

ADOPTED

JAN 10 2012

ORDINANCE NO. 31A-261

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 9, LIMITED BUSINESS DISTRICT, LB, BY AMENDING SECTION 24-367, STATEMENT OF INTENT; BY AMENDING AND RENAMING SECTION 24-368, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-369, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY AMENDING AND RENUMBERING SECTION 24-370, SPECIAL PROVISIONS FOR AREAS WITHIN THE LIMITED BUSINESS DISTRICT, LB, DESIGNATED NEIGHBORHOOD COMMERCIAL OR LOW-DENSITY RESIDENTIAL ON THE COMPREHENSIVE PLAN WITH NEW NUMBER 24-369; BY RENUMBERING SECTION 24-371, AREA REQUIREMENTS WITH NEW NUMBER 24-370; BY AMENDING AND RENUMBERING SECTION 24-372, SETBACK REQUIREMENTS WITH NEW NUMBER 24-371; BY RENUMBERING AND RENAMING SECTION 24-373, YARD REGULATIONS WITH NEW NUMBER AND NAME, 24-372, YARD REQUIREMENTS; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-374, SPECIAL PROVISIONS FOR THE ADJUSTMENT OF YARD REQUIREMENTS WITH NEW NUMBER AND NAME 24-373, SPECIAL PROVISIONS FOR THE WAIVER OF YARD REQUIREMENTS; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-375, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-374, HEIGHT OF STRUCTURES; BY AMENDING AND RENUMBERING SECTION 24-376, BUILDING COVERAGE LIMITS WITH NEW NUMBER 24-375; BY RENUMBERING SECTION 24-377, SIGN REGULATIONS WITH NEW NUMBER 24-376; BY RENUMBERING SECTION 24-378, OUTDOOR STORAGE PROHIBITED WITH NEW NUMBER 24-377; BY AMENDING AND RENUMBERING SECTION 24-379, SITE PLAN REVIEW WITH NEW NUMBER 24-378; BY RENUMBERING AND RENAMING SECTION 24-380, SIDEWALKS WITH NEW NUMBER AND NAME 24-379, PEDESTRIAN ACCOMMODATIONS; BY AMENDING

AND RENUMBERING SECTION 24-381, LANDSCAPING WITH NEW NUMBER 24-380; AND BY RESERVING SECTION 24-381.

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 9, Limited Business District, LB, by amending Section 24-367, Statement of intent; Section 24-368, Use list; Section 24-369, Special provisions for areas within the Limited Business District, LB, designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan; Section 24-370, Area requirements; Section 24-371, Setback requirements; Section 24-372, Yard requirements; Section 24-373, Special provisions for the waiver of yard requirements; Section 24-374, Height of structures; Section 24-375, Building coverage limits; Section 24-376, Sign regulations; Section 24-377, Outdoor storage prohibited; Section 24-378, Site plan review; Section 24-379, Pedestrian accommodations; Section 24-380, Landscaping; and Section 24-381, Reserved.

Chapter 24. Zoning

ARTICLE V. DISTRICTS

DIVISION 9, LIMITED BUSINESS DISTRICT, LB

Sec. 24-367. Statement of intent.

The Limited Business District, LB, is intended to provide opportunities for a limited range of office, retail and service establishments of small to moderate size, with ~~small~~, well-landscaped parking areas *and an appropriate amount of perimeter and right-of-way landscape buffering when located adjacent to residentially zoned or Comprehensive Plan Land Use Map designated residential or agricultural*

property. The district is characterized by the absence of nuisance factors such as constant heavy trucking and excessive noise, dust, light and odor. This classification is appropriate where proximity to residential areas, existing land uses, traffic patterns and other factors make it desirable to maintain a commercial character which is less intense than permitted in the General Business District, B-1. To enhance the character of the district and to improve its compatibility with low-density surroundings, limitations on building height and ~~bulk size~~ are imposed, and special requirements are imposed on areas designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan.

Sec. 24-368. ~~Permitted uses~~ Use list.

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

In the Limited Business District, LB, *all* buildings or structures to be erected or land to be used shall be for one or more of the following *uses*:

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential</i>	<i>An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property</i>	<i>P</i>	
<i>Commercial</i>	<i>Accessory uses and structures, as defined in section 24-2</i>	<i>P</i>	
	<i>Adult day care centers</i>	<i>P</i>	
	<i>Antique shops</i>	<i>P</i>	
	<i>Arts and crafts, hobby and handicraft shops</i>	<i>P</i>	
	<i>Auction houses</i>	<i>P</i>	
	<i>Bakeries and fish markets</i>	<i>P</i>	
	<i>Banks and other financial institutions</i>	<i>P</i>	
	<i>Barber and beauty shops salons</i>	<i>P</i>	
<i>Business, governmental and professional offices</i>	<i>P</i>		

<i>Catering and meal preparation 5,000 sq. ft. or less</i>	<i>P</i>	
<i>Catering and meal preparation larger than 5,000 sq. ft.</i>		<i>SUP</i>
<i>Child day care centers</i>	<i>P</i>	
<i>Contractor offices (with materials and equipment storage limited to a fully enclosed building)</i>	<i>P</i>	
<i>Convenience stores without the sale of fuel, in areas not designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map</i>		<i>SUP</i>
<i>Drug stores 10,000 sq. ft. or less</i>	<i>P</i>	
<i>Drug stores larger than 10,000 sq. ft.</i>		<i>SUP</i>
<i>Dry cleaners and laundries</i>	<i>P</i>	
<i>Firearms sales and service</i>		<i>SUP</i>
<i>Firing and shooting ranges, limited to a fully enclosed building</i>		<i>SUP</i>
<i>Feed, seed and farm supply stores</i>	<i>P</i>	
<i>Flea markets, not in areas designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map</i>		<i>SUP</i>
<i>Funeral homes</i>	<i>P</i>	
<i>Gift and souvenir stores</i>	<i>P</i>	
<i>Grocery stores 10,000 sq. ft. or less</i>	<i>P</i>	
<i>Grocery stores larger than 10,000 sq. ft.</i>		<i>SUP</i>
<i>Health clubs and exercise clubs, fitness centers</i>	<i>P</i>	
<i>Houses of worship</i>	<i>P</i>	
<i>Janitorial service establishments</i>	<i>P</i>	
<i>Lodges, civic clubs, fraternal organizations and service clubs</i>	<i>P</i>	
<i>Printing, M mailing, and facsimile transmission services lithographing, engraving, photocopying, blueprinting and publishing establishments</i>	<i>P</i>	
<i>Medical clinics or offices</i>	<i>P</i>	
<i>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</i>		<i>SUP</i>
<i>New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building)</i>	<i>P</i>	

	<i>Off-street parking as required by section 24-53</i>	<i>P</i>	
	<i>Office supply stores, secretarial and duplicating services 10,000 sq. ft. or less</i>	<i>P</i>	
	<i>Office supply stores greater than 10,000 sq. ft.</i>		<i>SUP</i>
	<i>Pet stores and pet supply sales</i>	<i>P</i>	
	<i>Photography studios and sales, artist and sculptor stores and studios, arts and crafts and handieraft shops, antique shops, reproduction and gift shops</i>	<i>P</i>	
	<i>Places of public assembly, including houses of worship and public meeting halls</i>	<i>P</i>	
	<i>Plumbing and electrical supply (with storage limited to a fully enclosed building)</i>	<i>P</i>	
	<i>Public meeting halls</i>	<i>P</i>	
	<i>Restaurants (excluding fast food restaurants), coffee shops, and tea rooms and taverns with 100 seats or less</i>	<i>P</i>	
	<i>Restaurants (excluding fast food restaurants), coffee shops, tea rooms and taverns with greater than 100 seats</i>		<i>SUP</i>
	<i>Retail and service stores, including the following stores: books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, gunsmith (excluding shooting ranges), hardware, health and beauty aids, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel bureau agencies, upholstery, variety, wearing apparel, and yard goods</i>	<i>P</i>	
	<i>Retail food stores 5,000 sq. ft. or less</i>	<i>P</i>	
	<i>Retail food store greater than 5,000 sq. ft.</i>		<i>SUP</i>
	<i>Security service offices</i>	<i>P</i>	
	<i>Tourist home</i>	<i>P</i>	
	<i>Vehicle parts sales, new and/or rebuilt, with storage limited to a fully enclosed building</i>	<i>P</i>	
	<i>Vehicle rentals</i>	<i>P</i>	
	<i>Automobile Vehicle service stations, in areas not designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map; if fuel is sold, then in accordance with section 24-38</i>		<i>SUP</i>

	<i>Veterinary hospitals (with all activities limited to a fully enclosed building) with the exception of supervised animal exercise while on a leash</i>	<i>P</i>	
<i>Civic</i>	<i>Nonemergency medical transport</i>		<i>SUP</i>
	<i>Fire stations</i>	<i>P</i>	
	<i>Governmental offices</i>	<i>P</i>	
	<i>Libraries</i>	<i>P</i>	
	<i>Post offices</i>	<i>P</i>	
	<i>Schools, public or private</i>		<i>SUP</i>

<i>Utility</i>	<i>Electrical substations generation facilities (public or private), steam generation facilities, and electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more</i>		<i>SUP</i>
	<i>Railroad facilities including tracks, bridges and switching stations. However, s 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</i>		<i>SUP</i>
	<i>Telephone exchanges and telephone switching stations</i>		<i>SUP</i>
	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities</i>		<i>SUP</i>
	<i>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, e 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</i>		<i>SUP</i>
	<i>Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities</i>	<i>P</i>	
	<i>Water facilities, public or private, and sewer facilities (public), including, but not limited to,</i>		<i>SUP</i>

	<p><i>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:</i></p> <p><i>(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</i></p> <p><i>(b) Distribution lines and local facilities within a development, including pump stations</i></p>		
<i>Open</i>	<i>Timbering, in accordance with section 24-43</i>	<i>P</i>	
<i>Industrial</i>	<i>Publically-owned solid-waste-container sites</i>		<i>SUP</i>

~~Adult day care centers.~~

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

~~Bakeries and fish markets.~~

~~Banks and other similar financial institutions.~~

~~Barber and beauty shops.~~

~~Business, governmental and professional offices.~~

~~Catering and meal preparation 5,000 sq. ft. or less.~~

~~Child day care centers.~~

~~Contractor's offices (with storage of materials and equipment limited to a fully enclosed building).~~

~~Drug stores 10,000 sq. ft. or less.~~

~~Dry cleaners and laundries.~~

~~Feed, seed and farm supply stores.~~

~~Fire stations.~~

~~Funeral homes.~~

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

~~Houses of worship.~~

~~Libraries.~~

~~Lodges, civic clubs, fraternal organizations and service clubs.~~

~~Lumber and building supply (with storage limited to a fully enclosed building).~~

~~Mailing and facsimile transmission reception.~~

~~Medical clinics or offices.~~

~~New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).~~

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

~~Office supply stores, secretarial and duplicating services.~~

~~Photography studios and sales, artist and sculptor studios, hobby shops, art and crafts and handcraft shops, antique shops, reproduction and gift shops, and souvenir shops.~~

~~Plumbing and electrical supply (with storage limited to a fully enclosed building).~~

~~Post offices.~~

~~Public meeting halls.~~

~~Restaurants (excluding fast food restaurants) tea rooms with 100 seats or less.~~

~~Retail and service stores, including the following stores: books, 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 5,000 sq. ft. or less.~~

~~Schools~~

~~Timbering in accordance with section 24-43.~~

~~Tourist homes.~~

~~Veterinary hospitals (with all activities limited to a fully enclosed building).~~

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

~~Sec. 24-369. Uses permitted by special use permit only.~~

~~In the Limited Business District, LB, buildings or 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.~~

~~Automobile service stations, in areas not designated Neighborhood Commercial or Low Density Residential on the Comprehensive Plan; if fuel is sold, then in accordance with section 24-38.~~

~~Convenience stores without the sale of fuel.~~

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

~~Flea markets, in areas not designated Neighborhood Commercial or Low Density Residential on the Comprehensive Plan.~~

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

~~Publicly owned solid waste container sites.~~

~~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.~~

~~Restaurants (excluding fast food restaurants), tea rooms and taverns over 100 seats.~~

~~Retail food stores over 5,000 sq. ft.~~

~~Telephone exchanges and telephone switching stations.~~

~~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.~~

~~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:~~

~~(a) 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;~~

~~(b) Distribution lines and local facilities within a development, including pump stations.~~

Sec. 24-370 369. Special provisions for areas within the Limited Business District, LB, designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan.

The Comprehensive Plan defines Neighborhood Commercial areas as limited business activity areas located within the primary service area, serving residents of the surrounding neighborhoods in the immediate area, and having only a limited impact on nearby development. Neighborhood Commercial development shall be compatible with surrounding development in terms of scale, building design, materials and color. The Comprehensive Plan specifies that within Low-Density Residential areas, non-residential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. For non-residential uses in Low-Density Residential areas, measures shall be provided to protect nearby residential uses and the character of the surrounding area. The requirements of this section shall apply to areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan as determined by the ~~director of planning~~ *director*.

(a) *Permitted uses.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, buildings to be erected or land to be used shall be for one or more of the uses as permitted in section 24-368.

(b) *Uses permitted with a special use permit only.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, buildings to be erected or land to be used shall be for one or more of the uses permitted in section 24-369 only after the issuance of a special use permit by the board of supervisors. A special use permit application shall demonstrate to the ~~director of planning~~ *director* substantial conformance to the county's Neighborhood Commercial Development Standards policy.

(c) *Design standards.* Development within areas designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan shall demonstrate to the ~~director~~ of planning *director* substantial consistency with the following provisions:

(1) Large work area doors or open bays shall be screened from external roadways by fencing or landscaping *or oriented on the sides or rear of the proposed building.*

(2) Heating, ventilating and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be screened from adjoining property and the street right-of-way with fencing, ~~or~~ landscaping, *parapet walls or other types of roof top screens up to four feet above the roof line, if such equipment is located upon the roof.* Large trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes, antennas, etc. shall be similarly screened.

(3) If used, fences in front of buildings on the site *shall be decorative in appearance, as determined by the planning director, and shall be landscaped in accordance with article II, division 4.*

(4) Signs shall generally have no more than three colors. Generally, pastel colors shall not be used. Free-standing signs shall be of a ground-mounted monument type and shall not be larger than 32 square feet not erected to a height greater than eight feet *and shall employ ground mounted lighting concealed by landscaping in accordance with article II, division 4.*

(5) Site landscaping, *in accordance with article II, division 4,* shall be reviewed and approved by the ~~director~~ of planning *director* and shall be consistent with the natural landscape and character of the surroundings *properties.* A unified landscape design shall be provided, including street trees.

(6) Compliance with the provisions of this subsection shall be evidenced by the submission to the ~~director~~ of planning *director* of a site plan, in accordance with the requirements of section 24-145, site plan submittal requirements.

(d) *Building coverage limits.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, a special use permit issued in accordance with section 24-9 shall be required for any building that exceeds a ~~2,750~~ 5,000 square foot building footprint. A special use permit application shall demonstrate to the ~~director of~~ planning *director* substantial conformance to the county's Neighborhood Commercial Development Standards policy.

(e) *Appeals.* In the event the ~~director of~~ planning *director* disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the ~~planning commission~~ *planning director to the development review committee who shall forward a recommendation to the planning commission.*

Sec. 24-~~371~~ 370. Area requirements.

No area requirements.

Sec. 24-~~372~~ 371. Setback requirements.

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 centerline of the street.

Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the ~~development review committee~~ *planning director.* *In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to*

the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The ~~development review committee~~ *planning director* will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

- (a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.
- (b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- (c) The applicant has offered extraordinary site design which better meets the Development Standards of the Comprehensive Plan.

Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-373 372. Yard ~~regulations~~ requirements.

(a) The minimum side yard shall be 20 feet for each main structure. The minimum rear yard shall be 20 feet.

(b) All accessory structures shall be located at least ten feet from any side lot line.

(c) The minimum side yard shall be increased to 35 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. The minimum rear yard shall be increased to 35 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 yard shall be increased to 50 feet if the property is designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan and the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be increased to 50 feet if the property is designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan and 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. 24-374 373. Special provisions for the ~~adjustment~~ waiver of yard requirements.

The following may be eligible for a waiver from any part of section 24-373:

The subdivision of commercial property on which commercial units for sale, for sale in condominium, or for lease are:

(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 *which has been legislatively approved by the board of supervisors.*

In these instances, the ~~planning commission~~ *planning director* may grant, at ~~its~~ *his* discretion, a waiver from any part of section 24-373 upon finding:

(1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-373; and

(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; and

(3) Adequate provisions are made to assure compliance with article II, division 3 of this chapter, 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 yard area of the individual units; and

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

Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-375 374. Height limits and height limitation waivers of structures.

(a) Structures may be erected up to 35 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(b) Church spires, belfries, cupolas, athletic field lighting, chimneys, flues, monuments, flagpoles and 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. 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 the maximum approved height of the structure to which it is mounted, upon finding that:

1. Such structure will not obstruct light to adjacent property;
2. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
3. Such structure will not impair property values in the surrounding area;
4. 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

5. Such structure will not be contrary to the public health, safety and general welfare.

(c) All accessory structures shall be ~~less~~ *lower in height* than the main structure ~~in height~~.

Sec. 24-~~376~~ 375. Building coverage limits.

Building coverage shall not exceed ~~20~~ 30 percent of the total lot area. The floor area ratio shall not exceed 40 percent of the total lot area.

Sec. 24-~~377~~ 376. Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the Limited Business 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.

Sec. 24-~~378~~ 377. Outdoor storage prohibited.

The outdoor storage of materials, supplies and goods for sale shall be prohibited in the limited business district.

Sec. 24-~~379~~ 378. Site plan review.

All buildings or ~~complexes~~ *groups* of buildings erected, altered or restored within the district shall be subject to site plan review in accordance with article III of this chapter.


Sec. 24-~~380~~ 379. Sidewalks *Pedestrian accommodations*.

Sidewalks shall be required for all projects requiring site plan review in accordance with section 24-35.

Sec. 24-~~381~~ 380. Landscaping.

~~Landscaping shall be provided as required in article II, division 4. To assure an appearance and condition which is consistent with the purposes of the Limited Business District, landscaping on the properties within the district shall comply with article II, division 4 of this chapter.~~

Secs. 24-~~382~~ 381 - 24-388. Reserved.



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:



Robert C. Middaugh
Clerk to the Board

SUPERVISOR	VOTE
MCGLENNON	NAY
ICENHOUR	AYE
KENNEDY	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of January, 2012.

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