

NOV 08 2016

ORDINANCE NO. 31A-316

**Board of Supervisors
James City County, VA**

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 5, RESIDENTIAL PLANNED COMMUNITY, R-4, SECTION 24-281, USE LIST; AND SECTION 24-286, HEIGHT LIMITS.

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 3, Residential Planned Community, R-4, Section 24-281, Use list; and Section 24-286, Height limits.

DIVISION 5 - RESIDENTIAL PLANNED COMMUNITY, R-4

Sec. 24-281. Use list.

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32	P	
	Accessory apartments, detached, in accordance with section 24-32 and located in an area designated as "A" on the approved master plan		SUP
	Accessory buildings or structures, as defined	P	
	Apartments	P	
	Group homes or residential facilities for eight or fewer adults	P	
	Group homes or residential facilities for nine or more adults		SUP
	Independent living facilities		SUP
	Multi-family dwellings (up to and including four dwelling units)	P	
	Multi-family dwellings (more than four dwelling units)	P	
	Single-family dwellings	P	
Commercial Uses	Accessory buildings or structures, as defined	P	
	Assisted living facilities	P	
	Automobile service stations; if fuel is sold, then in accordance with section 24-38	P	
	Banks and other similar financial institutions	P	
	Barber and beauty shops	P	
	Business, professional and governmental offices	P	
	Continuing care retirement facilities	P	
	Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, 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, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Dinner theaters	P	
	Dry cleaners and laundries	P	
	Funeral homes, cemeteries and memorial gardens	P	
	Home occupations, as defined	P	
	Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields	P	
	Hospitals and mental care facilities	P	
	Hotels, resort hotels, motels, tourist homes and convention centers	P	
	Hunting clubs, conservation areas and preserves	P	
	Indoor theaters, museums, public meeting halls and outdoor entertainment, other than drive-in theaters	P	
	Medical clinics and offices	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Parks, playgrounds, golf courses, tennis courts, swimming pools and other public or private recreation areas	P	
	Photographer, artist and sculptor studios	P	
	Property maintenance facilities, sheds or garages	P	
	Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement	P	
	Rental of rooms to a maximum of three rooms	P	
	Restaurants, fast food restaurants, tea rooms and taverns	P	
	Retail food stores, bakeries and fish markets	P	
	Skilled nursing facilities (nursing homes)	P	
	Yacht clubs, private or commercial marinas, boat storage and service facilities; if fuel is sold, then in accordance with section 24-38	P	
Civic Uses	Fire stations	P	
	Libraries	P	
	Post offices	P	
	Places of public assembly	P	
	Schools	P	
Utility Uses	Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize alternative mounting structures and comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that comply with article II, division 6 of this chapter, only in areas with a designation other than residential on a board adopted master plan</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Public utilities: Poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities	P	
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communication Facilities, only in areas with a designation other than residential on a board adopted master plan		SUP
	Water facilities (public) 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 shall be a permitted use only after the issuance of a special use permit by the board of supervisors. 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.		SUP
	Water impoundments, new or expansion of, 50 acres or more with dam heights of more than 25 feet		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	
Open Uses	Timbering in accordance with section 24-43	P	

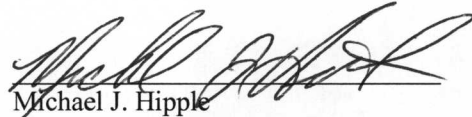
All uses are subject to the limitations hereinafter provided.

Sec. 24-286. Height limits.

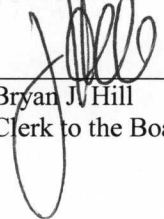
Structures may be erected up to 60 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, athletic field lighting or other accessory functions, which are part of the structure. A structure in excess of 60 feet in height but not in excess of 100 feet, from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank ~~radio, television and microwave antennas and towers~~ or other accessory functions, ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities and in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted,~~ may be erected only upon the granting of a height limitation waiver by the board of supervisors. *Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.*

Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- a. Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
- b. Such structure will not obstruct light from adjacent property;
- c. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- d. Such structure will not impair property values in the surrounding area;
- e. Such structure is adequately designed and served from the standpoint of safety and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, to offer adequate protection to life and property; and
- f. Such structure will not be contrary to the public health, safety and general welfare.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2016.