

ORDINANCE NO. 31A-327

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 14, PLANNED UNIT DEVELOPMENT, PUD, SECTION 24-493, USE LIST; AND SECTION 24-490, HEIGHT AND SPACING OF STRUCTURES.

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 14, Planned Unit Development, PUD, Section 24-493, Use list; and Section 24-490, Height and spacing of structures.

ADOPTED

NOV 08 2016

Board of Supervisors
James City County, VA

DIVISION 14 – PLANNED UNIT DEVELOPMENT, PUD

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 Uses	Accessory apartments, attached, in accordance with section 24-32	P		
	Accessory apartments, detached, in accordance with section 24-32 and located in an area designated for detached, single-family units		SUP	
	Accessory buildings or structures, as defined	P		
	Apartments	P		
	Group homes or residential facilities, for eight or fewer adults	P		
	Group homes or residential facilities, for nine or more adults		SUP	
	Home occupations, as defined	P		
	Independent living facilities	P		
	Multi-family dwellings, up to and including, four dwellings	P		
	Multi-family dwellings more than four dwellings	P		
	Single-family dwellings	P		
	Commercial Uses	Accessory buildings or structures, as defined	P	
		Assisted living facilities	P	
Automotive service stations, with major repair in a fully enclosed building or retail sale of automotive accessory items; if fuel is sold, then in accordance with section 24-38		P		
Banks and other similar financial institutions		P		
Barber and beauty shops		P		
Business and professional offices		P		
Coin laundries which are accessory to other residential uses and for the primary use of their residents		P		
Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities		P		
Continuing care retirement facilities		P		
Drug stores		P		
Dry cleaners and laundries		P		

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Funeral homes	P	
	Golf courses, country clubs	P	
	Indoor theaters	P	
	Marinas, docks piers, yacht clubs, boat basins and waterfront activities, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38	P	
	Medical clinics or offices	P	
	Motels, hotels and resort facilities	P	
	Museums	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Photography studios and sales, artist and sculptor studios, arts and crafts and handicraft shops, antique shops, reproduction and gift shops	P	
	Plants and garden supply, hardware and paint and home appliance sales and service, with storage in a fully enclosed building	P	
	Restaurants, tea rooms and taverns	P	
	Restaurants which are accessory to permitted private clubs and marinas	P	
	Retail and service stores, including the following stores: books, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, greeting card, ice cream, jewelry sales and service, locksmith, music and records, pet, picture framing, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel and yard goods	P	
	Retail food stores, bakeries, fish markets	P	
	Retail shops associated with community recreation facilities	P	
	Skilled nursing facilities (nursing home)	P	
	Veterinary hospitals	P	
	Wineries	P	
Civic Uses	Fire stations	P	
	Libraries	P	
	Places of public assembly	P	
	Post offices	P	
	Schools	P	
Open Uses	Timbering in accordance with section 24-43	P	
Utility Uses	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers and support structures; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that are camouflaged. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers and support structures, that utilize</i>	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	<i>alternative mounting structures. All facilities shall comply with article II, division 6 of this chapter.</i>		
	Public utilities	P	
	Radio and television stations	P	
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities		SUP
	Water facilities (public) 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		SUP
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	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:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Home occupations, as defined	P	
	Independent living facilities	P	
	Multi-family dwellings	P	
Commercial Uses	Commercial uses: Same as subsection (a) above		
	Assisted living facilities	P	
	Continuing care retirement facilities	P	
	Skilled nursing facilities (nursing home)	P	
	Golf courses	P	
	Theme parks	P	
Civic Uses	Civic uses as listed in (a) above		
Utility Uses	Utility uses as listed in (a) above		
	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities, only in areas with	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	a designation other than residential on a board adopted master plan		
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities		SUP
	Communication facilities, antennas, towers and support structures that are camouflaged, for a non-residential use and part of a Board approved master plan. All facilities shall comply with article II, division 6 of this chapter.	P	
	Communication facilities, antennas, towers and support structures, including multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.		SUP
	Water facilities (public) 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		SUP
Industrial Uses	Printing and publishing	P	
	Private streets within "qualifying industrial parks" in accordance with section 24-62	P	
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect	P	
	Research, design and development facilities or laboratories	P	
	Wholesale and warehousing, with storage in a fully enclosed building	P	

Sec. 24-490. Height and spacing of structures.

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities.~~
- (b) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank ~~radio, television, and microwave antennas and towers~~ or other accessory functions, ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications facilities in excess of 60 feet in height but not in excess of the maximum approved~~

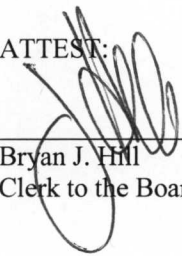
~~height of the structure to which it is mounted~~, may be erected only upon the granting of a height limitation waiver by the board of supervisors.

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:

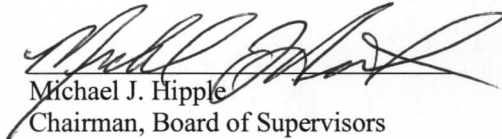
- (1) Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
- (2) Such structure will not obstruct light from adjacent property;
- (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- (4) Such structure will not impair property values in the surrounding area;
- (5) 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, to offer adequate protection to life and property; and
- (6) Such structure would not be contrary to the public health, safety or general welfare.

(c) Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.

ATTEST:



Bryan J. Hill
Clerk to the Board


Michael J. Hipple
Chairman, Board of Supervisors

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2016.