

SEP 8 1998

ORDINANCE NO. 31A-181

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 V, DISTRICTS, DIVISION 13, LIMITED INDUSTRIAL DISTRICT, M-3, BY RENAMING DIVISION 13, RESEARCH AND TECHNOLOGY DISTRICT, RT; BY AMENDING SECTION 24-460, STATEMENT OF INTENT; SECTION 24-461, PERMITTED USES; SECTION 24-462, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-463, OUTDOOR OPERATIONS AND STORAGE; BY DELETING AND REPLACING SECTION 24-464, AREA REQUIREMENTS AND MINIMUM LOT WIDTH WITH NEW SECTION 24-464, DOCUMENTS REQUIRED FOR SUBMISSION; BY AMENDING AND RENUMBERING SECTION 24-465, SETBACK REQUIREMENTS WITH NEW NUMBER 24-472; BY DELETING AND REPLACING SECTION 24-466, SIDE AND REAR YARDS WITH NEW SECTION 24-466, PROCEDURES; BY DELETING AND REPLACING SECTION 24-467, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND SETBACK REQUIREMENTS WITH NEW SECTION 24-467, DEVELOPMENT PLAN; BY AMENDING AND RENUMBERING SECTION 24-468, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER 24-473; BY AMENDING AND RENUMBERING SECTION 24-469, SIGN REGULATIONS AND PARKING REQUIREMENTS WITH NEW NUMBER 24-474; BY RENUMBERING SECTION 24-470, UTILITIES WITH NEW NUMBER 24-475; AND BY RENUMBERING SECTION 24-471, SITE PLAN REVIEW WITH NEW NUMBER 24-476; BY ADDING NEW SECTION 24-465, MASTER PLAN - ADMINISTRATIVE REVIEW FEES; SECTION 24-468, SAME - ADMINISTRATIVE REVIEW FEE; SECTION 24-469, MINIMUM AREA OF DISTRICTS; SECTION 24-470, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; AND SECTION 24-471, OPEN SPACE.

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 V, Districts, Division 13, Research and Technology District, RT, Section 24-460, Statement of intent; Section 24-461, Permitted uses; Section 24-462, Uses permitted by special use permit only; Section 24-463, Outdoor operations and storage; by adding new Section 24-464, Documents required for submission; Section 24-465, Master plan - administrative review fee; Section 24-466, Procedures; Section 24-467, Development plan; Section 24-468, Same - administrative review fee; Section 24-469, Minimum area of districts; Section 24-470, Requirements for improvements and design; Section 24-471, Open space; by amending Section 24-472, Setback requirements; Section 24-473, Height limits and height limitation waivers; Section 24-474, Sign regulations and parking requirements; by renumbering Section 24-470 to Section 24-475, Utilities; and by renumbering Section 24-471 to Section 24-476, Site plan review.

Chapter 24. Zoning

Article V, Districts

Division 13, ~~Limited Industrial District, M-3~~, *Research and Technology District, RT*

~~DIVISION 13. LIMITED INDUSTRIAL DISTRICT, M-3. RESEARCH AND TECHNOLOGY DISTRICT, RT~~

Sec. 24-460. Statement of intent.

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

- (1) Encourage the use of land for *research and technology* ~~limited industrial~~ purposes;
- (2) ~~Encourage large-scale, master-planned developments in a campus or park-like setting;~~
- (3) Prohibit residential and retail business developments on land reserved for *research and technology* ~~limited industrial~~ uses; and
- (3) Establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects of the development of *research and technology* ~~limited industrial~~ uses.

Sec. 24-461. Permitted uses.

In the ~~Limited Industrial District, M-3~~, *Research and Technology District, RT*, 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 24-2.

Antennas and towers, self-supported (not attached to buildings), and tower mounted wireless communications facilities which are 60 feet or less in height.

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

~~Automobile service station, if fuel is sold, then in accordance with section 24-38.~~

Banks and other similar financial institutions as an accessory use to other permitted uses.

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

Clinics as an accessory use 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 an accessory use to other permitted uses.

Fire stations.

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

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

~~Industrial dry cleaners and laundry.~~

~~Industrial *and technical* training schools.~~

~~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 section 24-53.

~~Printing and publishing establishments.~~

Private streets within "~~quaiting~~ ~~qualifying~~ industrial parks" in accordance with section 24-55.

Publicly owned solid waste container sites.

Radio and television ~~stations~~ ~~studios~~ and accessory antenna or towers, self-supported (not attached to buildings), which are 60 feet or less in height.

Research, development and design facilities or laboratories.

Restaurants as an accessory use to other permitted uses.

Telephone exchanges and telephone switching stations.

Timbering in accordance with section 24-43.

~~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 impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.

~~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.~~

Wireless communications facilities that utilize alternative mounting structures, or are building mounted or are camouflaged, and comply with division 6, Wireless Communications Facilities.

Sec. 24-462. Uses permitted by special use permit only.

In the ~~Limited Industrial District, M-3~~ *Research and Technology District, RT*, 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 60 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 69 kilovolts or more.

Heliports and helistops and accessory uses.

~~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.~~

~~Manufacture of glass products.~~

~~Marinas, docks, piers, yacht clubs, boat basins, and servicing areas for same; if fuel is sold, then in accordance with section 24-38.~~

~~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 24-40 and waste disposal facilities.~~

~~Solid waste transfer stations.~~

Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.

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 24-38.~~

~~*Warehouse, storage and distribution centers to serve only uses permitted in the RT, research and technology district, with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.*~~

~~*Waste disposal facilities.*~~

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.~~

Water impoundments, new or expansion of, 50 acres or more or with dam height of 25 feet or more.

Sec. 24-463. Outdoor operations and storage.

Any ~~commercial or industrial~~ ~~research or technology~~ operation or storage conducted in whole or in part out-of-doors shall meet the requirements of section 24-41.

Sec. 24-464. Area requirements and minimum lot width: ~~Documents required for submission~~

- ~~(a) Minimum lot size shall be 10,000 square feet.~~
- ~~(b) Minimum width of lots shall be 75 feet at the setback line.~~

~~(a) Required documents. The applicant shall submit the following documents to the planning director for submission to the planning commission:~~

(1) *Application for rezoning*

(2) *Master plan, 30 copies, ten submitted with application for rezoning with balance of required copies submitted at the request of staff in preparation for planning commission review.*

(b) *Master plan. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect, or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. It shall include:*

(1) *An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivisions or major landmarks.*

(2) *A north arrow.*

(3) *The location of existing property lines, watercourses or lakes, wooded areas and existing roads which are within or adjoin the property.*

(4) *The approximate location of proposed streets and rights-of-ways with an indication of whether public or private; the approximate location of common open space areas and all areas proposed for dedication to public use within the project.*

Each section or area of the master plan shall be designated as follows:

Area Designation

Type of Development

F

Warehouse uses

G

Office uses

H

Light industrial, research or technology uses

I

Institutional or public uses

| | |
|-----------|--|
| <i>J</i> | <i>Areas of common open space</i> |
| <i>M*</i> | <i>Structures containing a mixture of uses</i> |
| <i>X</i> | <i>Other structures, facilities or amenities</i> |

For purposes of this article, the term "common open space area" shall refer to any tract of land intended to be used in common primarily by users of the RT, research and technology district.

**Areas of a master plan designated M(structures containing a mixture of uses) shall indicate in parenthesis, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g., M(HF)) in the order of their proportion in the structure.*

- (5) Where applicable, the master plan shall contain a table which shows, for each section or area of different uses, the following:
 - a. The use;*
 - b. Approximate development phasing;*
 - c. Maximum square feet of floor space for office, industrial, research, or technology uses;*
 - d. Maximum acreage of each use.**
- (6) Schematic plans which shall indicate the phasing of development and master water, sewer, and drainage plans.*
- (7) A statement satisfactory to the county attorney on the guarantees and assurances to be provided for the maintenance of common open space, sidewalks, parking, private streets, and other privately owned but common facilities serving the project.*

The master plan shall depict and bind the approximate boundaries and general location of all principal land uses, structure square footage, roads, rights-of-ways, accesses, open spaces, public uses, and other features located or to be located on the sites. The master plan shall be reviewed and upon approval by the board of supervisors shall become binding. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Approved development plans, provided for in section 24-467, shall supersede the master plan and schematic plans.

Sect. 24-465. Master plan - Administrative review fees.

Submittal of a master plan and subsequent revisions proposed by the applicant to the planning commission shall be accompanied by a fee as specified in section 24-7.

Sec. 24-466. Procedures.

(a) Report of the planning director. The planning director may refer copies of the master plan to other local public officials for their comments, and the planning director shall prepare a report with recommendations regarding the application. A copy of the report shall be sent to the applicant. When all materials necessary for application are complete and the application is deemed ready for planning commission review, the application, master plan, and report of the planning director shall be placed on the agenda of the planning commission at its next regularly scheduled meeting.

The report of the planning director shall include, but not necessarily be limited to, the following:

- (1) Evaluation of the proposed uses at the site in relation to the county's Comprehensive Plan.*
- (2) Evaluation and recommended changes in the design of land use and circulation shown on the master plan of the property.*
- (3) Impact of the proposal on surrounding property and the environment.*

(4) *Final recommendation regarding approval of the application and master plan or changes which are necessary.*

(b) *Consideration by the planning commission and board of supervisors. The procedures for public hearing and consideration by the planning commission and board of supervisors shall be as set forth in section 24-13.*

(c) *Guarantees. The code compliance director shall not issue any certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, public water and sewer facilities, shown on the development plan by providing either a letter of credit, certified check, cash escrow, cash payment or other surety, approved by the county attorney.*

Sec. 24-467. Development plan.

Development plans shall be submitted and reviewed in accordance with article III of this chapter or with the county's subdivision ordinance, whichever is applicable. Development plans may be submitted for review after approval of a master plan by the board of supervisors. All development plans shall be consistent with the master plan. Development plans may deviate from the master plan if the planning commission concludes, after reviewing written comments from the planning director, that the plan does not significantly alter the character of land uses or other features or conflict with any conditions placed on the approval of rezoning. A conceptual plan may be submitted to the planning commission for this purpose in a form sufficient to illustrate the proposed deviations. If the planning commission determines that a proposed change would significantly deviate from the approved master plan, the applicant may submit alternative proposed development plans or proceed with amendment of a master plan in accordance with section 24-13.

Sec. 24-468. Same - Administrative review fee.

Submittals of a site plan or preliminary subdivision plat implementing any portion of an approved master plan shall be accompanied by a fee in accordance with section 24-7 or section 19-15.

Sec. 24-469. Minimum area of districts.

Research and technology districts shall be located on a single parcel of land, or separate but contiguous parcels, which shall total not less than twenty-five acres.

Sec. 24-470. Requirements for improvements and design.

- (a) Water and sewer.*** *All structures and uses within a research and technology district shall be served by publicly owned and operated water and sewer systems.*
- (b) Parking.*** *Off-street parking facilities shall be provided in accordance with the off-street parking requirements of sections 24-53 and 24-474.*
- (c) Street.*** *All streets shall meet the requirements of the Virginia Department of Transportation. The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of the environmental division. Private streets may be permitted within "qualifying industrial parks" in accordance with section 24-55.*
- (d) Fire hydrants.*** *Fire hydrants shall be at locations and of types approved by the service authority manager and county fire chief. No structure within the district shall generally be further than 400 feet from a hydrant.*
- (e) Streetlights.*** *Streetlights shall generally be provided at each intersection and adequately spaced in parking lots and other public areas. The lighting shall be directed so as not to produce objectionable glare on adjacent property within or near the development. No lighting fixture shall exceed a height of 30 feet in this district.*
- (f) Drainage facilities.*** *Facilities for the adequate control of stormwater drainage and erosion and sedimentation shall be provided in accordance with the Virginia Erosion and Sediment Control Handbook and the Virginia Department of Transportation Drainage Manual.*

- (g) *Natural features and amenities. Existing features such as specimen trees, wildlife habitats, watercourses, historical sites, and similar irreplaceable assets shall be preserved to the maximum extent possible.*
- (g) *Landscaping. All landscaping and tree preservation shall be undertaken in accordance with section 24-86 and Chapter 23 of the county's Chesapeake Bay Preservation Ordinance.*

Sec. 24-471. Open space.

(a) *Development within the research and technology districts shall provide usable open space area to create a park-like setting. The amount of open space shall be not less than ten percent of the developable area of the site, and where possible shall be continuous open space. Nondevelopable area consisting of all stream beds, areas subject to flooding, wetlands and areas with slopes exceeding 25 percent gradient shall not be counted towards meeting the open space requirement. For the purposes of this article, open space shall not include any landscape area in parking lots or adjacent to structures. The requirements of this section shall supplement the requirements of the county's Chesapeake Bay Ordinance, section 24-86 (landscaping and tree preservation requirements) and other county requirements relating to open space. For the purposes of this article, open space may include, but is not limited to:*

- (1) *Perpetual easement(s) of no less than 50 feet in width dedicated to James City County or another group approved by the county adjoining any road designated as a community character corridor on the Comprehensive Plan which shall be left in a natural, undisturbed state.*
- (2) *Buffer area(s) of no less than 50 feet around an RMA wetland as measured from the landward edge of the wetland.*
- (3) *Preservation of any archaeological site, any landmark registered in the Virginia Landmarks Register, the National Register of Historic Places or National Historic Site register.*

- (4) *Preservation of any developable area demonstrated to be a habitat for any endangered, rare or threatened species of plant or wildlife so designated by the federal government, the State of Virginia (as referenced by the county's Natural Areas Inventory or listed in Virginia's Endangered Species, (Virginia Department of Game and Inland Fisheries, 1991)), where preservation of such area is not required by local, state or federal law.*
- (5) *Bikeways, bike paths, hiking trails, greenways or other similar amenity, excluding sidewalks.*
- (6) *Public or private picnic areas, parks, plazas or other gathering areas.*

Open space area shall be protected by easements, maintenance agreements and/or other assurances, satisfactory to the county attorney, that set forth the provisions made for the permanent care and maintenance of such property.

Sec. 24-465. 472. Setback requirements.

(a) *Required perimeter setback from research and technology districts. For uses permitted in research and technology districts, the following setbacks are required and shall be left in its natural undisturbed state:*

- (1) *A minimum landscaped setback of 100 feet shall be maintained from the right-of-way of any existing or planned public roads which abut the site; and*
- (2) *A minimum landscaped setback of 50 feet shall be maintained from all property lines adjoining a different zoning district. Where uses permitted in the research and technology district adjoin an existing residentially zoned district or an A-1 District that is designated low-density residential or rural lands on the Comprehensive Plan, the minimum landscaped setback shall be increased to 100 feet.*

(b) Lesser perimeter setback requirements for research and technology districts; criteria for determination. The development review committee may recommend approval of a reduction in the perimeter setback as specified in section 24-472 (a) (2) only if the following criteria are met:

- (1) The proposed setback, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback requirements of this section and the intent of section 24-86 (Landscaping and Tree Preservation Requirements);*
- (2) The proposed setback shall have no additional adverse impact on adjacent properties or public areas;*
- (3) The proposed setback will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan, and*
- (4) The setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development.*

(a) (c) Location of structures. Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the center line of the street. The minimum setback of any portion of a structure which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

~~(b) — The minimum setback shall also be increased to a minimum of 75 feet from any street with a right-of-way 50 feet or greater in width and 100 feet from any street with a right-of-way of less than 50 feet in 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 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.~~

(d) Lesser setback requirements for research and technology area internal to research and technology districts; criteria for determination. The development review committee may recommend approval

of a setback of less than 50 feet as specified in section 24-472 (c) above, for those areas of a research and technology district that are internal to a research and technology district. A setback reduction may be eligible for review by the development review committee only if the following criteria are met:

- (1) The proposed setback, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback requirement of this section and the intent of section 24-86 (Landscaping and Tree Preservation Requirements);*
- (2) The proposed setback shall have no additional adverse impact on adjacent properties or public areas; and*
- (3) The proposed setback will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan.*

The development review committee may recommend approval of a reduction to section 24-472 (c) upon finding that one or more of the following criteria are met:

- (1) The proposed setback meets the intent of the master plan and is in keeping with the overall character of development that encourages open space; or*
 - (2) The proposed setback is for the purpose of integrating proposed research and technology development with adjacent development; or*
 - (3) The proposed setback substantially preserves, enhances, integrates and complements existing trees and topography; or*
 - (4) The proposed setback is due to unusual size, topography, shape or location of the property, or other unusual conditions, excluding the proprietary interests of the developer.*
- (d) Requests for modifications: Requests for modifications to the setbacks as specified in sections 24-472 (a) and (c) shall be filed in writing with the planning director and shall identify the reasons for such*

requests together with the proposed alternative. The planning director shall make a recommendation to the development review committee to approve, deny or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met.

(e) No minimum lot size or yard requirements. Except for required setbacks as stated in this section, there shall be no minimum lot size nor minimum side or rear yard requirements for any lot within a research and technology district other than as specified in approved development plans.

(e) Uses prohibited. Landscape setbacks shall not be used for streets or for parking except for entrances and driveways which may cross the setback at a perpendicular or near perpendicular angle as possible.

Sec. 24-466. Side and rear yards:

~~(a) Structures shall be located 20 feet or more from side or rear property lines. The 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.~~

~~(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 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.~~

~~(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.~~

Sec. 24-467. 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 24-464 through 24-466 upon finding:~~

- ~~(1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-464 through 24-466;~~
- ~~(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;~~
- ~~(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~~
- ~~(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.~~

Sec. 24-468 ~~473~~ Height limits and height limitation waivers.

(c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- (1) Additional setbacks have been provided as required by section ~~24-465~~ and section ~~24-466~~ ~~24-472 (b)~~; however, the board may waive additional setbacks in excess of 60 feet;

Sec. 24-469 ~~474~~. 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~~ ~~Research and Technology District, RT~~, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-54.

Sec. 24-470 ~~475~~. 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 III, Site Plan of this chapter.

Sec. 24-471 ~~476~~. Site plan review.

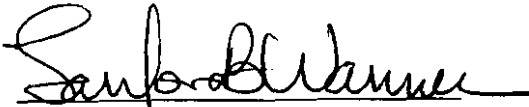
All structures or complexes of structures erected, altered or restored within the district shall be subject to Site Plan Review in accordance with article III of this chapter.

Secs. 24-472 ~~477~~ - 24-481. Reserved.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

| <u>SUPERVISOR</u> | <u>VOTE</u> |
|-------------------|-------------|
| SISK | AYE |
| MCLENNON | AYE |
| BRADSHAW | AYE |
| NERVITT | AYE |
| EDWARDS | AYE |

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of September, 1998.

zo-3-98.ord