

**A G E N D A**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**READING FILE**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 9, 2015**  
**6:30 PM**

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**A. FOR YOUR INFORMATION**

1. Clean Copy of Ordinance - Case No. ZO-0003-2015. Consideration of Amendments to the Zoning Ordinance - Article 1. In General. Administrative fees, Amendments and variation of conditions, and Submittal Requirements
2. Clean Copy of Ordinance - Case No. ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes
3. Clean Copy of Ordinance - Case No. ZO-0002-2015, B-1, General Business, and M-1, Limited Business/Industrial, Amendments to Incorporate Changes Made to Small-Scale Alcohol Production Definition



## ITEM SUMMARY

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: Christopher Johnson, Principal Planner

SUBJECT: Clean Copy of Ordinance - Case No. ZO-0003-2015. Consideration of Amendments to the Zoning Ordinance - Article 1. In General. Administrative fees, Amendments and variation of conditions, and Submittal Requirements

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### ATTACHMENTS:

Description	Type
☐ Ordinance - Clean Copy	Backup Material

### REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/21/2015 - 11:39 AM
Development Management	Murphy, Allen	Approved	5/21/2015 - 2:04 PM
Publication Management	Burcham, Nan	Approved	5/21/2015 - 2:19 PM
Board Secretary	Fellows, Teresa	Approved	5/21/2015 - 2:34 PM
Board Secretary	Kinsman, Adam	Approved	5/29/2015 - 4:45 PM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 9:05 AM



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 24-7, ADMINISTRATIVE FEES; BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-20, AMENDMENTS AND VARIATIONS OF CONDITIONS; AND BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-23, SUBMITTAL 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 24-7, ADMINISTRATIVE FEES; BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-20, AMENDMENTS AND VARIATIONS OF CONDITIONS; AND BY AMENDING ARTICLE I, SECTION 24-23, SUBMITTAL REQUIREMENTS.

**Chapter 24**

**ARTICLE I. IN GENERAL**

**Sec. 24-7. Administrative fees.**

(a) Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

<u>Procedure</u>	<u>Fee</u>
(1) Rezoning	
a. Rezoning or proffer amendments which require a public hearing.....	\$1,200 plus \$75.00 per
.....acre, not to exceed	\$15,000.00
b. Written request to the board of supervisors to amend proffered conditions where such amendment does not affect conditions of use or density.....	200.00

(If the board of supervisors determines that an amendment or variation of proffered conditions warrants a public hearing in accordance with section 24-13 of this chapter, such requests shall pay a rezoning fee in accordance with (1)a., above.)

- (2) Special use permits:
  - a. Generally (General special use permits processed with ..... \$1,000.00 plus \$30.00 a rezoning shall pay a rezoning fee only).....per acre, not to exceed \$5,000.00
  - b. Manufactured home on an individual lot. .... 100.00
  - c. Family subdivision under section 24-214. .... 100.00
  - d. Amendment to a special use permit ..... 400.00
  - e. Wireless communications facilities under division 6 ..... 1,500.00

- (3) Master plan review:
  - a. Initial review of any Residential Cluster, Mixed Use or a PUD with less than 400 acres (PUD's with 400 acres or more shall

- pay a rezoning fee only)..... 200.00
- b. Revision of approved plan:
  - 1. Residential Cluster ..... 75.00
  - 2. R-4, PUD, Mixed Use ..... 150.00
- (4) Site Plan Review:
  - a. Administrative review:
    - 1. Residential structures or improvements, \$600.00, plus \$60.00 per residential unit.
    - 2. Nonresidential structures or improvements, \$600.00, plus \$0.024 per sq. ft. of building area.
    - 3. Mixed Use structures or improvements, \$600.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.
  - b. Planning commission review:
    - 1. Residential structures or improvements, \$1,800.00, plus \$60.00 per residential unit.
    - 2. Nonresidential structures or improvements, \$1,800.00, plus \$0.024 per sq. ft. of building area.
    - 3. Mixed Use structures or improvements, \$1,800.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.
  - c. Amendment to an approved plan:
    - 1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.
    - 2. Nonresidential structures or improvements, \$100.00, plus \$0.004 per sq. ft. of building area.
    - 3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus \$0.004 per sq. ft. of nonresidential building area.
    - 4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.
  - d. Zoning administrator and fire department review only, \$20.00.
  - e. Each additional review after second resubmission, \$250.00 not to include resubmissions that are the result of substantial redesign due to other agency comments.
- (5) Sign permits, \$5.00 per square foot of gross sign area.
- (6) Appeals to the board of zoning appeals, \$500.00.
- (7) Application for a height limitation waiver to the board of supervisors, \$200.00.
- (8) Application for administrative variance, \$250.00.
- (9) Public hearing applicant deferral request when the applicant fails to meet a staff imposed deadline for additional information relevant to the application except where deferral is the result of a commission or board action, \$350.00 per request.
- (10) Conceptual plan review, \$25.00.
- (11) Zoning verification request, \$100.00.

(12) Stormwater inspection fees: There shall be a fee for the inspection 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.

(b) Payment of any permit fees established in section 24-7 shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.

**Sec. 24-20. Amendments and variations of conditions.**

(a) Conditions proffered and accepted as part of an amendment of the zoning ordinance shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(b) Except as provided in subsection (c), there shall be no amendment or variation of proffered conditions created pursuant to the provisions of this article until after a public hearing before the board of supervisors which shall be advertised pursuant to section 24-13 of this chapter.

(c) Where an amendment or variation of proffered conditions is requested pursuant to Virginia Code § 15.2-2302(A), and where such amendment does not affect conditions of use or density, the board of supervisors may waive the requirement for a public hearing under any statute, ordinance, or proffer requiring a public hearing prior to amendment of such proffered conditions. Written notice of such application shall be provided by the applicant to any landowner subject to such existing proffered conditions in the manner prescribed by Virginia Code § 15.2-2302(H).

**Sec. 24-23. Submittal requirements.**

(a) The following information shall be submitted with any request for an amendment of this chapter, as provided for in section 24-13, or for any building or use and addition or expansion thereto which requires a special use permit under this chapter, provided however, applications for family subdivisions, manufactured homes and temporary classroom trailers shall be exempt from the requirements of this section.

- (1) The community impact statement shall describe the probable effects of the proposed development upon the community and at a minimum shall address the following topics regarding infrastructure and quality of life:
  - a. A traffic impact analysis for all projects that expect to generate 100 or more weekday peak hour trips to and from the site during the hours of operation and/or those projects with an entrance or exit onto a roadway with a level of service "D" or lower shall be required pursuant to the Traffic Impact Analysis Submittal Requirement Policy. Vehicular access points and drives shall be designed to encourage smooth traffic flow, with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. No more than one access point on each abutting public street shall be permitted unless specifically approved by the board of supervisors after reviewing the applicant's traffic impact analysis; and

- b. A water and sewer impact study for all projects with an anticipated average daily flow greater than 15,500 gallons, and/or for proposed residential projects containing 50 lots or more. Water conservation information shall be submitted in accordance with water conservation guidelines policy; and
  - c. Environmental information shall be submitted in accordance with the environmental constraints analysis for legislative cases; and
  - d. An adequate public facilities report in accordance with board of supervisors policy to include sewer, water, schools, fire stations, libraries, and other major locally-financed facilities. School information shall be prepared according to the adequate public school facilities test policy; and
  - e. Additional on-site and off-site public facilities or services which would be required as a result of the development; and
  - f. A Phase IA historic and archaeological study if the property is identified as being a highly-sensitive area on the James City County archaeological assessment. If the property is identified as a moderately-sensitive area on the assessment, studies shall be provided in accordance with the currently adopted archaeological policy; and
  - g. An environmental inventory in accordance with the James City County natural resource policy; and
  - h. A fiscal impact analysis, using the worksheet and assumptions provided by the planning division, when the proposal includes residential dwelling units. The analysis must estimate revenues to be generated versus the cost of public improvements to be financed by the county or the state using the fiscal impact model prepared by the county. If desired by the applicant supplemental studies may be prepared by an individual or firm qualified to conduct a fiscal impact study in a manner and form acceptable to the planning director; and
  - i. Parks and recreation information based on parks and recreation master plan proffer guidelines.
- (2) The master plan shall depict and bind the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-way (with an indication of whether public or private), accesses, open spaces, public uses and other features to be located on the site for which approval is sought. The planning director may require other features, including general location and approximate boundaries of buildings, structures or parking areas, to be incorporated into the master plan where deemed necessary due to the size of the development, access to or location of public roads, distance from residential areas, presence of environmentally sensitive areas or availability of public utilities. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. The master plan shall also include:
- a. An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivision or major landmarks;
  - b. A north arrow, scale, the proposed use, approximate development phasing (if applicable);
  - c. The location of existing property lines, watercourse or lakes, wooded areas and existing roads which are within or adjoining the property;



- d. If applicable, a table which shows for each section or area of different uses: the use; approximate development phasing, maximum number of dwelling units and density for residential areas, maximum square feet of floor space for commercial or industrial areas; and maximum acreage of each use;
- e. If applicable, schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans; and
- f. If more than one type of land uses is proposed, each use shall be designated on the master plan as follows:

<b>Type of Development</b>	<b>Area Designation</b>
Single family	<b>A</b>
Multi-family dwellings containing up to and including four dwelling units	<b>B</b>
Multi-family dwellings containing more than four dwelling units	<b>C</b>
Apartments	<b>D</b>
Commercial uses	<b>E</b>
Wholesale and warehouse uses	<b>F</b>
Office uses	<b>G</b>
Light industrial uses	<b>H</b>
Institutional or public uses	<b>I</b>
Areas of common open space, with recreation areas noted	<b>J</b>
Structures containing a mixture of uses	<b>M*</b>
Other structures, facilities or amenities	<b>X</b>

\*Areas of a master plan designated M (structures containing a mixture of uses) shall indicate in parentheses, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g., M (CG)) in the order of their proportion in the mixed use structure.

A total of 12 copies of the master plan should be submitted along with an application for rezoning or a special use permit; if necessary, additional copies of the master plan may be required for submittal. The master plan shall be reviewed and approved and thereafter become binding upon approval of a rezoning or a special use permit by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Final development plans may be approved after approval of a master plan by the board of supervisors. All final development plans shall be consistent with the master plan, but may deviate from the master plan if the planning director concludes that the development plan does not:

1. Significantly affect the general location or classification of housing units or buildings as shown on the master plan;
2. Significantly alter the distribution of recreation or open space areas on the master plan;
3. Significantly affect the road layout as shown on the master plan;
4. Significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the master

plan.

If the planning director determines that a proposed change would deviate from the approved master plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the planning director disapproves the amendment, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. For additional information regarding master plan submittal requirements refer to the submittal sections for the following zoning districts: R-4, Residential Planned Community; RT, Research and Technology; PUD, Planned Unit Development; MU, Mixed Use; EO, Economic Opportunity; and Residential Cluster Development Overlay District.

(3) Any other submittal requirement which may be required by this chapter.

(4) An application and fee in accordance with section 24-7 of this chapter.

(b) Supplemental information should be submitted in accordance with the “Supplemental Submittal Requirements for Special Use Permits and Rezonings” policy as adopted by the board of supervisors and any additional policies as deemed necessary by the planning director.

(c) In addition to the paper copies of all documents required by this chapter, all information and plans required under (a)(1), (a)(2) or (a)(3) shall be submitted in an electronic format in accordance with the “Electronic Submittal Requirements for Legislative Applications” policy, as approved by the planning commission.

(d) Unless otherwise required by this chapter, upon written request by the applicant, the planning director may waive any requirement under (a)(1) or (a)(2) above after finding that such information would not be germane to the application.

## ITEM SUMMARY

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: Jason Purse, Zoning Administrator

SUBJECT: Clean Copy of Ordinance - Case No. ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes

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The attached ordinance represents the clean version or the Zoning Ordinance amendments associated with ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes.

### ATTACHMENTS:

	Description	Type
☐	Clean Copy of ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes	Ordinance

### REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/21/2015 - 3:11 PM
Development Management	Murphy, Allen	Approved	5/28/2015 - 9:11 AM
Publication Management	Burcham, Nan	Approved	5/28/2015 - 9:36 AM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 9:05 AM
Board Secretary	Kinsman, Adam	Approved	6/1/2015 - 2:57 PM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 3:15 PM



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; BY AMENDING AND RENAMING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, PERMITTED USES; AND BY DELETING SECTION 24-213, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

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; by amending and renaming Article V, Districts, Division 2, General Agricultural District, A-1, Section 24-212, Permitted uses; and by deleting Section 24-213, Uses permitted by special use permit only.

**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:

**A**

**Agritourism Activity** - Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an Agritourism activity whether or not the participant paid to participate in the activity.

**Agricultural Operation** - Any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits or vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

**L**

**Limited Farm Brewery** - Breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided the brewery is located on a farm where agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. Limited Farm Brewery does not include a restaurant or tap room operations, but may include the sale or tasting of beer during regular business hours within the normal course of business. The sale of beer-related items that are incidental to the sale of beer is also permitted.

**Limited Farm Distillery** - Distilleries that manufacture no more than 36,000 gallons of alcohol per calendar year, provided the distillery is located on a farm where agricultural products used by such distillery in the manufacture of its alcohol are grown on the farm. Limited Farm Distillery does not include a restaurant or tap room operations, but may include the sale or tasting of alcohol during regular business hours within the normal course of business. The sale of distillery-related items that are incidental to the sale of alcohol is also permitted.

**P**

**Production Agriculture or Silviculture Activity** - The bona fide production or harvesting of agricultural products as defined in section 3.2-6400 of the Code of Virginia, including silvicultural products, but shall not

include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge, or the storage or disposal of non-agricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act.

**R**

Retreat - A private or secure place of refuge and education. A retreat can include temporary, short-term residential facilities, recreational amenities, and educational activities (e.g. for job training and life skills). Retreat facilities must be voluntary in nature, and are different from group homes, which must be licensed by the Department of Behavioral Health and Development Services. A caretaker must be present when guests/lodgers are on-site.

**S**

Silvicultural Activities - Forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation.

Small-scale Alcohol Production - Includes operations such as micro-breweries, micro-distilleries, and micro-wineries. Micro-breweries produce no more than 15,000 barrels a year. Micro-distilleries produce no more than 36,000 gallons of alcohol per year. Micro-wineries produce no more than 15,000 barrels a year. These uses are often accompanied by tap rooms, brew pubs, and retail sales.

**\*These definitions only represent the new additions to what currently exists in section 24-2.**

**Chapter 24**

**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	
	<b>Group home or residential facility, for eight or fewer adults.</b>	<b>P</b>	
	<b>Group homes or residential facilities for nine or more adults.</b>		<b>SUP</b>
	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 Uses	Accessory buildings and structures.	P	
	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.		<b>SUP</b>
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
<b>Small-scale alcohol production.</b>		<b>SUP</b>
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		SUP



	shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.		
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, <b>including agritourism activities</b> , as defined in section 24-2.	P	
	Fish farming and aquaculture, <b>but shall not include the processing of such products.</b>	<b>P</b>	
	<b>Food processing and storage, when it occurs in private homes per Code of Virginia § 3.2-5130 subdivisions A 3, 4, and 5.</b>	<b>P</b>	
	General agriculture <b>operation, production agriculture or silviculture activity</b> , 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	
	<b>Limited farm brewery.</b>	<b>P</b>	
	<b>Limited farm distillery.</b>	<b>P</b>	
	Intensive agriculture as herein defined.	P	
	Petroleum storage on a farm as an accessory use and not for resale.	P	
	<b>Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands.</b>	<b>P</b>	
	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
	Houses of worship and cemeteries accessory hereto.	P	
	Lodges, civic clubs, fraternal organizations or service clubs.		SUP
	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



## ITEM SUMMARY

DATE: 6/9/2015

TO: The Board of Supervisors

FROM: Jason Purse, Zoning Administrator

SUBJECT: Clean Copy of Ordinance - Case No. ZO-0002-2015, B-1, General Business, and M-1, Limited Business/Industrial, Amendments to Incorporate Changes Made to Small-Scale Alcohol Production Definition

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Attached you will find a clean copy (non-strikethrough format) of the Zoning Ordinance amendments for ZO-0002-2015, B-1, General Business, and M-1, Limited Business/Industrial, Amendments to Incorporate Changes Made to Small-Scale Alcohol Production Definition.

### ATTACHMENTS:

	Description	Type
☐	Clean Copy of the Zoning Ordinance for ZO-0002-2015, B-1, General Business, and M-1, Limited Business/Industrial, Amendments to Incorporate Changes Made to Small-Scale Alcohol Production Definition	Ordinance

### REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/21/2015 - 3:11 PM
Development Management	Murphy, Allen	Approved	5/28/2015 - 9:11 AM
Publication Management	Burcham, Nan	Approved	5/28/2015 - 9:29 AM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 9:05 AM
Board Secretary	Kinsman, Adam	Approved	6/1/2015 - 2:56 PM
Board Secretary	Fellows, Teresa	Approved	6/1/2015 - 3:15 PM



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST; AND DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts; Division 10, General Business District, B-1, Section 24-390, Use list; and Division 11, Limited Business/Industrial District, M-1, Section 24-411, Uses list.

Chapter 24  
ARTICLE V. DISTRICTS  
DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

**Sec. 24-390. Use list.**

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

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Research, development and design facilities or laboratories	P	
	Restaurants, including fast food restaurants, tea rooms, coffee shops, and taverns	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, gift, gourmet foods, 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	P	
	Retail food stores	P	
	Security service offices	P	
	Small-scale alcohol production	P	
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP

ARTICLE V. DISTRICTS

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

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

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

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Restaurants, tea rooms, coffee shops, and taverns, not to include fast food restaurants	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	
	Security service offices	P	
	Small-scale alcohol production	P	
	Tattoo parlors		SUP
	Taxi service	P	