

# ADOPTED

JUN 1 1992

ORDINANCE NO. 31A-144

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 13, LIMITED INDUSTRIAL DISTRICT, M-1, BY AMENDING SECTION 20-349, STATEMENT OF INTENT; SECTION 20-350, PERMITTED USES; SECTION 20-351, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY AMENDING AND RENUMBERING EXISTING SECTION 20-352, AREA REQUIREMENTS; BY DELETING SECTION 20-353, MINIMUM LOT WIDTH; BY AMENDING SECTION 20-354, SETBACK REQUIREMENTS; SECTION 20-355, SIDE AND REAR YARDS; SECTION 20-357, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND YARD SETBACK REQUIREMENTS; SECTION 20-358, HEIGHT LIMITS; BY DELETING SECTION 20-359, HEIGHT LIMITATION WAIVER; BY AMENDING SECTION 20-360, SIGN REGULATIONS; SECTION 20-361, UTILITIES; SECTION 20-362, SITE PLAN REVIEW; AND BY DELETING SECTION 20-363, PARKING REQUIREMENTS; BY AMENDING DIVISION 14, GENERAL INDUSTRIAL DISTRICT, M-2, BY AMENDING SECTION 20-374, STATEMENT OF INTENT; SECTION 20-375, PERMITTED USES; SECTION 20-376, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY AMENDING AND RENUMBERING EXISTING SECTION 20-377, AREA REQUIREMENTS; BY DELETING SECTION 20-378, MINIMUM LOT WIDTH; BY AMENDING SECTION 20-379, SETBACK REQUIREMENTS; SECTION 20-380, SIDE OR REAR YARDS; SECTION 20-382, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND YARD SETBACK REQUIREMENTS; SECTION 20-383, HEIGHT LIMITS; BY DELETING SECTION 20-384, HEIGHT LIMITATION WAIVER; BY AMENDING SECTION 20-385, SIGN REGULATIONS; SECTION 20-386, UTILITIES; SECTION 20-387, SITE PLAN REVIEW; BY DELETING SECTION 20-388, PARKING REQUIREMENTS; BY ADDING DIVISION 15, LIMITED INDUSTRIAL DISTRICT, M-3, SECTION 20-388, STATEMENT OF INTENT; SECTION 20-389,

PERMITTED USES; SECTION 20-390, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 20-390.1., OUTDOOR OPERATIONS AND STORAGE; SECTION 20-391, AREA REQUIREMENTS AND MINIMUM LOT WIDTH; SECTION 20-392, SETBACK REQUIREMENTS; SECTION 20-393, SIDE AND REAR YARDS; SECTION 20-394, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND SETBACK REQUIREMENTS, SECTION 20-395, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; SECTION 20-396, SIGN REGULATIONS AND PARKING REQUIREMENTS; SECTION 20-397, UTILITIES; AND SECTION 20-398, SITE PLAN REVIEW; TO ALLOW THESE DISTRICTS TO SUPPORT THE GOALS OF THE COMPREHENSIVE PLAN IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF JAMES CITY COUNTY AND TO ENSURE THESE DISTRICTS ARE MADE AVAILABLE TO PROMOTE LIMITED BUSINESS AND INDUSTRIAL USES.

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 amending Article IV, Districts, Division 13, Limited Business-Industrial District, M-1, by amending Section 20-349, Statement of Intent; Section 20-350, Permitted Uses; Section 20-351, Uses Permitted by Special Use Permit Only; by adding new Section 20-352, Outdoor Operations and Storage; by amending and renumbering existing Section 20-352, Area Requirements and Minimum Lot Width; by deleting Section 20-353; Minimum Lot Width; by amending Section 20-354, Setback Requirements; Section 20-355, Side and Rear Yards; Section 20-357 Special Provisions for the Waiver of Area, Lot Width, Yard and Setback Requirements; Section 20-358, Height Limits and Height Limitation Waivers; by deleting Section 20-359, Height Limitation Waiver; by amending Section 20-360, Sign Regulations and Parking Requirements; Section 20-361, Utilities; Section 20-362, Site Plan Review; and by deleting Section 20-363, Parking Requirements; by amending Division 14, General Industrial District,

M-2, by amending Section 20-374, Statement of Intent; Section 20-375, Permitted Uses; Section 20-376, Uses Permitted by Special Use Permit Only; by adding new Section 20-377, Outdoor Operations and Storage; by amending and renumbering existing Section 20-377, Area Requirements and Minimum Lot Width; by deleting Section 20-378, Minimum Lot Width; by amending Section 20-379, Setback Requirements; Section 20-380, Side and Rear Yards; Section 20-382, Special Provisions for the Waiver of Area, Lot Width, Yard and Setback Requirements; Section 20-383, Height Limits and Height Limitation Waivers; by deleting Section 20-384, Height Limitation Waiver; by amending Section 20-385, Sign Regulations and Parking Requirements; Section 20-386, Utilities; Section 20-387, Site Plan Review; by deleting Section 20-388, Parking Requirements; by adding Division 15, Limited Industrial District, M-3, Section 20-388, Statement of Intent; Section 20-389, Permitted Uses; Section 20-390, Uses Permitted by Special Use Permit Only; Section 20-390.1., Outdoor Operations and Storage; Section 20-391, Area Requirements and Minimum Lot Width; Section 20-392, Setback Requirements; Section 20-393, Side and Rear Yards; Section 20-394, Special Provisions for the Waiver of Area, Lot Width, Yard and Setback Requirements, Section 20-395, Height Limits and Height Limitation Waivers, Section 20-396, Sign Regulations and Parking Requirements; Section 20-397, Utilities; and Section 20-398, Site Plan Review; to allow these districts to support the goals of the Comprehensive Plan in order to protect the Health, Safety and Welfare of the residents of James City County and to ensure these districts are made available to promote Limited Business and Industrial uses.

ARTICLE IV. DISTRICTS

DIVISION 13. LIMITED *BUSINESS*/INDUSTRIAL DISTRICT, M-1.

Section 20-349. Statement of Intent.

The primary purpose of the Limited *Business*/Industrial District, M-1, is to establish an area where the principal use of land is for limited *business*/industrial operations which are not ordinarily compatible with residential development. The specific intent of this district is to accomplish the following:

- (a) Encourage the use of land for limited *business and* industrial purposes; and
- (b) Prohibit residential developments on land reserved for limited *business and* industrial uses; and
- ~~(c) Encourage the discontinuance of existing uses which would not be permitted as new uses under the provisions of this Chapter; and~~
- (c) Permit certain commercial and office uses in a manner which is compatible with limited *business and* industrial uses; and

- (d) 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 *business and* industrial uses.

Section 20-350. Permitted Uses.

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:

~~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, 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, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair and yarn.~~

~~Manufacture and bottling of soft drinks and wine.~~

~~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.~~

~~Water well drilling establishments.~~

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

~~Printing, lithographing, engraving, photocopying, blueprinting, 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.~~

~~Manufactured-home-or-mobile-home-sales.~~

~~Locksmith-and-gunsmith-shops.~~

~~Automobile-service-stations-and-truck-terminals-with-sale-of-fuel-in  
accordance-with-Section-20-89.~~

~~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-waterborne-commerce,-or-seafood-  
receiving,-packing-and-distribution.~~

~~Restaurants,-tearooms-and-taverns.~~

~~Hotels,-motels-and-conference-or-convention-centers-with-accessory-  
retail-sales,-barber-shops-and-beauty-shops-located-within-the-hotel,-motel  
and-conference-or-convention-center-for-the-principal-benefit-of-the  
resident-guest.~~

~~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.~~

~~Farmer's markets.~~

~~Places of worship.~~

~~Fire stations.~~

~~Post offices.~~

~~Telephone exchanges and telephone switching stations.~~

~~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, dressmaking, 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.~~

~~Publicly owned solid waste container sites.~~

*Accessory uses as defined in Section 20-2 of this Chapter.*

\* *Antennas and towers, self-supported, (not attached to buildings) less than sixty feet in height.*

*Apartment or living quarters for a guard, caretaker, or other person employed on the premises which is clearly secondary to the business or industrial use of the property.*

*Automobile sales and service with major repair (limited to a fully enclosed building).*



*Automobile service stations, if fuel is sold, then in accordance with  
Section 20-89.*

*Banks, credit unions, and other similar financial institutions.*

*Barber shops and beauty shops.*

*Book stores.*

*Cabinet and upholstery shops.*

*Candy stores.*

*Carpet stores.*

*Contractor offices, equipment storage yards, shops and warehouses  
with storage (limited to a fully enclosed building) or screened with  
landscaping and fencing from adjacent property.*

*Corporate, business, professional, and governmental offices.*

\* *Courier services.*

*Data processing centers.*

*Department stores.*

*Dressmaking stores.*

*Drugstores.*

*Dry cleaners and laundries.*

*Employment services or agencies.*

*Farmer's markets.*

*Feed, seed, and farm supply stores.*

*Fire stations.*

*Florist stores.*

*Furniture stores.*

*Furrier stores.*

*Greeting card stores.*

*Heavy equipment sales and service, with major repair (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.*

*Home appliance sales and service.*

*Hotels, motels and conference or convention centers with accessory retail sales, barber shops and beauty shops located within the hotel, motel and conference or convention center for the principal benefit of the resident guest.*

*Ice cream stores.*

*Indoor sport facilities, health clubs and exercise clubs.*

*Industrial and technical training schools.*

*Janitorial service establishments.*

*Jewelry sales and service.*

*\* Laser technology production.*

*Locksmith and gunsmith shops excluding shooting ranges.*

*Lumber and building supply stores with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.*

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

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

*Manufacture and bottling of soft drinks and wine.*

*Manufacture and processing of textiles and textile products.*

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

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

*Manufacture of carpets and carpet yarns.*

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

*Manufacture or assembly of appliances, tools, firearms, hardware products, and heating, cooling or ventilating equipment.*

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

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

*Manufactured home or mobile home sales.*

*Marine or waterfront businesses to include receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing and distribution.*

*Music and record stores.*

*Nurseries.*

*Off-street parking as required by this Chapter.*

*Pet stores.*

*Picture framing stores.*

*Places of worship.*

*Plant and garden supply and hardware and paint stores.*

*Plumbing and electrical supply stores with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.*

*Post offices.*

*Printing, lithographing, engraving, photocopying, blueprinting, and publishing establishments.*

*Publicly owned solid waste container sites.*

*\* Radio and television stations, and accessory antenna or towers, self-supported, (not attached to buildings) which are sixty feet or less in height.*

*Research, development, and design facilities.*

*Restaurants, tearooms and taverns.*

*Retail food stores, bakeries and fish markets.*

*Security service offices.*

*Shoe stores.*

*Sporting goods stores.*

*Stamp and coin stores.*

*Tailor shops.*

*Telephone exchanges and telephone switching stations.*

*Tire, transmission, glass, body and fender and other automotive product sales and service with major repair (limited to a fully enclosed building) and vehicle storage screened from adjacent property by landscaping and fencing.*

*Tobacco and pipe stores.*

*Toy stores.*

*Travel bureaus.*

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

*Veterinary hospitals and kennels.*

*Warehouse, storage, and distribution centers with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.*

*Water well drilling establishments.*

*Wearing apparel stores.*

*Welding and machine shops with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.*

*Yard goods stores.*

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

In the Limited *Business/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.~~

\* Airports and landing fields, heliports, helistops, and accessory uses.

\* Antennas and towers (not attached to buildings) in excess of sixty feet in height.

Commercial marinas, docks, piers, yacht clubs, boat basins and servicing areas for same.

Convenience stores, if fuel is sold, then in accordance with Section 20-89.

Day care and child care centers.

*Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting sixty-nine kilovolts or more.*

*Funeral homes.*

*Hospitals.*

~~*Lodges, civic clubs, fraternal organizations, service clubs, and assembly halls.*~~

*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.*

*Manufacture of furniture.*

*Outdoor sports facilities.*

*Petroleum storage.*

*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.*

*Resource recovery facilities.*

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

*\* Shooting ranges, indoor.*

*Theme parks of ten acres or more.*



*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, 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.*

*Truck stops, if fuel is sold, then in accordance with Section 20-89.*

*Water and sewer facilities (public or private), 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 customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, including pump stations, are permitted generally and shall not require a Special Use Permit.*

*Water impoundments, new or expansion of, for public or private use, of fifty acres or more and a dam height of twenty-five feet or more.*

*Section 20-352 Outdoor Operations and Storage.*

*Any commercial or industrial operation or storage conducted in whole or in part out-of-doors, shall meet the requirements of Section 20-91 of this Chapter.*

Section 20-3523. Area Requirements *and Minimum Lot Width.*

(a) Minimum lot size shall be 10,000 square feet.

(b) *Minimum width of lots shall be seventy-five feet at the setback line.*

~~Section 20-353. Minimum Lot Width.~~

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

Section 20-354. Setback Requirements.

(a) Structures shall be located ~~(50)~~ fifty feet or more from any street right-of-way which is ~~(50)~~ fifty feet or greater in width. Where the street right-of-way is less than ~~(50)~~ fifty feet in width, structures shall be located ~~(75)~~ seventy-five 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)~~ thirty-five feet in height shall be increased one foot for each two feet of the structure's height in excess of ~~(35)~~ thirty-five feet.

(b) The minimum setback shall also be increased to a minimum of ~~(75)~~ seventy-five feet from any street with a right-of-way ~~(50)~~ fifty feet or greater in width and 100 feet from any street with a right-of-way of less

than ~~(50)~~ fifty feet of width when the property immediately across the street is zoned residential. The minimum setback of any portion of a structure across the street from property zoned residential which is in excess of ~~(35)~~ thirty-five feet in height shall be increased one foot for each two feet of the structure's height in excess of ~~(35)~~ thirty-five feet.

Section 20-355. Side and rear yards.

(a) Structures shall be located twenty ~~(20)~~ feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of thirty-five ~~(35)~~ feet in height shall be increased one foot for each two ~~(2)~~ feet of height in excess of thirty-five ~~(35)~~ feet.

(b) The minimum side yard shall be increased to seventy-five ~~(75)~~ feet if the side yard adjoins property in a residential district, or an agricultural district that is designated for residential use on the Comprehensive Plan and the minimum rear yard shall be increased to seventy-five ~~(75)~~ feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of thirty-five ~~(35)~~ feet in height shall be increased one foot for each two feet ~~(2)~~ of height in excess of thirty-five ~~(35)~~ feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the Planning Commission; provided, however, that no structure shall be located within ten ~~(10)~~ feet of any property line.

Section 20-357. Special provisions for the waiver of area, lot width, yard and ~~yard~~ setback requirements.

To allow the subdivision of *business/industrial* property on which *business and industrial* units for sale, for sale in condominium, or for lease are constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan, the ~~p~~Planning ~~e~~Commission may grant, at its discretion, a waiver from any part of Section 20-352~~3~~ through 20-355 upon finding:

- ~~(1)~~ (a) The overall complex or structure, if considered as a single unit, meets all of the requirements of Section 20-352~~3~~ through 20-355;
- ~~(2)~~ (b) Adequate parking is provided as per the requirements of this Chapter, and, where determined necessary by the *Planning e*Commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas;
- ~~(3)~~ (c) Adequate provisions are made to assure compliance with the requirements of this Chapter with regards to signs, and, where determined necessary by the *Planning e*Commission, 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

- (4) (d) The complex or structure is adequately designed and serviced from the standpoint of safety, and that the eCounty fFire eChief certifies finds that the fire safety equipment to be installed is adequately designed and the eCounty bBuilding eOfficial certifies finds the complex is designed to conform to the ~~BOCA Code~~, *Uniform Statewide Building Code*, so as to offer adequate protection to life and property.

Section 20-358. *Height Limits and Height Limitation Waivers.*

~~Buildings and other~~ Structures may be erected up to ~~(60)~~ sixty feet in height from grade to the top of the structure. *Structures in excess of sixty 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.*

Water towers, chimneys, flues, flag poles, communication antennae, mechanical penthouse, electrical, plumbing, elevator, *parapet walls* or other accessory mechanical functions which are part of or on top of a main structure

*shall be considered part of the structure. ~~are exempt. Parapet walls may be up to four feet above the height of the building on which the wall rests.~~*

*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 20-354 and Section 20-355; however, the Board may waive additional setbacks in excess of sixty feet;*
- (b) Such structure will not obstruct light from adjacent property;*
- (c) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest;*
- (d) Such structure will not impair property values in the area;*
- (e) Such structure is adequately designed and served from the standpoint of safety, and that the County Fire Chief finds 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; and*
- (f) Such structure will not be contrary to the public health, safety and general welfare.*

~~Section 20-359. 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 20-354 and Section 20-355 of this Chapter. Setbacks in excess of 60 feet may be waived by the Board of Supervisors;~~
- ~~(b) Such structure will not obstruct light from adjacent property;~~
- ~~(c) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest;~~
- ~~(d) Such building will not impair property values in the area;~~
- ~~(e) Such structure is adequately designed and served from the standpoint of safety, and that the County Fire Chief 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; and~~
- ~~(f) Such building will not be contrary to the public health, safety and general welfare.~~

Section 20-360. Sign Regulations *and Parking Requirements.*

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

(b) *Off-street parking and off-street loading shall be provided as required in Sections 20-12 and 20-13 of this Chapter.*

Section 20-361. Utilities.

(a) All development in the Limited *Business/Industrial* District, M-1, shall be served by public water and sewer.

(b) 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~~ *Article II, Site Plan* of this Chapter.

Section 20-362. Site Plan Review.

All ~~buildings structures~~ or complexes of ~~buildings structures~~ erected, altered, or restored within the district shall be subject to Site Plan Review in accordance with Article II of this Chapter.



~~Section 20-363. Parking Requirements.~~

~~Off street parking and off street loading shall be provided as  
required in Article I, Sections 20-12 and 20-13 of this Chapter.~~

DIVISION 14. GENERAL INDUSTRIAL DISTRICT, M-2

Section 20-374. Statement of Intent.

The primary purpose of the General Industrial District, M-2, is to establish an area where the principal use of land is for industrial operations which are not compatible with residential or commercial service establishments. The specific intent of this District is to accomplish the following:

- (a) Encourage the use of land for industrial purposes;
- (b) Prohibit residential and commercial service developments on land reserved for industrial uses; *and*
- ~~(c) Encourage the discontinuance of existing uses which would not be permitted as new uses under the provision of this Chapter; and~~
- ~~(d)~~ (c) *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 20-375. Permitted Uses.

In the General Industrial District, M-2, 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 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, novelties, and rubber and metal stamps.~~

~~Manufacture and sale of manufactured homes, 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, fiber 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 and wine.~~

~~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.~~

~~Accessory uses as defined in Section 20-2 of this Chapter.~~

~~Off-street parking as required by this Chapter.~~

~~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 with sale of fuel in accordance with Section 20-89.~~

~~Publicly owned solid waste container sites.~~

~~Telephone exchanges and telephone switching stations.~~

~~Retail sales of products related to the main use provided floor area for retail sales comprises less than 25% of the first floor area of the main use.~~

*Accessory uses as defined in Section 20-2.*

\* *Antennas and towers, self-supported, (not attached to buildings) less than sixty feet in height.*

*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, if fuel is sold, then in accordance with Section 20-89.*

\* *Banks as accessory to other permitted uses.*

*Boiler shops.*

*Breweries and other necessary associated activities.*

~~*Commercial banks, credit unions and other similar financial institutions.*~~

*Contractor offices, equipment storage yards, shops and warehouses.*

*Corporate, business, professional and governmental offices.*

~~*Data processing centers.*~~

\* *Day care and child care centers as accessory to other permitted uses.*

*Drop-forge industries, manufacturing forgings with a power hammer.*

*Employment services or agencies.*

*Fire stations.*

*Industrial and technical training schools.*

*Janitorial service establishments.*

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

*Manufacture and bottling of soft drinks and wine.*

*Manufacture and processing of acrylic and other synthetic fibers.*

*Manufacture and processing of textiles and textile products.*

*Manufacture and sale of manufactured homes, mobile homes, modular homes, and industrialized housing units.*

*Manufacture and sale of wood products.*

*Manufacture and storage of ice, including dry ice.*

*Manufacture, assembly or fabrication of sheet metal products.*

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

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

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

*Manufacture of batteries.*

*Manufacture of boats, marine equipment and boat trailers.*

*Manufacture of cans and other metal products from previously processed metals.*

*Manufacture of carpets and carpet yarns.*

*Manufacture of furniture.*

*Manufacture of glass and glass products.*

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

*Manufacture or assembly of aircraft and aircraft parts.*

*Manufacture or assembly of appliances, tools, firearms, hardware products, and heating, cooling or ventilating equipment.*

*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.*

*Metal foundry and heavy weight casting.*

*Off-street parking as required by this Chapter.*

*Post offices.*

*Printing, lithographing, engraving, photocopying, blue printing, and publishing establishments.*

*Publicly owned solid waste container sites.*

\* *Radio and television stations, and accessory antenna or towers, self-supported, (not attached to buildings) which are sixty feet or less in height.*

*Research, development, and design facilities.*

\* *Restaurants as accessory to other permitted uses.*

*Retail sales of products related to the main use, provided floor area for retail sales comprises less than twenty-five percent of the first floor area of the main use.*

*Security service offices.*

*Structural iron and steel fabrication.*

*Telephone exchanges and telephone switching stations.*

*Warehouse, storage, and distribution centers.*

*Water well drilling establishments.*

\* *Waterfront businesses to include storage and tank shipment of waterborne commerce, or seafood receiving, packing and distribution.*

*Welding and machine shops including punch presses and drop hammers.*

*Wood preserving operations.*



Section 20-376. Uses Permitted by Special Use Permit Only.

In the General Industrial District, M-2, 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:

- ~~Truck stop.~~
- ~~Manufacture of fertilizer.~~
- ~~Manufacture and compounding of chemicals.~~
- ~~Manufacture and storage of explosives.~~
- ~~Crushed stone, sand, gravel, or mineral 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.~~
- ~~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.~~
- ~~Airports.~~
- ~~Sanitary landfills in accordance with Section 20-97.~~
- ~~Electric power generating plants.~~
- ~~Electric power generating plants.~~
- ~~Resource recovery facilities.~~

~~Automobile graveyards and scrap metal storage yards.~~

~~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, 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.~~

\* Airports and landing fields, heliports, helistops, and accessory uses.

\* Antennas and towers (not attached to buildings) in excess of sixty feet in height.

Asphalt mixing plants.

Automobile graveyards and scrap metal storage yards.

Crushed stone, sand, gravel, or mineral mining; storage and distribution of same.

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

~~Electric power generating plants.~~

Manufacture and compounding of chemicals.

Manufacture and storage of explosives.

Manufacture of cement, lime, gypsum, bricks, and stone products.

Manufacture of fertilizer.

Paper and pulp manufacture.

Petroleum refining.

Petroleum storage.

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 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.

\* *Ready mix concrete production.*

*Resource recovery facilities.*

*Sanitary landfills in accordance with Section 20-97.*

~~*Sewage and water treatment or purification plants.*~~

*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, 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.*

*Truck stops, if fuel is sold, then in accordance with Section 20-89.*

*Water and sewer facilities (public or private), 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 customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, including pump stations, are permitted generally and shall not require a Special Use Permit.*

*Water impoundments, new or expansion of, for public or private use, of fifty acres or more and a dam height of twenty-five feet or more.*

*Section 20-377. Outdoor Operations and Storage.*

*Any commercial or industrial operation or storage conducted in whole or in part out-of-doors, shall meet the requirements of Section 20-91 of this Chapter.*

*Section 20-378. Area Requirements and Minimum Lot Width.*

*(a) Minimum lot size shall be 10,000 square feet.*

*(b) Minimum width of lots shall be seventy-five feet at the setback line.*

~~Section 20-378. Minimum Lot Width.~~

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

*Section 20-379. Setback Requirements.*

*(a) Structures shall be located fifty (50) feet or more from any street right-of-way which is (50) fifty feet or greater in width. Where the street right-of-way is less than (50) fifty feet in width, structures shall be located (75) seventy-five 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)~~ thirty-five feet in height shall be increased one foot for each three feet of the structure's height in excess of ~~(35)~~ thirty-five feet.

(b) The minimum setback shall also be increased to a minimum of ~~(75)~~ seventy-five feet from any street with a right-of-way ~~(50)~~ fifty feet or greater in width and 100 feet from any street with a right-of-way of less than ~~(50)~~ fifty feet of width when the property immediately across the street is zoned residential. The minimum setback of any portion of a structure across the street from property zoned residential which is in excess of ~~(35)~~ thirty-five feet in height shall be increased one foot for each two feet of the structure's height in excess of ~~(35)~~ thirty-five feet.

Section 20-380. Side ~~or~~ and rear yards.

(a) Structures shall be located twenty ~~(20)~~ feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of thirty-five ~~(35)~~ feet in height shall be increased one foot for each three ~~(3)~~ feet of height in excess of thirty-five ~~(35)~~ feet.

(b) The minimum side yard shall be increased to seventy-five ~~(75)~~ feet if the side yard adjoins property in a residential district, or an agricultural district that is designated for residential use on the Comprehensive Plan and the minimum rear yard shall be increased to seventy-five ~~(75)~~ feet if the rear yard adjoins property in a residential

district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of thirty-five ~~(35)~~ feet in height shall be increased one foot for each two ~~(2)~~ feet of height in excess of thirty-five ~~(35)~~ feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the Planning Commission; provided, however, that no structure shall be located within ten ~~(10)~~ feet of any property line.

Section 20-382. Special provisions for the waiver of area, lot width, yard and ~~yard~~ 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 multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan, the Planning Commission may grant, at its discretion, a waiver from any part of Section 20-3778 through 20-380 upon finding:

~~(1)~~ (a) The overall complex or structure, if considered as a single unit, meets all of the requirements of Sections 20-3778 through 20-380; and

- (2) (b) Adequate parking is provided as per the requirements of this Chapter, and, where determined necessary by the Planning eCommission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas; and
- (3) (c) Adequate provisions are made to assure compliance with the requirements of this Chapter with regards to signs, and, where determined necessary by the Planning eCommission, 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
- (4) (d) The complex or structure is adequately designed and serviced from the standpoint of safety, and that the eCounty fFire eChief ecertifies finds that the fire safety equipment to be installed is adequately designed and the eCounty bBuilding eOfficial ecertifies finds the complex is designed to conform to the BOCA—Code, Uniform Statewide Building Code, so as to offer adequate protection to life and property.



Section 20-383. Height Limits *and Height Limitation Waivers.*

~~Buildings and other~~ Structures may be erected up to ~~100~~ sixty feet in height from grade to the top of the structure. Structures in excess of sixty 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.

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

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 20-379 and Section 20-380; however, the Board may waive additional setbacks in excess of sixty feet;
- (b) Such structure will not obstruct light from adjacent property;
- (c) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest;

- (d) *Such structure will not impair property values in the area;*
- (e) *Such structure is adequately designed and served from the standpoint of safety, and that the County Fire Chief finds 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; and*
- (f) *Such structure will not be contrary to the public health, safety and general welfare.*

~~Section 20 384. 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 20 354 and Section 20 355 of this Chapter. Setbacks in excess of 60 feet may be waived by the Board of Supervisors;~~
- ~~(b) Such structure will not obstruct light from adjacent property;~~

- ~~(c) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest;~~
- ~~(d) Such building will not impair property values in the area;~~
- ~~(e) Such structure is adequately designed and served from the standpoint of safety, and that the County Fire Chief 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; and~~
- ~~(f) Such building will not be contrary to the public health, safety and general welfare.~~

Section 20-385. Sign Regulations *and Parking Requirements.*

(a) To assure an appearance and condition which is consistent with the purposes of the General Industrial District, M-2, outdoor signs on the properties within the District shall comply with the regulations for exterior signs in Article VII of this Chapter.

(b) *Off-street parking and off-street loading shall be provided as required in Sections 20-12 and 20-13.*

Section 20-386. Utilities.

All development in the General Industrial District, M-2, shall be served by public water and sewer unless this requirement is waived in accordance with Section 20-386.1. 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~~ *Article II, Site Plan* of this Chapter.

Section 20-387. Site Plan Review.

All ~~buildings structures~~ or complexes of ~~buildings structures~~ erected, altered, or restored within the District shall be subject to Site Plan Review in accordance with ~~Section 20-35.~~ *Article II of this Chapter.*

~~Section 20-388. Parking Requirements.~~

~~Off street parking and off street loading shall be provided as required in Article I, Sections 20-12 and 20-13 of this Chapter.~~

*DIVISION 15. LIMITED INDUSTRIAL DISTRICT, M-3.*

*Section 20-388. Statement of Intent.*

*The primary purpose of the Limited Industrial District, M-3, is to establish an area where the principal use of land is for limited industrial operations which are not ordinarily compatible with residential and retail business development. The specific intent of this district is to accomplish the following:*

- (a) Encourage the use of land for limited industrial purposes;*
- (b) Prohibit residential and retail business developments on land reserved for limited industrial uses; and*
- (c) 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 20-389. Permitted Uses.*

*In the Limited Industrial District, M-3, buildings to be erected or land to be used shall be for one or more of the following or similar uses:*

*Accessory uses as defined in Section 20-2.*

*Antennas and towers, self-supported, (not attached to buildings) less than sixty feet in height.*

*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 station, if fuel is sold, then in accordance with Section 20-89.*

*Banks as accessory to other permitted uses.*

*Clinics as accessory to other permitted uses.*

*Contractor offices, equipment storage yards, shops and warehouses with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.*

*Corporate offices.*

*Courier services.*

*Data processing centers as accessory to other permitted uses.*

*Day care and child care centers as accessory to other permitted uses.*

*Fire stations.*

*Heavy equipment sales and service, with major repair (limited to a fully enclosed building).*

*Industrial training schools.*

*Industrial dry cleaners and laundry.*

*Janitorial service establishments.*

*Laser technology production.*

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

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

*Manufacture and bottling of soft drinks and wine.*

*Manufacture and processing of textiles and textile products.*

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

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

*Manufacture of carpets and carpet yarns.*

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

*Manufacture or assembly of appliances, tools, firearms, hardware products, and heating, cooling or ventilating equipment.*

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

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

*Marine or waterfront businesses to include receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing and distribution.*

*Nurseries.*

*Off-street parking as required by this Chapter.*

*Printing, lithographing, engraving, photocopying, blueprinting, and publishing establishments.*

*Publicly owned solid waste container sites.*

*Radio and television stations, and accessory antenna or towers, self-supported, (not attached to buildings) which are sixty feet or less in height.*

*Research, development, and design facilities.*

*Restaurants as accessory to other permitted uses.*

*Telephone exchanges and telephone switching stations.*

*Tire, transmission, glass, body and fender and other automotive products service with major repair (limited to a fully enclosed building) and vehicle storage screened from adjacent property by landscaping and fencing.*

*Warehouse, storage, and distribution centers with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.*

*Water well drilling establishments.*

*Welding and machine shops with storage (limited to a fully enclosed building) or screened with landscaping and fencing from adjacent property.*

*Section 20-390. Uses permitted by special use permit only.*

*In the Limited Industrial District, M-3, 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:*

*Antennas or towers (not attached to buildings) in excess of sixty feet in height.*

*Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000*



*kilovolt amperes or more, and electrical transmission lines capable of transmitting sixty-nine kilovolts or more.*

*Heliports and helistops and accessory uses.*

*Manufacture of 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.*

*Manufacture of furniture.*

*Marinas, docks, piers, yacht clubs, boat basins and servicing areas for same.*

*Petroleum storage.*

*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.*

*Resource recovery facilities.*

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

*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, 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.*

*Truck stops, if fuel is sold, then in accordance with Section 20-89.*

*Water and sewer facilities (public or private), 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 customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, including pump stations, are permitted generally and shall not require a Special Use Permit.*

*Water impoundments, new or expansion of, for public or private use of fifty acres or more and a dam height of twenty-five feet or more.*

*Section 20-390.1. Outdoor Operations and Storage*

*Any commercial or industrial operation or storage conducted in whole or in part out-of-doors, shall meet the requirements of Section 20-91 of this Chapter.*

*Section 20-391. Area Requirements and Minimum Lot Width.*

*(a) Minimum lot size shall be 10,000 square feet.*

*(b) Minimum width of lots shall be seventy-five feet at the setback line.*

*Section 20-392. Setback Requirements.*

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

*(b) The minimum setback shall also be increased to a minimum of seventy-five feet from any street with a right-of-way fifty feet or greater in width and 100 feet from any street with a right-of-way of less than fifty feet of width when the property immediately across the street is zoned residential. The minimum setback of any portion of a structure across the street from property zoned residential which is in excess of thirty-five feet in height shall be increased one foot for each two feet of the structure's height in excess of thirty-five feet.*

*Section 20-393. Side and rear yards.*

*(a) Structures shall be located twenty feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of thirty-five feet in height shall be increased one foot for each two feet of height in excess of thirty-five feet.*

*(b) The minimum side yard shall be increased to seventy-five feet if the side yard adjoins property in a residential district, or an agricultural district that is designated for residential use on the Comprehensive Plan and the minimum rear yard shall be increased to seventy-five feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of thirty-five feet in height shall be increased one foot for each two feet of height in excess of thirty-five feet.*

*(c) Accessory structures may be located within the required side or rear yards upon approval of the Planning Commission; provided, however, that no structure shall be located within ten feet of any property line.*

*Section 20-394. Special provisions for the waiver of area, lot width, yard 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 multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan, the Planning Commission may grant, at its discretion, a waiver from any part of Section 20-391 through 20-393 upon finding:*

- (a) *The overall complex or structure, if considered as a single unit, meets all of the requirements of Section 20-391 through 20-393;*
- (b) *Adequate parking is provided as per the requirements of this Chapter, and, where determined necessary by the Planning Commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas;*
- (c) *Adequate provisions are made to assure compliance with the requirements of this Chapter with regards to signs, and, where determined necessary by the Planning Commission, 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 Chief finds that the fire safety equipment to be installed is adequately designed and the County Building Official finds the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.*

*Section 20-395. Height Limits and Height Limitations Waivers.*

*Structures may be erected up to sixty feet in height from grade to the top of the structure. Structures in excess of sixty 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.*

*Water towers, chimneys, flues, flag poles, communication antennae, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure shall be considered part of the structure.*

*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 20-392 and Section 20-393; however, the Board may waive additional setbacks in excess of sixty feet;*
- (b) Such structure will not obstruct light from adjacent property;*
- (c) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest;*
- (d) Such structures will not impair property values in the area;*

- (e) *Such structure is adequately designed and served from the standpoint of safety, and that the County Fire Chief finds 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; and*
  
- (f) *Such structures will not be contrary to the public health, safety and general welfare.*

*Section 20-396. Sign Regulations and Parking Requirements.*

*(a) To assure an appearance and condition which is consistent with the purposes of the Limited Industrial District, M-3, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article VII of this Chapter.*

*(b) Off-street parking and off-street loading shall be provided as required in Sections 20-12 and 20-13 of this Chapter.*

*Section 20-397. Utilities.*


- (a) All development shall be served by public water and sewer.*

*(b) The location of all utilities and utility easements shall be shown on the site plans and be approved as per Article II, Site Plan of this Chapter.*

*Section 20-398. Site Plan Review.*

*All structures or complexes of structures erected, altered, or restored within the district shall be subject to Site Plan Review in accordance with Article II of this Chapter.*





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Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:



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David B. Norman  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County,  
Virginia, this 1st day of June, 1992.

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