

ADOPTED

AUG 13 2013

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

ORDINANCE NO. 31A-291

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS, SECTION 24-3, PURPOSE OF CHAPTER; ZONING MAP; BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-46, SOIL STOCKPILING; DIVISION 2, SECTION 24-58, SPECIAL PROVISIONS FOR BUS PARKING; DIVISION 3, EXTERIOR SIGNS, SECTION 24-74, EXEMPTIONS; DIVISION 6, WIRELESS COMMUNICATIONS FACILITIES, SECTION 24-122, ANTENNA MOUNTING; BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-159, COMPLIANCE WITH SITE PLAN REQUIRED; BY AMENDING ARTICLE V, DISTRICTS; DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 24-232, USE LIST, SECTION 24-242, OPEN SPACE WITHIN MAJOR SUBDIVISIONS; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-252, USE LIST, SECTION 24-263, OPEN SPACE WITHIN MAJOR SUBDIVISIONS; DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, SECTION 24-273.2, USE LIST; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST, SECTION 24-287, RESERVED; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-305, USE LIST, SECTION 24-310, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, USE LIST; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST, SECTION 24-392, SETBACK REQUIREMENTS, SECTION 24-398, SIGN REGULATIONS AND PARKING REQUIREMENTS, SECTION 24-399, SITE PLAN REVIEW; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST, SECTION 24-420, SIGN REGULATIONS AND PARKING REQUIREMENTS; DIVISION 12, GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 24-436, USE LIST, SECTION 24-445, SIGN REGULATIONS AND PARKING REQUIREMENTS; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICT, PUD, SECTION 24-491, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE, MU, SECTION 24-515, DOCUMENTS REQUIRED FOR SUBMISSION, SECTION 24-518, USE LIST,

SECTION 24-520, OPEN SPACE, SECTION 24-522, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.4, USE LIST, SECTION 24-536.5, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; AND BY AMENDING ARTICLE VI, DIVISION 3, FLOODPLAIN AREA REGULATIONS, SECTION 24-588, COMPLIANCE AND LIABILITY.

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 I, In General, Section 24-2, Definitions, Section 24-3, Purpose of chapter; zoning map; by amending Article II, Special Regulations, Division 1, In General, Section 24-46, Soil stockpiling; Division 2, Section 24-58, Special provisions for bus parking; Division 3, Exterior Signs, Section 24-74, Exemptions; Division 6, Wireless Communications Facilities, Section 24-122, Antenna mounting; by amending Article III, Site Plan, Section 24-159, Compliance with site plan required; by amending Article V, Districts; Division 3, Limited Residential District, R-1, Section 24-232, Use list, Section 24-242, Open space within major subdivisions; Division 4, General Residential District, R-2, Section 24-252, Use list, Section 24-263, Open space within major subdivisions; Division 4.1, Residential Redevelopment District, R-3, Section 24-273.2, Use list; Division 5, Residential Planned Community District, R-4, Section 24-281, Use list, Section 24-287, Reserved; Division 6, Multifamily Residential District, R-5, Section 24-305, Use list, Section 24-310, Requirements for improvements and design; Division 9, Limited Business District, LB, Section 24-368, Use list; Division 10, General Business District, B-1, Section 24-390, Use list, Section 24-392, Setback requirements, Section 24-398, Sign regulations and parking requirements, Section 24-399, Site plan review; Division 11, Limited Business/Industrial District, M-1, Section 24-411, Use list, Section 24-420, Sign regulations and parking requirements; Division 12, General Industrial District, M-2, Section 24-436, Use list, Section 24-445, Sign regulations and parking requirements; Division 14, Planned Unit Development District Districts, PUD, Section 24-491, Requirements for improvements and design,

Section 24-493, Use list; Division 15, Mixed Use, MU, Section 24-515, Documents required for submission, Section 24-518, Use list, Section 24-520, Open space, Section 24-522, Requirements for improvements and design; Division 17, Economic Development District, EO, Section 24-536.4, Use list, Section 24-536.5, Requirements for improvements and design; and by amending Article VI, Division 3, Floodplain Area Regulations, Section 24-588, Compliance and liability.

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-2. Definitions.

Lot, flag. A lot ~~not fronting on or abutting a public road and~~ where *a majority of the parcel does not abut a public right-of-way, but that achieves* access to the public road is by a narrow, ~~private right of way~~ *section of land* not less than 25 feet in width.

Places of public assembly. *Places of public assembly include public or private meeting halls, fraternal organizations, houses of worship, civic clubs, and lodges.*

Sec. 24-3. Purpose of chapter; zoning map.

(b) This chapter is designed to give reasonable consideration to each of the following purposes, where applicable:

(1) To provide for adequate light, air, convenience of access and safety from fire, flood, ~~impending~~ *impounding* structure failure and other dangers;

(6) To protect against one or more of the following: overcrowding of land; undue density of population in relation to the community facilities existing or available; obstruction of light and air; danger and congestion in travel and transportation; or loss of life, health or property from fire, flood, ~~impending~~ *impounding* structure failure, panic or other dangers;

Chapter 24

ARTICLE II. SPECIAL REGULATIONS

DIVISION 1. IN GENERAL

Sec. 24-46. Soil stockpiling.

(d) *Development plans.* The location, size and dimensions of all stockpiles shall be shown on any associated development plan and approved as part of a site plan, *site erosion and sediment control plan* or construction plan for a subdivision prior to development. At a minimum the plan shall include:

DIVISION 2. HIGHWAYS, STREETS, PARKING AND LOADING

Sec. 24-58. Special provisions for bus parking.

(f) *Surface and drainage of parking areas.* Bus parking areas shall be surfaced with gravel, stone, asphalt or concrete and shall be maintained in good repair. Adequate drainage shall be provided for the removal of stormwater and a drainage plan shall be submitted with the site plan and approved by the ~~environmental~~ director *of engineering and resource protection*.

DIVISION 3. EXTERIOR SIGNS

Sec. 24-74. Exemptions.

(18) Off-premises, directional, temporary, and generic open-house realty signs may be erected in any zoning district in accordance with the following regulations:

a. The function of such signs shall be limited to directional purposes, as opposed to the advertisement of an individual realtor or realty firm. The signs shall be generic in style and color. No specific realtor or realty firm name(s) shall appear on such signs provided; however, the registered trademark of the National Association of Realtors, the equal housing opportunity logo, and identification as provided for in (19 ~~18~~) h. below shall be permitted.

DIVISION 6. WIRELESS COMMUNICATIONS FACILITIES

Sec. 24-122. Antenna mounting.

2. *Alternative mounting structure - WCFs.* WCFs determined by the planning director to be utilizing alternative mounting structures as defined by this ordinance shall be permitted in all zoning districts and shall conform to the following criteria:

(4) *Building mounted* Antennas shall be mounted in a manner that is architecturally compatible with the structure on which they are located as determined by the planning director. All *Building mounted* antennas (excluding whip antennas under five feet in height) shall be completely screened or camouflaged from view from residentially zoned areas or adjacent roadways.

Chapter 24

ARTICLE III. SITE PLAN

Sec. 24-159. Compliance with site plan required.

(a) *Inspection and supervision during development:*

(1) Unless otherwise specifically provided in this chapter, the construction standards for all on-site and off-site improvements required by this chapter, the site plan or other documents approved by the county shall conform to county design and construction standards. The director of building safety and permits, *or the director of engineering and resource protection, as applicable*, or ~~his~~ *their* agents shall, after approval of the plan and specifications, inspect construction of all improvement and land disturbances to assure conformity with the approved plans to the maximum extent possible.

(2) The owner or agent shall notify the director of ~~building safety and permits~~ *engineering and resource protection* in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.

(3) The ~~stormwater division~~ *engineering and resource protection division* shall, after approval of the plan and specifications, inspect construction of all stormwater installations, including but not limited to BMPs, stormdrains, channels, inlets, and outfalls to assure conformity with the approved plans to the maximum extent possible.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 3. LIMITED RESIDENTIAL DISTRICT, R-1

Sec. 24-232. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-234 <i>233(a)</i>	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre in accordance with section 24-234 <i>233(b)</i>		SUP
Commercial	Off-street parking as required by section 24-53 <i>article II, division 2 of this chapter</i>	P	
Civic	Places of public assembly, including houses of worship and public meeting halls		SUP

Sec. 24-242. Open space within major subdivisions.

(a) Within every subdivision consisting of 50 or more lots, there shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.

(1) Non-developable areas outside of private lots shall be maintained as open space and should be protected through a conservation easement dedicated to the county or other legal entity approved by the county attorney.

(2) In addition, ten percent of the developable area shall also be set aside as open space. The developable area open space may include, but is not limited to:

- a. Areas on site necessary to meet county policies pertaining to natural resources, archaeology, and parks and recreation;
- b. Areas on site used to achieve density bonus points in accordance with ~~Section 24-234~~ 233(b);
- c. The following areas, up to the percent specified:
 1. Required right-of-way and perimeter buffers cannot exceed 50 percent of the developable open space required, and
 2. ~~Stormwater~~ management facilities cannot exceed 20 percent of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures).

(3) For the purposes of meeting the developable open space requirements ~~specified in (e)~~, open space area may not include:

- a. Area on any individual private lots or yards, with the exception of easements for streetscapes; or
- b. Land within public road rights-of-way and utility or drainage easements.

(4) For the purpose of meeting the developable area open space requirements ~~specified in (e)~~, open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for all residents. At a minimum, the open space shall adhere to the following standards:

DIVISION 4. GENERAL RESIDENTIAL DISTRICT, R-2

Sec. 24-252. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre, either <ul style="list-style-type: none"> • in accordance with section 24-254 253(a), or contained within a residential cluster development in accordance with article VI, division 1 of this chapter 	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre, either <ul style="list-style-type: none"> • in accordance with section 24-254 253(b), or contained within a residential cluster development in accordance with article VI, division 1 of this chapter 		SUP
Commercial	Off-street parking as required by section 24-53 article II, division 2 of this chapter	P	
Civic	Places of public assembly, including houses of worship and public meeting halls		SUP

Sec. 24-263. Open space within major subdivisions.

(a) Within every subdivision consisting of 50 or more lots, there shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.

(1) Non-developable areas outside of private lots shall be maintained as open space and should be protected through a conservation easement dedicated to the county or other legal entity approved by the county attorney.

(2) In addition, ten percent of the developable area shall also be set aside as open space. The developable area open space may include, but is not limited to:

- a. Areas on site necessary to meet county policies pertaining to natural resources, archaeology, and parks and recreation;
- b. Areas on site used to achieve density bonus points in accordance with section 24-254 253(b);
- c. The following areas, up to the percent specified:
 1. Required right-of-way and perimeter buffers cannot exceed 50 percent of the developable open space required, and
 2. Stormwater management facilities cannot exceed 20 percent of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures).

(3) For the purposes of meeting the developable open space requirements ~~specified in (c)~~, open space area may not include:

- a. Area on any individual private lots or yards, with the exception of easements for streetscapes, or
- b. Land within public road rights-of-way and utility or drainage easements.

(4) For the purpose of meeting the developable area open space requirements ~~specified in (c)~~, open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for all residents. At a minimum, the open space shall adhere to the following standards:

DIVISION 4.1. RESIDENTIAL REDEVELOPMENT DISTRICT, R-3

Sec. 24-273.2. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Off-street parking as required by section 24-53 article II, division 2 of this chapter	P	
Civic	Places of public assembly, such as meeting halls and houses of worship	P	

DIVISION 5. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4

Sec. 24-281. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Accessory apartments in accordance with section 24-32	P	
Commercial	Off-street parking as required by section 24-53 article II, division 2 of this chapter	P	
Civic	Places of public assembly, such as houses of worship, public meeting halls, lodges or fraternal organizations	P	

Sec. 24-287. Proposed deed of easement and setbacks.

(a) Easements and covenants shall clearly establish the rights of two abutting properties where main buildings are to be constructed on or within five feet of a property line. Such easements/covenants shall establish the rights of each affected owner to gain access to each owner's building for purposes of essential maintenance and service.

(b) Lot sizes and setback lines shall be shown on final plans.

Sec. 24-287 288 – 24-303. Reserved.

DIVISION 6. MULTIFAMILY RESIDENTIAL DISTRICT, R-5

Sec. 24-305. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Off-street parking as required by section 24-53 <i>article II, division 2</i> of this chapter	P	
Civic	Places of public assembly, including houses of worship and public meeting halls	P	

Sec. 24-310. Requirements for improvements and design.

(b) *Open space.* There shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.

(1) Non-developable areas shall be maintained as open space and shall not be included on any private lot, and should be protected through a conservation easement dedicated to the county or other legal entity approved by the county attorney.

(2) In addition, ten percent of the developable area shall also be set aside as open space. The developable area open space may include, but is not limited to:

- a. Areas on site necessary to meet county policies pertaining to natural resources, archaeology, and parks and recreation;
- b. Areas on site used to achieve density bonus points in accordance with section 24-308 307;
- c. The following areas, up to the percent specified:
 - 1. Required right-of-way and perimeter buffers cannot exceed 50 percent of the developable open space required, and
 - 2. Stormwater management facilities cannot exceed 20 percent of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures).

(3) For the purpose of meeting the developable open space requirements specified in (b), open space area may not include:

- a. Area on any individual private lots, with the exception of easements for streetscapes, or
- b. Land within public road rights-of-way and utility or drainage easements.

(4) Open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for all residents and served with adequate facilities for such purpose. Existing features which would enhance the residential environment or the county as a whole such as trees, watercourses, historic spots and similar features shall be preserved to the maximum extent possible.

DIVISION 9. LIMITED BUSINESS DISTRICT, LB

Sec. 24-368. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Lumber and building supply (with storage limited to a fully enclosed building)	P	
	Off-street parking as required by section 24-54 article II, division 2 of this chapter	P	
	Places of public assembly, including houses of worship and public meeting halls	P	
Civic	Places of public assembly	P	
	Schools, public or private		SUP

DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 24-390. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Hotels, and motels and tourist homes	P	
	Off-street parking as required by section 24-54 article II, division 2 of this chapter	P	
	Places of public assembly, including houses of worship and public meeting halls	P	
	Retail food stores	P	
	Tourist homes	P	
Civic	Places of public assembly	P	
	Schools, public or private		SUP
Utility	Antennas and towers, self supported, which are 60 feet or less in height	P	
	Antennas or towers in excess of 60 feet in height		SUP

Sec. 24-392. 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.

(1) 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*.

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~~ *article II, division 4 of this chapter* (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 site design which meets or exceeds the Development Standards of the Comprehensive Plan.

Sec. 24-398. Sign regulations and parking requirements.

- (a) To assure an appearance which is consistent with the purposes of the General Business District, B-1, 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 24-54 and 24-61~~ *article II, division 2 of this chapter*.

Sec. 24-399. Site plan review.

All buildings or complexes of buildings erected, altered or restored within the district shall be subject to site plan review in accordance with ~~section 24-142~~ *article III of this chapter*.

DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1

Sec. 24-411. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Off-street parking as required by section 24-54 article II, division 2 of this chapter	P	
	Places of public assembly, including houses of worship and public meeting halls	P	
Civic	Places of public assembly	P	
	Schools, public or private		SUP

Sec. 24-420. Sign regulations and parking requirements.

(a) To assure an appearance which is consistent with the purposes of the Limited Business/Industrial District, M-1, 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 24-54 and 24-61 ~~article II, division 2 of this chapter~~.

DIVISION 12. GENERAL INDUSTRIAL DISTRICT, M-2

Sec. 24-436. Use List.

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

Catering and meal preparation	P	
Child day care centers <i>as an accessory use to other permitted uses</i>	P	
Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
Convenience stores; if fuel is sold, then in accordance with section 24-38		SUP
Convention centers	P	
Courier services	P	
Data processing centers	P	
Drug stores	P	
Dry cleaners and laundries	P	
Farmer's markets	P	
Feed, seed and farm supply stores	P	
Firearms sales and service	P	
Firing and shooting ranges, limited to a fully enclosed building	P	
Funeral homes	P	
Gift and souvenir shops	P	
Grocery stores	P	
Health and exercise clubs, fitness centers <i>as an accessory use to other permitted uses</i>	P	
Heliports, helistops and accessory uses		SUP
Hospitals		SUP
Hotels and motels with accessory retail sales, barber shops and beauty shops located within the hotel or motel for the principal benefit of the resident guest	P	
Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
Indoor sports facilities, including firing and shooting ranges	P	
Indoor theaters	P	
Janitorial service establishments	P	
Kennels and animal boarding facilities	P	
Laboratories, research and development centers	P	
Laser technology production	P	
Limousine services (with maintenance limited to a fully enclosed building)	P	

Lodges, civic clubs, fraternal organizations and service clubs	P	
Lumber and building supply (with materials and equipment storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
Machinery sales and service (with materials and equipment storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
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	P	
Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood, receiving, packaging or distribution	P	
Medical clinics or offices, including emergency care and first aid centers <i>as an accessory use to other permitted uses</i>	P	
Museums	P	
New and/or rebuilt automotive part sales (with storage limited to a fully enclosed building or screened from adjoining 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 24-52 <i>article II, division 2 of this chapter</i>	P	
Office supply stores	P	
Outdoor center 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 stores	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 materials and equipment storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
Private streets within qualifying industrial parks in accordance with section 24-62 <i>article II, division 2 of this chapter</i>	P	
Radio and television stations and accessory antenna or towers, self supported, not attached to buildings, which are 60 feet or 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 <i>as an accessory use to other permitted uses</i>	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, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
Retail food stores	P	
<i>Retail sales of products related to the main use, provided that the floor area for retail sales comprises less than 25 percent of the first floor area of the main use</i>	P	
Security service offices	P	
Taxi service	P	
Theme parks greater than 10 acres in size		SUP
Truck stops; if fuel is sold, then in accordance with section 24-38		SUP

	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building and screened from adjoining property by landscaping and fencing with a maximum height of 12 feet)	P	
	Vehicle rentals	P	
	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 adjoining property by landscaping and fencing with a maximum height of 12 feet)	P	
	Vehicle service stations; if fuel is sold, then in accordance with section 24-38	P	
	Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise)	P	
	Warehousing, wholesaling, storage and distribution centers (with storage limited to a fully enclosed building or screened from adjoining property by landscaping and fencing with a maximum height of 12 feet)	P	
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, greater than 50 acres and with dam heights of less than 25 feet		SUP
	Water well drilling establishments	P	
	Welding and machine shops (with storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
Civic	Nonemergency medical transport	P	
	Fire stations	P	
	Government offices	P	
	Libraries	P	
	Post offices	P	
	Schools, public or private		SUP
Utility	Antennas and towers, self supported, which are 60 feet or less in height	P	

Antennas and towers, not attached to buildings, in excess of 60 feet in height		SUP
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		SUP
Railroad facilities including tracks, bridges and switching stations. 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		SUP
Telephone exchanges and telephone switching stations	P	
Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height	P	
Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
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. 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		SUP
Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
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. 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		SUP

	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with section 24-43	P	
Industrial	<i>Asphalt mixing plants</i>		SUP
	<i>Boiler shops</i>	P	
	<i>Breweries and other associated activities</i>	P	
	<i>Crushed stone, sand, gravel, or mineral mining; storage and distribution of same</i>		SUP
	<i>Drop forge industries, manufacturing, forgings with a power hammer</i>	P	
	Heavy equipment sales and service (with major repair limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
	Industrial dry cleaners and laundries	P	
	Industrial or technical training centers or schools	P	
	Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks, water and alcoholic beverages	P	
	<i>Manufacture and compounding of chemicals</i>		SUP
	<i>Manufacture and processing of acrylic and synthetic fibers</i>	P	
	Manufacture and processing of textiles and textile products	P	
	<i>Manufacture and sale of manufactured homes, mobile homes, modular homes and industrialized housing units</i>	P	
	<i>Manufacture and sale of wood and wood products</i>	P	
	Manufacture and storage of ice, including dry ice	P	
	Manufacture, assembly or fabrication of sheet metal products	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiberglass, glass, rubber, wax, leather, cellophane, canvas, felt, fur, horn, hair, yarn, and stone	P	
	Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals		SUP
	<i>Manufacture of batteries</i>	P	
<i>Manufacture of boats, marine equipment and boat trailers</i>	P		
Manufacture of cans and other metal products from previously processed metals	P		

Manufacture of carpets and carpet yarns	P	
<i>Manufacture of cement, lime, gypsum, bricks and non-previously prepared stone products (i.e., stone and rock used for general erosion and sediment control or road construction)</i>		SUP
Manufacture of furniture	P	
Manufacture of glass and glass products	P	
Manufacture of pottery and ceramic products using kilns fired only by gas or electricity	P	
<i>Manufacture or assembly of aircraft and aircraft parts</i>	P	
Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment	P	
<i>Manufacture or assembly of automobiles, trucks, machinery or equipment</i>	P	
Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment	P	
Manufactured home or mobile home sales	P	
<i>Metal foundry and heavy weight casting</i>	P	
<i>Petroleum refining</i>		SUP
Petroleum storage and retail distribution		SUP
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		SUP
Propane storage, distribution or sale		SUP
<i>Ready mix concrete production</i>		SUP
Recycling center or plant	P	
Resource recovery facilities		SUP
Solid waste transfer stations and container sites, public or private		SUP
<i>Structural iron and steel fabrication</i>	P	
<i>Vehicle graveyards and scrap metal storage yards</i>		SUP
Waste disposal facilities		SUP
<i>Welding and machine shops including punch presses and drop hammers</i>	P	
<i>Wood preserving operations</i>		SUP

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

(a) To assure an appearance 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 24-54 and 24-61~~ *article II, division 2 of this chapter.*

DIVISION 14. PLANNED UNIT DEVELOPMENT DISTRICT, PUD

Sec. 24-491. Requirements for improvements and design.

(c) *Parking.* Off-street parking facilities shall be provided in accordance with the off-street parking requirements of ~~section 24-53~~ *article II, division 2 of this chapter.*

Sec. 24-493. Use list.

(a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Accessory apartments <i>in accordance with section 24-32</i>	P	
Commercial	Off-street parking as required by section 24-53 <i>article II, division 2 of this chapter</i>	P	
Civic	Places of public assembly, such as houses of worship, public meeting halls, lodges or fraternal organizations	P	

(b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

Industrial	Private streets within "qualifying industrial parks" in accordance with section 24-55 <i>62</i>	P	
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DIVISION 15. MIXED USE DISTRICT, MU

Sec. 24-515. Documents required for submission.

(a) *Required documents.* The applicant shall submit documents in accordance with section 24-23 to the planning director prior to any rezoning or special use permit application consideration by the planning commission.

(1) Where applicable, the master plan shall contain a table which shows, for each section or area of different uses, the following:

- a. The use;
- b. Construction phasing;
- c. Maximum number of dwelling units and density for residential areas;
- d. Maximum square feet of floor space for commercial, office or industrial areas;
- e. Maximum square feet of floor space and percentage mix of floor space of each use for those structures containing a mixture of uses; and
- f. Maximum acreage of each use.

The master plan shall depict and bind the approximate boundaries and general location of all principal land uses, structure square footage, number of dwelling units and densities, roads, rights-of-way, accesses, open spaces, public uses and other features located or to be located on the site. Upon approval by the board of supervisors, the master plan shall become binding. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Approved development plans, provided for in section 24-518 516, shall supersede the master plan and conceptual or schematic plans.

Sec. 24-518. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	Accessory apartments <i>in accordance with section 24-32</i>	P	
Commercial	<i>Medical offices</i>	P	
	Museums		SUP
	Nonemergency medical transport	P	
	Off-street parking as required by <i>section 24-53 article II, division 2 of this chapter</i>	P	
Civic	Places of public assembly, such as houses of worship, public meeting halls, lodges or fraternal organizations		

Sec. 24-520. Open space.

Development within the mixed use districts shall provide usable open space area. The amount of open space shall be not less than ten percent of the developable area of the site. Nondevelopable area shall not be counted towards meeting the open space requirement. For the purposes of this article, open space does not include any landscape area in parking lots or adjacent to structures. The requirements of this section shall supplement the requirements of the county's Chesapeake Bay Preservation Ordinance, *section 24-86 article II, division 4 of this chapter* (Landscaping and tree preservation requirements) and other county requirements relating to open space. For the purposes of this article, open space may include, but is not limited to:

Sec. 24-522. Requirements for improvements and design.

(d) *Parking.* Off-street parking facilities shall be provided in accordance with the off-street parking requirements of section 24-53 *article II, division 2 of this chapter.*

(i) *Landscaping.* All landscaping and tree preservation shall be undertaken in accordance with section 24-86 *article II, division 4 of this chapter* and Chapter 23 of the county code, the Chesapeake Bay Preservation Ordinance.

DIVISION 17. ECONOMIC OPPORTUNITY, EO

Sec. 24-536.4. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Off-street parking as required by section 24-53 <i>article II, division 2 of this chapter</i>	P	
Civic	<i>Clubs, public or private, civic or service clubs, country clubs, lodges and fraternal organizations</i> <i>Places of public assembly</i>	P	
Industrial	Private streets within “qualifying industrial parks” in accordance with section 24-55 <i>62</i>	P	

Sec. 24-536.5. Requirements for improvements and design.

(d) *Parking.* Off-street parking facilities, within the urban/residential core, shall be provided in accordance with the off-street parking requirements of section 24-53 *article II, division 2 of this chapter.* The visibility of parking lots or structures shall be minimized by placement to the side or rear of buildings and/or with landscape screening.

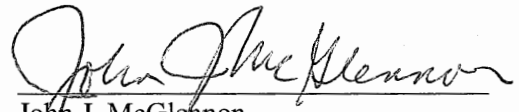
(h) *Landscaping.* All landscaping and tree preservation shall be undertaken in accordance with section 24-86 *article II, division 4 of this chapter* and chapter 23 of the County Code, the Chesapeake Bay Preservation Ordinance.

ARTICLE VI. OVERLAY DISTRICTS

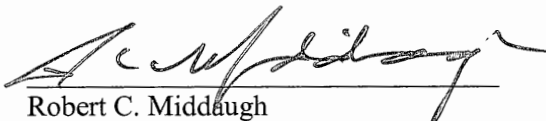
DIVISION 3. FLOODPLAIN AREA REGULATIONS

Sec. 24-588. Compliance and liability.

(c) Records of actions associated with administering these regulations shall be kept on file and maintained by the ~~county engineer~~ *development manager or his designee.*


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Robert C. Middaugh
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	<u>—</u>	<u>—</u>
JONES	<u>—</u>	<u>X</u>	<u>—</u>
KENNEDY	<u>—</u>	<u>X</u>	<u>—</u>
ICENHOUR	<u>X</u>	<u>—</u>	<u>—</u>
BRADSHAW	<u>X</u>	<u>—</u>	<u>—</u>

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 2013.