

ADOPTED

MAR 23 1999

ORDINANCE NO. 31A-187

**BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA**

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, SECTION 24-367, STATEMENT OF INTENT; SECTION 24-368, PERMITTED USES; SECTION 24-369, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY RENUMBERING SECTION 24-370, AREA REQUIREMENTS WITH NEW NUMBER 24-371; BY AMENDING AND RENUMBERING SECTION 24-371, SETBACK REQUIREMENTS WITH NEW NUMBER 24-372; BY AMENDING AND RENUMBERING SECTION 24-372, YARD REGULATIONS WITH NEW NUMBER 24-373; BY AMENDING AND RENUMBERING SECTION 24-373, SPECIAL PROVISIONS FOR THE ADJUSTMENT OF YARD REQUIREMENTS WITH NEW NUMBER 24-374; BY AMENDING AND RENAMING SECTION 24-375, HEIGHT AND BULK LIMITS WITH NEW NAME HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; BY RENUMBERING SECTION 24-376, SIGN REGULATIONS WITH NEW NUMBER 24-377; BY RENUMBERING SECTION 24-377, OUTDOOR STORAGE PROHIBITED WITH NEW NUMBER 24-378; BY RENUMBERING SECTION 24-378, SITE PLAN REVIEW WITH NEW NUMBER 24-379; BY RENUMBERING SECTION 24-379, RESERVED WITH NEW NUMBER 24-382; BY ADDING SECTION 24-370, SPECIAL PROVISIONS FOR AREAS WITHIN THE LIMITED BUSINESS DISTRICT, LB, DESIGNATED NEIGHBORHOOD COMMERCIAL OR LOW-DENSITY RESIDENTIAL ON THE COMPREHENSIVE PLAN; BY ADDING SECTION 24-376, BUILDING COVERAGE LIMITS; BY ADDING SECTION 24-380, SIDEWALKS; AND BY ADDING SECTION 24-381, 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 9, Limited Business District, LB, Section 24-367, Statement of intent; Section 24-368, Permitted uses; Section 24-369, Uses permitted by special use permit only; Section 24-370, Special provisions for areas within the Limited Business District, LB, designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan; Section 24-371, Area requirements; Section 24-372, Setback requirements; Section 24-373, Yard regulations; Section 24-374, Special provisions for the adjustment of yard requirements; Section 24-375, Height limits and height limitation waivers; Section 24-376, Building coverage limits; Section 24-377, Sign regulations; Section 24-378, Outdoor storage prohibited; Section 24-379, Site plan review; Section 24-380, Sidewalks; Section 24-381, Landscaping; and Section 24-382, Reserved.

Chapter 24. Zoning
Article V. Districts
Division 9, Limited Business District, 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. 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 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.

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

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

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.

Contractor's offices without the storage of construction equipment or building materials.

~~Child day~~ Day care and child care centers.

~~Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, gunsmith (excluding shooting ranges), pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.~~

~~Doctors, dentist and other m~~Medical clinics or offices.

~~Drug stores, barber shops and beauty shops.~~

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, service clubs.

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, art and crafts and handicraft shops, antique shops, reproduction and gift shops.

Plants and garden supply, hardware and paint, and home appliance sales and service stores.

Post offices.

Public meeting halls.

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.

Schools, fire stations, post offices, houses of worship and libraries.

Timbering in accordance with section 24-43.

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.

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

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

Lumber and building supply (with storage 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.

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

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.

Retail food stores.

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, 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.~~
~~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. *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.

(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 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 substantial consistency with the following provisions:*

(1) *Large work area doors or open bays shall be screened from external roadways by fencing or landscaping.*

- (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. 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 landscaped.
- (4) Signs shall generally have no more than three (3) 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 thirty-two (32) square feet not erected to a height greater than eight (8) feet.
- (5) Site landscaping shall be reviewed and approved by the director of planning and shall be consistent with the natural landscape and character of the surroundings. 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 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 square foot building footprint. A special use permit application shall demonstrate to the director of planning substantial conformance to the county's Neighborhood Commercial Development Standards policy.
- (e) Appeals. In the event the director of planning 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 director of planning to the planning commission.

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

Sec. 24-371 ~~372.~~ 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.

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 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.

Sec. 24-372 373. Yard regulations.

- (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, and 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. 24-373 374. Special provisions for the adjustment of yard requirements.

To allow the subdivision of commercial property on which commercial 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 comprehensive coordinated unit under a single master plan, the planning commission may grant, at its discretion, a waiver from any part of section 24-372 upon finding:

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.

In these instances, the planning commission may grant, at its discretion, a waiver from any part of section 24-372 373 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-372 373; and
- (2) Adequate parking is provided as per the requirements of this chapter, and where determined necessary by the 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 VII, division 143 of this chapter, and where determined necessary by the 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.

Sec. 24-374. Reserved.

Sec. 24-375. Height and bulk limits *and height limitation waivers.*

(d) — Building coverage shall not exceed 20 percent of the total lot area and the floor area ratio shall not exceed 0.4.

Sec. 24-376. *Building coverage limits.*

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

Sec. 24-376 ~~377~~. Sign regulations.

Sec. 24-377 ~~378~~. Outdoor storage prohibited.

Sec. 24-378 ~~379~~. Site plan review.

Sec. 24-380. *Sidewalks.*

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

Sec. 24-381. *Landscaping.*

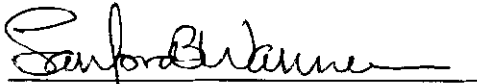
Landscaping shall be provided as required in article II, division 4.

Secs. 24-379.382 - 24-388. Reserved.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	NAY
MCLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of March,
1999.

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