF explained the DGIF permit, currently allowed as an exemption, and a DGIF management plan, which is an additional exemption in the proposed amended ordinance. In 2010, 25 hunting permits were issued in James City County subdivisions, 14 have been issued so far in 2011.

Ms. Jones opened the Public Hearing and the following citizens spoke:

1. Mr. J. Stephen Roberts, 108 Wilderness Lane, asked that the Board exempt large subdivision parcels from the ordinance, presenting a 50-acre parcel owned by Mr. and Mrs. Charles Shephard on Fire Tower Road as an example.

2. Ms. Melissa Conner, 103 Land Drive, and representing Dreamcatchers, expressed her concern about any proposal to exempt large subdivided parcels. Dreamcatchers adjoins the Shepard property on Fire Tower Road.

3. Mr. Don Hazelwood, 9808 Fire Tower Road expressed his support to allow citizens to use firearms responsibly on their own property without government oversight.

4. Mr. Philip Van Cleve, 5509 West Bay Court, indicated that he was representing the Virginia Citizens Defense League and supported the least amount of governmental restrictions possible.

As no one else wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Kennedy questioned the need for a governmental process of annual permits for large acreage parcels if the permit process is being interpreted liberally and every permit application is being approved. Major Brad Rinehimer of the James City County Police Department and Mr. Englemeyer confirmed that, to their knowledge, no permit application had ever been denied.

Mr. Goodson indicated that he did not intend to support the amendment because the initiative was to solve problems for property owners like the Shephards and those property owners do not like the amendments.

Mr. Leo Rogers, County Attorney, indicated that the ordinance amendment included two necessary changes including one mandated by State law, regarding pneumatic guns, and another that improved the definition of a subdivision in the context of this firearms ordinance.

Mr. Icenhour indicated his support for an exception process that allows the Chief of Police to evaluate safety concerns of residents and adjoining property owners. He felt the addition of an additional exception to the prohibition in subdivisions, the DGIF management plan, allows large acreage property owners one more option in meeting their objectives.

Ms. Jones indicated that she also supported more options for citizens and the concern for safety.

Mr. McGlennon made a motion to approve the ordinance amendment.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Jones (3). NAY: Kennedy, Goodson (2).

3. Hampton Roads Water Supply Plan

Mr. Larry Foster, General Manager of the James City Service Authority (JCSA), presented the water supply plan as prepared by the Hampton Roads Planning District Commission (HRPDC). As a summary, the Plan indicates that based on projected population increases there is adequate water to meet the County's and the Virginia Peninsula's needs through 2040.

Mr. Goodson commented that the Plan is a State requirement, the County had previously agreed to participate in a regional planning effort managed by the HRPDC and that this Plan would be reviewed every five years.

Mr. McGlennon commented about the water conservation elements in the Plan, particularly changes in community demand. Mr. McGlennon also wished to advise the community that the Plan does not limit future discussions or decisions about water supply to only those included in the Plan.

Ms. Jones opened the Public Hearing.

1. Mr. Donald Phillips, 200 Dogwood Ct., York County, made a presentation about historical water demand that suggested that historical per-capita consumption has been reduced as a result of conservation efforts and projections of future usage may be overstated.

2. Mr. Kelly Place, 213 Waller Mill Road, representing the Virginia State Waterman's Association, expressed his concern about water use projections driving planning for water supply and indicated that past projections of use were substantially inflated, particularly those of the HRPDC and have resulted in poor decision making.

3. Mr. Ed Oyer, 139 Indian Circle, stated his concern about the County's significant dependence on groundwater and recommended use of the University of Virginia data base.

4. Mr. Jim Brown, 4 Longleaf Circle, expressed his concern about the costs of additional water supply, given the variability of the projections.

As no one else wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon asked that the meeting record indicate that the County will not substitute the regional plan for the County's decision-making when it comes to future water supply needs and moved the approval of the resolution.

Mr. Goodson concurred and indicated that this plan is reviewed every five years.

Mr. Icenhour indicated that he would support the Plan although the projections may overstate the need. He emphasized the need for reserve water supply capacity, but expressed doubts about the State planning process using the regional and local plans.

Mr. Kennedy commented that he felt pressured by deadlines when he voted several years ago to purchase water from Newport News Waterworks. He commented that wasteful lawn irrigation is still a problem and a challenge the County continues to deal with.

Ms. Jones pointed out that the plan “is more like a Hampton Roads information document as opposed to a plan,” and that the Board looks at water demand trends at every JCSA board meeting.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

RESOLUTION

HAMPTON ROADS WATER SUPPLY PLAN

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the Virginia State Water Control Board Regulation 9 VAC 25-780, Local, and Regional Water Supply Planning, requires all counties, cities, and towns in the Commonwealth of Virginia to prepare and submit a water supply planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, James City County is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was prepared by the Hampton Roads Planning District Commission in accordance with the State Water Control Board Regulation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after conducting the required public hearing at its regular meeting on September 27, 2011, hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia DEQ.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on real property assessments declining in the next budget year and indicated that he believes that 101 Indian Circle appears to be abandoned. He also complimented staff on improvements to the sound system in the Boardroom.

2. Mr. J. Stephen Roberts, 108 Wilderness Lane, expressed his concern about the Board’s vote on amendments to the gun control ordinance and unintended consequences, specifically changing the definition of a subdivision.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh indicated that the first collection of storm debris is finishing, and that an estimated 150,000 cubic yards has been collected. October 3, 2011, begins the second pass to collect debris.

Mr. Middaugh indicated that the possible change in the County logo, a change now being discussed in the community, needs clarity. The initiative is to create a brand or logo that creates one County identity that emphasizes a culture of excellence in public service. An implementation plan will be presented to the Board that will illustrate that costs will be minimized by incrementally replacing existing signs and logos over time.

L. BOARD REQUESTS AND DIRECTIVES

Ms. Jones moved to designate Mr. Goodson as the voting representative to the Virginia Municipal League at its annual conference.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

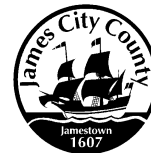
M. ADJOURNMENT

Mr. McGlennon made a motion to adjourn until 7 p.m. on October 11, 2011.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

At 9:27 p.m., Ms. Jones adjourned the Board until 7 p.m. on October 11, 2011.

Robert C. Middaugh
Clerk to the Board



MEMORANDUM COVER

Subject: Contract Award - Warhill Trail Dam Decommissioning - \$429,741.50

Action Requested: Shall the Board approve a contract award to Howard Brothers Contractors, Inc. in the amount of \$429,741.50 for the Warhill Trail Dam Decommissioning?

Summary: This project consists of modifications to an existing dam on Warhill Trail (State Route 830) to allow for its decommissioning – removal of its function as a dam. The Warhill Trail dam is owned by the County; the road is contained within an easement to the Virginia Department of Transportation. The dam is large enough to be regulated under the Virginia Dam Safety Program and needs to either be brought up to State standards or be modified so that it no longer functions as a dam. Staff decided in consultation with the project design engineers to decommission the dam as it is a less expensive alternative than improving the dam to meet State standards. The least expensive alternative to improve the dam to meet state standards is estimated to cost \$730,000. The project will result in the draining of the pond and the installation of four 36-inch culverts under the road so that the road fill will act as a road crossing rather than a dam impoundment. The area where the water is currently impounded will revert to a forested wetland system similar to the downstream side of the road crossing.

The Invitation for Bid was publicly advertised and nine bids were received. The lowest bid amount exceeded the project budget for Phase I, but by using a portion of the funds allocated for Phase II of the project, sufficient funds are available in the Capital Improvement Budget to award the contract. Based on the results, Howard Brothers Contractors, Inc. was the lowest responsive and responsible bidder. Phase II involves installing overtopping protection in the form of armoring the downstream face of the dam at a cost of approximately \$175,000. The overtopping protection will not be needed until the road crossing’s watershed is completely developed, the timing of which is dependent on the private sector.

Staff recommends approval of the attached resolution.

Fiscal Impact: Funds were included for this project in the Adopted Five Year Capital Improvement Program (CIP) for FY 2010, April 28, 2009, and in FY 2012 CIP adopted April 26, 2011.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution
3. Location Map

Agenda Item No.: G-2

Date: October 11, 2011

MEMORANDUM

DATE: October 11, 2011
 TO: The Board of Supervisors
 FROM: Darryl E. Cook, Capital Projects Engineer
 SUBJECT: Contract Award - Warhill Trail Dam Decommissioning - \$429,741.50

Warhill Trail Dam Removal/Decommissioning was publicly advertised and the following bids were considered for award:

<u>Firm</u>	<u>Base Bid</u>
Howard Brothers Contractor, Inc.	\$445,801.70
Walter C. Via Enterprises, Inc.	482,766.00
Henry S. Branscome, LLC	483,242.20
Keith Barber Construction, Inc.	529,015.00
J.S.G. Corporation	548,424.63
J. Sanders Construction Co.	553,447.98
J.D. Ludwig, Inc.	629,945.35
Toano Contractors, Inc.	636,914.28
George Nice & Sons, Inc.	661,270.05

This project consists of modifications to an existing dam on Warhill Trail (State Route 830) to allow for its decommissioning – removal of its function as a dam. The Warhill Trail dam is owned by the County; the road is contained within an easement to the Virginia Department of Transportation. The dam is large enough to be regulated under the Virginia Dam Safety Program and needs to either be brought up to State standards or be modified so that it no longer functions as a dam. Staff decided in consultation with the project design engineers to decommission the dam as it is a less expensive alternative than improving the dam to meet State standards. The least expensive alternative to improve the dam to meet State standards is estimated to cost \$730,000. The project will result in the draining of the pond and the installation of four 36-inch culverts under the road so that the road fill will act as a road crossing rather than a dam impoundment. The area where the water is currently impounded will revert to a forested wetland system similar to the downstream side of the road crossing.

The bid amount exceeded the project budget for Phase I and a reduced price of \$429,741.50 was negotiated with Howard Brothers Contractor, Inc. as permitted by the Virginia Public Procurement Act and the County Purchasing Manual. By using a portion of the funds allocated for Phase II of the project, sufficient funds are available in the Capital Improvement Budget to award the negotiated bid amount to Howard Brothers Contractor, Inc., the lowest responsive and responsible bidder. Phase II involves installing overtopping protection in the form of armoring the downstream face of the dam at a cost of approximately \$175,000. The overtopping protection will not be needed until the road crossing’s watershed is completely developed, the timing of which is dependent on the private sector.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute a contract up to the amount of \$429,741.50 with Howard Brothers Contractor, Inc. for the Warhill Trail Dam Decommissioning.

Contract Award - Warhill Trail Dam Decommissioning - \$429,741.50


October 11, 2011

Page 2



Darryl E. Cook

CONCUR:



John T.P. Horne

DEC/gb

CA-WHDamDecomm_mem

Attachment

RESOLUTION

CONTRACT AWARD - WARHILL TRAIL DAM DECOMMISSIONING - \$429,741.50

WHEREAS, bids were publicly advertised for Warhill Trail Dam Decommissioning and funded by the Capital Improvement Program appropriated by the Board of Supervisors for FY 2010 on April 28, 2009, and FY 2012 on April 26, 2011; and

WHEREAS, nine bids were considered for award and Howard Brothers Contractors, Inc. was the lower responsive and responsible bidder; and

WHEREAS, sufficient funds are available to award the Base Bid amount of \$429,741.50.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract up to the amount of \$429,741.50 with Howard Brothers Contractors, Inc. for Warhill Trail Dam Decommissioning.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

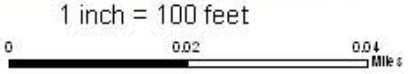
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2011.

CA-WHDamDecomm_res



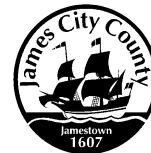
Warhill Trail Dam Decommissioning



Warhill Trail Dam Decommissioning



Pictures of the downstream face of Warhill Trail Dam showing what the upstream side will look like after decommissioning



MEMORANDUM COVER

Subject: Request of Appropriation for Fire Station 1 - \$30,000

Action Requested: Shall the Board approve the resolution that appropriates funds to the James City Bruton Volunteer Fire Department for an Emergency Structural Engineering Analysis of the Toano Fire Station?

Summary: Recently Volunteer Chief Dave Nice brought attention to issues of concern regarding the structural integrity of Fire Station 1 in Toano. The Volunteer Fire Department owns the building, and James City County leases the land that it sits on to them. The building was constructed 50 years ago and is situated on the corner of Richmond Road and Forge Road in Toano.

For many years the Volunteer Fire Department has relied on donations from citizens and the Board of Supervisors each year to cover the cost of operations. They have not had resources to cover building repairs of any significance for quite some time.

The apparatus floor that supports very heavy fire and EMS vehicles is sinking below the foundation footings in some areas, and with walls that are cracked and leaning, it has become necessary to conduct an emergency analysis of the structural integrity of the building and the land upon which it sits.

The purpose of the analysis will determine if repair is possible. If repair is indicated, the analysis will provide the basis for a priority list of those repairs. If repair is not possible, the site will be analyzed to determine if it is suitable for a replacement building.

With that information, the Volunteer Leadership and County staff will develop a recommended set of actions for the Board of Supervisors.

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact: Appropriation of \$30,000 from the County Contingency Fund

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-3

Date: October 11, 2011

MEMORANDUM

DATE: October 11, 2011

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Request of Appropriation for Fire Station 1 - \$30,000

Recently Volunteer Chief David Nice asked County Administrator Robert Middaugh and me to meet him at Fire Station 1 in Toano. Chief Nice was very concerned regarding the structural integrity of the Fire Station Building. Mr. Middaugh and I were given a tour of the facility, and Chief Nice pointed out a number of areas of concern.

Fire Station 1 was built 50 years ago by the volunteer members. The building was constructed on the site of the old Toano High School. In fact, the building is situated over the area of the High School that contained the basement. The basement area had been filled in and the concrete slab floor for the Fire Station was poured in place. The building has had several additions constructed over the years to accommodate sleeping facilities and additional apparatus areas.

During the tour, Chief Nice showed areas where the slab floor of the apparatus area is sinking. The front facing exterior walls are slightly bowed outward. The doorway supports on the front are sagging. Both of the concrete driveways on the front and back have large expanding cracks and in the rear the concrete exit way is also sinking.

Chief Nice explained that the HVAC system for the building needs to be replaced. The wiring for the building is old and in need of significant repair. During Hurricane Irene the emergency backup generator motor failed and a new generator will be needed.

In FY 11 the County provided \$25,000 and in FY 12 \$20,000 to the James City Bruton Volunteer Fire Department for capital needs. The volunteer organization has used those funds to make repairs to the roof of the building.

Chief Nice consulted a local architect who suggested that a Structural Engineering Analysis of the building and site was needed immediately. The purpose of the analysis will be to determine if the repair of the facility is a long-term solution or if replacement of the structure will be necessary. A part of the recommended analysis will include soil borings to determine the continued viability of the site for a fire station. If repair is recommended, a priority list of those repairs will be developed as well as potential costs.

The structural deterioration of the building appears to be severe. The leadership of the volunteer fire department and County staff felt that this could not wait for the regular FY 13 budget process. The Engineering Analysis will provide data that will be a basis for any recommendations to the Board of Supervisors for future budgets.

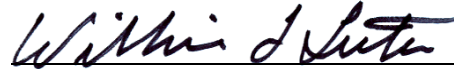
The James City Bruton Volunteer Fire Department operates primarily on the annual contribution included in the County budget. Their organization does not have the financial resources necessary for the Engineering Analysis.

Request of Appropriation for Fire Station 1 - \$30,000

October 11, 2011

Page 2

Staff recommends an appropriation of \$30,000 from the County contingency as a donation to the James City Bruton Volunteer Fire Department to cover the costs of the Engineering Analysis.



William T. Luton

CONCUR:

Robert C. Middaugh

WTL/gb
FireStation1_mem

Attachment

RESOLUTION

REQUEST OF APPROPRIATION FOR FIRE STATION 1 - \$30,000

WHEREAS, the James City Bruton Volunteer Fire Department has identified extensive repair needs for their building; and

WHEREAS, the James City Bruton Volunteer Fire Department has identified that a Structural and Site Engineering Analysis is necessary before continuation with needed repairs; and

WHEREAS, the cost for said analysis could be as much as \$30,000; and

WHEREAS, the Volunteer Fire Department provides a vital emergency response service to the citizens and visitors of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes a donation to the James City Bruton Volunteer Fire Department and authorizes the following budget transfer:

County Contingency	<u>(\$30,000)</u>
Fire Department-Capital Campaign	<u>\$30,000</u>

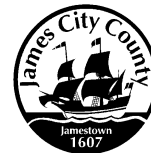
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2011.

FireStation1_res



MEMORANDUM COVER

Subject: Grant Award - Citizen Corps Program - \$15,600

Action Requested: Shall the Board approve the resolution that appropriates grant funds awarded from the Virginia Department of Emergency Management (VDEM)?

Summary: The James City County Fire Department’s Division of Emergency Management has been awarded a Citizen Corps Program grant in the amount of \$15,600. This grant is awarded to the County by the Virginia Department of Emergency Management (VDEM) using funds from the Federal Department of Homeland Security’s 2010 State Homeland Security Program Grant (CFDA No. 97.073). The grant’s performance period will extend through December 31, 2012.

The grant funds will be used to increase the safety, preparedness, and resiliency of County citizens through citizen-focused programs including the Citizen Corps Council, Community Emergency Response Teams (CERT), Neighborhood Watch, and Volunteers In Police Service (VIPS).

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact: This grant requires no match, but the County provides financial support to the Citizen Corps programs, primarily through personnel in, and supplies, facilities and related resources of the Emergency Management Division and the Police Department.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-4

Date: October 11, 2011

MEMORANDUM

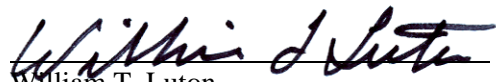
DATE: October 11, 2011
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award – Citizen Corp Program – \$15,600

The James City County Fire Department’s Division of Emergency Management has been awarded a Citizen Corps Program grant in the amount of \$15,600. This grant is awarded to the County by the Virginia Department of Emergency Management (VDEM) using funds from the Federal Department of Homeland Security’s 2010 State Homeland Security Program Grant (CFDA No. 97.073). The grant’s performance period will extend through December 31, 2012.

The grant funds will be used to increase the safety, preparedness and resiliency of County citizens through citizen-focused programs including the Citizen Corps Council, Community Emergency Response Teams (CERT), Neighborhood Watch, and Volunteers In Police Service (VIPS).

This grant requires no match, but the County provides financial support to the Citizen Corps programs, primarily through personnel in, and supplies, facilities, and related resources of the Emergency Management Division and the Police Department.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

CONCUR:

Robert C. Middaugh

WTL/nb
GA_VDEM_mem

Attachment

RESOLUTION

GRANT AWARD – CITIZEN CORPS PROGRAM – \$15,600

WHEREAS, the James City County Fire Department’s Division of Emergency Management has been awarded a Citizen Corps grant in the amount of \$15,600 from the Virginia Department of Emergency Management (VDEM) using funds from the Federal Department of Homeland Security’s State Homeland Security Program Grant; and

WHEREAS, the grant funds will be used to increase the safety, preparedness and resiliency of County citizens through citizen-focused programs including the Citizen Corps Council, Community Emergency Response Teams (CERT), Neighborhood Watch, and Volunteers In Police Service (VIPS); and

WHEREAS, the grant requires no match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and authorizes the following budget appropriation to the Special Projects/Grants fund:

Revenue:

Citizen Corps-VDEM	<u>\$15,600</u>
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Expenditure:

Citizen Corps-VDEM	<u>\$15,600</u>
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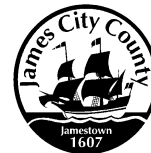
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2011.

Ga_VDEM_res



MEMORANDUM COVER

Subject: Case No. ZO-0004-2011. Commercial Districts

Action Requested: Shall the Board approve revised ordinances for the LB, B-1, M-1, and M-2 Zoning Districts and ordinances for revisions to the Commercial Special Use Permit (SUP) triggers and Development Review Committee (DRC) review thresholds?

Summary: Staff has been working on the commercial districts (LB, B-1, M-1, and M-2) ordinances as well as the Commercial Special Use Permit (SUP) triggers (Section 24-11) and Development Review Committee (DRC) review criteria (Section 24-147) since the Board of Supervisors adopted the Zoning Ordinance update process methodology in May 2010. Draft ordinances were presented to the Policy Committee in June 2011, and comments from that meeting were further researched by staff prior to being incorporated into draft ordinances reviewed by the Board of Supervisors in June 2011. Staff presented the Board's changes to the Planning Commission at its meeting on September 7, 2011. The Planning Commission voted 6-0 (Krapf: Absent) to recommend approval of the four commercial district ordinances and the DRC review criteria ordinance. The Planning Commission voted 5-1 (Poole: NAY; Krapf: Absent) to recommend approval of the Commercial SUP trigger ordinance.

Staff recommends approval of the six attached ordinances.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

- Attachments:**
- 1. Memorandum
 - 2. Ordinance, Section 24-11
 - 3. Ordinance, Section 24-147
 - 4. Ordinance, LB
 - 5. Ordinance, B-1
 - 6. Ordinance, M-1
 - 7. Ordinance, M-2
 - 8. Unapproved Minutes from the September 7, 2011, Planning Commission Meeting

Agenda Item No.: H-1

Date: October 11, 2011

MEMORANDUM

DATE: October 11, 2011

TO: The Board of Supervisors

FROM: Christopher Johnson, Principal Planner

SUBJECT: Case No. ZO-0004-2011. Commercial Districts

Staff has been working on the commercial districts (LB, B-1, M-1, and M-2) ordinances as well as the Commercial Special Use Permit (SUP) triggers (Sect. 24-11) and Development Review Committee (DRC) review criteria (Sect. 24-147) since the Board of Supervisors adopted the Zoning Ordinance update process methodology in May 2010. Staff presented a framework to the Policy Committee for revisions to the commercial districts in January 2011 and subsequently presented the same framework to the Board at a work session in February 2011. Commercial districts are one of the four priority topics identified by the Board.

Draft ordinances were presented to the Policy Committee in June 2011, and comments received at that meeting were researched by staff prior to being incorporated into draft ordinances that were reviewed by the Board at a work session in June 2011. Staff presented the Board's recommended changes to the Policy Committee in July 2011 and discussed the DRC review criteria at the Planning Commission meeting on August 3, 2011. On September 7, 2011, the Planning Commission voted 6-0 (Krapf: absent) to recommend approval of the four commercial district ordinances and the DRC review criteria ordinance. The Planning Commission voted 5-1 (Poole: nay; Krapf: absent) to recommend approval of the Commercial SUP trigger ordinance.

Staff has incorporated elements discussed in the Business Climate Task Force report into the ordinances aimed at providing greater predictability and flexibility in both the legislative and administrative development plan review process, improving communication between staff and applicants, and fostering a more business friendly environment. The revisions made to the ordinances are summarized below:

- The list of permitted and specially permitted uses in each of the four commercial districts have been combined into a single table and categorized to make uses easier to locate.
- Approval authority for design standard deviations, master plan consistency determinations, modifications, waivers, and setback reductions has been granted to the Planning Director with appellate authority granted to the DRC and Planning Commission.
- In Section 24-11, SUPs for certain commercial uses, the building size thresholds for new construction have been raised from 10,000 to 20,000 square feet and building additions or expansions raised from 5,000 to 10,000 square feet. The peak-hour vehicle trip threshold for building additions or expansions has been raised from 75 to 100 peak-hour vehicle trips.
- In Section 24-147, the DRC review criteria has been revised to add an exception for buildings greater than 30,000 square feet that are predominantly used for warehouse, distribution center, office, or for other industrial or manufacturing purpose. Fast food was eliminated and the trigger for review of a multi-family development was lowered from 50 to 10 or more units.
- In the Limited Business Zoning District, building size thresholds for selected uses such as restaurants, drug stores, grocery stores, and office supply stores have been added to allow smaller-scale commercial

uses which are compatible with the low-density residential surroundings to forego the legislative review process.

- In the General Business Zoning District, uses containing size thresholds in the Limited Business are permitted by-right. Previously specially permitted uses such as vehicle rental facilities, vehicle and trailer sales and service, and kennels have been shifted to be permitted by-right. Additional uses have been added to the list of permitted uses and other uses have been reorganized or reworded to provide additional clarity.
- In the Limited Business/Industrial District, many new permitted uses have been added. Some of those uses are limited to a fully enclosed building while others are permitted by-right with the provision of landscaping and fencing to screen outdoor activities and limit the impacts commonly associated with those uses. In addition, some uses have been reorganized or reworded to provide additional clarity.
- In the General Industrial Zoning District, the majority of changes made to the use list were editorial in nature. New uses were added to provide consistency with the Limited Business/Industrial District and to stay current with terminology found in other ordinances that were researched by staff during the review process.

Given that the use table is an addition to each of these ordinances, they are all listed in both italicized print and shaded grey. For clarity purposes, staff has listed language that has been modified, deleted, or added within the use tables in bold font.

Staff recommends that the Board of Supervisors approve the six attached ordinances.

Christopher Johnson

CONCUR:



Steven W. Hicks

CJ/gb

ZO-04-11CommDist_mem2

Attachments:

1. Ordinance - Article I, Section 24-11, Commercial Special Use Permits
2. Ordinance - Article III, Section 24-147, Development Review Committee Criteria
3. Ordinance - Article V, Division 9, Limited Business, LB
4. Ordinance - Article V, Division 10, General Business, B-1
5. Ordinance - Article V, Division 11, Limited Business/Industrial, M-1
6. Ordinance - Article V, Division 12, General Industry, M-2
7. Unapproved Minutes from the September 7, 2011, Planning Commission Meeting

UNAPPROVED MINUTES OF THE
SEPTEMBER 7, 2011 PLANNING COMMISSION MEETING

ZO-0004-2011, COMMERCIAL DISTRICTS

Mr. Chris Johnson stated staff has reviewed the four commercial districts, special use permit (SUP) triggers, and DRC review criteria since the Board adopted zoning update methodology in June 2010. He stated the Committee and Board reviewed draft ordinances multiple times. Staff incorporated Business Climate Task Force recommendations and other changes intended to increase predictability, flexibility, transparency, and improve the business climate. Staff has switched some uses from SUP to permitted, added new commercial uses, and reworded the ordinances for additional clarity. SUP and DRC triggers and review criteria have been amended based on Commission and Board feedback. Staff recommends approval of the six ordinances.

Mr. Poole stated the tables are much more reader friendly. He stated allowing caretakers to live at their businesses make sense, but asked how the County regulates it.

Mr. Johnson stated he was not aware of anyone living on a commercial property in a residential caretaker capacity. He stated staff would review any potential living quarters during the development review process.

Mr. Basic stated the language in each of the commercial districts seems to indicate pump stations are on the SUP table while other language reads "...the following shall not require a SUP...pump stations.'

Mr. Johnson stated that language is in all four districts and is meant to differentiate between private and public water connections. He stated the ordinance requires an SUP to extend service authority's line while allowing exemptions for private communities.

Mr. Basic asked if that language could be clarified.

Mr. Johnson stated staff would attempt to clarify the language before presentation to the Board.

Mr. Poole stated that in the ordinance, 'Economic Development Manager' is capitalized, while 'planning director' and other titles are not.

Mr. Johnson stated staff will review the language before presentation to the Board.

Mr. Fraley opened the public hearing.

There being none, Mr. Fraley closed the public hearing.

Mr. Maddocks moved to recommend approval of the six ordinances.

Mr. Poole stated he would support five of the six ordinances. He stated he was not prepared to support revised commercial SUP triggers in absence of an outcry from the business community that the thresholds need to be raised from 10,000 square feet to 20,000 square feet. The Planning Commission has been very flexible in working with applicants.

Mr. Maddocks moved to withdraw Section 24-11, Article 1, SUP Requirements For Certain Commercial Uses, from his motion.

In a unanimous roll call vote, the Commission recommended approval of the four commercial districts and DRC review criteria (6-0: Absent: Krapf).

Mr. Johnson stated the increase in thresholds from 10,000 to 20,000 square feet applied to the SUP triggers in Section 24-11. He stated SUPs would still come before the Commission and Board, only using the modified threshold. Staff left the 30,000 square feet DRC threshold as-is, but with new exemptions added.

Mr. Russell Seymour stated staff looked at ways of making the process, with checks and balances intact, more streamlined, cleaner, and smoother to assist businesses mid-sized businesses. He stated an additional layer of review for a proposal less than 20,000 square feet is unmerited, particularly in commercially zoned areas.

Mr. Fraley stated the traffic trip generator trigger is unchanged. He stated it would trigger most things that he would be concerned with, including fast food and supermarkets.

Mr. Basic stated he had once worked with a landowner interested in starting a business. He stated he told the landowner legislative review can add 8 months to the process and cost tens of thousands of dollars. Some prospective business owners opt not to try due to the additional time and expense. Traffic triggers will still catch truly intensive projects. He stated he supported increasing the thresholds.

Mr. Woods stated the County does not have the data that a 10,000 square foot threshold has been onerous. He stated the County is attempting to create an inviting economic development impression, although it is uncertain if it will work. He stated there may be commercial developments that would not trigger traffic thresholds, but are problematic down the road.

Mr. Maddocks asked if the impetus to streamline came from the Business Climate Task Force study.

Mr. Murphy stated yes.

Mr. Maddocks stated the Business Climate Task Force study identified some inefficiencies that could be corrected.

Mr. Johnson stated the Board-accepted Business Climate Task Force report provided for changing ordinances to improve the County's perceived business friendliness and to review whether the County's legislative process was catching too many proposals. He stated roughly half of the commercial SUPs over the past decade would have been administrative site plans if the thresholds had been 20,000 square feet. Staff is uncomfortable increasing the thresholds any further at this time. Staff increased other thresholds for specific by-right commercial uses. Traffic triggers will still capture proposals that warrant a legislative review. The changes move towards Business Climate task Force recommendations without losing too much control.

Mr. Basic asked if he could remember the uses of the half of commercial SUPs that would have been administrative with a 20,000 square foot threshold.

Mr. Johnson stated he can forward that information to the Commission and Board. He stated it is difficult to quantify the businesses that found the County's process too much and located elsewhere. Staff does not want to have an arbitrary measure that prevents someone from pursuing a business opportunity.

Mr. Poole stated many citizens tell the Commission the county is growing too quickly. He stated he wanted empirical data showing minimal impacts from those commercial SUP proposals that would have administratively reviewed under the revised threshold to answer his off-site impact concerns. Some smaller commercial proposals can impact a nearby residential neighborhood, while some larger proposals do not.

Mr. Johnson stated staff added differentiations recognizing commercial developments impact neighboring residential areas and sometimes require additional review. There have been 25 commercial SUPs over the past decade, averaging out to 2 or 3 annually.

Mr. O'Connor stated the landscaping and lighting ordinances have been rewritten to address adjacent property impacts. He stated traffic triggers would provide for greater reviews. He could support increasing the thresholds.

Mr. Poole stated a 40,000 storage unit may create no impacts, while a 12,500 tattoo parlor would be different. He stated it all depends on the case's nuances. Although the difference is two or three cases a year, if those developments are in a highly visible area or near seniors or families, there is no way to gauge impacts.

Mr. Basic stated the more intense uses would still trigger traffic generation SUP.

Mr. Fraley stated he is confident professional staff will review all of the projects. He stated one of the larger impetuses for the ordinance update is to clarify the language for businesses and

citizens. The aura of a business-unfriendly James City is frustrating, although there is no empirical data, and it is difficult to know how to take anecdotal data. These are modest changes to improve perception of the County. The County will not be able to maintain its quality of life without solid economic development. He could accept the changes.

Mr. Maddocks moved to recommend approval of Section 24-11.

In a roll call vote, the Commission recommended approval (5-1: Yes: Basic, O'Connor, Woods, Maddocks, Fraley; No: Poole; Absent: Krapf).

ORDINANCE NO. _____

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 24-11, SPECIAL USE PERMIT REQUIREMENTS FOR CERTAIN COMMERCIAL USES; EXEMPTIONS.

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 24-11, Special use permit requirements for certain commercial uses; exemptions.

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-11. Special use permit requirements for certain commercial uses; exemptions.

(a) *General requirements.* A special use permit issued by the board of supervisors shall be required for:

- (1) Any convenience store;
- (2) Any commercial building or group of buildings which exceeds ~~10,000~~ 20,000 square feet of floor area; or
- (3) Any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation, based on the application of the Institute of Transportation Engineers (ITE) traffic generation rates contained in the latest edition of its book entitled *Trip Generation*. The applicable trip generation rate shall be determined by the planning director. The planning director may permit other traffic generation rates to be used if an individual or firm qualified to conduct traffic engineering studies documents that the use would not reasonably be expected to generate the amount of peak hour traffic projected by application of ITE traffic generation rates, provided the documentation is acceptable to the planning director; or
- (4) ~~Automobile and gasoline~~ *Vehicle* service stations *which sell or dispense fuel*.

(b) *New buildings, additions or expansions.* A special use permit shall be required for a new building, addition or expansion when:

- (1) In combination with the existing structure, it exceeds the thresholds set forth in paragraph (a);

- (2) It adds ~~5,000~~ 10,000 square feet or more of commercial floor area or, in combination with other new buildings, additions or expansions, generates ~~75~~ 100 or more peak-hour trips than generated by the existing or approved use on May 21, 1990, or than approved in a special use permit, whichever is greater; and
- (3) It is located on the same property as the existing structure or other parcel which is a logical component of such property. Factors to determine whether a parcel is a logical component include:
 - a. Common ownership or control of the parcels under consideration by the same person(s) or entity(ies), or similar or related entities;
 - b. Regardless of factor a. above, shared access to public roads, shared parking arrangements, shared traffic circulation or shared service areas; and
 - c. Proximity. For the purpose of this paragraph, "proximity" means adjacent parcels, parcels separated by property under common ownership or control by the same person(s) or entity(ies) or similar or related entities, or parcels separated by a public or private right-of-way.
- (c) *Design and submittal requirements.* Any building or use and addition or expansion thereto requiring a special use permit under this section shall comply with the requirements of section 24-23.
- (d) *Exemptions.* The following shall be exempt from the requirements of this section:
 - (1) Any use or building and expansion or addition thereto with preliminary site plan approval prior to May 21, 1990;
 - (2) Any use or building and expansion or addition thereto for which the start of construction began prior to May 21, 1990, in accordance with a site plan approved prior to that date;
 - (3) Any use or building and expansion or addition thereto shown on a proffered binding master plan that binds the general location of all of the features on the plan as required under this section;
 - (4) Any building located in a mixed use district, residential planned community district or planned unit development district; or
 - (5) Any building predominantly used as a warehouse, distribution center, office, or for other industrial or manufacturing purposes. For purposes of this exemption only, the term "predominantly" shall mean 85 percent of the total square feet of the building or more.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October,
2011.

ZO-04-11CommDist_ord1

ORDINANCE NO. _____

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 24-11, SPECIAL USE PERMIT REQUIREMENTS FOR CERTAIN COMMERCIAL USES; EXEMPTIONS.

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 24-11, Special use permit requirements for certain commercial uses; exemptions.

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-11. Special use permit requirements for certain commercial uses; exemptions.

(a) *General requirements.* A special use permit issued by the board of supervisors shall be required for:

(1) Any convenience store;

(2) Any commercial building or group of buildings which exceeds 20,000 square feet of floor area; or

(3) Any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation, based on the application of the Institute of Transportation Engineers (ITE) traffic generation rates contained in the latest edition of its book entitled Trip Generation. The applicable trip generation rate shall be determined by the planning director. The planning director may permit other traffic generation rates to be used if an individual or firm qualified to conduct traffic engineering studies documents that the use would not reasonably be expected to generate the amount of peak hour traffic projected by application of ITE traffic generation rates, provided the documentation is acceptable to the planning director; or

(4) Vehicle service stations which sell or dispense fuel.

(b) New buildings, additions or expansions. A special use permit shall be required for a new building, addition or expansion when:

(1) In combination with the existing structure, it exceeds the thresholds set forth in paragraph (a);

- (2) It adds 10,000 square feet or more of commercial floor area or, in combination with other new buildings, additions or expansions, generates 100 or more peak-hour trips than generated by the existing or approved use on May 21, 1990, or than approved in a special use permit, whichever is greater; and
- (3) It is located on the same property as the existing structure or other parcel which is a logical component of such property. Factors to determine whether a parcel is a logical component include:
 - a. Common ownership or control of the parcels under consideration by the same person(s) or entity(ies), or similar or related entities;
 - b. Regardless of factor a. above, shared access to public roads, shared parking arrangements, shared traffic circulation or shared service areas; and
 - c. Proximity. For the purpose of this paragraph, "proximity" means adjacent parcels, parcels separated by property under common ownership or control by the same person(s) or entity(ies) or similar or related entities, or parcels separated by a public or private right-of-way.
- (c) Design and submittal requirements. Any building or use and addition or expansion thereto requiring a special use permit under this section shall comply with the requirements of section 24-23.
- (d) Exemptions. The following shall be exempt from the requirements of this section:
 - (1) Any use or building and expansion or addition thereto with preliminary site plan approval prior to May 21, 1990;
 - (2) Any use or building and expansion or addition thereto for which the start of construction began prior to May 21, 1990, in accordance with a site plan approved prior to that date;
 - (3) Any use or building and expansion or addition thereto shown on a proffered binding master plan that binds the general location of all of the features on the plan as required under this section;
 - (4) Any building located in a mixed use district, residential planned community district or planned unit development district; or
 - (5) Any building predominantly used as a warehouse, distribution center, office, or for other industrial or manufacturing purposes. For purposes of this exemption only, the term "predominantly" shall mean 85 percent of the total square feet of the building or more.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October,
2011.

ZO-04-11CommDist_ord1_Fin

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-147, CRITERIA FOR REVIEW.

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 III, Site Plan, Section 24-147, Criteria for review.

Chapter 24

ARTICLE III. SITE PLAN

Sec. 24-147. Criteria for review.

- (a) Upon application and review, the development review committee (DRC) and the commission, or the commission's designee(s), shall consider site plans if any of the following conditions are present:
- (1) The site plan proposes:
- a ~~a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet or a multifamily unit development of 50 or more units, which is not subject to a binding master plan that has been legislatively approved; or~~
 - b a. ~~a fast food restaurant~~ *a multifamily development of 10 or more units which is not subject to a binding legislatively approved master plan; or*
 - e b. a shopping center; or
 - c. *a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall be defined as 85% of the total square feet of the building or more.*
- (2) There are unresolved ~~problems~~ *conflicts* between the applicant, adjacent property owners ~~and/or~~ any departmental reviewing agency. *Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed developments off-site impacts and/or density, as determined by the planning director.*
- (b) Site plans which meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148. However, the commission's designee may consider and review, pursuant to section 24-149, any site plan which the ~~development manager~~ *economic development director* determines ~~to~~ creates or significantly expands a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.

- (c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator *under the terms of section 24-150*.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2011.

ZO-04-11CommDist_ord2

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-147, CRITERIA FOR REVIEW.

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 III, Site Plan, Section 24-147, Criteria for review.

Chapter 24

ARTICLE III. SITE PLAN

Sec. 24-147. Criteria for review.

- (a) Upon application and review, the development review committee (DRC) and the commission, or the commission's designee(s), shall consider site plans if any of the following conditions are present:
 - (1) The site plan proposes:
 - a. a multifamily development of 10 or more units which is not subject to a binding legislatively approved master plan; or
 - b. a shopping center; or
 - c. a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall be defined as 85% of the total square feet of the building or more.
 - (2) There are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed developments off-site impacts and/or density, as determined by the planning director.
- (b) Site plans which meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148. However, the commission's designee may consider and review, pursuant to section 24-149, any site plan which the economic development director determines to create or significantly expands a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.

- (c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator under the terms of section 24-150.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2011.

ZO-04-11CommDist_ord2_Fin

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 9, LIMITED BUSINESS DISTRICT, LB, BY AMENDING SECTION 24-367, STATEMENT OF INTENT; BY AMENDING AND RENAMING SECTION 24-368, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-369, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY AMENDING AND RENUMBERING SECTION 24-370, SPECIAL PROVISIONS FOR AREAS WITHIN THE LIMITED BUSINESS DISTRICT, LB, DESIGNATED NEIGHBORHOOD COMMERCIAL OR LOW-DENSITY RESIDENTIAL ON THE COMPREHENSIVE PLAN WITH NEW NUMBER 24-369; BY RENUMBERING SECTION 24-371, AREA REQUIREMENTS WITH NEW NUMBER 24-370; BY AMENDING AND RENUMBERING SECTION 24-372, SETBACK REQUIREMENTS WITH NEW NUMBER 24-371; BY RENUMBERING AND RENAMING SECTION 24-373, YARD REGULATIONS WITH NEW NUMBER AND NAME, 24-372, YARD REQUIREMENTS; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-374, SPECIAL PROVISIONS FOR THE ADJUSTMENT OF YARD REQUIREMENTS WITH NEW NUMBER AND NAME 24-373, SPECIAL PROVISIONS FOR THE WAIVER OF YARD REQUIREMENTS; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-375, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-374, HEIGHT OF STRUCTURES; BY AMENDING AND RENUMBERING SECTION 24-376, BUILDING COVERAGE LIMITS WITH NEW NUMBER 24-375; BY RENUMBERING SECTION 24-377, SIGN REGULATIONS WITH NEW NUMBER 24-376; BY RENUMBERING SECTION 24-378, OUTDOOR STORAGE PROHIBITED WITH NEW NUMBER 24-377; BY AMENDING AND RENUMBERING SECTION 24-379, SITE PLAN REVIEW WITH NEW NUMBER 24-378; BY RENUMBERING AND RENAMING SECTION 24-380, SIDEWALKS WITH NEW NUMBER AND NAME 24-379, PEDESTRIAN ACCOMMODATIONS; BY AMENDING AND RENUMBERING SECTION 24-381, LANDSCAPING WITH NEW NUMBER 24-380; AND BY RESERVING SECTION 24-381.

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 9, Limited Business District, LB, by amending Section 24-367, Statement of intent; Section 24-368, Use List; Section 24-369, Special provisions for areas within the Limited Business District, LB, designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan; Section 24-370,

Area requirements; Section 24-371, Setback requirements; Section 24-372, Yard requirements; Section 24-373, Special provisions for the waiver of yard requirements; Section 24-374, Height of structures; Section 24-375, Building coverage limits; Section 24-376, Sign regulations; Section 24-377, Outdoor storage prohibited; Section 24-378, Site plan review; Section 24-379, Pedestrian accommodations; Section 24-380, Landscaping; and Section 24-381, Reserved..

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 9, LIMITED BUSINESS, LB

Sec. 24-367. Statement of intent.

The Limited Business District, LB, is intended to provide opportunities for a limited range of office, retail and service establishments of small to moderate size, with ~~small~~, well-landscaped parking areas *and an appropriate amount of perimeter and right-of-way landscape buffering when located adjacent to residentially zoned or Comprehensive Plan Land Use Map designated residential or agricultural property*. The district is characterized by the absence of nuisance factors such as constant heavy trucking and excessive noise, dust, light and odor. This classification is appropriate where proximity to residential areas, existing land uses, traffic patterns and other factors make it desirable to maintain a commercial character which is less intense than permitted in the General Business District, B-1. To enhance the character of the district and to improve its compatibility with low-density surroundings, limitations on building height and ~~bulk~~ *size* are imposed, and special requirements are imposed on areas designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan.

Sec. 24-368. ~~Permitted uses~~ Use list.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business District, LB, *all* buildings or structures to be erected or land to be used shall be for one or more of the following *uses*:

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential</i>	<i>An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property</i>	<i>P</i>	
<i>Commercial</i>	<i>Accessory uses and structures, as defined in section 24-2</i>	<i>P</i>	
	<i>Adult day care centers</i>	<i>P</i>	
	<i>Antique shops</i>	<i>P</i>	
	<i>Arts and crafts, hobby and handicraft shops</i>	<i>P</i>	
	<i>Auction houses</i>	<i>P</i>	
	<i>Bakeries and fish markets</i>	<i>P</i>	
	<i>Banks and other financial institutions</i>	<i>P</i>	
	<i>Barber and beauty shops salons</i>	<i>P</i>	
	<i>Business, governmental and professional offices</i>	<i>P</i>	
	<i>Catering and meal preparation 5,000 sq. ft. or less</i>	<i>P</i>	
	<i>Catering and meal preparation larger than 5,000 sq. ft.</i>		<i>SUP</i>
	<i>Child day care centers</i>	<i>P</i>	
	<i>Contractor offices (with materials and equipment storage limited to a fully enclosed building)</i>	<i>P</i>	
	<i>Convenience stores without the sale of fuel, in areas not designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map</i>		<i>SUP</i>
	<i>Drug stores 10,000 sq. ft. or less</i>	<i>P</i>	
	<i>Drug stores larger than 10,000 sq. ft.</i>		<i>SUP</i>
	<i>Dry cleaners and laundries</i>	<i>P</i>	
	<i>Firearms sales and service</i>		<i>SUP</i>
	<i>Firing and shooting ranges, limited to a fully enclosed building</i>		<i>SUP</i>
	<i>Feed, seed and farm supply stores</i>	<i>P</i>	
	<i>Flea markets, not in areas designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map</i>		<i>SUP</i>
	<i>Funeral homes</i>	<i>P</i>	
<i>Gift and souvenir stores</i>	<i>P</i>		

	Grocery stores 10,000 sq. ft. or less	P	
	Grocery stores larger than 10,000 sq. ft		SUP
	<i>Health clubs and exercise clubs, fitness centers</i>	P	
	<i>Houses of worship</i>	P	
	Janitorial service establishments	P	
	<i>Lodges, civic clubs, fraternal organizations and service clubs</i>	P	
	Printing, M mailing, and faesimile transmission services lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	<i>Medical clinics or offices</i>	P	
	<i>Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38</i>		SUP
	<i>New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building)</i>	P	
	<i>Off-street parking as required by section 24-53</i>	P	
	<i>Office supply stores, secretarial and duplicating services 10,000 sq. ft. or less</i>	P	
	Office supply stores greater than 10,000 sq. ft.		SUP
	Pet stores and pet supply sales	P	
	<i>Photography studios and sales, artist and sculptor stores and studios, arts and crafts and handieraft shops, antique shops, reproduction and gift shops</i>	P	
	<i>Places of public assembly, including houses of worship and public meeting halls</i>	P	
	<i>Plumbing and electrical supply (with storage limited to a fully enclosed building)</i>	P	
	Public meeting halls	P	
	<i>Restaurants (excluding fast food restaurants), coffee shops, and tea rooms and taverns with 100 seats or less</i>	P	
	Restaurants (excluding fast food restaurants), coffee shops, tea rooms and taverns with greater than 100 seats		SUP
	<i>Retail and service stores, including the following stores: books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, gunsmith (excluding shooting ranges), hardware, health and beauty aids, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor,</i>	P	

	<i>tobacco and pipes, toys, travel bureau agencies, upholstery, variety, wearing apparel, and yard goods</i>		
	<i>Retail food stores 5,000 sq. ft. or less</i>	<i>P</i>	
	<i>Retail food store greater than 5,000 sq. ft.</i>		<i>SUP</i>
	<i>Security service offices</i>	<i>P</i>	
	<i>Tourist home</i>	<i>P</i>	
	<i>Vehicle parts sales, new and/or rebuilt, with storage limited to a fully enclosed building</i>	<i>P</i>	
	<i>Vehicle rentals</i>	<i>P</i>	
	<i>Automobile- Vehicle service stations, in areas not designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map; if fuel is sold, then in accordance with section 24-38</i>		<i>SUP</i>
	<i>Veterinary hospitals (with all activities limited to a fully enclosed building) with the exception of supervised animal exercise while on a leash</i>	<i>P</i>	
<i>Civic</i>	<i>Nonemergency medical transport</i>		<i>SUP</i>
	<i>Fire stations</i>	<i>P</i>	
	<i>Governmental offices</i>	<i>P</i>	
	<i>Libraries</i>	<i>P</i>	
	<i>Post offices</i>	<i>P</i>	
	<i>Schools, public or private</i>		<i>SUP</i>
<i>Utility</i>	<i>Electrical substations generation facilities (public or private), steam generation facilities, and electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more</i>		<i>SUP</i>
	<i>Railroad facilities including tracks, bridges and switching stations. However, s Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit</i>		<i>SUP</i>
	<i>Telephone exchanges and telephone switching stations</i>		<i>SUP</i>
	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities</i>		<i>SUP</i>
	<i>Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids.</i>		<i>SUP</i>

	However, e Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities, public or private, 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. However, t The following are permitted generally and shall not require a special use permit: (a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and (b) Distribution lines and local facilities within a development, including pump stations		SUP
Open	Timbering, in accordance with section 24-43	P	
Industrial	Publically owned solid waste container sites		SUP

~~Adult day care centers.~~

~~An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.~~

~~Bakeries and fish markets.~~

~~Banks and other similar financial institutions.~~

~~Barber and beauty shops.~~

~~Business, governmental and professional offices.~~

~~Catering and meal preparation 5,000 sq. ft. or less.~~

~~Child day care centers.~~

~~Contractor's offices (with storage of materials and equipment limited to a fully enclosed building).~~

~~Drug stores 10,000 sq. ft. or less.~~

~~Dry cleaners and laundries.~~

~~Feed, seed and farm supply stores.~~

~~Fire stations.~~

~~Funeral homes.~~

~~Health clubs, exercise clubs, fitness centers.~~

~~Houses of worship.~~

~~Libraries.~~

~~Lodges, civic clubs, fraternal organizations and service clubs.~~

~~Lumber and building supply (with storage limited to a fully enclosed building).~~

~~Mailing and facsimile transmission reception.~~

~~Medical clinics or offices.~~

~~New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).~~

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

~~Office supply stores, secretarial and duplicating services.~~

~~Photography studios and sales, artist and sculptor studios, hobby shops, art and crafts and handcraft shops, antique shops, reproduction and gift shops, and souvenir shops.~~

~~Plumbing and electrical supply (with storage limited to a fully enclosed building).~~

~~Post offices.~~

~~Public meeting halls.~~

~~Restaurants (excluding fast food restaurants) tea rooms with 100 seats or less.~~

~~Retail and service stores, including the following stores: books, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith,~~

~~music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel and yard goods.~~

~~Retail food stores 5,000 sq. ft. or less.~~

~~Schools~~

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

~~Tourist homes.~~

~~Veterinary hospitals (with all activities limited to a fully enclosed building).~~

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

Sec. 24-369. Uses permitted by special use permit only.

~~In the Limited Business District, LB, buildings or structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors.~~

~~Automobile service stations, in areas not designated Neighborhood Commercial or Low Density Residential on the Comprehensive Plan; if fuel is sold, then in accordance with section 24-38.~~

~~Convenience stores without the sale of fuel.~~

~~Electrical substations (public or private), with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.~~

~~Flea markets, in areas not designated Neighborhood Commercial or Low Density Residential on the Comprehensive Plan.~~

~~Marinas, docks, piers, yacht clubs, boat basins and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38.~~

~~Publicly owned solid waste container sites.~~

~~Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right of ways and track and safety improvements in existing railroad right of ways are permitted generally and shall not require a special use permit.~~

~~Restaurants (excluding fast food restaurants), tea rooms and taverns over 100 seats.~~

~~Retail food stores over 5,000 sq. ft.~~

~~Telephone exchanges and telephone switching stations.~~

~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.~~

~~Water facilities (public or private), 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. However, the following are permitted generally and shall not require a special use permit:~~

~~(a) 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;~~

~~(b) Distribution lines and local facilities within a development, including pump stations.~~

Sec. 24-370 369. Special provisions for areas within the Limited Business District, LB, designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan.

The Comprehensive Plan defines Neighborhood Commercial areas as limited business activity areas located within the primary service area, serving residents of the surrounding neighborhoods in the immediate area, and having only a limited impact on nearby development. Neighborhood Commercial development shall be compatible with surrounding development in terms of scale, building design, materials and color. The Comprehensive Plan specifies that within Low-Density Residential areas, non-residential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. For non-residential uses in Low-Density Residential areas, measures shall be provided to protect nearby residential uses and the character of the surrounding area. The requirements of this section shall apply to areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan as determined by the ~~director of planning~~ *director*.

(a) *Permitted uses.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, buildings to be erected or land to be used shall be for one or more of the uses as permitted in section 24-368.

(b) *Uses permitted with a special use permit only.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, buildings to be erected or land to be used shall be for one or more of the uses permitted in section 24-369 only after the issuance of a special use permit by the board of supervisors. A special use permit application shall demonstrate to the ~~director of planning~~ *director* substantial conformance to the county's Neighborhood Commercial Development Standards policy.

(c) *Design standards.* Development within areas designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan shall demonstrate to the ~~director of planning~~ *director* substantial consistency with the following provisions:

(1) Large work area doors or open bays shall be screened from external roadways by fencing or landscaping *or oriented on the sides or rear of the proposed building.*

(2) Heating, ventilating and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be screened from adjoining property and the street right-of-way with fencing, ~~or landscaping,~~ *parapet walls or other types of roof top screens up to four feet above the roof line, if such equipment is located upon the roof.* Large trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes, antennas, etc. shall be similarly screened.

(3) If used, fences in front of buildings on the site *shall be decorative in appearance, as determined by the planning director, and* shall be landscaped *in accordance with article II, division 4.*

(4) Signs shall generally have no more than three colors. Generally, pastel colors shall not be used. Free-standing signs shall be of a ground-mounted monument type and shall not be larger than 32 square feet not erected to a height greater than eight feet *and shall employ ground mounted lighting concealed by landscaping in accordance with article II, division 4.*

(5) Site landscaping, *in accordance with article II, division 4,* shall be reviewed and approved by the ~~director of planning~~ *director* and shall be consistent with the natural landscape and character of the surroundings *properties.* A unified landscape design shall be provided, including street trees.

(6) Compliance with the provisions of this subsection shall be evidenced by the submission to the ~~director of planning~~ *director* of a site plan, in accordance with the requirements of section 24-145, site plan submittal requirements.

(d) *Building coverage limits.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, a special use permit issued in accordance with section 24-9 shall be required for any building that exceeds a ~~2,750~~ *5,000* square foot building footprint. A special use permit application shall demonstrate to the ~~director of planning~~ *director* substantial conformance to the county's Neighborhood Commercial Development Standards policy.

(e) *Appeals.* In the event the ~~director of planning~~ *director* disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the ~~planning commission~~ *planning director to the development review committee who shall forward a recommendation to the planning commission.*

Sec. 24-~~371~~ 370. Area requirements.

No area requirements.

Sec. 24-372 371. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the ~~development review committee~~ *planning director*. *In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.*

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The ~~development review committee~~ *planning director* will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

- (a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.
- (b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- (c) The applicant has offered extraordinary site design which better meets the Development Standards of the Comprehensive Plan.

Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-373 372. Yard regulations requirements.

- (a) The minimum side yard shall be 20 feet for each main structure. The minimum rear yard shall be 20 feet.
- (b) All accessory structures shall be located at least ten feet from any side lot line.
- (c) The minimum side yard shall be increased to 35 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use, on the Comprehensive Plan. The minimum rear yard shall be increased to 35 feet if the rear yard adjoins property in a residential district or

an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side yard shall be increased to 50 feet if the property is designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan and the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be increased to 50 feet if the property is designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan and the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

Sec. 24-374 373. Special provisions for the ~~adjustment~~ waiver of yard requirements.

The following may be eligible for a waiver from any part of section 24-373:

The subdivision of commercial property on which commercial units for sale, for sale in condominium, or for lease are:

- (a) Constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development; and
- (b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan *which has been legislatively approved by the board of supervisors.*

In these instances, the ~~planning commission~~ *planning director* may grant, at ~~its~~ *his* discretion, a waiver from any part of section 24-373 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-373; and
- (2) Adequate parking is provided as per the requirements of this chapter, and where determined necessary by the *planning* commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas; and
- (3) Adequate provisions are made to assure compliance with article II, division 3 of this chapter, and where determined necessary by the *planning* commission, adequate easements or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced yard area of the individual units; and
- (4) The complex or structure is adequately designed and serviced from the standpoint of safety, and the county fire chief certifies that the fire safety equipment to be installed is adequately designed and the county building official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-375 374. Height limits and height limitation waivers of structures.

(a) Structures may be erected up to 35 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(b) Church spires, belfries, cupolas, athletic field lighting, chimneys, flues, monuments, flagpoles and wireless communications facilities that utilize alternative mounting structures ~~or are building mounted~~ in accordance with division 6, Wireless Communications Facilities may be erected to a total height of 60 feet from grade. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. 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 for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:

1. Such structure will not obstruct light to adjacent property;
2. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
3. Such structure will not impair property values in the surrounding area;
4. 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
5. Such structure will not be contrary to the public health, safety and general welfare.

(c) All accessory structures shall be ~~less~~ *lower in height* than the main structure ~~in height~~.

Sec. 24-376 375. Building coverage limits.

Building coverage shall not exceed ~~20~~ *30* percent of the total lot area. The floor area ratio shall not exceed 40 percent of the total lot area.

Sec. 24-377 376. Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the Limited Business District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

Sec. 24-378 377. Outdoor storage prohibited.

The outdoor storage of materials, supplies and goods for sale shall be prohibited in the limited business district.

Sec. 24-379 378. Site plan review.

All buildings or ~~complexes~~ *groups* of buildings erected, altered or restored within the district shall be subject to site plan review in accordance with article III of this chapter.

Sec. 24-380 379. Sidewalks *Pedestrian accommodations.*

Sidewalks shall be required for all projects requiring site plan review in accordance with section 24-35.

Sec. 24-381 380. Landscaping.

~~Landscaping shall be provided as required in article II, division 4.~~ *To assure an appearance and condition which is consistent with the purposes of the Limited Business District, landscaping on the properties within the district shall comply with article II, division 4 of this chapter.*

Secs. 24-382 381 - 24-388. Reserved.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2011.

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 9, LIMITED BUSINESS DISTRICT, LB, BY AMENDING SECTION 24-367, STATEMENT OF INTENT; BY AMENDING AND RENAMING SECTION 24-368, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-369, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY AMENDING AND RENUMBERING SECTION 24-370, SPECIAL PROVISIONS FOR AREAS WITHIN THE LIMITED BUSINESS DISTRICT, LB, DESIGNATED NEIGHBORHOOD COMMERCIAL OR LOW-DENSITY RESIDENTIAL ON THE COMPREHENSIVE PLAN WITH NEW NUMBER 24-369; BY RENUMBERING SECTION 24-371, AREA REQUIREMENTS WITH NEW NUMBER 24-370; BY AMENDING AND RENUMBERING SECTION 24-372, SETBACK REQUIREMENTS WITH NEW NUMBER 24-371; BY RENUMBERING AND RENAMING SECTION 24-373, YARD REGULATIONS WITH NEW NUMBER AND NAME, 24-372, YARD REQUIREMENTS; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-374, SPECIAL PROVISIONS FOR THE ADJUSTMENT OF YARD REQUIREMENTS WITH NEW NUMBER AND NAME 24-373, SPECIAL PROVISIONS FOR THE WAIVER OF YARD REQUIREMENTS; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-375, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-374, HEIGHT OF STRUCTURES; BY AMENDING AND RENUMBERING SECTION 24-376, BUILDING COVERAGE LIMITS WITH NEW NUMBER 24-375; BY RENUMBERING SECTION 24-377, SIGN REGULATIONS WITH NEW NUMBER 24-376; BY RENUMBERING SECTION 24-378, OUTDOOR STORAGE PROHIBITED WITH NEW NUMBER 24-377; BY AMENDING AND RENUMBERING SECTION 24-379, SITE PLAN REVIEW WITH NEW NUMBER 24-378; BY RENUMBERING AND RENAMING SECTION 24-380, SIDEWALKS WITH NEW NUMBER AND NAME 24-379, PEDESTRIAN ACCOMMODATIONS; BY AMENDING AND RENUMBERING SECTION 24-381, LANDSCAPING WITH NEW NUMBER 24-380; AND BY RESERVING SECTION 24-381.

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 9, Limited Business District, LB, by amending Section 24-367, Statement of intent; Section 24-368, Use List; Section 24-369, Special provisions for areas within the Limited Business District, LB, designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan; Section 24-370,

Area requirements; Section 24-371, Setback requirements; Section 24-372, Yard requirements; Section 24-373, Special provisions for the waiver of yard requirements; Section 24-374, Height of structures; Section 24-375, Building coverage limits; Section 24-376, Sign regulations; Section 24-377, Outdoor storage prohibited; Section 24-378, Site plan review; Section 24-379, Pedestrian accommodations; Section 24-380, Landscaping; and Section 24-381, Reserved.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 9, LIMITED BUSINESS, LB

Sec. 24-367. Statement of intent.

The Limited Business District, LB, is intended to provide opportunities for a limited range of office, retail and service establishments of small to moderate size, with well-landscaped parking areas and an appropriate amount of perimeter and right-of-way landscape buffering when located adjacent to residentially zoned or Comprehensive Plan Land Use Map designated residential or agricultural property. The district is characterized by the absence of nuisance factors such as constant heavy trucking and excessive noise, dust, light and odor. This classification is appropriate where proximity to residential areas, existing land uses, traffic patterns and other factors make it desirable to maintain a commercial character which is less intense than permitted in the General Business District, B-1. To enhance the character of the district and to improve its compatibility with low-density surroundings, limitations on building height and size are imposed, and special requirements are imposed on areas designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan.

Sec. 24-368. Use list.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business District, LB, all buildings or structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property	P	
Commercial	Accessory uses and structures, as defined in	P	

	section 24-2		
	Adult day care centers	P	
	Antique shops	P	
	Arts and crafts, hobby and handicraft shops	P	
	Auction houses	P	
	Bakeries and fish markets	P	
	Banks and other financial institutions	P	
	Barber and beauty shops salons	P	
	Business and professional offices	P	
	Catering and meal preparation 5,000 sq. ft. or less	P	
	Catering and meal preparation larger than 5,000 sq. ft.		SUP
	Child day care centers	P	
	Contractor offices (with materials and equipment storage limited to a fully enclosed building)	P	
	Convenience stores without the sale of fuel, in areas not designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map		SUP
	Drug stores 10,000 sq. ft. or less	P	
	Drug stores larger than 10,000 sq. ft.		SUP
	Dry cleaners and laundries	P	
	Firearms sales and service		SUP
	Firing and shooting ranges, limited to a fully enclosed building		SUP
	Feed, seed and farm supply stores	P	
	Flea markets, not in areas designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map		SUP
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores 10,000 sq. ft. or less	P	
	Grocery stores larger than 10,000 sq. ft		SUP
	Health clubs and exercise clubs, fitness centers	P	
	Janitorial service establishments	P	
	Lodges, civic clubs, fraternal organizations and service clubs	P	
	Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Medical clinics or offices	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38		SUP
	Off-street parking as required by section 24-53	P	

	Office supply stores 10,000 sq. ft. or less	P	
	Office supply stores greater than 10,000 sq. ft.		SUP
	Pet stores and pet supply sales	P	
	Photography, artist and sculptor stores and studio	P	
	Places of public assembly, including houses of worship and public meeting halls	P	
	Plumbing and electrical supply (with storage limited to a fully enclosed building)	P	
	Restaurants (excluding fast food restaurants), coffee shops , tea rooms and taverns with 100 seats or less	P	
	Restaurants (excluding fast food restaurants), coffee shops, tea rooms and taverns with greater than 100 seats		SUP
	Retail and service stores, including the following stores: books, cabinets, cameras , candy, carpet, coin, department, dressmaking, electronics , florist, furniture, furrier, garden supply, gourmet foods , greeting card, hardware, health and beauty aids , home appliance, ice cream, jewelry, locksmith, music, optical goods , paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel bureau agencies , upholstery, variety , wearing apparel, and yard goods	P	
	Retail food stores 5,000 sq. ft. or less	P	
	Retail food store greater than 5,000 sq. ft.		SUP
	Security service offices	P	
	Tourist home	P	
	Vehicle parts sales, new and/or rebuilt, with storage limited to a fully enclosed building	P	
	Vehicle rentals	P	
	Vehicle service stations, in areas not designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map; if fuel is sold, then in accordance with section 24-38		SUP
	Veterinary hospitals (with all activities limited to a fully enclosed building) with the exception of supervised animal exercise while on a leash	P	
<i>Civic</i>	Nonemergency medical transport		SUP
	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Post offices	P	
	Schools, public or private		SUP

Utility	Electrical generation facilities (public or private), steam generation facilities, and electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations		SUP
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities, public or private, 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. The following are permitted generally and shall not require a special use permit: (a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and (b) Distribution lines and local facilities within a development, including pump stations		SUP
Open	Timbering, in accordance with section 24-43	P	

Sec. 24 369. Special provisions for areas within the Limited Business District, LB, designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan.

The Comprehensive Plan defines Neighborhood Commercial areas as limited business activity areas located within the primary service area, serving residents of the surrounding neighborhoods in the immediate area, and having only a limited impact on nearby development. Neighborhood Commercial development shall be compatible with surrounding development in terms of scale, building design, materials and color. The Comprehensive Plan specifies that within Low-Density Residential areas, non-residential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. For non-residential uses in Low-Density Residential areas, measures shall be provided to protect nearby residential uses and the character of the surrounding area. The requirements of this section shall apply to areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan as determined by the planning director.

(a) *Permitted uses.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, buildings to be erected or land to be used shall be for one or more of the uses as permitted in section 24-368.

(b) *Uses permitted with a special use permit only.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, buildings to be erected or land to be used shall be for one or more of the uses permitted in section 24-369 only after the issuance of a special use permit by the board of supervisors. A special use permit application shall demonstrate to the planning director substantial conformance to the county's Neighborhood Commercial Development Standards policy.

(c) *Design standards.* Development within areas designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan shall demonstrate to the planning director substantial consistency with the following provisions:

(1) Large work area doors or open bays shall be screened from external roadways by fencing or landscaping or oriented on the sides or rear of the proposed building.

(2) Heating, ventilating and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be screened from adjoining property and the street right-of-way with fencing, landscaping, parapet walls or other types of roof top screens up to four feet above the roof line, if such equipment is located upon the roof. Large trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes, antennas, etc. shall be similarly screened.

(3) If used, fences in front of buildings on the site shall be decorative in appearance, as determined by the planning director, and shall be landscaped in accordance with article II, division 4.

(4) Signs shall generally have no more than three colors. Generally, pastel colors shall not be used. Free-standing signs shall be of a ground-mounted monument type and shall not be larger than 32 square feet not erected to a height greater than eight feet and shall employ ground mounted lighting concealed by landscaping in accordance with article II, division 4.

(5) Site landscaping, in accordance with article II, division 4, shall be reviewed and approved by the planning director and shall be consistent with the natural landscape and character of the surrounding properties. A unified landscape design shall be provided, including street trees.

(6) Compliance with the provisions of this subsection shall be evidenced by the submission to the planning director of a site plan, in accordance with the requirements of section 24-145, site plan submittal requirements.

(d) *Building coverage limits.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, a special use permit issued in accordance with section 24-9 shall be required for any building that exceeds a 5,000 square foot building footprint. A special use permit application shall demonstrate to the planning director substantial conformance to the county's Neighborhood Commercial Development Standards policy.

(e) *Appeals.* In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-370. Area requirements.

No area requirements.

Sec. 24-371. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the planning director. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

(a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.

(b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.

(c) The applicant has offered extraordinary site design which better meets the Development Standards of the Comprehensive Plan.

Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-372. Yard requirements.

(a) The minimum side yard shall be 20 feet for each main structure. The minimum rear yard shall be 20 feet.

(b) All accessory structures shall be located at least ten feet from any side lot line.

(c) The minimum side yard shall be increased to 35 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use, on the Comprehensive Plan. The minimum rear yard shall be increased to 35 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side yard shall be increased to 50 feet if the property is designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan and the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be increased to 50 feet if the property is designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan and the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

Sec. 24-373. Special provisions for the waiver of yard requirements.

The following may be eligible for a waiver from any part of section 24-373:

The subdivision of commercial property on which commercial units for sale, for sale in condominium, or for lease are:

(a) Constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development; and

(b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan which has been legislatively approved by the board of supervisors.

In these instances, the planning director may grant, at his discretion, a waiver from any part of section 24-373 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-373; and
- (2) Adequate parking is provided as per the requirements of this chapter, and where determined necessary by the planning commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas; and
- (3) Adequate provisions are made to assure compliance with article II, division 3 of this chapter, and where determined necessary by the planning commission, adequate easements or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced yard area of the individual units; and
- (4) The complex or structure is adequately designed and serviced from the standpoint of safety, and the county fire chief certifies that the fire safety equipment to be installed is adequately designed and the county building official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-374. Height of structures.

- (a) Structures may be erected up to 35 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (b) Church spires, belfries, cupolas, athletic field lighting, chimneys, flues, monuments, flagpoles and wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities may be erected to a total height of 60 feet from grade. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. 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 for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:

1. Such structure will not obstruct light to adjacent property;
2. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

3. Such structure will not impair property values in the surrounding area;
 4. 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
 5. Such structure will not be contrary to the public health, safety and general welfare.
- (c) All accessory structures shall be lower in height than the main structure.

Sec. 24-375. Building coverage limits.

Building coverage shall not exceed 30 percent of the total lot area. The floor area ratio shall not exceed 40 percent of the total lot area.

Sec. 24-376. Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the Limited Business District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

Sec. 24-377. Outdoor storage prohibited.

The outdoor storage of materials, supplies and goods for sale shall be prohibited in the limited business district.

Sec. 24-378. Site plan review.

All buildings or groups of buildings erected, altered or restored within the district shall be subject to site plan review in accordance with article III of this chapter.

Sec. 24-379. Pedestrian accommodations.

Sidewalks shall be required for all projects requiring site plan review in accordance with section 24-35.

Sec. 24-380. Landscaping.

To assure an appearance and condition which is consistent with the purposes of the Limited Business District, landscaping on the properties within the district shall comply with article II, division 4 of this chapter.

Secs. 24-381 - 24-388. Reserved.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2011.

ZO-04-11CommDist_ord3_Fin

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 10, GENERAL BUSINESS DISTRICT, B-1, BY AMENDING SECTION 24-389, STATEMENT OF INTENT; BY AMENDING AND RENAMING SECTION 24-390, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-391, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY RENUMBERING SECTION 24-392, AREA REQUIREMENTS WITH NEW NUMBER 24-391; BY AMENDING AND RENUMBERING SECTION 24-393, SETBACK REQUIREMENTS WITH NEW NUMBER 24-392; BY RENUMBERING SECTION 24-394, YARD REGULATIONS WITH NEW NUMBER 24-393; BY AMENDING AND RENUMBERING SECTION 24-395, SPECIAL PROVISIONS FOR THE WAIVER OF YARD REQUIREMENTS WITH NEW NUMBER 24-394; BY RENUMBERING SECTION 24-396, RESERVED WITH NEW NUMBER 24-395; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-397, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-396, HEIGHT OF STRUCTURES; BY AMENDING AND RENUMBERING SECTION 24-398, BUILDING COVERAGE LIMITS WITH NEW NUMBER 24-397; BY RENUMBERING SECTION 24-399, SIGN REGULATIONS AND PARKING REQUIREMENTS WITH NEW NUMBER 24-398; BY RENUMBERING SECTION 24-400, SITE PLAN REVIEW WITH NEW NUMBER 24-399; BY RENUMBERING AND RENAMING SECTION 24-401, SIDEWALKS WITH NEW NUMBER AND NAME 24-400, PEDESTRIAN ACCOMMODATIONS; BY AMENDING AND RENUMBERING SECTION 24-402, LANDSCAPING WITH NEW NUMBER 24-401; AND BY RESERVING SECTION 24-402.

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 10, General Business District, B-1, by amending Section 24-389, Statement of intent; Section 24-390, Use list; Section 24-391, Area requirements; Section 24-392, Setback requirements; Section 24-393, Yard requirements; Section 24-394, Special provisions for the waiver of yard requirements; Section 24-395, Reserved; Section 24-396. Height of structures; Section 24-397, Building coverage limits; Section 24-398, Sign regulations and parking requirements; Section 24-399, Site plan review; Section 24-400, Pedestrian accommodations; Section 24-401, Landscaping; and Section 24-402, Reserved.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 24-389. Statement of intent.

Generally, the General Business District, B-1, covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking truck traffic other than stocking and delivery of light retail goods or by any factors other than occasioned by incidental light and noise commonly associated with the of congregation of people and passenger vehicles.

Sec. 24-390. Permitted uses Use list.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential</i>	<i>An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property</i>	<i>P</i>	
<i>Commercial</i>	<i>Accessory uses and structures, as defined in section 24-2</i>	<i>P</i>	
	<i>Adult day care centers</i>	<i>P</i>	
	<i>Amphitheaters</i>		<i>SUP</i>
	<i>Antique shops</i>	<i>P</i>	
	<i>Arts and crafts, hobby and handicraft shops</i>	<i>P</i>	
	<i>Auction houses</i>	<i>P</i>	
	<i>Bakeries or fish markets</i>	<i>P</i>	
	<i>Banks and other financial institutions</i>	<i>P</i>	
	<i>Barber and beauty shops-salons</i>	<i>P</i>	
	<i>Business, governmental and professional offices</i>	<i>P</i>	
	<i>Campgrounds</i>		<i>SUP</i>
	<i>Catering and meal preparation</i>	<i>P</i>	
	<i>Child day care centers</i>	<i>P</i>	
<i>Contractor offices with storage of materials and equipment limited to a fully enclosed building</i>	<i>P</i>		

<i>Convenience stores which sell and dispense in accordance with section 24-38 fuel</i>		<i>SUP</i>
Convention centers		<i>SUP</i>
<i>Country clubs and golf courses, public or private</i>		<i>SUP</i>
<i>Drug stores</i>	<i>P</i>	
<i>Dry cleaners and laundries</i>	<i>P</i>	
<i>Farmer's market</i>	<i>P</i>	
<i>Feed, seed and farm supply stores</i>	<i>P</i>	
Firearms sales and service	<i>P</i>	
Firing and shooting ranges, limited to a fully enclosed building		<i>SUP</i>
Flea markets		<i>SUP</i>
<i>Funeral homes</i>	<i>P</i>	
Gift and souvenir stores	<i>P</i>	
Grocery stores	<i>P</i>	
<i>Health clubs and exercise clubs, fitness centers</i>	<i>P</i>	
<i>Heliports and helistops, as an accessory use</i>		<i>SUP</i>
<i>Hospitals</i>		<i>SUP</i>
<i>Hotels, motels and tourist homes</i>	<i>P</i>	
<i>Houses of worship</i>	<i>P</i>	
Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	<i>P</i>	
<i>Indoor sport facilities (excluding firing and shooting ranges)</i>	<i>P</i>	
<i>Indoor theaters</i>	<i>P</i>	
Janitorial service establishments	<i>P</i>	
Kennels and animal boarding facilities	<i>P</i>	<i>SUP</i>
<i>Limousine services (with maintenance limited to a fully enclosed building)</i>	<i>P</i>	
<i>Lodges, civic clubs, fraternal organizations and service clubs</i>	<i>P</i>	
<i>Lumber and building supply (with storage limited to a fully enclosed building or fully-screened from view with a structural barrier approved by the development review committee, located within the building setback area landscaping and fencing with a maximum height of 12 feet)</i>	<i>P</i>	
<i>Machinery sales and service (with storage and repair limited to a fully enclosed building)</i>		
<i>Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38</i>	<i>P</i>	
<i>Marine or waterfront businesses to include the</i>	<i>P</i>	

<i>receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution</i>		
<i>Medical clinics or offices</i>	<i>P</i>	
<i>Micro-breweries</i>	<i>P</i>	
<i>Museums</i>	<i>P</i>	
<i>New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building)</i>	<i>P</i>	
<i>Nursing homes</i>		<i>SUP</i>
<i>Off-street parking as required by section 24-53</i>	<i>P</i>	
<i>Office supply stores</i>	<i>P</i>	
<i>Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks</i>		<i>SUP</i>
<i>Outdoor sports facilities, including golf driving ranges, batting cages and skate parks</i>		<i>SUP</i>
<i>Parking lots, and structures or garages</i>	<i>P</i>	
<i>Pet stores and pet supply sales</i>	<i>P</i>	
<i>Photography, artist and sculptor stores and studios</i>	<i>P</i>	
<i>Places of public assembly, including houses of worship and public meeting halls</i>	<i>P</i>	
<i>Plumbing and electrical supply and sales (with storage limited to a fully enclosed building)</i>	<i>P</i>	
<i>Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments</i>	<i>P</i>	
<i>Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement</i>	<i>P</i>	
<i>Public meeting halls</i>	<i>P</i>	
<i>Radio and television stations and accessory antenna or towers and tower mounted wireless communications facilities which are 60 feet or less in height</i>	<i>P</i>	
<i>Research, development and design facilities or laboratories</i>	<i>P</i>	
<i>Restaurants, including fast food restaurants, tea rooms, coffee shops, and taverns and micro-breweries</i>	<i>P</i>	
<i>Retail and service stores, including the following stores: alcohol, antiques, appliances, arts and crafts, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, duplicating services, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, gunsmith (excluding shooting ranges), handicrafts, hardware, home appliance sales and service, health and</i>	<i>P</i>	

	<i>beauty aids, ice cream, jewelry sales and service, locksmith, music and records, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel bureau agencies, upholstery, variety, wearing apparel, and yard goods</i>		
	<i>Retail food stores, bakeries and fish markets</i>	P	
	<i>Security service offices</i>	P	
	<i>Taxi service</i>	P	SUP
	<i>Theme parks greater than 10 acres in size</i>		SUP
	<i>Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt, with storage and major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing</i>	P	
	<i>Vehicle and trailer sales and services (with major repair limited to a fully enclosed building)</i>	P	SUP
	<i>Vehicle rentals</i>	P	SUP
	<i>Automobile Vehicle service stations; if fuel is sold, then in accordance with section 24-38</i>		SUP
	<i>Veterinary hospitals with all activities limited to a fully enclosed building with the exception of supervised animal exercise while on a leash</i>	P	
	<i>Wholesale and warehousing (with storage limited to a fully enclosed building)</i>	P	
Civic	<i>Nonemergency medical transport</i>		SUP
	<i>Fire stations</i>	P	
	<i>Governmental offices</i>	P	
	<i>Libraries</i>	P	
	<i>Post offices</i>	P	
	<i>Schools, public or private</i>		SUP
Utility	<i>Antennas and towers in excess of 60 feet in height</i>		SUP
	<i>Electrical generation facilities (public or private), steam generation facilities, and electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more</i>		SUP
	<i>Railroad facilities including tracks, bridges and stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit</i>		SUP

	<i>Telephone exchanges and telephone switching stations</i>	<i>P</i>	
	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</i>		<i>SUP</i>
	<i>Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit</i>		<i>SUP</i>
	<i>Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities</i>	<i>P</i>	
	<i>Water facilities, public or private, 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. However, the following are permitted generally and shall not require a special use permit:</i> <i>(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and</i> <i>(b) Distribution lines and local facilities within a development, including pump stations</i>		<i>SUP</i>
<i>Open</i>	<i>Timbering, in accordance with section 24-43</i>		
<i>Industrial Uses</i>	<i>Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect.</i>		<i>SUP</i>
	<i>Publically owned solid waste container facilities</i>		<i>SUP</i>
	<i>Waste disposal facilities</i>		<i>SUP</i>

~~Adult day care centers.~~

~~An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises which is clearly secondary to the commercial use of the property.~~

~~Banks and other similar financial institutions.~~

~~Barber and beauty shops.~~

~~Business, governmental and professional offices.~~

~~Child day care centers.~~

~~Contractor's offices with storage of materials and equipment limited to a fully enclosed building.~~

~~Drug stores.~~

~~Dry cleaners and laundries.~~

~~Farmer's Market.~~

~~Feed, seed and farm supply stores.~~

~~Fire stations.~~

~~Funeral homes.~~

~~Health clubs, exercise clubs, fitness centers.~~

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

~~Houses of worship.~~

~~Indoor sport facilities (excluding shooting ranges).~~

~~Indoor theaters.~~

~~Libraries.~~

~~Limousine services (with maintenance limited to a fully enclosed building).~~

~~Lodges, civic clubs, fraternal organizations and service clubs.~~

~~Lumber and building supply (with storage limited to a fully enclosed building or fully screened from view with a structural barrier approved by the development review committee, located within the building setback area with a maximum height of 12 feet).~~

~~Machinery sales and service (with storage and repair limited to a fully enclosed building).~~

~~Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38.~~

~~Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packing or distribution.~~

~~Medical clinics or offices.~~

~~Micro breweries.~~

~~Museums.~~

~~New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).~~

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

~~Parking lots and garages.~~

~~Photography, artist and sculptor studios~~

~~Plumbing and electrical supply (with storage limited to a fully enclosed building).~~

~~Post offices.~~

~~Printing and publishing.~~

~~Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.~~

~~Public meeting halls.~~

~~Radio and television stations and accessory antenna or towers and tower mounted wireless communication facilities, which are 60 feet or less in height.~~

~~Research, development and design facilities or laboratories.~~

~~Restaurants, fast food restaurants, tea rooms and taverns.~~

~~Retail and service stores, including the following stores: antiques, arts and crafts, books, candy, carpet, coin, department, dressmaking, duplicating services, florist, furniture, furrier, garden supply, gift, greeting card, gunsmith (excluding shooting ranges), handicrafts, hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, office supply, paint, pet, photography, picture framing, plant supply, secretarial services, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.~~

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

~~Schools.~~

~~Security service offices.~~

~~Telephone exchanges and telephone switching stations gap.~~

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

~~Veterinary hospitals.~~

~~Wholesale and warehousing (with storage limited to a fully enclosed building).~~

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

~~Sec. 24-391. Uses permitted by special use permit only.~~

~~In the B-1, General Business District, buildings to be erected or the land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:~~

~~Antennas and towers in excess of 60 feet in height.~~

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

~~Campgrounds.~~

~~Convenience stores; if fuel is sold, then in accordance with section 24-38.~~

~~Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.~~

~~Flea markets.~~

~~Heliports and helistops, as an accessory use.~~

~~Hospitals.~~

~~Kennels.~~

~~Nonemergency medical transport.~~

~~Nursing homes.~~

~~Outdoor centers of amusement~~

~~Outdoor sport facilities.~~

~~Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.~~

~~Privately or publicly owned solid waste container sites.~~

~~Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right of ways and track and safety improvements in existing railroad right of ways, are permitted generally and shall not require a special use permit.~~

~~Taxi service.~~

~~Theme parks of ten acres or more.~~

~~Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).~~

~~Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.~~

~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.~~

~~Vehicle and trailer sales and services (with major repair limited to a fully enclosed building).~~

~~Vehicle rentals.~~

~~Waste disposal facilities.~~

~~Water facilities (public or private), 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. However, the following are permitted generally and shall not require a special use permit:~~

~~(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and~~

~~(b) Distribution lines and local facilities within a development, including pump stations.~~

~~Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more.~~

Sec. 24-~~392~~ 391. Area requirements.

No area requirements.

Sec. 24-~~393~~ 392. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the development review committee.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The ~~development review committee~~ *planning director* will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

(a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.

(b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.

(c) The applicant has offered site design which meets or exceeds the Development Standards of the Comprehensive Plan.

(2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in sub-section (1), the ~~development review committee~~ *planning director* can approve reductions upon finding substantial conformance with recommendations from the guidelines and compliance with the criteria from sub-section (1) above.

(3) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-394 393. Yard regulations requirements.

(a) Buildings shall be located 20 feet or more from side or rear property lines. However, the minimum side yard shall be 50 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be 50 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards shall be increased an additional one foot for each one foot of building height in excess of 35 feet.

(b) All accessory structures shall be located at least ten feet from any side or rear lot line.

Sec. 24-395 394. Special provisions for the waiver of yard requirements.

The following may be eligible for a waiver from any part of section 24-394:

The subdivision of commercial property on which commercial units for sale, for sale in condominium, or for lease are both:

(a) Constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development; and

(b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan *which has been legislatively approved by the board of supervisors.*

In these instances, the ~~planning commission~~ *planning director* may grant, at ~~its~~ *his* discretion, a waiver from any part of section 24-394 upon finding:

(1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-394;

(2) Adequate parking is provided as per the requirements of this chapter and, where determined necessary by the *planning* commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas;

(3) Adequate provisions are made to assure compliance with article II, division 3 of this chapter and, where determined necessary by the *planning* commission, adequate easements, or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced yard area of the individual units; and

(4) The complex or structure is adequately designed and serviced from the standpoint of safety, and that the county fire chief certifies that the fire safety equipment to be installed is adequately designed and the county building official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

(5) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the

applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-~~396~~ 395. Reserved.

Sec. 24-~~397~~ 396. Height limits and height limitation waivers of structures.

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade, in accord with the following criteria:

(1) 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 church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure and accessory and non-accessory wireless communications facilities that utilize alternative mounting structures ~~or are building mounted~~ in accordance with division 6, 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. The regulations of section 24-~~398~~ 397 regarding building coverage, floor area ratio and open space are met;
- 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 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 would not be contrary to the public health, safety or general welfare.

(2) Parapet walls may be up to four feet above the height of the building on which the walls rest.

(3) No accessory structure which is within ten feet of any lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.

Sec. 24-398 397. Building coverage limits.

Building coverage shall not exceed ~~25~~ **30** percent of the total lot area and the floor area ratio shall not exceed 60 percent. ~~However, the floor area ratio may be increased to 75 percent if the additional floor area is used to provide indoor parking.~~

Sec. 24-399 398. Sign regulations and parking requirements.

(a) To assure an appearance and condition which is consistent with the purposes of the General Business District, B-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-54.

Sec. 24-400 399. Site plan review.

All buildings or complexes of buildings erected, altered or restored within the district shall be subject to site plan review in accordance with section 24-142.

Sec. 24-401 400. Sidewalks Pedestrian accommodations.

Sidewalks shall be required for all projects requiring site plan review in accordance with section 24-35.

Sec. 24-402 401. Landscaping.

~~Landscaping shall be provided as required in article II, division 4.~~ *To assure an appearance and condition which is consistent with the purposes of the General Business District, landscaping on the properties within the district shall comply with article II, division 4 of this chapter.*

Secs. 24-403 402 - 24-409. Reserved.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2011.

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 10, GENERAL BUSINESS DISTRICT, B-1, BY AMENDING SECTION 24-389, STATEMENT OF INTENT; BY AMENDING AND RENAMING SECTION 24-390, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-391, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY RENUMBERING SECTION 24-392, AREA REQUIREMENTS WITH NEW NUMBER 24-391; BY AMENDING AND RENUMBERING SECTION 24-393, SETBACK REQUIREMENTS WITH NEW NUMBER 24-392; BY RENUMBERING SECTION 24-394, YARD REGULATIONS WITH NEW NUMBER 24-393; BY AMENDING AND RENUMBERING SECTION 24-395, SPECIAL PROVISIONS FOR THE WAIVER OF YARD REQUIREMENTS WITH NEW NUMBER 24-394; BY RENUMBERING SECTION 24-396, RESERVED WITH NEW NUMBER 24-395; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-397, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-396, HEIGHT OF STRUCTURES; BY AMENDING AND RENUMBERING SECTION 24-398, BUILDING COVERAGE LIMITS WITH NEW NUMBER 24-397; BY RENUMBERING SECTION 24-399, SIGN REGULATIONS AND PARKING REQUIREMENTS WITH NEW NUMBER 24-398; BY RENUMBERING SECTION 24-400, SITE PLAN REVIEW WITH NEW NUMBER 24-399; BY RENUMBERING AND RENAMING SECTION 24-401, SIDEWALKS WITH NEW NUMBER AND NAME 24-400, PEDESTRIAN ACCOMMODATIONS; BY AMENDING AND RENUMBERING SECTION 24-402, LANDSCAPING WITH NEW NUMBER 24-401; AND BY RESERVING SECTION 24-402.

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 10, General Business District, B-1, by amending Section 24-389, Statement of intent; Section 24-390, Use list; Section 24-391, Area requirements; Section 24-392, Setback requirements; Section 24-393, Yard requirements; Section 24-394, Special provisions for the waiver of yard requirements; Section 24-395, Reserved; Section 24-396. Height of structures; Section 24-397, Building coverage limits; Section 24-398, Sign regulations and parking requirements; Section 24-399, Site plan review; Section 24-400, Pedestrian accommodations; Section 24-401, Landscaping; and Section 24-402, Reserved.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 24-389. Statement of intent.

Generally, the General Business District, B-1, covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy truck traffic other than stocking and delivery of light retail goods or by any factors other than occasioned by incidental light and noise commonly associated with the congregation of people and passenger vehicles.

Sec. 24-390. Use list.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses	
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property	P		
Commercial	Accessory uses and structures, as defined in section 24-2	P		
	Adult day care centers	P		
	Amphitheaters		SUP	
	Antique shops	P		
	Arts and crafts, hobby and handicraft shops	P		
	Auction houses	P		
	Bakeries or fish markets	P		
	Banks and other financial institutions	P		
	Barber and beauty salons	P		
	Business, and professional offices	P		
	Campgrounds			SUP
	Catering and meal preparation	P		
	Child day care centers	P		
	Contractor offices with storage of materials and equipment limited to a fully enclosed building	P		

Convenience stores which sell and dispense in accordance with section 24-38 fuel		SUP
Convention centers		SUP
Country and golf courses, public or private		SUP
Drug stores	P	
Dry cleaners and laundries	P	
Farmer's market	P	
Feed, seed and farm supply stores	P	
Firearms sales and service	P	
Firing and shooting ranges, limited to a fully enclosed building		SUP
Flea markets		SUP
Funeral homes	P	
Gift and souvenir stores	P	
Grocery stores	P	
Health and exercise clubs, fitness centers	P	
Heliports and helistops, as an accessory use		SUP
Hospitals		SUP
Hotels, motels and tourist homes	P	
Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
Indoor sport facilities (excluding firing and shooting ranges)	P	
Indoor theaters	P	
Janitorial service establishments	P	
Kennels and animal boarding facilities	P	
Limousine services (with maintenance limited to a fully enclosed building)	P	
Lodges, civic clubs, fraternal organizations and service clubs	P	
Lumber and building supply (with storage limited to a fully enclosed building or screened from view with landscaping and fencing with a maximum height of 12 feet)	P	
Machinery sales and service (with storage and repair limited to a fully enclosed building)		
Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38	P	
Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	

Medical clinics or offices	P	
Museums	P	
New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building)	P	
Nursing homes		SUP
Off-street parking as required by section 24-53	P	
Office supply stores	P	
Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
Outdoor sports facilities, including golf driving ranges, batting cages and skate parks		SUP
Parking lots, structures or garages	P	
Pet stores and pet supply sales	P	
Photography, artist and sculptor stores and studios	P	
Places of public assembly, including houses of worship and public meeting halls	P	
Plumbing and electrical supply and sales (with storage limited to a fully enclosed building)	P	
Printing, mailing , lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
Radio and television stations and accessory antenna or towers which are 60 feet or less in height	P	
Research, development and design facilities or laboratories	P	
Restaurants, including fast food restaurants , tea rooms, coffee shops , taverns and micro-breweries	P	
Retail and service stores, including the following stores: alcohol, appliances , books, cabinets, cameras , candy, carpet, coin, department, dressmaking- electronics , florist, furniture, furrier, garden supply, gift, gourmet foods , greeting cards, handicrafts, hardware, home appliance, health and beauty aids , ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies , upholstery, variety , wearing apparel, and yard goods	P	
Security service offices	P	
Taxi service	P	
Theme parks greater than 10 acres in size		SUP
Vehicle repair and service, including tire, transmission, glass, body and fender, and other	P	

	automotive product sales, new and/or rebuilt, with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing		
	Vehicle and trailer sales and services (with major repair limited to a fully enclosed building)	P	
	Vehicle rentals	P	
	Vehicle service stations; if fuel is sold, then in accordance with section 24-38		SUP
	Veterinary hospitals with all activities limited to a fully enclosed building with the exception of supervised animal exercise while on a leash	P	
	Wholesale and warehousing (with storage limited to a fully enclosed building)	P	
Civic	Nonemergency medical transport		SUP
	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Post offices	P	
	Schools, public or private		SUP
Utility	Antennas and towers in excess of 60 feet in height		SUP
	Electrical generation facilities (public or private), steam generation facilities , and electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges, and stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual		SUP

	residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities, public or private, 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. However, the following are permitted generally and shall not require a special use permit: (a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and (b) Distribution lines and local facilities within a development, including pump stations		SUP
Open	Timbering, in accordance with section 24-43		
Industrial Uses	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect.		SUP
	Waste disposal facilities		SUP

Sec. 24-391. Area requirements.

No area requirements.

Sec. 24-392. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

(1) Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the development review committee.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

(a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.

(b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.

(c) The applicant has offered site design which meets or exceeds the Development Standards of the Comprehensive Plan.

(2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in sub-section (1), the planning director can approve reductions upon finding substantial conformance with recommendations from the guidelines and compliance with the criteria from sub-section (1) above.

(3) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-393. Yard requirements.

(a) Buildings shall be located 20 feet or more from side or rear property lines. However, the minimum side yard shall be 50 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be 50 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards shall be increased an additional one foot for each one foot of building height in excess of 35 feet.

(b) All accessory structures shall be located at least ten feet from any side or rear lot line.

Sec. 24-394. Special provisions for the waiver of yard requirements.

The following may be eligible for a waiver from any part of section 24-394:

The subdivision of commercial property on which commercial units for sale, for sale in condominium, or for lease are both:

(a) Constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development; and

(b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan which has been legislatively approved by the board of supervisors.

In these instances, the planning director may grant, at his discretion, a waiver from any part of section 24-394 upon finding:

(1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-394;

(2) Adequate parking is provided as per the requirements of this chapter and, where determined necessary by the planning commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas;

(3) Adequate provisions are made to assure compliance with article II, division 3 of this chapter and, where determined necessary by the planning commission, adequate easements, or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced yard area of the individual units; and

(4) The complex or structure is adequately designed and serviced from the standpoint of safety, and that the county fire chief certifies that the fire safety equipment to be installed is adequately designed and the county building official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

(5) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-395. Reserved.

Sec. 24-396. Height of structures.

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade, in accord with the following criteria:

(1) 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 church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure and accessory and non-accessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, 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. The regulations of section 24-397 regarding building coverage, floor area ratio and open space are met;
- 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 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 would not be contrary to the public health, safety or general welfare.

(2) Parapet walls may be up to four feet above the height of the building on which the walls rest.

(3) No accessory structure which is within ten feet of any lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.

Sec. 24-397. Building coverage limits.

Building coverage shall not exceed 30 percent of the total lot area and the floor area ratio shall not exceed 60 percent.

Sec. 24-398. Sign regulations and parking requirements.

(a) To assure an appearance and condition which is consistent with the purposes of the General Business District, B-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-54.

Sec. 24-399. Site plan review.

All buildings or complexes of buildings erected, altered or restored within the district shall be subject to site plan review in accordance with section 24-142.

Sec. 24-400. Pedestrian accommodations.

Sidewalks shall be required for all projects requiring site plan review in accordance with section 24-35.

Sec. 24-401. Landscaping.

To assure an appearance and condition which is consistent with the purposes of the General Business District, landscaping on the properties within the district shall comply with article II, division 4 of this chapter.

Secs. 24-402 - 24-409. Reserved.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2011.

ZO-04-11CommDist_ord4-Fin

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 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, BY AMENDING SECTION 24-410, STATEMENT OF INTENT; BY AMENDING AND RENAMING SECTION 24-411, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-412, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY RENUMBERING SECTION 24-413, OUTDOOR OPERATIONS AND STORAGE WITH NEW NUMBER 24-412; BY RENUMBERING SECTION 24-414, AREA REQUIREMENTS AND MINIMUM LOT WIDTH WITH NEW NUMBER 24-413; BY AMENDING AND RENUMBERING SECTION 24-415, SETBACK REQUIREMENTS WITH NEW NUMBER 24-414; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-416, YARD REGULATIONS WITH NEW NUMBER AND NAME 24-415, YARD REQUIREMENTS; BY RENUMBERING SECTION 24-417, RESERVED WITH NEW NUMBER 24-416; BY AMENDING AND RENUMBERING SECTION 24-418, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND YARD SETBACK REQUIREMENTS WITH NEW NUMBER 24-417; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-419, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-418, HEIGHT OF STRUCTURES; BY RENUMBERING SECTION 24-420, RESERVED WITH NEW NUMBER 24-419; BY RENUMBERING SECTION 24-421, SIGN REGULATIONS AND PARKING REQUIREMENTS WITH NEW NUMBER 24-420; BY RENUMBERING SECTION 24-422, UTILITIES WITH NEW NUMBER 24-421; BY RENUMBERING SECTION 24-423, SITE PLAN REVIEW WITH NEW NUMBER 24-422; AND BY ADDING NEW SECTION 24-423, LANDSCAPING.

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 11, Limited Business/Industrial District, M-1, by amending Section 24-410, Statement of intent; Section 24-411, Use list; Section 24-412, Outdoor operations and storage; Section 24-413, Area requirements and minimum lot width; Section 24-414, Setback requirements; Section 24-415, Yard requirements; Section 24-416, Reserved; Section 24-417, Special provisions for the waiver of area, lot width, yard and yard setback requirements; Section 24-418, Height of structures; Section 24-419, Reserved; Section 24-420, Sign regulations and parking requirements; Section 24-421, Utilities; Section 24-422, Site plan review; Section 24-423, Landscaping; and Section 24-424, Reserved.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 11. LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1

Sec. 24-410. Statement of intent.

The primary purpose of the Limited Business/Industrial District, M-1, is to establish an area where the principal use of land is for limited business/industrial operations which are not ordinarily compatible with *adjacent* residential development. The specific intent of this district is to accomplish the following:

- (1) Encourage the use of land for limited business and industrial purposes;
- (2) Prohibit residential developments on land reserved for limited business and industrial uses;
- (3) Permit certain commercial and office uses in a manner which is compatible with limited business and industrial uses; and
- (4) Establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects *or impacts commonly associated with* of the development of limited business and industrial uses.

Sec. 24-411. ~~Permitted uses~~ Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential</i>	<i>An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the business commercial or industrial use of the property</i>	<i>P</i>	
<i>Commercial</i>	<i>Accessory uses and structures as defined in section 24-2</i>	<i>P</i>	
	<i>Adult day care centers</i>	<i>P</i>	
	<i>Antique shops</i>	<i>P</i>	
	<i>Arts and crafts, hobby and handicraft shops</i>	<i>P</i>	
	<i>Auction houses</i>	<i>P</i>	
	<i>Bakeries or fish markets</i>	<i>P</i>	
	<i>Banks and other financial institutions</i>	<i>P</i>	

<i>Barber shops and beauty salons</i>	<i>P</i>	
<i>Business, and professional and government offices</i>	<i>P</i>	
<i>Catering and meal preparation</i>	<i>P</i>	
<i>Child day care centers</i>	<i>P</i>	
<i>Contractor offices, equipment storage yards, shops and warehouses with materials and equipment storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property</i>	<i>P</i>	
<i>Convenience stores; if fuel is sold, then in accordance with section 24-38 fuel</i>		<i>SUP</i>
<i>Convention centers</i>	<i>P</i>	
<i>Courier services</i>	<i>P</i>	
<i>Data processing centers</i>	<i>P</i>	
<i>Drug stores</i>	<i>P</i>	
<i>Dry cleaners and laundries</i>	<i>P</i>	
<i>Farmer's market</i>	<i>P</i>	
<i>Feed, seed and farm supply stores</i>	<i>P</i>	
<i>Firearms sales and service</i>	<i>P</i>	
<i>Firing and shooting ranges, limited to a fully enclosed building</i>	<i>P</i>	
<i>Funeral homes</i>	<i>P</i>	
<i>Gift and souvenir stores</i>	<i>P</i>	
<i>Grocery stores</i>	<i>P</i>	
<i>Health and exercise clubs, fitness centers</i>	<i>P</i>	
<i>Heliports, helistops and accessory uses</i>		<i>SUP</i>
<i>Hospitals</i>		<i>SUP</i>
<i>Hotels and motels or convention centers with accessory retail sales, barber shops and beauty shops located within the hotel, motel, or convention center for the principal benefit of the-resident guest</i>	<i>P</i>	
<i>Houses of worship</i>	<i>P</i>	
<i>Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls</i>	<i>P</i>	
<i>Indoor sport facilities, including firing and shooting ranges</i>	<i>P</i>	
<i>Indoor theaters</i>	<i>P</i>	
<i>Janitorial service establishments</i>	<i>P</i>	
<i>Kennels and animal boarding facilities</i>	<i>P</i>	
<i>Laboratories, research and development centers</i>	<i>P</i>	
<i>Laser technology production</i>	<i>P</i>	
<i>Limousine services, with maintenance limited to a fully enclosed building</i>	<i>P</i>	
<i>Lodges, civic clubs, fraternal organizations and</i>	<i>P</i>	

service clubs		
<i>Lumber and building supply, with storage limited to a fully enclosed building or screened from view with landscaping and fencing with a maximum height of 12 feet from adjacent property</i>	P	
<i>Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments</i>	P	
<i>Machinery sales and service, with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet</i>	P	
<i>Commercial Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38</i>	P	
<i>Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution</i>	P	
<i>Medical clinics or offices, including emergency care and first aid centers</i>	P	
<i>Micro-breweries</i>	P	
Museums	P	
<i>New and/or rebuilt automotive parts sales, with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet</i>	P	
Nursing homes		SUP
<i>Nurseries</i>	P	
<i>Off-street parking as required by section 24-53</i>	P	
Office supply stores	P	
<i>Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks</i>		SUP
<i>Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks, with water and sewer facilities for golf courses as approved by the board of supervisors</i>		SUP
Parking lots, structures or garages	P	
Pet stores and pet supply sales	P	
Photography, artist and sculptor stores and studios	P	
Places of public assembly, including houses of worship and public or private meeting halls	P	
<i>Plumbing and electrical supply and sales with storage limited to a fully enclosed building or screened with landscaping and fencing with a</i>	P	

<i>maximum height of 12 feet from adjacent property</i>		
<i>Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments</i>	<i>P</i>	
<i>Private streets within “qualifying industrial parks” in accordance with section 24-55</i>	<i>P</i>	
<i>Publically owned solid waste container sites</i>	<i>P</i>	
<i>Radio and television stations and accessory antenna or towers, self supported, (not attached to buildings) which are 60 feet less in height</i>	<i>P</i>	
<i>Research, development and design facilities or laboratories</i>	<i>P</i>	
<i>Restaurants, including fast food restaurants, tea rooms, coffee shops, taverns and micro-breweries</i>	<i>P</i>	
<i>Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, gunsmith (excluding firing or shooting ranges), hardware, home appliance sales and service, health and beauty aids, ice cream, jewelry sales and service, locksmith, music and records, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel bureaus agencies, upholstery, variety, wearing apparel, and yard goods</i>	<i>P</i>	
<i>Retail food stores, bakeries and fish markets</i>	<i>P</i>	
<i>Security service offices</i>	<i>P</i>	
<i>Shooting ranges, indoor</i>		<i>SUP</i>
<i>Tattoo parlors</i>		<i>SUP</i>
<i>Taxi service</i>	<i>P</i>	
<i>Theme parks greater than 10 acres in size</i>		<i>SUP</i>
<i>Tire, transmission, glass, body and fender and other automotive product sales and service with major repair limited to a fully enclosed building and vehicle storage screened from adjacent property by landscaping and fencing</i>	<i>P</i>	
<i>Truck stops; if fuel is sold, then in accordance with section 24-38</i>		<i>SUP</i>
<i>Truck terminals; if fuel is sold, then in accordance with section 24-38</i>		<i>SUP</i>
<i>Vehicle and trailer sales and service, with major repair limited to a fully enclosed building and screened from adjacent property by landscaping and fencing with a maximum height of 12 feet</i>	<i>P</i>	

	Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt, with major repair limited to a fully enclosed building and vehicle storage of parts and vehicles screened from adjacent property by landscaping and fencing with a maximum height of 12 feet	P	
	Vehicle rentals	P	
	Automobile Vehicle service stations; if fuel is sold, then in accordance with section 24-38	P	
	Veterinary hospitals with all activities limited to a fully enclosed building with the exception of supervised animal exercise	P	
	Warehousing, wholesaling, storage and distribution centers with storage limited to a fully enclosed building or screened by landscaping and fencing with a maximum height of 12 feet from adjacent property	P	
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, greater than 50 acres, or with dam heights of less than 25 feet or more		SUP
	Water well drilling establishments	P	
	Welding and machine shops with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing from adjacent property with a maximum height of 12 feet	P	
Civic	Nonemergency medical transport	P	
	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Post offices	P	
	Schools, public or private		SUP
Utility	Antennas and towers, self supported, (not attached to buildings) and tower mounted wireless communications facilities which are 60 feet or less in height	P	
	Antennas and towers (not attached to buildings) in excess of 60 feet in height		SUP
	Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP

	<p><i>Railroad facilities including tracks, bridges and switching stations. However, s Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit</i></p>		<p><i>SUP</i></p>
	<p><i>Telephone exchanges and telephone switching stations</i></p>	<p><i>P</i></p>	
	<p><i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height</i></p>	<p><i>P</i></p>	
	<p><i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</i></p>		<p><i>SUP</i></p>
	<p><i>Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, e Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are intended to serve accessory to existing or proposed development, are permitted generally and shall not require a special use permit</i></p>		<p><i>SUP</i></p>
	<p><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></p>	<p><i>P</i></p>	
	<p><i>Water facilities (public or private) 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. However, t The following are permitted generally and shall not require a special use permit:</i></p> <p><i>(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and</i></p> <p><i>(b) Distribution lines and local facilities within</i></p>		<p><i>SUP</i></p>

	<i>a development, including pump stations</i>		
<i>Open</i>	<i>Timbering, in accordance with section 24-43</i>		
<i>Industrial Uses</i>	<i>Heavy equipment sales and service, with major repair limited to a fully enclosed building or screened with landscaping and fencing from adjacent property</i>	<i>P</i>	
	<i>Industrial dry cleaners or laundries</i>	<i>P</i>	
	<i>Industrial or technical training centers or schools</i>	<i>P</i>	
	<i>Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps</i>	<i>P</i>	
	<i>Manufacture and bottling of soft drinks, wine alcoholic beverages</i>	<i>P</i>	
	<i>Manufacture and processing of textiles and textile products</i>	<i>P</i>	
	<i>Manufacture and storage of ice, including dry ice</i>	<i>P</i>	
	<i>Manufacture, assembly, or fabrication of sheet metal products.</i>	<i>P</i>	
	<i>Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone</i>	<i>P</i>	
	<i>Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products</i>	<i>P</i>	
	<i>Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals</i>		<i>SUP</i>
	<i>Manufacture of cans and other products from previously processed metals</i>	<i>P</i>	
	<i>Manufacture of carpets and carpet yarns</i>	<i>P</i>	
	<i>Manufacture of furniture</i>	<i>P</i>	
	<i>Manufacture of glass and glass products</i>	<i>P</i>	
	<i>Manufacture of pottery and ceramic products using kilns fired by gas or electricity</i>	<i>P</i>	
	<i>Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment</i>	<i>P</i>	
	<i>Manufacture or assembly of electronic instruments, electronic devices or electronic components</i>	<i>P</i>	
	<i>Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment</i>	<i>P</i>	
	<i>Manufactured home or mobile home sales</i>	<i>P</i>	
	<i>Petroleum storage and retail distribution</i>		<i>SUP</i>
	<i>Processing, assembly and manufacture of light</i>		<i>SUP</i>

	<i>industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect.</i>		
	<i>Propane storage, distribution or sale</i>		<i>SUP</i>
	<i>Recycling center or plant</i>	<i>P</i>	
	<i>Resource recovery facilities</i>		<i>SUP</i>
	<i>Solid waste transfer stations and container sites, public or private</i>		<i>SUP</i>
	<i>Waste disposal facilities</i>		<i>SUP</i>

~~Accessory uses as defined in section 24 2.~~

~~Adult day care centers.~~

~~An apartment or living quarters for a guard, caretaker, proprietor, or other person employed on the premises which is clearly secondary to the business or industrial use of the property.~~

~~Antennas and towers, self supported, (not attached to buildings) and tower mounted wireless communications facilities which are 60 feet or less in height.~~

~~Automobile sales and service with major repair limited to a fully enclosed building.~~

~~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.~~

~~Child day care centers.~~

~~Commercial marinas, docks, piers, yacht clubs, boat basins and servicing areas for same; if fuel is sold, then in accordance with section 24 38.~~

~~Contractor offices, equipment storage yards, shops and warehouses with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~Courier services.~~

~~Data processing centers.~~

~~Drugstores.~~

~~Dry cleaners and laundries.~~

~~Farmer's markets.~~

~~Feed, seed and farm supply stores.~~

~~Fire stations.~~

~~Funeral homes.~~

~~Health clubs, exercise clubs, and fitness centers.~~

~~Heavy equipment sales and service, with major repair limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~Hotels, motels or convention centers with accessory retail sales, barber shops and beauty shops located within the hotel, motel or convention center for the principal benefit of the resident guest.~~

~~Houses of worship.~~

~~Indoor sport facilities.~~

~~Industrial dry cleaner and laundry.~~

~~Industrial and technical training schools.~~

~~Janitorial service establishments.~~

~~Kennels.~~

~~Laser technology production.~~

~~Lumber and building supply stores with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~Machinery sales and service with major repair limited to a fully enclosed building.~~

~~Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps.~~

~~Manufacture and bottling of soft drinks and wine.~~

~~Manufacture and processing of textiles and textile products.~~

~~Manufacture and storage of ice, including dry ice.~~

~~Manufacture, assembly, or fabrication of sheet metal products.~~

~~Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair, yarn, and stone.~~

~~Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products.
Manufacture of cans and other products from previously processed metals.~~

~~Manufacture of carpets and carpet yarns.~~

~~Manufacture of furniture.~~

~~Manufacture of glass and glass products.~~

~~Manufacture of pottery and ceramic products using kilns fired only by gas or electricity.~~

~~Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilating equipment.~~

~~Manufacture or assembly of electronic instruments, electronic devices or electronic components.~~

~~Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments.~~

~~Manufactured home or mobile home sales.~~

~~Marine or waterfront businesses to include receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing and distribution.~~

~~Medical clinics and offices~~

~~Micro breweries.~~

~~Nonemergency medical transport.~~

~~Nurseries.~~

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

~~Plumbing and electrical supply stores with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~Post offices.~~

~~Printing, lithographing, engraving, photocopying, blueprinting and publishing establishments.~~

~~Private streets within "qualifying industrial parks" in accordance with section 24-55.~~

~~Publicly owned solid waste container sites.~~

~~Radio and television stations and accessory antenna or towers, self-supported, (not attached to buildings) which are 60 feet or less in height.~~

~~Research, development and design facilities or laboratories.~~

~~Restaurants, tearooms and taverns.~~

~~Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.~~

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

~~Security service offices.~~

~~Telephone exchanges and telephone switching stations.~~

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

~~Tire, transmission, glass, body and fender and other automotive product sales and service with major repair limited to a fully enclosed building and vehicle storage screened from adjacent property by landscaping and fencing.~~

~~Vehicle and trailer sales and service with major repair limited to a fully enclosed building.~~

~~Vehicle rentals.~~

~~Veterinary hospitals.~~

~~Warehouse, storage and distribution centers with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property;~~

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

~~Water well drilling establishments.~~

~~Welding and machine shops with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

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

Sec. 24-412. Uses permitted by special use permit only.

~~In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:~~

~~Antennas and towers (not attached to buildings) in excess of 60 feet in height.~~

~~Convenience stores; if fuel is sold, then in accordance with section 24-38.~~

~~Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.~~

~~Heliports, helistops and accessory uses.~~

~~Hospitals.~~

~~Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals.~~

~~Outdoor sports facilities with water and sewer facilities for golf courses as approved by the board of supervisors.~~

~~Petroleum storage.~~

~~Propane storage, distribution and sale.~~

~~Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right of ways and track and safety improvements in existing railroad right of ways are permitted generally and shall not require a special use permit.~~

~~Resource recovery facilities.~~

~~Shooting ranges, indoor.~~

~~Solid waste transfer stations.~~

~~Theme parks of ten acres or more.~~

~~Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.~~

~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.~~

~~Truck stops; if fuel is sold, then in accordance with section 24-38.~~

~~Truck terminals; if fuel is sold, then in accordance with section 24-38.~~

~~Water facilities (public or private), 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. However, the following are permitted generally and shall not require a special use permit:~~

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

~~Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more.~~

Sec. 24-413 412. Outdoor operations and storage.

Any commercial or industrial operation or storage conducted in whole or in part out-of-doors shall meet the requirements of section 24-41.

Sec. 24-414 413. Area requirements and minimum lot width.

- (a) Minimum lot size shall be 10,000 square feet.
- (b) Minimum width of lots shall be 75 feet at the setback line.

Sec. 24-415 414. Setback requirements.

(a) Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the center line of the street. The minimum setback of any portion of a structure which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

(b) The minimum setback shall also be increased to a minimum of 75 feet from any street with a right-of-way 50 feet or greater in width and 100 feet from any street with a right-of-way of less than 50 feet of width when the property immediately across the street is zoned residential. The minimum setback of any

portion of a structure across the street from property zoned residential which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

(c) Setbacks for commercial uses may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the ~~development review committee~~ *planning director*.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The ~~development review committee~~ *planning director* will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

(1) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.

(2) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.

(3) The applicant has offered site design which meets or exceeds the Development Standards of the Comprehensive Plan.

(d) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in sub-section (c), the ~~development review committee~~ *planning director* can approve reductions upon finding substantial conformance with recommendations from the guidelines and compliance with the criteria from sub-section (c) above.

(e) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-416 415. Yard ~~regulations~~ requirements.

(a) Structures shall be located 20 feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

(b) The minimum side yard shall be increased to 75 feet if the side yard adjoins property in a residential district, or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be increased to 75 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum

side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the ~~planning commission~~ *planning director*; provided, however, that no structure shall be located within ten feet of any property line.

(d) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-417 416. Reserved.

Sec. 24-418 417. Special provisions for the waiver of area, lot width, yard and yard setback requirements.

The following may be eligible for a waiver from any part of section 24-414 through 24-416:

The subdivision of business/industrial property on which business and industrial units for sale, for sale in condominium, or for lease are both:

(a) Constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development; and

(b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan *which has been legislatively approved by the board of supervisors.*

In these instances, the ~~planning commission~~ *planning director* may grant, at its discretion, a waiver from any part of section 24-414 through 24-416 upon finding:

(1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-414 through 24-416;

(2) Adequate parking is provided as per the requirements of this chapter. The ~~planning commission~~ *planning director* also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;

(3) Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning commission also may require the recordation of adequate easements or agreements to allow grouping of signs on one standard sign, placement of signs in common areas or other appropriate arrangements made necessary as a result of the reduced frontage or yard area of the individual units; and

(4) The complex or structure is adequately designed and serviced from the standpoint of safety. The county fire chief finds that the fire safety equipment to be installed is adequately designed, and the county building official finds that the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.

(5) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-419 ~~418~~. Height limits and height limitation waivers of structures.

(a) Structures may be erected up to 60 feet in height from grade to the top of the structure. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.

(b) Water towers, church spires, belfries, cupolas, monuments, chimneys, flues, flagpoles, communication antennae, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure shall be considered part of the structure.

(c) 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:

(1) Additional setbacks have been provided as required by section 24-415 and section 24-416; however, the board *of supervisors* may waive additional setbacks in excess of 60 feet;

(2) Such structure will not obstruct light from adjacent property;

(3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

(4) Such structure will not impair property values in the area;

(5) Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

(6) Such structure will not be contrary to the public health, safety and general welfare.

Sec. 24-420 ~~419~~. Reserved.

Sec. 24-421 ~~420~~. Sign regulations and parking requirements.

(a) To assure an appearance and condition which is consistent with the purposes of the Limited Business/Industrial District, M-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-54.

Sec. 24-422 421. Utilities.

(a) Unless otherwise specified in this district, all development in the Limited Business/Industrial District, M-1, shall be served by public water and sewer.

(b) The location of all utilities and utility easements shall be shown on the site plans and be approved as per article III, Site Plan, of this chapter.

Sec. 24-423 422. Site plan review.

All structures or complexes of structures erected, altered or restored within the district shall be subject to Site Plan Review in accordance with article III of this chapter.

Sec. 24-423. Landscaping.

To assure an appearance and condition which is consistent with the purposes of the Limited Business/Industrial District, landscaping on the properties within the district shall comply with article II, division 4 of this chapter.

Secs. 24-424 - 24-434. Reserved.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2011.

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 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, BY AMENDING SECTION 24-410, STATEMENT OF INTENT; BY AMENDING AND RENAMING SECTION 24-411, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-412, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY RENUMBERING SECTION 24-413, OUTDOOR OPERATIONS AND STORAGE WITH NEW NUMBER 24-412; BY RENUMBERING SECTION 24-414, AREA REQUIREMENTS AND MINIMUM LOT WIDTH WITH NEW NUMBER 24-413; BY AMENDING AND RENUMBERING SECTION 24-415, SETBACK REQUIREMENTS WITH NEW NUMBER 24-414; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-416, YARD REGULATIONS WITH NEW NUMBER AND NAME 24-415, YARD REQUIREMENTS; BY RENUMBERING SECTION 24-417, RESERVED WITH NEW NUMBER 24-416; BY AMENDING AND RENUMBERING SECTION 24-418, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND YARD SETBACK REQUIREMENTS WITH NEW NUMBER 24-417; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-419, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-418, HEIGHT OF STRUCTURES; BY RENUMBERING SECTION 24-420, RESERVED WITH NEW NUMBER 24-419; BY RENUMBERING SECTION 24-421, SIGN REGULATIONS AND PARKING REQUIREMENTS WITH NEW NUMBER 24-420; BY RENUMBERING SECTION 24-422, UTILITIES WITH NEW NUMBER 24-421; BY RENUMBERING SECTION 24-423, SITE PLAN REVIEW WITH NEW NUMBER 24-422; AND BY ADDING NEW SECTION 24-423, LANDSCAPING.

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 11, Limited Business/Industrial District, M-1, by amending Section 24-410, Statement of intent; Section 24-411, Use list; Section 24-412, Outdoor operations and storage; Section 24-413, Area requirements and minimum lot width; Section 24-414, Setback requirements; Section 24-415, Yard requirements; Section 24-416, Reserved; Section 24-417, Special provisions for the waiver of area, lot width, yard and yard setback requirements; Section 24-418, Height of structures; Section 24-419, Reserved; Section 24-420, Sign regulations and parking requirements; Section 24-421, Utilities; Section 24-422, Site plan review; Section 24-423, Landscaping; and Section 24-424, Reserved.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 11. LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1

Sec. 24-410. Statement of intent.

The primary purpose of the Limited Business/Industrial District, M-1, is to establish an area where the principal use of land is for limited business/industrial operations which are not ordinarily compatible with adjacent residential development. The specific intent of this district is to accomplish the following:

- (1) Encourage the use of land for limited business and industrial purposes;
- (2) Prohibit residential developments on land reserved for limited business and industrial uses;
- (3) Permit certain commercial and office uses in a manner which is compatible with limited business and industrial uses; and
- (4) Establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects or impacts commonly associated with the development of limited business and industrial uses.

Sec. 24-411. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial or industrial use of the property	P	
Commercial	Accessory uses and structures as defined in section 24-2	P	
	Adult day care centers	P	
	Antique shops	P	
	Arts and crafts, hobby and handicraft shops	P	
	Auction houses	P	
	Bakeries or fish markets	P	

Banks and other financial institutions	P	
Barber shops and beauty salons	P	
Business and professional offices	P	
Catering and meal preparation	P	
Child day care centers	P	
Contractor offices, equipment storage yards, shops and warehouses with materials and equipment storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property	P	
Convenience stores; if fuel is sold, then in accordance with section 24-38 fuel		SUP
Convention centers	P	
Courier services	P	
Data processing centers	P	
Drug stores	P	
Dry cleaners and laundries	P	
Farmer's market	P	
Feed, seed and farm supply stores	P	
Firearms sales and service	P	
Firing and shooting ranges, limited to a fully enclosed building	P	
Funeral homes	P	
Gift and souvenir stores	P	
Grocery stores	P	
Health and exercise clubs, fitness centers	P	
Heliports, helistops and accessory uses		SUP
Hospitals		SUP
Hotels and motels with accessory retail sales, barber shops and beauty shops located within the hotel, motel, or convention center for the principal benefit of the-resident guest	P	
Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
Indoor sport facilities, including firing and shooting ranges	P	
Indoor theaters	P	
Janitorial service establishments	P	
Kennels and animal boarding facilities	P	
Laboratories, research and development centers	P	
Laser technology production	P	
Limousine services, with maintenance limited to a fully enclosed building	P	
Lodges, civic clubs, fraternal organizations and	P	

	service clubs		
	Lumber and building supply, with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property	P	
	Printing, mailing , lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Machinery sales and service, with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid centers	P	
	Museums	P	
	New and/or rebuilt automotive parts sales, with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet	P	
	Nursing homes		SUP
	Nurseries	P	
	Off-street parking as required by section 24-53	P	
	Office supply stores	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
	Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks , with water and sewer facilities for golf courses as approved by the board of supervisors		SUP
	Parking lots, structures or garages	P	
	Pet stores and pet supply sales	P	
	Photography, artist and sculptor stores and studios	P	
	Places of public assembly, including houses of worship and public or private meeting halls	P	
	Plumbing and electrical supply and sales with storage limited to a fully enclosed building or	P	

	screened with landscaping and fencing with a maximum height of 12 feet from adjacent property		
	Printing, mailing , lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Private streets within “qualifying industrial parks” in accordance with section 24-55	P	
	Radio and television stations and accessory antenna or towers, self supported, (not attached to buildings) which are 60 feet less in height	P	
	Research, development and design facilities or laboratories	P	
	Restaurants, including fast food restaurants , tea rooms, coffee shops , taverns and micro-breweries	P	
	Retail and service stores, including the following stores: alcohol, appliances , books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics , florist, furniture, furrier, garden supply, gourmet foods , greeting card, hardware, home appliance, health and beauty aids , ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety , wearing apparel, and yard goods	P	
	Retail food stores	P	
	Security offices	P	
	Tattoo parlors		SUP
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP
	Truck stops; if fuel is sold, then in accordance with section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle and trailer sales and service, with major repair limited to a fully enclosed building and screened from adjacent property by landscaping and fencing with a maximum height of 12 feet	P	
	Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt , with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing with a maximum height of 12 feet	P	

	<i>Vehicle rentals</i>	P	
	Vehicle service stations; if fuel is sold, then in accordance with section 24-38	P	
	Veterinary hospitals with all activities limited to a fully enclosed building with the exception of supervised animal exercise	P	
	<i>Warehousing, wholesaling, storage and distribution centers with storage limited to a fully enclosed building or screened by landscaping and fencing with a maximum height of 12 feet</i> from adjacent property	P	
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, greater than 50 acres, or with dam heights of less than 25 feet or more		SUP
	Water well drilling establishments	P	
	Welding and machine shops with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet	P	
Civic	Nonemergency medical transport	P	
	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Post offices	P	
	Schools, public or private		SUP
Utility	Antennas and towers, self supported, which are 60 feet or less in height	P	
	Antennas and towers (not attached to buildings) in excess of 60 feet in height		SUP
	Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP

	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private) 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. The following are permitted generally and shall not require a special use permit: (a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and (b) Distribution lines and local facilities within a development, including pump stations		SUP
Open	Timbering, in accordance with section 24-43		
Industrial Uses	Heavy equipment sales and service, with major repair limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	

Industrial dry cleaners or laundries	P	
Industrial or technical training centers or schools	P	
Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps	P	
Manufacture and bottling of soft drinks, water and alcoholic beverages	P	
Manufacture and processing of textiles and textile products	P	
Manufacture and storage of ice, including dry ice	P	
Manufacture, assembly, or fabrication of sheet metal products.	P	
Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone	P	
Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products	P	
Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals		SUP
Manufacture of cans and other products from previously processed metals	P	
Manufacture of carpets and carpet yarns	P	
Manufacture of furniture	P	
Manufacture of glass and glass products	P	
Manufacture of pottery and ceramic products using kilns fired by gas or electricity	P	
Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment	P	
Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment	P	
Manufactured home or mobile home sales	P	
Petroleum storage and retail distribution		SUP
Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect.		SUP
Propane storage, distribution or sale		SUP
Recycling center or plant	P	

	Resource recovery facilities		SUP
	Solid waste transfer stations and container sites, public or private		SUP
	Waste disposal facilities		SUP

Sec. 24-412. Outdoor operations and storage.

Any commercial or industrial operation or storage conducted in whole or in part out-of-doors shall meet the requirements of section 24-41.

Sec. 24-413. Area requirements and minimum lot width.

- (a) Minimum lot size shall be 10,000 square feet.
- (b) Minimum width of lots shall be 75 feet at the setback line.

Sec. 24-414. Setback requirements.

(a) Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the center line of the street. The minimum setback of any portion of a structure which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

(b) The minimum setback shall also be increased to a minimum of 75 feet from any street with a right-of-way 50 feet or greater in width and 100 feet from any street with a right-of-way of less than 50 feet of width when the property immediately across the street is zoned residential. The minimum setback of any portion of a structure across the street from property zoned residential which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

(c) Setbacks for commercial uses may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the planning director.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

- (1) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.

(2) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.

(3) The applicant has offered site design which meets or exceeds the Development Standards of the Comprehensive Plan.

(d) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in sub-section (c), the planning director can approve reductions upon finding substantial conformance with recommendations from the guidelines and compliance with the criteria from sub-section (c) above.

(e) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-415. Yard requirements.

(a) Structures shall be located 20 feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

(b) The minimum side yard shall be increased to 75 feet if the side yard adjoins property in a residential district, or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be increased to 75 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the planning director; provided, however, that no structure shall be located within ten feet of any property line.

(d) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-416. Reserved.

Sec. 24-417. Special provisions for the waiver of area, lot width, yard and yard setback requirements.

The following may be eligible for a waiver from any part of section 24-414 through 24-416:

The subdivision of business/industrial property on which business and industrial units for sale, for sale in condominium, or for lease are both:

- (a) Constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development; and
- (b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan which has been legislatively approved by the board of supervisors.

In these instances, the planning director may grant, at its discretion, a waiver from any part of section 24-414 through 24-416 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-414 through 24-416;
- (2) Adequate parking is provided as per the requirements of this chapter. The planning director also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;
- (3) Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning commission also may require the recordation of adequate easements or agreements to allow grouping of signs on one standard sign, placement of signs in common areas or other appropriate arrangements made necessary as a result of the reduced frontage or yard area of the individual units; and
- (4) The complex or structure is adequately designed and serviced from the standpoint of safety. The county fire chief finds that the fire safety equipment to be installed is adequately designed, and the county building official finds that the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.
- (5) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-418. Height of structures.

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.

(b) Water towers, church spires, belfries, cupolas, monuments, chimneys, flues, flagpoles, communication antennae, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure shall be considered part of the structure.

(c) 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:

(1) Additional setbacks have been provided as required by section 24-415 and section 24-416; however, the board of supervisors may waive additional setbacks in excess of 60 feet;

(2) Such structure will not obstruct light from adjacent property;

(3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

(4) Such structure will not impair property values in the area;

(5) Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

(6) Such structure will not be contrary to the public health, safety and general welfare.

Sec. 24-419. Reserved.

Sec. 24-420. Sign regulations and parking requirements.

(a) To assure an appearance and condition which is consistent with the purposes of the Limited Business/Industrial District, M-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-54.

Sec. 24-421. Utilities.

(a) Unless otherwise specified in this district, all development in the Limited Business/Industrial District, M-1, shall be served by public water and sewer.

(b) The location of all utilities and utility easements shall be shown on the site plans and be approved as per article III, Site Plan, of this chapter.

Sec. 24-422. Site plan review.

All structures or complexes of structures erected, altered or restored within the district shall be subject to Site Plan Review in accordance with article III of this chapter.

Sec. 24-423. Landscaping.

To assure an appearance and condition which is consistent with the purposes of the Limited Business/Industrial District, landscaping on the properties within the district shall comply with article II, division 4 of this chapter.

Secs. 24-424 - 24-434. Reserved.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2011.

ZO-04-11CommDist_ord5-Fin

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 12, GENERAL INDUSTRIAL DISTRICT, M-2, BY AMENDING AND RENAMING SECTION 24-436, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-437, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY RENUMBERING SECTION 24-438, OUTDOOR OPERATIONS AND STORAGE WITH NEW NUMBER 24-437; BY RENUMBERING SECTION 24-439, AREA REQUIREMENTS AND MINIMUM LOT WIDTH WITH NEW NUMBER 24-438; BY RENUMBERING SECTION 24-440, SETBACK REQUIREMENTS WITH NEW NUMBER 24-439; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-441, YARD REGULATIONS WITH NEW NUMBER AND NAME 24-440, YARD REQUIREMENTS; BY RENUMBERING SECTION 24-442, RESERVED WITH NEW NUMBER 24-441; BY AMENDING AND RENUMBERING SECTION 24-443, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND SETBACK REQUIREMENTS WITH NEW NUMBER 24-442; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-444, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-443, HEIGHT OF STRUCTURES; BY RENUMBERING SECTION 24-445, RESERVED WITH NEW NUMBER 24-444; BY RENUMBERING SECTION 24-446, SIGN REGULATIONS AND PARKING REQUIREMENTS WITH NEW NUMBER 24-445; BY AMENDING AND RENUMBERING SECTION 24-447, UTILITIES WITH NEW NUMBER 24-446; BY RENUMBERING SECTION 24-448, PUBLIC UTILITIES WAIVER WITH NEW NUMBER 24-447; BY RENUMBERING SECTION 24-449, SITE PLAN REVIEW WITH NEW NUMBER 24-448; AND BY ADDING NEW SECTION 24-449, LANDSCAPING.

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 12, General Industrial District, M-2, by amending Section 24-436, Use list; Section 24-437, Outdoor operations and storage; Section 24-438, Area requirements and minimum lot width; Section 24-439, Setback requirements; Section 24-440, Yard requirements; Section 24-441, Reserved; Section 24-442, Special provisions for the waiver of area, lot width, yard and setback requirements; Section 24-443, Height of structures; Section 24-444, Reserved; Section 24-445, Sign regulations and parking requirements; Section 24-446, Utilities; Section 24-447, Public utilities waiver; Section 24-448, Site plan review; and Section 24-449, Landscaping.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 12. GENERAL INDUSTRY DISTRICT, M-2

Sec. 24-435. Statement of intent.

The primary purpose of the General Industrial District, M-2, is to establish an area where the principal use of land is for industrial operations which are not compatible with residential or commercial service establishments. The specific intent of this district is to accomplish the following:

- (1) Encourage the use of land for industrial purposes;
- (2) Prohibit residential and commercial service developments on land reserved for industrial uses; and
- (3) Establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects of the development of industrial uses.

Sec. 24-411 436. ~~Permitted uses~~ Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Industry, M-2, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential</i>	<i>An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the business commercial or industrial use of the property</i>	<i>P</i>	
<i>Vehicle</i>	<i>Accessory uses and structures as defined in section 24-2</i>	<i>P</i>	
	<i>Adult day care centers</i>	<i>P</i>	
	<i>Antique shops</i>	<i>P</i>	
	<i>Arts and crafts, hobby and handicraft shops</i>	<i>P</i>	
	<i>Auction houses</i>	<i>P</i>	
	<i>Bakeries or fish markets</i>	<i>P</i>	
	<i>Banks and other financial institutions</i>	<i>P</i>	
	<i>Barber shops and beauty salons</i>	<i>P</i>	
	<i>Business; and professional and government offices</i>	<i>P</i>	
<i>Catering and meal preparation</i>	<i>P</i>		

<i>Child day care centers</i>	<i>P</i>	
<i>Contractor offices, equipment storage yards, shops and warehouses with materials and equipment storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property</i>	<i>P</i>	
<i>Convenience stores; if fuel is sold, then in accordance with section 24-38 fuel</i>		<i>SUP</i>
Convention centers	<i>P</i>	
<i>Courier services</i>	<i>P</i>	
<i>Data processing centers</i>	<i>P</i>	
<i>Drug stores</i>	<i>P</i>	
<i>Dry cleaners and laundries</i>	<i>P</i>	
<i>Farmer's market</i>	<i>P</i>	
<i>Feed, seed and farm supply stores</i>	<i>P</i>	
<i>Firearms sales and service</i>	<i>P</i>	
Firing and shooting ranges, limited to a fully enclosed building	<i>P</i>	
<i>Funeral homes</i>	<i>P</i>	
Gift and souvenir stores	<i>P</i>	
Grocery stores	<i>P</i>	
<i>Health and exercise clubs, fitness centers</i>	<i>P</i>	
<i>Heliports, helistops and accessory uses</i>		<i>SUP</i>
<i>Hospitals</i>		<i>SUP</i>
<i>Hotels and motels or convention centers with accessory retail sales, barber shops and beauty shops located within the hotel, motel, or convention center for the principal benefit of the-resident guest</i>	<i>P</i>	
<i>Houses of worship</i>	<i>P</i>	
Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	<i>P</i>	
<i>Indoor sport facilities, including firing and shooting ranges</i>	<i>P</i>	
Indoor theaters	<i>P</i>	
<i>Janitorial service establishments</i>	<i>P</i>	
Kennels and animal boarding facilities	<i>P</i>	
<i>Laboratories, research and development centers</i>	<i>P</i>	
<i>Laser technology production</i>	<i>P</i>	
Limousine services, with maintenance limited to a fully enclosed building	<i>P</i>	
Lodges, civic clubs, fraternal organizations and service clubs	<i>P</i>	
<i>Lumber and building supply, with storage limited to a fully enclosed building or screened from view with</i>	<i>P</i>	

<i>landscaping and fencing with a maximum height of 12 feet from adjacent property</i>		
<i>Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments</i>	<i>P</i>	
<i>Machinery sales and service, with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet</i>	<i>P</i>	
<i>Commercial Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38</i>	<i>P</i>	
<i>Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution</i>	<i>P</i>	
<i>Medical clinics or offices, including emergency care and first aid centers</i>	<i>P</i>	
<i>Micro-breweries</i>	<i>P</i>	
<i>Museums</i>	<i>P</i>	
<i>New and/or rebuilt automotive parts sales, with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet</i>	<i>P</i>	
<i>Nursing homes</i>		<i>SUP</i>
<i>Nurseries</i>	<i>P</i>	
<i>Off-street parking as required by section 24-53</i>	<i>P</i>	
<i>Office supply stores</i>	<i>P</i>	
<i>Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks</i>		<i>SUP</i>
<i>Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks, with water and sewer facilities for golf courses as approved by the board of supervisors</i>		<i>SUP</i>
<i>Parking lots, structures or garages</i>	<i>P</i>	
<i>Pet stores and pet supply sales</i>	<i>P</i>	
<i>Photography, artist and sculptor stores and studios</i>	<i>P</i>	
<i>Places of public assembly, including houses of worship and public or private meeting halls</i>	<i>P</i>	
<i>Plumbing and electrical supply and sales with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property</i>	<i>P</i>	
<i>Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing</i>	<i>P</i>	

<i>establishments</i>		
Private streets within “qualifying industrial parks” in accordance with section 24-55	P	
Publically owned solid waste container sites	P	
<i>Radio and television stations and accessory antenna or towers, self supported, (not attached to buildings) which are 60 feet less in height</i>	P	
<i>Research, development and design facilities or laboratories</i>	P	
<i>Restaurants, including fast food restaurants, tea rooms, coffee shops, taverns and micro-breweries</i>	P	
<i>Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, gunsmith (excluding firing or shooting ranges), hardware, home appliance sales and service, health and beauty aids, ice cream, jewelry sales and service, locksmith, music and records, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel bureaus agencies, upholstery, variety, wearing apparel, and yard goods</i>	P	
<i>Retail food stores, bakeries and fish markets</i>	P	
<i>Security service offices</i>	P	
<i>Shooting ranges, indoor</i>		SUP
Taxi service	P	
Theme parks greater than 10 acres in size		SUP
<i>Truck stops; if fuel is sold, then in accordance with section 24-38</i>		SUP
<i>Truck terminals; if fuel is sold, then in accordance with section 24-38</i>		SUP
Vehicle and trailer sales and service, with major repair limited to a fully enclosed building and screened from adjacent property by landscaping and fencing with a maximum height of 12 feet	P	
Vehicle rentals	P	
Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt, with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing with a maximum height of 12 feet	P	
Automobile Vehicle service stations; if fuel is sold,	P	

	<i>then in accordance with section 24-38</i>		
	<i>Veterinary hospitals with all activities limited to a fully enclosed building with the exception of supervised animal exercise</i>	<i>P</i>	
	<i>Warehousing, wholesaling, storage and distribution centers with storage limited to a fully enclosed building or screened by landscaping and fencing with a maximum height of 12 feet from adjacent property</i>	<i>P</i>	
	<i>Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet</i>	<i>P</i>	
	<i>Water impoundments, new or expansion of, greater than 50 acres, or with dam heights of less than 25 feet or more</i>		<i>SUP</i>
	<i>Water well drilling establishments</i>	<i>P</i>	
	<i>Welding and machine shops with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing from adjacent property with a maximum height of 12 feet</i>	<i>P</i>	
<i>Civic</i>	<i>Nonemergency medical transport</i>	<i>P</i>	
	<i>Fire stations</i>	<i>P</i>	
	<i>Governmental offices</i>	<i>P</i>	
	<i>Libraries</i>	<i>P</i>	
	<i>Post offices</i>	<i>P</i>	
	<i>Schools, public or private</i>		<i>SUP</i>
<i>Utility</i>	<i>Antennas and towers, self supported, (not attached to buildings) and tower mounted wireless communications facilities which are 60 feet or less in height</i>	<i>P</i>	
	<i>Antennas and towers (not attached to buildings) in excess of 60 feet in height</i>		<i>SUP</i>
	<i>Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more</i>		<i>SUP</i>
	<i>Railroad facilities including tracks, bridges and switching stations. However, s Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit</i>		<i>SUP</i>
	<i>Telephone exchanges and telephone switching stations</i>	<i>P</i>	

	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height</i>	<i>P</i>	
	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</i>		<i>SUP</i>
	<i>Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, e Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are intended to serve accessory to existing or proposed development, are permitted generally and shall not require a special use permit</i>		<i>SUP</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>Water facilities (public or private) 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. However, t The following are permitted generally and shall not require a special use permit:</i> <i>(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and</i> <i>(b) Distribution lines and local facilities within a development, including pump stations</i>		<i>SUP</i>
<i>Open</i>	<i>Timbering, in accordance with section 24-43</i>		
<i>Industrial Uses</i>	<i>Heavy equipment sales and service, with major repair limited to a fully enclosed building or screened with landscaping and fencing from adjacent property</i>	<i>P</i>	
	<i>Industrial dry cleaners or laundries</i>	<i>P</i>	
	<i>Industrial or technical training centers or schools</i>	<i>P</i>	
	<i>Manufacture and assembly of musical instruments,</i>	<i>P</i>	

<i>toys, novelties, and rubber and metal stamps</i>		
<i>Manufacture and bottling of soft drinks, water and wine alcoholic beverages</i>	<i>P</i>	
<i>Manufacture and processing of textiles and textile products</i>	<i>P</i>	
<i>Manufacture and storage of ice, including dry ice</i>	<i>P</i>	
<i>Manufacture, assembly, or fabrication of sheet metal products.</i>	<i>P</i>	
<i>Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone</i>	<i>P</i>	
<i>Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products</i>	<i>P</i>	
<i>Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals</i>		<i>SUP</i>
<i>Manufacture of cans and other products from previously processed metals</i>	<i>P</i>	
<i>Manufacture of carpets and carpet yarns</i>	<i>P</i>	
<i>Manufacture of furniture</i>	<i>P</i>	
<i>Manufacture of glass and glass products</i>	<i>P</i>	
<i>Manufacture of pottery and ceramic products using kilns fired by gas or electricity</i>	<i>P</i>	
<i>Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment</i>	<i>P</i>	
<i>Manufacture or assembly of electronic instruments, electronic devices or electronic components</i>	<i>P</i>	
<i>Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment</i>	<i>P</i>	
<i>Manufactured home or mobile home sales</i>	<i>P</i>	
<i>Petroleum storage and retail distribution</i>		<i>SUP</i>
<i>Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect.</i>		<i>SUP</i>
<i>Propane storage, distribution or sale</i>		<i>SUP</i>
<i>Recycling center or plant</i>	<i>P</i>	

	<i>Resource recovery facilities</i>		<i>SUP</i>
	<i>Solid waste transfer stations and container sites, public or private</i>		<i>SUP</i>
	<i>Waste disposal facilities</i>		<i>SUP</i>

~~Accessory uses as defined in section 24-2.~~

~~An apartment or living quarters for a guard, caretaker, proprietor, or other person employed on the premises which is clearly secondary to the industrial use of the property.~~

~~Antennas and towers, self-supported (not attached to buildings), and tower mounted wireless communications facilities which are 60 feet or less in height.~~

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

~~Banks and other similar financial institutions as an accessory use to other permitted uses.~~

~~Boiler shops.~~

~~Breweries and other necessary associated activities.~~

~~Business, professional and governmental offices.~~

~~Child day care centers as an accessory use to other permitted uses.~~

~~Contractor offices, equipment storage yards, shops and warehouses.~~

~~Drop forge industries, manufacturing, forgings with a power hammer.~~

~~Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.~~

~~Fire stations.~~

~~Health clubs, exercise clubs, and fitness centers as an accessory use to other permitted uses.~~

~~Heavy equipment sales and service, with major repair limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~Industrial and technical training schools.~~

~~Janitorial service establishments.~~

~~Laser technology production.~~

~~Manufacture and assembly of musical instruments, toys, novelties and rubber and metal stamps.~~

~~Manufacture and bottling of soft drinks and wine.~~

~~Manufacture and processing of acrylic and other synthetic fibers.~~

~~Manufacture and processing of textiles and textile products.~~

~~Manufacture and sale of manufactured homes, mobile homes, modular homes and industrialized housing units.~~

~~Manufacture and sale of wood products.~~

~~Manufacture and storage of ice, including dry ice.~~

~~Manufacture, assembly or fabrication of sheet metal products.~~

~~Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, wax, leather, cellophane, canvas, felt, fur, horn, hair, yarn, and stone.~~

~~Manufacture, compounding, processing or packaging of cosmetics, toiletry and pharmaceutical products.~~

~~Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals.~~

~~Manufacture of batteries.~~

~~Manufacture of boats, marine equipment and boat trailers.~~

~~Manufacture of cans and other metal products from previously processed metals.~~

~~Manufacture of carpets and carpet yarns.~~

~~Manufacture of furniture.~~

~~Manufacture of glass and glass products.~~

~~Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity.~~

~~Manufacture or assembly of aircraft and aircraft parts.~~

~~Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilating equipment.~~

~~Manufacture or assembly of automobiles, trucks, machinery or equipment.~~

~~Manufacture or assembly of electronic instruments, electronic devices or electronic components.~~

~~Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments.~~

~~Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood, receiving, packing or distribution.~~

~~Metal foundry and heavy weight casting.~~

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

~~Post offices.~~

~~Printing and publishing establishments.~~

~~Private streets within "qualifying industrial parks" in accordance with section 24-55.~~

~~Propane storage, distribution, and sale.~~

~~Publicly owned solid waste container sites.~~

~~Radio and television stations and accessory antenna or towers, self supported (not attached to buildings), which are 60 feet or less in height.~~

~~Research, development and design facilities or laboratories.~~

~~Restaurants as an accessory use to other permitted uses.~~

~~Retail sales of products related to the main use, provided floor area for retail sales comprises less than 25 percent of the first floor area of the main use.~~

~~Security service offices.~~

~~Structural iron and steel fabrication.~~

~~Telephone exchanges and telephone switching stations.~~

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

~~Warehouse, storage and distribution centers.~~

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

~~Water well drilling establishments.~~

~~Welding and machine shops including punch presses and drop hammers.~~

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

Sec. 24-437. Uses permitted by special use permit only.

~~In the General Industrial District, M-2, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors.~~

~~Antennas and towers (not attached to buildings) in excess of 60 feet in height.~~

~~Asphalt mixing plants.~~

~~Automobile graveyards and scrap metal storage yards.~~

~~Crushed stone, sand, gravel, or mineral mining; storage and distribution of same.~~

~~Heliports, helistops and accessory uses.~~

~~Manufacture and compounding of chemicals.~~

~~Manufacture of cement, lime, gypsum, bricks and non previously prepared stone products (i.e., stone and rock used for general erosion control and road construction).~~

~~Petroleum refining.~~

~~Petroleum storage.~~

~~Railroad facilities including tracks, bridges, switching yards, and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right of ways and track and safety improvements in existing railroad right of ways are permitted generally and shall not require a special use permit.~~

~~Ready mix concrete production.~~

~~Resource recovery facilities.~~

~~Solid waste transfer stations.~~

~~Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.~~

~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.~~

~~Truck stops; if fuel is sold, then in accordance with section 24-38.~~

~~Truck terminals; if fuel is sold, then in accordance with section 24-38.~~

~~Water facilities (public or private), 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. However, the following are permitted generally and shall not require a special use permit:~~

~~(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and~~

~~(b) Distribution lines and local facilities within a development, including pump stations.~~

~~Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more.~~

~~Wood preserving operations.~~

Sec. 24-438 437. Outdoor operations and storage.

Any commercial or industrial operation or storage conducted in whole or in part out-of-doors, shall meet the requirements of section 24-41 of this chapter.

Sec. 24-439 438. Area requirements and minimum lot width.

(a) Minimum lot size shall be 10,000 square feet.

(b) Minimum width of lots shall be 75 feet at the setback line.

Sec. 24-440 439. Setback requirements.

(a) Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the center line of the street. The minimum setback of any portion of a structure which is in excess of 35 feet in height shall be increased one foot for each three feet of the structure's height in excess of 35 feet.

(b) The minimum setback shall also be increased to a minimum of 75 feet from any street with a right-of-way 50 feet or greater in width and 100 feet from any street with a right-of-way of less than 50 feet of width when the property immediately across the street is zoned residential. The minimum setback of any

portion of a structure across the street from property zoned residential which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

Sec. 24-441 440. Yard regulations requirements.

(a) Structures shall be located 20 feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each three feet of height in excess of 35 feet.

(b) The minimum side yard shall be increased to 75 feet if the side yard adjoins property in a residential district, or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be increased to 75 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the ~~planning commission~~ *planning director*; provided, however, that no structure shall be located within ten feet of any property line.

Sec. 24-442 441. Reserved.

Sec. 24-443 442. Special provisions for the waiver of area, lot width, yard and setback requirements.

The following may be eligible for a waiver from any part of section 24-439 438 through 24-441 440:

The subdivision of business/industrial property on which business and industrial units for sale, for sale in condominium or for lease are both:

(a) Constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development; and

(b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.

In these instances, the ~~planning commission~~ *planning director* may grant, at its discretion, a waiver from any part of section 24-439 438 through 24-441 440 upon finding:

(1) The overall complex or structure, if considered as a single unit, meets all of the requirements of sections 24-439 through 24-441;

(2) Adequate parking is provided as per the requirements of this chapter. The planning commission also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;

(3) Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning commission also may require the recordation of adequate easements or agreements to allow grouping of signs on one standard sign, placement of signs in common areas or other appropriate arrangements made necessary as a result of the reduced frontage or yard area of the individual units; and

(4) The complex or structure is adequately designed and serviced from the standpoint of safety. The county fire chief finds that the fire safety equipment to be installed is adequately designed, and the county building official finds that the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.

(5) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-444 ~~443~~. Height limits and height limitation waivers of structures.

(a) Structures may be erected up to 60 feet in height from grade to the top of the structure. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.

(b) Water towers, chimneys, flues, flagpoles, communication. antennae, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure shall be considered part of the structure.

(c) 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:

(1) Additional setbacks have been provided as required by section 24-440 ~~439~~ and section 24-441 ~~440~~; however, the ~~Board~~ *board of supervisors* may waive additional setbacks in excess of 60 feet;

(2) Such structure will not obstruct light from adjacent property;

(3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

(4) Such structure will not impair property values in the area;

(5) Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

(6) Such structure will not be contrary to the public health, safety and general welfare.

Sec. 24-445 444. Reserved.

Sec. 24-446 445. Sign regulations and parking requirements.

(a) To assure an appearance and condition which is consistent with the purposes of the General Industrial District, M-2, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-54.

Sec. 24-447 446. Utilities.

All development in the General Industrial District, M-2, shall be served by public water and sewer unless this requirement is waived in accordance with section 24-448 447. The location of all utilities and utility easements shall be shown on the site plans and be approved as per article III, Site Plan, of this chapter.

Sec. 24-448 447. Public utilities waiver.

(a) The board of supervisors may waive the public water and sewer service requirement specified by section 24-447 upon finding:

(1) The development is located in the primary service area as designated by the land use element of the Comprehensive Plan;

(2) The development is located in an area not planned for extension of public water or sewer service as part of the adopted master water or sewer plan; and

(3) The development causes no adverse impact on the water resources of the county.

(b) A condition of such waiver shall be that the development shall connect to public water and sewer at such time that the board of supervisors determines utilities are available.

(c) The board of supervisors may attach additional conditions to any such waiver.

Sec. 24-449 448. Site plan review.

All structures or complexes of structures erected, altered or restored within the district shall be subject to Site Plan Review in accordance with article III of this chapter.

Sec. 24-449. Landscaping.

To assure an appearance and condition which is consistent with the purposes of the General Industrial District, landscaping on the properties within the district shall comply with article II, division 4 of this chapter.

Secs. 24-450 - 24-459. Reserved.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2011.

ZO-04-11CommDist_ord6

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 12, GENERAL INDUSTRIAL DISTRICT, M-2, BY AMENDING AND RENAMING SECTION 24-436, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-437, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY RENUMBERING SECTION 24-438, OUTDOOR OPERATIONS AND STORAGE WITH NEW NUMBER 24-437; BY RENUMBERING SECTION 24-439, AREA REQUIREMENTS AND MINIMUM LOT WIDTH WITH NEW NUMBER 24-438; BY RENUMBERING SECTION 24-440, SETBACK REQUIREMENTS WITH NEW NUMBER 24-439; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-441, YARD REGULATIONS WITH NEW NUMBER AND NAME 24-440, YARD REQUIREMENTS; BY RENUMBERING SECTION 24-442, RESERVED WITH NEW NUMBER 24-441; BY AMENDING AND RENUMBERING SECTION 24-443, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND SETBACK REQUIREMENTS WITH NEW NUMBER 24-442; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-444, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-443, HEIGHT OF STRUCTURES; BY RENUMBERING SECTION 24-445, RESERVED WITH NEW NUMBER 24-444; BY RENUMBERING SECTION 24-446, SIGN REGULATIONS AND PARKING REQUIREMENTS WITH NEW NUMBER 24-445; BY AMENDING AND RENUMBERING SECTION 24-447, UTILITIES WITH NEW NUMBER 24-446; BY RENUMBERING SECTION 24-448, PUBLIC UTILITIES WAIVER WITH NEW NUMBER 24-447; BY RENUMBERING SECTION 24-449, SITE PLAN REVIEW WITH NEW NUMBER 24-448; AND BY ADDING NEW SECTION 24-449, LANDSCAPING.

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 12, General Industrial District, M-2, by amending Section 24-436, Use list; Section 24-437, Outdoor operations and storage; Section 24-438, Area requirements and minimum lot width; Section 24-439, Setback requirements; Section 24-440, Yard requirements; Section 24-441, Reserved; Section 24-442, Special provisions for the waiver of area, lot width, yard and setback requirements; Section 24-443, Height of structures; Section 24-444, Reserved; Section 24-445, Sign regulations and parking requirements; Section 24-446, Utilities; Section 24-447, Public utilities waiver; Section 24-448, Site plan review; and Section 24-449, Landscaping.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 12. GENERAL INDUSTRY DISTRICT, M-2

Sec. 24-435. Statement of intent.

The primary purpose of the General Industrial District, M-2, is to establish an area where the principal use of land is for industrial operations which are not compatible with residential or commercial service establishments. The specific intent of this district is to accomplish the following:

- (1) Encourage the use of land for industrial purposes;
- (2) Prohibit residential and commercial service developments on land reserved for industrial uses; and
- (3) Establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects of the development of industrial uses.

Sec. 24-436. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Industry, M-2, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial or industrial use of the property	P	
Vehicle	Accessory uses and structures as defined in section 24-2	P	
	Adult day care centers	P	
	Antique shops	P	
	Arts and crafts, hobby and handicraft shops	P	
	Auction houses	P	
	Bakeries or fish markets	P	
	Banks and other financial institutions	P	
	Barber shops and beauty salons	P	
	Business, <i>and</i> professional offices	P	
	Catering and meal preparation	P	

	Child day care centers	P	
	Contractor offices, equipment storage yards, shops and warehouses with materials and equipment storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property	P	
	Convenience stores; if fuel is sold, then in accordance with section 24-38 fuel		SUP
	Convention centers	P	
	Courier services	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Farmer's market	P	
	Feed, seed and farm supply stores	P	
	Firearms sales and service	P	
	Firing and shooting ranges, limited to a fully enclosed building	P	
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores	P	
	Health and exercise clubs, fitness centers	P	
	Heliports, helistops and accessory uses		SUP
	Hospitals		SUP
	Hotels and motels with accessory retail sales, barber shops and beauty shops located within the hotel, motel, or convention center for the principal benefit of the resident guest	P	
	Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
	Indoor sport facilities, including firing and shooting ranges	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	
	Laboratories, research and development centers	P	
	Laser technology production	P	
	Limousine services, with maintenance limited to a fully enclosed building	P	
	Lodges, civic clubs, fraternal organizations and service clubs	P	
	Lumber and building supply, with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height	P	

	of 12 feet from adjacent property		
	Printing, mailing , lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Machinery sales and service, with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet	P	
	Marinas , docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid centers	P	
	Museums	P	
	New and/or rebuilt automotive parts sales, with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet	P	
	Nursing homes		SUP
	Nurseries	P	
	Off-street parking as required by section 24-53	P	
	Office supply stores	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
	Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks , with water and sewer facilities for golf courses as approved by the board of supervisors		SUP
	Parking lots, structures or garages	P	
	Pet stores and pet supply sales	P	
	Photography, artist and sculptor stores and studios	P	
	Places of public assembly, including houses of worship and public or private meeting halls	P	
	Plumbing and electrical supply and sales with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property	P	

Printing, mailing , lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
Private streets within “qualifying industrial parks” in accordance with section 24-55	P	
Radio and television stations and accessory antenna or towers, self supported, (not attached to buildings) which are 60 feet less in height	P	
Research, development and design facilities or laboratories	P	
Restaurants, including fast food restaurants , tea rooms, coffee shops , taverns and micro-breweries	P	
Retail and service stores, including the following stores: alcohol, appliances , books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics , florist, furniture, furrier, garden supply, gourmet foods , greeting card, hardware, home appliance, health and beauty aids , ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety , wearing apparel, and yard goods	P	
Retail food stores	P	
Security service offices	P	
Taxi service	P	
Theme parks greater than 10 acres in size		SUP
Truck stops; if fuel is sold, then in accordance with section 24-38		SUP
Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
Vehicle and trailer sales and service, with major repair limited to a fully enclosed building and screened from adjacent property by landscaping and fencing with a maximum height of 12 feet	P	
Vehicle rentals	P	
Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt, with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing with a maximum height of 12 feet	P	
Vehicle service stations; if fuel is sold, then in accordance with section 24-38	P	

	Veterinary hospitals with all activities limited to a fully enclosed building with the exception of supervised animal exercise	P	
	Warehousing, wholesaling , storage and distribution centers with storage limited to a fully enclosed building or screened by landscaping and fencing with a maximum height of 12 feet from adjacent property	P	
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, greater than 50 acres, or with dam heights of less than 25 feet or more		SUP
	Water well drilling establishments	P	
	Welding and machine shops with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet	P	
Civic	Nonemergency medical transport	P	
	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Post offices	P	
	Schools, public or private		SUP
Utility	Antennas and towers, self supported, which are 60 feet or less in height	P	
	Antennas and towers (not attached to buildings) in excess of 60 feet in height		SUP
	Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in	P	

	height		
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private) 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. The following are permitted generally and shall not require a special use permit: (a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and (b) Distribution lines and local facilities within a development, including pump stations		SUP
Open	Timbering, in accordance with section 24-43		
Industrial Uses	Heavy equipment sales and service, with major repair limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	
	Industrial dry cleaners or laundries	P	
	Industrial or technical training centers or schools	P	
	Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks, water and alcoholic beverages	P	

	Manufacture and processing of textiles and textile products	P	
	Manufacture and storage of ice, including dry ice	P	
	Manufacture, assembly, or fabrication of sheet metal products.	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone	P	
	Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products	P	
	Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals		SUP
	Manufacture of cans and other products from previously processed metals	P	
	Manufacture of carpets and carpet yarns	P	
	Manufacture of furniture	P	
	Manufacture of glass and glass products	P	
	Manufacture of pottery and ceramic products using kilns fired by gas or electricity	P	
	Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment	P	
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
	Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment	P	
	Manufactured home or mobile home sales	P	
	Petroleum storage and retail distribution		SUP
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect.		SUP
	Propane storage, distribution or sale		SUP
	Recycling center or plant	P	
	Resource recovery facilities		SUP
	Solid waste transfer stations and container sites, public or private		SUP
	Waste disposal facilities		SUP

Sec. 24-437. Outdoor operations and storage.

Any commercial or industrial operation or storage conducted in whole or in part out-of-doors, shall meet the requirements of section 24-41 of this chapter.

Sec. 24-438. Area requirements and minimum lot width.

- (a) Minimum lot size shall be 10,000 square feet.
- (b) Minimum width of lots shall be 75 feet at the setback line.

Sec. 24-439. Setback requirements.

- (a) Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the center line of the street. The minimum setback of any portion of a structure which is in excess of 35 feet in height shall be increased one foot for each three feet of the structure's height in excess of 35 feet.
- (b) The minimum setback shall also be increased to a minimum of 75 feet from any street with a right-of-way 50 feet or greater in width and 100 feet from any street with a right-of-way of less than 50 feet of width when the property immediately across the street is zoned residential. The minimum setback of any portion of a structure across the street from property zoned residential which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

Sec. 24-440. Yard requirements.

- (a) Structures shall be located 20 feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each three feet of height in excess of 35 feet.
- (b) The minimum side yard shall be increased to 75 feet if the side yard adjoins property in a residential district, or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be increased to 75 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.
- (c) Accessory structures may be located within the required side or rear yards upon approval of the planning director; provided, however, that no structure shall be located within ten feet of any property line.

Sec. 24-441. Reserved.

Sec. 24-442. Special provisions for the waiver of area, lot width, yard and setback requirements.

The following may be eligible for a waiver from any part of section 24-438 through 24-440:

The subdivision of business/industrial property on which business and industrial units for sale, for sale in condominium or for lease are both:

- (a) Constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development; and
- (b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.

In these instances, the planning director may grant, at its discretion, a waiver from any part of section 24-438 through 24-440 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of sections 24-439 through 24-441;
- (2) Adequate parking is provided as per the requirements of this chapter. The planning commission also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;
- (3) Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning commission also may require the recordation of adequate easements or agreements to allow grouping of signs on one standard sign, placement of signs in common areas or other appropriate arrangements made necessary as a result of the reduced frontage or yard area of the individual units; and
- (4) The complex or structure is adequately designed and serviced from the standpoint of safety. The county fire chief finds that the fire safety equipment to be installed is adequately designed, and the county building official finds that the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.
- (5) Appeals. In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-443. Height of structures.

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.

(b) Water towers, chimneys, flues, flagpoles, communication. antennae, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure shall be considered part of the structure.

(c) 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:

(1) Additional setbacks have been provided as required by section 24-439 and section 24-440; however, the board of supervisors may waive additional setbacks in excess of 60 feet;

(2) Such structure will not obstruct light from adjacent property;

(3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

(4) Such structure will not impair property values in the area;

(5) Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

(6) Such structure will not be contrary to the public health, safety and general welfare.

Sec. 24-444. Reserved.

Sec. 24-445. Sign regulations and parking requirements.

(a) To assure an appearance and condition which is consistent with the purposes of the General Industrial District, M-2, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-54.

Sec. 24-446. Utilities.

All development in the General Industrial District, M-2, shall be served by public water and sewer unless this requirement is waived in accordance with section 24- 447. The location of all utilities and utility easements shall be shown on the site plans and be approved as per article III, Site Plan, of this chapter.

Sec. 24-447. Public utilities waiver.

(a) The board of supervisors may waive the public water and sewer service requirement specified by section 24-447 upon finding:

- (1) The development is located in the primary service area as designated by the land use element of the Comprehensive Plan;
 - (2) The development is located in an area not planned for extension of public water or sewer service as part of the adopted master water or sewer plan; and
 - (3) The development causes no adverse impact on the water resources of the county.
- (b) A condition of such waiver shall be that the development shall connect to public water and sewer at such time that the board of supervisors determines utilities are available.
- (c) The board of supervisors may attach additional conditions to any such waiver.

Sec. 24-448. Site plan review.

All structures or complexes of structures erected, altered or restored within the district shall be subject to Site Plan Review in accordance with article III of this chapter.

Sec. 24-449. Landscaping.

To assure an appearance and condition which is consistent with the purposes of the General Industrial District, landscaping on the properties within the district shall comply with article II, division 4 of this chapter.

Secs. 24-450 - 24-459. Reserved.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of October, 2011.