

JUL 10 2007

ORDINANCE NO. 31A-227

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, BY ADDING DIVISION 16, PUBLIC LAND DISTRICT, PL, SECTION 24-535, STATEMENT OF INTENT; SECTION 24-535.1, PERMITTED USES; SECTION 24-535.2, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-535.3, AREA REQUIREMENTS; SECTION 24-535.4, SETBACK REQUIREMENTS; SECTION 24-535.5, MINIMUM LOT WIDTH; SECTION 24-535.6, YARD REGULATIONS; SECTION 24-535.7, SPECIAL PROVISIONS FOR CORNER LOTS; SECTION 24-535.8, SPECIAL PROVISIONS FOR THE MODIFICATION OF AREA, SETBACK, LOT WIDTH, OR YARD REQUIREMENTS; SECTION 24-535.9, HEIGHT LIMITS; SECTION 24-535.10, SIGN REGULATIONS; AND SECTION 24-535.11, BMP REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, Article V, Districts, is amended by adding Division 16, Public Land District, PL, Section 24-535, Statement of intent; Section 24-535.1, Permitted uses; Section 24-535.2, Uses permitted by special use permit only; Section 24-535.3, Area requirements; Section 24-535.4, Setback requirements; Section 24-535.5, Minimum lot width; Section 24-535.6, Yard regulations; Section 24-535.7, Special provisions for corner lots; Section 24-535.8, Special provisions for the modification of area, setback, lot width, or yard requirements; Section 24-535.9, Height limits; Section 24-535.10, Sign regulations; and Section 24-535.11, BMP requirements.

ARTICLE V. DISTRICTS
DIVISION 16. PUBLIC LAND DISTRICT, PL

Section 24-535. Statement of intent.

The purpose of the public land district is to establish a special classification for certain parcels of publicly owned property which are used for a public purpose. It is intended to identify significant publicly owned parcels in order to facilitate full utilization of the property for the public benefit and to permit the greatest certainty regarding the character of potential uses of those parcels based on the Comprehensive Plan and surrounding land uses. In order to operate in harmony with this plan, the Public Land District should include publicly owned land of a size and use which could have notable impacts to adjacent properties. The District is generally not intended to include publicly owned parcels with limited public impacts including, but not limited to, pump stations, well lots, land intended for economic development and other lands not meant for a public purpose, and certain residential and commercial accessory uses.

Section 24-535.1. Permitted uses.

In the public land district, structures to be erected or land to be used shall be for the following public uses:

Accessory buildings and structures.

Accessory uses, as defined in section 24-2 and including privately owned uses that are either limited to a fully enclosed building and encompassing less than 25 percent of the floor area of the public use or are a free-standing building or area covering less than 10 percent of the overall land area.

Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.

General Agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Governmental or non-profit offices under 30,000 square feet.

Neighborhood resource centers.

Non-profit medical clinics or offices under 30,000 square feet.

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

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Public meeting halls under 30,000 square feet.

Rest homes for fewer than 15 adults.

Storage and repair of heavy equipment as accessory use to a farm.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

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

Section 24-535.2. Uses permitted by special use permit only.

In the public land district, structures to be erected or land to be used for the following public uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:

Adult day care centers.

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

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Communication towers over 35 feet in height.

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

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.

Farmers markets, temporary or seasonal.

Fire stations or rescue squad stations, volunteer or otherwise.

Flea markets, temporary or seasonal.

Golf courses and country clubs.

Governmental institutions.

Governmental or non-profit offices over 30,000 square feet.

Horse show areas, polo fields.

Hospitals.

Marinas, docks, and waterfront recreation facilities.

Mental health facilities.

Non-profit medical clinics or offices over 30,000 square feet.

Nursing homes and facilities for the residence and/or care of the aged.

Post offices.

Public meeting halls over 30,000 square feet.

Publicly owned operational centers including equipment storage/warehouses.

Radio and television stations or towers.

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.

Rest homes for 15 or more adults.

Retreat facilities.

Riding stables.

Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions.

Solid waste transfer stations.

Telephone exchanges and telephone switching stations.

Tower-mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 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, private extensions or 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.

Utility substations.

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, the following are permitted generally and shall not require a special use permit:

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

Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.

Wayside stands for sale of agricultural products over 500 square feet in area.

Yacht clubs and marinas and commercial and service facilities accessory thereto.

Section 24-535.3. Area requirements.

No area requirements.

Section 24-535.4. Setback requirements.

Structures shall be located a minimum of 35 feet 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 a minimum of 60 feet from the centerline of the street. This shall be known as the "setback line," all subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, shall be allowed to adhere to these established setback lines.

Section 24-535.5. Minimum lot width.

- (a) Lots of up to 43,560 square feet shall have a minimum width at the setback line of 100 feet.*
- (b) Lots of 43,560 square feet or more shall have a minimum width at the setback line of 150 feet.*

Section 24-535.6. Yard regulations.

(a) Side. The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.

(b) Rear. Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of 15 feet.

Section 24-535.7. Special provisions for corner lots.

- (a) For corner lots, the front of the lot shall be the shorter of the two sides fronting on streets.*
- (b) No structures shall be located closer than 35 feet to the side street.*
- (c) Each corner lot shall have a minimum width at the setback line of 125 feet or more.*

Section 24-535.8. Special provisions for the modification of setback, lot width, or yard requirements.

(a) Modifications; criteria for determination. Reduction of the width of the setbacks, lot width, yard regulation, or corner lot provisions (sections 24-535.4 through 24.535.7) for areas in a public land district may be approved upon finding that the proposed reduction, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements), shall not result in additional adverse impacts on adjacent properties or public areas, and 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. In no instance shall a modification be approved that is less restrictive than what is required by the adjacent zoning districts. In addition, a request for a modification must meet one or more of the following criteria:

- (1) The proposed modification is for the purpose of integrating proposed public land development with adjacent development;*
- (2) The proposed modification substantially preserves, enhances, integrates and complements existing trees and topography;*
- (3) The proposed modification is due to unusual size, topography, shape or location of the property, or other unusual conditions, excluding the proprietary interests of the developer.*

(b) Requests for modifications. Requests for modifications from sections 24-535.4 through 24-535.7 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 planning commission 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.

Section 24-535.9. Height limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased to 60 feet, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.*
- (2) Spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations and accessory and non accessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. 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 for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless*

communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed 120 feet in grade to the top of the structure, upon finding that:

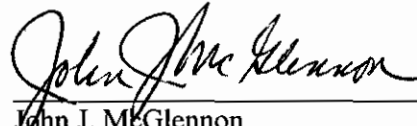
- a. Such structure will not obstruct light to adjacent property;*
 - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;*
 - c. Such structure will not impair property values in the surrounding area;*
 - d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and*
 - e. Such structure will not be contrary to the public health, safety and general welfare.*
- (3) *No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed the height of the main structure and may exceed 45 feet in height.*
- (4) *Communication towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height.*

Section 24-535.10. Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the public land district, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

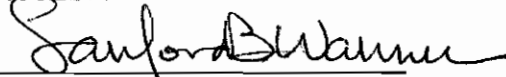
Section 24-535.11. BMP requirements.

To assure an appearance and condition which is consistent with the purpose of the public land district, structural BMPs serving the properties within the district shall comply with the landscaping regulations in article II, division 4 of this chapter.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
BRADSHAW	AYE
GOODSON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2007.