

ADOPTED

JAN 10 2012

**Board of Supervisors
James City County, VA**

ORDINANCE NO. 31A-264

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 12, GENERAL INDUSTRIAL DISTRICT, M-2, BY AMENDING AND RENAMING SECTION 24-436, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-437, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY RENUMBERING SECTION 24-438, OUTDOOR OPERATIONS AND STORAGE WITH NEW NUMBER 24-437; BY RENUMBERING SECTION 24-439, AREA REQUIREMENTS AND MINIMUM LOT WIDTH WITH NEW NUMBER 24-438; BY RENUMBERING SECTION 24-440, SETBACK REQUIREMENTS WITH NEW NUMBER 24-439; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-441, YARD REGULATIONS WITH NEW NUMBER AND NAME 24-440, YARD REQUIREMENTS; BY RENUMBERING SECTION 24-442, RESERVED WITH NEW NUMBER 24-441; BY AMENDING AND RENUMBERING SECTION 24-443, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND SETBACK REQUIREMENTS WITH NEW NUMBER 24-442; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-444, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-443, HEIGHT OF STRUCTURES; BY RENUMBERING SECTION 24-445, RESERVED WITH NEW NUMBER 24-444; BY RENUMBERING SECTION 24-446, SIGN REGULATIONS AND PARKING REQUIREMENTS WITH NEW NUMBER 24-445; BY AMENDING AND RENUMBERING SECTION 24-447, UTILITIES WITH NEW NUMBER 24-446; BY AMENDING AND RENUMBERING SECTION 24-448, PUBLIC UTILITIES WAIVER WITH NEW NUMBER 24-447; BY RENUMBERING SECTION 24-449, SITE PLAN REVIEW WITH NEW NUMBER 24-448; AND BY ADDING NEW SECTION 24-449, LANDSCAPING.

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 12, General Industrial District, M-2, by amending Section 24-436, Use list; Section 24-437, Outdoor operations and storage; Section 24-438, Area requirements and minimum lot width; Section 24-439, Setback requirements; Section 24-440, Yard requirements; Section 24-441, Reserved; Section 24-442, Special provisions for the waiver of area, lot width, yard and setback requirements; Section 24-443, Height of structures; Section 24-444, Reserved; Section 24-445, Sign regulations and parking requirements; Section 24-446, Utilities; Section 24-447, Public utilities waiver; Section 24-448, Site plan review; and Section 24-449, Landscaping.

Chapter 24. Zoning

ARTICLE V. DISTRICTS

DIVISION 12. GENERAL INDUSTRIAL DISTRICT, M-2

Sec. 24-435. Statement of intent.

The primary purpose of the General Industrial District, M-2, is to establish an area where the principal use of land is for industrial operations which are not compatible with residential or commercial service establishments. The specific intent of this district is to accomplish the following:

- (1) Encourage the use of land for industrial purposes;
- (2) Prohibit residential and commercial service developments on land reserved for 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 industrial uses.

Sec. 24-436. Permitted-uses Use list.

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

In the General Industrial District, M-2, buildings to be erected or land to be used shall be for one or more of the following or similar 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 business commercial or industrial 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 or fish markets</i>	<i>P</i>	
	<i>Banks and other financial institutions</i>	<i>P</i>	
	<i>Barber shops and beauty salons</i>	<i>P</i>	
	<i>Business, and professional and government offices</i>	<i>P</i>	
	<i>Catering and meal preparation</i>	<i>P</i>	
	<i>Child day care centers</i>	<i>P</i>	
	<i>Contractor offices, equipment storage yards, shops and warehouses with materials and equipment storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property</i>	<i>P</i>	
	<i>Convenience stores; if fuel is sold, then in accordance with section 24-38</i>		<i>SUP</i>
	<i>Convention centers</i>	<i>P</i>	
	<i>Courier services</i>	<i>P</i>	
	<i>Data processing centers</i>	<i>P</i>	
	<i>Drug stores</i>	<i>P</i>	
	<i>Dry cleaners and laundries</i>	<i>P</i>	
	<i>Farmer's markets</i>	<i>P</i>	
	<i>Feed, seed and farm supply stores</i>	<i>P</i>	
	<i>Firearms sales and service</i>	<i>P</i>	
	<i>Firing and shooting ranges, limited to a fully enclosed building</i>	<i>P</i>	
	<i>Funeral homes</i>	<i>P</i>	

<i>Gift and souvenir stores</i>	<i>P</i>	
<i>Grocery stores</i>	<i>P</i>	
<i>Health and exercise clubs, fitness centers</i>	<i>P</i>	
<i>Heliports, helistops and accessory uses</i>		<i>SUP</i>
<i>Hospitals</i>		<i>SUP</i>
<i>Hotels and motels or convention centers with accessory retail sales, barber shops and beauty shops located within the hotel, motel, or convention center for the principal benefit of the-resident guest</i>	<i>P</i>	
<i>Houses of worship</i>	<i>P</i>	
<i>Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls</i>	<i>P</i>	
<i>Indoor sport facilities, including firing and shooting ranges</i>	<i>P</i>	
<i>Indoor theaters</i>	<i>P</i>	
<i>Janitorial service establishments</i>	<i>P</i>	
<i>Kennels and animal boarding facilities</i>	<i>P</i>	
<i>Laboratories, research and development centers</i>	<i>P</i>	
<i>Laser technology production</i>	<i>P</i>	
<i>Limousine services, with maintenance limited to a fully enclosed building</i>	<i>P</i>	
<i>Lodges, civic clubs, fraternal organizations and service clubs</i>	<i>P</i>	
<i>Lumber and building supply, with storage limited to a fully enclosed building or screened from view with landscaping and fencing with a maximum height of 12 feet from adjacent property</i>	<i>P</i>	
<i>Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments</i>	<i>P</i>	
<i>Machinery sales and service, with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet</i>	<i>P</i>	
<i>Commercial 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>P</i>	
<i>Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution</i>	<i>P</i>	
<i>Medical clinics or offices, including emergency care and first aid centers</i>	<i>P</i>	
<i>Micro-breweries</i>	<i>P</i>	

Museums	P	
New and/or rebuilt automotive parts sales, with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet	P	
Nursing homes		SUP
Nurseries	P	
Off-street parking as required by section 24-53	P	
Office supply stores	P	
Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks, with water and sewer facilities for golf courses as approved by the board of supervisors		SUP
Parking lots, structures or garages	P	
Pet stores and pet supply sales	P	
Photography, artist and sculptor stores and studios	P	
Places of public assembly, including houses of worship and public or private meeting halls	P	
Plumbing and electrical supply and sales with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property	P	
Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
Private streets within "qualifying industrial parks" in accordance with section 24-55	P	
Publically owned solid waste container sites	P	
Radio and television stations and accessory antenna or towers, self supported, (not attached to buildings) which are 60 feet less in height	P	
Research, development and design facilities or laboratories	P	
Restaurants, tea rooms, coffee shops, taverns, and micro-breweries, not to include fast food restaurants	P	
Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, gunsmith (excluding firing or shooting ranges), hardware, home appliance sales and service, health and beauty aids, ice cream, jewelry sales and	P	

<i>service, locksmith, music and records, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel bureaus agencies, upholstery, variety, wearing apparel, and yard goods</i>		
<i>Retail food stores, bakeries and fish markets</i>	<i>P</i>	
<i>Security service offices</i>	<i>P</i>	
<i>Shooting ranges, indoor</i>		<i>SUP</i>
<i>Taxi service</i>	<i>P</i>	
<i>Theme parks greater than 10 acres in size</i>		<i>SUP</i>
<i>Truck stops; if fuel is sold, then in accordance with section 24-38</i>		<i>SUP</i>
<i>Truck terminals; if fuel is sold, then in accordance with section 24-38</i>		<i>SUP</i>
<i>Vehicle and trailer sales and service, with major repair limited to a fully enclosed building and screened from adjacent property by landscaping and fencing with a maximum height of 12 feet</i>	<i>P</i>	
<i>Vehicle rentals</i>	<i>P</i>	
<i>Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt, with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing with a maximum height of 12 feet</i>	<i>P</i>	
<i>Automobile Vehicle service stations; if fuel is sold, then in accordance with section 24-38</i>	<i>P</i>	
<i>Veterinary hospitals with all activities limited to a fully enclosed building with the exception of supervised animal exercise</i>	<i>P</i>	
<i>Warehousing, wholesaling, storage and distribution centers with storage limited to a fully enclosed building or screened by landscaping and fencing with a maximum height of 12 feet from adjacent property</i>	<i>P</i>	
<i>Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet</i>	<i>P</i>	
<i>Water impoundments, new or expansion of, greater than 50 acres, or with dam heights of less than 25 feet or more</i>		<i>SUP</i>
<i>Water well drilling establishments</i>	<i>P</i>	

	<i>Welding and machine shops with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing from adjacent property with a maximum height of 12 feet</i>	<i>P</i>	
<i>Civic</i>	<i>Nonemergency medical transport</i>	<i>P</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>Antennas and towers, self supported, (not attached to buildings) and tower mounted wireless communications facilities which are 60 feet or less in height</i>	<i>P</i>	
	<i>Antennas and towers (not attached to buildings) in excess of 60 feet in height</i>		<i>SUP</i>
	<i>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</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>P</i>	
	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height</i>	<i>P</i>	
	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</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</i>		<i>SUP</i>

	<i>which are intended to serve accessory to existing or proposed development, are permitted generally and shall not require a special use permit</i>		
	<i>Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities</i>	P	
	<i>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 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</i>		SUP
<i>Open</i>	<i>Timbering, in accordance with section 24-43</i>	P	
<i>Industrial</i>	<i>Heavy equipment sales and service, with major repair limited to a fully enclosed building or screened with landscaping and fencing from adjacent property</i>	P	
	<i>Industrial dry cleaners or laundries</i>	P	
	<i>Industrial or technical training centers or schools</i>	P	
	<i>Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps</i>	P	
	<i>Manufacture and bottling of soft drinks, water and wine alcoholic beverages</i>	P	
	<i>Manufacture and processing of textiles and textile products</i>	P	
	<i>Manufacture and storage of ice, including dry ice</i>	P	
	<i>Manufacture, assembly, or fabrication of sheet metal products.</i>	P	
	<i>Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone</i>	P	
	<i>Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products</i>	P	

	<i>Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals</i>		<i>SUP</i>
	<i>Manufacture of cans and other products from previously processed metals</i>	<i>P</i>	
	<i>Manufacture of carpets and carpet yarns</i>	<i>P</i>	
	<i>Manufacture of furniture</i>	<i>P</i>	
	<i>Manufacture of glass and glass products</i>	<i>P</i>	
	<i>Manufacture of pottery and ceramic products using kilns fired by gas or electricity</i>	<i>P</i>	
	<i>Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment</i>	<i>P</i>	
	<i>Manufacture or assembly of electronic instruments, electronic devices or electronic components</i>	<i>P</i>	
	<i>Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment</i>	<i>P</i>	
	<i>Manufactured home or mobile home sales</i>	<i>P</i>	
	<i>Petroleum storage and retail distribution</i>		<i>SUP</i>
	<i>Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect.</i>		<i>SUP</i>
	<i>Propane storage, distribution or sale</i>		<i>SUP</i>
	<i>Recycling center or plant</i>	<i>P</i>	
	<i>Resource recovery facilities</i>		<i>SUP</i>
	<i>Solid waste transfer stations and container sites, public or private</i>		<i>SUP</i>
	<i>Waste disposal facilities</i>		<i>SUP</i>

~~Accessory uses as defined in section 24-2.~~

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

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

~~Automobile service stations; 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.~~

~~Boiler shops.~~

~~Breweries and other necessary associated activities.~~

~~Business, professional and governmental offices.~~

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

~~Contractor offices, equipment storage yards, shops and warehouses.~~

~~Drop forge industries, manufacturing, forgings with a power hammer.~~

~~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.~~

~~Fire stations.~~

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

~~Heavy equipment sales and service, with major repair limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~Industrial and technical training schools.~~

~~Janitorial service establishments.~~

~~Laser technology production.~~

~~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 acrylic and other synthetic fibers.~~

~~Manufacture and processing of textiles and textile products.~~

~~Manufacture and sale of manufactured homes, mobile homes, modular homes and industrialized housing units.~~

~~Manufacture and sale of wood products.~~

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

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

~~Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, wax, leather, cellophane, canvas, felt, fur, horn, hair, yarn, and stone.~~

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

~~Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals.~~

~~Manufacture of batteries.~~

~~Manufacture of boats, marine equipment and boat trailers.~~

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

~~Manufacture of carpets and carpet yarns.~~

~~Manufacture of furniture.~~

~~Manufacture of glass and glass products.~~

~~Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity.~~

~~Manufacture or assembly of aircraft and aircraft parts.~~

~~Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilating equipment.~~

~~Manufacture or assembly of automobiles, trucks, machinery or 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 the receipt, storage and transshipment of waterborne commerce, or seafood, receiving, packing or distribution.~~

~~Metal foundry and heavy weight casting.~~

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

~~Post offices.~~

~~Printing and publishing establishments.~~

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

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

~~Publicly owned solid waste container sites.~~

~~Radio and television stations 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.~~

~~Retail sales of products related to the main use, provided floor area for retail sales comprises less than 25 percent of the first floor area of the main use.~~

~~Security service offices.~~

~~Structural iron and steel fabrication.~~

~~Telephone exchanges and telephone switching stations.~~

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

~~Warehouse, storage and distribution centers.~~

~~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 including punch presses and drop hammers.~~

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

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

~~In the General Industrial District, M-2, 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 and towers (not attached to buildings) in excess of 60 feet in height.~~

~~Asphalt mixing plants.~~

~~Automobile graveyards and scrap metal storage yards.~~

~~Crushed stone, sand, gravel, or mineral mining; storage and distribution of same.~~

~~Heliports, helistops and accessory uses.~~

~~Manufacture and compounding of chemicals.~~

~~Manufacture of cement, lime, gypsum, bricks and non-previously prepared stone products (i.e., stone and rock used for general erosion control and road construction).~~

~~Petroleum refining.~~

~~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.~~

~~Ready mix concrete production.~~

~~Resource recovery facilities.~~

~~Solid waste transfer stations.~~

~~Tower mounted wireless communication 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.~~

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

~~Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, 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 heights of 25 feet or more.~~

~~Wood preserving operations.~~

Sec. 24-438 437. Outdoor operations and storage.

Any commercial or industrial operation or storage conducted in whole or in part out-of-doors, shall meet the requirements of section 24-41 of this chapter.

Sec. 24-439 438. Area requirements and minimum lot width.

(a) Minimum lot size shall be 10,000 square feet.

(b) Minimum width of lots shall be 75 feet at the setback line.

Sec. 24-440 439. Setback requirements.

(a) 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 three 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 of 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.

Sec. 24-441 440. Yard ~~regulations~~ requirements.

(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 three 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. 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~~ *planning director*; provided, however, that no structure shall be located within ten feet of any property line.

Sec. 24-442 441. Reserved.

Sec. 24-443 442. Special provisions for the waiver of area, lot width, yard and setback requirements.

The following may be eligible for a waiver from any part of section 24-439 438 through 24-441 440:

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

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

In these instances, the ~~planning commission~~ *planning director* may grant, at his discretion, a waiver from any part of section 24-439 438 through 24-441 440 upon finding:

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of sections 24-439 438 through 24-441 440;
- (2) Adequate parking is provided as per the requirements of this chapter. The planning director also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;
- (3) Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning director also may require the recordation of adequate easements or agreements to

allow grouping of signs on one standard sign, placement of signs in common areas or other appropriate arrangements made necessary as a result of the reduced frontage or yard area of the individual units; and

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

(5) Appeals. In the event the 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 director to the development review committee who shall forward a recommendation to the planning commission.

Sec. 24-444 443. Height limits and height limitation waivers of structures.

(a) Structures may be erected up to 60 feet in height from grade to the top of the structure. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.

(b) Water towers, chimneys, flues, flagpoles, communication antennae, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure shall be considered part of the structure.

(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 24-440 439 and section 24-441 440; however, the ~~Board~~ *board of supervisors* may waive additional setbacks in excess of 60 feet;

- (2) Such structure will not obstruct light from adjacent property;
- (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- (4) Such structure will not impair property values in the area;
- (5) Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- (6) Such structure will not be contrary to the public health, safety and general welfare.

Sec. 24-445 444. Reserved.

Sec. 24-446 445. Sign regulations and parking requirements.

- (a) To assure an appearance and condition which is consistent with the purposes of the General Industrial District, M-2, 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. 24-447 446. Utilities.

All development in the General Industrial District, M-2, shall be served by public water and sewer unless this requirement is waived in accordance with section 24-448 447. 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. 24-448 447. Public utilities waiver.

(a) The board of supervisors may waive the public water and sewer service requirement specified by section 24-447 upon finding:

- (1) The development is located in the primary service area as designated by the land use element of the Comprehensive Plan;
- (2) The development is located in an area not planned for extension of public water or sewer service as part of the adopted master water or sewer plan; and
- (3) The development causes no adverse impact on the water resources of the county.

(b) A condition of such waiver shall be that the development shall connect to public water and sewer at such time that the board of supervisors determines utilities are available.

(c) The board of supervisors may attach additional conditions to any such waiver.

Sec. 24-449 448. 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.

Sec. 24-449. Landscaping.

To assure an appearance and condition which is consistent with the purposes of the General Industrial District, landscaping on the properties within the district shall comply with article II, division 4 of this chapter.

Secs. 24-450 - 24-459. Reserved.



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:



Robert C. Middaugh
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCLENNON	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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