

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 1ST DAY OF JUNE, NINETEEN HUNDRED NINETY-TWO, AT 7:05 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District  
David L. Sisk, Roberts District  
Stewart U. Taylor, Stonehouse District  
David B. Norman, County Administrator  
Frank M. Morton, III, County Attorney

B. MINUTES - May 12, 1992 - Special Meeting  
May 13, 1992 - Work Session  
May 18, 1992 - Regular Meeting

Mr. Edwards asked if there were corrections or additions to the minutes.

Mr. Sisk made a motion to approve the 3 sets of minutes.

On a roll call, the vote was AYE: DePue, Taylor, Sisk, Knudson, Edwards (5). NAY: (0).

Mr. Edwards welcomed the audience and recognized Williamsburg-James City County Public School representatives: Ms. Karen Jamison, School Board Chairperson, Ms. Sondra Walker and Mr. James Griffin, School Board Members, and Dr. Gayden Carruth, Superintendent. He also acknowledged Mr. Trist McConnell, Council Member, City of Williamsburg.

Ms. Jamison made brief comments on the recent budget process and stated that the proposed budget adopted by the School Board on March 17, 1992, outlined the needs of the School Division and the reduced funding approved by the Board of Supervisors had a significant impact on the Schools. She further stated that the School Board remained committed to quality instruction for all students and would strive to reach that goal.

C. CONSENT CALENDAR

Mr. Edwards asked if any Board member wished to remove an item from the Consent Calendar.

Mr. Edwards made a motion to approve the Consent Calendar.

On a roll call, the vote was AYE: DePue, Taylor, Sisk, Knudson, Edwards (5). NAY: (0).

1. Amendment to Setoff Debt Collection

R E S O L U T I O N

AMENDMENT OF CONTEST PROCEDURE FOR SETOFF DEBT COLLECTION

WHEREAS, the County of James City desires to collect debts owed to the County and the departments, institutions, commissions, authorities, and other entities created under the County through the collection procedure established by the Setoff Debt Collection Act ("Act"); and

WHEREAS, the Act requires the approval by the Board of Supervisors of the Contest Procedure for Setoff Debt Collection and any amendment thereto.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Contest Procedure for Setoff Debt Collection by adding to Section XI, Paragraph B the following definition:

"(3) County - The County of James City, Virginia, and any department, institution, commission, authority or other entity created thereunder."

2. Code Violation Lien

R E S O L U T I O N

CODE VIOLATION LIEN

WHEREAS, the Director of Code Compliance has certified to the Board of Supervisors of James City County, Virginia, that Larry J. Redding, the owner of the property located at 7225 Canal Street in James City County, Tax Map No. (19-1) Parcel (9-77) has failed to pay a bill in the amount of \$100.00 for cutting of grass, weeds and other foreign growth, although the County has duly requested payment; and

WHEREAS, the Property is Zoned R-2, Limited Residential, and is within a recorded subdivision; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner, are collectible by the County as taxes and levies and constitute a lien against the Property; and

NOW, THEREFORE, BE IT RESOLVED that in accordance with Sections 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cutting of Grass, Weeds, etc:

Account:	Larry J. Redding P.O. Box 1400 Newport News, VA 23601
Description of Property:	7225 Canal Street James City County, Virginia Tax Map No. (19-1) Parcel (9-77)
Amount Due:	\$100.00 for services rendered.

D. PUBLIC HEARINGS

1. Case No. Z0-6-93. Zoning Ordinance Amendment/M-1, Limited Industrial District; M-2, General Industrial District, and Creation of M-3, Industrial District

Mr. Michael A. Freda, Planner, stated that the review of M-1, Limited Industrial District, and M-2, General Industrial District, and finding the need for creation of M-3, Limited Industrial, was formulated by the Planning Commission's Industrial Development Subcommittee, Raymond Betzner, Wallace Davis and Victoria Gussman.

Mr. Freda presented the changes to the M-1 and M-2 Districts as proposed in the Ordinance amendment, and stated the M-3 District would allow developers to rezone land solely for limited industrial activities.

In concurrence with the Subcommittee and staff, the Planning Commission unanimously recommended approval of Case No. Z0-6-92 as proposed.

Mr. Edwards opened the public hearing, and as no one wished to speak, he closed the public hearing.

Ms. Knudson made a motion to approve the Ordinance amendment.

On a roll call, the vote was: AYE: DePue, Sisk, Knudson, Edwards  
(4). NAY: Taylor (1).

2. Case No. SUP-10-92. William A. Randall Subdivision

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Ronald Leftwich, Sr., on behalf of Mr. William A. Randall, had applied for a special use permit to allow a 13-lot subdivision on 13.42 acres, zoned R-8,

Rural Residential, located at 2564 Little Creek Dam Road, further identified as Parcel (1-4) on James City County Real Estate Tax Map No. (21-4).

Mr. Sowers stated that staff found the proposal inconsistent with the Comprehensive Plan, but would achieve the goal of the plan for residential development in the Chickahominy Road area.

The Planning Commission, by a 7-2 vote, concurred with staff and recommended approval of the special use permit with conditions listed in the resolution.

A brief discussion followed regarding a required setback for protection of Little Creek Reservoir.

Mr. Edwards made a motion to add Condition No. 5.

On a roll call, the vote was: AYE: DePue, Sisk, Knudson, Edwards (4). NAY: Taylor (1).

Mr. Edwards opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Edwards made a motion to approve the amended resolution.

On a roll call, the vote was AYE: DePue, Taylor, Sisk, Knudson, Edwards (5). NAY: (0).

#### R E S O L U T I O N

##### CASE NO. SUP-10-92. WILLIAM A. RANDALL SUBDIVISION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 12, 1992, voted 7-2 and recommended approval of Case No. SUP-10-92 to permit a subdivision of greater than 5 lots in the R-8, Rural Residential District, on property identified as Parcel (1-4) on James City County Real Estate Tax Map No. (21-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-10-92 as described herein with the following conditions:

1. If construction has not commenced on this project within a period of 18 months from the date of issuance of the special use permit, it shall become void.
2. The site shall be subdivided into no more than 13 lots.

- 3. No individual lots shall have access to Little Creek Dam Road.
- 4. At least 8 of the proposed lots shall be priced at or below the Virginia Housing and Development Authority's (VHDA) Home Mortgage Loan program, and are offered through the Office of Housing and Community Development's Affordable Housing Incentive Plan (AHIP). Prior to final subdivision approval, the developer shall provide the Director of Planning with confirmation of the initial sales price of these lots. The developer shall also enter into an agreement with James City County restricting the initial sales price of these 8 lots and any improvements for a period of 5 years. Said agreement shall be approved by the County Attorney.
- 5. No development or land disturbance shall be permitted within 200 feet from the Little Creek Reservoir pool elevation of 60 feet.

3. Case No. SUP-12-92. Lois G. Reed

Mr. Sowers stated that Mr. Richard B. Hanson, Community Development Administrator, had applied on behalf of Ms. Lois G. Reed, for a special use permit to allow development of a two-family dwelling on approximately 1.7 acres, zoned R-8, Rural Residential, located at 3239 Chickahominy Road, further identified as Parcel (1-75) on James City County Tax Map No. (22-2).

Mr. Sowers further stated that although the proposal was inconsistent with the Comprehensive Plan, it addressed the goal of elimination of substandard housing and would not increase the density of the site.

The Planning Commission concurred with staff, by an 8-1 vote, and recommended approval with conditions listed in the resolution.

Mr. Edwards opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was AYE: DePue, Taylor, Sisk, Knudson, Edwards (5). NAY: (0).

R E S O L U T I O N

CASE NO. SUP-12-92. LOIS G. REED

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 12, 1992, voted 8-1 and recommended approval of Case No. SUP-12-92 to permit a two-family dwelling in the R-8, Rural Residential District, on property identified as Parcel (1-75) on James City County Real Estate Tax Map No. (22-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-12-92 as described herein with the following conditions:

1. If construction has not commenced on this project within a period of 18 months from the date of issuance of the special use permit, it shall become void.
2. The existing manufactured home and single-family dwelling shall be removed from the site within 30 days from the date of issuance of the Certificate of Occupancy for the two-family dwelling.
3. All debris and inoperable vehicles shall be removed from the site prior to issuance of any Certificates of Occupancy.
4. This permit shall only be valid for the construction of a two-family dwelling, funded wholly or partly by the Office of Housing and Community Development's Little Creek Housing Improvement Project.

4. Case No. SUP-13-92. McDonald's Restaurant (RPOD)

Mr. Bernard Farmer, Jr., Zoning Administrator, stated that Ms. Lisa Barnett of McDonald's Corporation had applied on behalf of the owners for a special use permit to create more than 5,000 square feet of impervious area within the Reservoir Protection Overlay District, located at 9193 Barhamsville Road, Parcels (1-20) and (1-2) on James City County Real Estate Tax Maps No. (4-4) and (5-3), respectively.

Staff recommended approval of the special use permit with conditions listed in the resolution.

Mr. Edwards opened the public hearing.

1. Mr. Sam Hazelwood, 300 Stage Road, Toano, stated that he had no opposition to the development.

Mr. Edwards closed the public hearing.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was AYE: DePue, Taylor, Sisk, Knudson, Edwards (5). NAY: (0).

R E S O L U T I O NCASE NO. SUP-13-92. MCDONALD'S RESTAURANT

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has applied for a special use permit to develop land in the RP, Reservoir Protection Overlay district on property identified as Parcel (1-20) on James City County Real Estate Tax Map No. (4-4) and Parcel (1-2) on James City County Real Estate Tax Map No. (5-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-13-92 as described herein with the following conditions:

1. An Inspection/Maintenance Agreement as approved by the County Attorney shall be executed prior to final site plan approval.
  2. The final designs for the infiltration trenches shall be submitted on the final site plan for the project. These structures shall be designed in accordance with the James City County Design Manual for Runoff Analysis and include a grass strip for filtering runoff that enters each trench.
  3. A soils test shall be provided to the Division of Code Compliance for each infiltration trench prior to final site plan approval to verify the suitability of the soils for the infiltration of water.
  4. Construction of the infiltration trenches shall be delayed until disturbed areas draining to the trenches are stabilized. This shall be noted on the site plan.
  5. The owner shall connect to the public sewer system within 60 days of being notified by the General Manager of the James City Service Authority that sewer service is available for the restaurant in the adjacent right-of-way.
5. Case No. SUP-38-91. Henry S. Branscome, Inc. - Lee Borrow Pit
  6. Case No. SUP-39-91. Henry S. Branscome, Inc. - Bickford Borrow Pit

Mr. Sowers stated that the applicant had requested a one-month deferral of the cases and staff concurred with the request.

Mr. Edwards opened the public hearings for Case Nos. SUP-38-91 and SUP-39-91, and continued the public hearings until the July 6, 1992, meeting, as requested by applicant.

E. BOARD CONSIDERATIONS

1. Sign Ordinance Amendment - Greenbelts

Mr. Sowers stated that the Board of Supervisors, at its May 4, 1992, meeting, requested additional information for review on the greenbelts' portion of the Sign Ordinance.

Mr. DePue stated concerns could be addressed without amendment to the Sign Ordinance, and noted that the Chairman and County Attorney had assured him that the matter could be resolved to everyone's satisfaction.

The Board and staff concurred.

2. Industrial Revenue Bond - The Williamsburg Winery, Ltd.

Mr. Keith A. Taylor, Economic Development Director, stated that a public hearing was held on May 28, 1992, by the Industrial Development Authority on a \$2,800,000 Industrial Development Revenue Bond financing application by The Williamsburg Winery, Ltd.

Mr. Taylor further stated that the IDA approved the Resolution of Inducement encouraging this proposed project.

The IDA recommended approval with conditions listed in the Board of Supervisors' resolution.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was AYE: DePue, Taylor, Sisk, Knudson, Edwards (5). NAY: (0).

R E S O L U T I O N

THE WILLIAMSBURG WINERY, LTD.

APPLICATION FOR INDUSTRIAL DEVELOPMENT BOND FINANCING

WHEREAS, the Industrial Development Authority of the County of James City, Virginia ("Authority"), has considered the application of The Williamsburg Winery, Ltd., ("Company") requesting the issuance of the Authority's private activity revenue bonds in an amount not to exceed \$2,800,000 ("Bonds") to assist in the financing of refunding the initial loans for, expanding, and equipping of Dominion Wine Cellars located at McDevitt Drive and Winery Avenue, Culpeper, in Culpeper County, Virginia, and its Williamsburg Winery located at 5800 Wessex Hundred, Williamsburg, on the east side of Lake Powell Road (Route 618) in James City County, Virginia, ("Project"); and

WHEREAS, the Authority held a public hearing on the application May 28, 1992; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended ("Code"), provides that the governmental unit having jurisdiction over the issuer of private activity revenue bonds and the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity revenue bonds is located must approve the issuance of the bonds; and

WHEREAS, the Authority issues its bonds on behalf of the County of James City, Virginia ("County"); and

WHEREAS, the Project is partially located in the County and the Board of Supervisors of the County of James City, Virginia ("Board") constitutes the highest elected governmental unit of the County; and

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of James City, Virginia:

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.1-1378.1 of the Code of Virginia, 1950, as amended ("Virginia Code"), to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Company.
3. Pursuant to the limitations contained in Temporary Income Tax Regulations Section 5f.103-2(f)(1), this resolution shall remain in effect for a period of one year from the date of its adoption.
4. The Board directs the County Administrator to request an allocation of the State Ceiling in accordance with the provisions of the Sections 15.1-1399.10 through 15.1-1399.17 of the Virginia Code and the applicable regulations, to cover the issuance of the Bonds.
5. This resolution shall take effect immediately upon its adoption.

3. Case No. Z0-8-91. Zoning Ordinance Amendment/Timbering

Mr. Edwards stated that Board inclination was to discontinue consideration of the Timbering Ordinance at this time and made a motion to postpone the item indefinitely.

The Board commended citizens and staff for the hard work and effort put into the proposed amendment.

On a roll call, the vote was AYE: DePue, Taylor, Sisk, Knudson, Edwards (5). NAY: (0).

4. Proposed Methodology for the Comprehensive Plan Annual Review

Mr. Jeffrey J. Mihelich, Planner, stated that the Comprehensive Plan included a provision for an annual review process.

Staff recommended endorsement of the Planning Commission's approval of the methodology as an appropriate course of action for the first annual review of the Comprehensive Plan.

Ms. Knudson made a motion to approve the proposed methodology.

The Board stated concerns with the scope of the process, number of meetings and need for further review.

Staff asked the Board to consider a statement of its intent that could be supplied to the public explaining the annual review process versus the 5-year major review.

Mr. DePue asked staff to provide notes to him from the Comprehensive Plan meetings held prior to its adoption in 1991.

Mr. Edwards declared deferral of the item until the June 15, 1992, Board of Supervisors' meeting.

6. PUBLIC COMMENT

Mr. Edwards gave a brief background of the FY 1992-93 budget process and noted procedures for persons who wanted to comment.

1. The following teachers, students, parents and interested citizens spoke in opposition to the reduction in funding of the School Board's proposed FY 92-93 budget: Susan Miller, Ron Steffey, Edward Boyd, James Whyte, Heather O'Reilly, Ellen Kottas, Nancy Glissan, Richard Aadahl, Jane Sheeran, Bunny Akers, Elise Emanuel, Andrea Fishman, Janet Fuchs, Bryan Geddy, Renee Wilson, Gail Henson, Mary Minor, Donna Billcheck, Hoyt Davenport, Janice Caprini, Jason Coopenrider, Dominic Iannuzzi and Carol Robertson.

2. Mr. Ed Oyer, 139 Indian Circle, spoke in support of the Board of Supervisors' approved budget for schools.

3. Mr. Jay Everson, 130 Oslo Court, expressed appreciation for the service performed by landfill employee, Wade Tibbs.

The Board expressed appreciation for the speakers' comments. Mr. DePue commented that better communications were needed between the Board of Supervisors and School Board; Mr. Sisk stated that the comments would be the basis for next year's budget; Ms. Knudson stated that community efforts should be a joint goal, not separate ones; Mr. Taylor stated that he felt the budget was a good one and the Schools received its reasonable share; and, Mr. Edwards noted that the Board of Supervisors and School Board are amicable, and expressed a need for communications regularly throughout the year.

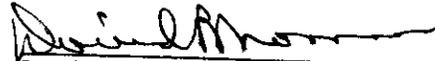
H. REPORTS OF THE COUNTY ADMINISTRATOR - None

I. BOARD REQUESTS AND DIRECTIVES - None

Mr. Taylor made a motion to adjourn.

On a roll call, the vote was AYE: DePue, Taylor, Sisk, Knudson, Edwards (5). NAY: (0).

The Board adjourned at 10:07 p.m.



David B. Norman  
Clerk to the Board

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JUN 1 1992

ORDINANCE NO. 31A-144BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 13, LIMITED INDUSTRIAL DISTRICT, M-1, BY AMENDING SECTION 20-349, STATEMENT OF INTENT; SECTION 20-350, PERMITTED USES; SECTION 20-351, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY AMENDING AND RENUMBERING EXISTING SECTION 20-352, AREA REQUIREMENTS; BY DELETING SECTION 20-353, MINIMUM LOT WIDTH; BY AMENDING SECTION 20-354, SETBACK REQUIREMENTS; SECTION 20-355, SIDE AND REAR YARDS; SECTION 20-357, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND YARD SETBACK REQUIREMENTS; SECTION 20-358, HEIGHT LIMITS; BY DELETING SECTION 20-359, HEIGHT LIMITATION WAIVER; BY AMENDING SECTION 20-360, SIGN REGULATIONS; SECTION 20-361, UTILITIES; SECTION 20-362, SITE PLAN REVIEW; AND BY DELETING SECTION 20-363, PARKING REQUIREMENTS; BY AMENDING DIVISION 14, GENERAL INDUSTRIAL DISTRICT, M-2, BY AMENDING SECTION 20-374, STATEMENT OF INTENT; SECTION 20-375, PERMITTED USES; SECTION 20-376, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY AMENDING AND RENUMBERING EXISTING SECTION 20-377, AREA REQUIREMENTS; BY DELETING SECTION 20-378, MINIMUM LOT WIDTH; BY AMENDING SECTION 20-379, SETBACK REQUIREMENTS; SECTION 20-380, SIDE OR REAR YARDS; SECTION 20-382, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND YARD SETBACK REQUIREMENTS; SECTION 20-383, HEIGHT LIMITS; BY DELETING SECTION 20-384, HEIGHT LIMITATION WAIVER; BY AMENDING SECTION 20-385, SIGN REGULATIONS; SECTION 20-386, UTILITIES; SECTION 20-387, SITE PLAN REVIEW; BY DELETING SECTION 20-388, PARKING REQUIREMENTS; BY ADDING DIVISION 15, LIMITED INDUSTRIAL DISTRICT, M-3, SECTION 20-388, STATEMENT OF INTENT; SECTION 20-389,

Ordinance to Amend and Reordain  
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PERMITTED USES; SECTION 20-390, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 20-390.1., OUTDOOR OPERATIONS AND STORAGE; SECTION 20-391, AREA REQUIREMENTS AND MINIMUM LOT WIDTH; SECTION 20-392, SETBACK REQUIREMENTS; SECTION 20-393, SIDE AND REAR YARDS; SECTION 20-394, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND SETBACK REQUIREMENTS, SECTION 20-395, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; SECTION 20-396, SIGN REGULATIONS AND PARKING REQUIREMENTS; SECTION 20-397, UTILITIES; AND SECTION 20-398, SITE PLAN REVIEW; TO ALLOW THESE DISTRICTS TO SUPPORT THE GOALS OF THE COMPREHENSIVE PLAN IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF JAMES CITY COUNTY AND TO ENSURE THESE DISTRICTS ARE MADE AVAILABLE TO PROMOTE LIMITED BUSINESS AND INDUSTRIAL USES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Article IV, Districts, Division 13, Limited Business-Industrial District, M-1, by amending Section 20-349, Statement of Intent; Section 20-350, Permitted Uses; Section 20-351, Uses Permitted by Special Use Permit Only; by adding new Section 20-352, Outdoor Operations and Storage; by amending and renumbering existing Section 20-352, Area Requirements and Minimum Lot Width; by deleting Section 20-353; Minimum Lot Width; by amending Section 20-354, Setback Requirements; Section 20-355, Side and Rear Yards; Section 20-357 Special Provisions for the Waiver of Area, Lot Width, Yard and Setback Requirements; Section 20-358, Height Limits and Height Limitation Waivers; by deleting Section 20-359, Height Limitation Waiver; by amending Section 20-360, Sign Regulations and Parking Requirements; Section 20-361, Utilities; Section 20-362, Site Plan Review; and by deleting Section 20-363, Parking Requirements; by amending Division 14, General Industrial District,

M-2, by amending Section 20-374, Statement of Intent; Section 20-375, Permitted Uses; Section 20-376, Uses Permitted by Special Use Permit Only; by adding new Section 20-377, Outdoor Operations and Storage; by amending and renumbering existing Section 20-377, Area Requirements and Minimum Lot Width; by deleting Section 20-378, Minimum Lot Width; by amending Section 20-379, Setback Requirements; Section 20-380, Side and Rear Yards; Section 20-382, Special Provisions for the Waiver of Area, Lot Width, Yard and Setback Requirements; Section 20-383, Height Limits and Height Limitation Waivers; by deleting Section 20-384, Height Limitation Waiver; by amending Section 20-385, Sign Regulations and Parking Requirements; Section 20-386, Utilities; Section 20-387, Site Plan Review; by deleting Section 20-388, Parking Requirements; by adding Division 15, Limited Industrial District, M-3, Section 20-388, Statement of Intent; Section 20-389, Permitted Uses; Section 20-390, Uses Permitted by Special Use Permit Only; Section 20-390.1., Outdoor Operations and Storage; Section 20-391, Area Requirements and Minimum Lot Width; Section 20-392, Setback Requirements; Section 20-393, Side and Rear Yards; Section 20-394, Special Provisions for the Waiver of Area, Lot Width, Yard and Setback Requirements, Section 20-395, Height Limits and Height Limitation Waivers, Section 20-396, Sign Regulations and Parking Requirements; Section 20-397, Utilities; and Section 20-398, Site Plan Review; to allow these districts to support the goals of the Comprehensive Plan in order to protect the Health, Safety and Welfare of the residents of James City County and to ensure these districts are made available to promote Limited Business and Industrial uses.

ARTICLE IV. DISTRICTS

DIVISION 13. LIMITED *BUSINESS/INDUSTRIAL* DISTRICT, M-1.

Section 20-349. 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 residential development. The specific intent of this district is to accomplish the following:

- (a) Encourage the use of land for limited *business and industrial* purposes; and
- (b) Prohibit residential developments on land reserved for limited *business and industrial* uses; and
- ~~(c) Encourage the discontinuance of existing uses which would not be permitted as new uses under the provisions of this Chapter; and~~
- (c) Permit certain commercial and office uses in a manner which is compatible with limited *business and industrial* uses; and

- (d) Establish minimum requirements to protect the health, safety, and welfare of the citizens of James City County from the effects of the development of limited *business and* industrial uses.

Section 20-350. Permitted Uses.

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:

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

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

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

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

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

~~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 and yarn.~~

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

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

~~Manufacture of carpets and carpet yarns.~~

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

~~Welding and machine shops with storage under cover or screened with landscaping and fencing from adjacent property.~~

~~Contractor offices, equipment storage yards, shops and warehouses with storage under cover or screened with landscaping and fencing from adjacent property.~~

~~Water well drilling establishments.~~

~~Warehouse, storage, and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property.~~

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

~~Corporate, business, professional, and governmental offices.~~

~~Data processing centers.~~

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

~~Industrial and technical training schools.~~

~~Commercial banks, credit unions, and other similar financial institutions.~~

~~Employment services or agencies.~~

~~Janitorial service establishments.~~

~~Security service offices.~~

~~Furniture and carpet stores.~~

~~Cabinet and upholstery shops.~~

~~Veterinary hospitals and kennels.~~

~~Dry cleaners and laundries.~~

~~Automobile sales and service with major repair under cover.~~

~~Home appliance sales and service.~~

~~Wholesale and retail lumber and building supply stores with storage under cover or screened with landscaping and fencing from adjacent property.~~

~~Wholesale and retail plumbing and electrical supply stores with storage under cover or screened with landscaping and fencing from adjacent property.~~

~~Machinery sales and service with major repair under cover.~~

~~Heavy equipment sales and service, with major repair under cover.~~

~~Vehicle and trailer sales and service, with major repair under cover.~~

~~Wholesale and retail nurseries.~~

~~Plant and garden supply and hardware and paint stores.~~

~~Manufactured home or mobile home sales.~~

~~Locksmith and gunsmith shops.~~

~~Automobile service stations and truck terminals with sale of fuel in accordance with Section 20-89.~~

~~Tire, transmission, glass, body and fender and other automotive products sales and service with major repair under cover and vehicle storage screened from adjacent property by landscaping and fencing.~~

~~Farm supply feed and seed stores.~~

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

~~Restaurants, tearooms and taverns.~~

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

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

~~Farmer's markets.~~

~~Places of worship.~~

~~Fire stations.~~

~~Post offices.~~

~~Telephone exchanges and telephone switching stations.~~

~~Accessory uses as defined in Section 20-2 of this Chapter.~~

~~Off street parking as required by this Chapter.~~

~~Indoor sport facilities, health clubs and exercise clubs.~~

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

~~Department stores, wearing apparel, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, pet, picture framing, stamp and coin, travel bureau, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.~~

~~Drugstores, barber shops and beauty shops.~~

~~Publicly owned solid waste container sites.~~

*Accessory uses as defined in Section 20-2 of this Chapter.*

\* *Antennas and towers, self-supported, (not attached to buildings) less than sixty feet in height.*

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

*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 20-89.*

*Banks, credit unions, and other similar financial institutions.*

*Barber shops and beauty shops.*

*Book stores.*

*Cabinet and upholstery shops.*

*Candy stores.*

*Carpet stores.*

*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.*

*Corporate, business, professional, and governmental offices.*

\* *Courier services.*

*Data processing centers.*

*Department stores.*

*Dressmaking stores.*

*Drugstores.*

*Dry cleaners and laundries.*

*Employment services or agencies.*

*Farmer's markets.*

*Feed, seed, and farm supply stores.*

*Fire stations.*

*Florist stores.*

*Furniture stores.*

*Furrier stores.*

*Greeting card stores.*

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

*Home appliance sales and service.*

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

*Ice cream stores.*

*Indoor sport facilities, health clubs and exercise clubs.*

*Industrial and technical training schools.*

*Janitorial service establishments.*

*Jewelry sales and service.*

\* *Laser technology production.*

*Locksmith and gunsmith shops excluding shooting ranges.*

*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, 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 and yarn.*

*Manufacture, compounding, processing or packaging of cosmetic, toiletry, and pharmaceutical products.*

*Manufacture of carpets and carpet yarns.*

*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.*

*Music and record stores.*

*Nurseries.*

*Off-street parking as required by this Chapter.*

*Pet stores.*

*Picture framing stores.*

*Places of worship.*

*Plant and garden supply and hardware and paint stores.*

*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.*

*Publicly owned solid waste container sites.*

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

*Research, development, and design facilities.*

*Restaurants, tearooms and taverns.*

*Retail food stores, bakeries and fish markets.*

*Security service offices.*

*Shoe stores.*

*Sporting goods stores.*

*Stamp and coin stores.*

*Tailor shops.*

*Telephone exchanges and telephone switching stations.*

*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.*

*Tobacco and pipe stores.*

*Toy stores.*

*Travel bureaus.*

*Vehicle and trailer sales and service, with major repair (limited to a fully enclosed building).*

*Veterinary hospitals and kennels.*

*Warehouse, storage, and distribution centers with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.*

*Water well drilling establishments.*

*Wearing apparel stores.*

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

*Yard goods stores.*

Section 20-351. 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:

~~Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.~~

~~Day care centers.~~

~~Truck stop.~~

~~Outdoor sports facilities.~~

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

~~Radio stations, television stations, transmission relay stations and communication towers which exceed 60 feet in height.~~

~~Petroleum storage.~~

~~New or expansion of water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.~~

~~Sanitary landfills in accordance with Section 20 97 and waste disposal facilities.~~

~~Resource recovery facilities.~~

~~Airports.~~

~~Hospitals.~~

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

~~Funeral homes.~~

~~Commercial marinas, docks, piers, yacht clubs, boat basins and servicing areas for same.~~

~~Manufacture of furniture.~~

~~Manufacture and sale of glass and glass products.~~

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

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

~~Public or private water and sewer facilities, 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, private connections to existing mains, which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.~~

~~Public or private transmission pipelines, 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.~~

~~Public or private electrical generation facilities, 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.~~

~~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 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.~~

- \* *Airports and landing fields, heliports, helistops, and accessory uses.*
- \* *Antennas and towers (not attached to buildings) in excess of sixty feet in height.*

*Commercial marinas, docks, piers, yacht clubs, boat basins and servicing areas for same.*

*Convenience stores, if fuel is sold, then in accordance with Section 20-89.*

*Day care and child care centers.*

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 sixty-nine kilovolts or more.

~~Funeral homes.~~

Hospitals.

~~Lodges, —civic —clubs,— fraternal— organizations,— service clubs,— and assembly-halls.~~

Manufacture and sale of glass and glass products.

Manufacture and storage of ice, including dry ice.

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

Manufacture of furniture.

Outdoor sports facilities.

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.

Resource recovery facilities.

Sanitary landfills in accordance with Section 20-97 and waste disposal facilities.

\* Shooting ranges, indoor.

Theme parks of ten acres or more.

*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 20-89.*

*Water and sewer facilities (public or private), 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, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, including pump stations, are permitted generally and shall not require a Special Use Permit.*

*Water impoundments, new or expansion of, for public or private use, of fifty acres or more and a dam height of twenty-five feet or more.*

*Section 20-352 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 20-91 of this Chapter.*

Section 20-3523. Area Requirements *and Minimum Lot Width.*

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

~~Section 20-353. Minimum Lot Width.~~

- ~~(b) Minimum width of lots in the Limited Industrial District, M-1, shall be 75 feet at the setback line.~~

Section 20-354. Setback Requirements.

(a) Structures shall be located ~~(50)~~ fifty feet or more from any street right-of-way which is ~~(50)~~ fifty feet or greater in width. Where the street right-of-way is less than ~~(50)~~ fifty feet in width, structures shall be located ~~(75)~~ seventy-five 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)~~ thirty-five feet in height shall be increased one foot for each two feet of the structure's height in excess of ~~(35)~~ thirty-five feet.

(b) The minimum setback shall also be increased to a minimum of ~~(75)~~ seventy-five feet from any street with a right-of-way ~~(50)~~ fifty feet or greater in width and 100 feet from any street with a right-of-way of less

than ~~(50)~~ fifty 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)~~ thirty-five feet in height shall be increased one foot for each two feet of the structure's height in excess of ~~(35)~~ thirty-five feet.

Section 20-355. Side and rear yards.

(a) Structures shall be located twenty ~~(20)~~ feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of thirty-five ~~(35)~~ feet in height shall be increased one foot for each two ~~(2)~~ feet of height in excess of thirty-five ~~(35)~~ feet.

(b) The minimum side yard shall be increased to seventy-five ~~(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 and the minimum rear yard shall be increased to seventy-five ~~(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 thirty-five ~~(35)~~ feet in height shall be increased one foot for each two feet ~~(2)~~ of height in excess of thirty-five ~~(35)~~ feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the Planning Commission; provided, however, that no structure shall be located within ten ~~(10)~~ feet of any property line.

Section 20-357. Special provisions for the waiver of area, lot width, yard and yard setback requirements.

To allow the subdivision of *business/industrial* property on which *business and industrial* units for sale, for sale in condominium, or for lease are constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan, the ~~p~~Planning ~~e~~Commission may grant, at its discretion, a waiver from any part of Section 20-352~~3~~ through 20-355 upon finding:

- ~~(1)~~ (a) The overall complex or structure, if considered as a single unit, meets all of the requirements of Section 20-352~~3~~ through 20-355;
- ~~(2)~~ (b) Adequate parking is provided as per the requirements of this Chapter, and, where determined necessary by the *Planning* ~~e~~Commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas;
- ~~(3)~~ (c) Adequate provisions are made to assure compliance with the requirements of this Chapter with regards to signs, and, where determined necessary by the *Planning* ~~e~~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 frontage or yard area of the individual units; and

- (4) (d) The complex or structure is adequately designed and serviced from the standpoint of safety, and that the eCounty fFire eChief certifies finds that the fire safety equipment to be installed is adequately designed and the eCounty bBuilding eOfficial certifies finds the complex is designed to conform to the ~~BOCA Code~~, *Uniform Statewide Building Code*, so as to offer adequate protection to life and property.

Section 20-358. Height Limits *and Height Limitation Waivers*.

~~Buildings and other~~ Structures may be erected up to ~~(60)~~ sixty feet in height from grade to the top of the structure. Structures in excess of sixty 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.

Water towers, chimneys, flues, flag poles, 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. are exempt. Parapet walls may be up to four feet above the height of the building on which the wall rests.~~

Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:

- (a) Additional setbacks have been provided as required by Section 20-354 and Section 20-355; however, the Board may waive additional setbacks in excess of sixty feet;
- (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;
- (d) Such structure will not impair property values in the area;
- (e) 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
- (f) Such structure will not be contrary to the public health, safety and general welfare.

~~Section 20 359. Height Limitation Waiver.~~

~~A structure 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. Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:~~

- ~~(a) Additional setbacks have been provided as required by Section 20 354 and Section 20 355 of this Chapter. Setbacks in excess of 60 feet may be waived by the Board of Supervisors;~~
- ~~(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;~~
- ~~(d) Such building will not impair property values in the area;~~
- ~~(e) Such structure is adequately designed and served from the standpoint of safety, and that the County Fire Chief certifies 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~~
- ~~(f) Such building will not be contrary to the public health, safety and general welfare.~~

Section 20-360. 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 VII of this Chapter.

(b) *Off-street parking and off-street loading shall be provided as required in Sections 20-12 and 20-13 of this Chapter.*

Section 20-361. Utilities.

(a) 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 ~~the Site Plan Review section~~ Article II, Site Plan of this Chapter.

Section 20-362. Site Plan Review.

All ~~buildings structures~~ or complexes of ~~buildings structures~~ erected, altered, or restored within the district shall be subject to Site Plan Review in accordance with Article II of this Chapter.

~~Section 20 363. Parking Requirements.~~

~~Off street parking and off street loading shall be provided as  
required in Article I, Sections 20 12 and 20 13 of this Chapter.~~

DIVISION 14. GENERAL INDUSTRIAL DISTRICT, M-2

Section 20-374. 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:

- (a) Encourage the use of land for industrial purposes;
- (b) Prohibit residential and commercial service developments on land reserved for industrial uses; *and*
- ~~(c) Encourage the discontinuance of existing uses which would not be permitted as new uses under the provision of this Chapter; and~~
- ~~(d)~~ (c) *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.*

Section 20-375. Permitted Uses.

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

~~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.~~

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

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

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

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

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

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

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

~~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, and yarn.~~

~~Manufacture of glass and glass products.~~

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

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

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

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

~~Breweries and other necessary associated activities.~~

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

~~Manufacture and sale of wood products.~~

~~Wood preserving operations.~~

~~Manufacture of furniture.~~

~~Manufacture of carpets and carpet yarns.~~

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

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

~~Manufacture of batteries.~~

~~Metal foundry and heavy weight casting.~~

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

~~Structural iron and steel fabrication.~~

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

~~Warehouse, storage, and distribution centers.~~

~~Boiler shops.~~

~~Water well drilling establishments.~~

- ~~Manufacture and storage of ice, including dry ice.~~
- ~~Printing, lithographing, engraving, photocopying, blue printing, and publishing establishments.~~
- ~~Corporate, business, professional and governmental offices.~~
- ~~Data processing centers.~~
- ~~Research, development, and design facilities.~~
- ~~Industrial and technical training schools.~~
- ~~Commercial banks, credit unions and other similar financial institutions.~~
- ~~Employment services or agencies.~~
- ~~Janitorial service establishments.~~
- ~~Security service offices.~~
- ~~Fire stations.~~
- ~~Post offices.~~
- ~~Accessory uses as defined in Section 20-2 of this Chapter.~~
- ~~Off street parking as required by this Chapter.~~
- ~~Apartment or living quarters for a guard, caretaker or other person employed on the premises which is clearly secondary to the industrial use of the property.~~
- ~~Automobile service stations and truck terminals with sale of fuel in accordance with Section 20-89.~~
- ~~Publicly owned solid waste container sites.~~
- ~~Telephone exchanges and telephone switching stations.~~
- ~~Retail sales of products related to the main use provided floor area for retail sales comprises less than 25% of the first floor area of the main use.~~

*Accessory uses as defined in Section 20-2.*

\* *Antennas and towers, self-supported, (not attached to buildings) less than sixty feet in height.*

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

*Automobile service stations, if fuel is sold, then in accordance with Section 20-89.*

\* *Banks as accessory to other permitted uses.*

*Boiler shops.*

*Breweries and other necessary associated activities.*

~~*Commercial banks, credit unions and other similar financial institutions.*~~

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

*Corporate, business, professional and governmental offices.*

~~*Data processing centers.*~~

\* *Day care and child care centers as accessory to other permitted uses.*

*Drop-forge industries, manufacturing forgings with a power hammer.*

*Employment services or agencies.*

*Fire stations.*

*Industrial and technical training schools.*

*Janitorial service establishments.*

*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, and yarn.*
- Manufacture, compounding, processing or packaging of cosmetic, 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.*

*Metal foundry and heavy weight casting.*

*Off-street parking as required by this Chapter.*

*Post offices.*

*Printing, lithographing, engraving, photocopying, blue printing, and publishing establishments.*

*Publicly owned solid waste container sites.*

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

*Research, development, and design facilities.*

\* *Restaurants as accessory to other permitted uses.*

*Retail sales of products related to the main use, provided floor area for retail sales comprises less than twenty-five percent of the first floor area of the main use.*

*Security service offices.*

*Structural iron and steel fabrication.*

*Telephone exchanges and telephone switching stations.*

*Warehouse, storage, and distribution centers.*

*Water well drilling establishments.*

\* *Waterfront businesses to include storage and tank shipment of waterborne commerce, or seafood receiving, packing and distribution.*

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

*Wood preserving operations.*

Section 20-376. 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:

- ~~Truck stop.~~
- ~~Manufacture of fertilizer.~~
- ~~Manufacture and compounding of chemicals.~~
- ~~Manufacture and storage of explosives.~~
- ~~Crushed stone, sand, gravel, or mineral mining; storage and distribution of same.~~
- ~~Manufacture of cement, lime, gypsum, bricks, and stone products.~~
- ~~Asphalt mixing plants.~~
- ~~Paper and pulp manufacture.~~
- ~~Petroleum refining.~~
- ~~Petroleum storage.~~
- ~~Radio stations, television stations, transmission relay stations and communication towers which exceed 100 feet in height.~~
- ~~Sewage and water treatment or purification plants.~~
- ~~New or expansion of water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.~~
- ~~Airports.~~
- ~~Sanitary landfills in accordance with Section 20-97.~~
- ~~Electric power generating plants.~~
- ~~Electric power generating plants.~~
- ~~Resource recovery facilities.~~

~~Automobile graveyards and scrap metal storage yards.~~

~~Public or private water and sewer facilities, 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, private connections to existing mains which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.~~

~~Public or private transmission pipelines, 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.~~

~~Public or private electrical generation facilities, 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.~~

~~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 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.~~

- \* Airports and landing fields, heliports, helistops, and accessory uses.
- \* Antennas and towers (not attached to buildings) in excess of sixty 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.

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 sixty-nine kilovolts or more.

~~Electric power-generating plants.~~

Manufacture and compounding of chemicals.

Manufacture and storage of explosives.

Manufacture of cement, lime, gypsum, bricks, and stone products.

Manufacture of fertilizer.

Paper and pulp manufacture.

Petroleum refining.

Petroleum storage.

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.

\* *Ready mix concrete production.*

*Resource recovery facilities.*

*Sanitary landfills in accordance with Section 20-97.*

~~*Sewage and water treatment or purification plants.*~~

*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 20-89.*

*Water and sewer facilities (public or private), 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, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, including pump stations, are permitted generally and shall not require a Special Use Permit.*

*Water impoundments, new or expansion of, for public or private use, of fifty acres or more and a dam height of twenty-five feet or more.*

*Section 20-377. 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 20-91 of this Chapter.*

*Section 20-378. Area Requirements and Minimum Lot Width.*

*(a) Minimum lot size shall be 10,000 square feet.*

*(b) Minimum width of lots shall be seventy-five feet at the setback line.*

~~Section 20-378. Minimum Lot Width.~~

~~Minimum width of lots in the General Industrial District, M 2, shall be 75 feet at the setback line.~~

*Section 20-379. Setback Requirements.*

*(a) Structures shall be located fifty (50) feet or more from any street right-of-way which is (50) fifty feet or greater in width. Where the street right-of-way is less than (50) fifty feet in width, structures shall be located (75) seventy-five feet or more from the center line of the*

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 thirty-five ~~(35)~~ feet in height shall be increased one foot for each two ~~(2)~~ feet of height in excess of thirty-five ~~(35)~~ feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the Planning Commission; provided, however, that no structure shall be located within ten ~~(10)~~ feet of any property line.

Section 20-382. Special provisions for the waiver of area, lot width, yard and yard setback requirements.

To allow the subdivision of industrial property on which industrial units for sale, for sale in condominium, or for lease are constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan, the Planning Commission may grant, at its discretion, a waiver from any part of Section 20-3778 through 20-380 upon finding:

~~(1)~~ (a) The overall complex or structure, if considered as a single unit, meets all of the requirements of Sections 20-3778 through 20-380; and

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 thirty-five ~~(35)~~ feet in height shall be increased one foot for each two ~~(2)~~ feet of height in excess of thirty-five ~~(35)~~ feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the Planning Commission; provided, however, that no structure shall be located within ten ~~(10)~~ feet of any property line.

Section 20-382. Special provisions for the waiver of area, lot width, yard and ~~yard~~ setback requirements.

To allow the subdivision of industrial property on which industrial units for sale, for sale in condominium, or for lease are constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan, the Planning Commission may grant, at its discretion, a waiver from any part of Section 20-3778 through 20-380 upon finding:

- ~~(1)~~ (a) The overall complex or structure, if considered as a single unit, meets all of the requirements of Sections 20-3778 through 20-380; and

- (2) (b) Adequate parking is provided as per the requirements of this Chapter, and, where determined necessary by the Planning eCommission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas; and
- (3) (c) Adequate provisions are made to assure compliance with the requirements of this Chapter with regards to signs, and, where determined necessary by the Planning eCommission, 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 frontage or yard area of the individual units; and
- (4) (d) The complex or structure is adequately designed and serviced from the standpoint of safety, and that the eCounty fFire eChief certifies finds that the fire safety equipment to be installed is adequately designed and the eCounty bBuilding eOfficial certifies finds the complex is designed to conform to the ~~BOCA Code~~, Uniform Statewide Building Code, so as to offer adequate protection to life and property.

Section 20-383. Height Limits *and* Height Limitation Waivers.

~~Buildings and other~~ Structures may be erected up to ~~100~~ sixty feet in height from grade to the top of the structure. Structures in excess of sixty 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.

Water towers, chimneys, flues, flag poles, 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. ~~are exempt. Parapet walls may be up to four feet above the height of the building on which the wall rests.~~

Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:

- (a) Additional setbacks have been provided as required by Section 20-379 and Section 20-380; however, the Board may waive additional setbacks in excess of sixty feet;
- (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;

- (d) Such structure will not impair property values in the area;
- (e) 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
- (f) Such structure will not be contrary to the public health, safety and general welfare.

~~Section 20 384. Height Limitation Waiver.~~

~~A structure 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. Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:~~

- ~~(a) Additional setbacks have been provided as required by Section 20 354 and Section 20 355 of this Chapter. Setbacks in excess of 60 feet may be waived by the Board of Supervisors;~~
- ~~(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;~~
- ~~(d) Such building will not impair property values in the area;~~
- ~~(e) Such structure is adequately designed and served from the standpoint of safety, and that the County Fire Chief certifies 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~~
- ~~(f) Such building will not be contrary to the public health, safety and general welfare.~~

Section 20-385. 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 VII of this Chapter.

(b) *Off-street parking and off-street loading shall be provided as required in Sections 20-12 and 20-13.*

Section 20-386. 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 20-386.1. The location of all utilities and utility easements shall be shown on the site plans and be approved as per ~~the Site Plan Review Section Article II, Site Plan~~ of this Chapter.

Section 20-387. Site Plan Review.

All ~~buildings structures~~ or complexes of ~~buildings structures~~ erected, altered, or restored within the District shall be subject to Site Plan Review in accordance with ~~Section 20-35, Article II~~ of this Chapter.

~~Section 20-388. Parking Requirements.~~

~~Off street parking and off street loading shall be provided as required in Article I, Sections 20-12 and 20-13 of this Chapter.~~

*DIVISION 15. LIMITED INDUSTRIAL DISTRICT, M-3.*

*Section 20-388. Statement of Intent.*

*The primary purpose of the Limited Industrial District, M-3, is to establish an area where the principal use of land is for limited industrial operations which are not ordinarily compatible with residential and retail business development. The specific intent of this district is to accomplish the following:*

- (a) Encourage the use of land for limited industrial purposes;*
- (b) Prohibit residential and retail business developments on land reserved for limited industrial uses; and*
- (c) Establish minimum requirements to protect the health, safety, and welfare of the citizens of James City County from the effects of the development of limited industrial uses.*

*Section 20-389. Permitted Uses.*

*In the Limited Industrial District, M-3, buildings to be erected or land to be used shall be for one or more of the following or similar uses:*

*Accessory uses as defined in Section 20-2.*

*Antennas and towers, self-supported, (not attached to buildings) less than sixty feet in height.*

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

*Automobile service station, if fuel is sold, then in accordance with Section 20-89.*

*Banks as accessory to other permitted uses.*

*Clinics as accessory to other permitted uses.*

*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.*

*Corporate offices.*

*Courier services.*

*Data processing centers as accessory to other permitted uses.*

*Day care and child care centers as accessory to other permitted uses.*

*Fire stations.*

*Heavy equipment sales and service, with major repair (limited to a fully enclosed building).*

*Industrial training schools.*

*Industrial dry cleaners and laundry.*

*Janitorial service establishments.*

*Laser technology production.*

*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, 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, and yarn.*

*Manufacture, compounding, processing or packaging of cosmetic, toiletry, and pharmaceutical products.*

*Manufacture of carpets and carpet yarns.*

*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.*

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

*Nurseries.*

*Off-street parking as required by this Chapter.*

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

*Publicly owned solid waste container sites.*

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

*Research, development, and design facilities.*

*Restaurants as accessory to other permitted uses.*

*Telephone exchanges and telephone switching stations.*

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

*Warehouse, storage, and distribution centers with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.*

*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.*

*Section 20-390. Uses permitted by special use permit only.*

*In the Limited Industrial District, M-3, 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 or towers (not attached to buildings) in excess of sixty feet in height.*

*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 sixty-nine kilovolts or more.*

*Heliports and helistops and accessory uses.*

*Manufacture of glass products.*

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

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

*Manufacture of furniture.*

*Marinas, docks, piers, yacht clubs, boat basins and servicing areas for same.*

*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.*

*Resource recovery facilities.*

*Sanitary landfills in accordance with Section 20-97 and waste disposal facilities.*

*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 20-89.*

*Water and sewer facilities (public or private), 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, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, including pump stations, are permitted generally and shall not require a Special Use Permit.*

*Water impoundments, new or expansion of, for public or private use of fifty acres or more and a dam height of twenty-five feet or more.*

*Section 20-390.1. 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 20-91 of this Chapter.*

*Section 20-391. Area Requirements and Minimum Lot Width.*

*(a) Minimum lot size shall be 10,000 square feet.*

*(b) Minimum width of lots shall be seventy-five feet at the setback line.*

*Section 20-392. Setback Requirements.*

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

(b) The minimum setback shall also be increased to a minimum of seventy-five feet from any street with a right-of-way fifty feet or greater in width and 100 feet from any street with a right-of-way of less than fifty 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 thirty-five feet in height shall be increased one foot for each two feet of the structure's height in excess of thirty-five feet.

*Section 20-393. Side and rear yards.*

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

(b) *The minimum side yard shall be increased to seventy-five 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 and the minimum rear yard shall be increased to seventy-five 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 thirty-five feet in height shall be increased one foot for each two feet of height in excess of thirty-five feet.*

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

*Section 20-394. Special provisions for the waiver of area, lot width, yard and setback requirements.*

*To allow the subdivision of industrial property on which industrial units for sale, for sale in condominium, or for lease are constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan, the Planning Commission may grant, at its discretion, a waiver from any part of Section 20-391 through 20-393 upon finding:*

- (a) *The overall complex or structure, if considered as a single unit, meets all of the requirements of Section 20-391 through 20-393;*
- (b) *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;*
- (c) *Adequate provisions are made to assure compliance with the requirements of this Chapter with regards to signs, 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 frontage or yard area of the individual units; and*
- (d) *The complex or structure is adequately designed and serviced from the standpoint of safety, and that the County Fire Chief finds that the fire safety equipment to be installed is adequately designed and the County Building Official finds the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.*

*Section 20-395. Height Limits and Height Limitations Waivers.*

*Structures may be erected up to sixty feet in height from grade to the top of the structure. Structures in excess of sixty 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.*

*Water towers, chimneys, flues, flag poles, 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.*

*Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:*

- (a) Additional setbacks have been provided as required by Section 20-392 and Section 20-393; however, the Board may waive additional setbacks in excess of sixty feet;*
- (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;*
- (d) Such structures will not impair property values in the area;*

- (e) *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*
- (f) *Such structures will not be contrary to the public health, safety and general welfare.*

*Section 20-396. Sign Regulations and Parking Requirements.*

(a) *To assure an appearance and condition which is consistent with the purposes of the Limited Industrial District, M-3, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article VII of this Chapter.*

(b) *Off-street parking and off-street loading shall be provided as required in Sections 20-12 and 20-13 of this Chapter.*

*Section 20-397. Utilities.*

(a) *All development 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 II, Site Plan of this Chapter.

Section 20-398. 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 II of this Chapter.

  
\_\_\_\_\_  
Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
David B. Norman  
Clerk to the Board

SUPERVISOR	VOTE
DEPUE	AYE
TAYLOR	NAY
SISK	AYE
KNUDSON	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 1st day of June, 1992.