

ADOPTED

MAY 21 1990

ORDINANCE NO. 31A-121

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 1, GENERALLY, BY ADDING SECTION 20-104. SPECIAL USE REQUIREMENTS FOR CERTAIN COMMERCIAL AND OFFICE USES; BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 11. LIMITED BUSINESS DISTRICT, LB, SECTION 20-307. PERMITTED USES; SECTION 20-308. USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 12. GENERAL BUSINESS DISTRICT, B-1, SECTION 20-329. PERMITTED USES; SECTION 20-330. USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND DIVISION 13. LIMITED INDUSTRIAL DISTRICT, M-1, SECTION 20-351. USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by adding Section 20-104. Special Use Permit Requirements for Certain Commercial and Office Uses; by amending Section 20-307. Permitted Uses; Section 20-308. Uses Permitted by Special Use Permit Only; Section 20-329. Permitted Uses; Section 20-330. Uses Permitted by Special Use Permit Only; and Section 20-351. Uses Permitted by Special Use Permit Only.

Chapter 20. Zoning
Article IV. Districts
Division 1. Generally

Section 20-104. Special Use Permit Requirements for Certain Commercial and Office Uses, Exemptions.

A. General Requirements.

A special use permit issued by the Board of Supervisors shall be required for: 1) any convenience store, 2) any commercial building which exceeds 10,000 square feet of floor area; 3) any office building which exceeds 20,000 square feet of floor area; or 4) any commercial or office building which generates, or would be expected to generate, 150 or more additional trips to and from the site during the peak hour of the operation based on the application of the Institute of Transportation Engineers (ITE) traffic generation rates contained in the latest edition of their book entitled Trip Generation. The applicable trip generation rate shall be determined by the Planning Director. The Planning Director may permit other traffic generation rates to be used if an individual or firm qualified to conduct traffic engineering studies documents that the use would not reasonably be expected to generate the amount of peak hour traffic projected by application of ITE traffic generation rates, provided the documentation is acceptable to the Planning Director.

B. New Buildings, Additions, or Expansions

A special use permit shall be required for a new building, addition or expansion when:

1. in combination with the existing structure, it exceeds the thresholds set forth in paragraph A.;
2. it adds 5,000 square feet or more of commercial floor area or 10,000 square feet or more of office floor area or, in combination with other new buildings, additions or expansions generates 75 or more peak hour trips than generated by the existing or approved use on May 21, 1990, or than approved in a special use permit, whichever is greater; and
3. it is located on the same property as the existing structure or other parcel which is a logical component of such property. Factors to determine whether a parcel is a logical component include:
 - a) common ownership or control, of the parcels under consideration, by the same person(s) or entity(ies), or similar or related entities;
 - b) regardless of factor (a), shared access to public roads, shared parking arrangements, shared traffic circulation or shared service areas; and

- c) proximity, for the purpose of this paragraph proximity means adjacent parcels; parcels separated by property under common ownership or control, by the same person(s) or entity(ies), or similar or related entities; or parcels separated by a public or private right-of-way.

C. Design and Submittal Requirements

Any building or use and addition or expansion thereto requiring a special use permit under this section shall comply with the following regulations:

1. Any use requiring a special use permit under this Section for which the existing and proposed use is five acres or more in area shall include a binding Master Plan prepared in accordance with Section 20-468b(1-5). 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, right-of-ways, 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 reviewed and approved and thereafter become binding upon approval of the special use permit by the Board of Supervisors. Thereafter, all amendments to the Master Plan shall be in accordance with Section 20-15 of this Chapter. Final site plans may be approved after approval of a Master Plan by the Board of Supervisors. All final site plans shall be consistent with the Master Plan, but may deviate from the Master Plan if the Zoning Administrator concludes, after reviewing written comments from the Planning Director, the site plan does not alter the basic concept or character of the development or conflict with any conditions placed on the special use permit. If the Zoning Administrator determines that a proposed change would deviate from the approved Master Plan, the amendment shall be submitted and approved in accordance with Section 20-15.
2. A traffic impact study shall be submitted with any such special use permit application prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the Planning Director. Such study shall address projected traffic generation; internal and external traffic; turning movements and distribution at each access point; traffic distribution; capacity of surrounding roads; and road and access improvements.

3. 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 study.

D. Exemptions

The following shall be exempt from the requirements of this Section: 1) any use or building and expansion or addition thereto with preliminary site plan approval prior to May 21, 1990; 2) any use or building and expansion or addition thereto for which the start of construction began prior to May 21, 1990, in accordance with a site plan approved prior to that date; 3) any use or building and expansion or addition thereto shown on a proffered binding Master Plan that binds the general location of all of the features on the plan as required under this Section; 4) any building located in a Residential Planned Community District or Planned Unit Development District; or, 5) any building predominantly used as a warehouse, distribution center, or for other industrial or manufacturing purposes.

Article IV. Districts

Division 11. Limited Business District, LB

Section 20-307. Permitted Uses.

In the Limited Business District, LB, buildings or structures to be erected or land to be used shall be for one or more of the following:

- Retail food stores, bakeries and fish markets.
- Dry cleaners and laundries.
- Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, gunsmith (excluding shooting range), pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.
- Drug stores, barber shops and beauty shops.
- Restaurants, tea rooms, and taverns.
- Banks and other financial institutions.
- Plants and garden supply, hardware and paint, and home appliance sales and service stores.
- Feed, seed, and farm supply stores.
- Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.
- Office supply stores, secretarial and duplicating services.
- Business, governmental and professional offices.
- Doctors, dentist and other medical clinics or offices.
- Schools, fire stations, post offices, houses of worship and libraries.
- Lodges, civic clubs, fraternal organizations and service clubs.
- Funeral homes.
- Off-street parking as required by this Chapter.
- Day care and child care centers.
- An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.
- Health clubs, exercise clubs, fitness centers.
- Contractor's offices without the storage of construction equipment or building materials.
- Plumbing supply (with storage limited to a fully enclosed building).
- New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

Section 20-308. Uses permitted by Special Use Permit Only.

In the Limited Business District, LB, buildings or structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a special use permit by the Board of Supervisors.

Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.

Automobile service stations with sale of fuel in accordance with Section 20-89.

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with the sale of fuel in accordance with Section 20-89.

Flea markets.

Public or private water and sewer facilities, 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 which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.

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.

Railroad facilities including tracks, bridges, and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a Special Use Permit.

Publicly-owned solid waste container sites.

Telephone exchanges and telephone switching stations.

Division 12. General Business District, B-1

Section 20-329. Permitted Uses.

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:

Retail food stores, bakeries and fish markets.

Dry cleaners and laundries.

Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.

Drug stores, barber shops and beauty shops.

Restaurants, fast food restaurants, tea rooms, and taverns.

Banks and other financial institutions.

Plants and garden supply, hardware and paint, and home appliance sales and service stores.

Lumber and building supply (with storage limited to a fully enclosed building).

Plumbing and electrical supply (with storage limited to a fully enclosed building).

Automobile service stations, subject to the special requirements of this Chapter.

Hotels, motels, tourist homes, and convention centers.

Machinery sales and service (with storage and repair limited to a fully enclosed building).

Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.

Corporate, business, governmental, and professional offices.

Doctors, dentist and other medical clinics or offices.

Indoor theaters, museums, and public meeting halls.

Schools, fire stations, post offices, houses of worship and libraries.

Lodges, civic clubs, fraternal organizations and service clubs.

Funeral homes.

Cemeteries.

Gunsmith (excluding shooting ranges).

Feed, seed and farm supply stores.

Wholesale and warehousing (with storage limited to a fully enclosed building).

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with sale of fuel in accordance with Section 20-89.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.

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

Radio and television stations, and accessory antenna or towers which are 60 feet or less in height.

Printing and publishing.

Off-street parking as required by this Chapter.

Day care and child care centers.

Apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.

Telephone exchanges and telephone switching stations.

Office supply stores, secretarial, and duplicating services.

Health clubs, exercise clubs, fitness centers.

Parking lots and garages.

Veterinary offices.

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

Contractor's offices with storage of materials and equipment limited to a fully enclosed building.

Section 20-330. Uses Permitted by Special Use Permit Only.

In the B-1, General Business 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:

Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.

Hospitals and nursing homes.

Antennas and towers in excess of 60 feet in height.

Campgrounds.

Drive-in theaters.

Processing, assembly and manufacture of light industrial products or components; with all storage, processing, assembly and manufacture conducted indoors and under cover; with no dust, noise, odor or other objectionable effect.

Design, research and evaluating laboratories.

Airports.

Sanitary landfills in accordance with Section 20-97, waste disposal, and publicly-owned solid waste container sites.

New or expansion of water impoundments for public or private use of 50 acres or more and dam heights of 25 feet or more.

Outdoor sport facilities.

Theme parks of ten acres or more.

Outdoor centers of amusement.

Petroleum storage.

Vehicle and trailer sales and services (with major repair limited to a fully enclosed building).

Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).

Flea markets.

Public or private water and sewer facilities, 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 which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.

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

Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a Special Use Permit.

Division 13. Limited Industrial District, M-1

Section 20-351. Uses permitted by special use permit only.

In the Limited Industrial District, M-1, 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:

Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.

Day care centers.

Truck stop.

Outdoor sports facilities.

Theme parks of ten acres or more.

Radio stations, television stations, transmission relay stations and communication towers which exceed 60 feet in height.

Petroleum storage.

New or expansion of water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.

Sanitary landfills in accordance with Section 20-97 and waste disposal facilities.

Resource recovery facilities.

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.

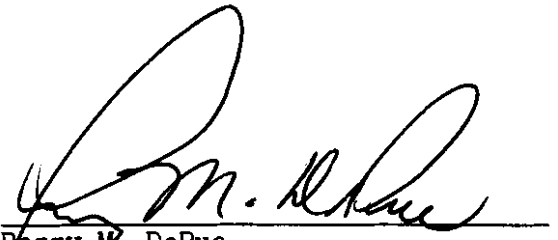
Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals.

Public or private water and sewer facilities, 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, which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.

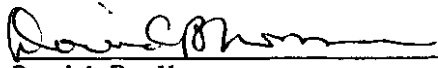
Public or private electrical generation facilities, steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

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 rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a Special Use Permit.



Perry M. DePue
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	NAY
EDWARDS	AYE
KNUDSON	AYE
DEPUE	NAY

Adopted by the Board of Supervisors of James City County, Virginia,
this 21st day of May, 1990.

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