

**A G E N D A**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 16, 2016**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. April 14, 2016 Minutes

**D. OLD BUSINESS**

1. Zoning Ordinance Revisions to Allow Event Facilities in Rural Lands, Stage II
2. Zoning Ordinance Revisions for Electric Vehicle Charging Stations (EVCS), Stage II
3. Zoning Ordinance Revisions to Reduce Parking Requirements, Stage II

**E. NEW BUSINESS**

**F. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 6/16/2016  
TO: The Policy Committee  
FROM: Paul D. Holt, III Secretary  
SUBJECT: Minutes Adoption- April 14, 2016 Regular Meeting

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**ATTACHMENTS:**

	Description	Type
▣	April 14, 2016 Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy Secretary	Secretary, Policy	Approved	6/10/2016 - 4:32 PM
Publication Management	Burcham, Nan	Approved	6/10/2016 - 4:35 PM
Policy Secretary	Secretary, Policy	Approved	6/10/2016 - 4:40 PM

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**April 14, 2016**  
**4:00 PM**

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**A. CALL TO ORDER**

Mr. Rich Krapf called the meeting to order on Thursday April 14, 2016 at 4:00 p.m.

**B. ROLL CALL**

Mr. Paul D. Holt III, Planning Director  
Ms. Tammy Rosario, Principal Planner  
Mr. Jose Ribeiro, Senior Planner II  
Ms. Ellen Cook, Senior Planner II  
Mr. Scott Whyte, Senior Landscape Planner II  
Ms. Roberta Sulouff, Planner  
Mr. Alex Baruch, Development Management Assistant

**C. MINUTES**

1. March 3, 2016 Minutes

Mr. John Wright made a motion to approve the March 3, 2016 minutes. The motion carried on a 4-0 vote.

**D. OLD BUSINESS**

**E. NEW BUSINESS**

1. Proposed Zoning Ordinance Revisions to Parking Minimums

Mr. Scott Whyte gave a presentation discussing the revision to the parking minimums section of the Zoning Ordinance. Mr. Whyte stated that staff is looking for any guidance that the Policy Committee has to offer.

Mr. John Wright asked for a summary of the proposals.

Mr. Whyte stated that some of the proposed changes would include parking requirement changes to nonresidential uses, residential uses, nursing homes, shared parking, the mass transit plan, appeals process, and calculation of retail and office floor area.

Mr. Wright asked if the 80% calculation of retail and office floor area would include multiple floors of a building.

Mr. Whyte stated that it would be 80% of all three floors as long as they were office or retail space.

Mr. Wright asked what the impact would be to the County with the shared parking changes.

Mr. Whyte stated that the hope is to get more developments to apply for shared parking agreements.

Mr. Heath Richardson asked if Albemarle County was being used as an example because of their robust layout of their policy.

Mr. Whyte stated that the Albemarle Ordinance is one he often looks at as a good example.

Mr. Richardson asked what type of input staff is looking for.

Mr. Whyte stated that staff is looking for any comments or direction related to the proposed changes submitted to the Policy Committee.

Mr. Danny Schmidt stated that the proposed changes would make for potentially more green space.

Mr. Whyte stated that giving the developers the opportunity to decrease impervious cover is a goal.

Ms. Tammy Rosario stated that the proposed changes would be a more land-efficient model for more green space or more businesses depending on what the developer wants.

Mr. Krapf stated that he thinks the changes make sense and that unless there is feedback from the Committee to adjust the direction of any of the proposed changes he would recommend moving to Stage II for the draft ordinance.

Mr. Wright made a motion to bring a draft ordinance to the Policy Committee. On a voice vote to recommend approval, the motion carried 4-0.

## 2. Proposed Zoning Ordinance Revisions for Electric Vehicle Charging Stations

Mr. Whyte gave a presentation regarding adding electric vehicle charging stations to the Zoning Ordinance as an accessory use with performance standards. Mr. Whyte stated that the change to the ordinance was precipitated by an application in 2015 to add an electric charging station in New Town. Mr. Whyte stated that staff is looking for any guidance that the Policy Committee has to offer.

Mr. Krapf asked what the cost difference would be for an ADA compatible charging station verses a charging station in a typical parking spot.

Mr. Whyte stated that there would need to be at least a parking space and a half for an ADA compliant space.

Mr. Whyte stated that after looking at different localities staff decided that one ADA compliant spot per parking lot would be sufficient.

Mr. Wright asked if the ADA compliant spot would not be marked as ADA.

Mr. Whyte stated that the spot would have the stripes.

Ms. Rosario stated that the spot would not be exclusively for handicap parking.

Mr. Whyte stated that while the spot would comply with ADA regulations and standards the spot would be available to any car. Mr. Whyte was asked by a citizen if the charging station would be able to plug into any type of electric vehicle.

Mr. Whyte stated that the majority of electric charging cars would be able to be plugged into the charging stations. Mr. Whyte stated that the charging stations are a for profit business. Mr. Wright asked if any policy would need to address signage on the charging stations. Mr. Whyte stated that the Zoning Division would enforce signage for the charging station through the current Zoning Ordinance regulations.

Mr. Schmidt stated that the level three chargers charge very fast and therefore not many are needed. Not all cars are compatible with level three chargers; however, most new cars are compatible.

Mr. Whyte stated that staff believes that the commercial application for charging stations would use the level three technology so cars do not have to take up the charging location for an extended amount of time.

Mr. Paul Holt stated that the desire here is to allow the market to provide opportunities for electric charging stations throughout the County and have an ordinance that provides language to permit them.

Mr. Krapf stated that staff is proposing a two-pronged change to the Zoning Ordinance by including definitions which will detail many of the technical terms and updating the Ordinance to include the electric charging station regulations.

Mr. Whyte stated that was correct.

Mr. Richardson stated that the screening requirements could be a bit strict and costly so if the County wants to promote this to developers some loosening of the restrictions may be necessary.

Mr. Whyte stated that if this is a proposal for when the parking lot is built then the Landscape Ordinance could cover what would be needed. If it is built after the fact then the regulations in the proposed ordinance would kick in which are the same requirements as the Landscape Ordinance as to not deter developers.

Mr. Wright made a motion to bring a draft ordinance back to the Policy Committee. On a voice vote to recommend approval, the motion carried 4-0.

3. Proposed Zoning Ordinance Revisions to Development Review Committee Triggers

Ms. Roberta Sulouff gave a presentation summarizing the proposed changes to the Zoning Ordinance related to Development Review Committee (DRC) triggers. Option A would propose removing the DRC completely from subdivision and site plan review for applications that meet the triggers while Option B provides for a review by the DRC as

part of a mandatory enhanced conceptual plan process instead of at the full site plan stage. Ms. Sulouff stated that the proposed amendment is more polished at this stage because the options are pretty straight forward. Staff recommends the Policy Committee recommend forwarding the preferred option to the June regularly scheduled Planning Commission meeting.

Mr. Richardson asked if this would take the DRC out of the review process entirely or just for the triggered items.

Ms. Sulouff stated that it would only take the DRC out of review for the triggered items if the Policy Committee decided to choose Option A. With Option B an enhanced conceptual plan would be turned in first before the site plan process at less of an expense to the applicant than a site plan for reviews that meet the DRC triggers.

Mr. Holt stated that all of the regular cases that the DRC gets such as master plan consistency would still be reviewed by the DRC.

Mr. Krapf stated that the conceptual plan has been an asset to the application process and would support Option B for applications moving forward.

Mr. Richardson stated that he agreed with Mr. Krapf.

Mr. Wright asked if Option A is chosen would the application be administrative only.

Ms. Sulouff stated that if Option A is chosen and all other criteria were met then the application would be reviewed administratively. The only caveat to that would be major subdivisions over 50 lots would still need Planning Commission approval due to State Code requirements.

Mr. Holt stated that in cases of by-right development the Planning Commission would not see the plan before it comes in as a site plan and only at that time would they be coming into the DRC with a full blown engineered plan. Substantive changes are less likely to happen at that stage as the plans are already developed. With Option B, an enhanced conceptual plan would still be an engineered drawing; however, it would not be a full blown site plan so they may be more amenable to requested changes.

Mr. Jose Ribeiro stated that a good example of this would be Liberty Ridge where a by-right subdivision occurred.

Mr. Holt stated that another good example of this would be the Deer Lakes subdivision in Colonial Heritage.

Mr. Krapf stated that site plans are where we could have some discussions with the applicant if there are elements that we think should be changed and that is why Option B seems like the best plan moving forward. For subdivisions Option A seems like the better option because there is not much the DRC can say that the applicant would need to change that Planning staff would not have looked at already.

Mr. Wright asked if the site plan submittal would apply to shopping centers.

Ms. Sulouff stated that it would apply to shopping centers, multi-family or single/multiple buildings that exceed 30,000 sf.

In response to a request, Ms. Rosario stated that staff would provide a clean copy before the next meeting to see if any of the Committee members had additional questions.

Mr. Schmidt asked why these mechanisms were put in place historically.

Mr. Holt stated that this is the way the Committee members wanted to see the plans back in years past.

Mr. Krapf asked if it was a State Code requirement.

Ms. Sulouff stated that for major subdivisions of 50 lots or more it is a State Code requirement to go to the Planning Commission and the DRC was a mechanism to vet the materials through a subcommittee first.

Mr. Richardson made a motion to move forward with Option B for site plans and Option A for subdivisions. On a voice vote to recommend approval, the motion carried 4-0.

4. Proposed Zoning Ordinance Revisions to the LB, Limited Business and B-1, General Business Districts

Mr. Ribeiro gave a presentation on the proposed Zoning Ordinance revision stating that the two changes would be to setbacks and building coverage. Mr. Ribeiro stated that the language describing setbacks are different in the Zoning Ordinance; however, they should be the same because they have the same setbacks. Staff reorganized the LB, Limited Business, setback text to reflect the same text that shows up in the B-1, General Business, text with additions from the Mixed Use District. Mr. Ribeiro stated that the other change would be to the building coverage limits and how they are calculated to provide additional flexibility for development. Mr. Ribeiro stated that staff also took out mention of the floor area ratio calculation in the LB and B-1 Zoning Districts as there are other ways the Zoning Ordinance regulates intensity of development.

Mr. Krapf asked if there would be any impact to stormwater management with a change in building coverage limitation from 30 percent to 60 percent.

Mr. Ribeiro stated that the cap for impervious surface is still at 60 percent based on the Chesapeake Bay ordinance.

Mr. Richardson asked how the floor area ratio was used in the past.

Mr. Holt stated that it was just used as another step in the process that developers were required to calculate.

Mr. Ribeiro stated that it is not very clear since we already have a cap on height.

Mr. Wright asked if the floor area ratio was ever used as a decision point for a plan.

Mr. Ribeiro stated that typically the restrictions on height are primarily what is looked at more than the floor area ratio.

Mr. Wright asked if with the increase in building coverage limitations we would be doubling the allowable size of development on a property.

Mr. Holt stated that was not necessarily the case as many other factors such as buffers, landscaping and parking would still have to be met.

Mr. Wright made a motion to move forward with the proposed revisions as stated in the staff report. On a voice vote to recommend approval, the motion carried 4-0.

#### 5. Proposed Subdivision Ordinance Revision

Mr. Ribeiro gave a presentation on the proposed changes to the Subdivision Ordinance. The proposed changes include eliminating the provision of a surveyor's certification for subdivision monuments. Mr. Ribeiro stated that while the County required the note be added to subdivision plans, there is no enforcement mechanism for the County to check on the monuments. Mr. Ribeiro stated that the surveyors are already governed by their licensure to ensure compliance with State Code.

Mr. Holt stated that monuments being discussed in this circumstance are steel pipes put in the corners of the property for identification of property lines.

Mr. Ribeiro stated that the proposed revision would just take out the section that discusses the provision for the surveyor's certification for subdivision monuments.

Mr. Wright asked where the liability stands if a monument is not where the property owner says it is.

Mr. Ribeiro stated that the liability would be on the surveyor.

Mr. Richardson made a motion to approve the proposed changes to the Subdivision Ordinance. On a voice vote to recommend approval, the motion carried 4-0.

#### 6. Proposed Zoning Ordinance Revisions to Mixed Use

Ms. Ellen Cook gave a presentation on the proposed changes to the Mixed Use section of the Zoning Ordinance. The revisions would include changes to sections of the Mixed Use section that dictates development of mixed use structures or mixed use development on parcels or groups of parcels less than five acres total or mixed use development in an infill or redevelopment context. Ms. Cook outlined four items for the Committee's consideration: size of district, required use mix, open space and setback/buffer requirements.

Ms. Rosario stated that this revision is in Stage I so there will be an evolution of thought on this.

Mr. Richardson stated that the 10% of the development that needs to be open space cannot be non-developable area.

Ms. Cook stated that was correct; if there is Resource Protection Area on the property that would be one example of an area that could not be counted towards the 10%.



Mr. Richardson asked why staff struck the second portion that says “or adjacent to other structures”.

Ms. Cook stated that it would be to allow for more flexibility if a developer wanted to put in a more formal outdoor park that would open up from a building.

Mr. Richardson stated that it was to be less restrictive for developers.

Mr. Krapf stated that reducing the acreage would promote infill in existing communities whereas the way the current ordinance is setup would discourage infill.

Mr. Wright asked if infill is restricted to a certain type of development or construction.

Ms. Cook stated that if it is changed to have no minimum then applicants would still need to demonstrate being able to meet all of the other requirements such as landscaping and parking.

Mr. Schmidt stated that the most appealing part of the staff report to him was the encouragement of mini communities where citizens would not need to drive everywhere.

Ms. Cook stated that there is no pre-zoned land that is mixed use; everything that is zoned mixed use required a rezoning at one point in the process.

Mr. Krapf stated that keeping the character of areas in the County while allowing them to have mixed use walkable areas for parcels less than five acres would be an asset.

Mr. Holt stated that those are the sites where the additional flexibility can be provided to allow other types of dwelling units that are more affordable.

Mr. Wright made a motion to move forward to Stage II. On a voice vote to recommend approval, the motion carried 4-0.

## **F. ADJOURNMENT**

Mr. Wright stated that AirBnb rentals have been occurring in New Town and other areas of the County and asked staff to look into the issue for future consideration.

Mr. Holt stated that staff would be able to come to the next Policy Committee meeting with an update on where State legislation stands and how we handle it in James City County.

Mr. Wright made a motion to adjourn. It was approved 4-0.

The meeting was adjourned at approximately 5:40 p.m.

**ITEM SUMMARY**

DATE: 6/16/2016  
TO: The Policy Committee  
FROM: Ellen Cook, Senior Planner II  
SUBJECT: Zoning Ordinance Revisions to Allow Event Facilities in Rural Lands, Stage II

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1 Draft Ordinance Language Possible Changes to A-1	Ordinance
▣	Attachment 1 Draft Ordinance Language Possible Changes to R-8	Ordinance
▣	Attachment 2 Draft Ordinance Language Possible Changes to the Special Regulations (Section 24-48)	Ordinance

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	6/10/2016 - 2:01 PM
Policy	Holt, Paul	Approved	6/10/2016 - 2:24 PM
Publication Management	Burcham, Nan	Approved	6/10/2016 - 2:27 PM
Policy Secretary	Secretary, Policy	Approved	6/10/2016 - 3:19 PM

## MEMORANDUM

DATE: June 16, 2016  
TO: The Policy Committee  
FROM: Ellen Cook, Senior Planner II  
SUBJECT: Zoning Ordinance Revisions to Allow Event Facilities in Rural Lands, Stage II

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### History

The Policy Committee met on January 27 to discuss initial planning for ordinance amendments related to privately-run for-profit event facilities on parcels in the County designated as Rural Lands. At that meeting, the Committee expressed interest in pursuing a hybrid approach to permitting such venues. This approach would attempt to capture a portion of these requests as a permitted use with defined performance standards. Any proposal not able to meet the performance standards would then be evaluated on a case-by-case basis through the Special Use Permit (SUP) process.

On March 10, 2016, the Policy Committee discussed a set of specific proposed changes to the Zoning Districts (A-1, R-8) and to the special regulations section of the ordinance to include the performance standards. The Committee directed staff to transform the language in the memorandum into ordinance language, and asked that staff include a statement notifying applicants that a commercial SUP (per Section 24-11 of the Code) may be required if the triggers listed in that section were met.

### Draft Ordinance

Since the Stage I meetings, staff has drafted the ordinance language using the March 10, 2016 Policy Committee memorandum as the base material. This draft language is included as Attachment Nos.1 and 2 and accomplishes the following:

- In both A-1 and R-8, deletes the uses “houses of worship and cemeteries accessory hereto” and “lodges, civic clubs, fraternal organizations or service clubs” and consolidates them into the use “place of public assembly,” consistent with what has been done previously in the other Zoning Ordinance Districts. Further, the places of public assembly use is listed in three parts, with “places of public assembly used primarily as an event facility in accordance with Section 24-48” listed as a permitted use “places of public assembly” and “places of public assembly used primarily as an event facility not in accordance with Section 24-48” listed as SUP uses.
- In the Special Regulations section of the Ordinance, adds a new section (Section 24-48) which lists the performance standards for event facilities.
- In R-8, the use list is reformatted as a table to make it consistent with the other Zoning Districts, and the “group home” use has been updated to be consistent with state code requirements and with what has been done previously in the other residential Zoning Ordinance Districts.

Also since that time, staff has received feedback from residents along Forge Road. The residents expressed concerns with the concept of event facilities along Forge Road, citing concerns such as noise, traffic, preservation of rural character, property values and frequency of events. The residents asked if the Forge Road area could be excluded from the set of roads where an event facility could be located, and whether the

frequency of events held at these facilities could be limited. With regard to eliminating Forge Road as a potential location, a possible method to accomplish this could be to specify in the performance standards that the event facility be located on a road that is classified as an arterial road, rather than either arterial or collector roads as is currently written, since Forge Road is classified as a collector. However, the Commission may wish to consider that road classifications are done by the Virginia Department of Transportation and changes in the classification are outside of County control, so this option would not necessarily prevent facilities on Forge Road in the future if the road were reclassified. With regard to putting limits on the frequency of events that could be held on an annual basis, staff does not believe this would realistically be possible to enforce. Therefore, should the Commission concur with the resident concerns, staff would recommend that the Commission revisit the by-right/SUP approach taken to date and specifically consider whether it may be more appropriate to evaluate all applications on a case-by-case basis through the SUP process. Should this be the direction of the Commission, the performance standards developed to date could be used informally to help evaluate the SUP application and/or develop permit conditions.

Alternatively, should the Commission wish to proceed as had previously been indicated, staff welcomes input on the attached draft ordinance language.

EC/ab

ZORevEventFac-mem

Attachments:

1. Draft Ordinance Language – possible changes to A-1 and R-8
2. Draft Ordinance Language – possible changes to the special regulations (new Section 24-48)

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

Chapter 24. Zoning

Article V. Districts

Division 2. - General Agricultural District, A-1

**Sec. 24-212. – Use list.**

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32.	P	
	Accessory apartment, detached, in accordance with section 24-32.		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Group home or residential facility, for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP
	Home care facilities.		SUP
	Manufactured homes that are on a permanent foundation.	P	
	Manufactured home parks in accordance with the special provisions of Article IV.		SUP
	Single-family detached dwellings.	P	
	Two-family dwellings.		SUP
	Commercial	Accessory buildings and structures.	P

Uses			
	Accessory uses, as defined herein.	P	
	Adult day-care centers.		SUP
	Airports and landing fields, heliports or helistops and accessory uses.		SUP
	Animal hospitals, veterinary offices and kennels.		SUP
	Automobile graveyards.		SUP
	Automobile repair and service.		SUP
	Automobile service stations; if fuel is sold, then in accordance with section 24-38.		SUP
	Beauty and barber shops.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP
	Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.		SUP
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).		SUP
	Contractors' warehouses, sheds and offices.		SUP
	Convenience stores; if fuel is sold, then in accordance with section 24-38.		SUP
	Day care and child-care centers.		SUP

	Dinner theaters and dance halls as an accessory use to a restaurant or tavern.		SUP
	Farm equipment sales and service.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	
	Farmers' markets over 2,500 square feet in area.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage.		SUP
	Gift shops and antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.	P	
	Home occupations, as defined herein.	P	
	Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
	Horse racing tracks.		SUP
	Horse show areas, polo fields.		SUP
	Hospitals and nursing homes.		SUP
	House museums.	P	
	Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
	Lumber and building supply stores.		SUP
	Medical clinics.		SUP

	Nurseries.	P	
	Off-street parking as required by section 24-54.	P	
	Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
	Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
	Race tracks for animals or vehicles, including racing courses for power boats.		SUP
	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.		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Rest homes for fewer than 15 adults.	P	
	Rest homes for 15 or more adults.		SUP
	Restaurants, taverns.		SUP
	Retreat facilities.		SUP
	Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.		SUP
	Retail sales of plant and garden supplies.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.		SUP



	Slaughter of animals for personal use, but not for commercial purposes.	P	
	Slaughterhouses.		SUP
	Small-scale alcohol production.		SUP
	Tourist homes.		SUP
	Upholstery shops.		SUP
	Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, including agritourism activities, as defined in section 24-2.	P	
	Fish farming and aquaculture, but shall not include the processing of such products.	P	
	Food processing and storage, when it occurs in private homes per Code of Virginia § 3.2-5130 subdivisions A 3, 4 and 5.	P	
	General agriculture operation, production agriculture or silviculture activity, dairying, forestry, general farming and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.	P	
	Limited farm brewery.	P	
	Limited farm distillery.	P	

	Intensive agriculture as herein defined.	P	
	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands.	P	
	Storage and repair of heavy equipment as an accessory use to a farm.	P	
	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	
	Wineries, with accessory commercial facilities.		SUP
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Fire stations, rescue squad stations, volunteer or otherwise.		SUP
	<del>Houses of worship and cemeteries accessory hereto.</del>	<del>P</del>	
	<del>Lodges, civic clubs, fraternal organizations or service clubs.</del>		SUP
	<i>Places of public assembly used primarily as an event facility in accordance with section 24-48</i>	<i>P</i>	
	<i>Places of public assembly used primarily as an event facility not in accordance with section 24-48</i>		<i>SUP</i>
	<i>Places of public assembly</i>		<i>SUP</i>
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions, public or private.		SUP
	Seminaries.		SUP

Utility Uses	Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.	P	
	Communication towers over 35 feet in height.		SUP
	Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.		SUP
	Telephone exchanges and telephone switching stations.		SUP
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 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. However, private extensions or 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
	Utility substations.		SUP
	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 residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.		SUP
	Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.	P	

	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
	Wireless communication facilities that utilize alternative mounting structures, or are camouflaged and comply with division 6, Wireless Communications Facilities.	P	
Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with section 24-43.	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)		SUP
	Manufacture and sale of wood products.		SUP
	Solid waste transfer stations.		SUP
	Storage and repair of heavy equipment.		SUP
	Storage, stockpiling and distribution of sand, gravel and crushed stone.		SUP

DistrictA-1-ord

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

Chapter 24. Zoning

Article V. Districts

Division 8. Rural Residential District

**Sec. 24-348. - ~~Permitted uses.~~ Use list.**

In the Rural Residential District, R-8, structures to be erected or land to be used shall be for the following uses:

~~Accessory apartments, attached, in accordance with Section 24-32.~~

~~Accessory buildings and structures.~~

~~Accessory uses, as defined herein.~~

~~Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.~~

~~Farmers' markets, limited in area to 2,500 square feet.~~

~~General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a Special Use Permit in the General Agricultural District, A-1.~~

~~Home occupations, as defined herein.~~

~~Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.~~

~~House museums.~~

~~Nurseries.~~

~~Off street parking as required by Section 24-54.~~

~~Petroleum storage on a farm as an accessory use and not for resale.~~

~~Preserves and conservation areas for protection of natural features and wildlife.~~

~~Rest homes for fewer than 15 adults.~~

~~Site built single family detached dwellings and modular homes.~~

~~Slaughter of animals for personal use but not for commercial purposes.~~

~~Storage and repair of heavy equipment as accessory use to a farm.~~

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

~~Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.~~

~~Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.~~

~~Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.~~

~~Wireless communications facilities that utilize alternative mounting structures and comply with Division 6, Wireless Communications Facilities.~~

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential Uses</i>	<i>Accessory apartments, attached, in accordance with section 24-32.</i>	<i>P</i>	
	<i>Accessory apartments, detached, in accordance with section 24-32.</i>		<i>SUP</i>
	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<del>Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled, or other developmentally disabled persons for more than five such persons.</del>		<i>SUP</i>
	<i>Group home or residential facility, for eight or fewer adults.</i>	<i>P</i>	
	<i>Group homes or residential facilities for nine or more adults.</i>		<i>SUP</i>
	<i>Group quarters for agricultural workers.</i>		<i>SUP</i>
	<i>Home care facilities.</i>		<i>SUP</i>
	<i>Manufactured home parks.</i>		<i>SUP</i>
	<i>Manufactured homes in accordance with section 24-107 and section 24-108 not located within the primary service area.</i>		<i>SUP</i>

	<i>Site-built single-family detached dwellings and modular homes.</i>	<i>P</i>	
	<i>Two-family dwellings.</i>		<i>SUP</i>
<i>Commercial Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Adult day-care centers.</i>		<i>SUP</i>
	<i>Airports and landing fields, helistops or heliports and accessory uses.</i>		<i>SUP</i>
	<i>Barber and beauty shops.</i>		<i>SUP</i>
	<i>Business, governmental and professional offices.</i>		<i>SUP</i>
	<i>Campgrounds.</i>		<i>SUP</i>
	<i>Cemeteries and memorial gardens, not accessory to a church or other place of worship.</i>		<i>SUP</i>
	<i>Child day-care centers.</i>		<i>SUP</i>
	<i>Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities, but not those approved as a part of a planned unit development.</i>		<i>SUP</i>
	<i>Convenience stores; if fuel is sold, then in accordance with section 24-38.</i>		<i>SUP</i>
	<i>Drug stores.</i>		<i>SUP</i>
	<i>Farm equipment sales and service establishments.</i>		<i>SUP</i>
	<i>Farmers' markets, limited in area to 2,500 square feet.</i>	<i>P</i>	
	<i>Farmers' markets over 2,500 square feet.</i>		<i>SUP</i>

	<i>Feed, seed and farm supplies.</i>		<i>SUP</i>
	<i>Flea markets, temporary or seasonal.</i>		<i>SUP</i>
	<i>Food processing and storage, but not the slaughter of animals.</i>		<i>SUP</i>
	<i>Food processing and storage in a residence.</i>		<i>SUP</i>
	<i>Gift shops, antique shops.</i>		<i>SUP</i>
	<i>Golf courses and country clubs.</i>		<i>SUP</i>
	<i>Greenhouses, commercial.</i>		<i>SUP</i>
	<i>Home occupations, as defined herein.</i>	<i>P</i>	
	<i>Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.</i>	<i>P</i>	
	<i>Horse and pony farms with 50 or more animals.</i>		<i>SUP</i>
	<i>Horse show areas, polo fields.</i>		<i>SUP</i>
	<i>Hospitals.</i>		<i>SUP</i>
	<i>Hotels and motels.</i>		<i>SUP</i>
	<i>House museums.</i>	<i>P</i>	
	<i>Hunting clubs.</i>		<i>SUP</i>
	<i>Kennels.</i>		<i>SUP</i>
	<i>Medical clinics or offices.</i>		<i>SUP</i>
	<i>Nurseries.</i>	<i>P</i>	
	<i>Nursing homes and facilities for the residence and/or care of the aged.</i>		<i>SUP</i>



	<i>Off-street parking as required by section 24-54.</i>	<i>P</i>	
	<i>Photography, artist and sculptor studios.</i>		<i>SUP</i>
	<i>Photography sales and arts and crafts shops.</i>		<i>SUP</i>
	<i>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.</i>		<i>SUP</i>
	<i>Rental of rooms to a maximum of three rooms.</i>		<i>SUP</i>
	<i>Restaurants, taverns.</i>		<i>SUP</i>
	<i>Rest homes for fewer than 15 adults.</i>	<i>P</i>	
	<i>Rest homes for 15 or more adults.</i>		<i>SUP</i>
	<i>Retail shops associated with community recreation facilities.</i>		<i>SUP</i>
	<i>Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.</i>		<i>SUP</i>
	<i>Slaughter of animals for personal use, but not for commercial purposes.</i>	<i>P</i>	
	<i>Tourist homes.</i>		<i>SUP</i>
	<i>Veterinary hospitals.</i>		<i>SUP</i>
	<i>Wayside stands for sale of agricultural products over 500 square feet in area.</i>		<i>SUP</i>
	<i>Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.</i>	<i>P</i>	
	<i>Yacht clubs and marinas and commercial and service facilities accessory thereto.</i>		<i>SUP</i>

<i>Agricultural Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens or 5,500 turkeys or ducks.</i>		<i>SUP</i>
	<i>Fish farming and aquaculture.</i>		<i>SUP</i>
	<i>General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.</i>	<i>P</i>	
	<i>Petroleum storage on a farm as an accessory use and not for resale.</i>	<i>P</i>	
	<i>Raising of hogs.</i>		<i>SUP</i>
	<i>Storage and repair of heavy equipment as accessory use to a farm.</i>	<i>P</i>	
	<i>Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.</i>	<i>P</i>	
<i>Civic Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Fire stations or rescue squad stations, volunteer or otherwise.</i>		<i>SUP</i>
	<i>Houses of worship and cemeteries accessory thereto.</i>		<i>SUP</i>
	<i>Lodges, civic clubs, fraternal organizations and service clubs.</i>		<i>SUP</i>
	<i>Neighborhood Resource Centers.</i>		<i>SUP</i>
	<i>Places of public assembly used primarily as an event facility in accordance with section 24-48.</i>	<i>P</i>	

	<i>Places of public assembly used primarily as an event facility not in accordance with section 24-48.</i>		<b>SUP</b>
	<i>Places of public assembly.</i>		<b>SUP</b>
	<i>Post offices and public buildings generally.</i>		<b>SUP</b>
	<i>Schools, libraries, museums and similar institutions.</i>		<b>SUP</b>
	<i>Seminaries.</i>		<b>SUP</b>
<b>Utility Uses</b>	<i>Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities.</i>		<b>SUP</b>
	<i>Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.</i>	<b>P</b>	
	<i>Communication towers over 35 feet in height.</i>		<b>SUP</b>
	<i>Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more. b</i>		<b>SUP</b>
	<i>Radio and television stations or towers.b</i>		<b>SUP</b>
	<i>Telephone exchanges and telephone switching stations.b</i>		<b>SUP</b>
	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.</i>		<b>SUP</b>
	<i>Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.</i>		<b>SUP</b>
	<i>Utility substations.</i>		<b>SUP</b>

	<p><i>Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:</i></p> <p><i>(a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line.</i></p> <p><i>(b) Distribution lines and local facilities within a development, including pump stations.</i></p>		<b>SUP</b>
	<i>Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.</i>	<b>P</b>	
	<i>Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.</i>		<b>SUP</b>
	<i>Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities.</i>	<b>P</b>	
<b>Open Uses</b>	<i>Preserves and conservation areas for protection of natural features and wildlife.</i>	<b>P</b>	
	<i>Timbering in accordance with section 24-43.</i>	<b>P</b>	
<b>Industrial Uses</b>	<i>Accessory buildings and structures.</i>	<b>P</b>	
	<i>Accessory uses, as defined herein.</i>	<b>P</b>	
	<i>Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a special use permit).</i>		<b>SUP</b>
	<i>Manufacture and sale of wood products.</i>		<b>SUP</b>

~~Sec. 24-349. — Uses permitted by Special Use Permit only.~~

~~In the Rural Residential District, R-8, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a Special Use Permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:~~

~~Accessory apartments, detached, in accordance with Section 24-32.~~

~~Adult day care centers.~~

~~Airports and landing fields, helistops or heliports and accessory uses.~~

~~Barber and beauty shops.~~

~~Business, governmental and professional offices.~~

~~Camouflaged wireless communications facilities that comply with Division 6, Wireless Communication Facilities.~~

~~Campgrounds.~~

~~Cemeteries and memorial gardens, not accessory to a church or other place of worship.~~

~~Child day care centers.~~

~~Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.~~

~~Communication towers over 35 feet in height.~~

~~Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities, but not those approved as a part of a planned unit development.~~

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

~~Drug stores.~~

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

~~Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a Special Use Permit).~~

~~Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled, or other developmentally disabled persons for more than five such persons.~~

~~Farm equipment sales and service establishments.~~

~~Farmers' markets over 2,500 square feet.~~

~~Feed, seed and farm supplies.~~

~~Fire stations or rescue squad stations, volunteer or otherwise.~~

~~Fish farming and aquaculture.~~

~~Flea markets, temporary or seasonal.~~

~~Food processing and storage, but not the slaughter of animals.~~

~~Food processing and storage in a residence.~~

~~Gift shops, antique shops.~~

~~Golf courses and country clubs.~~

~~Greenhouses, commercial.~~

~~Group quarters for agricultural workers.~~

~~Home care facilities.~~

~~Horse and pony farms with 50 or more animals.~~

~~Horse show areas, polo fields.~~

~~Hospitals.~~

~~Hotels and motels.~~

~~Houses of worship and cemeteries accessory thereto.~~

~~Hunting clubs.~~

~~Kennels.~~

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

~~Manufacture and sale of wood products.~~

~~Manufactured home parks.~~

~~Manufactured homes in accordance with Section 24-107 and Section 24-108 not located within the primary service area.~~

~~Medical clinics or offices.~~

~~Neighborhood Resource Centers.~~

~~Nursing homes and facilities for the residence and/or care of the aged.~~

~~Photography, artist and sculptor studios.~~

~~Photography sales and arts and crafts shops.~~

~~Post offices and public buildings generally.~~

~~Radio and television stations or towers.~~

~~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.~~

~~Raising of hogs.~~

~~Rental of rooms to a maximum of three rooms.~~

~~Rest homes for 15 or more adults.~~

~~Restaurants, taverns.~~

~~Retail shops associated with community recreation facilities.~~

~~Retreat facilities.~~

~~Sanitary landfills in accordance with Section 24-40, waste disposal or publicly owned solid waste container sites.~~

~~Schools, libraries, museums and similar institutions.~~

~~Seminaries.~~

~~Telephone exchanges and telephone switching stations.~~

~~Tourist homes.~~

~~Tower mounted wireless communications facilities in accordance with Division 6, Wireless Communications Facilities, over 35 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, private extensions or 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.~~

~~Two family dwellings.~~

~~Utility substations.~~

~~Veterinary hospitals.~~

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

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

~~Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.~~

~~Wayside stands for sale of agricultural products over 500 square feet in area.~~

~~Yacht clubs and marinas and commercial and service facilities accessory thereto.~~

DistrictR-8-ord



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

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

**Sec. 24-48. – Place of public assembly used primarily as an event facility.**

- (a) *Applicability. A proposed event venue is a commercial facility for hosting functions including, but not limited to, weddings, receptions, banquets, anniversaries, meeting space or conferences. The event venue may be a permanent building, temporary tent, uncovered outdoor gathering space, or a combination thereof. For the purposes of this section, a commercial facility is one that charges a fee or requires compensation to use the space or charges an entry or other fee for the uses related to the facility. Facilities used by membership groups such as civic or service clubs, or fraternal organizations are not included in this definition.*
- (b) *Performance standards. All event facilities, and the parcel(s) where they are located, must meet the following standards:*
- (1) *Location. The property shall be zoned A-1 or R-8.*
  - (2) *Parcel Size. The property must be ten or more acres. This may consist of a single property or multiple adjacent properties under the same ownership, which, when aggregated, total ten or more acres.*
  - (3) *Maximum Number of Attendees. The maximum number of attendees for any given event is limited to 250 people, including but not limited to, any event staff, caterers, photographers and vendors.*
  - (4) *Setbacks.*
    - a. *Setback areas shall be:*
      - i. *Not less than 75 feet from any property line for all development and activity areas related to the event venue, including but not limited to, parking, permanent facilities, temporary tents, fire pits and outdoor gathering spaces;*
      - ii. *Not less than 150 feet from the edge of the right-of-way for roads that are community character corridors as designated by the comprehensive plan for all development and activity areas related to the event venue;*
      - iii. *Not less than 100 feet from any property line for any activity area that will include the use of outdoor amplified sound or music.*
    - b. *All existing trees, bushes, shrubs and other vegetation within such setback areas shall be protected and preserved. The planning director may require the installation of trees*

or shrubs to help buffer the view of any event facilities on sites without sufficient screening.

(5) *Access.* The property must be located on a road that is classified as an arterial or collector road by the Virginia Department of Transportation (VDOT) and cannot take access from the road through a shared or common driveway.

(6) *Limitations on noise.* No activity shall cause or permit to be caused any noise which is plainly audible across a property line between the hours of 11 p.m. to 7 a.m. Sound produced by a bona-fide agricultural activity is exempt from these provisions. For the purposes of this standard, all definitions shall be those found in section 15.20 of the county code. In addition, all sources of amplified music shall be oriented toward the interior of the property.

(7) *Temporary Tents.* Where proposed, temporary tents are allowed for a period not to exceed 30 days. The 30-day time period may be extended by written request to the zoning administrator or their designee showing reasonable cause.

(8) *Conformance with Applicable Regulations:*

a. All facilities, both temporary and permanent, shall be permitted and constructed in accordance with applicable local and state building code requirements for such a use and obtain the appropriate permits and inspections and/or certificates of occupancy;

b. All of the activities shall be required to comply with county and state erosion and sediment control, Chesapeake Bay preservation area, floodplain and Virginia stormwater management permit regulations, as applicable;

c. Any food service or catering associated with an event at the event facility shall be approved by the Virginia Department of Health;

d. Restrooms shall be provided in accordance with applicable building code requirements and shall be approved by the Virginia Department of Health.

(9) *Consideration of Future Production Capacity.* To the greatest degree possible, the proposed event facility should be placed on a parcel so as to avoid areas defined by the United States Department of Agriculture (USDA) as Prime Farmland or Farmland of Statewide Importance. A map shall be submitted showing the location of any Prime Farmland or Farmland of Statewide Importance on the parcel and the location of the event facility. The planning director may allow the event facility to be located in whole or in part on these areas of farmland, should the applicant demonstrate, in writing, that the placement is due to the unique aspects of the property such as, but not limited to, topography, previous disturbance or unusual shape of the parcel.

(c) *Development plans.*

(1) The applicant must demonstrate that all performance standards would be met by their proposal. The following would apply:

- a. *Submission of a conceptual plan in instances where no exterior physical improvements to the property are proposed;*
  - b. *Submission of a site plan in instances where exterior physical improvements are proposed (new building, paved parking, new driveway, etc.).*
- (2) *Upon written request, the director of planning may waive or modify provisions of the following sections of the zoning ordinance if, in his judgement, specific circumstances relative to the proposal and the site indicate that a waiver or modification of the provisions will properly assist in keeping the proposal consistent with the Rural Lands designation and are not contrary to public health, safety and welfare. If an applicant disagrees with the director's decision, appeals can be heard by the development review committee.*
- a. *Chapter 24, Article II. Special Regulations, Division 2. Highways, Streets, Parking and Loading*
  - b. *Chapter 24, Article II. Special Regulations, Division 4. Landscaping*
  - c. *Chapter 24, Article III. Site Plan*
- (d) *Relationship to Other Regulations.*
- 1. *The permitting of an event venue in accordance with the above-listed performance standards does not permit secondary uses by-right on the property when such uses are otherwise listed as specially permitted uses in the zoning ordinance including, but not limited to, tourist homes, overnight accommodations, bed and breakfasts or inns, food processing, restaurants, camping, etc. Such other uses shall be evaluated in accordance with applicable zoning ordinance standards.*
  - 2. *Event venues subject to these special regulations are separate from the use "agri-tourism activity" which has separate standards established by the Virginia Code and county zoning ordinance.*
  - 3. *If any event at a permitted event venue triggers the requirements of chapter 14 of the county code, the event sponsor must obtain a special event permit.*

**ITEM SUMMARY**

DATE: 6/16/2016

TO: The Policy Committee

FROM: Scott Whyte, Senior Landscape Planner II, Ellen Cook, Senior Planner II

SUBJECT: Zoning Ordinance Revisions for Electric Vehicle Charging Stations (EVCS),  
Stage II

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1 Draft Ordinance Language	Ordinance

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	6/10/2016 - 2:46 PM
Policy	Holt, Paul	Approved	6/10/2016 - 3:04 PM
Publication Management	Burcham, Nan	Approved	6/10/2016 - 3:16 PM
Policy Secretary	Secretary, Policy	Approved	6/10/2016 - 3:18 PM

## MEMORANDUM

DATE: June 16, 2016

TO: The Policy Committee

FROM: Scott Whyte, Senior Landscape Planner II  
Ellen Cook, Senior Planner II

SUBJECT: Zoning Ordinance Revisions for Electric Vehicle Charging Stations (EVCS), Stage II

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### **Background**

Updating the Zoning Ordinance to allow for electric vehicle charging stations (EVCS) as an accessory use to off-street parking was proposed as part of the Planning Division's 2015-2016 work program at the October 2015 Policy Committee meeting. At the Stage I Policy Committee meeting on April 14, 2016, staff presented various ideas for changes to County Code Chapter 24, Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, and Article I, Section 24-2, Definitions, to accommodate this use.

Committee members discussed the proposed changes and instructed staff to proceed with drafting the ordinance for Stage II of the process. After staff receives feedback on the draft ordinance, staff will make final revisions to account for Policy Committee comments and present the final ordinance to the Committee in Stage III of the process.

### **Proposed Changes to Definitions**

Staff proposes adding electric vehicle charging station-related definitions to Chapter 24, Article I, In General, Section 24-2, Definitions. This would specifically include a definition for electric vehicle charging stations and the three levels of charging station equipment.

### **Proposed Changes to Special Regulations**

Staff has proposed to add a new section to Chapter 24, Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, to add new regulations for EVCS. The following items are included in the attached ordinance.

1. Staff has proposed to allow the addition of EVCS as an accessory use to off-street parking to allow applicants to install EVCS to new parking lots and add them in existing parking facilities.
2. It is staff's desire to facilitate the installation of EVCS; therefore, staff is proposing to allow developers to count these spaces toward parking minimums.
3. Staff has proposed regulations to require at least one ADA accessible EVCS for each parking lot that contains one or more EVCS.
4. Staff has proposed that EVCS can be screened using existing parking lot landscaping ordinance requirements for new parking lot facilities. Existing facilities that are proposed to be retrofitted with an EVCS facility may need to add additional landscaping to fulfill screening requirements as determined by the Planning Director.

5. Staff has proposed that existing parking lot lighting requirements for facilities that operate at night can be used to ensure adequate lighting at night for EVCS. EVCS that are retrofitted into existing parking lots may need to add additional lighting as determined by the Planning Director.

**Recommendation**

Staff is seeking Policy Committee guidance on the above discussion items and attached draft ordinance for electric vehicle charging stations. Based on input received at this meeting, staff will revise the draft ordinance and provide the final ordinance for review at the July 14 Policy Committee meeting.

SW/EC/nb  
ZORevEVCS-mem

Attachments:

1. Draft Ordinance Section 24-2, Definitions
2. Draft Ordinance Chapter 24, Division 2. Highways, Streets, Parking and Loading

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; AND BY AMENDING AND ADDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-63, SPECIAL PROVISIONS FOR ELECTRIC VEHICLE CHARGING STATIONS.

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; and by amending and adding Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-63, Special provisions for electrical vehicle charging stations.

**Chapter 24**

**ARTICLE I. IN GENERAL**

**Sec. 24-2. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

**E**

*Electric vehicle charging station. An Electric Vehicle Charging Station (EVCS) is an appliance that supplies energy to recharge electric vehicle batteries. There are three types of EVCS equipment available for residential and/or commercial use.*

(1)

*Level 1. Level 1 charging systems can be plugged into most grounded electrical outlets, and is rated for 15 amperes at 120 volts.*

(2)

*Level 2. Level 2 charging systems require a dedicated circuit between 30 and 60 amperes.*

(3)

*Level 3. Level 3 charging systems are for commercial use and the only level permitted for commercial use. This system requires a dedicated circuit and with amperes ratings and voltage requirement determined by the manufacturer's specifications.*

## Chapter 24

### ARTICLE II. SPECIAL REGULATIONS

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

##### ***Sec. 24 -63. Special provisions for electric vehicle charging stations.***

*Electric vehicle charging stations of any level shall be permitted as an accessory use to off-street parking in all zoning districts. The stations shall comply with the following:*

- a) Parking spaces designated for electric vehicle charging stations may be used in the calculation for meeting minimum parking requirements.*
- b) At least one space designated for an electric vehicle charging station per parking lot shall be ADA-accessible, but it shall not be designated as exclusively for use by persons with disabilities.*
- c) All electric vehicle charging stations shall be screened from outside of the parking lot with landscaping, fencing or berms. The screening requirements may be achieved through the landscape regulations in section 24-99 for parking lot landscaping. Electric vehicle charging stations that are proposed to be retrofitted to existing parking lots may require additional landscaping to achieve the screening required as determined by the director of planning.*
- d) All electric vehicle charging stations shall have adequate lighting in accordance with division 7 if they are to operate at night. Required lighting for parking lots that operate at night may be used to achieve this purpose: however, when electric vehicle charging stations are retrofitted into existing parking lots additional lighting may be required as determined by the planning director.*



**ITEM SUMMARY**

DATE: 6/16/2016  
TO: The Policy Committee  
FROM: Scott Whyte, Senior Landscape Planner II, Ellen Cook, Senior Planner II  
SUBJECT: Zoning Ordinance Revisions to Reduce Parking Requirements, Stage II

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Draft Ordinance Language	Ordinance

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	6/10/2016 - 3:38 PM
Policy	Holt, Paul	Approved	6/10/2016 - 3:46 PM
Publication Management	Burcham, Nan	Approved	6/10/2016 - 3:48 PM
Policy Secretary	Secretary, Policy	Approved	6/10/2016 - 3:50 PM

## MEMORANDUM

DATE: June 16, 2016

TO: The Policy Committee

FROM: Scott Whyte, Senior Landscape Planner II  
Ellen Cook, Senior Planner II

SUBJECT: Zoning Ordinance Revisions to Reduce Parking Requirements, Stage II

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### Background

During the 2010-2011 Zoning Ordinance revision process, the Board of Supervisors approved a reduction in off-street parking minimums to reduce impervious cover and eliminate excess parking required for new developments. Since that time, decreasing or eliminating parking minimums has continued to be of interest since it may help to reduce development costs and helps to promote infill and land efficient developments. Such developments can also help promote healthy and energy-efficient lifestyles, help preserve the natural environment and community character and they can increase the property's economic development potential.

At the Stage I Policy Committee meeting on April 14, 2016, staff presented various ideas for further reducing parking regulations in County Code, Chapter 24, Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, and Article I, Section 24-2, Definitions. Committee members discussed the proposed changes and instructed staff to proceed with a draft ordinance to be discussed as part of Stage II of the process. After staff receives feedback on the proposed changes, staff will revise the draft ordinance to account for Policy Committee comments and present it to the Committee as Stage III of the process.

### Proposed Changes

In response to feedback given at the Policy Committee meeting on April 14, 2016, staff has drafted ordinance revisions that address the following objectives:

#### Proposed Changes to Definitions

1. *Retail and Office Floor Area:* Staff has proposed to change the definition for retail floor area in Section 24-2 of the Definitions section of the Zoning Ordinance to apply retail and office space. Staff has also proposed that the calculation for the retail or office floor area of a building simply use 80% of the total floor area to reduce applicant confusion and the potential for different interpretations of the ordinance. Staff has also proposed a different option for applicants who wish to propose a different floor space estimate based on their own calculation for actual retail and office space. Any alternative proposal would need to be approved by the Planning Director.

#### Proposed Changes to Special Regulations

1. *Residential Uses:* Currently Section 24-59 (a) (1) for residential uses with multi-family units of two or more bedrooms requires 2.5 spaces for each townhouse unit and 2.2 spaces for each two or more bedroom apartment. Staff has proposed amending the table in Section 24-59 to change the parking requirements for townhomes and multi-family units to 1.25 spaces for multi-family units up to 500 square feet, 1.5 spaces for multi-family units of more than 500 square feet and 2 spaces for each two bedroom or more unit over 500 square feet. Staff has also proposed additional guest parking for

developments where parking is only offered on individual lots at a rate of one guest space per every four units.

2. *Nursing Homes:* Section 24-59 (b) (10) requires nursing homes to have one space for every four residents and one space for each employee on the largest shift. Staff has proposed amending the parking requirements for this use by breaking it into Assisted Living, Independent Living and Skilled Nursing categories with separate parking minimums for each new use.
3. *Shared Parking:* Shared parking of Section 24-59 (e) is one method that the County currently uses to reduce parking spaces, while still providing adequate parking for the proposed land uses. Staff has proposed to add residential uses to the agreement and remove the word “both” to allow for all proposed uses to be evaluated for shared parking agreements.
4. *Mass Transit Plan:* Currently Section 24-59 (f) offers a reduction in minimum parking upon the approval of a mass transportation or alternative transportation plan. Staff proposes to amend this section of the Zoning Ordinance to eliminate the need for the applicant to show a reserve area, the need to have the Planning Director review the proposal every two years, and the need to install the reduced parking if the proposal does not meet the projections of the parking study.
5. *Appeals:* The minimum parking appeals process in Section 24-59 (h) as currently written allows an applicant to appeal for a change of a commercial use from Category A to Category B if it can be shown that the proposed use will not generate the amount of parking that is required in its present classification. Staff has proposed to amend the process to allow for the reduction of parking in any category to a lesser requirement and to change the wording that requires the burden of proof to be on the applicant to simply that the applicant shall show that the proposed parking will be sufficient.
6. *Deleting Section 24-55 (a) (2).* Currently this section of the ordinance would have the effect of prohibiting an otherwise by-right use from occurring in an existing building if the existing parking lot is otherwise non-conforming as to the minimum number of spaces provided. In order to promote infill redevelopment and revitalizing existing buildings, staff proposes to delete this requirement.

## **Recommendations**

Staff is seeking Policy Committee feedback on the draft ordinance. Based on input received at this meeting, staff will revise the draft ordinance and provide the final at the July 14 Policy Committee meeting.

SW/EC/nb  
ZORevParking-mem

### Attachments:

1. Draft Ordinance Section 24-2, Definitions
2. Draft Ordinance Chapter 24, Division 2. Highways, Streets, Parking and Loading

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; AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 2, HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 24-55, GENERAL PROVISIONS, AND SECTION 24-59, MINIMUM OFF-STREET PARKING REQUIREMENTS.

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; and by amending Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading, Section 24-55, General Provisions, and Section 24-59, Minimum off-street parking requirements.

**Chapter 24**

**ARTICLE I. IN GENERAL**

**Sec. 24-2. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

*Floor area, retail and office.* The total floor area of a commercial building or the commercial portion of a mixed use building, excluding stairwells, elevator shafts, equipment rooms (HVAC, plumbing, electrical, mechanical), storage areas, restrooms, hallways, and interior vehicle parking or loading. For the purposes of commercial parking calculations, the applicant shall be responsible for providing the zoning administrator with information detailing the allocation of retail and non-retail space. *For purposes of calculating parking minimums, retail floor area and office floor area shall be deemed to be either 80% of the gross floor area, or at the request of the applicant, the actual retail or office floor area as shown on floor plans proposed by the applicant. Upon planning director approval, plans shall be binding as to the maximum retail or office floor area used.*

## Chapter 24

### ARTICLE II. SPECIAL REGULATIONS

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

##### Sec. 24-55. General provisions.

- (a) *Certificate of occupancy required and exemptions.* No certificate of occupancy shall be issued for any structure which does not comply with these requirements; however, structures already in use are exempted; provided that:
- (1) Such structure at the time of its erection complied with the provisions of all applicable ordinances of James City County; *and*
  - ~~(2) Exempted buildings remain in continuous use and at no time remain vacant or unused for a continuous period of one year; and~~
  - (3) No parking lot for any exempted property is enlarged or materially altered. If such a parking lot is to be enlarged or materially altered, the existing parking area as well as the new parking area shall be brought into conformance with this chapter; provided, however, the planning director may waive the setbacks and geometric design requirements found in sections 24-57 as they apply to existing parking areas, upon finding that the costs of complying with these standards would impose a severe hardship or that insufficient area exists to allow such revision.

For purposes of this section, "enlarged or materially altered" shall mean expansion or change in the parking lot which either increases the number of parking spaces by more than 15% or reduces the landscaped areas of the parking lot by more than 15%. Nothing in this section is intended to prohibit paving or surfacing of parking lots, the installation of curbs or bumpers, or other improvements which do not affect the number of spaces or the areas of the site dedicated to landscaped open space.

##### Sec. 24-59. Minimum off-street parking requirements.

- (a) *Residential uses.*
- (1) *Minimum number of resident parking spaces.* The minimum number of off-street parking spaces required for residential uses is provided in the following table.

Type of Residential Unit	Minimum Number of Spaces Required
Single-Family Unit	2
Single-Family Unit with an accessory apartment	3
<del>Townhouse Unit</del>	<del>2.5</del>
<del>1 Bedroom Apartment</del>	<del>1.5</del>
<del>2 or more Bedroom Apartment</del>	<del>2.2</del>
<i>Multi-family less than or equal to 500 square feet.</i>	1.25 *
<i>Multi-family greater than 500 square feet</i>	1.5 *
<i>Multi-family with two or more bedrooms over 500 square feet</i>	2 *
Manufactured Home	2
Other Residential Units	1.5

Spaces in garages shall be counted towards the required minimum number of parking spaces for each dwelling. The parking space within the garage shall be large enough to provide an adequate parking space for a full size automobile and necessary space for ingress and egress out of the vehicle as determined by the zoning administrator. Building plans shall be submitted that demonstrate the adequacy of the garage(s) for accommodating parking, adequate ingress and egress out of the vehicle, and interior access to the residential unit.

*\* In addition, if parking is provided in individual lots rather than in lots or bays that are shared by all units in the development, then one guest space per every four units shall be provided.*

(b) *Commercial uses.* Commercial and institutional uses shall be divided into various categories according to the parking demand which they generate, as follows:

*Category A - High demand.* High parking demand generators shall provide a minimum of one parking space per 200 square feet of retail and/or office floor area, but not more than 120% of the minimum requirement, to include:

- Convenience stores.
- Dance Halls/Clubs.
- Drug stores.
- Libraries.
- Liquor stores.
- Lodges, civic clubs, fraternal organizations, service clubs and private clubs.
- Post offices.
- Retail food stores, bakeries and fish markets.
- Truck stops.

*Category B - Moderate demand.* Moderate parking demand generators shall provide a minimum of one parking space per 250 square feet of retail and/or office floor area, but not more than 120% of the minimum requirement, to include:

- Arcades.
- All other commercial uses not specified in Category A or C.
- Automobile and trailer sales and service.

- Banks and other financial institutions.
- Billiard parlors and pool rooms.
- Business, governmental and professional offices.
- Laundries and dry cleaners.
- Lumber and building supply.
- Machinery sales and service.
- Photography, artist and sculptor stores and studios.
- Plumbing and electrical supply.
- Retail and service stores, including the following stores: appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods.
- Retail stores, general.
- Tire, transmission, glass, body and fender, and other automotive product sales and service.

*Category C - Uses with unique requirements.* Category C uses shall provide minimum parking as stated below but not more than 120% of the minimum requirement:

*(1) Assisted living. One space for every two units, plus one parking space for every six units for visitor parking.*

- ~~(1)~~ *(2) Bowling alleys.* Three spaces per alley plus one space for every 200 square feet of accessory business use.
- ~~(2)~~ *(3) Barber shops and beauty parlors.* At least three spaces plus two spaces for every barber or beautician chair.
- ~~(3)~~ *(4) Furniture and carpet stores and/or show rooms.* One space for every 400 square feet of retail floor area.
- ~~(4)~~ *(5) Hospitals.* Two parking spaces for every bed.

*(6) Independent living for seniors. One space for every unit, plus one parking space for every six units for visitor parking.*

- ~~(7)~~ *(6) Indoor vehicular sales show rooms.* One space for every 400 square feet of retail floor area.
- ~~(8)~~ *(7) Medical office/clinic (reference (18) below for Veterinary Hospitals).* Seven spaces per practitioner, or one space per 250 square feet, whichever is greater.
- ~~(9)~~ *(8) Mini-storage warehouses.* One space per 100 units, plus two spaces per on-site caretaker residence.
- ~~(10)~~ *(9) Mortuaries and funeral homes.* The applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted industry standards, provide information on peak parking demands, shared parking

opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.

(11) ~~(10)~~ *Motels, hotels and tourist homes.* One space per rental unit plus four parking spaces for every 50 rental units plus one space per five persons to the maximum capacity of each public meeting and/or banquet room. Accessory uses (restaurants, bars, etc.) shall provide the number of parking spaces required for those uses individually.

~~(10) *Nursing homes.* One space for every four residents, plus one parking space for each employee on the largest shift.~~

(12) ~~(11)~~ *Outdoor retail sales/display areas.* At least one space per 500 square feet of area.

(13) ~~(12)~~ *Outlet malls.* Five spaces per 1,000 square feet of retail floor area. For the purposes of this provision, an "outlet mall" shall be defined as four or more stores which 1) are physically connected or are otherwise arranged in an integrated manner, 2) share a common parking area, and 3) the majority of the individual stores primarily sell the goods of a single manufacturer or sell returned, discontinued, overstock and/or similar goods.

(14) ~~(13)~~ *Planned shopping centers, excluding outlet malls,* with four or more stores using a common parking lot, shall provide parking spaces according to the following schedule:

<i>Total Retail Floor Area per 1,000 square feet</i>	<i>Number of Spaces per 1,000 square feet</i>
1 to 300,000	4
Over 300,000	4.5

Where a theater or other place of public assembly is proposed in conjunction with any shopping center which contains at least 60,000 square-feet of retail floor area, the number of parking spaces required for the theater may be reduced by 25% of what would have been required under subsection (17) below.

(15) ~~(14)~~ *Recreation facilities.* For recreation facilities not listed herein, the applicant shall provide a rationale justifying the number of parking spaces provided. The rationale should cite commonly accepted national park and recreation standards, provide information on peak parking demands, shared parking opportunities, hours of operation, and other variables which would influence the number of parking spaces provided on-site. The planning director shall review and approve the number of parking spaces provided prior to final site plan approval.

(16) ~~(15)~~ *Rental of rooms.* Rental of rooms to a maximum of three rooms shall provide off-street parking totaling one more parking space than the total number of rooms to be rented.

(17) ~~(16)~~ *Restaurants.* One space for every four seats based upon the maximum seating capacity allowed.

(18) *Skilled nursing. One space for every two patient beds.*



- (19) ~~(18)~~ *Places of public assembly including houses of worship and public meeting halls.* One *parking* space per five seats based upon the planned seating capacity. For uses with bench seating, each 24 inches of bench shall be counted as one seat. In calculating the number of seats, all resulting fractions shall be rounded up to the nearest whole number.
- (20) ~~(19)~~ *Veterinary hospitals.* Three spaces per examination or treatment room, plus one space per employee on the largest shift.
- (c) *Industrial uses.* Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two employees on the largest shift.
- (d) *All other uses - planning director determination.* Where the required number of parking spaces is not set forth for a particular use in the preceding subsections, where the applicant is uncertain as to final use or size of the structure or where there is no similar general type of use listed, the planning director shall determine the number of spaces to be provided.
- (e) *Shared parking.* Shared use of required parking spaces may be permitted where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. The location of such shared parking area(s) shall also be in compliance with [Section 24-55](#) (b). Shared use of required *residential or nonresidential* parking spaces is allowed if the following documentation is submitted in writing to the planning director as part of the site plan review:
- (1) The names and addresses of the uses and of the owners or tenants that are sharing the parking;
  - (2) The location and number of parking spaces that are being shared;
  - (3) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of ~~both~~ *all proposed* uses; and
  - (4) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses and perpetual maintenance of the shared parking facilities. The rights of use of any such lots and pedestrian walkways shall be provided for by ownership, easement or similar recorded covenant or agreement, approved as to form and content by the county attorney, in order to assure the permanent availability of such parking.
- (f) *Mass or alternate transportation plans.*
- (1) The minimum number of required parking spaces may be reduced upon the approval of a mass transportation or alternate transportation plan, which details arrangements for the mass or alternate transit of potential visitors to the site, including residents, employees and customers. The plan shall also demonstrate that facilities exist or will be provided to accommodate the safe loading and unloading of mass transit passengers. A facility which provides a safe and comfortable waiting area for passengers shall also be provided.

Such plans shall be subject to the review and approval of the planning director and transit manager prior to the reduction of the number of required parking spaces.

- ~~(2) Each lot for which the minimum number of parking spaces has been reduced shall show a reserve area sufficient in size to accommodate the number of parking spaces which were not required to be constructed.~~
- ~~(3) Every approved mass transportation or alternate transportation plan shall be reviewed by the planning director and transit manager every two years. The purpose of the review is to ascertain whether the plan has the effect of significantly reducing the automobile traffic to and from the site, and whether the reduced number of parking spaces is sufficient to accommodate the automobile traffic to the site. The planning director and the transit manager shall make a determination to this effect.~~
- ~~(4) In the event that the planning director and transit manager determine that an approved mass transportation plan or alternate transportation plan has not had the effect of significantly reducing automobile traffic to a site, and that the reduced number of parking spaces is not sufficient to accommodate the automobile traffic to a site, the owner shall construct the number of parking spaces necessary to meet the minimum required under this ordinance.~~

(g) *Parking Garages.* The maximum parking requirement shall not be applicable for establishments utilizing parking garages.

(h) *Appeals and waivers:*

- (1) *Appeals.* A property owner may appeal for a change of a commercial use from *any category to* ~~Category A to Category B~~ or a less restrictive requirement; however, ~~the burden of proof shall be upon~~ the applicant to *shall* show that the particular activity will not reasonably generate parking demand sufficient to justify the parking requirement of its present classification. Appeals for changes to parking classifications shall be made to the planning director.
- (2) *Waivers.* A property owner may be granted a waiver by the planning director from the 120% maximum parking cap if it can be shown that due to unique circumstances a particular activity would be expected to generate more parking demand than that allowed by the maximum parking cap. The planning director shall make a determination if the requested additional parking is necessary. The applicant shall demonstrate efforts toward utilizing a shared parking agreement or implementing a parking management plan to meet demand. The planning director may place conditions upon the granting of a waiver and may require that the parking area be landscaped in addition to the minimum landscaping requirements. In the event the planning director disapproves plans applicable to this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.