

DEC 8 1998

ORDINANCE NO. 31A-184

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 15, MIXED USE, MU, SECTION 24-514, STATEMENT OF INTENT; SECTION 24-517, PROCEDURES; SECTION 24-521, PERMITTED USES; SECTION 24-522, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND SECTION 24-526, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN.

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 15, Mixed Use, MU, Section 24-514, Statement of intent; Section 24-517, Procedures; Section 24-521, Permitted uses; Section 24-522, Uses permitted by special use permit only; and Section 24-526, Requirements for improvements and design.

Chapter 24. Zoning

Article V. Districts

Division 15. Mixed Use, MU

Sec. 24-514. Statement of intent.

(a) The purpose of the mixed use district is to promote a broad spectrum of land uses in more intensive developments on lands designated mixed use by the Comprehensive Plan. The mixed use district is designed to:

- (1) Promote a multiuse master-planned community which may include residential, commercial, industrial *(with a predominant focus on light industrial)*, office and other nonresidential uses;

Sec. 24-517. Procedures.

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

Sec. 24-521. Permitted uses.

In the mixed use districts, all structures to be erected or land to be used shall be for one or more of the following uses:

(1) *Residential uses:*

Accessory structures, as defined in section 24-2.

Apartments.

Multiple-family dwellings.

Single-family dwellings.

Timbering in accordance with section 24-43.

Townhouses.

Two-family dwellings.

Dwelling units, regardless of structure type, should be clustered or otherwise grouped to maximize the preservation of open space and other aesthetic amenities consistent with the intent of article VI, division 1, ~~(Residential Cluster Development)~~.

(2) *Nonresidential uses:*

Accessory structures, as defined in section 24-2.

~~Adult day care centers.~~

Antique shops.

Arts and crafts shops.

Automobile rental.

Automobile repair and service including tire, transmission, glass, body and fender, and other automotive products sales (new and/or rebuilt) and service with major repair under cover and storage of parts and vehicle storage screened from adjacent property by landscaping and fencing.

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

Banks and other similar financial institutions.

Barber and beauty shops.

~~Book stores:~~

Business, professional and governmental offices.

~~Cabinet and upholstery shops.~~

~~Candy stores:~~

~~Carpet stores:~~

Clubs, public or private, civic or service clubs, country clubs, lodges and fraternal organizations.

Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities.

Contractor offices, equipment storage yards, shops and warehouses with storage under cover or screened with landscaping and fencing from adjacent property.

Convenience stores; if fuel is sold, then in accordance with section 24-38.

Data processing centers.

~~Day care and child~~ *Child day* care centers.

~~Department stores.~~

~~Dressmaking stores.~~

Drug stores.

Dry cleaners and laundries.

Employment services or agencies.

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, for more than five persons.

Farmer's markets.

Feed, seed and farm supply stores.

~~Fire stations.~~

~~Fish farming and aquaculture.~~

~~Florist stores.~~

Food processing and storage, but not the slaughter of animals.

~~Food processing and storage in a residence.~~

~~Framing stores.~~

Funeral homes, cemeteries and memorial gardens.

~~Furniture stores.~~

~~Furrier stores.~~

Gift stores.

Greenhouses and nurseries.

~~Greeting card stores.~~

Group quarters for agricultural workers.

~~Gunsmith store (excluding shooting ranges);~~

Handicrafts stores.

~~Hardware and paint stores;~~

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

Heavy equipment sales and service, with major repair under cover or screened with landscaping and fencing from adjacent property.

~~Home appliance sales and service.~~

Home care facilities.

Home occupations as defined.

~~Hospitals, nursing homes and rest homes.~~

Hotels, motels, tourist homes and convention centers.

Houses of worship and cemeteries accessory hereto.

~~Ice cream stores.~~

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

~~Indoor theaters, museums and public meeting halls.~~

Industrial and technical training schools.

Janitorial service establishments.

~~Jewelry sales and service.~~

~~*Libraries.*~~

Limousine service.

~~Locksmith shops.~~

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

Machinery sales and service with major repair under cover.

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 *in structures of not more than 2,000 square feet.*

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 *in structures of not more than 2,000 square feet.*

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

Manufacture of carpets and carpet yarns *in structures of not more than 2,000 square feet.*

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.

~~Music and record stores:~~

Nonemergency medical transport.

~~Nursing homes.~~

Off-street parking as required by section 24-53.

Office supply stores, secretarial and duplicating services.

Parking lots and garages.

~~Pet stores:~~

Photographer, picture, artist and sculptor stores and studios.

~~Plant and garden supply stores:~~

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

~~Post offices.~~

Printing and publishing establishments,

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

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

Property maintenance facilities, sheds or garages.

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

Public meeting halls

Rental of rooms to a maximum of three rooms.

Research, development and design facilities or laboratories

Rest homes

Restaurants, tea rooms and taverns.

~~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.~~

Retail food stores, bakeries and fish markets.

Security service offices.

~~Schools, libraries, fire stations and post offices.~~

~~Shoe stores.~~

~~Sporting goods stores.~~

~~Stamp and coin stores.~~

~~Tailor shops.~~

Taxi service.

Telephone exchanges and telephone switching stations.

Timbering in accordance with section 24-43.

~~Tobacco and pipe stores.~~

~~Toy stores.~~

~~Travel bureaus.~~

~~Upholstery stores.~~

~~Veterinary offices *hospitals*.~~

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

~~Water well drilling establishments.~~

Water impoundments, new or expansion of.

~~Wearing apparel stores.~~

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 structure, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

~~Yard good stores.~~

Sec. 24-522. Uses permitted by special use permit only.

In the mixed use districts, all structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

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

Campgrounds.

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

Flea markets.

Golf courses.

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 in structures of 2,000 square feet and greater.

Manufactured home or mobile home sales.

Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38.

Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution under cover or screened with landscaping and fencing from adjacent property.

Museums.

Petroleum storage.

Publicly owned solid waste container sites.

Radio stations, television stations, transmission relay stations and communication towers.

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.

Rental of more than three rooms in a single-family dwelling unit.

Resource recovery facilities.

Shooting ranges, indoor.

Solid waste transfer stations.

Theme Parks.

Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications 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 for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

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

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

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

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.~~

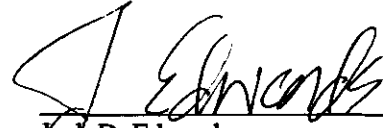
~~Water well drilling establishments.~~

Wineries.

Sec. 24-526. Requirements for improvements and design.

(h) *Landscaping.* All landscaping and tree preservation shall be undertaken in accordance with section 24-86, and ~~Chapter 23 of the County Code~~, the county's Chesapeake Bay Preservation Ordinance.

~~Cross reference Chesapeake Bay Preservation regulations, Ch. 23.~~



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

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

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