

ORDINANCE NO. 31A-334

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS; DIVISION 1, IN GENERAL; BY ADDING SECTION 24-48, PLACES OF PUBLIC ASSEMBLY USED PRIMARILY AS AN EVENT FACILITY.

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 II, Special Regulations; Division 1, In General; section 24-48, Places of Public Assembly Used Primarily as an Event Facility.

**Chapter 24. Zoning**

**Article II. Special Regulations**

**Division I. In General**

**ADOPTED**

**AUG 08 2017**

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

***Sec. 24-48. Place of public assembly used primarily as an event facility.***

- (a) *Applicability. A place of public assembly used primarily as an event facility (referred to as an "event facility") is a place for hosting functions including, but not limited to, weddings, receptions, banquets, anniversaries, meetings or conferences. The event facility may be a building, tent, uncovered outdoor gathering space or a combination thereof. For the purposes of this section, an event facility is one that charges a fee or requires compensation to use the space or charges an entry or other fee for the uses related to the facility. Facilities exclusively used by membership groups such as civic or service clubs, or fraternal organizations are not included in this definition.*
- (b) *Performance Standards. All event facilities, and the parcel(s) upon which they are located, must meet the following standards:*
- (1) *Parcel Size. The property must be ten or more acres. This may consist of a single parcel or two adjacent parcels under the same ownership, which, when aggregated, total ten or more acres. If adjacent, the parcels must share at least 25% of the smaller parcel's property line. If the total acreage becomes less than ten acres through subsequent subdivision, sale or other means, this standard would no longer be met and approval under this section would no longer be valid.*
  - (2) *Maximum Number of Attendees. The maximum number of attendees for any given event is limited to 300 people, including but not limited to, any event staff, caterers, photographers and vendors.*
  - (3) *Setbacks.*
    - a. *Setback areas shall be:*
      - i. *Not less than 75 feet from any property line for all development and activity areas related to the event facility, including but not limited to, parking, permanent facilities, temporary tents, fire pits and outdoor gathering spaces;*

- ii. *Not less than 150 feet from the edge of the right-of-way for roads that are designated by the comprehensive plan as community character corridors for all development and activity areas related to the event facility;*
      - iii. *Not less than 100 feet from any property line for any activity area that will include the use of outdoor amplified sound or music.*
    - b. *Existing trees, bushes, shrubs and other vegetation within such setback areas shall be protected and preserved. For those areas where the event facility would be visible from a property line or right-of-way, the setbacks specified in 3.a.i and 3.a.ii shall contain landscaping in accordance with section 24-96, General landscape area standards, and setbacks along community character corridors shall also adhere to the community character corridor buffer treatment guidelines and map. The planning director may modify, permit substitutions or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.*
  - (4) *Access. The property shall be located on a road that is classified by the Virginia Department of Transportation as an arterial road. Access to and from the event facility may not occur via a shared or common driveway.*
  - (5) *Limitations on Noise. No activity shall cause or permit to be caused any noise which is plainly audible across a property line between the hours of 11 p.m. to 7 a.m. For the purposes of this standard, all definitions shall be those found in section 15.20 of the county code. In addition, all sources of amplified music shall be oriented toward the interior of the property.*
  - (6) *Temporary Tents. Where proposed, temporary tents are allowed for a period not to exceed 30 days. The 30-day time period may be extended by written request to the zoning administrator or their designee showing reasonable cause.*
  - (7) *Consideration of Future Production Capacity. To the greatest degree possible, the permanent component(s) of a proposed event facility should be placed on a parcel so as to avoid areas defined by the United States Department of Agriculture (USDA) as Prime Farmland or Farmland of Statewide Importance. A map shall be submitted showing the location of any Prime Farmland or Farmland of Statewide Importance on the parcel and the location of the permanent component(s) of the event facility. The planning director may allow the permanent component(s) of the event facility to be located in whole or in part on these areas of farmland, should the applicant demonstrate, in writing, that their placement is due to the unique aspects of the property such as, but not limited to, topography, previous disturbance or unusual shape of the parcel.*
- (c) *Development Plans.*
- (1) *The applicant must demonstrate that all performance standards would be met by their proposal through submission of a site plan.*
  - (2) *Upon written request, the planning director may waive or modify provisions of the following sections of the zoning ordinance:*
    - a. *Chapter 24, Article II. Special Regulations, Division 2. Highways, Streets, Parking and Loading*

b. Chapter 24, Article II. Special Regulations, Division 4. Landscaping

c. Chapter 24, Article III. Site Plan

d. The planning director will consider a waiver or modification of a provision of the above sections of the zoning ordinance only if the specific circumstances of the proposal and the site indicate that a waiver or modification of the provision(s) will:

i. Not negatively impact adjacent property owners;

ii. Assist in keeping the proposal consistent with the comprehensive plan's rural lands designation description and development standards; and

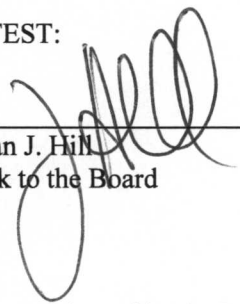
iii. Not be contrary to public health, safety and welfare.

In the event the planning director disapproves the waiver or modification 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, which shall forward a recommendation to the planning commission.



Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input type="checkbox"/>	<input checked="" 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"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<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 August, 2017.