

ORDINANCE NO. 31A-54

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISION OF ARTICLE IV, DISTRICTS: DIVISION 9, INDUSTRIAL, LIMITED, DISTRICT M-1.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City be and the same is, hereby, amended by amending the following division of Article IV, Districts: Division 9, Industrial, Limited, District M-1, to read as follows:

CHAPTER 20

ZONING

Article IV. Districts

Division 9, Industrial, Limited, District M-1.

Section 20-87. Statement of intent.

The primary purpose of the M-1, Limited Industrial District, is to establish an area where the principal use of land is for limited industrial operations which may create some nuisance and which are not properly associated with nor compatible with residential development. The specific intent of this district is to:

- (a) Encourage the use of land for limited industrial purposes; and
- (b) Prohibit residential developments on land reserved for limited industrial uses; and
- (c) To encourage the discontinuance of existing uses which would not be permitted as new uses under the provision of this chapter; and
- (d) To establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects of the development of limited industrial uses.

Section 20-88. Permitted uses.

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

Manufacture or assembly of electronic instruments,
electronic devices or electronic components

Manufacture or assembly of medical, drafting, metering,
marine, photographic and mechanical instruments

Manufacture or assembly of applicances, tools, firearms,
hardware products, and heating, cooling or
ventilating equipment

Manufacture, compounding, processing or packaging of
cosmetic, toiletry, and pharmaceutical products

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

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

Manufacture and bottling of soft drinks

Manufacture and processing of textiles and textile
products

Manufacture of carpets and carpet yarns

Manufacture of pottery and ceramic products, using kilns
fired only by gas or electricity

Welding and machine shops with storage under cover or
screened with landscaping and fencing from adjacent
property

Contractor offices, equipment storage yards, shops and
warehouses with storage under cover or screened
with landscaping and fencing from adjacent property

Warehouse, storage, and distribution centers with storage
under cover or screened with landscaping and fencing
from adjacent property

Printing, lithographing, engraving, photocopying, blue-
printing, and publishing establishments

Corporate, business, professional, and governmental
offices

Data processing centers

Research, development, and design facilities

Industrial and technical training schools

Commercial banks, credit unions, and other similar
financial institutions

Employment services or agencies

Janitorial service establishments

Security service offices

Furniture and carpet stores

Cabinet and upholstery shops

Veterinary hospitals and kennels

Dry cleaners and laundries

Automobile sales and service with major repair under cover

Home appliance sales and service

Wholesale and retail lumber and building supply stores with
storage under cover or screened with landscaping and
fencing from adjacent property

Wholesale and retail plumbing and electrical supply stores
with storage under cover or screened with landscaping
and fencing from adjacent property
Machinery sales and service with major repair under cover
Heavy equipment sales and service with major repair under
cover
Vehicle and trailer sales and service with major repair
under cover
Wholesale and retail nurseries
Plant and garden supply and hardware and paint stores
Mobile home sales
Locksmith and gunsmith shops
Automobile service stations and truck terminals subject to
the special requirements of this Chapter which apply
to these uses
Tire, transmission, glass, body and fender and other
automotive products sales and service with major
repair under cover and vehicle storage screened
from adjacent property by landscaping and fencing
Farm supply feed and seed stores
Wholesale and retail marine or waterfront businesses to
include receipt, storage and transshipment of water-
borne commerce, or seafood receiving, packing and
distribution
Restaurants, tearooms and taverns
Hotels, motels and conference or convention centers with
accessory retail sales, barbershops and beauty shops
located within the hotel, motel and conference or
convention center for the principal benefit of the
resident guests
An apartment or living quarters for a guard, caretaker,
or other person employed on the premises which is
clearly secondary to the industrial use of the
property
Churches
Fire stations
Post offices
Public utilities or public service or transportation uses,
water storage tanks, pumping or regulator stations,
telephone exchanges, transformers or substations, and
power transmission lines
Accessory uses as defined in Section 20-2 of this Chapter
Off-street parking as required by this Chapter
Indoor sport facilities, health clubs and exercise clubs
Retail food stores, bakeries and fish markets
Department stores, wearing apparel, shoe, tailor, dress-
making, candy, ice cream, florist, furrier, pet,
picture framing, stamp and coin, travel bureau, yard
goods, toys, music and records, tobacco and pipes,
jewelry sales and service, books, greeting cards and
sporting goods stores
Drugstores, barber shops and beauty shops

Section 20-88.1. Uses permitted by Special Use Permit only

In the M-1, Limited Industrial District, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

- Outdoor sports facilities
- Thematic parks or gardens
- Radio stations, television stations, transmission relay stations and communication towers which exceed 60 feet in height
- Petroleum storage
- Water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more
- Sanitary landfills
- Airports
- Hospitals
- Lodges, civic clubs, fraternal organizations, service clubs and assembly halls
- Funeral homes
- Commercial marinas, docks, piers, yacht clubs, boat basins and servicing areas for same
- Manufacture of furniture
- Manufacture and sale of glass and glass products
- Manufacture and storage of ice, including dry ice
- Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals

Section 20-89. Area requirements

Minimum lot size for lots served by public water and public sewer shall be 10,000 square feet.

Minimum lot size for lots served by public water or public sewer, but not both, shall be 20,000 square feet.

Minimum lot size for lots served by neither public water nor public sewer shall be 30,000 square feet.

Section 20-89.1. Frontage requirements

Minimum width of lots in the M-1, Limited Industrial District, shall be 75 feet at the setback line.

Section 20-90. Setback requirements

Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 60 feet or more from the center line of the street. The minimum setback of any portion of a structure which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

The minimum setback shall also be increased to a minimum of 50 feet from any street with a right-of-way 50 feet or greater in width and 75 feet from any street with a right-of-way of less than 50 feet of width when the property immediately across the street is zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R. The minimum setback of any portion of a structure across the street from property zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

Section 20-90.1. Side and rear setbacks

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

The side and rear setbacks for all structures shall be increased to 35 feet from any property line which is contiguous to property zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R. The minimum side and rear setbacks for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

Section 20-90.2. Perimeter landscape regulations

For permitted uses a minimum 10 foot wide perimeter landscape strip shall be provided adjoining property lines within which no building structure, driveway or parking surface will be permitted. Necessary approved entrances, walkways, fences and signs will be allowed.

The perimeter landscape strip shall be increased to 20 feet of width along any property line which is contiguous to property zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R. For the purpose of determining the required width of the perimeter landscape strip, property immediately across the street shall be considered contiguous.

The perimeter landscape strip, as herein used, is defined as areas containing living plant materials, including trees, shrubs, grass and vines. Such areas shall be shown on the site plan or a separate landscaping plan for the site, which shows the size and type of existing trees, trees to be removed, and new trees or vegetation to be planted. Such plan is subject to approval as provided in the Site Plan Review section of this Chapter. In general, when trees are required, they shall be a minimum of seven feet in height with one tree per fifty linear feet of landscaped area and more or less evenly distributed. The distribution requirement shall not prevent, where approved, the concentration of either existing or planted trees and hedges to screen or buffer adjacent property and public roads. Where approved, hedges for screening purposes may substitute in part for the planting of trees. Existing trees and vegetation shall be retained wherever possible, particularly where they border adjacent property presently developed or zoned for residential uses. The landscape perimeter strip and the plant material contained therein shall be maintained in good condition.

Section 20-90.3. Special provisions for the waiver of area, frontage and setback requirements

To allow the subdivision of industrial property on which industrial units for sale, for sale in condominium, or for lease are constructed as part of a multi-unit structure in which the units share common walls, the Board of Supervisors may grant, at its discretion, a waiver from Sections 20-89, 20-89.1, 20-90, 20-90.1 and 20-90.2 upon finding:

- (a) The overall complex or structure, if considered as a single unit, meets all of the requirements of 20-89, 20-89.1, 20-90, 20-90.1 and 20-90.2; and
- (b) Adequate parking is provided as per the requirements of this Chapter, and where determined necessary by the Board, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas; and
- (c) Adequate provisions are made to assure compliance with the requirements of this Chapter with regards to signs, and where determined necessary by the Board, adequate easements or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced frontage or yard area of the individual units; and
- (d) The complex or structure is adequately designed and serviced from the standpoint of safety, and that the County Fire Marshal certifies that the fire safety equipment to be installed is adequately designed and the County Building Official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

Section 20-91. Height limits

Buildings and other structures may be erected up to 60 feet in height from grade to the top of the structure.

Water towers, chimneys, flues, flag poles, communication antennae, mechanical penthouse, electrical, plumbing, elevator or other accessory mechanical functions which are part of or on top of a main structure are exempt. Parapet walls may be up to four feet above the height of the building on which the wall rests.

Section 20-91.1. Height limitation waiver

A structure in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the Board of Supervisors. Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:

- (a) Additional setbacks have been provided as required by Section 20-90 and Section 20-90.1 of this Chapter except that setbacks in excess of 60 feet shall not be required except at the discretion of the Board of Supervisors; and
- (b) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest; and
- (c) Such structure will not block sunlight from adjacent property or otherwise limit the benefits of direct sunlight on adjacent property; and
- (d) Such structure is adequately designed and served from the standpoint of safety, and that the County Fire Marshal certifies the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.

Section 20-92. Sign regulations

To assure an appearance and condition which is consistent with the purposes of the M-1, Limited Industrial District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article VIII of this Chapter.

Section 20-93. Location of utilities

The location of all utilities and utility easements shall be shown on the site plans and be approved as per the Site Plan Review section of this Chapter. New utilities are to be placed underground except for required transformers, switching equipment, meter pedestals, telephone pedestals, outdoor lighting poles and meter and service connections attached to buildings. In consideration of voltage requirements, existing overhead service and physical features of the site and surrounding area, the Planning Commission may waive the requirements for underground utilities.

Section 20-94. Site plan review

All buildings or complexes of buildings erected, altered, or restored within the district shall be subject to site plan review in accordance with Section 20-16.

Section 20-94.1. Automotive service stations and truck terminals

The following special requirements shall apply to automotive service stations and truck terminals:

- (a) Minimum lot area shall be 20,000 square feet where the site is served by either or both public water and sewer. Minimum lot area for lots with individual sewer and water systems shall be 30,000 square feet; and
- (b) Minimum lot width shall be 200 feet at the setback line; and
- (c) No fuel service island shall be located closer than 15 feet to any adjoining road right-of-way; and
- (d) The width of curb openings shall not exceed 45 feet and where two or more curb openings are proposed, they shall be no closer than 25 feet apart; and
- (e) Curb openings shall be no closer than 12.5 feet from an adjoining property line and no closer than 25 feet to a street intersection; and
- (f) Two off-street parking spaces shall be provided for each service bay plus a total of three spaces for employee parking.

Section 20-94.2. Outdoor operations and storage

Any operation or storage conducted in whole or in part out-of-doors shall:

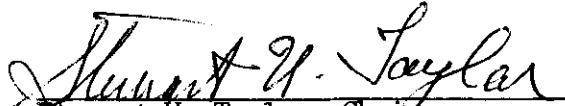
- (a) Set back a minimum of 35 feet from the right-of-way of any street with a right-of-way 50 feet or greater in width and 60 feet from the center line of any street with a right-of-way less than 50 feet in width; except that the outdoor display for sale of vehicles, equipment, machinery, trailers, mobile homes, and plant materials shall be set back ten feet from any road right-of-way 50 feet or greater in width and 35 feet from the center line of any road right-of-way less than 50 feet in width; and
- (b) Be separated from any property line by a 10 foot wide perimeter landscape strip as defined in Section 20-90.2 of this Chapter; and
- (c) Be well drained with adequate provisions to control storm drainage and erosion; and
- (d) Where the ground cover would be routinely disturbed because of the nature of the activity to be conducted or because of vehicular traffic, the area shall be maintained in an all weather surface; and

- (e) Be screened from adjacent property by landscaping and fencing, except the outdoor displays for sale of vehicles, equipment, machinery, trailers, mobile homes and plant materials are exempt from the screening requirements where such screening would interfere with the visibility of the items for sale from a public road; and
- (f) Be limited to uses and items to be stored which do not create noise, odor, dust or other objectionable effects. The effects of an activity shall be measured at the nearest property line.

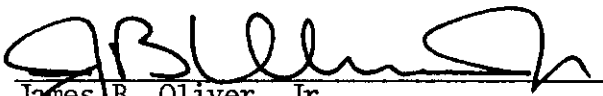
Section 20-94.3. Parking requirements

Off-street parking and off-street loading shall be provided as required in Article I, Sections 20-12 and 20-12.1 of this Chapter.

This ordinance shall be in full force and effect from the date of its adoption.


Stewart U. Taylor, Chairman
Board of Supervisors

ATTEST:


James B. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia,
on the twenty-fifth day of June, 1979.