

**Policy Committee  
Government Center Complex  
Large Conference Room, Building A**

**jUNE 12, 2013 - 3 p.m.**

**1. Roll Call**

**2. Minutes**

A. May 31, 2013

**3. Old Business**

**4. New Business**

A. Zoning and Subdivision Ordinance Amendments

**5. Adjournment**

## MEMORANDUM

DATE: June 12, 2013

TO: Policy Committee

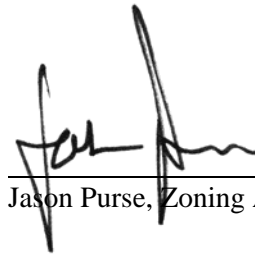
FROM: Jason Purse, Zoning Administrator  
Christopher Johnson, Principal Planner

SUBJECT: ZO-0005-2013, Zoning Ordinance Amendments, Corrections  
SO-0001-2013, Subdivision Ordinance Amendments, Corrections

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At its June 5, 2013 meeting, the Planning Commission voted to defer consideration of the above referenced ordinance amendments to the July 3, 2013 Commission meeting in order to allow additional discussion by the Policy Committee. In addition to copies of the draft ordinance amendments and the Planning Commission staff memo, staff has attached a copy of the M-2, General Industrial District, as it existed prior to the updates that were adopted by the Board of Supervisors on January 10, 2012.

Staff recommends the Policy Committee recommend approval of these changes to the Zoning and Subdivision Ordinances to the Planning Commission.



Jason Purse, Zoning Administrator



Christopher Johnson, Principal Planner

Attachments:

1. June 5, 2013 Planning Commission Memo and attachments
2. M-2, General Industrial District, as it existed prior to January 10, 2012 ordinance amendments

## MEMORANDUM

DATE: June 5, 2013

TO: Planning Commission

FROM: Jason Purse, Zoning Administrator  
Christopher Johnson, Principal Planner

SUBJECT: ZO-0005-2013, Zoning Ordinance Amendments, Corrections  
SO-0001-2013, Subdivision Ordinance Amendments, Corrections

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Staff recently completed the 18-month comprehensive ordinance update process. The various districts were updated in groups, but were also amended at staggered times throughout the process. Now that the fully revised ordinance has been in daily use for some time, a number of consistency and clarity issues have been identified. With the exception of the M-2, General Industrial District, these proposed changes do not represent policy changes in the ordinance, they are merely an attempt to bring an additional level of consistency to the ordinance. The proposed amendments specifically are:

The Highways, Streets, Parking and Loading; Landscaping; Off-street Parking; and Site Plan articles of the ordinance are currently cross referenced in multiple sections. This ordinance update seeks to establish a uniform terminology throughout the ordinance and update all cross references.

Similarly, during the update process, other terms, such as “building safety and permits” and “engineering and resource protection” were used to replace outdated division names. In some instances, not all of the references were completely updated.

A definition for “Places of public assembly” is being added to the ordinance. Staff had previously changed the use list tables to include places of public assembly, including houses of worship, lodges, meeting halls, etc. In an effort to stream line the use list tables, staff has removed references to similar uses from the use tables and will include them in the newly created definition for clarity purposes. Again, this is not a policy change, but rather a way to ensure consistency in interpretation.

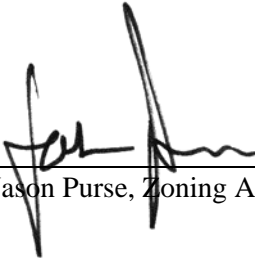
In the R-4, Residential Planned Community District, one section of the ordinance was inadvertently deleted from the previous approved version. There are no setback requirements in the R-4 District, but there was an ordinance provision that required any proposed setbacks to be shown on the final plans. The section also contained language requiring easements for lots where minimal setbacks would necessitate access easements on adjacent property. The proposed amendments would re-insert this language.

In the LB, Limited Business, B-1, General Business, and M-1, Limited Business/Industrial District’s, a small number of uses are proposed to be renamed, moved or added to correct formatting errors and omissions inadvertently made when the use lists were converted into the currently adopted use tables. Based on a recent analysis of undeveloped M-2 properties in concert with the Office of Economic Development, the recommended changes to the General Industrial District also propose a broader list of revisions that correct formatting errors and inadvertent omissions and removes many commercial (e.g., retail) uses that do not represent the highest and best use of the most intense industrially zoned land in the County, which is limited in the amount remaining.

Additional changes include clarification of “building mounted” screening for alternative mounted Wireless Communication Antennas; replacing “bond” with “surety” in the subdivision ordinance; including medical offices as a stated use in MU (it is currently allowed as a business or professional office, but we have a specific designation for “medical offices”); and adding an erosion and sediment control plan as an acceptable plan for the soil stockpile ordinance.

Staff recommends the Planning Commission recommend approval of these changes to the Zoning and Subdivision Ordinances to the Board of Supervisors.

The Policy Committee is scheduled to review these changes at its meeting on May 31, 2013.



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Jason Purse, Zoning Administrator



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Christopher Johnson, Principal Planner

Attachments:

1. Zoning Ordinance
2. Subdivision Ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS, SECTION 24-3, PURPOSE OF CHAPTER; ZONING MAP; BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-46, SOIL STOCKPILING; DIVISION 2, SECTION 24-58, SPECIAL PROVISIONS FOR BUS PARKING; DIVISION 3, EXTERIOR SIGNS, SECTION 24-74, EXEMPTIONS; DIVISION 6, WIRELESS COMMUNICATIONS FACILITIES, SECTION 24-122, ANTENNA MOUNTING; BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-159, COMPLIANCE WITH SITE PLAN REQUIRED; BY AMENDING ARTICLE V, DISTRICTS; DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 24-232, USE LIST, SECTION 24-242, OPEN SPACE WITHIN MAJOR SUBDIVISIONS; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-252, USE LIST, SECTION 24-263, OPEN SPACE WITHIN MAJOR SUBDIVISIONS; DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, SECTION 24-273.2, USE LIST; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST, SECTION 24-287, RESERVED; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-305, USE LIST, SECTION 24-310, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, USE LIST; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST, SECTION 24-392, SETBACK REQUIREMENTS, SECTION 24-398, SIGN REGULATIONS AND PARKING REQUIREMENTS, SECTION 24-399, SITE PLAN REVIEW; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST, SECTION 24-420, SIGN REGULATIONS AND PARKING REQUIREMENTS; DIVISION 12, GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 24-436, USE LIST, SECTION 24-445, SIGN REGULATIONS AND PARKING REQUIREMENTS; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICT, PUD, SECTION 24-491, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE, MU, SECTION 24-515, DOCUMENTS REQUIRED FOR SUBMISSION, SECTION 24-518, USE LIST, SECTION 24-520, OPEN SPACE, SECTION 24-522, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.4, USE LIST, SECTION 24-536.5, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; AND BY AMENDING ARTICLE VI, DIVISION 3, FLOODPLAIN AREA REGULATIONS, SECTION 24-588, COMPLIANCE AND LIABILITY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions, Section 24-3, Purpose of chapter; zoning map; by amending Article II, Special Regulations, Division 1, In General, Section 24-46, Soil stockpiling; Division 2, Section 24-58, Special provisions for bus parking; Division 3, Exterior Signs, Section 24-74, Exemptions; Division 6, Wireless Communications Facilities,

Section 24-122, Antenna mounting; by amending Article III, Site Plan, Section 24-159, Compliance with site plan required; by amending Article V, Districts; Division 3, Limited Residential District, R-1, Section 24-232, Use list, Section 24-242, Open space within major subdivisions; Division 4, General Residential District, R-2, Section 24-252, Use list, Section 24-263, Open space within major subdivisions; Division 4.1, Residential Redevelopment District, R-3, Section 24-273.2, Use list; Division 5, Residential Planned Community District, R-4, Section 24-281, Use list, Section 24-287, Reserved; Division 6, Multifamily Residential District, R-5, Section 24-305, Use list, Section 24-310, Requirements for improvements and design; Division 9, Limited Business District, LB, Section 24-368, Use list; Division 10, General Business District, B-1, Section 24-390, Use list, Section 24-392, Setback requirements, Section 24-398, Sign regulations and parking requirements, Section 24-399, Site plan review; Division 11, Limited Business/Industrial District, M-1, Section 24-411, Use list, Section 24-420, Sign regulations and parking requirements; Division 12, General Industrial District, M-2, Section 24-436, Use list, Section 24-445, Sign regulations and parking requirements; Division 14, Planned Unit Development District Districts, PUD, Section 24-491, Requirements for improvements and design, Section 24-493, Use list; Division 15, Mixed Use, MU, Section 24-515, Documents required for submission, Section 24-518, Use list, Section 24-520, Open space, Section 24-522, Requirements for improvements and design; Division 17, Economic Development District, EO, Section 24-536.4, Use list, Section 24-536.5, Requirements for improvements and design; and by amending Article VI, Division 3, Floodplain Area Regulations, Section 24-588, Compliance and liability.

## Chapter 24

### ARTICLE I. IN GENERAL

#### Sec. 24-2. Definitions.

*Places of public assembly. Places of public assembly include public or private meeting halls, fraternal organizations, houses of worship, civic clubs, and lodges.*

#### Sec. 24-3. Purpose of chapter; zoning map.

(b) This chapter is designed to give reasonable consideration to each of the following purposes, where applicable:

(1) To provide for adequate light, air, convenience of access and safety from fire, flood, ~~impending~~ *impounding* structure failure and other dangers;

(6) To protect against one or more of the following: overcrowding of land; undue density of population in relation to the community facilities existing or available; obstruction of light and air; danger and congestion in travel and transportation; or loss of life, health or property from fire, flood, ~~impending~~ *impounding* structure failure, panic or other dangers;

## Chapter 24

### ARTICLE II. SPECIAL REGULATIONS

#### DIVISION 1. IN GENERAL

##### Sec. 24-46. Soil stockpiling.

(d) *Development plans.* The location, size and dimensions of all stockpiles shall be shown on any associated development plan and approved as part of a site plan, *site erosion and sediment control plan* or construction plan for a subdivision prior to development. At a minimum the plan shall include:

#### DIVISION 2. HIGHWAYS, STREETS, PARKING AND LOADING

##### Sec. 24-58. Special provisions for bus parking.

(f) *Surface and drainage of parking areas.* Bus parking areas shall be surfaced with gravel, stone, asphalt or concrete and shall be maintained in good repair. Adequate drainage shall be provided for the removal of stormwater and a drainage plan shall be submitted with the site plan and approved by the ~~environmental~~ director *of engineering and resource protection.*

#### DIVISION 3. EXTERIOR SIGNS

##### Sec. 24-74. Exemptions.

(18) Off-premises, directional, temporary, and generic open-house realty signs may be erected in any zoning district in accordance with the following regulations:

a. The function of such signs shall be limited to directional purposes, as opposed to the advertisement of an individual realtor or realty firm. The signs shall be generic in style and color. No specific realtor or realty firm name(s) shall appear on such signs provided; however, the registered trademark of the National Association of Realtors, the equal housing opportunity logo, and identification as provided for in (19 18) h. below shall be permitted.

#### DIVISION 6. WIRELESS COMMUNICATIONS FACILITIES

##### Sec. 24-122. Antenna mounting.

2. *Alternative mounting structure - WCFs.* WCFs determined by the planning director to be utilizing alternative mounting structures as defined by this ordinance shall be permitted in all zoning districts and shall conform to the following criteria:

(4) *Building mounted Antennas* shall be mounted in a manner that is architecturally compatible with the structure on which they are located as determined by the planning director. ~~All~~ *Building mounted* antennas (excluding whip antennas under five feet in height) shall be completely screened or camouflaged from view from residentially zoned areas or adjacent roadways.

**Chapter 24**

**ARTICLE III. SITE PLAN**

**Sec. 24-159. Compliance with site plan required.**

*(a) Inspection and supervision during development:*

(1) Unless otherwise specifically provided in this chapter, the construction standards for all on-site and off-site improvements required by this chapter, the site plan or other documents approved by the county shall conform to county design and construction standards. The director of building safety and permits, *or the director of engineering and resource protection, as applicable,* or ~~his~~ *their* agents shall, after approval of the plan and specifications, inspect construction of all improvement and land disturbances to assure conformity with the approved plans to the maximum extent possible.

(2) The owner or agent shall notify the director of ~~building safety and permits~~ *engineering and resource protection* in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.

(3) The ~~stormwater division~~ *engineering and resource protection division* shall, after approval of the plan and specifications, inspect construction of all stormwater installations, including but not limited to BMPs, stormdrains, channels, inlets, and outfalls to assure conformity with the approved plans to the maximum extent possible.

**Chapter 24**

**ARTICLE V. DISTRICTS**

**DIVISION 3. LIMITED RESIDENTIAL DISTRICT, R-1**

**Sec. 24-232. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-234 233(a)	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre in accordance with section 24-234 233(b)		SUP
Commercial	Off-street parking as required by <del>section 24-53</del> <i>article II, division 2 of this chapter</i>	P	
Civic	Places of public assembly, <del>including houses of worship and public meeting halls</del>		SUP



**Sec. 24-242. Open space within major subdivisions.**

(a) Within every subdivision consisting of 50 or more lots, there shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.

(1) Non-developable areas outside of private lots shall be maintained as open space and should be protected through a conservation easement dedicated to the county or other legal entity approved by the county attorney.

(2) In addition, ten percent of the developable area shall also be set aside as open space. The developable area open space may include, but is not limited to:

- a. Areas on site necessary to meet county policies pertaining to natural resources, archaeology, and parks and recreation;
- b. Areas on site used to achieve density bonus points in accordance with S section 24-234 233(b);
- c. The following areas, up to the percent specified:
  - 1. Required right-of-way and perimeter buffers cannot exceed 50 percent of the developable open space required, and
  - 2. *Stormwater* management facilities cannot exceed 20 percent of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures).

(3) For the purposes of meeting the developable open space requirements ~~specified in (c)~~, open space area may not include:

- a. Area on any individual private lots or yards, with the exception of easements for streetscapes; or
- b. Land within public road rights-of-way and utility or drainage easements.

(4) For the purpose of meeting the developable area open space requirements ~~specified in (c)~~, open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for all residents. At a minimum, the open space shall adhere to the following standards:

DIVISION 4. GENERAL RESIDENTIAL DISTRICT, R-2

**Sec. 24-252. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre, either <ul style="list-style-type: none"> <li>• in accordance with section 24-254 253(a), or</li> </ul> contained within a residential cluster development in accordance with article VI, division 1 of this chapter	P	

	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre, either <ul style="list-style-type: none"> <li>• in accordance with section 24-254 253(b), or contained within a residential cluster development in accordance with article VI, division 1 of this chapter</li> </ul>		SUP
Commercial	Off-street parking as required by <del>section 24-53</del> article II, division 2 of this chapter	P	
Civic	Places of public assembly, <del>including houses of worship and public meeting halls</del>		SUP

**Sec. 24-263. Open space within major subdivisions.**

(a) Within every subdivision consisting of 50 or more lots, there shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.

(1) Non-developable areas outside of private lots shall be maintained as open space and should be protected through a conservation easement dedicated to the county or other legal entity approved by the county attorney.

(2) In addition, ten percent of the developable area shall also be set aside as open space. The developable area open space may include, but is not limited to:

- a. Areas on site necessary to meet county policies pertaining to natural resources, archaeology, and parks and recreation;
- b. Areas on site used to achieve density bonus points in accordance with section 24-254 253(b);
- c. The following areas, up to the percent specified:
  1. Required right-of-way and perimeter buffers cannot exceed 50 percent of the developable open space required, and
  2. Stormwater management facilities cannot exceed 20 percent of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures).

(3) For the purposes of meeting the developable open space requirements ~~specified in (e)~~, open space area may not include:

- a. Area on any individual private lots or yards, with the exception of easements for streetscapes, or
- b. Land within public road rights-of-way and utility or drainage easements.

(4) For the purpose of meeting the developable area open space requirements ~~specified in (e)~~, open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for all residents. At a minimum, the open space shall adhere to the following standards:

DIVISION 4.1. RESIDENTIAL REDEVELOPMENT DISTRICT, R-3

**Sec. 24-273.2. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Off-street parking as required by <del>section 24-53</del> <i>article II, division 2 of this chapter</i>	P	
	<del>Places of public assembly, such as meeting halls and houses of worship</del>	P	

DIVISION 5. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4

**Sec. 24-281. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Accessory apartments <i>in accordance with section 24-32</i>	P	
Commercial	Off-street parking as required by <del>section 24-53</del> <i>article II, division 2 of this chapter</i>	P	
Civic	<del>Places of public assembly, such as houses of worship, public meeting halls, lodges or fraternal organizations</del>	P	

**Sec. 24-287. Proposed deed of easement and setbacks**

(a) *Easements and covenants shall clearly establish the rights of two abutting properties where main buildings are to be constructed on or within five feet of a property line. Such easements/covenants shall establish the rights of each affected owner to gain access to each owner's building for purposes of essential maintenance and service.*

(b) *Lot sizes and setback lines shall be shown on final plans.*

Sec. 24-~~287~~ 288 – 24-303. Reserved.

DIVISION 6. MULTIFAMILY RESIDENTIAL DISTRICT, R-5

**Sec. 24-305. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Off-street parking as required by <del>section 24-53</del> <i>article II, division 2 of this chapter</i>	P	
Civic	<del>Places of public assembly, including houses of worship and public meeting halls</del>	P	

**Sec. 24-310. Requirements for improvements and design.**

(b) *Open space.* There shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.

(1) Non-developable areas shall be maintained as open space and shall not be included on any private lot, and should be protected through a conservation easement dedicated to the county or other legal entity approved by the county attorney.

(2) In addition, ten percent of the developable area shall also be set aside as open space. The developable area open space may include, but is not limited to:

- a. Areas on site necessary to meet county policies pertaining to natural resources, archaeology, and parks and recreation;
- b. Areas on site used to achieve density bonus points in accordance with section 24-308 307;
- c. The following areas, up to the percent specified:
  - 1. Required right-of-way and perimeter buffers cannot exceed 50 percent of the developable open space required, and
  - 2. Stormwater management facilities cannot exceed 20 percent of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures).

(3) For the purpose of meeting the developable open space requirements specified in (b), open space area may not include:

- a. Area on any individual private lots, with the exception of easements for streetscapes, or
- b. Land within public road rights-of-way and utility or drainage easements.

(4) Open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for all residents and served with adequate facilities for such purpose. Existing features which would enhance the residential environment or the county as a whole such as trees, watercourses, historic spots and similar features shall be preserved to the maximum extent possible.

**DIVISION 9. LIMITED BUSINESS DISTRICT, LB**

**Sec. 24-368. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Lumber and building supply (with storage limited to a fully enclosed building)	P	

	Off-street parking as required by <del>section 24-54</del> article II, division 2 of this chapter	P	
	<del>Places of public assembly, including houses of worship and public meeting halls</del>	P	
Civic	<del>Places of public assembly</del>	P	
	Schools, <del>public or private</del>		SUP

DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 24-390. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	<del>Hotels, and motels and tourist homes</del>	P	
	Off-street parking as required by <del>section 24-54</del> article II, division 2 of this chapter	P	
	<del>Places of public assembly, including houses of worship and public meeting halls</del>	P	
	Retail food stores	P	
	Tourist homes	P	
Civic	<del>Places of public assembly</del>	P	
	Schools, <del>public or private</del>		SUP
Utility	<del>Antennas and towers, self supported, which are 60 feet or less in height</del>	P	
	Antennas or towers in excess of 60 feet in height		SUP

Sec. 24-392. Setback Requirements.

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

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

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The development review committee planning director will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of ~~section 24-86~~ article II, division 4 of this chapter (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

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

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

- (a) To assure an appearance which is consistent with the purposes of the General Business District, B-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.
- (b) Off-street parking and off-street loading shall be provided as required in ~~sections 24-54 and 24-61~~ *article II, division 2 of this chapter.*

**Sec. 24-399. Site plan review.**

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

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

**Sec. 24-411. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Off-street parking as required by <del>section 24-54</del> <i>article II, division 2 of this chapter</i>	P	
	<del>Places of public assembly, including houses of worship and public meeting halls</del>	P	
Civic	<del>Places of public assembly</del>	P	
	<del>Schools, public or private</del>		SUP

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

- (a) To assure an appearance which is consistent with the purposes of the Limited Business/Industrial District, M-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.
- (b) Off-street parking and off-street loading shall be provided as required in ~~sections 24-54 and 24-61~~ *article II, division 2 of this chapter.*

DIVISION 12. GENERAL INDUSTRIAL DISTRICT, M-2

Sec. 24-436. Use List.

(Uses which are proposed to be removed are colored light blue with strikethrough)

(Uses which are proposed to be added are shaded in yellow and are italicized)

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial or industrial use of the property	P	
Commercial	Accessory uses and structures as defined in section 24-2	P	
	<del>Adult day care centers</del>	<del>P</del>	
	<del>Antique shops</del>	<del>P</del>	
	<del>Arts and crafts, hobby and handcraft shops</del>	<del>P</del>	
	<del>Auction houses</del>	<del>P</del>	
	<del>Bakeries or fish markets</del>	<del>P</del>	
	<del>Banks and other financial institutions</del>	<del>P</del>	
	<del>Barber shops and beauty salons</del>	<del>P</del>	
	Business and professional offices	P	
	<del>Catering and meal preparation</del>	<del>P</del>	
	Child day care centers <i>as an accessory use to other permitted uses</i>	P	
	Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet	P	
	Convenience stores ; if fuel is sold, then in accordance with section 24-38		SUP
	<del>Convention centers</del>	<del>P</del>	
	<del>Courier services</del>	<del>P</del>	
	Data processing centers	P	
	<del>Drug stores</del>	<del>P</del>	
	<del>Dry cleaners and laundries</del>	<del>P</del>	
	<del>Farmer's markets</del>	<del>P</del>	
	<del>Feed, seed and farm supply stores</del>	<del>P</del>	
	Firearms sales and service	P	
	<del>Firing and shooting ranges, limited to a fully enclosed building</del>	<del>P</del>	
Funeral homes	P		
<del>Gift and souvenir shops</del>	<del>P</del>		
<del>Grocery stores</del>	<del>P</del>		



Health and exercise clubs, fitness centers <i>as an accessory use to other permitted uses</i>	P	
Heliports, helistops and accessory uses		SUP
Hospitals		SUP
Hotels and motels with accessory retail sales, barber shops and beauty shops located within the hotel or motel for the principal benefit of the resident guest	P	
Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
Indoor sports facilities, including firing and shooting ranges	P	
Indoor theaters	P	
Janitorial service establishments	P	
Kennels and animal boarding facilities	P	
Laboratories, research and development centers	P	
Laser technology production	P	
Limousine services (with maintenance limited to a fully enclosed building)	P	
Lodges, civic clubs, fraternal organizations and service clubs	P	
Lumber and building supply (with materials and equipment storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
Machinery sales and service (with materials and equipment storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same ; if fuel is sold, then in accordance with section 24-38	P	
Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood, receiving, packaging or distribution	P	
Medical clinics or offices, including emergency care and first aid centers	P	
Museums	P	
New and/or rebuilt automotive part sales (with storage limited to a fully enclosed building or screened from adjoining property with landscaping	P	



and fencing with a maximum height of 12 feet)		
Nursing homes		SUP
Nurseries	P	
Off-street parking as required by section 24-52 article II, division 2 of this chapter	P	
Office supply stores	P	
Outdoor center of amusement, including miniature golf, bumper boats and waterslide parks		SUP
Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks, with water and sewer facilities for golf courses as approved by the board of supervisors		SUP
Parking lots, structures or garages	P	
Pet stores and pet supply stores	P	
Photography, artist and sculptor stores and studios	P	
Places of public assembly, including houses of worship and public or private meeting halls	P	
Plumbing and electrical supply and sales (with materials and equipment storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
Private streets within qualifying industrial parks in accordance with section 24-62 article II, division 2 of this chapter	P	
Radio and television stations and accessory antenna or towers, self supported, not attached to buildings, which are 60 feet or less in height	P	
Research, development and design facilities or laboratories	P	
Restaurants, tea rooms, coffee shops, taverns, and micro-breweries, not to include fast food restaurants as an accessory use to other permitted uses	P	
Retail and service stores, including the following stores : alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
Retail food stores	P	

	<i>Retail sales of products related to the main use, provided that the floor are for retail sales comprises less than 25 percent of the first floor area of the main use</i>	P	
	<b>Security service offices</b>	P	
	<del>Taxi service</del>	P	
	<del>Theme parks greater than 10 acres in size</del>		SUP
	<b>Truck stops ; if fuel is sold, then in accordance with section 24-38</b>		SUP
	<b>Truck terminals ; if fuel is sold, then in accordance with section 24-38</b>		SUP
	<del>Vehicle and trailer sales and service (with major repair limited to a fully enclosed building and screened from adjoining property by landscaping and fencing with a maximum height of 12 feet)</del>	P	
	<del>Vehicle rentals</del>	P	
	<del>Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt (with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjoining property by landscaping and fencing with a maximum height of 12 feet)</del>	P	
	<b>Vehicle service stations; if fuel is sold, then in accordance with section 24-38</b>	P	
	<b>Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise)</b>	P	
	<b>Warehousing, wholesaling, storage and distribution centers (with storage limited to a fully enclosed building or screened from adjoining property by landscaping and fencing with a maximum height of 12 feet)</b>	P	
	<b>Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet</b>	P	
	<b>Water impoundments, new or expansion of, greater than 50 acres and with dam heights of less than 25 feet</b>		SUP
	<b>Water well drilling establishments</b>	P	
	<del>Welding and machine shops (with storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)</del>	P	
Civic	<b>Nonemergency medical transport</b>	P	
	<b>Fire stations</b>	P	
	<b>Government offices</b>	P	
	<b>Libraries</b>	P	
	<b>Post offices</b>	P	

	Schools, <del>public or private</del>		SUP
Utility	Antennas and towers, self supported, which are 60 feet or less in height	P	
	Antennas and towers, not attached to buildings, in excess of 60 feet in height		SUP
	Electrical generation facilities, public or private, steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities, public or private, and sewer facilities, public, including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment, such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit :		SUP



	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line ; and (b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with section 24-43	P	
Industrial	<i>Asphalt mixing plants</i>		SUP
	<i>Boiler shops</i>	P	
	<i>Breweries and other associated activities</i>	P	
	<i>Crushed stone, sand, gravel, or mineral mining; storage and distribution of same</i>		SUP
	<i>Drop forge industries, manufacturing, forgings with a power hammer</i>	P	
	Heavy equipment sales and service (with major repair limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
	Industrial dry cleaners and laundries	P	
	Industrial or technical training centers or schools	P	
	Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks, water and alcoholic beverages	P	
	<i>Manufacture and compounding of chemicals</i>		SUP
	<i>Manufacture and processing of acrylic and synthetic fibers</i>	P	
	Manufacture and processing of textiles and textile products	P	
	<i>Manufacture and sale of manufactured homes, mobile homes, modular homes and industrialized housing units</i>	P	
	<i>Manufacture and sale of wood and wood products</i>	P	
	Manufacture and storage of ice, including dry ice	P	
	Manufacture, assembly or fabrication of sheet metal products	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, wax, leather, cellophane, canvas, felt, fur, horn, hair, yarn, and stone	P	
	Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals		SUP
	<i>Manufacture of batteries</i>	P	
<i>Manufacture of boats, marine equipment and boat trailers</i>	P		

<b>Manufacture of cans and other <i>metal</i> products from previously processed metals</b>	P	
<b>Manufacture of carpets and carpet yarns</b>	P	
<i>Manufacture of cement, lime, gypsum, bricks and non-previously prepared stone products (i.e., stone and rock used for general erosion and sediment control or road construction)</i>		SUP
<b>Manufacture of furniture</b>	P	
<b>Manufacture of glass and glass products</b>	P	
<b>Manufacture of pottery and ceramic products using kilns fired only by gas or electricity</b>	P	
<i>Manufacture or assembly of aircraft and aircraft parts</i>	P	
<b>Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment</b>	P	
<i>Manufacture or assembly of automobiles, trucks, machinery or equipment</i>	P	
<b>Manufacture or assembly of electronic instruments, electronic devices or electronic components</b>	P	
<b>Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment</b>	P	
<i>Manufactured home or mobile home sales</i>	P	
<i>Metal foundry and heavy weight casting</i>	P	
<i>Petroleum refining</i>		SUP
<b>Petroleum storage and retail distribution</b>		SUP
<b>Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect</b>		SUP
<b>Propane storage, distribution or sale</b>		SUP
<i>Ready mix concrete production</i>		SUP
<b>Recycling center or plant</b>	P	
<b>Resource recovery facilities</b>		SUP
<b>Solid waste transfer stations and container sites, public or private</b>		SUP
<i>Structural iron and steel fabrication</i>	P	
<i>Vehicle graveyards and scrap metal storage yards</i>		SUP
<b>Waste disposal facilities</b>		SUP
<i>Welding and machine shops including punch presses and drop hammers</i>	P	
<i>Wood preserving operations</i>		SUP

**Sec. 24-445. Sign regulations and parking requirements.**

- (a) To assure an appearance which is consistent with the purposes of the General Industrial District, M-2, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.
- (b) Off-street parking and off-street loading shall be provided as required in ~~sections 24-54 and 24-61~~ *article II, division 2 of this chapter.*

DIVISION 14. PLANNED UNIT DEVELOPMENT DISTRICT, PUD

**Sec. 24-491. Requirements for improvements and design.**

- (c) *Parking.* Off-street parking facilities shall be provided in accordance with the off-street parking requirements of ~~section 24-53~~ *article II, division 2 of this chapter.*

**Sec. 24-493. Use list.**

- (a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Accessory apartments <i>in accordance with section 24-32</i>	P	
Commercial	Off-street parking as required by <del>section 24-53</del> <i>article II, division 2 of this chapter</i>	P	
Civic	Places of public assembly, <del>such as houses of worship, public meeting halls, lodges or fraternal organizations</del>	P	

- (b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

Industrial	Private streets within "qualifying industrial parks" in accordance with <del>section 24-55</del> <i>62</i>	P	
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DIVISION 15. MIXED USE DISTRICT, MU

**Sec. 24-515. Documents required for submission.**

- (a) *Required documents.* The applicant shall submit documents in accordance with section 24-23 to the planning director prior to any rezoning or special use permit application consideration by the planning commission.
- (1) Where applicable, the master plan shall contain a table which shows, for each section or area of different uses, the following:

- a. The use;
- b. Construction phasing;
- c. Maximum number of dwelling units and density for residential areas;
- d. Maximum square feet of floor space for commercial, office or industrial areas;
- e. Maximum square feet of floor space and percentage mix of floor space of each use for those structures containing a mixture of uses; and
- f. Maximum acreage of each use.

The master plan shall depict and bind the approximate boundaries and general location of all principal land uses, structure square footage, number of dwelling units and densities, roads, rights-of-way, accesses, open spaces, public uses and other features located or to be located on the site. Upon approval by the board of supervisors, the master plan shall become binding. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Approved development plans, provided for in section 24-518 516, shall supersede the master plan and conceptual or schematic plans.

**Sec. 24-518. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Accessory apartments <i>in accordance with section 24-32</i>	P	
Commercial	<i>Medical offices</i>	<i>P</i>	
	Museums		SUP
	Nonemergency medical transport	P	
	Off-street parking as required by <del>section 24-53</del> <i>article II, division 2 of this chapter</i>	P	
Civic	<del>Places of public assembly, such as houses of worship, public meeting halls, lodges or fraternal organizations</del>		

**Sec. 24-520. Open space.**

Development within the mixed use districts shall provide usable open space area. The amount of open space shall be not less than ten percent of the developable area of the site. Nondevelopable area shall not be counted towards meeting the open space requirement. For the purposes of this article, open space does not include any landscape area in parking lots or adjacent to structures. The requirements of this section shall supplement the requirements of the county's Chesapeake Bay Preservation Ordinance, ~~section 24-86~~ *article II, division 4 of this chapter* (Landscaping and tree preservation requirements) and other county requirements relating to open space. For the purposes of this article, open space may include, but is not limited to:

**Sec. 24-522. Requirements for improvements and design.**

(d) *Parking.* Off-street parking facilities shall be provided in accordance with the off-street parking requirements of section ~~24-53~~ *article II, division 2 of this chapter.*

(i) *Landscaping.* All landscaping and tree preservation shall be undertaken in accordance with section ~~24-86~~ *article II, division 4 of this chapter* and Chapter 23 of the county code, the Chesapeake Bay Preservation Ordinance

DIVISION 17. ECONOMIC OPPORTUNITY, EO

**Sec. 24-536.4. Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	<del>Clubs, public or private, civic or service clubs, country clubs, lodges and fraternal organizations</del> <i>Places of public assembly</i>	P	
	Off-street parking as required by <del>section 24-53</del> <i>article II, division 2 of this chapter</i>	P	
Industrial	Private streets within "qualifying industrial parks" in accordance with <del>section 24-55</del> <i>62</i>	P	

**Sec. 24-536.5. Requirements for improvements and design.**

(d) *Parking.* Off-street parking facilities, within the urban/residential core, shall be provided in accordance with the off-street parking requirements of ~~section 24-53~~ *article II, division 2 of this chapter.* The visibility of parking lots or structures shall be minimized by placement to the side or rear of buildings and/or with landscape screening.

(h) *Landscaping.* All landscaping and tree preservation shall be undertaken in accordance with ~~section 24-86~~ *article II, division 4 of this chapter* and chapter 23 of the County Code, the Chesapeake Bay Preservation Ordinance.

**ARTICLE VI. OVERLAY DISTRICTS**

DIVISION 3. FLOODPLAIN AREA REGULATIONS

**Sec. 24-588. Compliance and liability.**

(c) Records of actions associated with administering these regulations shall be kept on file and maintained by the ~~county engineer~~ *development manager or his designee.*



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-15, FEES, SECTION 19-17, SPECIAL PROVISIONS FOR FAMILY SUBDIVISIONS; BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-33, LOCATION OF UTILITIES, SECTION 19-40, LOT ACCESS AND FRONTAGE, SECTION 19-51, STREET CONSTRUCTION STANDARDS, SECTION 19-64, INSPECTION OF PUBLIC WATER, SEWER, AND STORMWATER SYSTEM, SECTION 19-70 ESTABLISHMENT OF HOMEOWNERS ASSOCIATION, AND SECTION 19-73, SHARED DRIVEWAY REQUIREMENTS FOR MINOR SUBDIVISIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article I, General Provisions, Section 19-15, Fees, Section 19-17, Special provisions for family subdivisions; by amending Article III, Requirements for Design and Minimum Improvements, Section 19-33, Location of utilities, Section 19-40, Lot access and frontage, Section 19-51, Street construction standards, Section 19-64, Inspection of public water, sewer, and stormwater system, Section 19-70, Establishment of homeowners association, and Section 19-73, Shard driveway requirements for minor subdivisions

**Chapter 19**

**SUBDIVISIONS**

**Sec. 19-15. Fees.**

(3) Inspection fee for stormwater installations. There shall be a fee for the inspection by the ~~stormwater division~~ *engineering and resource protection division* of public stormwater installations and private stormwater installations required in accordance with section 23-10(4). Such fee shall be \$900 per practice for each best management practice constructed and \$.90 per foot for every foot of stormwater drain or channel constructed and shall be submitted at the time of filing an application for a land disturbance permit.

**Sec. 19-17. Special provisions for family subdivisions.**

(5) Each lot or parcel of property shall front on a road which is part of the transportation department system of primary or secondary highways or shall front upon a private drive or road which is in a right-of-way or easement of not less than 20 feet in width. Such right-of-way shall remain private and shall include a driveway within it consisting of, at a minimum, an all-weather surface of rock, stone or gravel, with a ~~Minimum~~ depth of three inches and a minimum width of ten feet. The right-of-way shall be maintained by the adjacent property owners in a condition passable at all times. The provision of an all-weather drive shall be guaranteed in accordance with section 19-~~72~~ 74. An erosion and sediment control plan with appropriate surety shall be submitted for approval if the proposed right-of-way and drive construction disturbs more than 2,500 square feet.

**Sec. 19-33. Location of utilities.**

(c) Where approved by the transportation department, with the exception of sewer laterals and water service lines, all utilities shall be placed within easements or street rights-of-way, unless otherwise required by the service authority, ~~in accordance with "Typical Utility Details" (see Appendix A) as published by the service authority or as may be otherwise approved by the agent.~~

**Sec. 19-40. Lot access and frontage.**

Each lot shall abut and have access to a proposed public street to be dedicated by the subdivision plat or to an existing publicly dedicated street. ~~For flag lots, The~~ minimum lot frontage abutting such public street right-of-way shall be 25 feet. In zoning districts which permit private streets and where such streets have been approved via the process specified in section 24-62 of the zoning ordinance, the access and minimum lot frontage requirements can be met through frontage on a private street. If the existing streets do not meet the minimum transportation department width requirement, including adequate right-of-way to accommodate the appropriate pavement width, drainage, sidewalks and bikeways, the subdivider shall dedicate adequate right-of-way necessary for the street to meet such minimum requirement.

**Sec. 19-51. Street construction standards.**

(a) Subdivision streets, unless otherwise specifically provided for in this chapter, shall be paved and dedicated for public use in the state system of primary or secondary highways. Streets shall have a right-of-way width in accordance with transportation department standards. Street construction plans shall be submitted to the transportation department for approval as part of the subdivision review process required by this chapter. Construction of subdivision streets, unless otherwise permitted by this chapter, shall be in conformance with transportation department standards and accepted into the state system of primary or secondary highways prior to release of the construction surety bond. Streets of the entire subdivision as depicted on the master plan shall be designed to fit into a street hierarchy separating streets into categories based on traffic levels in accordance with transportation department standards.

**Sec. 19-64. Inspection of public water, sewer, and stormwater system.**

(b) Inspection of public stormwater system installations shall be the responsibility of the county. Any subdivider of a subdivision shall obtain a certificate to construct stormwater system installations prior to either altering existing installations or building new installations. Surety provided in accordance with section 19-72 ~~74~~ shall not be released until approved in accordance with section 19-74(b).

**Sec. 19-70. Establishment of homeowners association.**

Within any major subdivision approved under this article in which an area is intended to be used in common for recreation and/or conservation, or other public or semipublic purposes, or where other improvements have been made in which operation and/or maintenance is the responsibility of the homeowners, no lot shall be approved, recorded, sold, or used within the development until appropriate documents in a form approved by the county attorney have been executed. Such documents shall set forth the following:

- a. The nature of the permanent organization under which common ownership is to be established, including its purpose, and provisions establishing requirements for mandatory membership;
- b. How it shall be governed and administered;
- c. The provisions made for permanent care and maintenance of the common property or improvements, including ~~bonds~~ surety when required by the county;
- d. The method of assessing the individual property for its share of the cost of adequately administering, ~~and~~ maintaining and replacing such common property; and

e. The extent of common interest held by the owner of each individual parcel in the tract held in common with others.

**Sec. 19-73. Shared driveway requirements for minor subdivisions.**

(d) No such subdivision shall be recorded until appropriate shared care and maintenance documents in a form approved by the county attorney have been executed. Such documents shall be recorded concurrently with the subdivision plat and shall set forth the following:

(1) The provisions made for permanent care and maintenance of the shared driveway and any associated easement, including ~~bonds~~ *surety* when required by the county; and

(2) The method of assessing the individual property for its share of the cost of adequately administering, maintaining and replacing such shared driveway.

**Chapter 24**

**ARTICLE V. DISTRICTS**

**DIVISION 12. GENERAL INDUSTRIAL DISTRICT, M-2**

**Sec. 24-435. Statement of intent.**

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

- (1) Encourage the use of land for industrial purposes;
  - (2) Prohibit residential and commercial service developments on land reserved for industrial uses; and
  - (3) Establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects of the development of industrial uses.
- (Ord. No. 31A-88, § 20-95, 4-8-85; Ord. No. 31A-144, 6-1-92)

**Sec. 24-436. 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:

Accessory uses as defined in section 24-2.

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

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

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

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

Boiler shops.

Breweries and other necessary associated activities.

Business, professional and governmental offices.

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

Contractor offices, equipment storage yards, shops and warehouses.

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

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

Fire stations.

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

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

Industrial and technical training schools.

Janitorial service establishments.

Laser technology production.

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

Manufacture and bottling of soft drinks and wine.

Manufacture and processing of acrylic and other synthetic fibers.

Manufacture and processing of textiles and textile products.

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

Manufacture and sale of wood products.

Manufacture and storage of ice, including dry ice.

Manufacture, assembly or fabrication of sheet metal products.

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

Manufacture, compounding, processing or packaging of 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.

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

Metal foundry and heavy weight casting.

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

Post offices.

Printing and publishing establishments.

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

Propane storage, distribution, and sale.

Publicly owned solid waste container sites.

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

Research, development and design facilities or laboratories.

Restaurants as an accessory use to other permitted uses.

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

Security service offices.

Structural iron and steel fabrication.

Telephone exchanges and telephone switching stations.

Timbering in accordance with section 24-43.

Warehouse, storage and distribution centers.

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

Water well drilling establishments.

Welding and machine shops including punch presses and drop hammers.

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.  
(Ord. No. 31A-88, § 20-96, 4-8-85; Ord. No. 31A-110, 9-12-88; Ord. No. 31A-128, 12-3-90; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-146, 8-3-92; Ord. No. 31A-150, 4-5-93; Ord. No. 31A-167, 3-26-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-177, 8-18-98; Ord. No. 31A-214, 8-10-04; Ord. No. 31A-229, 9-25-07; Ord. No. 31A-236, 8-12-08)

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

In the General Industrial District, M-2, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

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

Asphalt mixing plants.

Automobile graveyards and scrap metal storage yards.

Child day care centers.

Crushed stone, sand, gravel, or mineral mining; storage and distribution of same.

Heliports, helistops and accessory uses.

Manufacture and compounding of chemicals.

Manufacture of cement, lime, gypsum, bricks and non-previously prepared stone products (i.e., stone and rock used for general erosion control and road construction).

Petroleum refining.

Petroleum storage.

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

Ready mix concrete production.

Resource recovery facilities.

Solid waste transfer stations.

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

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

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

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

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

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

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

Wood preserving operations.

(Ord. No. 31A-88, § 20-96.1, 4-8-85; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-146, 8-3-92; Ord. No. 31A-149, 2-1-93; Ord. No. 31A-153, 11-1-93; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-177, 8-18-98; Ord. No. 31A-214, 8-10-04; Ord. No. 31A-236, 8-12-08)

#### **Sec. 24-438. Outdoor operations and storage.**

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

(Ord. No. 31A-144, 6-1-92)

#### **Sec. 24-439. Area requirements and minimum lot width.**

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

(b) Minimum width of lots shall be 75 feet at the setback line.

(No. 31A-88, §§ 20-97, 20-98, 4-8-85; Ord. No. 31A-144, 6-1-92)

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**Sec. 24-440. Setback requirements.**

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

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

(Ord. No. 31A-88, § 20-98.1, 4-8-85; Ord. No. 31A-144, 6-1-92)

**Sec. 24-441. Yard regulations.**

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

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

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

(Ord. No. 31A-88, § 20-98.2, 4-8-85; Ord. No. 31A-100, 4-6-87; Ord. No. 31A-112, 2-6-89; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-177, 8-18-98)

**Sec. 24-442. Reserved.**

**Sec. 24-443. Special provisions for the waiver of area, lot width, yard and setback requirements.**

The following may be eligible for a waiver from any part of section 24-439 through 24-441:

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

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

(b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.

In these instances, the planning commission may grant, at its discretion, a waiver from any part of section 24-439 through 24-441 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of sections 24-439 through 24-441;
  - (2) Adequate parking is provided as per the requirements of this chapter. The planning commission also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;
  - (3) Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning commission also may require the recordation of adequate easements or agreements to allow grouping of signs on one standard sign, placement of signs in common areas or other appropriate arrangements made necessary as a result of the reduced frontage or yard area of the individual units; and
  - (4) The complex or structure is adequately designed and serviced from the standpoint of safety. The county fire chief finds that the fire safety equipment to be installed is adequately designed, and the county building official finds that the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.
- (Ord. No. 31A-88, § 20-98.4, 4-8-85; Ord. No. 31A-123, 7-2-90; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-177, 8-18-98)

**Sec. 24-444. Height limits and height limitation waivers.**

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

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

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

- (1) Additional setbacks have been provided as required by section 24-440 and section 24-441; however, the Board may waive additional setbacks in excess of 60 feet;
- (2) Such structure will not obstruct light from adjacent property;
- (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- (4) Such structure will not impair property values in the area;

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

(6) Such structure will not be contrary to the public health, safety and general welfare.  
(Ord. No. 31A-88, § 20-99, 4-8-85; Ord. No. 31A-144, 6-1-92; Ord. No. 31A-166, 1-23-96; Ord. No. 31A-176, 5-26-98)

**Sec. 24-445. Reserved.**

**Sec. 24-446. Sign regulations and parking requirements.**

(a) To assure an appearance and condition which is consistent with the purposes of the General Industrial District, M-2, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-54.  
(Ord. No. 31A-88, § 20-100, 4-8-85; Ord. No. 31A-144, 6-1-92)

**Sec. 24-447. Utilities.**

All development in the General Industrial District, M-2, shall be served by public water and sewer unless this requirement is waived in accordance with section 24-448. The location of all utilities and utility easements shall be shown on the site plans and be approved as per article III, Site Plan, of this chapter.  
(Ord. No. 31A-88, § 20-100.1, 4-8-85; Ord. No. 31A-111, 1-9-89; Ord. No. 31A-144, 6-1-92)

**Sec. 24-448. Public utilities waiver.**

(a) The board of supervisors may waive the public water and sewer service requirement specified by section 24-447 upon finding:

- (1) The development is located in the primary service area as designated by the land use element of the Comprehensive Plan;
- (2) The development is located in an area not planned for extension of public water or sewer service as part of the adopted master water or sewer plan; and
- (3) The development causes no adverse impact on the water resources of the county.

(b) A condition of such waiver shall be that the development shall connect to public water and sewer at such time that the board of supervisors determines utilities are available.

(c) The board of supervisors may attach additional conditions to any such waiver.  
(Ord. No. 31A-111, 1-9-89)

**Sec. 24-449. Site plan review.**

All structures or complexes of structures erected, altered or restored within the district shall be subject to Site Plan Review in accordance with article III of this chapter.  
(Ord. No. 31A-88, § 20-101, 4-8-85; Ord. No. 31A-144, 6-1-92)

**Secs. 24-450 - 24-459. Reserved.**