

ORDINANCE NO. 31A-55

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 10, INDUSTRIAL, GENERAL, DISTRICT M-2.

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 10, Industrial, General, District M-2, to read as follows:

CHAPTER 20

ZONING

Article IV. Districts

Division 10, Industrial, General, District M-2.

Section 20-95. Statement of intent

The primary purpose of the M-2, General Industrial District, is to establish an area where the principal use of land is for industrial operations which may create some nuisance and which are not property associated with nor compatible with residential or commercial service establishments. The specific intent of this district is to:

- (a) Encourage the use of land for industrial purposes; and
- (b) Prohibit residential and commercial service developments on land reserved for 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 industrial uses.

Section 20-96. Permitted uses

In the M-2, General Industrial District, buildings to be erected of land to be used shall be for one or more of the following or similar uses:

Manufacture or assembly of automobiles, trucks, machinery or equipment  
Manufacture or assembly of electronic instruments, electronic devices or electronic components  
Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments  
Manufacture or assembly of appliances, tools, firearms, hardware products, and heating, cooling or ventilating equipment  
Manufacture, assembly, or fabrication of sheet metal products  
Manufacture, compounding, processing or packaging of cosmetic, toiletry, and pharmaceutical products  
Manufacture and assembly of musical instruments, toys, noveltries, and rubber and metal stamps  
Manufacture and sale of mobile homes, modular homes, and industrialized housing units  
Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals  
Manufacture or assembly of aircraft and aircraft parts  
Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fibre glass, glass, rubber, wax, leather, cellophane, canvas, felt, fur, horn, hair, and yarn  
Manufacture of glass and glass products  
Manufacture and processing of acrylic and other synthetic fibers  
Manufacture and processing of textiles and textile products  
Manufacture of cans and other metal products from previously processed metals  
Welding and machine shops including punch presses and drop hammers  
Breweries and other necessary associated activities  
Manufacture and bottling of soft drinks  
Manufacture and sale of wood products  
Wood preserving operations  
Manufacture of furniture  
Manufacture of carpets and carpet yarns  
Manufacture of boats, marine equipment and boat trailers  
Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity  
Manufacture of batteries  
Metal foundry and heavy weight casting  
Drop-forge industries, manufacturing forgings with a power hammer  
Structural iron and steel fabrication  
Contractor offices, equipment storage yards, shops and warehouses  
Warehouse, storage, and distribution centers  
Boiler shops  
Water well drilling establishments  
Manufacture and storage of ice, including dry ice  
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  
Fire stations  
Post offices  
Churches  
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  
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  
Automobile service stations and truck terminals subject to the special requirements of this chapter which apply to these uses

Section 20-96.1. Uses permitted by Special Use Permit only

In the M-2, General 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:

Manufacture of fertilizer  
Manufacture and compounding of chemicals  
Manufacture and storage of explosives  
Crushed stone, sand and gravel mining; storage and distribution of same  
Manufacture of cement, lime, gypsum, bricks, and stone products  
Asphalt mixing plants  
Paper and pulp manufacture  
Petroleum refining  
Petroleum storage  
Radio stations, television stations, transmission relay stations and communication towers which exceed 100 feet in height  
Sewage and water treatment or purification plants  
Water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more  
Airports  
Sanitary landfills  
Electric power generating plants  
Automobile graveyards and scrap metal storage yards

Section 20-97. 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 20-98. Frontage requirements

Minimum width of lots in the M-2, General Industrial District, shall be 75 feet at the setback line.

Section 20-98.1. 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 3 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 3 feet of the structure's height in excess of 35 feet.

Section 20-98.2. 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 3 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 3 feet of height in excess of 35 feet.

Section 20-98.3. 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 35 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. The perimeter landscape strip shall be increased to 20 feet of width along any road right-of-way when the property across the road is zoned R-1, R-2, R-3, R-4, R-5, R-6, or P.U.D.-R.

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 20-98.4. 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 20-97, 20-98, 20-98.1, 20-98.2 and 20-98.3 upon finding:

- (a) The overall complex or structure if considered as a single unit meets all of the requirements of 20-97, 20-98, 20-98.1, 20-98.2 and 20-98.3; 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 20-99. Height limits

Buildings and other structures may be erected up to 100 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 20-99.1. Height limitation waiver

A structure in excess of 100 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 20-98.1 and Section 20-98.2 of this Chapter except that setbacks in excess of 75 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 20-100. Sign regulations

To assure an appearance and condition which is consistent with the purposes of the M-2, General 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 20-100.1. 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 20-101. 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 20-102. 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 20-102.1. Outdoor operations and storage

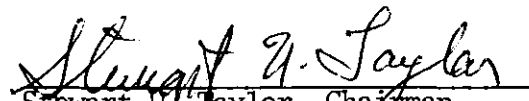
Any operation or storage conducted in whole or in part out-of-doors shall:

- (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 ten foot wide perimeter landscape strip as defined in Section 20-98.3 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.

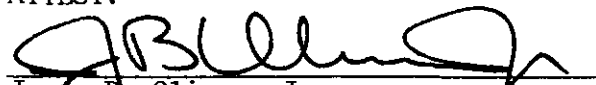
Section 20-102.2. Parking requirements

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.