

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

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES  
  
November 2, 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. MP-0003-2011/Z-0004-2011, Mason Park Master Plan Amendment
  - B. ZO-0004-2011, Commercial Districts
  - C. ZO-0010-2011, Wireless Communication Facilities
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 SECOND DAY OF NOVEMBER, 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  
Rich Krapf  
Mike Maddocks  
Chris Basic  
Tim O'Connor (late)

Absent:

Al Woods

Staff Present:

Allen Murphy, Director of Planning/Assistant  
Development Manager  
Adam Kinsman, Deputy County Attorney  
Jose Ribeiro, Senior Planner  
Jason Purse, Senior Planner II

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 – OCTOBER 5, 2011

Mr. Joe Poole moved to approve the minutes.

In a unanimous voice vote, the minutes were approved (5-0; absent, Woods, O'Connor).

4. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Poole stated that the DRC met on October 26. The DRC reviewed Case No. C-0039-2011, Freedom Park Ropes Course Master Plan. The DRC voted 4-0, to find the ropes course consistent with the master plan.

Mr. Rich Krapf moved for approval of the DRC report.

In a unanimous voice vote, the report was approved (5-0; absent, Woods, O'Connor).

## B. REGIONAL ISSUES COMMITTEE/OTHER COMMISSION REPORTS

Mr. Krapf stated that the Regional Issues Committee met on October 25. He stated that the committee discussed the Historic Triangle Collaborative Vision Project. He stated that the project was undertaken by the three jurisdictions, York County, James City County (JCC) and the City of Williamsburg to coordinate comprehensive plan efforts. He stated that the expectation is that this will serve as a catalyst for community and organizational discussions that will lead to a long range vision for the Historic Triangle. He stated that there was also an update provided by the Greater Williamsburg Chamber and Tourism Alliance. He stated that a website has been established by the Chamber; it can be found at: [www.christmasinwilliamsburg.com](http://www.christmasinwilliamsburg.com). He stated that the planning staff from each jurisdiction has been meeting to discuss land use map categories. He stated that the Hampton Roads Transit is analyzing transportation issues for the area, and regional forums are being planned for early next year as well as joint planning commission sessions.

## 5. PUBLIC HEARINGS

### A. MP-0003-2011/Z-0004-2011, Mason Park Master Plan Amendment

Mr. Fraley stated that the applicant has requested a deferral until the December 7, Planning Commission meeting.

Mr. Jose Ribeiro stated that staff concurs with the applicant's request.

Mr. Fraley opened the public hearing. Seeing no one from the public wanting to speak Mr. Fraley stated that the public hearing will remain open until the December 7 meeting.

### B. SUP-0008-2011, Chickahominy Road Manufactured Home

Mr. Jason Purse presented the staff report stating that Ms. Sandra Kimrey has applied to allow the placement of a manufactured home at 2720 Chickahominy Road.

Mr. Poole asked if the applicant is comfortable with staff's recommended six conditions.

Mr. Purse stated that the applicant is comfortable with the conditions and has no objections.

Mr. Fraley opened the public hearing. Seeing no one, Mr. Fraley closed the public hearing.

Mr. Poole made a motion to approve the application with the conditions listed in the staff report.

In a roll call vote, the Commission recommended approval (6-0; absent, Woods).

### C. AFD-10-86-1-2011, Christenson's Corner AFD Addition, Newman Road

Mr. Jose Ribeiro presented the staff report stating that Mr. Matt Abbitt of Abbitt Management LLC has applied to enroll two properties located along Newman Road into the

Christenson's Corner Agricultural and Forestal District (AFD).

Mr. Fraley opened the public hearing. Seeing no one, Mr. Fraley closed the public hearing.

Mr. Krapf made a motion to approve the addition to Christenson's Corner AFD subject to the existing conditions listed in the staff report.

In a roll call vote, the Commission recommended approval (6-0; absent, Woods).

D. ZO-0015-2011, Freestanding Shopping Center Signage

Mr. Fraley stated that the applicant has withdrawn this application.

Mr. Fraley opened the public hearing. Seeing no one, Mr. Fraley closed the public hearing.

6. PLANNING DIRECTOR'S REPORT

Mr. Allen Murphy stated that he was asked to update the commission on the Transfer of Development Rights (TDR's) market analysis and final recommendation made to the BOS. He stated that staff's final recommendation was to not pursue the TDR program at this time due to five key concerns. He stated that staff's greatest concern related to the high transfer ratios, which would be much greater than changing one unit for one unit. He stated that reducing or waiving proffers for future rezonings in order to make the transfer more feasible would potentially shift county funding from the private sector to the public sector. He stated that the introduction of floor-area ratios in Commercial and Industrial Ordinances where they do not currently exist was seen as problematic. He stated that there would be an imbalance between the small amount of potentially adequate receiving areas and the larger amount available in sending areas. He stated that the implementation strategy that was highly recommended would require TDR's. He stated that this is not permitted currently under state code. He stated that the BOS wants to continue the discussion on TDR's before making a final decision. He stated that the BOS intends on having a conversation regarding rural lands following a decision on TDR's after January 2012.

7. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Fraley asked staff to consider amending the Ordinance to treat mausoleums and cemeteries differently from one another. He stated that the impacts from a mausoleum are different from those of a cemetery.

Mr. Poole stated his support for such a change.

Mr. Tim O'Connor asked if there was more information regarding the statutes referenced during the last meeting.

Mr. Adam Kinsman stated that he had emailed the Planning Commissioners earlier that day. He stated that he had written a legal opinion on the state code, and that he had received a letter from St. Bede's legal counsel regarding his legal opinion on the state code.

Mr. Poole asked for an update regarding the Commercial Districts Ordinances.

Mr. Murphy stated that this will be on the November 8 BOS meeting agenda.

Mr. Poole made a recommendation to further discuss the public comment period during the organizational meeting due to take place in January or February.

8. ADJOURNMENT

Mr. Kraft moved to adjourn.

The meeting was adjourned at 7:23 p.m.

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Jack Fraley, Chairman

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Allen J. Murphy, Secretary

**REZONING-0004-2011/MASTER PLAN-0003-2011. Mason Park, Master Plan and Proffer Amendment**

**Staff Report for the December 07, 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.*

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**PUBLIC HEARINGS**

Planning Commission:	November 2, 2011	7:00 p.m. (deferred by applicant)
Planning Commission:	December 7, 2011	7:00 p.m. (deferred by applicant)
Planning Commission:	January 4, 2012	7:00 p.m.
Board of Supervisors:	February 14, 2012	7:00 p.m. (tentative)

**Building F Board Room; County Government Complex**

**SUMMARY FACTS**

**Applicant:** Mr. Vernon Geddy of Geddy, Harris, Franck & Hickman

**Land Owner:** H. H. Hunt Homes Hampton Roads, LLC

**Proposal:** Amend the adopted master plan and proffers to eliminate the requirement to provide detached garages for each of the proposed 15 single-family units.

**Location:** 1916 Jamestown Road

**Tax Map/Parcel:** 4640100017

**Parcel Size:** 9.11 acres

**Existing Zoning:** R-2, General Residential with proffers

**Comprehensive Plan:** Low Density Residential

**Primary Service Area:** Inside

**STAFF RECOMMENDATION**

The applicant has requested deferral of this case until the next Planning Commission meeting on January 4, 2012, in order to resolve outstanding VDOT comments associated with the case. On November 18, 2011, staff received revised materials from the applicant based on previous review agency comments. VDOT is currently reviewing the revised materials for compliance with the 2005 Subdivision Street Requirements (SSR). Staff concurs with the applicant's request to defer consideration of this application.

**Staff Contact:** Jose Ribeiro, Planner  
Phone: 253-

6685

**Attachments:**

1. Applicant's deferral request

## MEMORANDUM

DATE: December 7, 2011

TO: Planning Commission

FROM: Christopher Johnson, Principal Planner

SUBJECT: Case No. ZO-0004-2011. Commercial Districts

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Following adoption of the six commercial ordinances (LB, Limited Business; B-1, General Business; M-1, Limited Business/Industrial; M-2, General Industrial; Sect. 24-11, Commercial SUPs, and Sect. 24-147, DRC Review Criteria) at the October 11, 2011 Board of Supervisors meeting, staff became aware of inconsistencies between the draft versions of the M-1 and M-2 ordinances which were posted online prior to the September 7<sup>th</sup> Planning Commission and the paper copies of those same ordinances which were distributed to the Commission and the Board. Given the discrepancies between the different ordinance versions that were in circulation prior to adoption, at their meeting on November 22<sup>nd</sup>, the Board voted unanimously to rescind their approval of the six commercial ordinances and requested that staff examine the use list in each of the districts and correct any inconsistencies that were identified.

The draft version of the M-1 and M-2 ordinances reviewed by the Planning Commission in October included fast food restaurants as a permitted use in both districts. Fast food restaurants had previously been permitted by right in the B-1 district but were not permitted in either M-1 or M-2. After additional review, staff has amended the use list to make fast food a specially permitted use in the M-1 district and has removed the use entirely from the M-2 district. Staff has not made any additional changes to any of the commercial districts.

As stated previously, staff incorporated elements discussed in the Business Climate Task Force report into the ordinances aimed at providing greater predictability and flexibility in both the legislative and administrative development plan review process, improving communication between staff and applicants, and fostering a more business friendly environment. The revisions made to the ordinances are summarized below:

- The list of permitted and specially permitted uses have in each of the four commercial districts has been combined into a single table and categorized to make uses easier to locate.
- Approval authority for design standard deviations, master plan consistency determinations, modifications, waivers, and setback reductions has been granted to the Planning Director with appellate authority granted to the Development Review Committee and Planning Commission.
- In Section 24-11, Special use permits for certain commercial uses, the building size thresholds for new construction have been raised from 10,000 to 20,000 square feet and building additions or expansions raised from 5,000 to 10,000 square feet. The peak-hour vehicle trip threshold for building additions or expansions has been raised from 75 to 100 peak-hour vehicle trips.
- In Section 24-147, the DRC review criteria has been revised to add an exception for buildings greater than 30,000 square feet that are predominantly used for warehouse, distribution center, office, or for other industrial or manufacturing purpose. Fast food was eliminated and the trigger for review of a multi-family development was lowered from 50 to 10 or more units.
- In the Limited Business Zoning District, building size thresholds for selected uses such as restaurants, drug stores, grocery stores, and office supply stores have been added to allow smaller-scale



commercial uses which are compatible with the low-density residential surroundings to forego the legislative review process.

- In the General Business Zoning District, uses containing size thresholds in the Limited Business are permitted by-right. Previously specially permitted uses such as vehicle rental facilities, vehicle and trailer sales and service, and kennels have been shifted to be permitted by-right. Additional uses have been added to the list of permitted uses and other uses have been reorganized or reworded to provide additional clarity.
- In the Limited Business/Industrial District, many new permitted uses have been added. Some of those uses are limited to a fully enclosed building while others are permitted by-right with the provision of landscaping and fencing to screen outdoor activities and limit the impacts commonly associated with those uses. In addition, some uses have been reorganized or reworded to provide additional clarity.
- In the General Industrial Zoning District, the majority of changes made to the use list were editorial in nature. New uses were added to provide consistency with the Limited Business/Industrial District and to stay current with terminology found in other ordinances that were researched by staff during the review process.

Given that the use 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 tables in bold font.

Staff recommends that the Planning Commission recommend approval of the six attached ordinances.



Christopher Johnson

CONCUR:



Allen J. Murphy, Jr.

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. Approved Minutes from the September 7, 2011, Planning Commission Meeting
8. Excerpt, Minutes from the October 11, 2011, Board of Supervisors Meeting
9. Excerpt, Minutes from the November 8, 2011, Board of Supervisors Meeting

10. SUP Trigger List, 2001-2011

**Jose Ribeiro**

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**From:** Vernon Geddy [vgeddy@ghfhlaw.com]  
**Sent:** Monday, November 28, 2011 5:42 PM  
**To:** Jose Ribeiro  
**Cc:** Peters, James S; Mike McLendon  
**Subject:** Mason Park

Jose, I am writing to confirm our conversation this morning. You and Chris indicated you had not received the response from VDOT to our revised submittal by your cut off for the December Planning Commission meeting. Accordingly, we request the case be deferred until the Commission's January meeting. Thanks, Vernon

Vernon M. Geddy, III  
Geddy, Harris, Franck & Hickman, LLP  
1177 Jamestown Road  
Williamsburg, Virginia 23185  
757-220-6500 (office)  
757-229-5342 (fax)  
[vgeddy@ghfhlaw.com](mailto:vgeddy@ghfhlaw.com)

Disclosure Required by Internal Revenue Service Circular 230: This communication is not a tax opinion. To the extent it contains tax advice, it is not intended or written by the practitioner to be used, and it cannot be used by the taxpayer, for the purpose of avoiding tax penalties that may be imposed on the taxpayer by the Internal Revenue Service.

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. Zoning**

**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 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 be defined as 85% of the total square feet of the building or more.*
  - (2) There are unresolved ~~problems~~ *conflicts* between the applicant, adjacent property owners ~~and/or~~ any departmental reviewing agency. *Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed developments off-site impacts and/or density, as determined by the planning director.*
- (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 *under the terms of section 24-150.*

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 DISTRICT, LB, BY AMENDING SECTION 24-367, STATEMENT OF INTENT; BY AMENDING AND RENAMING SECTION 24-368, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-369, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY AMENDING AND RENUMBERING SECTION 24-370, SPECIAL PROVISIONS FOR AREAS WITHIN THE LIMITED BUSINESS DISTRICT, LB, DESIGNATED NEIGHBORHOOD COMMERCIAL OR LOW-DENSITY RESIDENTIAL ON THE COMPREHENSIVE PLAN WITH NEW NUMBER 24-369; BY RENUMBERING SECTION 24-371, AREA REQUIREMENTS WITH NEW NUMBER 24-370; BY AMENDING AND RENUMBERING SECTION 24-372, SETBACK REQUIREMENTS WITH NEW NUMBER 24-371; BY RENUMBERING AND RENAMING SECTION 24-373, YARD REGULATIONS WITH NEW NUMBER AND NAME, 24-372, YARD REQUIREMENTS; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-374, SPECIAL PROVISIONS FOR THE ADJUSTMENT OF YARD REQUIREMENTS WITH NEW NUMBER AND NAME 24-373, SPECIAL PROVISIONS FOR THE WAIVER OF YARD REQUIREMENTS; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-375, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-374, HEIGHT OF STRUCTURES; BY AMENDING AND RENUMBERING SECTION 24-376, BUILDING COVERAGE LIMITS WITH NEW NUMBER 24-375; BY RENUMBERING SECTION 24-377, SIGN REGULATIONS WITH NEW NUMBER 24-376; BY RENUMBERING SECTION 24-378, OUTDOOR STORAGE PROHIBITED WITH NEW NUMBER 24-377; BY AMENDING AND RENUMBERING SECTION 24-379, SITE PLAN REVIEW WITH NEW NUMBER 24-378; BY RENUMBERING AND RENAMING SECTION 24-380, SIDEWALKS WITH NEW NUMBER AND NAME 24-379, PEDESTRIAN ACCOMMODATIONS; BY AMENDING AND RENUMBERING SECTION 24-381, LANDSCAPING WITH NEW NUMBER 24-380; AND BY RESERVING SECTION 24-381.

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 District, LB, by amending 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 waiver 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 Section 24-381, Reserved.



## Chapter 24. Zoning

### ARTICLE V. DISTRICTS

#### DIVISION 9, LIMITED BUSINESS DISTRICT, 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>Bakeries and fish markets</i>	<i>P</i>	
	<i>Banks and other financial institutions</i>	<i>P</i>	
	<i>Barber and beauty shops salons</i>	<i>P</i>	
	<i>Business, <del>governmental</del> and professional offices</i>	<i>P</i>	
	<i>Catering and meal preparation 5,000 sq. ft. or less</i>	<i>P</i>	

	<b>Catering and meal preparation larger than 5,000 sq. ft.</b>		<b>SUP</b>
	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	
	<b>Drug stores larger than 10,000 sq. ft.</b>		<b>SUP</b>
	Dry cleaners and laundries	P	
	<b>Firearms sales and service</b>		<b>SUP</b>
	<b>Firing and shooting ranges, limited to a fully enclosed building</b>		<b>SUP</b>
	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	
	<b>Grocery stores 10,000 sq. ft. or less</b>	P	
	<b>Grocery stores larger than 10,000 sq. ft.</b>		<b>SUP</b>
	Health clubs and exercise clubs, fitness centers	P	
	Houses of worship	P	
	<b>Janitorial service establishments</b>	P	
	Lodges, civic clubs, fraternal organizations and service clubs	P	
	<b>Printing, M mailing, and facsimile transmission services lithographing, engraving, photocopying, blueprinting and publishing establishments</b>	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
	<del>New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building)</del>	P	
	Off-street parking as required by section 24-53	P	
	<del>Office supply stores, secretarial and duplicating services 10,000 sq. ft. or less</del>	P	
	<b>Office supply stores greater than 10,000 sq. ft.</b>		<b>SUP</b>
	<b>Pet stores and pet supply sales</b>	P	
	<del>Photography studios and sales, artist and sculptor stores and studios, arts and crafts and handiercraft shops, antique shops, reproduction and gift shops</del>	P	

	<i>Places of public assembly, including houses of worship and public meeting halls</i>	<i>P</i>	
	<i>Plumbing and electrical supply (with storage limited to a fully enclosed building)</i>	<i>P</i>	
	<i>Public meeting halls</i>	<i>P</i>	
	<i>Restaurants (excluding fast food restaurants), <b>coffee shops, and</b> tea rooms <b>and taverns</b> with 100 seats or less</i>	<i>P</i>	
	<i><b>Restaurants (excluding fast food restaurants), coffee shops, tea rooms and taverns with greater than 100 seats</b></i>		<i>SUP</i>
	<i>Retail and service stores, including the following stores: books, <b>cabinets, cameras,</b> candy, carpet, coin, department, dressmaking, <b>electronics,</b> florist, furniture, furrier, garden supply, <b>gourmet foods,</b> greeting card, <del>gunsmith (excluding shooting ranges)</del>, hardware, <b>health and beauty aids,</b> home appliance <del>sales and service</del>, ice cream, jewelry <del>sales and service</del>, locksmith, music <del>and records,</del> <b>optical goods,</b> paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel bureau <b>agencies,</b> upholstery, <b>variety,</b> wearing apparel, and yard goods</i>	<i>P</i>	
	<i>Retail food stores 5,000 sq. ft. or less</i>	<i>P</i>	
	<i><b>Retail food store greater than 5,000 sq. ft.</b></i>		<i>SUP</i>
	<i>Security service offices</i>	<i>P</i>	
	<i>Tourist home</i>	<i>P</i>	
	<i><b>Vehicle parts sales, new and/or rebuilt, with storage limited to a fully enclosed building</b></i>	<i>P</i>	
	<i><b>Vehicle rentals</b></i>	<i>P</i>	
	<i><del>Automobile</del> <b>Vehicle</b> service stations, in areas not designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map; if fuel is sold, then in accordance with section 24-38</i>		<i>SUP</i>
	<i>Veterinary hospitals (with all activities limited to a fully enclosed building) <b>with the exception of supervised animal exercise while on a leash</b></i>	<i>P</i>	
<i>Civic</i>	<i>Nonemergency medical transport</i>		<i>SUP</i>
	<i>Fire stations</i>	<i>P</i>	
	<i><b>Governmental offices</b></i>	<i>P</i>	
	<i>Libraries</i>	<i>P</i>	
	<i>Post offices</i>	<i>P</i>	
	<i>Schools, public or private</i>		<i>SUP</i>

Utility	Electrical <del>substations</del> <b>generation facilities</b> (public or private), <b>steam generation facilities, and electrical substations</b> 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 <b>switching</b> stations. <del>However, s</del> 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. <del>However, e</del> 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. <del>However, t</del> 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 handicraft 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.~~

~~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.~~

~~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.~~

~~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.~~

~~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~~ *director*.

(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~~ *director* 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~~ *director* 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 planning director, 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~~ *director* 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~~ *director* 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~~ *director* substantial conformance to the county's Neighborhood Commercial Development Standards policy.

(e) *Appeals.* In the event the ~~director of planning~~ *director* disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the ~~planning commission~~ *planning director 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~~ *planning director. In the event the planning director 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~~ *planning director* will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (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 planning director 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 waiver 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~~ *planning director* 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 *planning* 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 *planning* 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 planning director 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 DISTRICT, B-1, BY AMENDING SECTION 24-389, STATEMENT OF INTENT; BY AMENDING AND RENAMING SECTION 24-390, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-391, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY RENUMBERING SECTION 24-392, AREA REQUIREMENTS WITH NEW NUMBER 24-391; BY AMENDING AND RENUMBERING SECTION 24-393, SETBACK REQUIREMENTS WITH NEW NUMBER 24-392; BY RENUMBERING AND RENAMING SECTION 24-394, YARD REGULATIONS WITH NEW NUMBER AND NAME 24-393, YARD REQUIREMENTS; BY AMENDING AND RENUMBERING SECTION 24-395, SPECIAL PROVISIONS FOR THE WAIVER OF YARD REQUIREMENTS WITH NEW NUMBER 24-394; BY RENUMBERING SECTION 24-396, RESERVED WITH NEW NUMBER 24-395; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-397, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-396, HEIGHT OF STRUCTURES; BY AMENDING AND RENUMBERING SECTION 24-398, BUILDING COVERAGE LIMITS WITH NEW NUMBER 24-397; BY RENUMBERING SECTION 24-399, SIGN REGULATIONS AND PARKING REQUIREMENTS WITH NEW NUMBER 24-398; BY RENUMBERING SECTION 24-400, SITE PLAN REVIEW WITH NEW NUMBER 24-399; BY RENUMBERING AND RENAMING SECTION 24-401, SIDEWALKS WITH NEW NUMBER AND NAME 24-400, PEDESTRIAN ACCOMMODATIONS; BY AMENDING AND RENUMBERING SECTION 24-402, LANDSCAPING WITH NEW NUMBER 24-401; AND BY RESERVING SECTION 24-402.

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 District, B-1, by amending Section 24-389, Statement of intent; Section 24-390, Use list; Section 24-391, Area requirements; Section 24-392, Setback requirements; Section 24-393, Yard requirements; Section 24-394, Special provisions for the waiver 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 Section 24-402, Reserved.

## Chapter 24. Zoning

### 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~~ *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>Bakeries or fish markets</i>	<i>P</i>	
	<i>Banks and other financial institutions</i>	<i>P</i>	
	<i>Barber and beauty shops-salons</i>	<i>P</i>	
	<i>Business, <del>governmental</del> and professional offices</i>	<i>P</i>	
	<i>Campgrounds</i>		<i>SUP</i>
	<i>Catering and meal preparation</i>	<i>P</i>	
	<i>Child day care centers</i>	<i>P</i>	
	<i>Contractor offices with storage of materials and equipment limited to a fully enclosed building</i>	<i>P</i>	

Convenience stores which sell and dispense in accordance with section 24-38 fuel		SUP
<b>Convention centers</b>		SUP
Country <del>clubs</del> 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	
<b>Firearms sales and service</b>	P	
<b>Firing and shooting ranges, limited to a fully enclosed building</b>		SUP
<b>Flea markets</b>		SUP
Funeral homes	P	
<b>Gift and souvenir stores</b>	P	
<b>Grocery stores</b>	P	
Health <del>clubs</del> and exercise clubs, fitness centers	P	
Heliports and helistops, as an accessory use		SUP
Hospitals		SUP
Hotels, motels and tourist homes	P	
<del>Houses of worship</del>	P	
<b>Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls</b>	P	
Indoor sport facilities (excluding firing and shooting ranges)	P	
Indoor theaters	P	
<b>Janitorial service establishments</b>	P	
<b>Kennels and animal boarding facilities</b>	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 development review committee, located within the building setback area landscaping and fencing with a maximum height of 12 feet)	P	
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	P	

	receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution		
	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, <del>and</del> 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 <del>and tower mounted wireless communications facilities</del> 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, <del>and</del> taverns and micro-breweries	P	
	Retail and service stores, including the following stores: alcohol, <del>antiques</del> , appliances, arts and crafts, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, <del>duplicating services</del> , electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, <del>gunsmith</del> (excluding shooting ranges), handicrafts, hardware, home appliance sales and service, health and	P	



	<b>beauty aids</b> , ice cream, jewelry <del>sales and service</del> , locksmith, music <del>and records</del> , office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel <del>bureau</del> <b>agencies</b> , upholstery, <b>variety</b> , wearing apparel, and yard goods		
	<del>Retail food stores, bakeries and fish markets</del>	<b>P</b>	
	Security service offices	<b>P</b>	
	Taxi service	<b>P</b>	<b>SUP</b>
	Theme parks greater than 10 acres in size		<b>SUP</b>
	<b>Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt, with storage and major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing</b>	<b>P</b>	
	Vehicle and trailer sales and services (with major repair limited to a fully enclosed building)	<b>P</b>	<b>SUP</b>
	Vehicle rentals	<b>P</b>	<b>SUP</b>
	<del>Automobile</del> <b>Vehicle</b> service stations; if fuel is sold, then in accordance with section 24-38		<b>SUP</b>
	Veterinary hospitals <b>with all activities limited to a fully enclosed building with the exception of supervised animal exercise while on a leash</b>	<b>P</b>	
	Wholesale and warehousing (with storage limited to a fully enclosed building)	<b>P</b>	
Civic	Nonemergency medical transport		<b>SUP</b>
	Fire stations	<b>P</b>	
	<b>Governmental offices</b>	<b>P</b>	
	Libraries	<b>P</b>	
	Post offices	<b>P</b>	
	Schools, public or private		<b>SUP</b>
Utility	Antennas and towers in excess of 60 feet in height		<b>SUP</b>
	Electrical generation facilities (public or private), <b>steam generation facilities</b> , and electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		<b>SUP</b>
	Railroad facilities including tracks, bridges and stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		<b>SUP</b>

	<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>SUP</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 other objectionable effect.</i>		<i>SUP</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~~ *planning director* will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (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~~ *planning director* 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 planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.*

**Sec. 24-394 393. 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 *which has been legislatively approved by the board of supervisors.*

In these instances, the ~~planning commission~~ *planning director* 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 *planning* 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 *planning* 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 planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the*



*applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.*

**Sec. 24-396 395. 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 ~~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 DISTRICT, M-1, BY AMENDING SECTION 24-410, STATEMENT OF INTENT; BY AMENDING AND RENAMING SECTION 24-411, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-412, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY RENUMBERING SECTION 24-413, OUTDOOR OPERATIONS AND STORAGE WITH NEW NUMBER 24-412; BY RENUMBERING SECTION 24-414, AREA REQUIREMENTS AND MINIMUM LOT WIDTH WITH NEW NUMBER 24-413; BY AMENDING AND RENUMBERING SECTION 24-415, SETBACK REQUIREMENTS WITH NEW NUMBER 24-414; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-416, YARD REGULATIONS WITH NEW NUMBER AND NAME 24-415, YARD REQUIREMENTS; BY RENUMBERING SECTION 24-417, RESERVED WITH NEW NUMBER 24-416; BY AMENDING AND RENUMBERING SECTION 24-418, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND YARD SETBACK REQUIREMENTS WITH NEW NUMBER 24-417; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-419, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-418, HEIGHT OF STRUCTURES; BY RENUMBERING SECTION 24-420, RESERVED WITH NEW NUMBER 24-419; BY RENUMBERING SECTION 24-421, SIGN REGULATIONS AND PARKING REQUIREMENTS WITH NEW NUMBER 24-420; BY RENUMBERING SECTION 24-422, UTILITIES WITH NEW NUMBER 24-421; BY RENUMBERING SECTION 24-423, SITE PLAN REVIEW WITH NEW NUMBER 24-422; AND BY ADDING NEW SECTION 24-423, LANDSCAPING.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 11, Limited Business/Industrial District, M-1, by amending Section 24-410, Statement of intent; Section 24-411, Use list; 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 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; and Section 24-423, Landscaping.

## Chapter 24. Zoning

### 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 <del>business</del> commercial or industrial use of the property</i>	<i>P</i>	
<i>Commercial</i>	<i>Accessory uses <b>and structures</b> 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><b>Bakeries or fish markets</b></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, <del>and</del> professional <del>and government</del> offices</i>	<i>P</i>	
<b><i>Catering and meal preparation</i></b>	<i>P</i>	
<i>Child day care centers</i>	<i>P</i>	
<i>Contractor offices, equipment storage yards, shops and warehouses with <b>materials and equipment</b> storage limited to a fully enclosed building or screened with landscaping and fencing <b>with a maximum height of 12 feet</b> 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>
<b><i>Convention centers</i></b>	<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>	
<b><i>Fast food restaurants</i></b>		<i>SUP</i>
<i>Feed, seed and farm supply stores</i>	<i>P</i>	
<i>Firearms sales and service</i>	<i>P</i>	
<b><i>Firing and shooting ranges, limited to a fully enclosed building</i></b>	<i>P</i>	
<i>Funeral homes</i>	<i>P</i>	
<b><i>Gift and souvenir stores</i></b>	<i>P</i>	
<b><i>Grocery stores</i></b>	<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 <del>or convention centers</del> 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>	
<del><i>Houses of worship</i></del>	<del><i>P</i></del>	
<b><i>Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls</i></b>	<i>P</i>	
<b><i>Indoor sport facilities, including firing and shooting ranges</i></b>	<i>P</i>	
<b><i>Indoor theaters</i></b>	<i>P</i>	
<i>Janitorial service establishments</i>	<i>P</i>	
<b><i>Kennels and animal boarding facilities</i></b>	<i>P</i>	
<i>Laboratories, research and development centers</i>	<i>P</i>	
<i>Laser technology production</i>	<i>P</i>	
<b><i>Limousine services, with maintenance limited to a fully enclosed building</i></b>	<i>P</i>	

<b>Lodges, civic clubs, fraternal organizations and service clubs</b>	<b>P</b>	
<b>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</b>	<b>P</b>	
<b>Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments</b>	<b>P</b>	
<b>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</b>	<b>P</b>	
<b>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</b>	<b>P</b>	
<b>Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution</b>	<b>P</b>	
<b>Medical clinics or offices, including emergency care and first aid centers</b>	<b>P</b>	
<b>Micro-breweries</b>	<b>P</b>	
<b>Museums</b>	<b>P</b>	
<b>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</b>	<b>P</b>	
<b>Nursing homes</b>		<b>SUP</b>
<b>Nurseries</b>	<b>P</b>	
<b>Off-street parking as required by section 24-53</b>	<b>P</b>	
<b>Office supply stores</b>	<b>P</b>	
<b>Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks</b>		<b>SUP</b>
<b>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</b>		<b>SUP</b>
<b>Parking lots, structures or garages</b>	<b>P</b>	
<b>Pet stores and pet supply sales</b>	<b>P</b>	
<b>Photography, artist and sculptor stores and studios</b>	<b>P</b>	
<b>Places of public assembly, including houses of worship and public or private meeting halls</b>	<b>P</b>	
<b>Plumbing and electrical supply and sales with storage limited to a fully enclosed building or</b>	<b>P</b>	

	<i>screened with landscaping and fencing <b>with a maximum height of 12 feet</b> from adjacent property</i>		
	<i>Printing, <b>mailing</b>, lithographing, engraving, photocopying, <b>blueprinting</b> and publishing establishments</i>	<i>P</i>	
	<i>Private streets within “qualifying industrial parks” in accordance with section 24-55</i>	<i>P</i>	
	<i><del>Publically owned solid waste container sites</del></i>	<i><del>P</del></i>	
	<i>Radio and television stations and accessory antenna or towers, self supported, (not attached to buildings) which are 60 feet less in height</i>	<i>P</i>	
	<i>Research, development and design facilities or laboratories</i>	<i>P</i>	
	<i>Restaurants, tea rooms, <b>coffee shops</b>, taverns and <b>micro-breweries</b>, not to include fast food restaurants</i>	<i>P</i>	
	<i>Retail and service stores, including the following stores: <b>alcohol</b>, <b>appliances</b>, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, <b>electronics</b>, florist, furniture, furrier, garden supply, <b>gourmet foods</b>, greeting card, <del>gunsmith (excluding firing or shooting ranges)</del>, hardware, home appliance <del>sales and service</del>, <b>health and beauty aids</b>, ice cream, jewelry <del>sales and service</del>, locksmith, music <del>and records</del>, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel <del>bureaus</del> agencies, upholstery, <b>variety</b>, wearing apparel, and yard goods</i>	<i>P</i>	
	<i>Retail food stores, <del>bakeries and fish markets</del></i>	<i>P</i>	
	<i>Security service offices</i>	<i>P</i>	
	<i><del>Shooting ranges, indoor</del></i>		<i><del>SUP</del></i>
	<i><del>Tattoo parlors</del></i>		<i><del>SUP</del></i>
	<i><del>Taxi service</del></i>	<i><del>P</del></i>	
	<i><del>Theme parks greater than 10 acres in size</del></i>		<i><del>SUP</del></i>
	<i><del>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</del></i>	<i><del>P</del></i>	
	<i>Truck stops; if fuel is sold, then in accordance with section 24-38</i>		<i>SUP</i>
	<i>Truck terminals; if fuel is sold, then in accordance with section 24-38</i>		<i>SUP</i>
	<i>Vehicle and trailer sales and service, with major repair limited to a fully enclosed building <b>and</b></i>	<i>P</i>	

	<b>screened from adjacent property by landscaping and fencing with a maximum height of 12 feet</b>		
	<b>Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt, with major repair limited to a fully enclosed building and vehicle storage of parts and vehicles screened from adjacent property by landscaping and fencing with a maximum height of 12 feet</b>	P	
	Vehicle rentals	P	
	Automobile Vehicle service stations; if fuel is sold, then in accordance with section 24-38	P	
	Veterinary hospitals with all activities limited to a fully enclosed building with the exception of supervised animal exercise	P	
	Warehousing, wholesaling, storage and distribution centers with storage limited to a fully enclosed building or screened 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	
	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	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		SUP



	and electrical transmission lines capable of transmitting 69 kilovolts or more		
	Railroad facilities including tracks, bridges and switching stations. <del>However, s</del> 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. <del>However, e</del> Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are <del>intended to serve</del> 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, <del>or are building mounted, or are camouflaged,</del> 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. <del>However, t</del> 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		SUP

	connections to be made to the line; and (b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with section 24-43		
Industrial Uses	Heavy equipment sales and service, with major repair limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	
	Industrial dry cleaners or laundries	P	
	Industrial or technical training centers or schools	P	
	Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks, <del>wine</del> <b>water</b> and <b>alcoholic beverages</b>	P	
	Manufacture and processing of textiles and textile products	P	
	Manufacture and storage of ice, including dry ice	P	
	Manufacture, assembly, or fabrication of sheet metal products.	P	
	Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, 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 or packaging of food and food products, but not the slaughter of animals		SUP
	Manufacture of cans and other products from previously processed metals	P	
	Manufacture of carpets and carpet yarns	P	
	Manufacture of furniture	P	
	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 appliances, tools, firearms, hardware products and heating, cooling or ventilation 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	
	Manufactured home or mobile home sales	P	

	<b><i>Petroleum storage and retail distribution</i></b>		<b><i>SUP</i></b>
	<i>Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect.</i>		<b><i>SUP</i></b>
	<i>Propane storage, distribution or sale</i>		<b><i>SUP</i></b>
	<i>Recycling center or plant</i>	<b><i>P</i></b>	
	<i>Resource recovery facilities</i>		<b><i>SUP</i></b>
	<i>Solid waste transfer stations and container sites, public or private</i>		<b><i>SUP</i></b>
	<i>Waste disposal facilities</i>		<b><i>SUP</i></b>

~~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~~ *planning director*.



A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The ~~development review committee~~ **planning director** will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (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~~ **planning director** 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 planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.*

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

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

**Sec. 24-417 416. 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 *which has been legislatively approved by the board of supervisors.*

In these instances, the ~~planning commission~~ *planning director* 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~~ *planning director* also may require recordation of adequate easements or other agreements to guarantee access and maintenance of the parking areas and other common areas;

(3) Adequate provisions are made to assure compliance with the requirements of this chapter with regards to signs. The planning 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 planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.*

**Sec. 24-419 ~~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 of supervisors may waive additional setbacks in excess of 60 feet;

(2) Such structure will not obstruct light from adjacent property;

(3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

(4) Such structure will not impair property values in the area;

(5) Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

(6) Such structure will not be contrary to the public health, safety and general welfare.

**Sec. 24-420 ~~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 INDUSTRIAL DISTRICT, M-2, BY AMENDING AND RENAMING SECTION 24-436, PERMITTED USES WITH NEW NAME USE LIST; BY DELETING SECTION 24-437, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY RENUMBERING SECTION 24-438, OUTDOOR OPERATIONS AND STORAGE WITH NEW NUMBER 24-437; BY RENUMBERING SECTION 24-439, AREA REQUIREMENTS AND MINIMUM LOT WIDTH WITH NEW NUMBER 24-438; BY RENUMBERING SECTION 24-440, SETBACK REQUIREMENTS WITH NEW NUMBER 24-439; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-441, YARD REGULATIONS WITH NEW NUMBER AND NAME 24-440, YARD REQUIREMENTS; BY RENUMBERING SECTION 24-442, RESERVED WITH NEW NUMBER 24-441; BY AMENDING AND RENUMBERING SECTION 24-443, SPECIAL PROVISIONS FOR THE WAIVER OF AREA, LOT WIDTH, YARD AND SETBACK REQUIREMENTS WITH NEW NUMBER 24-442; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-444, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER AND NAME 24-443, HEIGHT OF STRUCTURES; BY RENUMBERING SECTION 24-445, RESERVED WITH NEW NUMBER 24-444; BY RENUMBERING SECTION 24-446, SIGN REGULATIONS AND PARKING REQUIREMENTS WITH NEW NUMBER 24-445; BY AMENDING AND RENUMBERING SECTION 24-447, UTILITIES WITH NEW NUMBER 24-446; BY RENUMBERING SECTION 24-448, PUBLIC UTILITIES WAIVER WITH NEW NUMBER 24-447; BY RENUMBERING SECTION 24-449, SITE PLAN REVIEW WITH NEW NUMBER 24-448; AND BY ADDING NEW SECTION 24-449, LANDSCAPING.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 12, General Industrial District, M-2, by amending Section 24-436, Use list; Section 24-437, Outdoor operations and storage; Section 24-438, Area requirements and minimum lot width; Section 24-439, Setback requirements; Section 24-440, Yard requirements; Section 24-441, Reserved; Section 24-442, Special provisions for the waiver of area, lot width, yard and setback requirements; Section 24-443, Height of structures; Section 24-444, Reserved; Section 24-445, Sign regulations and parking requirements; Section 24-446, Utilities; Section 24-447, Public utilities waiver; Section 24-448, Site plan review; and Section 24-449, Landscaping.

## Chapter 24. Zoning

### ARTICLE V. DISTRICTS

#### DIVISION 12. GENERAL 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 residential or commercial service establishments. The specific intent of this district is to accomplish the following:

- (1) Encourage the use of land for industrial purposes;
- (2) Prohibit residential and commercial service developments on land reserved for industrial uses; and
- (3) Establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects of the development of industrial uses.

##### Sec. 24-436. ~~Permitted uses~~ *Use list*.

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

In the General 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 <del>business</del> commercial or industrial use of the property</i>	<i>P</i>	
<i>Vehicle</i>	<i>Accessory uses <b>and structures</b> 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><b>Bakeries or fish markets</b></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; <b>and</b> professional <del>and</del> government offices</i>	<i>P</i>	
	<i><b>Catering and meal preparation</b></i>	<i>P</i>	

<i>Child day care centers</i>	<i>P</i>	
<i>Contractor offices, equipment storage yards, shops and warehouses with <b>materials and equipment</b> storage limited to a fully enclosed building or screened with landscaping and fencing <b>with a maximum height of 12 feet</b> 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><b>Convention centers</b></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><b>Firing and shooting ranges, limited to a fully enclosed building</b></i>	<i>P</i>	
<i>Funeral homes</i>	<i>P</i>	
<i><b>Gift and souvenir stores</b></i>	<i>P</i>	
<i><b>Grocery stores</b></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 <del>or convention centers</del> with accessory retail sales, barber shops and beauty shops located within the hotel, motel, or convention center for the principal benefit of the-resident guest</i>	<i>P</i>	
<i><del>Houses of worship</del></i>	<i>P</i>	
<i><b>Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls</b></i>	<i>P</i>	
<i>Indoor sport facilities, including firing and shooting ranges</i>	<i>P</i>	
<i><b>Indoor theaters</b></i>	<i>P</i>	
<i>Janitorial service establishments</i>	<i>P</i>	
<i><b>Kennels and animal boarding facilities</b></i>	<i>P</i>	
<i>Laboratories, research and development centers</i>	<i>P</i>	
<i>Laser technology production</i>	<i>P</i>	
<i><b>Limousine services, with maintenance limited to a fully enclosed building</b></i>	<i>P</i>	
<i><b>Lodges, civic clubs, fraternal organizations and service clubs</b></i>	<i>P</i>	
<i>Lumber and building supply, with storage limited to a fully enclosed building or screened <del>from view</del> with</i>	<i>P</i>	

	landscaping and fencing <b>with a maximum height of 12 feet</b> from adjacent property		
	Printing, <b>mailing</b> , lithographing, engraving, photocopying, <b>blueprinting</b> and publishing establishments	P	
	Machinery sales and service, with storage and repair limited to a fully enclosed building <b>or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet</b>	P	
	<del>Commercial</del> <b>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</b>	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, <b>including emergency care and first aid centers</b>	P	
	<del>Micro</del> <b>breweries</b>	P	
	<b>Museums</b>	P	
	<b>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</b>	P	
	<b>Nursing homes</b>		<b>SUP</b>
	<del>Nurseries</del>	P	
	<del>Off-street parking as required by section 24-53</del>	P	
	<b>Office supply stores</b>	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		<b>SUP</b>
	Outdoor sports facilities, <b>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</b>		<b>SUP</b>
	<b>Parking lots, structures or garages</b>	P	
	<b>Pet stores and pet supply sales</b>	P	
	<b>Photography, artist and sculptor stores and studios</b>	P	
	<b>Places of public assembly, including houses of worship and public or private meeting halls</b>	P	
	Plumbing and electrical supply and sales with storage limited to a fully enclosed building or screened with landscaping and fencing <b>with a maximum height of 12 feet</b> from adjacent property	P	
	Printing, <b>mailing</b> , lithographing, engraving, photocopying, <b>blueprinting</b> and publishing	P	



	<i>establishments</i>		
	<b>Private streets within “qualifying industrial parks” in accordance with section 24-55</b>	<b>P</b>	
	<b>Publically owned solid waste container sites</b>	<b>P</b>	
	Radio and television stations and accessory antenna or towers, self supported, (not attached to buildings) which are 60 feet less in height	<b>P</b>	
	Research, development and design facilities or laboratories	<b>P</b>	
	Restaurants, tea rooms, <b>coffee shops</b> , taverns, <b>and micro-breweries</b> , <b>not to include fast food restaurants</b>	<b>P</b>	
	Retail and service stores, including the following stores: <b>alcohol</b> , <b>appliances</b> , books, cabinets, cameras, candy, carpet, coin, department, dressmaking, <b>electronics</b> , florist, furniture, furrier, garden supply, <b>gourmet foods</b> , greeting card, <del>gunsmith (excluding firing or shooting ranges)</del> , hardware, home appliance <del>sales and service</del> , <b>health and beauty aids</b> , ice cream, jewelry <del>sales and service</del> , locksmith, music <del>and records</del> , optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel <del>bureaus</del> agencies, upholstery, <b>variety</b> , wearing apparel, and yard goods	<b>P</b>	
	Retail food stores, <del>bakeries and fish markets</del>	<b>P</b>	
	Security service offices	<b>P</b>	
	<del>Shooting ranges, indoor</del>		<b>SUP</b>
	<b>Taxi service</b>	<b>P</b>	
	<b>Theme parks greater than 10 acres in size</b>		<b>SUP</b>
	Truck stops; if fuel is sold, then in accordance with section 24-38		<b>SUP</b>
	Truck terminals; if fuel is sold, then in accordance with section 24-38		<b>SUP</b>
	<b>Vehicle and trailer sales and service, with major repair limited to a fully enclosed building and screened from adjacent property by landscaping and fencing with a maximum height of 12 feet</b>	<b>P</b>	
	<b>Vehicle rentals</b>	<b>P</b>	
	<b>Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt, with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing with a maximum height of 12 feet</b>	<b>P</b>	

	<del>Automobile</del> <b>Vehicle</b> service stations; if fuel is sold, then in accordance with section 24-38	P	
	Veterinary hospitals <b>with all activities limited to a fully enclosed building with the exception of supervised animal exercise</b>	P	
	Warehousing, <b>wholesaling</b> , storage and distribution centers with storage limited to a fully enclosed building or screened by landscaping <b>and fencing with a maximum height of 12 feet</b> 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	
	Welding and machine shops with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing <del>from</del> <b>adjacent property</b> with a maximum height of 12 feet	P	
Civic	Nonemergency medical transport	P	
	Fire stations	P	
	<b>Governmental offices</b>	P	
	Libraries	P	
	Post offices	P	
	Schools, public or private		SUP
Utility	Antennas and towers, self supported, <del>(not attached to buildings)</del> 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. <del>However,</del> <b>s</b> 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	P	

	<i>stations</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, <del>or are building mounted,</del> 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>  <div style="margin-left: 40px;"> <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> </div>		<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>	

Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps	P	
Manufacture and bottling of soft drinks, <b>water and wine alcoholic beverages</b>	P	
Manufacture and processing of textiles and textile products	P	
Manufacture and storage of ice, including dry ice	P	
Manufacture, assembly, or fabrication of sheet metal products.	P	
Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, 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 or packaging of food and food products, but not the slaughter of animals		SUP
Manufacture of cans and other products from previously processed metals	P	
Manufacture of carpets and carpet yarns	P	
Manufacture of furniture	P	
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 appliances, tools, firearms, hardware products and heating, cooling or ventilation 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	
Manufactured home or mobile home sales	P	
Petroleum storage <b>and retail distribution</b>		SUP
Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect.		SUP
Propane storage, distribution or sale		SUP
Recycling center or plant	P	

	<i>Resource recovery facilities</i>		<i>SUP</i>
	<i>Solid waste transfer stations and container sites, public or private</i>		<i>SUP</i>
	<i>Waste disposal facilities</i>		<i>SUP</i>

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

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

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

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

~~Banks and other similar financial institutions as an accessory use to other permitted uses.~~

~~Boiler shops.~~

~~Breweries and other necessary associated activities.~~

~~Business, professional and governmental offices.~~

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

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

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

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

~~Fire stations.~~

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

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

~~Industrial and technical training schools.~~

~~Janitorial service establishments.~~

~~Laser technology production.~~

~~Manufacture and assembly of musical instruments, toys, novelties and rubber and metal stamps.~~

~~Manufacture and bottling of soft drinks and wine.~~

~~Manufacture and processing of acrylic and other synthetic fibers.~~

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

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

~~Manufacture and sale of wood products.~~

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

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

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

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

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

~~Manufacture of batteries.~~

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

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

~~Manufacture of carpets and carpet yarns.~~

~~Manufacture of furniture.~~

~~Manufacture of glass and glass products.~~

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

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

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

~~Manufacture or assembly of automobiles, trucks, machinery or equipment.~~

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

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

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

~~Metal foundry and heavy weight casting.~~

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

~~Post offices.~~

~~Printing and publishing establishments.~~

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

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

~~Publicly owned solid waste container sites.~~

~~Radio and television stations and accessory antenna or towers, self supported (not attached to buildings), which are 60 feet or less in height.~~

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

~~Restaurants as an accessory use to other permitted uses.~~

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

~~Security service offices.~~

~~Structural iron and steel fabrication.~~

~~Telephone exchanges and telephone switching stations.~~

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

~~Warehouse, storage and distribution centers.~~

~~Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.~~

~~Water well drilling establishments.~~

~~Welding and machine shops including punch presses and drop hammers.~~

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

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

~~In the General Industrial District, M-2, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors.~~

~~Antennas and towers (not attached to buildings) in excess of 60 feet in height.~~

~~Asphalt mixing plants.~~

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

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

~~Heliports, helistops and accessory uses.~~

~~Manufacture and compounding of chemicals.~~

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

~~Petroleum refining.~~

~~Petroleum storage.~~

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

~~Ready mix concrete production.~~

~~Resource recovery facilities.~~

~~Solid waste transfer stations.~~

~~Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.~~



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

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

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

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

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

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

~~Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more.~~

~~Wood preserving operations.~~

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

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

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

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

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

**Sec. 24-440 439. Setback requirements.**

(a) Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the center line of the street. The minimum setback of any portion of a structure which is in excess of 35 feet in height shall be increased one foot for each three feet of the structure's height in excess of 35 feet.

(b) The minimum setback shall also be increased to a minimum of 75 feet from any street with a right-of-way 50 feet or greater in width and 100 feet from any street with a right-of-way of less than 50 feet of width when the property immediately across the street is zoned residential. The minimum setback of any

portion of a structure across the street from property zoned residential which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

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

(a) Structures shall be located 20 feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each three feet of height in excess of 35 feet.

(b) The minimum side yard shall be increased to 75 feet if the side yard adjoins property in a residential district, or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum rear yard shall be increased to 75 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the ~~planning commission~~ *planning director*; provided, however, that no structure shall be located within ten feet of any property line.

**Sec. 24-442 441. Reserved.**

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

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

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

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

(b) The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.

In these instances, the ~~planning commission~~ *planning director* may grant, at 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 planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.*

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

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

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

(c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

(1) Additional setbacks have been provided as required by section 24-440 ~~439~~ and section 24-441 ~~440~~; however, the ~~Board~~ *board of supervisors* may waive additional setbacks in excess of 60 feet;

(2) Such structure will not obstruct light from adjacent property;

(3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

(4) Such structure will not impair property values in the area;

(5) Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

(6) Such structure will not be contrary to the public health, safety and general welfare.

**Sec. 24-445 444. Reserved.**

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

(a) To assure an appearance and condition which is consistent with the purposes of the General Industrial District, M-2, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-54.

**Sec. 24-447 446. Utilities.**

All development in the General Industrial District, M-2, shall be served by public water and sewer unless this requirement is waived in accordance with section 24-448 447. The location of all utilities and utility easements shall be shown on the site plans and be approved as per article III, Site Plan, of this chapter.

**Sec. 24-448 447. Public utilities waiver.**

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

(1) The development is located in the primary service area as designated by the land use element of the Comprehensive Plan;

(2) The development is located in an area not planned for extension of public water or sewer service as part of the adopted master water or sewer plan; and

(3) The development causes no adverse impact on the water resources of the county.

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

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

**Sec. 24-449 448. Site plan review.**

All structures or complexes of structures erected, altered or restored within the district shall be subject to Site Plan Review in accordance with article III of this chapter.

**Sec. 24-449. Landscaping.**

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

Ordinance to Amend and Reordain  
Chapter 24. Article V, Division 12, M-2  
Page 17

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

APPROVED MINUTES OF THE

SEPTEMBER 7, 2011 PLANNING COMMISSION MEETING

ZO-0004-2011, COMMERCIAL DISTRICTS

Mr. Chris Johnson stated staff has reviewed the four commercial districts, special use permit (SUP) triggers, and DRC review criteria since the Board adopted zoning update methodology in June 2010. He stated the Committee and Board reviewed draft ordinances multiple times. Staff incorporated Business Climate Task Force recommendations and other changes intended to increase predictability, flexibility, transparency, and improve the business climate. Staff has switched some uses from SUP to permitted, added new commercial uses, and reworded the ordinances for additional clarity. SUP and DRC triggers and review criteria have been amended based on Commission and Board feedback. Staff recommends approval of the six ordinances.

Mr. Poole stated the tables are much more reader friendly. He stated allowing caretakers to live at their businesses make sense, but asked how the County regulates it.

Mr. Johnson stated he was not aware of anyone living on a commercial property in a residential caretaker capacity. He stated staff would review any potential living quarters during the development review process.

Mr. Basic stated the language in each of the commercial districts seems to indicate pump stations are on the SUP table while other language reads "...the following shall not require a SUP...pump stations.'

Mr. Johnson stated that language is in all four districts and is meant to differentiate between private and public water connections. He stated the ordinance requires an SUP to extend service authority's line while allowing exemptions for private communities.

Mr. Basic asked if that language could be clarified.

Mr. Johnson stated staff would attempt to clarify the language before presentation to the Board.

Mr. Poole stated that in the ordinance, 'Economic Development Manager' is capitalized, while 'planning director' and other titles are not.

Mr. Johnson stated staff will review the language before presentation to the Board.

Mr. Fraley opened the public hearing.

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

Mr. Maddocks moved to recommend approval of the six ordinances.

Mr. Poole stated he would support five of the six ordinances. He stated he was not prepared to support revised commercial SUP triggers in absence of an outcry from the business community that the

thresholds need to be raised from 10,000 square feet to 20,000 square feet. The Planning Commission has been very flexible in working with applicants.

Mr. Maddocks moved to withdraw Section 24-11, Article 1, SUP Requirements For Certain Commercial Uses, from his motion.

In a unanimous roll call vote, the Commission recommended approval of the four commercial districts and DRC review criteria (6-0: Absent: Krapf).

Mr. Johnson stated the increase in thresholds from 10,000 to 20,000 square feet applied to the SUP triggers in Section 24-11. He stated SUPs would still come before the Commission and Board, only using the modified threshold. Staff left the 30,000 square feet DRC threshold as-is, but with new exemptions added.

Mr. Russell Seymour stated staff looked at ways of making the process, with checks and balances intact, more streamlined, cleaner, and smoother to assist businesses mid-sized businesses. He stated an additional layer of review for a proposal less than 20,000 square feet is unmerited, particularly in commercially zoned areas.

Mr. Fraley stated the traffic trip generator trigger is unchanged. He stated it would trigger most things that he would be concerned with, including fast food and supermarkets.

Mr. Basic stated he had once worked with a landowner interested in starting a business. He stated he told the landowner legislative review can add 8 months to the process and cost tens of thousands of dollars. Some prospective business owners opt not to try due to the additional time and expense. Traffic triggers will still catch truly intensive projects. He stated he supported increasing the thresholds.

Mr. Woods stated the County does not have the data that a 10,000 square foot threshold has been onerous. He stated the County is attempting to create an inviting economic development impression, although it is uncertain if it will work. He stated there may be commercial developments that would not trigger traffic thresholds, but are problematic down the road.

Mr. Maddocks asked if the impetus to streamline came from the Business Climate Task Force study.

Mr. Murphy stated yes.

Mr. Maddocks stated the Business Climate Task Force study identified some inefficiencies that could be corrected.

Mr. Johnson stated the Board-accepted Business Climate Task Force report provided for changing ordinances to improve the County's perceived business friendliness and to review whether the County's legislative process was catching too many proposals. He stated roughly half of the commercial SUPs over the past decade would have been administrative site plans if the thresholds had been 20,000 square feet. Staff is uncomfortable increasing the thresholds any further at this time. Staff increased other thresholds for specific by-right commercial uses. Traffic triggers will still capture proposals that warrant

a legislative review. The changes move towards Business Climate task Force recommendations without losing too much control.

Mr. Basic asked if he could remember the uses of the half of commercial SUPs that would have been administrative with a 20,000 square foot threshold.

Mr. Johnson stated he can forward that information to the Commission and Board. He stated it would be very difficult to quantify the number of businesses that found the County's legislative review process too time consuming and costly and chose to locate elsewhere. Staff does not want to have an arbitrary measure that prevents someone from pursuing a business opportunity.

Mr. Poole stated many citizens tell the Commission the county is growing too quickly. He stated he wanted empirical data showing minimal impacts from those commercial SUP proposals that would have administratively reviewed under the revised threshold to answer his off-site impact concerns. Some smaller commercial proposals can impact a nearby residential neighborhood, while some larger proposals do not.

Mr. Johnson stated staff added differentiations recognizing that commercial development adjacent to residential areas often create nuisance impacts worthy of additional staff review and public scrutiny. There have been 25 commercial SUPs over the past decade, averaging out to 2 or 3 annually.

Mr. O'Connor stated the landscaping and lighting ordinances have been rewritten to address adjacent property impacts. He stated traffic triggers would provide for greater reviews. He could support increasing the thresholds.

Mr. Poole stated a 40,000 storage unit may create no impacts, while a 12,500 tattoo parlor would be different. He stated it all depends on the case's nuances. Although the difference is two or three cases a year, if those developments are in a highly visible area or near seniors or families, there is no way to gauge impacts.

Mr. Basic stated the more intense uses would still trigger traffic generation SUP.

Mr. Fraley stated he is confident professional staff will review all of the projects. He stated one of the larger impetuses for the ordinance update is to clarify the language for businesses and citizens. The aura of a business-unfriendly James City is frustrating, although there is no empirical data, and it is difficult to know how to take anecdotal data. These are modest changes to improve perception of the County. The County will not be able to maintain its quality of life without solid economic development. He could accept the changes.

Mr. Maddocks moved to recommend approval of Section 24-11.

In a roll call vote, the Commission recommended approval (5-1: Yes: Basic, O'Connor, Woods, Maddocks, Fraley; No: Poole; Absent: Krapf).



County Contingency (\$30,000)

Fire Department-Capital Campaign \$30,000

## **H. PUBLIC HEARINGS**

### **1. Case No. ZO-0004-2011. Commercial Districts**

Mr. Chris Johnson, Principal Planner, presented the proposed zoning ordinance amendments.

Planning 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 (Section 24-11) and Development Review Committee (DRC) review criteria (Section 24-147) since the Board of Supervisors adopted the Zoning Ordinance update process methodology in May 2010. Draft ordinances included data from the Business Climate Taskforce were presented to the Policy Committee in June 2011, and comments from that meeting were further researched by staff prior to being incorporated into draft ordinances reviewed by the Board of Supervisors in June 2011. Staff presented the Board's changes to the Planning Commission at its meeting on September 7, 2011. The Planning Commission voted 6-0 (Krapf: Absent) to recommend approval of the four commercial district ordinances and the DRC review criteria ordinance. The Planning Commission voted 5-1 (Poole: NAY; Krapf: Absent) to recommend approval of the Commercial SUP trigger ordinance.

Mr. Johnson also extended his appreciation to the work of employees in several departments who have assisted in preparing these amendments.

Staff recommended approval of the six ordinance amendments.

Mr. McGlennon asked about the provision in several of these ordinances that set out tasks for a designee of the Planning Commission (PC) or the DRC.

Mr. Johnson indicated that the provision had been included in a 1999 amendment and focused on significant economic development projects that are provided expedited review. The Chairs of the PC and DRC appoint themselves or other members to meet critical timelines. Mr. Johnson did indicate that, to his knowledge, there is no formal designation of the "designees" identified in the ordinance, but the process is, and has been, used for projects such as those in the James River Commerce Park.

Mr. McGlennon indicated that he had previously asked for a comprehensive list of projects that have required an SUP in the past that would not with the proposed amendments to the ordinances.

Mr. Johnson indicated that the increase in the building size from 10,000 square feet to 20,000 would reduce the number, but that some projects under 20,000 square feet would still require a commercial SUP based on traffic generation.

Mr. McGlennon indicated that there have been several instances where the public interest was best served by a public hearing involving an SUP application and the proposed changes in the ordinances would reduce public involvement.

Mr. Goodson indicated his support for limiting the use of SUPs and that the process has been time-consuming and expensive for applicants in the past.

Ms. Jones opened the Public Hearing and, with no one choosing to speak, closed the Public Hearing.

After discussion the Board agreed to consider each amendment separately.

**ARTICLE I. IN GENERAL. Sec. 24-11. Special use permit requirements for certain commercial uses; exemptions.**

Mr. Goodson made a motion to approve the ordinance amendment.

Mr. Icenhour indicated that he would not support the amendment and would prefer to accelerate the current process rather than exclude public comments by changing the requirements for SUPs.

Mr. Goodson indicated his support of the amendment, that the study by the Business Climate Taskforce indicated that the County had the lowest threshold for SUPs of any neighboring community, and that some businesses did not even consider a James City County location because of the costs of the SUP process.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, Jones (3). NAY: McGlennon, Icenhour (2).

**ARTICLE III. SITE PLAN. Sec. 24-147. Criteria for review.**

Mr. Goodson made a motion to approve the ordinance amendment.

Mr. Icenhour expressed his concern that this transferred many decisions from a public process to an administrative function.

Mr. Goodson indicated his support to trust professional staff for these decisions with an appeal process to the DRC.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, Jones (3). NAY: McGlennon, Icenhour (2).

**ARTICLE V. DISTRICTS. DIVISION 9, LIMITED BUSINESS, LB**

Mr. Goodson made a motion to approve the ordinance amendment.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, Icenhour, Jones (4). NAY: McGlennon (1).

**ARTICLE V. DISTRICTS. DIVISION 10. GENERAL BUSINESS DISTRICT, B-1**

Mr. Goodson made a motion to approve the ordinance amendment.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, Icenhour, Jones (4). NAY: McGlennon (1).

**ARTICLE V. DISTRICTS. DIVISION 11. LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1**

Mr. Goodson made a motion to approve the ordinance amendment.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, Icenhour, Jones (4). NAY: McGlennon (1).

**ARTICLE V. DISTRICTS. DIVISION 12. GENERAL INDUSTRY DISTRICT, M-2**

Mr. Goodson made a motion to approve the ordinance amendment.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, Icenhour, Jones (4). NAY: McGlennon (1).

**I. PUBLIC COMMENT**

1. Ms. Linda Reese, 511 Spring Trace, inquired about the zoning ordinance amendments and the process.

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh reminded the Board about the Closed Session for appointments.

**K. BOARD REQUESTS AND DIRECTIVES**

Ms. Jones indicated that the Planning Commission consists of appointed public members and the role of the DRC will change to acting on appeals of administrative decisions.

Mr. McGlennon made the motion that Ms. Janet Gonzales be appointed to the Social Services Advisory Board.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

**L. CLOSED SESSION**

Mr. Goodson moved that the Board go into Closed Session for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia relating to the appointment of a local representative to the Thomas Nelson Community College Board.

Following the Closed Session at 8:10 p.m., Ms. Jones reconvened the Board.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

The Board discussed the possibility of scheduling an additional meeting on November 15 at 6 p.m. to hold the public hearing on the SUP for the St. Bede's mausoleum.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of an SUP for the installation of three temporary classroom trailers as described herein and shown on the attached site location maps with the following conditions:

1. No more than three classroom trailers shall be permitted at Hornsby Middle School.
2. This SUP for Hornsby Middle School shall expire on July 1, 2017.
3. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

**I. BOARD CONSIDERATIONS**

1. Resolution to Rescind Approval of Commercial Districts Zoning Ordinances

Mr. Middaugh stated that this item had been requested by Mr. Kennedy.

Mr. Kennedy made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

**RESOLUTION**

**TO RESCIND APPROVAL OF COMMERCIAL DISTRICTS ZONING ORDINANCES**

WHEREAS, the Board of Supervisors, at its October 11 meeting, approved amendments to the Commercial Districts Zoning Ordinances, specifically the following:

Article I, Section 24-11, Commercial Special Use Permits;  
Article III, Section 24-147, Development Review Committee Criteria;  
Article V, Division 9, Limited Business, LB;  
Article V, Division 10, General Business, B-1;  
Article V, Division 11, Limited Business/Industrial, M-1; and  
Article V, Division 12, General Industry, M-2; and

WHEREAS, the Chairman of the Planning Commission had identified discrepancies between what was considered by the Planning Commission and its Policy Committee, and the ordinances considered by the Board; and

WHEREAS, there are discrepancies between the version seen by the Board at its work session and the version that the Board considered at its October 11 meeting.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby rescinds the approval of the Commercial Districts Zoning Ordinances as described above at the October 11 meeting.

BE IT FURTHER RESOLVED that the Board of Supervisors directs the Planning Commission to review the Commercial Districts Zoning Ordinances at its December 7 meeting, address the known discrepancy of fast food restaurants, and ensure that no other discrepancies exist.

**2. 2012 Legislative Agenda**

Mr. Leo Rogers, County Attorney, stated that this was the last opportunity to review the Legislative Agenda before discussing it at the November 22, 2011, Board work session with the General Assembly delegation.

Mr. Goodson stated that he was not comfortable with the Main Street Fairness Act. He stated that it would be difficult for small businesses to administer and that it could discourage internet businesses from locating or staying in Virginia.

Mr. McGlennon stated that local vendors are required to charge a sales tax and are at a competitive disadvantage to internet vendors.

Mr. Kennedy stated that he does not support the item on the Legislative Agenda which states that the County supports the agendas of the Virginia Association of Counties (VACo), the Virginia Municipal League (VML), and the High Growth Coalition.

Mr. Goodson stated that he does not object to discussing the Main Street Fairness Act at the work session, but would prefer not to include it in the agenda.

The Board agreed to this strategy by consensus.

**J. PUBLIC COMMENT**

Mr. Ed Oyer continued his discussion regarding school capacity.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh reminded the public that the County offices are closed on Veterans Day and highlighted the events that are taking place during Veterans Day weekend.

**L. BOARD REQUESTS AND DIRECTIVES**

Mr. Kennedy stated that he did not want the Board to get into the habit of not going into Closed Session to make appointments. He said that sometimes discussion in Closed Session is necessary.

Mr. Goodson made a motion to appoint Ms. Robin Carson to the Economic Development Authority and to recommend Mr. Chris Kedrick to the Circuit Court Judge for appointment to the Board of Equalization.

**M. ADJOURNMENT to 4 p.m. on November 22, 2011.**

Mr. Icenhour made a motion to adjourn.

**SUP Trigger List, 2001-2011**

<b>Case No.</b>	<b>Application</b>	<b>Zoning</b>	<b>Reason for SUP</b>
SUP-0001-2011	Williamsburg Crossing Car Wash	B-1	Commercial SUP; Automobile Repair and Service
SUP-0002-2011	Greensprings Mobile Home Park Sewer Main Extension	A-1	Public Utility Extension
SUP-0003-2011	Mid-County Park Master Plan	P L	Community Recreation Facility
SUP-0004-2011	St. Bede Catholic Church - Mausoleum Amendment	R-8	House of Worship - SUP Amendment
SUP-0005-2011	Williamsburg Landing - SUP Amendment	R-5	Amend Conditions of Existing SUP
SUP-0006-2011	Shellbank Drive Accessory Apartment	R-1	Accessory Apartment
SUP-0007-2011	Turner's Neck Rd. Mulching & Stump Grinding Operation	A-1	Manufacture and Sale of Wood Products
SUP-0008-2011	Chickahominy Road Manufactured Home	R-8	Manufactured Home
SUP-0009-2011	Hornsby Middle School Temp. Classroom Trailers	P L	Temporary Classroom Trailers

SUP-0001-2010	McKown Family Subdivision, 5552 Riverview Rd.	A-1	Family Subdivision
SUP-0002-2010	CVS/Food Lion at Norge	B-1	Commercial SUP; Building Size and Traffic Generation
SUP-0003-2010	Neck-O-Land Rd. Gilley Duplexes	R-2	Two-Family Dwelling; Amend Existing SUP
SUP-0004-2010	Courthouse Commons	M-1	Commercial SUP; Building Size and Traffic Generation
SUP-0005-2010	Hogge Family Subdivision, 2679 Jolly Pond Rd.	A-1	Family Subdivision
SUP-0007-2010	Colonial Heritage - Deer Lake Water/Sewer Extension	A-1	Public Utility Extension
SUP-0008-2010	Busch Gardens - Theatrical Lighting (Griffon)	M-1	Theme Park Expansion
SUP-0009-2010	USA Waste of Virginia Borrow Pit Renewal	M-2	Resource Recovery Facility - SUP Extension
SUP-0010-2010	Branscome Borrow Pit Renewal	M-2	Resource Recovery Facility - SUP Extension
SUP-0011-2010	Colonial Heritage - Rural Cluster	A-1	Residential Cluster Development
SUP-0012-2010	Tower Development Corp., Camp Rd. WCF	A-1	Wireless Communications Facility
SUP-0013-2010	2818 Chickahominy Rd. - Manufactured Home	R-8	Manufactured Home
SUP-0014-2010	Grove Christian Outreach Center	L B	Building Size in Neighborhood Commercial
SUP-0015-2010	Greenspring's Trail Amendment	R-8	Amend Conditions of Existing SUP
SUP-0016-2010	La Tienda - Virginia Packing	M-1	Processing of Food and Food Products
SUP-0017-2010	Ward Family Subdivision, 8879 Barnes Rd.	A-1	Family Subdivision
SUP-0018-2010	American Heritage RV Park Expansion	R-8	Campgrounds - SUP Expansion
SUP-0019-2010	Harmonious Hardscapes	A-1	Retail Sale of Plant and Garden Supplies
SUP-0020-2010	Williamsburg Place - Psychiatric Pavilion	M-1	Hospitals; Amend Conditions of Existing SUP
SUP-0021-2010	Hogge Family Subdivision, 2677 Jolly Pond Rd.	A-1	Family Subdivision
SUP-0022-2010	Charlie's Antique's	A-1	Retail Sale of Lawn & Garden Supplies
SUP-0023-2010	Cranston's Mill Pond - Dam Restoration	A-1	Water Impoundments > 20 Acres
SUP-0024-2010	Pierce Family Subdivision	A-1	Family Subdivision
SUP-0025-2010	Colonial Towne Plaza - Flea Market	B-1	Flea Market
SUP-0026-2010	Tractor Supply Company	B-1	Commercial SUP; Building Size and Vehicle/Trailer Sales
SUP-0027-2010	Jamestown High School - Auxiliary Gymnasium	P L	Expansion of Specially Permitted Use (School)
SUP-0028-2010	Busch Gardens - Oktoberfest Expansion (Verbolten)	M-1	Theme Park - Expansion
SUP-0029-2010	The Williamsburg Pottery	M-1	Commercial SUP; Building Size and Traffic Generation
SUP-0030-2010	Ford's Colony, Section 35 - Westport	R-4	Amend Conditions of Existing SUP
SUP-0031-2010	3125 Chickahominy Rd. - Manufactured Home	R-8	Manufactured Home
SUP-0032-2010	D. J. Montague Elem. School - Parking Lot Expansion	P L	Expansion of Specially Permitted Use (School)

SUP-0001-2009	Lafayette High School - Temp. Classroom Trailers	P L	Extend Existing SUP Expiration
SUP-0002-2009	D. J. Montague Elem. School - Temp Classroom Trailers	P L	Extend Existing SUP Expiration
SUP-0003-2009	Rawls Byrd Elem. School - Temp. Classroom Trailers	P L	Extend Existing SUP Expiration
SUP-0004-2009	Dee's Childcare	R-2	Child Day Care Center
SUP-0005-2009	Nick's Lawn & Garden	A-1	Retail Sale of Lawn & Garden Supplies
SUP-0007-2009	Convenience Center Relocation	P L	Waste Transfer Station
SUP-0008-2009	CVS at Norge	B-1	Commercial SUP; Building Size and Traffic Generation
SUP-0009-2009	Jamestown Rd. Walgreens	B-1	Commercial SUP; Building Size and Traffic Generation
SUP-0010-2009	Hipple Contractor's Office	A-1	Contractor's Office
SUP-0011-2009	Cedar Dr., Contractor's Office	A-1	Contractor's Office
SUP-0012-2009	Accessory Apartment, 101 Birch Circle	R-6	Accessory Apartments
SUP-0013-2009	Two-Family Dwelling, 114 Cardinal Acres Drive	R-2	Two-Family Dwelling
SUP-0014-2009	Chickahominy Riverfront Park - RV Loop Amendment	P L	Public Recreation Facility
SUP-0015-2009	Sunrise Food Mart Drive Thru	B-1	Convenience Store Expansion
SUP-0016-2009	James City County Police Headquarters	P L	Government Building > 10,000 sq. ft.
SUP-0017-2009	Freedom Market	B-1	Commercial SUP; Convenience Store w/ Fuel Sales; Traffic Generation
SUP-0018-2009	Robinson Family Subdivision, 8788 Richmond Rd.	A-1	Family Subdivision
SUP-0019-2009	AT&T - Treasure Island Rd. WCF	A-1	Wireless Communications Facility
SUP-0020-2009	Vossell & Gross Family Subdivision Amendment	A-1	Family Subdivision
SUP-0021-2009	Cricket Communications - Govt. Center WCF	P L	Wireless Communications Facility
SUP-0022-2009	King of Glory Lutheran Church - SUP Amendment	R-2	Expansion of a Specially Permitted Use (Church)

<u>Case No.</u>	<u>Application</u>	<u>Zoning</u>	<u>Reason for SUP</u>
SUP-0023-2009	Hunt Family Subdivision, 7150 Richmond Rd.	A-1	Family Subdivision
SUP-0024-2009	Hospice Support Care WCF	R-8	Wireless Communications Facility
SUP-0025-2009	St. Bede Catholic Church - Ministry Center Amendment	R-8	Amend Existing SUP Conditions
SUP-0026-2009	AT&T - Constance Ave. WCF	R-8	Wireless Communications Facility
SUP-0027-2009	WJCC Schools Operations Center Expansion	A-1	Expand Area Covered by Existing SUP
SUP-0028-2009	Pegasus - Ingram Rd. WCF	B-1	Wireless Communications Facility

SUP-0001-2008	Stonehouse Elem. School - Temp. Classroom Trailer	P L	Temp. Classroom Trailers - SUP Extension
SUP-0002-2008	Toano Middle School - Temp. Classroom Trailer	P L	Temp. Classroom Trailers - SUP Extension
SUP-0003-2008	Norge Elem. School - Temp. Classroom Trailers	P L	Temp. Classroom Trailers - SUP Extension
SUP-0005-2008	AT&T, JCC-Wmbg Recreation Center WCF	P L	Wireless Communications Facility
SUP-0006-2008	St. Olaf's Catholic Church Expansion	R-8	Expansion of a Specially Permitted Use
SUP-0007-2008	David Nice Contractor's Office	A-1	Contractor's Office
SUP-0008-2008	Aadahl Family Subdivision, 4405 Centerville Rd.	A-1	Family Subdivision
SUP-0009-2008	King's Way Church, Greenwood Christian Academy	R-1	Expansion of a Specially Permitted Use
SUP-0010-2008	Jamestown High School, Temp. Classroom Trailer	P L	Extend Existing SUP
SUP-0011-2008	Williamsburg Dog, Day Care Facility	B-1	Kennels
SUP-0012-2008	Liberty Ridge Clubhouse and Pool	A-1	Clubhouses and Swimming Pool
SUP-0013-2008	Verizon, Lafayette High School WCF	P L	Wireless Communications Facility
SUP-0014-2008	Freedom Park Waterline Extension	A-1	Public Utility Extension
SUP-0015-2008	Franciscan Brethren of St. Philip, Adult Day Care	R-8	Family Subdivision
SUP-0016-2008	Walgreens at Norge	B-1	Commercial SUP; Building Size and Traffic Generation
SUP-0017-2008	Burlington Woods SUP Amendment	R-2	Renew Expired SUP
SUP-0018-2008	Williamsburg Landing Proffer Amendment	R-5	Amend Existing SUP Conditions
SUP-0019-2008	Star Express - Stuckey's Site	B-1	Commercial SUP; Convenience Store w/ Fuel Sales; Traffic Generation
SUP-0020-2008	Gilley Two-Family Dwellings, 248 Neck-O-Land Rd.	R-2	Two Family Dwellings
SUP-0021-2008	Jamestown Rd. Mediterranean Restaurant	L B	Building Size in Neighborhood Commercial
SUP-0022-2008	King's Way Church, Greenwood Christian Academy	R-1	Amend Existing SUP Conditions
SUP-0024-2008	AT&T, WindsorMeade WCF	M U	Wireless Communications Facility
SUP-0025-2008	JCC/Wmbg Accessible Playground	P L	Community Recreation Facilities
SUP-0026-2008	Williamsburg Place, Psychiatric Care Facility	M-1	Hospitals; Expansion of a SUP

SUP-0001-2007	Kristiansand Sewer Extension	R-2	Public Utility Extension
SUP-001A-2007	A-Stat Restoration	R-8	Business and Professional Offices
SUP-0002-2007	Accessory Apartment, 4721 Captain John Smith	R-1	Accessory Apartment
SUP-0003-2007	Newago Family Subdivision, 9128 Croaker Rd.	A-1	Family Subdivision
SUP-0006-2007	Lafayette High School, Temp. Classroom Trailers	P L	Temp. Classroom Trailers - SUP Extension
SUP-0007-2007	Jamestown High School, Temp. Classroom Trailers	P L	Temp. Classroom Trailers - SUP Extension
SUP-0008-2007	D. J. Montague Elem. School, Temp. Classroom Trailers	P L	Temp. Classroom Trailers - SUP Extension
SUP-0009-2007	Clara Byrd Baker Elem. School, Temp Classroom Trailers	P L	Temp. Classroom Trailers - SUP Extension
SUP-0010-2007	Rawls Byrd Elem. School, Temp. Classroom Trailers	P L	Temp. Classroom Trailers - SUP Extension
SUP-0011-2007	Stonehouse Elem. School, Temp. Classroom Trailers	P L	Temp. Classroom Trailers - SUP Extension
SUP-0012-2007	Verizon, Brick Bat Rd. WCF Co-Location	A-1	Wireless Communications Facility
SUP-0013-2007	Denley Brown, Contractor's Office	A-1	Contractor's Office
SUP-0014-2007	Anderson's Corner Veterinary Hospital and Kennels	A-1	Veterinary Hospital and Kennels
SUP-0015-2007	Precious Moments Playhouse SUP Amendment	R-2	Day Care Facility - SUP Renewal
SUP-0017-2007	Longhill Rd. WCF	R-8	Wireless Communications Facility
SUP-0018-2007	Bateman Family Subdivision	A-1	Family Subdivision
SUP-0019-2007	King of Glory Lutheran Church, SUP Amendment	R-2	House of Worship - Expansion of SUP
SUP-0020-2007	Powhatan Terrace	R-2	Residential Cluster Development
SUP-0021-2007	Tiki Tree Service, Contractor's Warehouse	A-1	Contractor's Office
SUP-0022-2007	Monticello at Powhatan, Phase 3	R-2	Residential Cluster Development
SUP-0023-2007	Eastern State Hospital Temp Classroom Trailers	P L	Temporary Classroom Trailers
SUP-0024-2007	Blayton Middle School and Hornsby Elementary School	P L	Schools
SUP-0025-2007	James River Commerce Center Waterline Extension	M-1	Public Utility Extension
SUP-0026-2007	Williamsburg Dodge, Trailer Sales	B-1	Vehicle & Trailer Sales
SUP-0027-2007	Freedom Park - SUP Amendment	A-1	Community Recreation Facility
SUP-0028-2007	Minor Family Subdivision, 6111 Riverview Rd.	A-1	Family Subdivision
SUP-0029-2007	Freedom Park Master Plan Amendment	P L	Master Plan Amendment to remove 90 acres from park
SUP-0030-2007	Blayton Middle School & Hornsby Elementary School	P L	Public Schools
SUP-0031-2007	JCSA, Jolly Pond Water & Sewer Extension	A-1	Public Utility Extension
SUP-0032-2007	Fleet Brothers - Basketville Site	B-1	Commercial SUP; 8,000 SF Expansion, Vehicle & Trailer Sales
SUP-0033-2007	Williamsburg Dodge Expansion	L B	Automobile Sales and Service
SUP-0034-2007	Hill Family Subdivision	A-1	Family Subdivision



<u>Case No.</u>	<u>Application</u>	<u>Zoning</u>	<u>Reason for SUP</u>
SUP-0001-2006	4338/4346 Centerville Rd. Tower Relocation	A-1	Wireless Communications Facility
SUP-0002-2006	Busch Gardens- Griffon Attraction	M-1	Commercial SUP; 7,500 sq. ft. Building Expansion
SUP-0003-2006	Zion Baptist Church Expansion	R-8	6,000 sq. ft. Expansion of House of Worship
SUP-0004-2006	Prime Retail Expansion	B-1	81,000 sq. ft. Expansion of Shopping Center
SUP-0005-2006	Matoaka Elementary School	A-1	Public School
SUP-0006-2006	Rawls Byrd E.S. - Temp. Classroom Trailers	P L	Temporary Classroom trailers
SUP-0007-2006	Lafayette H.S. - Temp. Classroom Trailers	P L	Temporary Classroom trailers
SUP-0008-2006	Jamestown H.S. - Temp. Classroom Trailers	P L	Temporary Classroom trailers
SUP-0009-2006	Stonehouse E.S. - Temp. Classroom Trailers	P L	Temporary Classroom trailers
SUP-0010-2006	Toano M.S. - Temp. Classroom Trailers	P L	Temporary Classroom trailers
SUP-0011-2006	D.J. Montague E.S. - Temp. Classroom Trailers	P L	Temporary Classroom trailers
SUP-0012-2006	Clara Byrd Baker E.S. - Temp. Classroom Trailers	P L	Temporary Classroom trailers
SUP-0013-2006	Unicorn Cottage	R-8	Child Daycare Center
SUP-0014-2006	Matoaka Elementary School - Utility Extension	A-1	Public Utility Extension
SUP-0015-2006	Mann Service Station Conversion	A-1	Contractor's Warehouse
SUP-0016-2006	Hogan Homestead Children's Nursery	A-1	Child Daycare Center
SUP-0017-2006	8391 Richmond Rd. Veterinary Hospital	A-1	Commercial SUP; 6,000 sq. ft. Building Expansion
SUP-0018-2006	Stuckey's Redevelopment	B-1	Commercial SUP; Vehicle Service Station w/ Fuel Sales
SUP-0019-2006	Mason Park	R-8	Residential Cluster Development
SUP-0020-2006	Wythe-Will Commercial Conversion	B-1	Commercial SUP; Building Expansion
SUP-0021-2006	Pleasant Hill Station	A-1	Commercial SUP; Traffic Generation and Automobile Repair/Service
SUP-0022-2006	Hill Pleasant Farm	A-1	Wireless Communications Facility
SUP-0023-2006	Volunteer Fire Dept. Flea Market	B-1	Flea Market
SUP-0024-2006	Coleman Family Subdivision	A-1	Family Subdivision
SUP-0025-2006	Centerville Salvage Yard Property	R-2	
SUP-0026-2006	Mildred Wiley Family Subdivision	A-1	Family Subdivision
SUP-0027-2006	Treleaven Warehouse & Nursery	A-1	Retail sale of plant material
SUP-0028-2006	VFW Post 9046	A-1	3,600 sq. ft. Public Meeting Hall
SUP-0029-2006	Matoaka Elementary School Amendment	A-1	Public School
SUP-0030-2006	Jamestown Rd. Service Station	B-1	Expansion of a non-conforming use
SUP-0031-2006	Toano M.S. Bus Entrance	P L	Master Plan amendment for school
SUP-0032-2006	Prime Outlets Expansion	B-1	Commercial SUP; 5,000 sq. ft. Building Addition
SUP-0033-2006	Johnny Timbers Tree Service	A-1	Contractor's Warehouse
SUP-0034-2006	Bus Loop Rawls Byrd E.S.	P L	Master Plan Amendment for Public School
SUP-0035-2006	Kenneth Brook's Contractors Warehouse	A-1	Contractor's Warehouse
SUP-0036-2006	Williamsburg Pottery Factory	M-1	Commercial SUP; Building Size & Traffic Generation
SUP-0037-2006	KTP Development, LLC (The Candle Factory)	M-1/A-1	Commercial SUP; Traffic Generation

SUP-0001-2005	Alice's Wonderland Playhouse	R-8	Child Daycare Center
SUP-0002-2005	JCSA Water Storage Facility, Stonehouse	PUD-C	165 ' Water Storage Facility
SUP-0003-2005	JCSA Water Storage Facility, Warhill	R-8	165 ' Water Storage Facility
SUP-0004-2005	Christian Life Center Tower	R-8	160 ' Wireless Communications Facility
SUP-0005-2005	Bradley Family Subdivision	A-1	Family Subdivision
SUP-0006-2005	Centerville Road Subdivision (Windmill Meadows)	A-1	Residential Cluster Development
SUP-0007-2005	New Town, Langley Federal Credit Union	M-1	Commercial SUP; Building Size and Traffic Generation
SUP-0008-2005	Lafayette H.S. - Temp. Classroom Trailer	P L	Temporary Classroom Trailers
SUP-0009-2005	Jamestown H.S. - Temp. Classroom Trailer	P L	Temporary Classroom Trailers
SUP-0010-2005	Toano M.S. - Temp. Classroom Trailer	P L	Temporary Classroom Trailers
SUP-0011-2005	Clara Byrd Baker E.S. - Temp. Classroom Trailer	P L	Temporary Classroom Trailers
SUP-0012-2005	D.J. Montague E.S. - Temp. Classroom Trailer	P L	Temporary Classroom Trailers
SUP-0013-2005	Stonehouse E.S. - Temp. Classroom Trailers	P L	Temporary Classroom Trailers
SUP-0014-2005	Norge E.S. - Temp. Classroom Trailers	P L	Temporary Classroom Trailers
SUP-0015-2005	Rawls Byrd E.S. - Temp. Classroom Trailers	P L	Temporary Classroom Trailers
SUP-0016-2005	Treleaven Warehouse & Nursery	A-1	Contractor's Warehouse
SUP-0017-2005	The Villages at Whitehall (LaGrange)	A-1/B-1	Residential Cluster Development
SUP-0018-2005	The Villages at Whitehall (Taskinas, Rochambeau)	A-1/B-1	Residential Cluster Development
SUP-0019-2005	Branscome Inc. Borrow Pit Renewal	M-2	Extension of Existing SUP
SUP-0020-2005	USA Waste of Virginia Landfills, Inc Renewal	M-2	Extension of Existing SUP
SUP-0021-2005	Olde Towne Timeshares Amendment	R-2	Amend previous SUP allowing for 365 timeshare units
SUP-0022-2005	Shops at Norge Crossing	B-1	Commercial SUP; Building Size (Approx. 13, 000 Sq. Ft.)
SUP-0023-2005	TGI Fridays	B-1	Commercial SUP; Traffic Generation
SUP-0024-2005	Gabriel Archer Tavern	R-8	Restaurant in R-8 district
SUP-0025-2005	Prime Outlets SUP Amendment	B-1	Commercial SUP; 5,700 sq. ft. Building Expansion
SUP-0026-2005	Williamsburg Landing Parking Addition	R-5	Expansion of the Facilities for the Care of the Aged
SUP-0027-2005	Chickahominy Baptist Church Expansion	R-8	5,800 sq. ft. House of Worship Expansion
SUP-0028-2005	New Dawn Assisted Living	R-8/L B	Skilled Nursing Facility



<u>Case No.</u>	<u>Application</u>	<u>Zoning</u>	<u>Reason for SUP</u>
SUP-0029-2005	Sulenski/Ripley Family Subdivision	A-1	Family Subdivision
SUP-0030-2005	St. Olaf Catholic Church	R-8	Expansion of House of Worship
SUP-0031-2005	Norge Elementary School Cafeteria Addition	R-2	2,000 sq. ft. Cafeteria Expansion
SUP-0032-2005	Jennings Way	R-2	Residential Cluster Development
SUP-0033-2005	Chickahominy Riverfront Park	A-1	Public Recreation Facility

SUP-0001-2004	STAT Services Inc.	R-8	Office building in R-8 district
SUP-0002-2004	JCSA Gravity Sewer Extension	A-1	Public Utility Extension
SUP-0003-2004	Lafayette H.S. Temp Trailers	P L	Temporary Classroom Trailers
SUP-0004-2004	Jamestown H.S. Temp Trailers	P L	Temporary Classroom Trailers
SUP-0005-2004	Toano M.S. Temp. Trailers	P L	Temporary Classroom Trailers
SUP-0006-2004	Clara Byrd Baker E.S. Temp. Trailers	P L	Temporary Classroom Trailers
SUP-0007-2004	D.J. Montague E.S. Temp. Trailers	P L	Temporary Classroom Trailers
SUP-0008-2004	Stonehouse E.S. Temp. Trailers	P L	Temporary Classroom Trailers
SUP-0009-2004	Chesapeake Bank, Stonehouse - SUP Amendment	B-1	Expiration Date Extension
SUP-0010-2004	Indigo Terrace Day Care	R-2	SUP Conditions Amendment
SUP-0011-2004	Freedom Park Master Plan	A-1	Public Recreation Facilities
SUP-0012-2004	Hogan Homestead Day Care	R-2	SUP Renewal
SUP-0013-2004	Williamsburg Farms Country Inn	R-8	36-room Hotel
SUP-0015-2004	Lafayette H.S. Temp Trailers (CDR)	P L	Temporary Classroom Trailers
SUP-0016-2004	Williamsburg Jamestown Airport SUP Amendment	R-8	Amend SUP Conditions for T-Hanger Expansion
SUP-0017-2004	JCC Communications Tower - Forge Road	B-1	SUP Amendment; increase tower height from 140' to 160'
SUP-0018-2004	Precious Moments Day Care, SUP Renewal	R-2	SUP Conditions Amendment
SUP-0019-2004	Williamsburg Winery, Gabriel Archer Tavern	R-8	Restaurant
SUP-0020-2004	AJC Woodworks - SUP Amend.	A-1	Manufacture of Wood Products
SUP-0021-2004	U.S. Home, BSA Property - Rural Cluster	A-1	50-lot Rural Cluster Development
SUP-0024-2004	Basketville of Williamsburg	B-1	Commercial SUP; Building Size 7,500 ft expansion
SUP-0025-2004	Bay Lands Federal Credit Union at Norge	B-1	Commercial SUP; Traffic Generation
SUP-0026-2004	Gross Family Subdivision	A-1	Family Subdivision
SUP-0027-2004	Williamsburg Community Chapel Expansion	R-8	House of Worship Expansion
SUP-0028-2004	Avery Family Subdivision	A-1	Family Subdivision
SUP-0029-2004	JCSA Cardinal Acres Duplex	R-8	Two-Family Dwelling
SUP-0030-2004	JCSA Riverview Plantation H2O System Improvements	A-1	Public Utility Extension
SUP-0031-2004	Monticello at Powhatan North	R-2	Residential Cluster Development
SUP-0032-2004	Diamond Healthcare, Williamsburg Place	M-1	Hospital Expansion
SUP-0033-2004	John Hogge Family Subdivision	A-1	Family Subdivision
SUP-0034-2004	The Villas at Five Forks	R-2	92-Unit, Age Restricted Condominiums
SUP-0035-2004	Burlington Woods	R-2	Residential Cluster Development
SUP-0036-2004	Farm Fresh Gas Pumps	B-1	Commercial SUP; Automobile Service Station w/ Fuel Sales
SUP-0037-2004	Winston Drive Duplex	R-2	Two-Family Dwelling

SUP-0001-2003	Williamsburg Plantation, Sec. 10	R-2	Construction of two 8-unit dwellings
SUP-0002-2003	Hankins Industrial Park, Ready Mix Concrete Plant	M-1	Manufacture of Concrete
SUP-0003-2003	JCSA Rt. 5 Water Main Extension Amend.	R-8	Public Utility Extension
SUP-0004-2003	Hankins Farms Water & Sewer Extension	A-1	Public Utility Extension
SUP-0005-2003	Jamestown H.S. Temp Trailers	P L	Temporary Classroom Trailers
SUP-0006-2003	Lafayette H.S. Temp Trailers	P L	Temporary Classroom Trailers
SUP-0007-2003	Clara Byrd Baker E.S. Temp. Trailers	P L	Temporary Classroom Trailers
SUP-0008-2003	Stonehouse E.S. Temp. Trailers	P L	Temporary Classroom Trailers
SUP-0009-2003	York River Competition Park	P L	Public Recreation Facilities
SUP-0010-2003	Leighton- Hermann Family Subdivision	A-1	Family Subdivision
SUP-0011-2003	AJC Woodworks	A-1	Woodworking Shop
SUP-0012-2003	Accessory Apartment - Turlington Road	R-2	Accessory Apartment
SUP-0013-2003	Old Elk Capitol Lodge	R-8	SUP Conditions Amendment; 2,400 sq. ft. expansion
SUP-0014-2003	JCSA Concentrate Discharge Main	R-8/L B	Public Utility Extension
SUP-0015-2003	Custom Culinary Connections - Barnes Road	A-1	Construct and operate catering kitchen
SUP-0016-2003	Williamsburg Winery - Gabriel Archer Tavern	R-8	Restaurant
SUP-0017-2003	Warhill Sports Complex Master Plan Amendment	R-8	Public Recreation Facilities
SUP-0018-2003	Olde Towne Timeshares	R-2	Amend existing SUP to allow 2,400 sq. ft. Building Expansion
SUP-0019-2003	Christian Life Center	R-8	Expand House of Worship & Youth Fellowship Center
SUP-0020-2003	Jamestown Hundred, MP Amendment	R-8	Amend Master Plan
SUP-0021-2003	Milanville Kennel	A-1	Kennels
SUP-0022-2003	Busch Gardens - Oktoberfest Expansion (DarkKastle)	M-1	Approx. 40,000 Sq. Ft. Building for Amusement Attraction
SUP-0023-2003	Nice Office Building Expansion	A-1	Office expansion
SUP-0024-2003	Communications Tower Forge Road	B-1	140' Wireless Telecommunications Facility

<u>Case No.</u>	<u>Application</u>	<u>Zoning</u>	<u>Reason for SUP</u>
SUP-0025-2003	Communications Tower Merrimac Trail	R-8	280' Wireless Telecommunications Facility
SUP-0026-2003	Communications Tower Jolly Pond Road	A-1	380' Wireless Telecommunications Facility
SUP-0027-2003	Communications Tower Industrial Blvd.	M-2	380' Wireless Telecommunications Facility
SUP-0028-2003	Communications Tower Industrial Blvd.	M-1	Wireless Telecommunications Facility
SUP-0029-2003	Michelle Point	A-1	Residential Cluster Development
SUP-0030-2003	Chesapeake Bank at Lightfoot	B-1	Commercial SUP; Traffic Generation

SUP-0001-2002	Voice Stream Wireless - Chesapeake Forest Products	A-1	20' Extension to approved WCF
SUP-0002-2002	Manufactured Home - Walker	R-8	Manufactured Home
SUP-0003-2002	Truswood Properties Waterline Extension	M-1/M-2	Public Utility Extension
SUP-0004-2002	J. W. Crossing Shopping Center Expansion	B-1	Commercial SUP; Ewell Station Expansion (Approx. 17,000 Sq. Ft.)
SUP-0005-2002	Lafayette H.S. Temp Trailers	P L	Temporary Classroom Trailers
SUP-0006-2002	Jamestown H.S. Temp Trailers	P L	Temporary Classroom Trailers
SUP-0007-2002	Toano M.S. Temp. Trailers	P L	Temporary Classroom Trailers
SUP-0008-2002	Clara Byrd Baker E.S. Temp. Trailers	P L	Temporary Classroom Trailers
SUP-0009-2002	D.J. Montague E.S. Temp. Trailers	P L	Temporary Classroom Trailers
SUP-0010-2002	Voice Stream Tower - Exit 231 of Interstate 64	A-1	199' Wireless Telecommunications Facility
SUP-0011-2002	Kristiansand Sewer Extension	R-2	Public Utility Extension
SUP-0012-2002	Mt. Gilead Playground and Temp. Trailers	R-2	Temporary Classroom Trailers
SUP-0013-2002	Manufactured Home - Fiorello	R-8	Manufactured Home
SUP-0014-2002	Pochantas Tr. - Infant & Toddler Family Daycare	R-2	Child Daycare Center
SUP-0015-2002	Jamestown 4H Center Preschool	R-8	Lease of Lodge for Preschool
SUP-0016-2002	Williamsburg Honda SUP Amend.	B-1	Trailer sales (previously only vehicle sales permitted)
SUP-0017-2002	Accessory Apartment - Gatehouse Farms	R-1	Accessory Apartment
SUP-0018-2002	Wellspring Adult Day Care	R-2	Adult Daycare Center
SUP-0019-2002	JCSA Water Treatment Facility Concentrate Main	R-8	Water Treatment Facility
SUP-0020-2002	Nationwide Transmission Auto Sales	B-1	Vehicle Sales
SUP-0021-2002	Jamestown Island Expansion	R-8	Expansion of Park Offices
SUP-0022-2002	Schmidt Landscaping	A-1	Contractors Warehouse & Office; Nursery & Storage Facilities
SUP-0023-2002	Mt. Gilead Duplexes	R-2	Two-Family Dwellings
SUP-0025-2002	Ready Mixed Concrete Expansion	M-2	Extension of SUP Expiration; Manufacture of Concrete

SUP-0001-2001	Wright Family Subdivision	A-1	Family Subdivision
SUP-0002-2001	JCSA, Route 5 Water Main Extension	R-1/R-2	Public Utility Extension
SUP-0003-2011	Colonial Virginia Council, BSA Property Expansion	A-1	Extend SUP Conditions to Cover BSA Property
SUP-0004-2011	Jones Family Manufactured Home	R-8	Manufactured Home
SUP-0005-2001	Bruce's Super Auto Body Shop	B-1	Commercial SUP; Vehicle Repair & Service
SUP-0006-2001	Cook Family Subdivision	A-1	Family Subdivision
SUP-0007-2001	Jolin Kennels	A-1	Kennels
SUP-0008-2001	Hogan Day Care	R-2	Child Day Care Facility
SUP-0009-2001	Mt. Gilead Baptist Church Day Care	R-2	Child Day Care Facility
SUP-0010-2011	Vickie's Clubhouse Day Care	R-1	Child Day Care Facility
SUP-0011-2001	Carrot Tree at Jamestown Island	R-8	Restaurant
SUP-0012-2001	Haden Manufactured Home	R-1	Manufactured Home
SUP-0013-2001	JCSA, Jolly Pond Rd. Water Main Extension	A-1	Public Utility Extension
SUP-0014-2001	JCSA, Greensprings Plantation, Sewer Force Main Extension	R-4	Public Utility Extension
SUP-0015-2001	Williamsburg Pottery, Building 7 Replacement	M-1	Commercial SUP; Building Size, Replacement (Approx. 20,000 Sq. Ft.)
SUP-0016-2001	JCSA, New Town Water Storage Facility	M-1	Public Utility Storage Facility
SUP-0017-2001	Prestonwood at Williamsburg Crossing	B-1	Amendment of SUP Conditions to Allow > 198 D/U
SUP-0018-2001	Waltrip Wireless Telecommunications Facility	R-8	Wireless Telecommunications Facility
SUP-0019-2001	Williamsburg Landing Expansion	R-5	Expansion of Existing SUP for Greenwood Academy Property
SUP-0020-2001	James City Energy Park Electrical Generation Facility	M-2	Electrical Generation Facility
SUP-0021-2001	Johnston Dental Clinic	A-1	Medical Clinic
SUP-0022-2001	JCSA, Five Forks Water Treatment Facility	R-8	Public Utility Treatment Facility
SUP-0023-2001	Colonial Redi-Mix Concrete Expansion	M-1	Manufacture of Concrete
SUP-0024-2001	Zion Baptist Church	R-8	House of Worship Expansion
SUP-0025-2001	Voice Stream Wireless Tower	A-1	Wireless Telecommunications Facility
SUP-0026-2001	Grace Covenant Presbyterian Church	L B	House of Worship
SUP-0027-2001	Toano Business Centre North Expansion	M-1	Commercial SUP; Building Size, Expansion (Approx. 28,000 Sq. Ft.)
SUP-0028-2001	McKinley Office Building	L B	Building Size in Low Density Residential (Approx 7,500 Sq. Ft.)
SUP-0029-2001	A-Stat Restoration Services	R-8	Business Office and Expand a Nonconforming Use
SUP-0030-2001	Kings Way Church, Greenwood Preschool	R-1	Day Care Center
SUP-0031-2001	New Zion Baptist Church Expansion	R-8	House of Worship Expansion

Applications highlighted in red are applications which would continue to trigger a commercial SUP following the adoption of the proposed revisions to the commercial districts.

Applications (or individual triggers such as building size) highlighted in green would no longer trigger the need for a commercial SUP following the adoption of the proposed revisions to the commercial districts. In several cases, even though building size would no longer trigger the Commercial SUP, traffic generation or another trigger would still generate the need for a commercial SUP.

Applications highlighted in blue are uses which previously required a SUP but would now be permitted by-right following the adopted or the proposed ordinance revisions.

## MEMORANDUM

DATE: December 7, 2011

TO: Planning Commission

FROM: Luke Vinciguerra, Planner

SUBJECT: Case No. ZO-0010-2011 Wireless Communications Ordinance

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Attached is final draft language for the Wireless Communications Facility (WCF) Ordinance for Planning Commission consideration. To date, the draft ordinance has been reviewed and preliminarily endorsed by the Policy Committee and by the Board of Supervisors.

At its September 15<sup>th</sup> meeting, the Policy Committee endorsed the draft ordinance. Following discussion, the Policy Committee recommended requiring issuance of a SUP for camouflaged towers over 80 feet in residential districts. The latest version of the draft ordinance requires a SUP for all camouflaged towers in residential districts.

The Committee also recommended consideration of the term “replica products” for camouflaged towers utilizing the native vegetation provision. In response, staff suggests the phrase “materials best suited to camouflage...” be added to the Architecturally Compatible and Native vegetation provision in Sec. 24-122(4).

At its September 27<sup>th</sup> work session, the Board of Supervisors requested legislative approval for all towers in residential districts and a mechanism to extend the duration of Portable Cellular Transmission Facilities (PCTF) over the 90 day maximum.

Per the adopted methodology, staff has reviewed the WCF ordinance to ensure compatibility with new technologies, promote by-right options for hidden antennas, and modernize an ordinance originally adopted in 1998. Over the past decade, the WCF ordinance has served the County well and has protected many viewsheds from the visual aesthetic impacts of towers while providing ample opportunities to deploy new antennas. The County’s wireless consultant applauded the quality of the current ordinance and noted the provisions/restrictions are still germane to the industry. Staff’s primary objectives in this update consisted of how Distributed Antenna Systems (DAS) would be reviewed if submitted and provide flexibility for alternatively mounted antennas. The proposed notable revisions are as follows:

- Regulations for multi-antenna systems such as DAS. The current ordinance lacks a mechanism to review proposals with multiple antennas designed to provide coverage to small geographic locations. The draft ordinance language provides a by-right and legislative options for this scenario.
- Regulations for Portable Cellular Transmission Facilities (PCTF). These are essentially cell towers on wheels designed to provide service on a temporary basis. Staff is proposing language restricting PCTF’s to 90 days unless otherwise approved by the Board.
- Clarification of building mounted/alternatively mounted antennas. Building mounted/alternatively mounted categories have been combined and clarified. This should provide more opportunities for antenna mounting on existing structures.
- Clarification of the camouflaged tower provision. Staff is proposing language clearly identifying

regulations for the three categories of the camouflaged towers provision (architecturally compatible, native vegetation & buffered).

- Elimination of the by-right camouflaged tower provision in the residential districts. The draft ordinance would require camouflaged towers to obtain a Special Use Permit (SUP) in residential districts. Towers that are not camouflaged in residential districts would not be permitted under any circumstance.

Recommendations of the Policy Committee and Board have been incorporated into this revised draft ordinance. Proposed revisions to the zoning districts are necessary to reflect the new camouflaged SUP requirement in residential districts and to eliminate references to building mounted antennas (which is now combined with the alternatively mounted category). Reference changes to the commercial districts have already been made. The remaining residential districts will be presented at later date.

#### **RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the draft Wireless Communications Ordinance, revisions to the zoning districts, and Performance Standards Policy to the Board of Supervisors.

#### Attachments

1. Draft WCF ordinance language
2. Draft General Agricultural District, A-1 language
3. Draft Low-Density Residential District, R-6 language
4. Draft Rural Residential District, R-8 language
5. Draft Research and Technology District, RT language
6. Draft Revised WCF policy
7. Minutes from the September 15<sup>th</sup> Policy Committee meeting
8. Minutes from the September 27<sup>th</sup> BOS work session

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 6, WIRELESS COMMUNICATIONS FACILITIES, BY AMENDING SECTION 24-121, STATEMENT OF INTENT; BY AMENDING AND RENAMING SECTION 24-122, WHERE PERMITTED, TYPES WITH NEW NAME ANTENNA MOUNTING; BY AMENDING SECTION 24-123, GENERAL REQUIREMENTS; SECTION 24-124, PERFORMANCE STANDARDS; SECTION 24-125, RADIO FREQUENCY STANDARDS; SECTION 24-126, PUBLIC SAFETY CONSIDERATIONS; SECTION 24-127, PERMIT LIMITATIONS; SECTION 24-128, PROCESSING AND SUBMITTAL REQUIREMENTS; BY AMENDING ARTICLE V, DISTRICTS, BY AMENDING DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, PERMITTED USES; SECTION 24-218, HEIGHT LIMITS; BY AMENDING DIVISION 7, LOW-DENSITY RESIDENTIAL DISTRICT, R-6, SECTION 24-328, PERMITTED USES; SECTION 24-335, HEIGHT LIMITS; BY AMENDING DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-348, PERMITTED USES; SECTION 24-354, HEIGHT LIMITS; AND BY AMENDING DIVISION 13, RESEARCH AND TECHNOLOGY DISTRICT, RT, SECTION 24-461, PERMITTED USES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 6, Wireless Communications Facilities, Section 24-121, Statement of intent; Section 24-122, Antenna mounting; Section 24-123 General requirements; Section 24-124, Performance standards; Section 24-125, Radio frequency standards; Section 24-126, Public safety considerations; Section 24-127, Permit limitations. Article V, Districts, Division 2, General Agricultural District, A-1, Section 24-212, Permitted uses; Section 24-218, Height limits; Division 7, Low- Density Residential District, R-6, Section 24-328, Permitted uses; Section 24-335, Height Limits; Division 8, Rural Residential District, R-8, Section 24-348, Permitted uses; Section 24-354, Height limits; and Division 13, Research and Technology District, RT, Section 24-461, Permitted uses.

## Article II. Special Regulations

### Division 6. Wireless Communications Facilities

#### Sec. 24-121. Statement of intent.

The purpose of this article is to ~~regulate~~ *provide guidance for* ~~personal~~ the *deployment and usage of* wireless communications facilities (WCFs) ~~so as to protect the health, safety, and general welfare of the community; to preserve the aesthetic quality of the community and its landscape; to protect property values; to protect the historic, scenic, rural, and natural character of the community; to minimize the presence of structures that depart from existing and future patterns of development, especially in terms of use, scale, height, site design, character, and lighting; to provide for adequate public safety communications; and to allow the providers of wireless communications facilities to implement their facilities in a manner that will fulfill these purposes, encourage their co-location; and allow them to fulfill their Federal Communications Commission (FCC) licenses.~~

~~The above objectives will be realized through the implementation of regulatory procedures which seek to:~~

- ~~(a) Keep the number of wireless communication facility sites to a minimum;~~
- ~~(b) Minimize the impacts of newly approved wireless communication facilities;~~
- ~~(c) Expedite the approval process for new wireless communication facility applications which, due to their location or design, aid in the achievement of items (a) and (b) above.~~

*(a) The goals for WCFs placement are to:*

- 1. Protect viewsheds and the scenic beauty of James City County.*
- 2. Deploy WCFs in a manner that will not adversely impact property values.*

*(b) The objectives for the WCFs are to:*

- 1. Ensure that the deployment of WCFs will accommodate existing and future technologies by providing sufficient height and facility expansion capabilities to accommodate the needs of the current and future residential, commercial, and industrial marketplace.*
- 2. Ensure all antenna deployments provide significant coverage area.*
- 3. Promote the use of camouflaged, alternatively mounted, and low-rise WCF structures.*
- 4. Ensure that all new technologies accommodate the needs of the current and future residential and commercial marketplace.*

**Sec. 24-122. ~~Where permitted, types~~ Antenna mounting.**

**(a) Antenna Mounting Categories.**

*There are five categories of antenna mounting:*

1. *Tower. Requirements for this mounting category are found in section 24-122(b)(1).*
2. *Alternative Mounting Structure. Requirements for this mounting category are found in section 24-122(b)(2).*
3. *Camouflaged WCF. Requirements for this mounting category are found in section 24-122(b)(3).*
4. *Multi-Antenna System. Requirements for this mounting category are found in section 24-122(b)(4).*
5. *Portable Cellular Transmission Facility (PCTF). Requirements for this mounting category are found in section 24-122(5).*

**(b) Wireless Communications Facility Location Requirements.**

- ~~(a)~~ **I.** *Tower-mounted ~~WCFs~~ wireless communication facilities.* Tower-mounted WCFs shall be allowed as shown on Table 1.

Table 1: Tower Mounted Wireless Communications Facilities:

Zoning District	<i>Maximum By Right Tower Height</i>	S.U.P. Required
General Agriculture, A-1	≤35'	>35' <del>feet</del>
Rural Residential, R-8	≤35'	>35' <del>feet</del>
<del>Residential</del> R-1, R-2, <del>R-3</del> , R-5, R-6	Not Permitted	Not Permitted
Limited Business, LB	Not Permitted	Not Permitted
General Business, B-1	≤60'	>60' <del>feet</del>
Industrial (M-1, M-2, <del>M-3</del> )	≤60'	>60' <del>feet</del>
Planned Unit Development, PUD	Not Permitted	All Towers
Mixed Use, MU	Not Permitted	All Towers
<i>Economic Opportunity (EO)</i>	≤60'	>60'
<i>Research and Technology District (RT)</i>	≤60'	>60'
<i>Public Lands (PL)</i>	≤60'	>60'
<i>Residential Planned Community, R-4</i>	Not Permitted	All Towers

- a. *Towers shall meet the requirements in Table 1 above and the requirements in sections 24-123 through 24-128.*
- b. *All towers shall be set back from any off site existing residential structure by no less than 400 feet.*



- (b) ~~2. Wireless communications facilities using alternative mounting structure~~ **Alternative Mounting Structure - WCFs.** WCFs determined by the planning director to be utilizing alternative mounting structures *as defined by this ordinance* shall be permitted in all zoning districts and shall conform to the following requirements *criteria* ~~except where such WCFs are located in M-2 districts:~~
- (1) ~~a.~~ **a.** The principal use of the structure to be used for the placement of the antenna shall be for a use not associated with the wireless communications facility as determined by the planning director.
- (2) ~~b.~~ **b.** In addition to the height limitations of the underlying zoning district, the antennas mounted on alternative mounting structures shall conform to the following requirements:
- a) ~~(1)~~ **(1)** All panel antenna shall be no more than five feet measured to the outermost point of the panel antenna from any surface of the existing structure at the point of attachment.
- b) ~~(2)~~ **(2)** All whip antenna shall be no more than ten feet measured to the tip of the whip antenna above the mounting surface of the existing structure at the point of attachment.
- e) ~~(3)~~ **(3)** All parabolic or dish antenna shall be no more than five feet measured to the outermost point of the dish from any surface of the existing structure at the point of attachment.
- ~~(4)~~ **(4)** *Antennas shall be mounted in a manner that is architecturally compatible with the structure on which they are located as determined by the planning director. All antennas (excluding whip antennas under five feet in height) shall be completely screened or camouflaged from view from residentially zoned areas or adjacent roadways.*
- (3) ~~(5)~~ **(5)** Equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence.
- ~~(6)~~ **(6)** *WCFs shall meet the requirements in sections 24-123 through 24-128.*
- (c) ~~Building mounted wireless communications facilities.~~ WCFs mounted on the exterior of buildings shall be permitted in all zoning districts and, with the exception of such WCFs located in M-2 districts, shall meet the following requirements:
- (1) ~~The principal use of the building to be used for the placement of the antenna shall be for a use not associated with the wireless communications facility as determined by the planning director.~~
- (2) ~~In addition to the height limitations of the underlying zoning district, building mounted antennas shall conform to the following height restrictions:~~
- a) ~~All panel antenna shall be no more than five feet measured to the top of the panel antenna above the roof proper of the existing building at the point of attachment.~~
- b) ~~All whip antenna shall be no more than ten feet measured to the tip of the whip antenna above the roof proper of the existing building at the point of attachment.~~
- c) ~~All parabolic or dish antenna shall be no more than five feet measured to the top of the dish above the roof proper of the existing building at the point of attachment.~~
- (3) ~~Whip antennas shall be designed and located to minimize views from residences and public rights of way.~~
- (4) ~~Panel and parabolic dish antennas shall be completely screened or camouflaged from views from residentially zoned areas and public rights of way in a manner that is architecturally compatible with the building in which they are located.~~
- (5) ~~Equipment enclosures shall be located within the building on which the WCF is placed or located underground if site conditions permit and if technically feasible. Otherwise, equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence matching the color, material, and design of the building.~~

- (d) 3. *Camouflaged wireless communications facilities.* ~~Camouflaged~~ WCFs ~~determined by the planning director to be camouflaged~~ as defined by this ordinance shall be permitted ~~in all the districts pursuant to Table 1.1 below.~~

**Table 1.1 Camouflaged Tower Determinations**

<i>District</i>	<i>Planning Director</i>	<i>SUP required</i>
<i>General Agriculture, A-1</i>	✓	
<i>Rural Residential, R-8</i>		✓
<i>Residential (R-1, R-2, R-3, R-5, R-6)</i>		✓
<i>Limited Business, LB</i>	✓	
<i>General Business, B-1</i>	✓	
<i>Industrial (M-1, M-2)</i>	✓	
<i>Planned Unit Development Commercial (PUD-C)*</i>	✓	
<i>Planned Unit Development Residential (PUD-R)*</i>		✓
<i>Mixed Use, MU</i>	✓	
<i>Economic Opportunity (EO)</i>	✓	
<i>Public Lands (PL)</i>	✓	
<i>Research and Technology District (RT)</i>	✓	
<i>Residential Planned Community (R-4)</i>		✓
<i>* or similar use designation on a Board adopted master plan zoned PUD</i>		

*Upon application for a special use permit for a camouflaged WCF in a residential district, the board of supervisors shall make a determination pursuant to section 24-122(b)(3) if a proposed tower is camouflaged. Any appeal of a planning director determination this determination shall be made to the development review committee which shall forward a recommendation to the planning commission. and Written notice of the appeal must be received by the planning division within 30 days of the date of the planning director's determination. Camouflaged WCFs shall meet the following:*

- (1) ~~Where a buffer is provided to camouflage the WCFs, the following requirements shall be met:~~
- ~~a) The buffer shall remain undisturbed until the WCF is removed except for any access drives and utilities necessary for the WCF and other improvements or timbering activities that do not alter the visual effect of the buffer as determined by the planning director; and~~
  - ~~b) The buffer shall be located in an on-site or off-site area that: 1) the planning director determines is not likely to be altered such that the visual effect of the buffer would be diminished while the WCF would be in existence, such as lands protected by the Chesapeake Bay Ordinance or other environmental regulations or conservation areas or community character corridors or areas depicted on the Comprehensive Plan; or, 2) such areas where the WCF owner has guaranteed the buffer will remain undisturbed while the WCF is in existence by way of ownership, lease agreement, recorded easement or other means acceptable to the planning director. Such leases and easements shall be in effect until such time as the WCF is removed; and~~
  - ~~c) Access drives shall be designed and located in a manner that provides no view of the WCF's base or related facilities from the road.~~
- (2) ~~Where the camouflaged WCF is intended to have the appearance of vegetation native to eastern Virginia, the following requirements shall be met:~~
- ~~a) The WCF shall be located and designed so as to appear to be a naturally occurring tree which is not noticeably dissimilar to nearby vegetation in terms of height, scale, texture, or color; and~~

- ~~b) Should the WCF be taller than nearby trees, it shall be buffered with existing mature trees in a manner such that it will not appear out of scale with existing natural vegetation to an off-site viewer. Such buffer shall meet the buffer requirements stated above.~~

4. Applicants may apply for any of the three categories of camouflaged WCFs as defined below:

a. **Architecturally Compatible.** The WCF has the appearance, scale and height of other structures that are generally permitted in the district in which it is to be located.

When an architecturally compatible WCF is proposed the following requirements shall be met:

- (1) The WCF shall use materials best suited to camouflage as determined by the Planning Director to create the appearance, scale and height of other structures that are generally permitted in the district in which it is to be located;
- (2) The architecturally compatible WCF shall be placed in the vicinity of another structure that the proposed WCF intends to replicate and be unnoticeable to the casual observer that the primary use of the structure is for a WCF;
- (3) The architecturally compatible WCF should be no taller than twice the permitted height of the replicated structure up to 70 feet;
- (4) Professional Design Requirements:
  - I. All WCFs shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio to proportion of existing tree buffers or structures, and view of the proposed WCF in profile;
  - II. The landscape architect providing the landscape plan shall be professionally licensed in the Commonwealth of Virginia;
- (5) Meet the requirements in sections 24-123 through 24-128;
- (6) Shall be set back from any off-site existing residential structure no less than 400 feet.

b. **Native Vegetation.** The structure has the appearance of vegetation native to eastern Virginia.

Where a native vegetation WCF is proposed the following requirements shall be met:

- (1) Should the WCF be taller than nearby trees, it shall be buffered with existing mature trees in a manner such that it will not appear out of scale with existing natural vegetation from an off-site view.
- (2) The WCF shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio in proportion to existing tree buffers or structures, and artistic view of the proposed facility in profile.
- (3) The landscape architect providing the landscape plan shall be professionally licensed in the Commonwealth of Virginia.
- (4) The WCF shall use materials best suited to camouflage as determined by the Planning Director to appear as native vegetation and be unnoticeable to the casual observer that the function of structure is for a WCF.
- (5) Access drives shall be designed and located in a manner that obscures views of the WCF's base or related facilities from the road point of ingress.
- (6) Meet the requirements in sections 24-123 through 24-128.
- (7) Shall be set back from any off site existing residential structure no less than 400 feet.

*c Buffered. The structure is well buffered by tall vegetation and/or other structures.*

*Where a buffered WCF is proposed, the following requirements shall be met:*

- (1) A minimum of a 100-foot, undisturbed buffer of mature trees, or a buffer consisting of other elements such as evergreen trees, buildings, or topography that provide at least the equivalent visual effect of a 100-foot undisturbed buffer of mature deciduous trees, that in combination with the design and color of the structure, renders the WCF generally unnoticeable to the off-site casual observer as determined by the planning director.*
- (2) Shall be set back from any off site existing residential structure no less than 400 feet.*
- (3) The buffer shall remain undisturbed except for any access drives and utilities necessary for the WCF and other improvements or timbering activities that do not alter the visual effect of the buffer as determined by the planning director. The buffer shall be located in an on-site or off-site area that:
  - i) the planning director determines is not likely to be altered such that the visual effect of the buffer would be diminished while the WCF would be in existence, such as lands protected by the Chesapeake Bay Ordinance or other environmental regulations or conservation areas or community character corridors or property depicted as conservation area on the Comprehensive Plan; or,*
  - ii) such areas where the WCF owner has guaranteed the buffer will remain undisturbed while the WCF is in existence by way of lease agreement, recorded easement or other means acceptable to the planning director. Such leases and easements shall be in effect until such time as the WCF is removed.**
- (4) Professional Design Requirements:
  - i. WCFs shall include a detailed landscaping plan with plan and profile views encompassing native tree buffer, native vegetation, correct ratio in proportion of existing tree buffers or structures, and artistic view of the proposed facility in profile.*
  - ii. Landscape architect shall be professionally licensed in the Commonwealth of Virginia.*
  - iii. Access drives shall be designed and located in a manner that obscures view of the WCFs base or related facilities from the point of ingress.**

- (5) Meet the requirements in sections 24-123 through 24-128.*

4. **Multi-Antenna System.** A multi-antenna system such as Distributed Antenna System (DAS) or others as determined by the zoning administrator shall be permitted as shown on Table 2.

Table 2: Multi-Antenna System. Antennas shall be mounted no higher than stated below unless approved by the board of supervisors. Multi-antenna systems are permitted in the following zoning districts:

Zoning District	Maximum By Right Antenna Mounting Height	S.U.P. Required
General Agriculture, A-1	≤35'	>35'
Rural Residential, R-8	≤35'	>35'
Residential R-1, R-2, R-3, R-4, R-5, R-6	Not Permitted	All Applications
Limited Business, LB	Not Permitted	All Applications
General Business, B-1	≤60'	>60'
Industrial (M-1, M-2)	≤60'	>60'
Planned Unit Development, PUD	Not Permitted	All Applications
Mixed Use, MU	Not Permitted	All Applications
Public Lands (PL)	≤60'	>60'
Economic Opportunity (EO)	≤60'	>60'
Research and Technology District (RT)	≤60'	>60'

Requirements for antenna mounting of Multi-antenna systems:

- To the greatest extent possible, antennas should be mounted on structures not originally associated with the wireless communications facility as determined by the zoning administrator.
- Antennas shall be generally unnoticeable to the casual observer and/or screened from view as determined by the planning director.
- Equipment enclosures shall be camouflaged or screened from view by landscaping, walls or fencing.
- Antenna Support Structures for Multi-Antenna systems shall be designed to appear as native vegetation or other typical features of the zoning district (such as a light/telephone pole).
- Meet the requirements in sections 24-123 through 24-128.

(5) **Portable Cellular Transmission Facility (PCTF)**

- a. *A PCTF shall be permitted for a maximum of 90 days in any 365-day period or longer during an emergency as determined by the county administrator or his designee.*
  1. *Any applicant who is aggrieved by the time limitations for a PCTF may petition the board of supervisors for an extension. If additional time is determined to be in the interest of the public, the board of supervisors may grant an extension.*
- b. *The PCTF shall be set back at least two times the height of the PCTF from any residential or public structure.*
- c. *The maximum height of the PCTF shall be 120 feet.*
- d. *The applicant shall submit a conceptual plan of the structure pursuant to section 24-144, RF Report and a noninterference/intermodulation study no fewer than 7 business days prior to deployment stating how long the PCTF will be in use and demonstrate a public health or safety need. Upon review of the application, the zoning administrator may request additional information, deny the application because of an ordinance violation or approve the use of the PCTF at the location and time duration indicated on the conceptual plan.*

#### **Sec. 24-123. General requirements.**

Except where otherwise noted in this section, the following requirements shall apply to all wireless communications facilities:

(a) *Setbacks.* In addition to meeting the requirements of the underlying zoning district, tower mounted WCFs (*including camouflaged WCFs*) shall conform to the following setback requirements:

1. All towers shall be set back from any off site existing residential structure *by* no less than 400 feet. *All towers shall be located no closer than 400 feet from an occupied school or building used primarily for daycare.*
2. *All WCFs not meeting towers shall meet* the structural requirements set forth in *standard EIA-222-F, of the "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures,"* or its successors *as determined by the building official.*
3. *All towers shall comply with the Virginia Uniform Statewide Building Code.*
4. *All towers shall be set back from all property lines and public rights-of-way a minimum of 110 percent of the tower height documented collapse radius. When the above structural standards are met, the setback from any property line or public rights-of-way shall be no less than 110 percent of the documented collapse radius.*
5. All setbacks from a public right-of-way shall exclude any planned public right-of-way designated on the Six-Year Primary and Secondary Road Plans or the Comprehensive Plan.

(b) *Appearance.* Towers, all WCFs equipment enclosures, and security fences shall conform to the following requirements:

1. Lighting installed at all WCFs, other than low-intensity lighting installed for the purpose of site security, shall be only that required to meet the minimum requirements set forth in the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors. If lighting is required, the planning director shall review the available lighting alternatives and approve the lighting design. Such lighting shall minimize impacts on adjacent property and be located and designed to minimize visibility of the light source from the ground.

2. Towers shall be gray in color unless otherwise ~~approved by the planning director unless otherwise required by~~ *and in compliance with* the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors.
  3. No signage of any kind shall be displayed at or on a tower that advertises a product, service or business activity or institution.
  4. All equipment enclosures shall be screened from public view with fencing and landscaping unless the enclosure is of a similar design and material to that used for a single-family residence and approved by the planning director.
- (c) *Security.* Except where otherwise noted, the following security requirements shall apply to all WCFs:
1. All towers, WCFs using alternative mounting structures, and camouflaged WCFs shall be equipped with an anti-climbing device, or be designed in a manner that precludes climbing without the use of additional equipment.
  2. Security fencing, if used, shall conform to the following:
    - a. Security fencing shall be screened from view with landscaping.
    - b. Chain-link fences shall be of a black or green color.
    - c. No fence shall exceed six feet in height and it shall contain no barb wire or similar barrier.
- (d) *Special requirements for certain antenna.* Installation ~~or replacement~~ of any antenna on a tower shall require a special use permit if all of the following conditions apply:
1. The tower on which it is to be placed was constructed after the effective date of this ordinance; ~~and~~
  2. The tower on which it is to be placed is higher than the thresholds for towers requiring a special use permit identified on Table 1; and
  3. A special use permit does not already exist which would permit the construction of that tower or the installation of additional antenna on that tower.

#### **Sec. 24-124. Performance standards.**

In considering an application for a special use permit for a WCF, the planning director shall prepare a *composite* report identifying the extent to which the application ~~takes into account~~ *is in compliance with* the Performance Standards for Wireless Communication Facilities ~~dated May 26, 1998~~ *January 10, 2012*, and endorsed by the board of supervisors. Such report shall be submitted to the planning commission and board of supervisors prior to the date of the public hearing on the special use permit application. In general, it is expected that all facilities shall substantially meet the provisions of the above performance standards.

#### **Sec. 24-125. Radio frequency standards.**

(a) *Federal communications commission emissions standards.* The WCF shall comply with Federal Communications Commission (FCC) standards for ~~nonionizing~~ *all* electromagnetic emissions.

(b) *Noninterference/intermodulation with local broadcasts.* The applicant shall ensure that the wireless communication facility will not cause localized interference/*intermodulation* with the *transmittance or* reception of area television or radio *authorized FCC* broadcasts. Prior to preliminary site plan approval of the WCF, a ~~noninterference~~ *intermodulation* study shall be submitted to and approved by the planning director indicating that no interference with ~~county~~ *any* communications equipment will take place. If such interference/*intermodulation* is detected at any time, and is not corrected within 60 days, the special use permit or any other permits may be modified or revoked.

**Sec. 24-126. Public safety considerations.**

(a) *Noninterference with public safety communications.* The applicant shall ensure that the WCF will not interfere with public safety communications. Should such interference be detected, and is not corrected or ceased within 24 hours, operation of the WCF shall be terminated and the special use permit or any other permits may be modified or revoked.

(b) *Antenna mountings for public safety communications.* Applicants shall be required to negotiate in good faith, and provide evidence of these negotiations acceptable to the planning director prior to preliminary site plan approval, with public safety agencies regarding vacant antenna locations on WCFs prior to making these locations available to other providers. In instances where a potential need for the antenna location is identified by a public safety agency, said agency shall have the right of first refusal for said antenna location for a period of 90 days after the date of final site plan approval.

(c) *All WCF's providing voice service shall be reported to the James City County dispatch Center to ensure that all wireless E-911 calls are placed within the boundaries of James City County are routed to the James City County Dispatch Center.*

**Sec. 24-127. Permit limitations.**

(a) *Guarantee of removal.* Prior to final site plan approval, the owner of the property on which a WCF is located shall post a performance bond, cash surety, or letter of credit in an amount sufficient to fund removal of an ~~disused~~ *abandoned or unused* WCF or any disused portion thereof, and site restoration. This bond or other financial mechanism shall remain in effect throughout the life of the WCF. A wireless communication facility shall be considered ~~disused~~ *abandoned or unused* if it is not being utilized for the purpose of providing ~~personal~~ wireless communications services for a period of six months. At such time the WCF shall be removed, except where the WCF is used by the county or deemed necessary by the county for placement of its communications equipment.

(b) *Right of access.* The county shall be granted access to the WCF for the purposes of inspection and, in the event a WCF is ~~disused~~ *abandoned or unused*, removal for the life of the facility.

(c) *Site restoration.* The site of a removed WCF shall be restored to its original state, except that any installed landscaping shall remain in place.

**Sec. 24-128. Processing and submittal requirements.**

~~(1)~~(a) *The following shall apply to all WCF applications:*

1. *Conceptual plan.* A site plan, drawn to scale, shall be submitted that depicts the location of support structure(s), equipment enclosures, landscaped/vegetative buffer areas, the potential location of additional towers on the site, fences, access, and ownership and use of adjacent properties. This plan should also include elevation or profile views.

~~(1)~~ 2. *Preapplication meeting.* Prior to formal application for a *camouflaged WCF, multi antenna system or a tower* submittal, the prospective permittee or its representative shall attend a pre-application meeting with the planning director or his representative. The purpose of this meeting will be to discuss future service plans of the provider, the proposed WCF location, the configuration of the proposed WCF, the feasibility of co-location, the feasibility of alternative tower locations, and the feasibility of a building mounted WCF, utilizing an alternative mounting structure or a camouflaged WCF. *The planning director may request a tower simulation (balloon test) for a camouflaged determination.*



~~(2)~~3. *Professional certification.* The applicant shall provide certification by a Virginia-registered engineer specifying the following information prior to preliminary site plan approval:

- a. Antenna height, design, structure and capacity, including the number, type, and mounting elevations of antenna that could be accommodated.
- b. Compliance with all structural and safety requirements of the Virginia Uniform Statewide Building Code, including the BOCA Basic Building Code and section 222(F) of the standards adopted by the Electronics Industry Association, and all amendments thereto.
- c. A statement *RF report* from a registered engineer that the nonionizing electromagnetic radiation emitted from the WCF, including all facilities that may already be attached, does not result in an exposure level on or outside the WCF that exceeds relevant FCC standards.
- d. A noninterference/intermodulation study indicating no potential interference with public safety communications shall be provided in a manner acceptable to the planning director.

~~(a)~~(b) In addition to meeting all other processing and submittal requirements for site plans, and special use permits for tower mounted WCFs, applicants shall also comply with the following:

~~(3)~~(1) *Collocation efforts.* The applicant shall allow other users to locate on the tower and site and shall provide the County, upon request, verifiable evidence of having made good faith efforts to allow such locations. To this end, the applicant shall execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site, and copies of said letters shall be sent to all wireless communication facilities service providers licensed to serve the county and a copy of their response, if any, shall be provided to the planning director. The planning director may waive this requirement for camouflaged WCFs where collocation would preclude the wireless communications facility from meeting ordinance requirements for such facilities, and for wireless communications facilities that utilize alternative mounting structures, or are building mounted.

~~(b)~~(2) Any application for a special use permit for the installation of a WCF shall not be deemed complete until accompanied by the following materials, which shall be submitted six weeks prior to the planning commission meeting.

~~(2)~~(3) *Search and service area mapping.* The applicant shall provide mapping, deemed suitable by the planning director, depicting the following:

- a) The search area for the proposed WCF along with underlying property lines and divisions. The map shall be of a clearly indicated scale and municipal boundaries and all primary and secondary highways within the search area shall be delineated.
- b) The intended service area of the proposed WCF with a radio signal propagation ~~plot~~ map to include information such as building, car, and ambient coverage or other suitable graphic, depicting the level of signal coverage with and without the proposed WCF. At

least one other graphic shall also be provided that shows the relationship of this coverage to that of existing and proposed WCFs operated by the same provider and future service plans, within the county and within five miles of the border thereof.

~~(3)~~(4) *Evidence of attempts at co-location and using alternative locations, designs, and operating procedures.* An applicant shall provide a copy of its co-location policy and the following evidence of attempts to co-locate and attempts to utilize alternative locations, designs, and operating procedures in a manner acceptable to the planning director:

- (a) The applicant shall indicate on a map provided by the planning department all existing tower and building mounted WCFs, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the proposed new location. The planning director may reduce the radius of this study area where the intended coverage of the proposed WCF is less than three miles.
- (b) Applicants shall provide evidence acceptable to the planning director, including radio signal propagation plottings, that all existing towers, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the site of a proposed WCF have been evaluated with respect to their ability to provide adequate service coverage and antenna-mounting opportunity, and evidence acceptable to the planning director that adequate service coverage cannot be provided through an increase in transmission power, or through the use of camouflaged wireless communication facilities, alternative mounting structures, building mounted WCFs, or a system that uses lower antenna heights than proposed. The planning director may waive these requirements where documented evidence, satisfactory to the planning director is available that indicates alternative locations and designs are not feasible, and where the intended coverage of the proposed WCF is less than three miles.
- (c) The applicant shall provide evidence deemed suitable by the planning director that good faith negotiations have taken place to use existing WCFs, and existing alternative mounting structures and buildings, including copies of letters sent to other service providers and their response, if any, on a request to co-locate on their facility.
- (d) The applicant shall provide verifiable written evidence, deemed suitable by the planning director, of the feasibility of replacing all existing WCFs within a three mile radius of the site of the proposed WCF in order to accommodate the proposed WCF.

~~(4)~~(5) *Public safety communications antenna requirements.* The applicant shall provide written evidence, deemed suitable by the planning director, of consultation with the relevant public safety agencies regarding their need for antenna space at any newly proposed WCF support structure.

~~(5) *Intermodulation study.* An intermodulation study indicating no potential interference with public safety communications shall be provided in a manner acceptable to the planning director.~~

~~(e)~~(6) *Balloon test.* At least three weeks prior to the planning commission meeting, the applicant shall conduct a balloon test that simulates the height of the proposed WCF. *The balloon test shall be scheduled within the first week following application submittal.* The planning director may also

require the balloon to be flown at other altitudes to determine impacts. The planning director shall give notice of the balloon test at least seven days prior to the day of the test in a newspaper having a general circulation in the county. The results of the balloon test, providing representative photographic evidence of the views of a proposed WCF from residential areas, public rights-of-way, and other sensitive areas identified by the planning director or his representative shall be provided to the planning director at least two weeks prior to the planning commission meeting. Other scaled graphical simulations of potential views encompassing a proposed WCF may be substituted for the balloon test results or required in addition to the balloon test results at the discretion of the planning director.

## Article V. Districts

### Division 2. General Agricultural District, A-1

#### **Sec. 24-212. Permitted uses.**

In the General Agricultural District, A-1, structures to be erected or land to be used shall be for the following uses:

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

#### **Sec. 24-218. Height limits.**

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations and accessory or nonaccessory 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:

- a. Such structure will not obstruct light to adjacent property;
  - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - c. Such structure will not impair property values in the surrounding area;
  - d. 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
  - e. Such structure will not be contrary to the public health, safety and general welfare.
- (3) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall not be more than 45 feet in height; except that silos, barns and other

structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed 45 feet in height.

- (4) Communication towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height.

## Article V. Districts

### Division 7. Low-Density Residential District, R-6

#### **Sec. 24-328. Permitted uses.**

In the Low-Density Residential, R-6, structures to be erected or land to be used shall be for the following uses:

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

#### **Sec. 24-329. Uses permitted by special use permit only.**

In the Low-Density Residential, R-6, buildings to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

*Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities.*

#### **Sec. 24-335. Height limits.**

Buildings may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for dwellings may be increased to 45 feet and to three stories; provided, that the two side yards for the dwelling are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations and accessory and nonaccessory 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:
  - a. Such structure will not obstruct light to adjacent property;
  - b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
  - c. Such structure will not impair property values in the surrounding area;
  - d. 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

- e. Such structure will not be contrary to the public health, safety and general welfare.
- (3) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 35 feet in height, except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed the height of the main structure and may exceed 35 feet in height.

## Article V. Districts

### Division 8. Rural Residential District, R-8

#### **Sec. 24-348. Permitted uses.**

In the Rural Residential District, R-8, structures to be erected or land to be used shall be for the following uses:

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

#### **Sec. 24-349. Uses permitted by special use permit only.**

In the Rural Residential District, R-8, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:

*Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities.*

#### **Sec. 24-354. Height limits.**

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (2) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations and accessory and nonaccessory 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 and 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:



- a. Such structure will not obstruct light to adjacent property;
- b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- c. Such structure will not impair property values in the surrounding area;
- d. 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
- e. Such structure will not be contrary to the public health, safety and general welfare.

Article V. Districts

Division 13. Research and Technology District, Rt

**Sec. 24-461. Permitted uses.**

In the Research and Technology District, RT, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

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

**PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES**  
***THAT REQUIRE A SPECIAL USE PERMIT***  
**January, 2012**

In order to maintain the integrity of the James City County's significant historic, natural, rural and scenic resources, to preserve its existing aesthetic quality and its landscape, to maintain its quality of life and to protect its health, safety, general welfare, and property values, ~~tower-mounted~~ wireless communications facilities (WCFs) should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted these performance standards for use in evaluating special use permit applications for WCFs. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be approved. The terms used in these standards shall have the same definition as those same terms in the Zoning Ordinance. In considering an application for a special use permit, the Planning Commission and the Board of Supervisors will consider the extent to which an application meets the following performance standards:

A. Collocation and Alternatives Analysis

1. Applicants should provide verifiable evidence that they have cooperated with others in co-locating additional antenna on both existing and proposed structures and replacing existing towers with ones with greater co-location capabilities. It should be demonstrated by verifiable evidence that such co-locations or existing tower replacements are not feasible, and that proposed new sites contribute to the goal of minimizing new tower sites.
2. Applicants should demonstrate the following:
  - a. That all existing ~~towers~~ WCFs, and potential alternative mounting structures ~~and buildings~~ more than 60 feet tall within a three-mile radius of the proposed site for a new WCF cannot provide adequate service coverage or an antenna mounting opportunity.
  - b. That adequate service coverage cannot be provided through an increase in transmission power, replacement of an existing WCF within a three mile radius of the site of the proposed WCF, or through the use of a camouflaged WCF, alternative mounting structure, multi-antenna system ~~or a building-mounted WCF~~, or a system that uses lower antenna heights than proposed.
  - c. The radii of these study areas may be reduced where the intended coverage of the proposed WCF is less than three miles.
3. Towers should be sited in a manner that allows placement of additional WCF facilities. A minimum of two tower locations, each meeting all of the requirements of the Zoning Ordinance and these standards, should be provided at all newly approved tower sites.
4. All newly permitted towers should be capable of accommodating enough antennas for at least three service providers or two service providers and one government agency. Exceptions may be made where shorter heights are used to achieve minimal intrusion of the tower as described in Section B.2. below.

## B. Location and Design

1. ~~WCFs Towers and tower sites~~ should be consistent with existing and future surrounding development and the Comprehensive Plan. While the Comprehensive Plan should be consulted to determine all applicable land use principles, goals, objectives, strategies, development standards, and other policies, certain policies in the Plan will frequently apply. Some of these include the following: (1) ~~WCFs Towers~~ should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses, and such uses that are generally located in the land use designation in which the ~~WCF tower~~ would be located; and (2) ~~WCFs towers~~ should be located and designed in a manner that protects the character of the County's ~~scenic resource~~ **Community Character** Corridors and historic and scenic resource areas and their view sheds.
2. ~~WCFs Towers~~ should be located and designed consistent with the following criteria:

<i>Proposed Location of <del>Tower</del> WCF</i>	<i>Impact Criteria</i>
<i>a. Within a residential zone or residential designation in the Comprehensive Plan</i>	<i>Use a camouflage design, <b>Multi-Antenna system</b>, or have a minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or <del>scenic resource</del> <b>community character</b> corridors.</i>
<i>b. <del>Within</del> <b>Near</b> a historic or scenic resource area or <del>within a scenic resource corridor on a</del> <b>Community Character Corridor</b></i>	<i>Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or <del>roads in such areas, or scenic resource</del> on community character corridors.</i>
<i>c. Within a rural lands designation in the Comprehensive Plan</i>	<i>For areas designated rural lands in the Comprehensive Plan that are within 1,500 feet from the tower, use a camouflaged design or have minimal intrusion on to residential areas, or <del>scenic resource corridors</del> <b>community character corridors</b>.</i>  <i>For rural lands more than 1,500 feet from the tower, no more than the upper 25% of the tower should be visible.</i>
<i>d. Within a commercial or in an industrial designation in the Comprehensive Plan</i>	<i>Use a camouflage design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or <del>scenic resource</del> community character corridors.</i>

*Notes for the above table:*

1. Exceptions to these criteria may be made on a case by case basis where the impact of the proposed ~~tower~~ **WCF** is only on the following areas: (1) An area designated residential on the Comprehensive Plan or zoning map which is not a logical extension of a residential subdivision or which is a transitional area between residential and nonresidential uses, (2) a golf course or a golf course and some combination of commercial areas, industrial areas, or utility easements, provided the tower is located on the golf course property, or (3) a scenic easement.

2. A ~~WCF tower~~ will meet the minimal intrusion criteria if it is not visible off site above the tree line. Such ~~WCF tower~~ should only be visible off-site when viewed through surrounding trees that have shed their leaves.
3. Camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.
4. ~~WCFs Towers~~ should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the ~~WCF tower~~ from residential areas and public roads are very limited. At a minimum, ~~towers WCFs~~ 200 feet or more in height should exceed the location standards listed above.
5. Towers should be freestanding and not supported with guy wires.

C. Buffering

1. ~~Towers WCFs~~ should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire WCF as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the ~~tower WCFs~~ base or related facilities.
2. Towers should be buffered from adjacent land uses and public roads as much as possible. following buffer widths and standards should be met:
  - a. In or adjacent to residential or agricultural zoning districts, areas designated residential or rural lands on the Comprehensive Plan, historic or scenic resource areas, or ~~scenic resource~~ *community character* corridors, an undisturbed, completely wooded buffer consisting of existing mature trees at least 100 feet wide should be provided around the ~~tower WCF~~.
  - b. In or adjacent to all other areas, at least a 50 foot wide vegetative buffer consisting of a mix of deciduous and evergreen trees native to Eastern Virginia should be provided.

**POLICY COMMITTEE MEETING – UNAPPROVED MINUTES**

September 15, 2011

1:30 p.m.

County Complex, Building A

**1) Roll Call**

**Present**

Mr. Jack Fraley  
Mr. Al Woods  
Mr. Rich Krapf  
Mr. Mike Maddocks

**Absent**

Mr. Tim O'Connor

**Staff Present**

Mr. Allen Murphy  
Ms. Tammy Rosario  
Ms. Jennifer VanDyke  
Mr. Christopher Johnson  
Ms. Kate Sipes  
Mr. Luke Vinciguerra

Mr. Vaughn Poller  
Ms. Marion Paine  
Mr. Brian Elmore  
Ms. Ellen Cook  
Mr. Jose Ribeiro  
Ms. Melissa Brown

Mr. Jack Fraley called the meeting to order at 1:30 p.m.

**2) Old Business**

**3) New Business**

a) Wireless Communications Facilities

Mr. Luke Vinciguerra reviewed the changes made to the draft Ordinance.

Mr. Al Woods asked what changes had been made since the last Policy Committee meeting.

Mr. Vinciguerra stated that at the last meeting there had been a discussion on the consultant's proposed additional setbacks and Mr. Fraley's tiered approach. He stated that several of Mr. Fraley's recommendations have been applied. Mr. Fraley had recommended an administrative application for low-visibility towers, a process to review Portable Cellular Transmission Facilities and a Special Use Permit (SUP) provision for high visibility towers. He stated that the consultant had made setback recommendations that were not included.

Mr. Fraley asked if it was appropriate to say that most of the recommendations made by the consultant were rejected.

Mr. Vinciguerra stated that it was not the majority.

Mr. Fraley asked staff to point out in the text the requirements for camouflaged towers.

Mr. Fraley stated that the language in Sec. 24-122 (3)(b)(4) is too vague. He stated that he would prefer to see pictures offering a visual aide to accompany the text. He stated that his research into cell towers has informed him of the qualities exhibited by the more visibly appealing towers. He stated that he had spoken with an individual working in the industry and that there should be more descriptors in the Ordinance that speak to the specific qualities desired for camouflage towers.

Mr. Allen Murphy stated that staff will endeavor to provide objective descriptors within the text to achieve low profile towers. He stated that ultimately the goal is to have a tower that blends in harmoniously with the natural landscape.

Mr. Woods asked Mr. Fraley if there was specific language that he could recommend.

Mr. Fraley stated that adding definitions for “preserve” and “replica products” would be useful. He stated that both definitions discuss materials of construction and would provide a better understanding of how best to replicate vegetation.

Mr. Woods asked if this terminology is common to the industry.

Mr. Fraley stated that it is.

Mr. Christopher Johnson asked Mr. Fraley if the individual he had spoken with would be willing to submit descriptions of building materials that are common or more visibly appealing towers.

Mr. Fraley stated, yes.

Mr. Murphy stated that staff has looked at samples in past applications.

Mr. Fraley stated that by adding more to the text the County can ask for a better quality product. He stated that he does not want to continue with assigning to the Planning Director the authority and responsibility to make the highly-charged decision that elected officials should be making. He stated that it should be up to the Board of Supervisors (BOS) to determine if a tower is camouflaged. He stated that the Policy Committee and the consultant both felt that this requirement should change. He stated that the consultant had stated that there is no jurisdiction anywhere that permits 120 foot towers by-right within a residential area.

Mr. Woods questioned Mr. Fraley’s assertion.

Mr. Johnson stated that if it has been determined that the tower is not camouflaged then it would require an SUP.

Mr. Fraley stated that towers need to go into legislative review for residential districts.

Mr. Woods stated that the chart and text in Sec. 24-122 does not clearly convey the information. He stated that the chart should cover the requirements for all towers, camouflaged included.

Mr. Murphy stated that he, as the Planning Director, has turned down more towers than the County has ever approved.

Mr. Fraley stated that the previous Planning Director did approve the proposed Kingsmill towers. He stated that this is not a decision that should be put in the hands of the Planning Director. He stated that this is the only jurisdiction that places this responsibility on the Planning Director.

Mr. Krapf asked staff to explain their position.

Mr. Johnson stated that knowing that a camouflaged tower is permitted by-right up to 120 feet in staff's mind, there was no need for a chart. He stated that staff can change the text and the chart to achieve greater clarity. He stated that the charts were intended to speak to anything above 35 feet in any district where it needed to be specially permitted or permitted by-right. He stated that staff tried to categorize the information to add additional clarity and definition to the different types of towers. He stated that staff determined that there were certain towers that should not be required to go through a legislative review, exhausting several months prior to approval. He stated, for those towers that are more highly visible proposals should go before the BOS for approval. He stated that his experience with balloon tests illustrate that the Planning Director's standard for camouflage is very high. He stated that he can only think of one tower where Mr. Murphy, Planning Director, determined it was camouflaged. He stated that this location was zoned R-8. He stated that you would be hard pressed to find any property in R-1 and R-2 where one could meet the 400 foot buffer requirements. He stated that this standard has proven to be effective by the fact that a relatively low number of applications that have been submitted.

Mr. Fraley stated that he spoke with Adam Kinsman, the Deputy County Attorney, regarding the language. Mr. Kinsman stated that the text is open to interpretation, leaving the Planning Director vulnerable to being sued.

Mr. Murphy stated that if the Policy Committee and Planning Commission want to change the Planning Director's authority to determine camouflaged towers, then staff will forward their request accordingly. He stated that if the change is made cell tower companies will be subjected to a lengthy process for a greater number of applications. The buffer requirements in R-1, R-2 and R-4 limit the applicable properties within the districts. He stated with this arrangement there is a great deal of authority that rests on the shoulders of the Planning Director. He stated that he is comfortable with the current process. He stated that staff had previously been asked by the BOS and Business Climate Taskforce to generally avoid the SUP process. He stated that with one exception the Ordinance has proven to be useful and judicial in permitting towers. He stated that the Kingsmill towers were the only controversial applications.

Mr. Fraley asked staff why this locality is the only one that grants the Planning Director the authority.

Mr. Woods asked if staff had been working in this mode for a great length of time.

Mr. Murphy stated that this has been in place with the R-4 district for six years.

Mr. Woods stated that within the six year time frame only one controversial case has developed.

Mr. Krapf stated that Mr. Fraley's recommendation is to require an SUP for R-1 through R-6 residential districts.

Mr. Fraley stated that within residential districts, towers of a certain height need to go to the BOS.



Mr. Murphy stated that towers that are attached to a camouflaged part of a building would not require an SUP.

Mr. Krapf stated that it is the free standing towers that Mr. Fraley is referring to.

Mr. Fraley stated that he has heard from many people in the community that they would prefer a slick stick over a tower constructed to look like a tree.

Mr. Murphy stated that slick sticks can be considered camouflaged if it is buffered to the point that they are virtually unnoticeable, which is difficult to achieve.

Mr. Fraley stated that he would like to hear from some of the industry representatives present today.

Ms. Lisa Murphy of LeClairRyan stated that there does seem to be a preference for slick sticks yet, the requirements for slick sticks are greater than other types of towers.

Mr. Fraley stated that his preference would be to have an 80 foot slick stick at the resort center in Kingsmill. He asked how tall the portable cellular transmission facilities are.

Mr. Stephen Romine of LeClairRyan stated that the facilities are 60-80 feet.

Mr. Fraley stated that he does not have a problem with an 80 foot slick stick in a residential area.

Mr. Romine stated that if you compare administrative approval and lengthy litigation to going through the legislative process it may be preferred to go through the legislative process. He stated that whatever the community accepts and feels most comfortable with is most suitable.

Mr. David Neiman of 105 Broomfield Circle stated that the community wants to have camouflaged towers within residential areas go through the legislative process. He stated that by having the towers reviewed legislatively the community will have the benefit of having public hearings. He stated that elected officials that feel responsible to their constituents should make those decisions. He stated that camouflaged towers in residential areas could be given an expedited review status.

Mr. Fraley stated that if the Kingsmill towers were brought forward legislatively then they may have opted to apply for slick sticks or a regular tower.

Ms. Murphy stated that the majority of the towers in James City County (JCC) have been camouflaged because the Ordinance has encouraged it. She stated that if you eliminate the administrative review of camouflage towers than the benefit to the industry would be lost. She stated that the community benefits from this arrangement from a planning standpoint. She stated that from a technology standpoint, camouflaged towers do not accommodate the most useful technology.

Mr. Fraley stated that the proposals he has reviewed going through the legislative process have included camouflaged elements.

Mr. Romine stated that slick sticks do not propagate as well because the antennas used are not the most powerful. He stated that this may be an unintended consequence of such a modification.

Ms. Murphy stated that at this time the industry is going back and upgrading the technology by adding more antennas to existing towers. She stated that the increased demand for data usage capacity is placing a heavy burden on existing infrastructure.

Mr. Fraley stated that he is fine with the Ordinance but, he would like staff to go back and add more descriptors to the text in an attempt to improve the quality of the product. He stated that cell towers should require an SUP in residential districts, unless the industry would find it useful to make a lower threshold for administrative review.

Mr. Romine stated that it would be useful to hold onto some flexibility for administrative reviews for residential areas.

Mr. Fraley stated that he is aware of two or three jurisdictions that do allow by-right towers in residential districts at lower heights. He stated that 80 feet seems to be a minimum height for towers before you eliminate the utility of the tower.

Mr. Krapf stated that he would like to recommend requiring an SUP for freestanding wireless communication facilities in residential districts that exceed 80 feet in height.

Mr. Murphy stated that if that is the Policy Committee's wish staff can forward the recommendation.

Mr. Romine asked if this would include changes to the definitions for camouflage and buffers requirements. He asked, if not when would you apply those definitions.

Mr. Johnson stated that they would still be used for nonresidential districts.

Ms. Murphy asked if the buffering and camouflage requirements would still be applied to those towers 80 feet or less in height.

Mr. Murphy stated that they would still apply.

Ms. Murphy stated that that would make it less useful.

Mr. Fraley stated that he would feel comfortable with relaxing the requirements for those towers 80 feet or less in height.

Mr. Murphy suggested that the Policy Committee think further on this point before making any decisions.

Mr. Woods stated that he agreed.

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF SEPTEMBER 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. STAGE II ZONING ORDINANCE UPDATE FOR NON PRIORITY ITEMS**

The work session will address draft ordinances and policies for four areas: Wireless Communication Facilities, Residential Districts, Multiple Use Districts, and Administrative items.

Mr. McGlennon noted he felt that it would take several work sessions to review all of these items.

Ms. Tammy Rosario, Senior Planner, stated the purpose of the work session is to share changes to the ordinances and to receive feedback from the Board so that staff can move forward with preparing the items for final consideration.

**1. Wireless Communication Facilities**

Mr. Luke Vinciguerra, Planner, stated that the proposed revisions to the Wireless Communications Facilities Ordinance include a mechanism to review applications for multi-antenna systems such as Distributed Antenna Systems (DAS), clarify the camouflaged towers provision, permit Portable Cellular Tower Facilities (PCTF), and encourage alternatively mounted antennas.

He also noted that the Policy Committee recommended language regarding the minimum quality of products that can be used for camouflaged towers utilizing the Native Vegetation provision and requiring a Special Use Permit (SUP) for camouflaged towers in residential districts.

Mr. Goodson clarified with the County Attorney that the proposed changes comply with Federal law.

Mr. Rogers replied that they do.

Mr. Jack Fraley, Chair of the Planning Commission, stated that the consultant reported to the Policy Committee that he was not aware of any locality in Virginia that allows towers at 120 feet by right in residential districts.

Mr. Goodson asked why the SUP requirement only applied to camouflaged towers.

Mr. Fraley noted that many citizens prefer the use of “slick sticks” to a camouflaged tower intended to look like native vegetation such as a pine tree.

Mr. Goodson asked if alternatively mounted antennas on buildings would continue to be allowed by right.

Mr. Vinciguerra replied that they would be and that the proposed ordinance adds language which clarifies that they are allowed by right.

Mr. Icenhour asked if a distributed antenna system such as DAS, would require an SUP in a residential district.

Mr. Vinciguerra replied that it would require an SUP and that the Board could approve all of the antennas in such a system at one time in a single application.

Mr. Icenhour asked if an alternatively mounted antenna was allowed by right in all districts.

Mr. Vinciguerra responded affirmatively. He added that camouflaged towers, as determined by the Planning Director, of 120 feet or less are currently allowed by right in any district, including residential.

The Board expressed a desire to require an SUP for any tower, including camouflaged, in all residential districts.

Mr. Icenhour verified that a PCTF under 120 feet currently can be approved administratively for up to 90 days.

Mr. Goodson asked if there was a provision in the ordinance to extend approval for a PCTF beyond 90 days.

Mr. Icenhour asked if 120 feet was the appropriate height limit for a PCTF.

The Board expressed an interest in adding language that would allow the Board to extend approval for a PCTF beyond 90 days.

## 2. Residential Districts

Ms. Ellen Cook, Senior Planner, provided a summary of proposed changes to the Residential Districts. Changes made to both R-1 and R-2 included coordinating the density bonus system with the cluster overlay district and adding selected commercial uses allowed by SUP. Changes to the R-5 district include changing permitted uses to include only multi-family dwellings containing more than four dwelling units.

Mr. McGlennon asked if the staff had evaluated how well these ordinances had performed previously.

Ms. Cook replied that they had.

Ms. Tammy Rosario, Principal Planner, suggested starting the review with the cluster overlay.

Ms. Cook noted that the major changes in this cluster overlay district were revisions of the nondevelopable land definition, revision to the density standards and bonus items, and inclusion of new design information for open space and for development.

The Board discussed the way that density is calculated in the residential and some of the multiple use districts, and whether it should be based on gross land area, net land area (which does include the nondevelopable land), or a calculated area based on the percentage of nondevelopable land.

Mr. McGlennon said the County has generally determined density based on all of the area of the site (gross land area). He asked if there was consideration given for using only developable area, and how the proposed changes to the nondevelopable area definition and to the density calculation method in Cluster would affect density.

Ms. Cook stated that she thought the proposed changes would tend to reduce overall density to some degree, but that it would be dependent on the conditions present at a given site.

Mr. Icenhour noted that PUD was the only place that density had been based on developable acreage and asked why there had been a difference. He also noted his preference that density be based on developable acreage in all districts.

Mr. McGlennon noted that density in the Economic Opportunities (EO) Zone is based on developable acreage.

Mr. Goodson said he desired predictability, and thought it would be hard to calculate developable acreage in some cases.

Mr. Icenhour said this incentivizes development on properties that are environmentally sensitive. He said the proposal allows too much density in a smaller area and where it is not wanted.

Mr. McGlennon and Mr. Icenhour stated their preference to determine density based on developable land.

Mr. Goodson and Ms. Jones said they supported the staff proposal.

Mr. Kennedy asked for additional information and mentioned that a Transfer of Development Rights (TDR) program could affect this question.

Discussion ensued about the impact of changing the determination of density.

The Board requested that in terms of the calculated area method, staff investigate an altered scale method that limits the density achievable at the highest level of nondevelopable land, similar to a sliding scale method.

The Board also requested that in terms of the net land area method, staff provide more information on potential effects through example scenarios and at ways to compensate the landowner.

The Board then discussed the density bonus item options in the cluster overlay district.

Mr. Icenhour expressed a concern that the ordinance gives incentives for practices that he thought the County should expect as standard.

The Board discussed whether the bonus item list should be shorter and more prioritized.

The Board requested that staff provide a spreadsheet or other form so feedback on the Board's high, medium, and low priorities could be gathered.

Prompted by several questions from Mr. Icenhour, the Board discussed the R-5, Multi-family Residential District, and the Cluster Overlay District and the connection between the two.

The Board discussed the way the density provisions and incentives in each of the districts worked, and whether it made sense to either remove the R-5 cluster option, or to reduce the base densities in R-5 and allow the densities to be achieved through greater use of the density bonus items.

The Board requested that staff examine each of those options and provide that information to the Board and discussed the R-3 Redevelopment District, a proposed new district.

Ms. Kate Sipes, Business Development Coordinator, explained that this new district is intended to apply in instances where development has occurred, where improvements to infrastructure is needed, where rehabilitation or replacement of structures is needed or where legally non-conforming lots exist. In the past, the Mixed Use district has been applied to these types of developments, but it not always a good fit.

The question was raised as to why the proposed ordinance seeks "greater conformance" given that property would be rezoned to R-3. There was consensus to amend the ordinance to state that non-conforming parcels should be brought into conformance.

The Board also raised questions about the density bonus item options and expressed a concern that some should be expectations. The question of whether the County needed density bonuses for County projects was also raised. Staff was asked to review the list for possible changes.

There was acknowledgement among Board members that common areas require maintenance, but in redevelopment projects for existing neighborhoods, the County cannot require existing property owners to join a new association. R-3 language requires a mechanism for maintaining open space, but allows flexibility from firm homeowners association requirements found in other districts.

Mr. Fraley raised the issue of providing incentives for re-use of empty storefronts.

**D. BREAK**

At 6:12 p.m., the Board took a break.

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Robert C. Middaugh  
Clerk to the Board

PLANNING DIRECTOR'S REPORT  
December 2011

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

- **New Town.** The Design Review Board held an informal meeting in November to review conceptual plans and elevations for the Wal-Mart neighborhood grocery at the corner of Monticello Ave. and Route 199. Revisions to this application are anticipated to be resubmitted to the DRB early next year. The DRB will hold its next meeting on December 1<sup>st</sup>. Staff anticipates review of Courthouse Commons elevations, Settler's Market commercial site plan and elevations, and several plats.
- **Ordinance Update.** Development Standards and External Signs ordinance items were adopted by the Board on November 22<sup>nd</sup>. The Board also remanded the Commercial District ordinances back to the Planning Commission at its meeting on November 8. The Commission will consider the Commercial Districts and Wireless Communications Facilities at the December meeting.
- **Regional Comprehensive Planning Effort.** In November staff attended two meetings with City of Williamsburg and York County staff to begin planning and organizing the three Community Forums tentatively scheduled for February and the joint Planning Commission meeting tentatively scheduled for April. Organization activities have focused on potential dates, locations and formats for these meetings; informational documents and materials; and advertising and outreach. Staff will likely be in contact with the Commission within the next month regarding the tentative meeting dates.
- **Training.** In November, staff attended an American Planning Association webinar on the new green energy economy.
- **Capital Improvements Program.** The Policy Committee began consideration of the FY13-17 CIP on December 6<sup>th</sup>. Two additional meetings are scheduled for December 12<sup>th</sup> and 15<sup>th</sup>.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – November 8<sup>th</sup> and November 22<sup>nd</sup>
  - SUP-0006-2011. 126 Shellbank Drive Accessory Apartment – Approved 5-0
  - SUP-0009-2011. Hornsby Middle School Temporary Classroom Trailers – Approved 4-1
  - ZO-0006-2011. Development Standards Ordinance Amendments – Approved 5-0
  - Resolution to Rescind Approval of Commercial Districts Zoning Ordinances – Approved 5-0



Allen J. Murphy, Jr.

<u>Case Type</u>	<u>Case Number</u>	<u>Case Title</u>	<u>Address</u>	<u>Description</u>	<u>Planner</u>	<u>District</u>
Conceptual Plans	C-0039-2011	Freedom Park Ropes Course MP Consistency	5537 CENTERVILLE RD	Determining whether a proposed ropes course and playground are consistent with the Freedom Park master plan.	Leanne Reidenbach	02-Powhatan
	C-0040-2011	New Town Shared Parking Update	5122 MAIN STREET	Latest shared parking report from New Town.	Leanne Reidenbach	04-Jamestown
	C-0041-2011	White Hall Design Guidelines	3401 ROCHAMBEAU DR	Revisions to the architectural design standards (i.e. location of yard fences) originally approved by the DRC in 2008.	Jose Ribeiro	01-Stonehouse
	C-0042-2011	American Pride Automotive	7793 RICHMOND ROAD	Converting existing marine dealer to automotive repair, sales, and display. All repair confined within existing structure.	Jason Purse	01-Stonehouse
	C-0043-2011	Candle Factory Warehouse Parking Area	7521 RICHMOND ROAD	Re stripe existing parking area and provide additional parking spaces. The existing Candle Factory warehouse will undergo internal modifications to accommodate retail/storage and warehousing uses. No changes to the footprint of the building	Jose Ribeiro	01-Stonehouse
	C-0044-2011	Colonial Heritage Boulevard Generator Upgrade, Cox Communications	6175 CENTERVILLE RD	Unit will provide power to existing Cox amplifiers servicing Winthrop Circle and future homes.	Luke Vinciguerra	01-Stonehouse
Site Plan	SP-0098-2011	Colonial Heritage Ph. 3 Sec. 1 Landscaping SP Amend.	6799 RICHMOND ROAD	Supplemental landscaping. Case Closed out	Scott Whyte	01-Stonehouse
	SP-0099-2011	Lightfoot Flea Market S.P. Amend.	6925 RICHMOND ROAD	Applicant proposes replacement landscaping. APO letters sent out. Case Closed this week.	Scott Whyte	01-Stonehouse
	SP-0100-2011	New Town Sec. 9 (Settler's Market) Commercial SP Amend.	4600 CASEY BLVD	Amending site plan to eliminate Multi-use Buildings A and E, modify footprints of commercial areas A-F, A-1, and A-2, and modify parking. Reduces square footage originally approved for this shopping center.	Leanne Reidenbach	04-Jamestown
	SP-0101-2011	4400 Centerville Road Cell Tower SP Amend	4400 CENTERVILLE RD	Applicant proposes adding/swapping antennas on existing cell tower.	Jose Ribeiro	02-Powhatan
	SP-0102-2011	4315 John Tyler Highway Cell Tower SP Amend	4315 JOHN TYLER HWY	Applicant proposes swapping/adding new antennas to an existing cell tower.	Jason Purse	03-Berkeley
	SP-0103-2011	Busch Gardens German Village Restroom SP Amend.	7851 POCAHONTAS TR	Adding an additional 419 square feet to the German Village restroom.	Luke Vinciguerra	05-Roberts
	SP-0104-2011	Hornsby M.S. Trailers	800 JOLLY POND RD	Installing 3 temporary classroom trailers.	Jose Ribeiro	02-Powhatan
	SP-0105-2011	New Town Sec. 7 Ph. 9 Lots 2-11	4320 CASEY BLVD	New building footprint and lot lines for 10 townhomes on lots 2-11.	Leanne Reidenbach	04-Jamestown
	SP-0106-2011	101 Mounts Bay Road Cell Tower SP Amend.	101 MOUNTS BAY ROAD	Applicant proposes to add/swap antennas on the existing cell tower.	Jason Purse	05-Roberts
	SP-0107-2011	5301 Longhill Road Cell Tower SP Amend.	5301 LONGHILL ROAD	Applicant proposes to swap antennas on the existing cell tower.	Luke Vinciguerra	04-Jamestown
	SP-0108-2011	108 Ingram Road, Cell Tower SP Amend.	108 INGRAM ROAD	Applicant proposes to add/swap antennas on the existing cell tower.	Jose Ribeiro	04-Jamestown
Special Use Permit	SUP-0010-2011	Wohlfarth, Jolly Pond Road Family Sub	2711 JOLLY POND ROAD	Applicant proposes 1.8 acre parcel for a family subdivision.	Jason Purse	02-Powhatan
	S-0048-2011	PW Development Brick Bat Road BLA	3400, 3412, & 3428 BRICK BAT ROAD	Boundary line adjustments between 3400, 3412, and 3428 Brick Bat Road.	Jose Ribeiro	03-Berkeley



Subdivision	S-0049-2011	Ford's Colony Sec. 7 Lots 114-116 BLE	105 PINE VALLEY	Boundary line extinguishment eliminating Lot 115 and splitting the acreage between Lots 114 and 116.	Leanne Reidenbach	04-Jamestown
	S-0050-2011	White Hall Sec. 1 Ph. D	8625 PARKLAND TERRACE	Subdividing lots 60-68 in Section 1 Phase D along Westham Lane.	Jason Purse	01-Stonehouse
	S-0051-2011	New Town Sec. 7 Ph. 10 Parcel A	4400 CASEY BLVD	Creating a separate parcel for Section 7 Phase 10 to transfer ownership of land in advance of subdivision for residential use by a different developer.	Leanne Reidenbach	04-Jamestown
	S-0052-2011	Mt. Gilead Baptist Church Subdivision	8660 POCAHONTAS TR	Subdividing 4 residential lots from the main Mt. Gilead Baptist Church property.	Luke Vinciguerra	05-Roberts
	S-0053-2011	RV Storage Lot, Kingsmill	181 WAREHAM'S POND ROAD	Creating a separate parcel of approximately 7 acres	Jose Ribeiro	05-Roberts
	S-0054-2011	Settlement at Powhatan Creek Lots 156-160 BLA	4048 CORONATION	Modify the approved 5-unit townhome on lots 156-160 into two smaller buildings on lots 156-158 and 159-160.	Jose Ribeiro	03-Berkeley
	S-0055-2011	Forest Heights Road Neighborhood Improvement Lot 1 & 2	6001 RICHMOND ROAD	Subdivision of two lots in accordance with the Forest Heights Master Plan	Ellen Cook	02-Powhatan
	S-0056-2011	Perkinson Lake Powell Road BLA	2220 LAKE POWELL RD	Boundary line adjustment adding 0.91 acres to 2208 Lake Powell Road from 2220 Lake Powell Road.	Jason Purse	05-Roberts



