

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
SEPTEMBER 7, 2011 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES

August 3, 2011 Regular Meeting
4. COMMITTEE / COMMISSION REPORTS
 - A. Development Review Committee (DRC)
 - B. Policy Committee
 - C. Regional Issues Committee / Other Commission Reports
5. PUBLIC HEARING CASES
 - A. Z-0001-2011, Forest Heights Road, Neighbors Drive, Richmond Road, Road Improvements
 - B. ZO-0004-2011, Commercial Districts
6. PLANNING DIRECTOR'S REPORT
7. COMMISSION DISCUSSIONS AND REQUESTS
8. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF AUGUST, TWO-THOUSAND AND ELEVEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Jack Fraley
Joe Poole III
Al Woods
Mike Maddocks
Rich Krapf
Tim O'Connor

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Adam Kinsman, Deputy County Attorney
Jason Purse, Senior Planner
Russell Seymour, Director of Economic Development

Mr. Jack Fraley called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

There being none, Mr. Fraley closed the public comment period.

3. MINUTES

Mr. Joe Poole moved to approve the July 6th, 2011 minutes.

In a unanimous voice vote, the minutes were approved (6-0).

4. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Rich Krapf stated the DRC met on July 27th. The DRC discussed Case Number SP-0067-2011, Williamsburg Crossing Car Wash. The applicant requested a sidewalk waiver to extend the existing sidewalk along Pilot's Way as opposed to placing it along John Tyler Highway. The DRC granted the waiver (2-0; Yes: Krapf, Maddocks; Absent: Poole, O'Connor). The DRC also reviewed Case Number C-0026-2011, Chambrel at Williamsburg for master plan consistency. A proposed memory care facility would be located in an area currently designated for apartments and condominiums on the master plan. The project area is current in use as a parking lot. The DRC approved master plan consistency by a vote of (2-0; Yes: Krapf, Maddocks; Absent: Poole, O'Connor). The DRC also reviewed Case Number C-0031-2011, King of Glory Parking Lot Expansion. The DRC found the additional 70 parking spaces consistent with the adopted master plan by 2-0(Yes: Krapf, Maddocks; Absent: Poole, O'Connor).

Mr. Poole moved to approve the DRC report.

In a unanimous voice vote, the report was approved (6-0).

B. POLICY COMMITTEE

The Policy Committee met twice in July, reviewing the draft Economic Opportunity ordinance and Commercial Districts ordinances at the July 13th meeting and reviewing the draft Green Building and Residential Cluster Overlay District ordinances at the July 18th meeting. At the upcoming August 30th meeting, the Committee is scheduled to review Residential and Multiple Use Districts.

C. REGIONAL ISSUES COMMITTEE / OTHER COMMISSION REPORTS

Mr. Fraley stated the Regional Issues Committee met July on 21st. The Committee heard presentations from Busch Gardens on their planned Route 60 corridor landscaping enhancements and from the Williamsburg Area Transit Authority on potential new and extended services. He stated the three local jurisdictions also discussed their 2012 Comprehensive Plan updates.

Mr. Allen Murphy stated York, Williamsburg, and James City all met with the Hampton Roads Transportation Planning Organization (HRTPO) to discuss an ongoing transportation study that will be incorporated into the 2012 Comprehensive Plan updates. Three regional public forums will be held in February 2012, with follow-up joint Planning Commission work sessions in March or April 2012. All three jurisdictions are scheduled to complete their land use mapping by October 2011.

5. PLANNING COMMISSION CONSIDERATIONS

A. ZO-0002-2011 INITIATING RESOLUTION – ZONING ORDINANCE AMENDMENT, SECTION 24-7, ADMINISTRATIVE FEE WAIVERS

B. SO-0002-2011 INITIATING RESOLUTION – SUBDIVISION ORDINANCE AMENDMENT, SECTION 19-15, ADMINISTRATIVE FEE WAIVERS

Mr. Murphy stated the initiating resolutions for the Zoning Ordinance amendment and the Subdivision Ordinance amendment are for the Commission to consider the elimination of planning fees for federal, state, and local governments. Staff recommends approval of eliminating the fees.

Mr. Krapf moved to approve both resolutions.

In a roll call vote, the Commission approved both initiating resolutions (6-0).

Mr. Fraley stated he had received a letter requesting exempting homeowners' associations from paying planning fees. Mr. Fraley stated the request would be forwarded to the Board of Supervisors.

6. PUBLIC HEARINGS

A. ZO-0003-2011 ECONOMIC OPPORTUNITY DISTRICT

Mr. Jason Purse stated that staff is presenting the final draft ordinance to the Commission. The Economic Opportunity District is designed to facilitate economic development, diversify the tax base, and create jobs. Staff has made two changes to the packets delivered to Commission members. First, in the definition of residential unit types, staff recommends removal of the terms 'two family dwelling' and 'townhouse' from the use list since those items are included in the definitions section. Staff had also calculated density based on developable area, so a reference to 'gross area' on page 4 will be edited to 'developable area'. Construction phasing policy language was forwarded to Commission members earlier in the week to reference that policy in the Zoning Ordinance. Staff recommends approval of draft ordinance.

Mr. Fraley opened the public comment period.

Mr. Mac Mestayer, 105 Gilley Drive, stated he was concerned with preserving zoning to maintain the county's quality of life and the large amount of free upzoning. He stated the Transfer of Development Rights (TDR) process should be used, with half of the district used as a sending area to maintain open space while making the other half a receiving area.

Mr. Jim Brown, 4 Longleaf Circle, stated he was opposed to the Economic Opportunity District concept. He stated he was against the district due to a struggling economy, partially empty shopping centers, environmental loss, increased traffic, possible large-scale industries, the objections of nearby residents, and concerns over the placement of a new road near Skimino Creek and Lightfoot Road.

Mr. Craig Metcalfe, 4435 Landfall Drive, representing James City County Citizen's Coalition (J4C), stated EO storm water requirements need to be master planned and clearly defined. He stated the ordinance lacks provisions for green building design and that the county's 60% impervious cover rule should be upheld. The EO ordinance should be postponed until all other ordinance updates have been made. He questioned why the ordinance was moving ahead so quickly.

Mr. Wayne Moyer, 268 Peach Street, stated he owns 32 acres across EO-designated land and plans to preserve his property through a conservation easement. He stated he was concerned with the loss of natural environment. The EO industrial park could integrate business and nature, using walking and biking trails, retaining agricultural land, vegetation, open space, and wildlife habitat, and a single parking garage instead of parking lots.

Mr. Dick Schreiber, president of the Greater Williamsburg Chamber and Tourism Alliance, stated his members primary concern is continued quality of life. He stated that

balanced growth can be achieved in ways consistent with maintaining current quality of life. Balanced growth includes determining the quantity, type, and location of growth, as well as master planning.

Ms. Susan Gaston, representing the Williamsburg Area Association of Realtors, stated her organization supports the EO district. The EO district represents increased quality of life, including increased jobs, more diversified businesses, and reducing the 'brain drain' of college graduates leaving the community. Increased business opportunities will help retain this group.

Mr. Tom Tingle, chair of the James City County Economic Development Authority (EDA), stated the EDA identified areas throughout the county favorable for commercial development over the next generation. He stated of these areas, the Lightfoot-Croaker proved most attractive due to 500 acres of developable acreage, well-suited transportation infrastructure and the opportunity for regional cooperation with York County. A County-commissioned traffic study found a built-out EO zone increased County population 1% while increasing employment 14% and decreasing traffic improvement costs by 8%. The EO zone can attract businesses that attract and create high-paying jobs and allows increased long-range planning. The EDA requests approval of the EO ordinance.

Mr. Fraley closed the public hearing.

Mr. Fraley stated in response to citizen concerns regarding the timing of the ordinance, the Board voted for five ordinance update priorities for the Commission and staff. These priorities included EO, commercial districts, cumulative impacts, development standards, and a sustainability audit. The Board wants to review these priorities by November.

Mr. Poole asked if the Virginia Enterprise Zone designation was still in place for James River Commerce Center, GreenMount, and the south end of the county and if that zone still provides opportunity for predictability and business enhancements.

Mr. Purse stated the Enterprise Zone designations are still in effect. He stated the Board has included additional properties in the Hankins Industrial and Stonehouse Commerce parks into that designation. The EO zone is not in an Enterprise Zone, but will allow longer range planning after the Enterprise Zones expire in 2015.

Mr. Russell Seymour stated the state program expires in 2015. He stated the county is limited to 3800 acres it can designate Enterprise Zone.

Mr. Poole asked how businesses respond to Enterprise Zone incentives. He asked how it relates to Economic Opportunity zone predictability.

Mr. Seymour stated businesses are referred to the program through the State's economic development organization, the Hampton Roads Economic Development Association, or through Economic Development contacts. He stated the Enterprise Zone is a focal point for a certain type of business. Economic Development seeks large-scale, industrial-type businesses. There is no mechanism for the Enterprise Zone to cater to smaller-scale businesses.

Mr. Mike Maddocks asked if the Commission's approval for the ordinance would speed any development or compromise the planning process.

Mr. Purse stated that was not correct. He stated the ordinance adoption was the second step of a long-term planning process. He stated the third step would be presentation of a master plan and rezoning application to the County.

Mr. Maddocks asked whether any potential development would still be required to go through stringent oversight.

Mr. Purse stated that was correct.

Mr. Krapf stated he voted for the Economic Opportunity designation on the Comprehensive Plan while on the Steering Committee. He stated developing an EO ordinance is the next logical step. He stated the EO zone will give the county a new tool for developing a future vision. It provides additional revenue streams, since the County cannot rely on its traditional residential, retail, and manufacturing tax base, while attracting the best and the brightest. EO development will proceed at a measured pace and not outstrip infrastructure. The EO zone also provides an affordable/workforce housing component, and helps relieve development pressure on the rural lands. The new tool will still require safeguards, including the legislative process and site plan review.

Mr. Fraley stated the ordinance, if approved by the Board, provides several environmental protection 'firsts' for the county, including a pre-environmental inventory, density based on developable acreage, limits on clear cutting, construction phasing, tree preservation plan, view shed protections, green building standards, and transfer of development rights. The EO zone represents sound long-term planning. He has heard citizen concerns regarding the area turning into a New Town or the Marquis, but that is not consistent with the EO concept. The EO district is intended as an employment center for county residents that creates a positive fiscal impact, with intense commercial and office uses that use available transportation infrastructure. Residential units should be clustered near transit nodes while retail should primarily support industrial employees. Grid-like streets will provide connectivity, including pedestrian and bike access to employment areas. Parking should be limited, preserving land for more productive uses. The potential for commuter light rail should be reviewed. Sensitive environmental features and surrounding properties should be protected through view shed protection, integrated open space, building location and scale, mass, and architectural design, construction phasing, and tree preservation.

Mr. Poole stated that he supported the EO concept during the Comprehensive Plan. He stated there were unclear aspects of the ordinance and he had multiple concerns. The ordinance lacks open space design guidelines and has a large number of non-commercial by-right uses. The ordinance has been moved too quickly through the process, especially with the number of other ordinances under review and with half-empty empty shopping centers in the area. He stated he would prefer to wait on the EO ordinance, since the one presented does not match his vision in the Comprehensive Plan.

Mr. Tim O'Connor stated that given the economic climate, he can see owners and developers jumping on any economic opportunity that comes along. Delaying the ordinance would only increase the chances of ad hoc development.

Mr. Poole stated Anheuser-Busch's move to the county in the late sixties represented a golden goose to the community through its mix of commercial, industrial, residential, and entertainment uses. He stated he was unsure if the county had zoning in place at that time. The county should not feel threatened by what may or may not be developed in the area in order to rush the ordinance through. Anheuser-Busch taught this community it can have it all without trying to be prescriptive. Neither zoning nor a comprehensive plan would have been able to allow a development of that quality.

Mr. Al Woods stated staff does not support defining or adding open space language to the ordinance. He stated that he would like to see open space illustrations added to the ordinance before it is presented to the Board.

Mr. Fraley stated he had raised his concerns about the open space language with staff, but that language is not in the ordinance presented tonight.

Mr. Poole stated the Commission clearly expressed its desire at the July Committee meeting to include open space guidelines. He stated staff did not mention that intent in the evening's staff report, and he was concerned staff may not present open space language to the Board.

Mr. Fraley asked Mr. Purse how the Chesapeake Bay Preservation ordinance would apply to the EO zone.

Mr. Purse stated there are percentage limits to impervious cover, tree preservation language, and provisions for open space in the Chesapeake Bay ordinance.

Mr. Maddocks stated he remembered Anheuser Busch moving to the county in the late sixties. He stated the County seized an opportunity that has since fueled the county's economic growth. Although he understands concerns about the ordinance moving too quickly, he is unsure what stopping, depriving the county of this tool, would accomplish. Staff crafted the ordinance with all appropriate restrictions and guidelines. He stated, as a banker he does not expect any projects to move into the county with lightning speed. He stated he would support the ordinance.

Mr. Fraley asked Mr. Purse to review the ordinance's time line.

Mr. Purse stated the Board approved the zoning ordinance update methodology in May 2010, which included EO as a priority item. Staff brought an EO ordinance framework to the Policy Committee in November 2010. After receiving feedback, staff brought the framework to a January 2011 Board worksession. Staff brought a draft ordinance, based on feedback from the two groups, to the Committee in April. Staff received additional feedback from citizens and the Committee. Staff presented the reworked ordinance at a June Board work session. Based on

Board feedback, staff brought the ordinance back to the Committee in July, with the entire Commission present.

Mr. Krapf asked if the chair wanted to revisit open space design principles.

Mr. Fraley said yes. He asked Mr. Murphy how the Commission could address open space guidelines.

Mr. Murphy stated open space design guidelines language could be included as part of the Commission's motion.

Mr. Woods asked if the Commission would have an opportunity to review the language prior to submittal to the Board.

Mr. Murphy stated the Commission's recommendation would go the Board. He stated staff would probably rely on Board direction. If the Board asks staff to include open space language, staff will share it with the Commission.

Mr. Krapf moved to recommend approval of the EO ordinance with language added for open space design guidelines.

In a roll call vote, the Commission recommended approval, with language added for open space design guidelines. (4-2; Yes: O'Connor, Maddocks, Krapf, Fraley; No: Woods, Poole).

B. SUP-0005-2011, WILLIAMSBURG LANDING CONSTRUCTION COMMENCEMENT EXTENSION

Mr. Purse stated Mr. Paul Gerhardt has applied to amend the SUP conditions for SUP-0018-2008 to allow an extension to the 36-month construction commencement limit approved in January 2009. Due the extensiveness of other construction projects on-site and the economic climate, the applicant is unable to commence construction of the previously approved SUP within the time limit. The applicant requests no other changes. Staff recommends approval of the extension.

Mr. Fraley opened the public hearing.

There being no one, Mr. Fraley closed the public hearing.

Mr. Poole moved to approve staff's recommendation.

In a unanimous roll call vote, the Commission recommended approval (6-0: Yes: O'Connor, Woods, Maddocks, Krapf, Poole, Fraley).

C. ZONING ORDINANCE AMENDMENT, SECTION 24-7, ADMINISTRATIVE FEES

D. SUBDIVISION AMENDMENT, SECTION 19-15, ADMINISTRATIVE FEES

Mr. Murphy stated the amendment provided fee waivers for state and federal agencies, as well as organizations receiving County financial assistance. He stated the fee waivers have been done by practice for decades. Only the Board has the ability to waive fees. Fee waivers will now be written directly into the ordinance. Staff recommends approval of the amendments.

Mr. Fraley stated Mr. Kinsman said the Commission could review both amendments at once.

Mr. Fraley opened the public hearing.

There being none, Mr. Fraley closed the public hearing.

Mr. Poole moved to recommend approval of the zoning ordinance and subdivision ordinance amendments.

In a unanimous roll call vote, the Commission recommended approval (6-0: Yes: O'Connor, Woods, Maddocks, Krapf, Poole, Fraley).

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy had no additional comments.

8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Fraley stated Mr. Poole was the September Board representative.

Mr. Kinsman introduced Ms. Lola Perkins, the new Assistant County Attorney.

9. ADJOURNMENT

Mr. Woods moved to adjourn.

The meeting was adjourned at 8:21 p.m.

Jack Fraley, Chairman

Allen J. Murphy, Secretary

REZONING–0001- 2011. Forest Heights, Neighbors Drive and Richmond Road Improvements Staff Report for the September 7, 2011, Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

September 7, 2011 7:00 p.m.
October 11, 2011 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: This rezoning was initiated by Board of Supervisors resolution dated July 12, 2011, in accordance with Section 24-13 of the Zoning Ordinance. The project is represented by Mr. Keith Denny of the County's Office of Housing and Community Development ("OHCD").

Land Owners: Attachment 2 contains a list of property land owners.

Proposal: Rezone the properties to allow for property line adjustments that will facilitate infrastructure improvements and bring the lots into conformance with the Zoning Ordinance.

Location: The project is located along the south side of Richmond Road between Premium Outlets and Villages at Westminster. Attachment 1 shows a location map, and Attachment 2 contains a list of property addresses and tax map numbers.

Project Acreage: 47.1 acres

Existing Zoning: R-2, General Residential

Proposed Zoning: MU, Mixed Use

Comprehensive Plan: Low Density Residential (majority) and Moderate Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to have substantial benefits and minimum additional impacts, and to be compatible with the 2009 Comprehensive Plan. Staff recommends the James City County Planning Commission recommend approval of this application and acceptance of the voluntary proffers by the Board of Supervisors. Staff also recommends that the Planning Commission approve the perimeter buffer reduction as described in this report.

Staff Contact: Ellen Cook

Phone: 253-6685

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy (attachment 3).

PROJECT DESCRIPTION

Within the rezoning area, approximately 27.4 acres will be reconfigured through a combination of boundary line adjustments and subdivision to accommodate single family detached residences. The reconfigured single family residential area includes a portion of the future Salvation Army site (through land exchanges), Forest Heights Road, Neighbors Drive and properties from 5939 Richmond Road to 6059 Richmond Road. Rezoning of the area to Mixed Use provides the flexibility required to bring the many nonconforming parcels into conformance with the zoning ordinance while also including the compatible but non-residential use of the Salvation Army.

The proposed project will result in many significant benefits. Infrastructure improvements that are planned include: addressing currently uncontrolled and untreated drainage and stormwater; upgraded water and sewer mains; realignment, widening and pavement of Forest Heights Road and Neighbors Drive, safety improvements to Richmond Road, addition of open space and pedestrian amenities; and provision of streetlights and street trees. The proposed project will also include rehabilitation of homes (including energy audits and energy efficiency improvements), construction of homes to provide homeownership opportunities for low and moderate-income households, and demolition of vacant, dilapidated dwellings.

Also located within the rezoning area are 11.89+/- acres owned by the Salvation Army just to the north of Forest Heights Road. The site is proposed to contain new offices, community meeting space and gym, and other accessory uses associated with the Salvation Army's mission. The Salvation Army has provided a building elevation, which is included as attachment 4 and is also referenced in proffer 4. The Salvation Army entrance is planned to be located on Forest Heights Road.

Finally, to address future development, the master plan (attachment 5) shows areas for potential future residential development on the Salvation Army site. The road improvements currently proposed have been designed to accommodate this additional traffic, but since the details on exact number, type, size and location of the units not currently known, no approval is being sought at this time. Any additional residential units in this location would require a master plan amendment to be approved by the Board of Supervisors.

OHCD has had many meetings to solicit neighborhood input and has worked directly with property owners on proposed boundary line adjustment paperwork. Additional information about these efforts is on page 7 of the Community Impact Statement (attachment 6). The project is expected to be completed in two phases, starting with Forest Heights Road for which a Community Development Block Grant has already been awarded, followed by Neighbors Drive, for which OHCD is currently engaged in the process that is expected to lead to awarding of the second grant in 2012.

Zoning Ordinance Consideration Items

Due to the redevelopment nature of this project, this project will need several modifications and exceptions to applicable Zoning Ordinance requirements.

Perimeter Buffer Reduction.

Section 24-527 of the Zoning Ordinance requires a 50 foot buffer from existing public rights-of-way, and a 50 foot perimeter buffer in a mixed use district. The majority of the rezoning area meets these requirements. However, in three locations there are existing residences located within the buffer area and a reduction is sought in recognition of this fact. The first location is the perimeter buffer on 5939 Richmond Road at the east end of the project. The second location is the right-of-way buffer along the front of 6039, 6043, 6047, 6051, and 6059 Richmond Road, as well as the perimeter buffer along the side of 6059 Richmond Road at the west end of the project. The third location is at the rear (southern end) of the project at 170, 173, and 174 Forest Heights Road, where there are two existing platted lots and a JCSA pump station. Staff believes that the rezoning project meets the reduction criteria in the ordinance by virtue of item (c)(3), the unusual conditions of the property in that the structures and lots have been existing in their current locations for many years. Since this area is not designated Mixed Use on the Comprehensive Plan, the reduction also has to meet the criteria of

Z-0001-2011. Forest Heights, Neighbors Drive and Richmond Road Improvements

not adversely impacting the public health, safety or welfare, to in being compatible with adjacent properties; staff finds that the proposal meets these criteria. Staff recommends that the Planning Commission approve the reduction as part of its recommendation on the case.

Road Frontage Exception:

Section 19-40 of the Subdivision Ordinance requires that “each lot shall abut and have access to a proposed public street to be dedicated by the subdivision plat or to an existing publically dedicated street, unless otherwise specifically provided for in this chapter.” It is likely that several lots at the end of Forest Heights Road would be accessed via a shared driveway, but that the lots themselves would not have road frontage. While the area of these lots currently fronts on the existing gravel road, the proposed alignment of the paved public Forest Heights Road would terminate earlier, to preserve the opportunity of connecting to the rear of the Salvation Army property in a manner that avoids disturbing environmentally sensitive areas. Staff is supportive of this exception; however, this item will be considered at the development plan level once final details are known so no action is requested at this time.

PUBLIC IMPACTS

Archaeology

A Phase IA cultural resources assessment of the rezoning area was conducted in the fall of 2010. The assessment concluded that the houses do not appear to be potentially eligible for the National Register of Historic Places and recommended no further architectural survey work. The Phase IA includes a description of areas of high archaeological probability and recommends these areas for Phase I archaeological testing.

Proffer:

- Proffer #5. Preparation of Phase I Archeology study(ies) for a portion of the site identified in the Phase IA study.

Engineering and Resource Protection

Stormwater drainage for the area along Forest Heights Road and Neighbors Drive will be collected by a new storm sewer system installed in the roadways. Additional swales along lot lines will also be provided to minimize or eliminate cross-lot drainage issues currently observed. Stormwater will be transported through the storm sewer system to one of two Best Management Practices (BMPs). Low Impact Development (LID) techniques will also be incorporated into the design since Special Stormwater Criteria applies to this site.

Watershed: Powhatan Creek

Proffer:

- Proffer #6. A Shared Maintenance Agreement will be developed to provide for routine and non-routine maintenance of the stormwater basin at 6001 Richmond Road.

Engineering and Resource Protection Staff Comments: Staff has reviewed the Community Impact Statement and Master Plan and concurs with the approach presented, while providing information that will need to be addressed at the development plan design stage.

Public Utilities

Most of the rezoning area is already served by public water and sewer. As part of the project, the water mains will be upgraded, and better circulation will be achieved by creating a loop in the distribution system between Forest Heights Road and Neighbors Drive.

Proffer:

- Proffer #7. Water conservation standards will be reviewed and approved by the JCSEA.
- Proffer #1. EarthCraft, or equivalent, water conservation measures shall apply to County-owned lots and to rehabilitations on County property.

Staff Comments: Staff has reviewed the Community Impact Statement and Master Plan and concurs with the approach presented, while providing information that will need to be considered at the development plan design stage.

Transportation

Trip generation for this project is below the threshold for preparation of a full traffic study. The summary study included in the Community Impact Statement projects average daily trips of approximately 1,270-1,586 including those from the Salvation Army facility and possible future residential development at the end of Forest Heights Road. This equates to worst case peak hour traffic of 110-138 vehicles per hour entering the rezoning area during the PM peak of Richmond Road.

2007 County Traffic Counts: On Richmond Road from Route Lightfoot Road to Olde Towne Road there were 24,646 trips.

2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan): On Richmond Road between Route 199 and the City of Williamsburg Line, 45,325 average annual daily trips (AADT) are projected – this is in the category of warranting improvement (from 4 to 6 lanes). However, Richmond Road is discussed more specifically in later Comprehensive Plan text, where it states that widening should be avoided.

Road Improvements: Proposed improvements to be made to Richmond Road include a 200 foot long turn lane and 200 foot long taper for westbound Richmond Road traffic entering Forest Heights Road, a right turn taper for eastbound Richmond Road traffic entering Forest Heights Road, and elimination of the existing median crossover approximately 300 feet south of Neighbors Drive to correct a safety hazard. To prevent incorrect and unsafe turns in and out of Neighbors Drive, a concrete “pork chop” directional island will be installed. Finally, both Forest Heights Road and Neighbors Drive are planned for realignment, widening and paving. The final alignment for Neighbors Drive will be determined during the course of OHCD’s second planning grant. These improvements are shown on the master plan.

VDOT Comments: VDOT concurred with the improvements to Richmond Road and Forest Heights Road, and noted that the proposed project improves access management along this section of Richmond Road. The final alignment of Neighbors Drive will need to meet applicable VDOT regulations; OHCD anticipates consultation with VDOT will occur during the planning process. VDOT’s comment letter provides additional information that will need to be addressed at the development plan design stage.

Fiscal

The Fiscal Impact Analysis found that the project initially creates a positive fiscal impact by investing in infrastructure and housing improvements to increase taxable value of the properties in the project area. However, as for nearly all residential projects, new housing on the remaining vacant lots will push the expected fiscal impact from positive to negative. The Fiscal Impact Analysis is included as Appendix A in the Community Impact Study.

Housing

As noted above, the proposed project will include rehabilitation of homes (including energy audits and energy efficiency improvements), construction of homes to provide homeownership opportunities for low and moderate-income households, and demolition of vacant dilapidated dwellings.

Proffers:

- Proffer 2. A minimum of six housing units will be made available to low and moderate income households, either through Habitat for Humanity or through County programs.

Public Facilities

This project is located within the Norge Elementary School, Toano Middle School and Warhill High School districts. Under the proposed Master Plan, the same overall number of lots are maintained. It is expected that houses will be built on the vacant lots once the infrastructure improvements are made, generating a total of approximately ten additional school children. Per the adequate public school facilities test adopted by the Board of Supervisors, all special use permit or rezoning applications should meet the test for adequate public school facilities. The test adopted by the Board uses the design capacity of a school, while the Williamsburg - James City County schools recognize the effective capacity as the means of determining student capacities. As shown in the table below, all three schools are projected to have sufficient capacity.

School	Design Capacity	Effective Capacity	Enrollment (2010)	Projected Students Generated	Enrollment + Projected Students
Norge	760	695	517	Approx. 5	522
Toano	775	822	678	Approx. 2	680
Warhill	*	1,441	1,149	Approx. 3	1,152

* The WJCC School System no longer lists or uses design capacity in its documents.

Parks and Recreation

The existing Forest Heights Road and Neighbors Drive do not have any pedestrian accommodations or recreation areas. The acreage of the passive open space park on Forest Heights Road, and the length of the multi-use trail along Richmond Road, meet the Parks and Recreation Master Plan guidance. Salvation Army representatives have indicated that additional recreation opportunities will be available on the Salvation Army site, once the facility is constructed. Sidewalks will be provided along one side of both improved Forest Heights and Neighbors Drive.

COMPREHENSIVE PLAN

The majority of the project area is designated Low Density Residential (LDR) in the James City County 2009 Comprehensive Plan, with some area at the front of the western-most lots on Richmond Road designated Moderate Density Residential. LDR recommended uses include schools, churches, community-oriented facilities, very limited commercial establishments, and single family homes. The Comprehensive Plan also recommends projects be located inside the Primary Service Area, provide affordable and workforce housing, and minimize impact on major roads by limiting access points.

The proposed project is located within the Primary Service Area, and consists of uses and densities that are in accordance with the recommendations of the Comprehensive Plan. Furthermore, the project will minimize impacts on major roads by limiting the access point to Salvation Army to Forest Heights Road. Staff finds the proposed development to be consistent with the 2009 Comprehensive Plan.

RECOMMENDATION

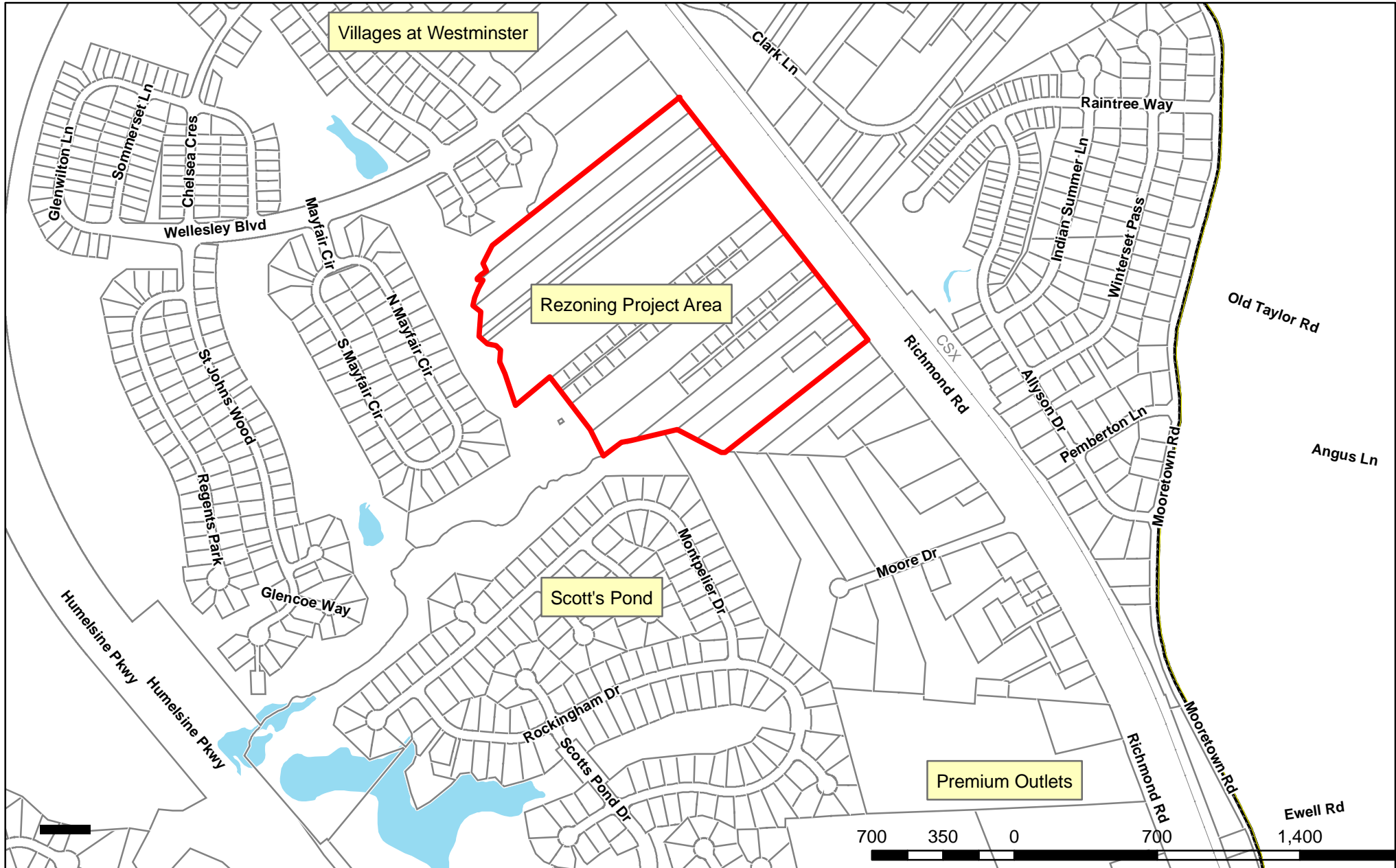
Staff finds the proposal to have substantial benefits and minimum additional impacts, and to be generally compatible with the 2009 Comprehensive Plan. Staff recommends the James City County Planning Commission recommend approval of this application and voluntary proffers to the Board of Supervisors. Staff also recommends that the Planning Commission approve the perimeter buffer reduction as described in this report.

Ellen Cook

ATTACHMENTS:

1. Location map
2. List of property owners, addresses and tax map numbers
3. Proffers
4. Salvation Army building elevation, prepared by Guernsey Tingle Architects
5. Master plan
6. Community Impact Statement

JCC-Z-0001-2011 Forest Heights, Neighbor's Drive, Richmond Road Improvements



Attachment 2

Tax Map ID	Address	Property Owner
3220100083	101 FOREST HEIGHTS RD	JAMES CITY COUNTY
3220100084	100 FOREST HEIGHTS RD	JAMES CITY COUNTY
3220100085A*	174 FOREST HEIGHTS RD	JAMES CITY SERVICE AUTHORITY
3220400001*	112 FOREST HEIGHTS RD	STATEWIDE, INC
3220400002*	113 FOREST HEIGHTS RD	MEEKINS, ELAINE
3220400003*	115 FOREST HEIGHTS RD	JOHNSON, INDIA
3220400004*	116 FOREST HEIGHTS RD	BAKER-GEORGE, SHIRLEY L
3220400005*	120 FOREST HEIGHTS RD	GILLEY, GIL G
3220400006	119 FOREST HEIGHTS RD	JAMES CITY COUNTY
3220400007*	125 FOREST HEIGHTS RD	ASHLOCK, LEROY
3220400008*	124 FOREST HEIGHTS RD	TAYLOR, HAZEL & MORRIS E
3220400009*	128 FOREST HEIGHTS RD	BROWN, PERNELL NELSON &
3220400010	127 FOREST HEIGHTS RD	JAMES CITY COUNTY
3220400011*	129 FOREST HEIGHTS RD	STILL, AMY
3220400012*	132 FOREST HEIGHTS RD	JOHNSON, EDITH MAE
3220400013*	136 FOREST HEIGHTS RD	STONE, JOHN SAMUEL
3220400014*	133 FOREST HEIGHTS RD	STILL, AMY
3220400015*	137 FOREST HEIGHTS RD	ANDERSON, DORRIS
3220400016*	138 FOREST HEIGHTS RD	HOUSING PARTNERSHIPS FUNDING GROUP
3220400017*	142 FOREST HEIGHTS RD	MATCHETT, MICHAEL S & AMBER R
3220400018*	141 FOREST HEIGHTS RD	BARTLETT, BETTY J
3220400019*	145 FOREST HEIGHTS RD	BARTLETT, BETTY J
3220400020*	146 FOREST HEIGHTS RD	BROWN, LUCINDA L
3220400022*	149 FOREST HEIGHTS RD	BILLUPS, ALLEN J &
3220400023*	153 FOREST HEIGHTS RD	BILLUPS, ALLEN &
3220400024*	154 FOREST HEIGHTS RD	BILLUPS, ALLEN &
3220400025*	158 FOREST HEIGHTS RD	MOORE, GARY C & GERALINE M
3220400026	161 FOREST HEIGHTS RD	JAMES CITY COUNTY
3220400027*	165 FOREST HEIGHTS RD	ROBINS, JOHN T & ROBINS, JASON S
3220400028*	162 FOREST HEIGHTS RD	MOORE, GARY C & GERALINE M
3220400029*	166 FOREST HEIGHTS RD	ROBINS, JOHN T & ROBINS, JASON S
3220400030*	169 FOREST HEIGHTS RD	ROBINS, JOHN T & ROBINS, JASON S
3220400031*	173 FOREST HEIGHTS RD	GUTIERREZ, RUBEN ARROYO TRUSTEE
3220400032*	170 FOREST HEIGHTS RD	VILLGES AT WESTMINSTER HOMEOWNERS ASSOCIATION
3220100086*	138 NEIGHBORS DRIVE	G GILLEY INVESTMENTS LLC
3220100087*	139 NEIGHBORS DRIVE	MARTIN, EDWARD E

3220100088*	104 NEIGHBORS DRIVE	BRABHAM, DENNIS J III & CHRISTINA
3220100090*	101 NEIGHBORS DRIVE	WALLACE, LETTIE BELL EST
3220100116*	140 NEIGHBORS DRIVE	WALLACE, LEVI JR & WALLACE LEVI Z II
3220500001	134 NEIGHBORS DRIVE	JAMES CITY COUNTY
3220500002	130 NEIGHBORS DRIVE	JAMES CITY COUNTY
3220500003*	126 NEIGHBORS DRIVE	PRIOR, JANIE M
3220500004*	122 NEIGHBORS DRIVE	DE LEON, VICTOR A & JACQUELINE B
3220500005*	118 NEIGHBORS DRIVE	KNOX-GIVENS, YULONDA D & ROBINSON, R
3220500006*	116 NEIGHBORS DRIVE	SMITH, JEFFREY D & LYNDA A
3220500007*	135 NEIGHBORS DRIVE	G GILLEY INVESTMENTS LLC
3220500008	131 NEIGHBORS DRIVE	JAMES CITY COUNTY
3220500009	127 NEIGHBORS DRIVE	JAMES CITY COUNTY
3220500010*	123 NEIGHBORS DRIVE	PEOPLES, KRISTOPHER T & KATHARINE
3220500011*	119 NEIGHBORS DRIVE	O'SHEA, KEVIN F II & LISA A
3220500012*	115 NEIGHBORS DRIVE	WALLACE, LETTIE BELL EST
3220100076*	6059 RICHMOND ROAD	MAGERAS, ANGELO TRUSTEE & MAGERAS, N
3220100077*	6051 RICHMOND ROAD	BAKER, RUSSELL & MARY LIFE ESTATE
3220100078*	6047 RICHMOND ROAD	TAYLOR, STANFORD &
3220100079*	6043 RICHMOND ROAD	ROBINSON, EUNICE
3220100080*	6039 RICHMOND ROAD	GRAY, MEL & SHANISE KOTINA
3220100081*	6015 RICHMOND ROAD	SALVATION ARMY (THE)
3220100085	6001 RICHMOND ROAD	JAMES CITY COUNTY
3220100089*	5981 RICHMOND ROAD	HERTZLER, DAVID L
3220100091	5951 RICHMOND ROAD	JAMES CITY COUNTY
3220100092*	5943 RICHMOND ROAD	SMITH, ELSIE M
3220100093*	5941 RICHMOND ROAD	SMITH, MARTHA LEE MAURICE
3220100094*	5947 RICHMOND ROAD	SMITH, MARTHA LEE M
3220100095*	5939 RICHMOND ROAD	TAYLOR, ELSIE LIFE RIGHT

* The Board of Supervisors initiated the rezoning for these properties by resolution dated July 12, 2011.

PROFFERS

THESE PROFFERS are made this 22nd day of August 2011 by the COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia (together with its successors and assigns, the "County"), and THE SALVATION ARMY, (together with its successors and assigns, the "Salvation Army" and together with the County, the "Owners").

RECITALS

- A. The County is the owner of eleven (11) certain parcels of land located in James City County, Virginia, described on the attached Exhibit A (the "County Property").
- B. The Salvation Army is the owner of one (1) certain parcel of land located in James City County, Virginia, described on the attached Exhibit B (the "Salvation Army Property").
- C. The County has applied to rezone the County Property on the attached Exhibit A from R-2, General Residential District to MU, Mixed Use District, with proffers.
- D. By resolution dated July 12, 2011, the County's Board of Supervisors initiated rezoning of the Salvation Army Property and an additional fifty-two (52) certain parcels, as described on the attached Exhibit C, from R-2 to MU, with proffers.
- E. The County has submitted a master plan entitled "Master Plan for Rezoning for Forest Heights Road/Neighbors Drive/Richmond Road Areas," prepared by AES Consulting Engineers dated 4/1/11 (the "Master Plan") in accordance with the County Zoning Ordinance.

NOW, THEREFORE, in consideration of the approval of the requested rezoning and pursuant to Section 15.2-2303 of the *Code of Virginia*, 1950, as amended, and the County Zoning Ordinance, the County and the Salvation Army agree that they shall meet and comply with the applicable following conditions. If the requested rezoning is not granted by the Board of Supervisors, these Proffers shall be null and void.

PROFFERS

PART A. The following proffers shall apply to the County Property only:

1. Water Conservation/Sustainable Building. For all County-owned and/or developed parcels, water conservation measures will be implemented to reduce the water usage in the home and to heat that water more efficiently. Such water conservation measures shall apply to

County-owned lots and to rehabilitations on County Property and include: conducting water leakage tests to ensure there are no bulk water leaks inside of the structure, replacement of old toilets and old showerheads in pre-existing bathrooms with new fixtures that meet the National Energy Policy Act standards for low flow, installation of high efficiency water heaters that meet Energy Star standards, and insulation of the first few feet of hot and cold water lines to reduce conductive losses and wasted water. Proof of EarthCraft Single Family Renovation certification, or equivalent documentation, shall be provided to the Planning Director within one month of issuance of a Certificate of Occupancy, or such other time as is agreed to in writing in advance by the Planning Director.

2. Affordable and Workforce Housing. A minimum of four (4) parcels shall be sold to Peninsula Habitat for Humanity ("Habitat") on which Habitat will construct dwellings for low and moderate income households who qualify for Habitat's homeownership program. In addition, a minimum of two (2) dwelling units shall be reserved and offered to a buyer at or below the Virginia Housing Development Authority income limits. The Planning Director shall be provided with a copy of the settlement statement for the sale of each of the six (6) units.
3. Owners Association. The County shall establish an owners' association (the "Association") in accordance with Virginia law, which all current property owners on Forest Heights Road and Neighbors Drive may voluntarily join, and all purchasers of County-owned and developed lots shall be required to join. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and approved by the County Attorney prior to issuance of any building permit for a County-owned or developed lot. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of dedicated open space and common areas.

PART B. The following proffer shall apply to the Salvation Army Property only:

4. Salvation Army Building Elevation. The Salvation Army shall submit the final architectural design of the Salvation Army building for the Planning Director's review and approval prior to any final development plan approval. Such review shall ensure that the design, materials and colors of the building are reasonably consistent with the architectural elevations prepared by Guernsey Tingle Architects and submitted as a part of the rezoning application.

PART C. The following proffers shall apply to both the County Property and the Salvation Army Property:

5. Archaeology. Phase 1 Archaeological Study(ies) for the area recommended for Phase I archaeological testing as shown in Figure 5 of the Phase 1A Cultural Resources Assessment shall be submitted to the Planning Director for review and approval. A treatment plan shall be submitted and approved by the Planning Director for all sites in the Phase I study

that are recommended for a Phase I evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Planning Director or sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading, or construction activities thereon.

6. Shared maintenance agreement for the stormwater facilities. Owners agree to develop and execute a Shared Maintenance Agreement (the "Agreement") prior to issuance of any building permit on the Salvation Army Property. The Agreement shall provide for routine and non-routine maintenance of the stormwater basin to be located on the Property currently known as 6001 Richmond Road. Said Agreement shall provide that routine maintenance, including mowing the grass, removing the trash, tree removal, and animal control shall be performed by the County. Non-routine maintenance, including but not limited to, dredging of the pond, structural repairs to the dam and spillways, replacing pipes, and emergency repairs, shall be performed by the County or its Agents as needed. The costs of said routine and non-routine shall be borne in proportion to the amount of total drainage each Owner contributes to the pond.
7. Water Conservation. Owners shall be responsible for developing and implementing water conservation standards which shall be submitted to and approved by the James City Service Authority prior to any final development plan approval(s). The standards shall address such water conservation measures as prohibitions on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

WITNESS the following signatures:

THE COUNTY OF JAMES CITY, VIRGINIA

BY: _____
Robert C. Middaugh, County Administrator

COMMONWEALTH OF VIRGINIA

County of James City, to-wit:

The foregoing Proffers were acknowledged before me this _____ day of _____, 2011 by Robert C. Middaugh

Notary Public

My Commission expires: _____

Registration No. _____

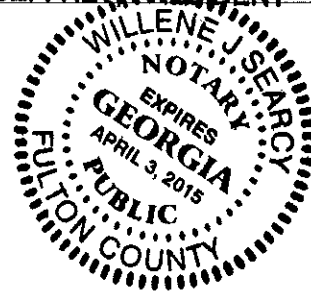
THE SALVATION ARMY A GEORGIA CORP.

BY: _____

Its: DAVID E. JEFFREY, PRESIDENT

STATE OF Georgia

City/County of Fulton, to wit:



The foregoing Proffers were acknowledged before me this 22nd day of August, 2011, by DAVID E. JEFFREY, PRESIDENT.

Willene J. Searcy
Notary Public WILLENE J. SEARCY

My Commission expires: April 3rd 2015

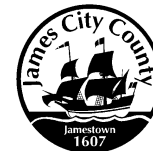
Registration No. 0001615232



Salvation Army Corps Facility

Williamsburg, Virginia





MEMORANDUM COVER

Subject: Forest Heights, Neighbors Drive and Richmond Road Improvements

Action Requested: Shall the Planning Commission recommend approval of the requested rezoning?

Summary:

Within the rezoning area, approximately 27.4 acres will be reconfigured through a combination of boundary line adjustments and subdivision to accommodate single family detached residences. The reconfigured single family residential area includes a portion of the future Salvation Army site (through land exchanges), Forest Heights Road, Neighbors Drive and properties from 5939 Richmond Road to 6059 Richmond Road. Rezoning of the area to Mixed Use provides the flexibility required to bring the many non-conforming parcels into conformance with the zoning ordinance while also including the compatible but non-residential use of the Salvation Army.

Staff finds the proposal to have substantial benefits and minimum additional impacts, and to be generally compatible with the 2009 Comprehensive Plan.

Fiscal Impact: The project initially creates a positive fiscal impact by investing in infrastructure and housing improvements to increase taxable value of the properties in the project area. However, as for nearly all residential projects, new housing on the remaining vacant lots will push the expected fiscal impact from positive to negative.

FMS Approval, if Applicable: Yes ☐ No ☐

Development Manager

Steven W. Hicks _____

**Planning Director/Assistant
Development Manager**

Allen J. Murphy, Jr. _____

Deputy County Attorney

Adam R. Kinsman _____

Economic Development Director

Russell C. Seymour _____

Attachments:

List all attachments

Agenda Item No.: _____

Date: _____

MEMORANDUM

DATE: September 7, 2011

TO: Planning Commission

FROM: Christopher Johnson, Principal Planner

SUBJECT: ZO-0004-2011, Commercial Districts

Staff has been working on the commercial districts (LB, B-1, M-1, and M-2) ordinances as well as the Commercial Special Use Permit (SUP) triggers (Sect. 24-11) and Development Review Committee (DRC) review criteria (Sect. 24-147) since the Board of Supervisors adopted the Zoning Ordinance update process methodology in May 2010. Staff presented a framework to the Policy Committee for revisions to the commercial districts in January 2011, and subsequently presented the same framework to the Board at a work session in February 2011 where priority items were discussed. Commercial districts are one of the four priority topics identified by the Board.

Draft ordinances were presented to the Policy Committee in June 2011, and comments received at that meeting were incorporated into draft ordinances that were reviewed by the Board at a work session in June 2011. Staff presented the Board's recommended changes to the Policy Committee in July 2011 and discussed the DRC review criteria at the Planning Commission meeting on August 3, 2011. In accordance with the adopted methodology, staff has completed the final ordinance texts and is anticipating bringing the ordinances before the Board in October for final adoption.

Staff has incorporated elements discussed in the Business Climate Task Force report aimed at ordinance changes that foster a more business friendly environment, improving communication between staff and applicants, and providing greater predictability and flexibility in both the legislative and administrative development plan review process. Staff has also examined the lists of permitted and specially permitted uses in each of the commercial districts and recommends many uses be shifted from legislative to administrative approval. Additional uses have been added in each of the districts and other uses have been reorganized or reworded to provide additional clarity.

Changes to review triggers or thresholds for both commercial SUPs and DRC review criteria have also been amended consistent with feedback received from both the Planning Commission and the Board of Supervisors. In order to help streamline the development review process, staff has recommended many changes to the districts that centralize approval authority for waiver, exception and modification requests to staff with appellate responsibility granted to the DRC.

As observed in the Commission review of the Economic Opportunity district last month, please note that the list of permitted and specially permitted uses have been combined into a single table in each of the four commercial districts. Given that the table is an addition to each of these ordinances, they are all listed in both italicized print and shaded grey. For clarity purposes, staff has listed language that has been modified, deleted or added within the use table in bold font.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approve of the six attached ordinances to the Board of Supervisors.

Christopher Johnson

Attachments:

1. Ordinance - Article I, Section 24-11, Commercial Special Use Permits
2. Ordinance - Article III, Section 24-147, Development Review Committee Criteria
3. Ordinance - Article V, Division 9, Limited Business, LB
4. Ordinance - Article V, Division 10, General Business, B-1
5. Ordinance - Article V, Division 11, Limited Business/Industrial, M-1
6. Ordinance - Article V, Division 12, General Industry, M-2
7. Adopted Minutes from the Board of Supervisors work session on June 28, 2011

ORDINANCE NO. _____

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 24-11, SPECIAL USE PERMIT REQUIREMENTS FOR CERTAIN COMMERCIAL USES; EXEMPTIONS.

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 24-11, Special use permit requirements for certain commercial uses; exemptions.

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-11. Special use permit requirements for certain commercial uses; exemptions.

(a) *General requirements.* A special use permit issued by the board of supervisors shall be required for:

- (1) Any convenience store;
 - (2) Any commercial building or group of buildings which exceeds ~~10,000~~ **20,000** square feet of floor area; or
 - (3) Any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation, based on the application of the Institute of Transportation Engineers (ITE) traffic generation rates contained in the latest edition of its book entitled *Trip Generation*. The applicable trip generation rate shall be determined by the planning director. The planning director may permit other traffic generation rates to be used if an individual or firm qualified to conduct traffic engineering studies documents that the use would not reasonably be expected to generate the amount of peak hour traffic projected by application of ITE traffic generation rates, provided the documentation is acceptable to the planning director; or
 - (4) ~~Automobile and gasoline~~ **Vehicle** service stations ~~which sell or dispense fuel~~.
- (b) *New buildings, additions or expansions.* A special use permit shall be required for a new building, addition or expansion when:
- (1) In combination with the existing structure, it exceeds the thresholds set forth in paragraph (a);
 - (2) It adds ~~5,000~~ **10,000** square feet or more of commercial floor area or, in combination with other new buildings, additions or expansions, generates ~~75~~ **100** or more peak-hour trips than generated by the

existing or approved use on May 21, 1990, or than approved in a special use permit, whichever is greater; and

- (3) It is located on the same property as the existing structure or other parcel which is a logical component of such property. Factors to determine whether a parcel is a logical component include:
- a. Common ownership or control of the parcels under consideration by the same person(s) or entity(ies), or similar or related entities;
 - b. Regardless of factor a. above, shared access to public roads, shared parking arrangements, shared traffic circulation or shared service areas; and
 - c. Proximity. For the purpose of this paragraph, "proximity" means adjacent parcels, parcels separated by property under common ownership or control by the same person(s) or entity(ies) or similar or related entities, or parcels separated by a public or private right-of-way.
- (c) *Design and submittal requirements.* Any building or use and addition or expansion thereto requiring a special use permit under this section shall comply with the requirements of section 24-23.
- (d) *Exemptions.* The following shall be exempt from the requirements of this section:
- (1) Any use or building and expansion or addition thereto with preliminary site plan approval prior to May 21, 1990;
 - (2) Any use or building and expansion or addition thereto for which the start of construction began prior to May 21, 1990, in accordance with a site plan approved prior to that date;
 - (3) Any use or building and expansion or addition thereto shown on a proffered binding master plan that binds the general location of all of the features on the plan as required under this section;
 - (4) Any building located in a mixed use district, residential planned community district or planned unit development district; or
 - (5) Any building predominantly used as a warehouse, distribution center, office, or for other industrial or manufacturing purposes. For purposes of this exemption only, the term "predominantly" shall mean 85 percent of the total square feet of the building or more.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-147, CRITERIA FOR REVIEW.

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 III, Site Plan, Section 24-147, Criteria for review.

Chapter 24

ARTICLE III. SITE PLAN

Sec. 24-147. Criteria for review.

- (a) Upon application and review, the development review committee (DRC) and the commission, or the commission's designee(s), shall consider site plans if any of the following conditions are present:
 - (1) The site plan proposes:
 - ~~a~~ ~~a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet or a multifamily unit development of 50 or more units, which is not subject to a binding master plan that has been legislatively approved; or~~
 - ~~b~~ *a. a fast food restaurant a multifamily development of 10 or more units which is not subject to a binding legislatively approved master plan; or*
 - ~~c~~ *b. a shopping center; or*
 - c. a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall mean 85% of the total square feet of the building or more.*
 - (2) There are unresolved problems between the applicant, adjacent property owners *and/or* any departmental reviewing agency. *Unresolved problems shall be defined as disagreements in the interpretation or application of ordinance requirements which have a quantifiable and/or objective impact on the proposed developments off-site impacts and/or density.*
- (b) Site plans which meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148. However, the commission's designee may consider and review, pursuant to section 24-149, any site plan which the ~~development manager~~ *Economic Development Director* determines *to* creates or significantly expands a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.

- (c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 9, LIMITED BUSINESS, LB, SECTION 24-367, STATEMENT OF INTENT; SECTION 24-368, PERMITTED USES; SECTION 24-369, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-370, SPECIAL PROVISIONS FOR AREAS WITHIN THE LIMITED BUSINESS DISTRICT, LB, DESIGNATED NEIGHBORHOOD COMMERCIAL OR LOW-DENSITY RESIDENTIAL ON THE COMPREHENSIVE PLAN; SECTION 24-371, AREA REQUIREMENTS; SECTION 24-372, SETBACK REQUIREMENTS; SECTION 24-373, YARD REGULATIONS; SECTION 24-374, SPECIAL PROVISIONS FOR THE ADJUSTMENT OF YARD REQUIREMENTS; SECTION 24-375, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; SECTION 24-376, BUILDING COVERAGE LIMITS; SECTION 24-377, SIGN REGULATIONS; SECTION 24-378, OUTDOOR STORAGE PROHIBITED; SECTION 24-379, SITE PLAN REVIEW; SECTION 24-380, SIDEWALKS; SECTION 24-381, LANDSCAPING; AND 24-382 THRU 24-388, RESERVED.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 9, Limited Business, LB, Section 24-367, Statement of intent; Section 24-368, Use list; Section 24-369, Special provisions for areas within the Limited Business District, LB, designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan; Section 24-370, Area requirements; Section 24-371, Setback requirements; Section 24-372, Yard requirements; Section 24-373, Special provisions for the adjustment of yard requirements; Section 24-374, Height of structures; Section 24-375, Building coverage limits; Section 24-376, Sign regulations; Section 24-377, Outdoor storage prohibited; Section 24-378, Site Plan Review; Section 24-379, Pedestrian Accommodations; Section 24-380, Landscaping; and Sections 24-381 thru 24-388; Reserved.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 9, LIMITED BUSINESS, LB

Sec. 24-367. Statement of intent.

The Limited Business District, LB, is intended to provide opportunities for a limited range of office, retail and service establishments of small to moderate size, with ~~small~~, well-landscaped parking areas *and an appropriate amount of perimeter and right-of-way landscape buffering when located adjacent to residentially zoned or Comprehensive Plan Land Use Map designated residential or agricultural property*. The district is characterized by the absence of nuisance factors such as constant heavy trucking and excessive noise, dust, light and odor. This classification is appropriate where proximity to residential areas, existing land uses, traffic patterns and other factors make it desirable to maintain a commercial character which is less intense than permitted in the General Business District, B-1. To enhance the character of the district and to improve its compatibility with low-density surroundings, limitations on building height and ~~bulk~~ *size* are imposed, and special requirements are imposed on areas designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan.

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

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

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

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential</i>	<i>An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property</i>	<i>P</i>	
<i>Commercial</i>	<i>Accessory uses and structures, as defined in section 24-2</i>	<i>P</i>	
	<i>Adult day care centers</i>	<i>P</i>	
	<i>Antique shops</i>	<i>P</i>	
	<i>Arts and crafts, hobby and handicraft shops</i>	<i>P</i>	
	<i>Auction houses</i>	<i>P</i>	
	<i>Automobile rental</i>	<i>P</i>	
	<i>Automotive parts sales, new and/or rebuilt, with storage limited to a fully enclosed building</i>	<i>P</i>	
	<i>Automobile service stations, in areas not designated Low-Density Residential or Neighborhood</i>		<i>SUP</i>

Commercial on the Comprehensive Plan Land Use Map; if fuel is sold, then in accordance with Section 24-38		
Bakeries and fish markets	P	
Banks and other financial institutions	P	
Barber and beauty shops salons	P	
Business, governmental and professional offices	P	
Catering and meal preparation 5,000 sq. ft. or less	P	
Catering and meal preparation larger than 5,000 sq. ft.		SUP
Child day care centers	P	
Contractor offices (with materials and equipment storage limited to a fully enclosed building)	P	
Convenience stores without the sale of fuel, in areas not designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map		SUP
Drug stores 10,000 sq. ft. or less	P	
Drug stores larger than 10,000 sq. ft.		SUP
Dry cleaners and laundries	P	
Firearms sales and service		SUP
Firing and shooting ranges, limited to a fully enclosed building		SUP
Feed, seed and farm supply stores	P	
Flea markets, not in areas designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map		SUP
Funeral homes	P	
Gift and souvenir stores	P	
Grocery stores 10,000 sq. ft. or less	P	
Grocery stores larger than 10,000 sq. ft.		SUP
Health clubs and exercise clubs, fitness centers	P	
Houses of worship	P	
Janitorial service establishments	P	
Lodges, civic clubs, fraternal organizations and service clubs	P	
Printing, M mailing, and facsimile transmission services lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
Medical clinics or offices	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		SUP
New and/or rebuilt automotive parts sales (with	P	

	storage limited to a fully enclosed building)		
	Off-street parking as required by section 24-53	P	
	Office supply stores, secretarial and duplicating services 10,000 sq. ft. or less	P	
	Office supply stores greater than 10,000 sq. ft.		SUP
	Pet stores and pet supply sales	P	
	Photography studios and sales , artist and sculptor stores and studios, arts and crafts and handiercraft shops, antique shops, reproduction and gift shops	P	
	Places of public assembly, including houses of worship and public meeting halls	P	
	Plumbing and electrical supply (with storage limited to a fully enclosed building)	P	
	Public meeting halls	P	
	Restaurants (excluding fast food restaurants), coffee shops, and tea rooms and taverns with 100 seats or less	P	
	Restaurants (excluding fast food restaurants), coffee shops, tea rooms and taverns with greater than 100 seats		SUP
	Retail and service stores, including the following stores: books, cabinets, cameras , candy, carpet, coin, department, dressmaking, electronics , florist, furniture, furrier, garden supply, gourmet foods , greeting card, gunsmith (excluding shooting ranges) , hardware, health and beauty aids , home appliance sales and service , ice cream, jewelry sales and service , locksmith, music and records , optical goods , paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel bureau agencies , upholstery, variety , wearing apparel, and yard goods	P	
	Retail food stores 5,000 sq. ft. or less	P	
	Retail food store greater than 5,000 sq. ft.		SUP
	Security service offices	P	
	Tourist home	P	
	Veterinary hospitals (with all activities limited to a fully enclosed building) with the exception of supervised animal exercise while on a leash	P	
Civic	Nonemergency medical transport		SUP
	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Post offices	P	
	Schools, public or private		SUP

Utility	Electrical substations <i>generation facilities</i> (public or private), <i>steam generation facilities, and electrical substations</i> 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 <i>switching</i> 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		SUP
	Telephone exchanges and telephone switching stations		SUP
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities		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. However, e Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		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. However, t 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

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

~~Adult day care centers.~~

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

~~Bakeries and fish markets.~~

~~Banks and other similar financial institutions.~~

~~Barber and beauty shops.~~

~~Business, governmental and professional offices.~~

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

~~Child day care centers.~~

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

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

~~Dry cleaners and laundries.~~

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

~~Fire stations.~~

~~Funeral homes.~~

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

~~Houses of worship.~~

~~Libraries.~~

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

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

~~Mailing and facsimile transmission reception.~~

~~Medical clinics or offices.~~

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

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

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

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

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

~~Post offices.~~

~~Public meeting halls.~~

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

~~Retail and service stores, including the following stores: books, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel and yard goods.~~

~~Retail food stores 5,000 sq. ft. or less.~~

~~Schools~~

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

~~Tourist homes.~~

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

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

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

~~In the Limited Business District, LB, buildings or structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors and implementation of the performance standards listed in Section 24-269.1:~~

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

~~Convenience stores without the sale of fuel, in areas not designated Neighborhood Commercial or Low Density Residential on the Comprehensive Plan Land Use Map.~~

~~Drug Stores 10,000 sq. ft. or more~~

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

~~Firearms sales and service.~~

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

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

~~Privately or publicly owned solid waste container sites.~~

~~Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right of ways and track and safety improvements in existing railroad right of ways are permitted generally and shall not require a special use permit.~~

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

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

~~Telephone exchanges and telephone switching stations.~~

~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.~~

~~Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:~~

~~(a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No area requirements.

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

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

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

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

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

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

Sec. 24-373 372. Yard regulations requirements.

- (a) The minimum side yard shall be 20 feet for each main structure. The minimum rear yard shall be 20 feet.
- (b) All accessory structures shall be located at least ten feet from any side lot line.
- (c) The minimum side yard shall be increased to 35 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use, on the Comprehensive Plan. The minimum rear yard shall be increased to 35 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side yard shall be increased to 50 feet if the property is designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan and the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be increased to 50 feet if the property is designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan and the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

Sec. 24-374 373. Special provisions for the adjustment of yard requirements.

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

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

- (a) Constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development; and

(b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan *which has been legislatively approved by the Board of Supervisors.*

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

- (1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-373; and
- (2) Adequate parking is provided as per the requirements of this chapter, and where determined necessary by the commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas; and
- (3) Adequate provisions are made to assure compliance with article II, division 3 of this chapter, and where determined necessary by the commission, adequate easements or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced yard area of the individual units; and
- (4) The complex or structure is adequately designed and serviced from the standpoint of safety, and the county fire chief certifies that the fire safety equipment to be installed is adequately designed and the county building official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

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

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

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

(b) Church spires, belfries, cupolas, athletic field lighting, chimneys, flues, monuments, flagpoles and wireless communications facilities that utilize alternative mounting structures ~~or are building mounted~~ in accordance with division 6, Wireless Communications Facilities may be erected to a total height of 60 feet from grade. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed the maximum approved height of the structure to which it is mounted, upon finding that:

1. Such structure will not obstruct light to adjacent property;

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

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

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

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

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

To assure an appearance and condition which is consistent with the purposes of the Limited Business District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

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

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

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

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

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

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

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

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

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

ORDINANCE NO. _____

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 10, GENERAL BUSINESS, B-1, SECTION 24-389, STATEMENT OF INTENT; SECTION 24-390, PERMITTED USES; SECTION 24-391, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-392, AREA REQUIREMENTS; SECTION 24-393, SETBACK REQUIREMENTS; SECTION 24-394, YARD REGULATIONS; SECTION 24-395, SPECIAL PROVISIONS FOR THE ADJUSTMENT OF YARD REQUIREMENTS; SECTION 24-396, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; SECTION 24-397, BUILDING COVERAGE LIMITS; SECTION 24-398, SIGN REGULATIONS; SECTION 24-399, OUTDOOR STORAGE PROHIBITED; SECTION 24-400, SITE PLAN REVIEW; SECTION 24-401, SIDEWALKS; SECTION 24-402, LANDSCAPING; AND 24-403 THRU 24-409, RESERVED.

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 10, General Business, B-1, Section 24-389, Statement of intent; Section 24-390, Permitted uses; Section 24-391, Area requirements; Section 24-392, Setback requirements; Section 24-393, Yard requirements; Section 24-394, Special provisions for the adjustment of yard requirements; Section 24-395, Reserved; Section 24-396, Height of structures; Section 24-397, Building coverage limits; Section 24-398, Sign regulations and parking requirements; Section 24-399, Site Plan Review; Section 24-400, Pedestrian Accommodations; Section 24-401, Landscaping; and Sections 24-402 thru 24-409; Reserved.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 24-389. Statement of intent.

Generally, the General Business District, B-1, covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy ~~trucking~~ *truck traffic* other than stocking and delivery of light retail goods or by any factors other than occasioned by incidental light and noise *commonly associated with the* of congregation of people and passenger vehicles.

Sec. 24-390. ~~Permitted uses~~ *Use list*.

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

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential</i>	<i>An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property</i>	<i>P</i>	
<i>Commercial</i>	<i>Accessory uses and structures, as defined in section 24-2</i>	<i>P</i>	
	<i>Adult day care centers</i>	<i>P</i>	
	<i>Amphitheaters</i>		<i>SUP</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>Automobile and trailer sales and service, with major repair limited to a fully enclosed building</i>	<i>P</i>	
	<i>Automobile rental</i>	<i>P</i>	
	<i>Automobile repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt, with major repair under cover and storage of parts and vehicles screened from adjacent property by landscaping and fencing</i>	<i>P</i>	
	<i>Automobile service stations; if fuel is sold, then in</i>		<i>SUP</i>

	accordance with section 24-38		
	Bakeries or fish markets	P	
	Banks and other financial institutions	P	
	Barber and beauty shops salons	P	
	Business, governmental and professional offices	P	
	Campgrounds		SUP
	Catering and meal preparation	P	
	Child day care centers	P	
	Contractor offices with storage of materials and equipment limited to a fully enclosed building	P	
	Convenience stores which sell and dispense in accordance with section 24-38 fuel		SUP
	Convention centers		SUP
	Country clubs and golf courses, public or private		SUP
	Drug stores	P	
	Dry cleaners and laundries	P	
	Farmer's market	P	
	Feed, seed and farm supply stores	P	
	Firearms sales and service	P	
	Firing and shooting ranges, limited to a fully enclosed building		SUP
	Flea markets		SUP
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores	P	
	Health clubs and exercise clubs, fitness centers	P	
	Heliports and helistops, as an accessory use		SUP
	Hospitals		SUP
	Hotels, motels and tourist homes	P	
	Houses of worship	P	
	Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
	Indoor sport facilities (excluding firing and shooting ranges)	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	SUP
	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 storage limited to a fully enclosed building or fully screened from view with a structural barrier approved by the	P	

development review committee, located within the building setback area landscaping and fencing with a maximum height of 12 feet		
Machinery sales and service (with storage and repair limited to a fully enclosed building)		
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	P	
Micro breweries	P	
Museums	P	
New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building)	P	
Nursing homes		SUP
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 driving ranges, batting cages and skate parks		SUP
Parking lots, and 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 meeting halls	P	
Plumbing and electrical supply and sales (with storage limited to a fully enclosed building)	P	
Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement	P	
Public meeting halls	P	
Radio and television stations and accessory antenna or towers and tower mounted wireless communications facilities which are 60 feet or less in height	P	
Research, development and design facilities or laboratories	P	
Restaurants, including fast food restaurants, tea	P	

	rooms, coffee shops, and taverns and micro-breweries		
	Retail and service stores, including the following stores: alcohol, antiques, appliances, arts and crafts, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, duplicating services, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, gunsmith (excluding shooting ranges), handicrafts, hardware, home appliance sales and service, health and beauty aids, ice cream, jewelry sales and service, locksmith, music and records, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel bureau agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores, bakeries and fish markets	P	
	Security service offices	P	
	Taxi service	P	SUP
	Theme parks greater than 10 acres in size		SUP
	Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed	P	
	Vehicle and trailer sales and services (with major repair limited to a fully enclosed building)		SUP
	Vehicle rentals		SUP
	Veterinary hospitals with all activities limited to a fully enclosed building with the exception of supervised animal exercise while on a leash	P	
	Wholesale and warehousing (with storage limited to a fully enclosed building)	P	
Civic	Nonemergency medical transport		SUP
	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Post offices	P	
	Schools, public or private		SUP
Utility	Antennas and towers in excess of 60 feet in height		SUP
	Electrical generation facilities (public or private), steam generation facilities, and electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and stations. Spur lines which are to serve and are		SUP

	<i>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>Telephone exchanges and telephone switching stations</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. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit</i>		<i>SUP</i>
	<i>Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities</i>	<i>P</i>	
	<i>Water facilities, public or private, and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:</i> <i>(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and</i> <i>(b) Distribution lines and local facilities within a development, including pump stations</i>		
<i>Open</i>	<i>Timbering, in accordance with section 24-43</i>		
<i>Industrial Uses</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</i>		<i>SUP</i>

	<i>other objectionable effect.</i>		
	<i>Publically owned solid waste container facilities</i>		<i>SUP</i>
	<i>Waste disposal facilities</i>		<i>SUP</i>

~~Adult day care centers.~~

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

~~Banks and other similar financial institutions.~~

~~Barber and beauty shops.~~

~~Business, governmental and professional offices.~~

~~Child day care centers.~~

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

~~Drug stores.~~

~~Dry cleaners and laundries.~~

~~Farmer's Market.~~

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

~~Fire stations.~~

~~Funeral homes.~~

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

~~Hotels, motels, tourist homes and convention centers.~~

~~Houses of worship.~~

~~Indoor sport facilities (excluding shooting ranges).~~

~~Indoor theaters.~~

~~Libraries.~~

~~Limousine services (with maintenance limited to a fully enclosed building).~~

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

~~Lumber and building supply (with storage limited to a fully enclosed building or fully screened from view with a structural barrier approved by the development review committee, located within the building setback area with a maximum height of 12 feet).~~

~~Machinery sales and service (with storage and repair limited to a fully enclosed building).~~

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

~~Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packing or distribution.~~

~~Medical clinics or offices.~~

~~Micro breweries.~~

~~Museums.~~

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

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

~~Parking lots and garages.~~

~~Photography, artist and sculptor studios~~

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

~~Post offices.~~

~~Printing and publishing.~~

~~Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.~~

~~Public meeting halls.~~

~~Radio and television stations and accessory antenna or towers and tower mounted wireless communication facilities, which are 60 feet or less in height.~~

~~Research, development and design facilities or laboratories.~~

~~Restaurants, fast food restaurants, tea rooms and taverns.~~

~~Retail and service stores, including the following stores: antiques, arts and crafts, books, candy, carpet, coin, department, dressmaking, duplicating services, florist, furniture, furrier, garden supply, gift, greeting card, gunsmith (excluding shooting ranges), handicrafts, hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, office supply, paint, pet, photography, picture framing, plant supply, secretarial services, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.~~

~~Retail food stores, bakeries and fish markets.~~

~~Schools.~~

~~Security service offices.~~

~~Telephone exchanges and telephone switching stations gap.~~

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

~~Veterinary hospitals.~~

~~Wholesale and warehousing (with storage limited to a fully enclosed building).~~

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

~~Sec. 24-391. Uses permitted by special use permit only.~~

~~In the B-1, General Business District, buildings to be erected or the 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 in excess of 60 feet in height.~~

~~Automobile service stations; if fuel is sold, then in accordance with section 24-38.~~

~~Campgrounds.~~

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

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

~~Flea markets.~~

~~Heliports and helistops, as an accessory use.~~

~~Hospitals.~~

~~Kennels.~~

~~Nonemergency medical transport.~~

~~Nursing homes.~~

~~Outdoor centers of amusement~~

~~Outdoor sport facilities.~~

~~Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.~~

~~Privately or publicly owned solid waste container sites.~~

~~Railroad facilities including tracks, bridges and, stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right of ways and track and safety improvements in existing railroad right of ways, are permitted generally and shall not require a special use permit.~~

~~Taxi service.~~

~~Theme parks of ten acres or more.~~

~~Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).~~

~~Tower mounted wireless communications 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 for 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.~~

~~Vehicle and trailer sales and services (with major repair limited to a fully enclosed building).~~

~~Vehicle rentals.~~

~~Waste disposal facilities.~~

~~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.~~

Sec. 24-~~392~~ 391. Area requirements.

No area requirements.

Sec. 24-~~393~~ 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.

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~~ *director of planning* will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

(a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.

(b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.

(c) The applicant has offered site design which meets or exceeds the Development Standards of the Comprehensive Plan.

(2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in sub-section (1), the ~~development review committee~~ *director of planning* can approve reductions upon finding substantial conformance with recommendations from the guidelines and compliance with the criteria from sub-section (1) above.

(3) Appeals. In the event the director of planning 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 director of planning to the development review committee who shall forward a recommendation to the Planning Commission.

Sec. 24-394 393. Yard regulations requirements.

(a) Buildings shall be located 20 feet or more from side or rear property lines. However, the minimum side yard shall be 50 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 50 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 shall be increased an additional one foot for each one foot of building height in excess of 35 feet.

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

Sec. 24-395 394. Special provisions for the waiver of yard requirements.

The following may be eligible for a waiver from any part of section 24-394:

The subdivision of commercial property on which commercial 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~~ *director of planning* may grant, at ~~its~~ *his* discretion, a waiver from any part of section 24-394 upon finding:

(1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-394;

(2) Adequate parking is provided as per the requirements of this chapter and, where determined necessary by the commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas;

(3) Adequate provisions are made to assure compliance with article II, division 3 of this chapter and, where determined necessary by the commission, adequate easements, or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced yard area of the individual units; and

(4) The complex or structure is adequately designed and serviced from the standpoint of safety, and that the county fire chief certifies that the fire safety equipment to be installed is adequately designed and the

county building official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

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

Sec. 24-396 395. Reserved.

Sec. 24-397 396. Height limits and height limitation waivers of structures.

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 or on top of the structure and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade, in accord with the following criteria:

(1) 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 or other accessory functions which are part of or on top of the structure and accessory and non-accessory wireless communications facilities that utilize alternative mounting structures ~~or are building-mounted~~ 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:

a. The regulations of section 24-398 397 regarding building coverage, floor area ratio and open space are met;

b. Such structure will not obstruct light from adjacent property;

c. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

d. Such structure will not impair property values in the surrounding area;

e. 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 the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

f. Such structure would not be contrary to the public health, safety or general welfare.

(2) Parapet walls may be up to four feet above the height of the building on which the walls rest.

(3) No accessory structure which is within ten feet of any lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.

Sec. 24-398 397. Building coverage limits.

Building coverage shall not exceed ~~25~~ 30 percent of the total lot area and the floor area ratio shall not exceed 60 percent. ~~However, the floor area ratio may be increased to 75 percent if the additional floor area is used to provide indoor parking.~~

Sec. 24-399 398. Sign regulations and parking requirements.

(a) To assure an appearance and condition 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 24-53 and 24-54.

Sec. 24-400 399. 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.

Sec. 24-401 400. Sidewalks Pedestrian accommodations.

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

Sec. 24-402 401. Landscaping.

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

Secs. 24-403 402 - 24-409. Reserved.

ORDINANCE NO. _____

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 11, LIMITED BUSINESS/INDUSTRIAL, M-1, SECTION 24-410, STATEMENT OF INTENT; SECTION 24-411, PERMITTED USES; SECTION 24-412, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-413, OUTDOOR OPERATIONS AND STORAGE; SECTION 24-414, AREA REQUIREMENTS AND MINIMUM LOT WIDTH; SECTION 24-415, SETBACK REQUIREMENTS; SECTION 24-416, YARD REGULATIONS; SECTION 24-417, RESERVED; SECTION 24-418, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND YARD REQUIREMENTS; SECTION 24-419, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; SECTION 24-420, RESERVED; SECTION 24-421, SIGN REGULATIONS AND PARKING REQUIREMENTS; SECTION 24-422, UTILITIES; SECTION 24-423, SITE PLAN REVIEW; AND 24-424 THRU 24-434, RESERVED.

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 11, Limited Business/Industrial, M-1, Section 24-410, Statement of intent; Section 24-411, Permitted uses; Section 24-412, Outdoor operations and storage; Section 24-413, Area requirements and minimum lot width; Section 24-414, Setback requirements; Section 24-415, Yard requirements; Section 24-416, Reserved; Section 24-417, Special provisions for the waiver of lot area, lot width, yard and yard setback requirements; Section 24-418, Height of structures; Section 24-419, Reserved; Section 24-420, Sign regulations and parking requirements; Section 24-421, Utilities; Section 24-422, Site Plan Review; Section 24-423, Landscaping; and Sections 24-424 thru 24-434; Reserved.

Chapter 24

ARTICLE V. DISTRICTS

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

Sec. 24-410. Statement of intent.

The primary purpose of the Limited Business/Industrial District, M-1, is to establish an area where the principal use of land is for limited business/industrial operations which are not ordinarily compatible with *adjacent* residential development. The specific intent of this district is to accomplish the following:

- (1) Encourage the use of land for limited business and industrial purposes;
- (2) Prohibit residential developments on land reserved for limited business and industrial uses;
- (3) Permit certain commercial and office uses in a manner which is compatible with limited business and industrial uses; and
- (4) Establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects *or impacts commonly associated with* of the development of limited business and industrial uses.

Sec. 24-411. ~~Permitted uses~~ *Use list*.

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

In the Limited Business/Industrial District, M-1, 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>Automobile and trailer sales and service, with major repair limited to a fully enclosed building and</i>	<i>P</i>	

	<i>screened from adjacent property by landscaping and fencing with a maximum height of 12 feet</i>		
	<i>Automobile rental</i>	<i>P</i>	
	<i>Automobile 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 service stations; if fuel is sold, then in accordance with section 24-38</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 fuel</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 market</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>	

Houses of worship	P	
Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
Indoor sport 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 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	P	
Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
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	P	
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	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	P	
Micro breweries	P	
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 or less in height	P	
	Research, development and design facilities or laboratories	P	
	Restaurants, including fast food restaurants, tea rooms, coffee shops, taverns and micro-breweries	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 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	P	
	Retail food stores, bakeries and fish markets	P	
	Security service offices	P	
	Shooting ranges, indoor		SUP
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP

	Tire, transmission, glass, body and fender and other automotive product sales and service with major repair limited to a fully enclosed building and vehicle storage screened from adjacent property by landscaping and fencing	P	
	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	P	
	Vehicle rentals	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 by landscaping and fencing with a maximum height of 12 feet from adjacent property	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, or with dam heights of less than 25 feet or more		SUP
	Water well drilling establishments	P	
Civic	Nonemergency medical transport	P	
	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Post offices	P	
	Schools, public or private		SUP
Utility	Antennas and towers, self supported, (not attached to buildings) and tower mounted wireless communications facilities 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. However, s Spur lines which are		SUP

	<i>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>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 which are intended to serve accessory to existing or proposed development, are permitted generally and shall not require a special use permit</i>		<i>SUP</i>
	<i>Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities</i>	<i>P</i>	
	<i>Water facilities (public or private) and sewer facilities (public), including, but not limited to, 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, t The following are permitted generally and shall not require a special use permit:</i> <i>(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and</i> <i>(b) Distribution lines and local facilities within a development, including pump stations</i>		<i>SUP</i>
<i>Open</i>	<i>Timbering, in accordance with section 24-43</i>		

<i>Industrial Uses</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>	<i>P</i>	
	<i>Industrial dry cleaners or laundries</i>	<i>P</i>	
	<i>Industrial or technical training centers or schools</i>	<i>P</i>	
	<i>Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps</i>	<i>P</i>	
	<i>Manufacture and bottling of soft drinks, water and wine alcoholic beverages</i>	<i>P</i>	
	<i>Manufacture and processing of textiles and textile products</i>	<i>P</i>	
	<i>Manufacture and storage of ice, including dry ice</i>	<i>P</i>	
	<i>Manufacture, assembly, or fabrication of sheet metal products.</i>	<i>P</i>	
	<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>	<i>P</i>	
	<i>Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products</i>	<i>P</i>	
	<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</i>		<i>SUP</i>

	<i>indoors or under cover, with no dust, noise, odor or other objectionable effect.</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>
	<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>	

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

~~Adult day care centers.~~

~~An apartment or living quarters for a guard, caretaker, proprietor, or other person employed on the premises which is clearly secondary to the business or 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 sales and service with major repair limited to a fully enclosed building.~~

~~Automobile service stations; if fuel is sold, then in accordance with section 24-38.~~

~~Banks and other similar financial institutions.~~

~~Barber and beauty shops.~~

~~Business, professional and governmental offices.~~

~~Child day care centers.~~

~~Commercial marinas, docks, piers, yacht clubs, boat basins and servicing areas for same; if fuel is sold, then in accordance with section 24-38.~~

~~Contractor offices, equipment storage yards, shops and warehouses with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~Courier services.~~

~~Data processing centers.~~

~~Drugstores.~~

~~Dry cleaners and laundries.~~

~~Farmer's markets.~~

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

~~Fire stations.~~

~~Funeral homes.~~

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

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

~~Hotels, 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.~~

~~Houses of worship.~~

~~Indoor sport facilities.~~

~~Industrial dry cleaner and laundry.~~

~~Industrial and technical training schools.~~

~~Janitorial service establishments.~~

~~Kennels.~~

~~Laser technology production.~~

~~Lumber and building supply stores with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~Machinery sales and service with major repair limited to a fully enclosed building.~~

~~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 textiles and textile 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, leather, cellophane, canvas, felt, fur, horn, wax, hair, yarn, and stone.~~

~~Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products.
Manufacture of cans and other 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 appliances, tools, firearms, hardware products and heating, cooling or ventilating equipment.~~

~~Manufacture or assembly of electronic instruments, electronic devices or electronic components.~~

~~Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments.~~

~~Manufactured home or mobile home sales.~~

~~Marine or waterfront businesses to include receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing and distribution.~~

~~Medical clinics and offices~~

~~Micro breweries.~~

~~Nonemergency medical transport.~~

~~Nurseries.~~

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

~~Plumbing and electrical supply stores with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~Post offices.~~

~~Printing, lithographing, engraving, photocopying, blueprinting and publishing establishments.~~

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

~~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, tearooms and taverns.~~

~~Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.~~

~~Retail food stores, bakeries and fish markets.~~

~~Security service offices.~~

~~Telephone exchanges and telephone switching stations.~~

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

~~Tire, transmission, glass, body and fender and other automotive product sales and service with major repair limited to a fully enclosed building and vehicle storage screened from adjacent property by landscaping and fencing.~~

~~Vehicle and trailer sales and service with major repair limited to a fully enclosed building.~~

~~Vehicle rentals.~~

~~Veterinary hospitals.~~

~~Warehouse, storage and distribution centers with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~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 with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

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

~~Sec. 24-412. Uses permitted by special use permit only.~~

~~In the Limited Business/Industrial District, M-1, 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.~~

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

~~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.~~

~~Heliports, helistops and accessory uses.~~

~~Hospitals.~~

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

~~Outdoor sports facilities with water and sewer facilities for golf courses as approved by the board of supervisors.~~

~~Petroleum storage.~~

~~Propane storage, distribution and sale.~~

~~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.~~

~~Resource recovery facilities.~~

~~Shooting ranges, indoor.~~

~~Solid waste transfer stations.~~

~~Theme parks of ten acres or more.~~

~~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.~~

Sec. 24-413 412. 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.

Sec. 24-414 413. 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. 24-415 414. 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 two 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.
- (c) Setbacks for commercial uses 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~~ *director of planning*.

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~~ *director of planning* will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

- (1) 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.
- (2) 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.
- (3) The applicant has offered site design which meets or exceeds the Development Standards of the Comprehensive Plan.
- (d) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in sub-section (c), the ~~development review committee~~ *director of planning* can approve reductions upon finding substantial conformance with recommendations from the guidelines and compliance with the criteria from sub-section (c) above.

(e) Appeals. In the event the director of planning 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 director of planning to the development review committee who shall forward a recommendation to the Planning Commission.

Sec. 24-416 415. 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 two 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~~ *director of planning*; provided, however, that no structure shall be located within ten feet of any property line.

(d) Appeals. In the event the director of planning 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 director of planning to the development review committee who shall forward a recommendation to the Planning Commission.

Sec. 24-417 416. Reserved.

Sec. 24-418 417. Special provisions for the waiver of area, lot width, yard and yard setback requirements.

The following may be eligible for a waiver from any part of section 24-414 through 24-416:

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~~ *director of planning* may grant, at its discretion, a waiver from any part of section 24-414 through 24-416 upon finding:

(1) The overall complex or structure, if considered as a single unit, meets all of the requirements of section 24-414 through 24-416;

(2) Adequate parking is provided as per the requirements of this chapter. The ~~planning commission~~ *director of planning* 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 commission 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 director of planning 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 director of planning to the development review committee who shall forward a recommendation to the Planning Commission.

Sec. 24-419 ~~418~~. 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, church spires, belfries, cupolas, monuments, 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 24-415 and section 24-416; however, the board 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. 24-420 ~~419~~. Reserved.

Sec. 24-421 ~~420~~. Sign regulations and parking requirements.

(a) To assure an appearance and condition 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 24-53 and 24-54.

Sec. 24-422 ~~421~~. Utilities.

(a) Unless otherwise specified in this district, all development in the Limited Business/Industrial District, M-1, shall be served by public water and sewer.

(b) 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. 24-423 422. 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. 24-423. Landscaping.

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

Secs. 24-424 - 24-434. Reserved.

ORDINANCE NO. _____

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 INDUSTRY, M-2, SECTION 24-435, STATEMENT OF INTENT; SECTION 24-436, PERMITTED USES; SECTION 24-437, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-438, OUTDOOR OPERATIONS AND STORAGE; SECTION 24-439, AREA REQUIREMENTS AND MINIMUM LOT WIDTH; SECTION 24-440, SETBACK REQUIREMENTS; SECTION 24-441, YARD REGULATIONS; SECTION 24-442, RESERVED; SECTION 24-443, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND YARD REQUIREMENTS; SECTION 24-444, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; SECTION 24-445, RESERVED; SECTION 24-446, SIGN REGULATIONS AND PARKING REQUIREMENTS; SECTION 24-447, UTILITIES; SECTION 24-448, PUBLIC UTILITIES WAIVER; SECTION 24-449, SITE PLAN REVIEW; AND 24-450 THRU 24-459, RESERVED.

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 Industry, M-2, Section 24-435, Statement of intent; Section 24-436, Permitted uses; 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 lot area, lot width, yard and yard 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; Section 24-449, Landscaping; and Sections 24-450 thru 24-459; Reserved.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 12. GENERAL INDUSTRY 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 *adjacent* residential or commercial ~~service establishments~~ *development*. 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~~ *commonly found noise, odor, dust, light and heavy truck traffic impacts typically associated with* of the development of industrial uses *operations*.

Sec. 24-411. ~~Permitted uses~~ *Use list*.

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

In the General Industry, 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>Automobile and trailer sales and service</i>	<i>P</i>	
	<i>Automobile rental</i>	<i>P</i>	
	<i>Automobile repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt</i>	<i>P</i>	
	<i>Automobile service stations; if fuel is sold, then in accordance with section 24-38</i>	<i>P</i>	
	<i>Banks and other financial institutions as an accessory use to other permitted uses</i>	<i>P</i>	

Business, and professional and government offices	P	
Child day care centers as an accessory use to other permitted uses	P	
Contractor offices, equipment storage yards, shops and warehouses	P	SUP
Convenience stores; if fuel is sold, then in accordance with section 24-38 fuel		SUP
Drop-forge industries, forgings with a power hammer	P	
Health clubs, and exercise clubs, and fitness centers as an accessory use to other permitted uses	P	
Heavy equipment sales and service, with major repair limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	
Heliports, helistops and accessory uses		SUP
Janitorial service establishments	P	
Laboratories, research and development centers	P	
Laser technology production	P	
Lumber and building supply	P	
Machinery sales and service, with storage and repair limited to a fully enclosed building	P	
Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
New and/or rebuilt automotive parts sales	P	
Off-street parking as required by section 24-53	P	
Parking lots, structures or garages	P	
Plumbing and electrical supply and sales	P	
Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
Private streets within "qualifying industrial parks" in accordance with section 24-55	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, not to include fast food restaurants, as an accessory use to other permitted uses	P	
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	P	

	Security service offices	P	
	Taxi service	P	
	Truck stops; if fuel is sold, then in accordance with section 24-38	P	SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38	P	SUP
	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	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, or with dam heights of less than 25 feet or more		SUP
	Water well drilling establishments	P	
Civic	Nonemergency medical transport	P	
	Fire stations	P	
	Governmental offices	P	
	Post offices	P	
Utility	Antennas and towers, self supported, (not attached to buildings) and tower mounted wireless communications facilities 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	P	
	Railroad facilities including tracks, bridges and switching stations. However, 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. However, e Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are intended to serve 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 building mounted, 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. However, t 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		SUP
Open	Timbering, in accordance with section 24-43	P	
Industrial Uses	Asphalt mixing plants		SUP
	Automobile graveyards and scrap metal yards		SUP
	Boiler shops	P	
	Breweries and other associated activities	P	
	Crushed stone, sand, gravel, or mineral mining; storage and distribution of the same	P	SUP
	Drop-forge industries, manufacturing, forgings with a power hammer	P	
	Industrial dry cleaners or laundries	P	
	Industrial and technical training centers or schools	P	
	Manufacture and assembly of musical instruments,	P	

toys, novelties, and rubber, and metal stamps		
Manufacture and bottling of soft drinks, water , and wine alcoholic beverages	P	
Manufacture and compounding of chemicals		SUP
Manufacturing and production of paint or shellac		SUP
Manufacture and processing of acrylic and other synthetic fibers	P	
Manufacture and processing of textiles and textile products	P	
Manufacture and sale of manufactured homes, mobile homes, modular homes and industrialized housing units	P	
Manufacturing and sale of wood products	P	
Manufacture and storage of fireworks and explosives		SUP
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, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone	P	
Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products	P	
Manufacture , compounding, processing of asphalt, plaster , cement, lime, gypsum, bricks and non-previously prepared stone products (i.e., stone and rock used for general erosion control and road construction)		SUP
Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals	P	
Manufacture of adhesives or glue		SUP
Manufacture of batteries	P	
Manufacture of boats, marine equipment and boat trailers	P	
Manufacture of cans and other products from previously processed metals	P	
Manufacture of carpets and carpet yarns	P	
Manufacture of furniture	P	
Manufacture of fertilizer		SUP
Manufacture of glass and glass products	P	
Manufacture of pottery and ceramic products using kilns fired by gas or electricity	P	

Manufacture or assembly of aircraft and aircraft parts	P	
Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment	P	
Manufacture or assembly of automobiles, trucks, machinery or equipment	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	
Metal foundry and heavy weight casting	P	
Petroleum refining		SUP
Petroleum storage and retail distribution	P	SUP
Processing, assembly and manufacture of light industrial products or components	P	
Propane storage, distribution or sale	P	SUP
Publicly or privately owned solid waste container sites	P	
Ready mix concrete production	P	
Recycling center or plant	P	
Resource recovery facilities		SUP
Solid waste transfer stations and container sites, public or private		SUP
Structural iron and steel fabrication	P	
Tanning or curing of animal hides	P	
Waste disposal facilities		SUP
Welding and machine shops including punch presses and drop hammers	P	
Wood preserving operations	P	SUP

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, soap, 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 canning, curing, grinding, smoking, 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 and implementation of the performance standards listed in Section 24-437.1:~~

~~Alcohol refining, manufacturing and storage.~~

~~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 adhesives or glue.*~~

~~*Manufacturing of fertilizer.*~~

~~*Manufacture and production of paint or shellac.*~~

~~*Manufacturing and storage of fireworks and explosives.*~~

~~Manufacture, *compounding, processing of asphalt, plaster,* 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.~~

~~*Tanning or curing of animal hides.*~~

~~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~~ *director of planning*; 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~~ *director of planning* may grant, at its 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 through 24-441;
- (2) Adequate parking is provided as per the requirements of this chapter. The planning commission 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 commission 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 director of planning 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 director of planning 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 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 Limited Business/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.

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,
VIRGINIA, HELD ON THE 28TH DAY OF JUNE 2011, AT 4:00 P.M. IN THE COUNTY
GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY,
VIRGINIA.**

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Bruce C. Goodson, Vice Chair, Roberts District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSION

Ms. Jones recognized Jack Fraley, Chairman of the Planning Commission.

1. Zoning Ordinance Update

a. Commercial Districts - Ordinance Changes

Ms. Tammy Rosario, Principal Planner, opened the presentation of Commercial Districts to the Board of Supervisors. These ordinances are the result of input from the public, Planning Commission, Policy Committee and Board. Based on input received during this work session, staff will bring a revised version back for further review.

Mr. Chris Johnson, Principal Planner, discussed with the Board of Supervisors the changes of the ordinance based on the Board's direction. The Policy Committee asked for additional discussion at the next Planning Commission meeting on the Development Review Committee triggers, but generally the Planning Commission accepted these ordinance changes.

Mr. Middaugh asked Mr. Johnson to give the Board an overview of what has done in regards to the ordinance changes.

Mr. Johnson explained the changes are intended to be more flexible and business friendly. He stated that commercial SUPs are viewed as an obstacle. Increasing the size threshold for buildings requiring commercial SUPs from 10,000 to 20,000 square feet would have reduced the number of commercial SUPs over the last 10 years from 25 to 13. Increasing traffic triggers would have decreased the number more, but staff feels this is going too far.

Mr. Goodson mentioned his concerns about the approach of the performance standards in reference to the SUP. He thought the zoning ordinance was going to be for performance based where an SUP would not be necessary if an applicant met certain standards. He discussed the issue about the nonconforming use. Mr. Johnson stated there are other avenues for this policy.

Mr. Goodson asked the County Attorney, Leo Rogers, for his comments about this change. Mr. Rogers it could create non-conforming use to have conditions in the policy and would be less flexible. Mr. Goodson stated he thinks the ordinance does the opposite of its intent to be more flexible and user friendly.

Mr. Johnson mentioned the uses in commercial districts have not triggered many SUPs. In staff's view, taking an individual use that has triggered an SUP and making it by right would have vastly different impacts depending on its location. Mr. Goodson replied he was concerned about including the conditions in the ordinance.

Ms. Jones stated she would support a Board policy, rather than including the conditions in the ordinance, and she asked Mr. Fraley if this was discussed as well with the Policy Committee.

Mr. Fraley stated it had been discussed in the meetings. He mentioned if it isn't in the ordinance it might not have much of an impact.

Ms. Jones asked if Mr. Seymour, Director of Economic Development had any comments or concerns in reference to this ordinance.

Mr. Seymour stated he did not. His concern is to make the process quicker for the applicant. His concern is to make the process better for the applicant whether large or a small business.

Ms. Jones replied the process should be efficient and streamlined, especially for quicker results for small businesses.

Mr. McGlennon stated the County has averaged 2.5 commercial SUPs for the last 10 years and some have been controversial. He is concerned about removing public input from these applications. He does not believe the community as a whole wants fewer opportunities to have input. He supports streamlining the process after approval has been granted.

Mr. Johnson said that there has been discussion about changing the way that the DRC operates, to a strategic and appellate body. This could make the process more efficient for applicants.

Mr. McGlennon mentioned the balance of the applicant and the citizen who want to have the opportunity to express the concerns. He reiterated concern that the proposed ordinance could remove opportunities for public input.

Ms. Jones mentioned the cost associated with an SUP for the applicant. Mr. Johnson said the fee is nominal and the Board has set the fees accordingly.

Mr. McGlennon stated that the advantages of performance standards would be to set them at a level which would dramatically reduce the potential for opposition. He mentioned green building, energy efficiency, architecture and landscaping.

Mr. Hicks mentioned the larger and franchise businesses could meet these criteria. Mr. McGlennon mentioned we don't have many small, local businesses that are requiring SUPs under the current regulations.

Mr. Fraley mentioned the green policy offers incentives for the business owners.

Mr. Icenhour had questions about Section 24-11, exceptions. He mentioned the buildings in any mixed use or planned community would not require an SUP. Mr. Johnson responded if it were commercial. None of the exemptions have changed.

Ms. Jones asked for guidance from the Board about the 20,000 square footage trigger and performance standards in the ordinance or by policy.

Mr. Rogers commented that he recommends putting the performance standards in a policy because it is an SUP and not by right.

The consensus of the Board was to remove performance standards from the ordinance.

Mr. McGlennon asked about the reference to public schools in B1.

Mr. McGlennon asked about the various retail listings and Mr. Johnson stated it maintains a competitive balance with other localities.

Mr. Icenhour stated about permitting firearms service in the various business districts and not being consistent with the districts. Mr. Johnson replied it was based on other localities. Mr. Goodson asked if generally anything allowed in B1 can be allowed in LB. Both LB and B1 should be consistent.

Mr. Fraley noted decisions of staff can be appealed to the DRC.

Mr. Icenhour asked about the change for building coverage limits. Mr. Johnson replied to him that staff felt recommending the increase because the County could still achieve its goals.

b. Draft Economic Opportunity Ordinance

Mr. Jason Purse, Planner, presented the Draft Economic Opportunity (EO) Ordinance before the Board. He mentioned this is not the final draft. He discussed with the Board the differences between Mixed Use (MU) and EO. He said the EO zone requires master planning to maximize economic potential. He said MU allows more residential development and noted that EO does not allow for single family residential. Mr. Purse noted that the height limit is proposed for 75 feet.

Mr. Goodson asked how many stories is a 75 square footage and Mr. Purse replied six stories.

Board members discussed the height of buildings and Ms. Jones replied about the environmental impact of reducing the footprint of buildings and being compatible with York County's EO.

Mr. Kennedy stated he has concerns about increased heights and suggested staying with 60 feet, noting that an applicant can request a height waiver.

Mr. Goodson asked if staff has seen ordinances that legislated the number of stories instead of the height.

Mr. Fraley commented the Policy Committee has not considered 75 feet and recommended 60 feet. He further stated that 75 feet might be acceptable in the middle of a parcel but not on the edge.

Mr. Kennedy discussed developable acreage and asked if everything could be developable acreage.

Mr. Purse stated the definition of developable acreage will come back to the Board and can be


PLANNING DIRECTOR'S REPORT
September 2011

This report summarizes the status of selected Planning Division activities during the past month.

- **New Town.** A Design Review Board meeting was not held in August. Electronically, the DRB considered amendments to building elevations for the Schumann office building on Discovery Park Blvd. The DRB also provisionally approved the binding master plan and design guidelines for the revised residential portion of Section 9, subject to the applicant adequately addressing staff comments. The applicant anticipates submitting revised plans for the DRB's review in September.
- **Ordinance Update.** The August Policy Committee was cancelled due to Hurricane Irene. Policy Committee meetings are scheduled for September 1st and 6th to discuss residential districts, multiple use districts, external signage, nonconformities, and creation of a residential redevelopment district. Staff will work with the Policy Committee to schedule a replacement meeting to discuss administrative procedures and submittal requirements, wireless communications facilities, and an affordable housing policy. The Planning Commission considered the Economic Opportunity district in August and the Board will consider it for final adoption in September. Commercial districts are scheduled for Planning Commission consideration at this month's meeting (with Board consideration in October) and development standards are scheduled for the October Planning Commission meeting.

As a result of the July Board work session, staff notified and collected comments from property owners who could be impacted by changes to the timbering ordinance. Results of this notification and an update regarding the external signage ordinance are going to the Board as reading files at its September 13 meeting. A Board work session is scheduled for September 27 to discuss results and recommendations of the TDR feasibility study.

- **Training.** In August, staff participated in Census data trainings and several webinars on various topics including zoning for sustainability.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – August 9th
ZO-0002-2011 – Administrative Fee Waivers – Approved 5-0
SO-0002-2011 – Administrative Fee Waivers – Approved 5-0



Allen J. Murphy, Jr.

September 2011						
Case Type	Case Number	Case Title	Address1	Description	Full Name	District
Conceptual Plans	C-0031-2011	King of Glory Lutheran Church Parking Amend	4897 LONGHILL ROAD	Seeking to add an additional 70 parking spaces.	Jose Ribeiro	04-Jamestown
	C-0032-2011	Turners Neck Road Mulching Operation	212 TURNER'S NECK ROAD	Property owner proposes converting lot into mulching operation. The proposed facility will accept yard debris and wood materials and will be outfitted with grinding and finishing equipment.	Leanne Reidenbach	01-Stonehouse
	C-0033-2011	Colley Indigo Dam Road Subdivision		Dividing parcel into 2 parcels.	Luke Vinciguerra	04-Jamestown
Rezoning	Z-0003-2011	New Town Settler's Market Sec. 9 MP Amend.	5280 SETTLER'S MARKET BLVD	Proposes changes to the layout of the residential portion of Settler's Market (Sec. 9) of New Town. Moves all residential uses to north of Settler's Market Blvd. Decreases number of units and changes type to townhomes. Associated with MP-0002-2011.	Leanne Reidenbach	04-Jamestown
Site Plan	SP-0073-2011	Kingsmill Marriott Tower	50 KINGSMILL ROAD	Applicant proposes tower placement on top of existing Marriott building.	Jason Purse	05-Roberts
	SP-0074-2011	Grace Covenant Presbyterian Church Lighting SP Amend.	1677 JAMESTOWN ROAD	Moving one parking lot light pole. Eliminating three parking lot light poles.	Luke Vinciguerra	03-Berkeley
	SP-0075-2011	James River E.S. Intersection SP Amend.	8901 POCAHONTAS TR	Intersection improvements in front of school	Luke Vinciguerra	05-Roberts
	SP-0076-2011	Williamsburg Landing Cove Cafe SP Amend	5700 WILLIAMSBURG LANDING DR	Building addition to create additional dining area and outdoor patio at the existing Landing building.	Jason Purse	05-Roberts
	SP-0077-2011	CVS and Food Lion Soap and Candle Factory Waterline SP Amend.	7521 RICHMOND ROAD	Lowering the waterline near the intersection of Richmond Road and Croaker Road.	Jose Ribeiro	01-Stonehouse
	SP-0078-2011	Williamsburg Landing Rear Entrance Road SP Amend.	20 MARCLAY ROAD	Construction of a second entrance into Williamsburg Landing off of Marclay Road. The entrance road will be approximately 350 feet long and located within an easement on parcels 4820100012, 4820100005a, and 4820100004.	Jason Purse	05-Roberts
	SP-0079-2011	Quarterpath at Williamsburg BMP SP Amend.	7381 POCAHONTAS TR	Quarterpath at Williamsburg parking lot BMP modifications.	Jason Purse	05-Roberts
	SP-0080-2011	Williamsburg Community Chapel SP Amend. New Route 5 Signage	3899 JOHN TYLER HWY	This site plan amendment is for the addition of new turn prohibition signage on Route 5.	Jose Ribeiro	03-Berkeley

Special Use Permit	SUP-0006-2011	126 Shellbank Drive Accessory Apartment	126 SHELLBANK DRIVE	Add stove, oven, and refrigerator to existing apartment in a single-family home in First Colony to accommodate elderly parents. The apartment was built with the house in 1967 and to be updated for accessibility during 2011/2012.	Leanne Reidenbach	03-Berkeley
Subdivision	S-0034-2011	Stonehouse Tract 12 Phase 1B	9475 FIELDSTONE PARKWAY	Proposal is for 13 lots on 8.18 acres.	Leanne Reidenbach	01-Stonehouse
	S-0035-2011	New Town, Sec. 6 Block 15, Parcel A (Veterans Memorial)	5380 DISCOVERY PARK BLVD	Subdivide a small area of Patriots Park on Discovery Park Blvd for placement of Veteran's Memorial.	Leanne Reidenbach	04-Jamestown
	S-0036-2011	Colonial Heritage Ph. 4 Sec. 1B Lots 54-78	6175 CENTERVILLE RD	Subdivision of lots 54-78 in Colonial Heritage Phase 4 Section 1B along Wedgewood Drive and Candleberry Way.	Luke Vinciguerra	01-Stonehouse
	S-0037-2011	Powhatan Office Park	3204 IRONBOUND ROAD	Subdividing the existing Powhatan Office Park property into 3 lots.	Luke Vinciguerra	03-Berkeley
	S-0038-2011	Borst Subdivision York River Park Road	8360 & 8378 YORK RIVER PARK ROAD	Dividing one lot into two along the York River State Park entrance road.	Jason Purse	01-Stonehouse
Subdivision Ordinance Amendment	SO-0002-2011	Administrative Fee Waivers			Chris Johnson	
Zoning Ordinance Amendment	ZO-0004-2011	Commercial Districts			Chris Johnson	
	ZO-0005-2011	Green Building			Ellen Cook	
	ZO-0006-2011	Development Standards			Luke Vinciguerra	
	ZO-0007-2011	Residential Cluster Overlay			Ellen Cook	
	ZO-0008-2011	Multiple Use Districts			Jason Purse	
	ZO-0009-2011	Residential Districts			Ellen Cook	
	ZO-0010-2011	Wireless Communications Facilities			Luke Vinciguerra	
	ZO-0011-2011	Procedural Descriptions			Jose Ribeiro	
	ZO-0012-2011	Submittal Requirements			Jose Ribeiro	
	ZO-0013-2011	Nonconformities			Melissa Brown	
	ZO-0014-2011	External Signs			Melissa Brown	
