

ADOPTED

AUG 18 1998

ORDINANCE NO. 31A-177

**BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; BY AMENDING ARTICLE V, DISTRICTS, DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, PERMITTED USES; SECTION 24-412, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-416, SIDE AND REAR YARDS; SECTION 24-418, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND YARD SETBACK REQUIREMENTS; BY AMENDING DIVISION 12, GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 24-436, PERMITTED USES; SECTION 24-437, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-441, SIDE AND REAR YARDS; AND SECTION 24-443, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND SETBACK REQUIREMENTS.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; by amending Article V, Districts, Division 11, Limited Business/Industrial District, M-1, Section 24-411, Permitted uses; Section 24-412, Uses permitted by special use permit only; Section 24-416, Yard regulations; Section 24-418, Special provisions for the waiver of area, lot width, yard and yard setback requirements; by amending Division 12, General industrial district, M-2, Section 24-436, Permitted uses; Section 24-437, Uses permitted by special use permit only; Section 24-441, Yard regulations; Section 24-443, Special provisions for the waiver of area, lot width, yard and yard setback requirements.

Chapter 24. Zoning
Article I. In General

Sec. 24-2. Definitions.

~~Day care or child~~ **Child day care center.** An establishment offering group care to six or more children away from their own home for any part of a day.

~~Micro-brewery.~~ A brewery that produces less than 15,000 barrels per year.

Article V. Districts

Division 11. Limited Business/Industrial District, M-1

Sec. 24-411. Permitted uses.

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

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

~~Book stores:~~

~~Cabinet and upholstery shops:~~

~~Candy stores:~~

~~Carpet stores:~~

~~Child day care centers:~~

~~Department stores.~~

~~Dressmaking stores.~~

~~Employment services or agencies.~~

~~Florist stores.~~

~~*Funeral homes.*~~

~~Furniture stores.~~

~~Furrier stores.~~

~~Greeting card stores.~~

~~*Health clubs, exercise clubs, and fitness centers.*~~

~~Home appliance sales and service.~~

~~*Houses of worship.*~~

~~Ice cream stores.~~

~~Indoor sport facilities, health clubs, exercise clubs and fitness centers.~~

~~*Industrial dry cleaner and laundry.*~~

~~Jewelry sales and service.~~

~~*Kennels.*~~

~~Locksmith and gunsmith shops excluding shooting ranges.~~

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

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

~~Manufacture of furniture.~~

~~Micro-breweries.~~

~~Music and record stores.~~

~~Pet stores.~~

~~Picture framing stores.~~

~~Places of worship.~~

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

~~Research, development and design facilities or laboratories.~~

~~Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.~~

~~Shoe stores.~~

~~Sporting goods stores.~~

~~Stamp and coin stores.~~

~~Tailor shops.~~

~~Tobacco and pipe stores.~~

~~Toy stores.~~

~~Travel bureaus.~~

~~*Vehicle rentals.*~~

~~Veterinary hospitals and kennels.~~

~~Wearing apparel stores.~~

~~Yard goods stores.~~

Sec. 24-412. Uses permitted by special use permit only.

~~Airports and landing fields, ~~h~~eliports, helistops and accessory uses.~~

~~Day care and child care centers.~~

~~Manufacture and sale of glass and glass products.~~

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

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

~~Manufacture of furniture.~~

~~Propane storage, distribution and sale.~~

~~Sanitary landfills in accordance with section 24-40 and waste disposal facilities.~~

~~Truck terminals; if fuel is sold, then in accordance with section 24-38.~~

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment, such as pumps to be owned and operated by political jurisdictions. ~~However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual 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.~~
~~However, the following are permitted generally and shall not require a special use permit:~~

- (a) ~~private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and~~
- (b) ~~distribution lines and local facilities within a development, including pump stations.~~

Sec. 24-416. Side and rear yards. Yard regulations.

(b) The minimum side yard shall be increased to 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~~ ~~The~~ minimum rear yard shall be increased to 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 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

Sec. 24-418. 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 planning commission may grant, at its discretion, a waiver from any part of section 24-414 through 24-416 upon finding:

The following may be eligible for a waiver from any part of section 24-414 through 24-416:

The subdivision of business/industrial property on which business and industrial units for sale, for sale in condominium, or for lease are both:

- (a) constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development; and*
- (b) the entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.*

In these instances, the planning commission may grant, at its discretion, a waiver from any part of section 24-414 through 24-416 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-414 through 24-416;*
- (2) 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; Adequate parking is provided as per the requirements of this chapter. The planning commission also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;*

- (3) 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 *Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning commission also may require the recordation of adequate easements or agreements to allow grouping of signs on one standard sign, placement of signs in common areas or other appropriate arrangements made necessary as a result of the reduced frontage or yard area of the individual units; and*
- (4) ~~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.~~ *The complex or structure is adequately designed and serviced from the standpoint of safety. The county fire chief finds that the fire safety equipment to be installed is adequately designed, and the county building official finds that the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.*

Division 12. General Industrial District, M-2

Sec. 24-436. Permitted uses.

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

~~Child day~~ Day care and child care centers as an accessory use to other permitted uses.

Employment services or agencies.

Health clubs, exercise clubs, and fitness centers as an accessory use to other permitted uses.

~~Laser technology production.~~

~~Propane storage, distribution, and sale.~~

Research, development and design facilities or laboratories. ~~Restaurants as an accessory use to other permitted uses.~~

~~Restaurants as an accessory use to other permitted uses.~~

Wood preserving operations.

Sec. 24-437. Uses permitted by special use permit only.

~~Airports and landing fields, heliports, helistops and accessory uses.~~

~~Child day care centers.~~

~~Manufacture and storage of explosives.~~

~~Manufacture of fertilizer.~~

~~Paper and pulp manufacture.~~

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.

~~Sanitary landfills in accordance with section 24-40.~~

~~Truck terminals, if fuel is sold, then in accordance with section 24-38.~~

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. ~~However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual 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. However, the following are permitted generally and shall not require a special use permit:~~

- (a) ~~private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and~~
- (b) ~~distribution lines and local facilities within a development, including pump stations.~~

~~Wood preserving operations.~~

Sec. 24-441. Side and rear yards. ~~Yard regulations.~~

(b) The minimum side yard shall be increased to 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~~ ~~The~~ minimum rear yard shall be increased to 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 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

Sec. 24-443. 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 24-439 through 24-441 upon finding:~~

~~The following may be eligible for a waiver from any part of section 24-439 through 24-441:~~

~~The subdivision of business/industrial property on which business and industrial units for sale, for sale in condominium or for lease are both:~~

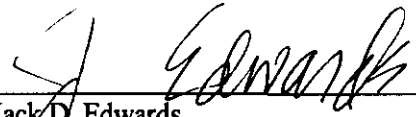
- ~~(a) constructed as part of a multiunit structure in which the units share common walls or as part of a multiple-structure commercial development; and~~
- ~~(b) the entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.~~

~~In these instances, the planning commission may grant, at its discretion, a waiver from any part of section 24-439 through 24-441 upon finding:~~

- ~~(1) The overall complex or structure, if considered as a single unit, meets all of the requirements of sections 24-439 through 24-441;~~
- ~~(2) 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; Adequate parking is provided as per the requirements of this chapter. The planning commission also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;~~
- ~~(3) 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 Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning commission also may require the recordation of adequate easements or agreements to allow grouping of signs on one standard sign, placement of signs in common areas or other appropriate arrangements made necessary as a result of the reduced frontage or yard area of the individual units; and~~

- (4) ~~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. The complex or structure is adequately designed and serviced from the standpoint of safety. The county fire chief finds that the fire safety equipment to be installed is adequately designed, and the county building official finds that the complex is designed to conform to the Uniform Statewide Building Code, so as to offer adequate protection to life and property.~~



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

| SUPERVISOR | VOTE |
|------------|--------|
| SISK | AYE |
| MCLENNON | AYE |
| BRADSHAW | AYE |
| NERVITT | ABSENT |
| EDWARDS | AYE |

Adopted by the Board of Supervisors of James City County, Virginia, this 18th day of August, 1998.