

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 5, 2016
7:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. CONSENT AGENDA

1. Minutes Adoption - September 7, 2016 Regular Meeting
2. Development Review Committee Action Item: Case No. SP-0047-2016, Patriot's Colony Expansion

E. REPORTS OF THE COMMISSION

F. PUBLIC HEARINGS

1. SUP-0014-2016/MP-0002-2016, Warhill Sports Complex Master Plan Amendment
2. Z-0009-2016, 124 and 130 Riverview Plantation Drive
3. ZO-0001-2016, Zoning Ordinance Revisions to Allow Places of Public Assembly, Including Those Used Primarily as an Event Facility, in A-1, General Agricultural, and R-8, Rural Residential Districts
4. ZO-0009-2016, Zoning Ordinance Amendments to the Mixed Use District
5. ZO-0010-2016, Zoning Ordinance Amendments to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District and the PL, Public Land District
6. Z-0011-2016, Wireless Communications Facilities and Towers

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - October 2016

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 10/5/2016

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes Adoption - September 7, 2016 Regular Meeting

ATTACHMENTS:

	Description	Type
▣	Minutes of the September 7, 2016 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/27/2016 - 4:24 PM
Planning Commission	Holt, Paul	Approved	9/27/2016 - 4:25 PM
Publication Management	Burcham, Nan	Approved	9/27/2016 - 4:28 PM
Planning Commission	Holt, Paul	Approved	9/27/2016 - 4:28 PM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 7, 2016
7:00 PM

A. CALL TO ORDER

Mr. Tim O'Connor called the meeting to order at 7:00 p.m.

B. ROLL CALL

Planning Commissioners

Present:

Tim O'Connor
Rich Krapf
Chris Basic
Robin Bledsoe
John Wright
Heath Richardson
Danny Schmidt

Staff Present:

Paul Holt, Planning Director
Ellen Cook, Principal Planner
Scott Whyte, Senior Landscape Planner II
Maxwell Hlavin, County Attorney

C. PUBLIC COMMENT

Mr. O'Connor opened the Public Comment.

As no one wished to speak, Mr. O'Connor closed the Public Comment.

D. CONSENT AGENDA

1. Minutes Adoption - August 3, 2016 Regular Meeting
2. Development Review Committee Action Item: Case No. SP-0049-2015, The Promenade at John Tyler (Recommendation: Denial)
3. Development Review Committee Action Item: Case No. C-0065-2016, The Colonies at Williamsburg Swimming Pool Addition (Recommendation: Approval)

Mr. Chris Basic made a motion to approve the Consent Agenda.

The consent agenda was approved by voice vote (7-0).

E. REPORTS OF THE COMMISSION

Mr. Rich Krapf stated that the Policy Committee met on August 11 to consider next stage updates

on four proposed ordinance amendments.

Mr. Krapf stated that the Committee reviewed the Stage III language for the amendments to the MU, Mixed Use District and had no additional comments. Mr. Krapf stated that the Committee voted to forward the ordinance amendments to the Planning Commission.

Mr. Krapf stated that the Committee also reviewed ordinance amendments to allow event facilities on properties designated rural lands. Mr. Krapf noted that the draft ordinance included recommendations made at the June 16 meeting to allow by-right use only on arterial roads and specially permitted use on collector and smaller roads. Mr. Krapf further stated that the Committee voted to increase the maximum number of attendees including support staff from 250 to 300 and to forward the amendments to the Planning Commission for consideration.

Mr. Krapf stated that the Committee considered Stage II ordinance amendments to allow food trucks in the M-1, Limited Business/Industrial, M-2, General Industrial, PUD-C, Planned Unit Development-Commercial, and PL, Public Land Districts. Mr. Krapf stated that the draft ordinance included feedback provided at the May 12 Policy Committee meeting and the Board of Supervisor's request to include Public Lands.

Mr. Krapf stated that the Committee also reviewed Stage III language for amendments to Wireless Communications Facilities. Mr. Krapf stated that the Committee voted to forward the draft ordinance to the Planning Commission for consideration.

Mr. Krapf stated that the Policy Committee met on August 25 to review survey results and to hear public comments regarding ZO-0010, Mobile Food Vending Vehicles. Mr. Krapf stated staff presented a summary of the responses from the 120 individuals who participated in the online survey. Mr. Krapf noted that the responses focused on the draft performance standards, potential competition with brick and mortar restaurants and whether food trucks were desirable for James City County. Mr. Krapf noted that there was a sizeable contingent of food truck operators at the meeting. Mr. Krapf stated that approximately a dozen food truck operators spoke in favor of the draft ordinance and the benefits that food trucks bring to the local economy. Mr. Krapf stated that suggestions were made to make the ordinance more clear and address distinctions that the Committee was not aware of such as the difference between food trucks and fully equipped food trailers. Mr. Krapf noted that one individual spoke against the draft ordinance siting unfair competition with brick and mortar restaurants. Mr. Krapf stated that the Committee would review additional changes to the draft ordinance at the September 15 Policy Committee meeting.

F. PUBLIC HEARINGS

1. ZO-0006-2016, Zoning Ordinance Revisions for Electric Vehicle Charging Stations

Mr. Scott Whyte, Senior Landscape Planner II, presented a report to the Commission on an ordinance amendment to allow for electric vehicle charging stations (EVCS) as an accessory use to off-street parking. Mr. Whyte referred to Section 24-2, Definitions. This would specifically include a definition for electric vehicle charging stations and the three levels of charging station equipment. Mr. Whyte further stated that the proposed amendment would add EVCS as an accessory use to off-street parking and allow applicants to install EVCS in new parking lots and add them in existing parking facilities. Mr. Whyte noted that these spaces would count toward parking minimums. Mr. Whyte further noted that the proposed regulations would require at least one ADA accessible EVCS for each parking lot that contains one or more EVCS. Mr. Whyte stated that new EVCS would be subject to the

screening and lighting requirements of the existing parking lot landscaping and lighting ordinances and that retrofitted EVCS may be subject to additional requirements as determined by the Planning Director.

Mr. Whyte stated that on June 16, 2016, the Policy Committee voted to recommend approval of the above amendments. Mr. Whyte further stated that staff recommends that the Planning Commission recommend approval of the amendment to the Board of Supervisors.

Mr. Chris Basic inquired if the requirement for one EVCS to be ADA accessible would increase the requirement for the number of ADA accessible spaces.

Mr. Whyte responded that the ADA requirements would not increase. Mr. Whyte noted that the EVCS would not be exclusively ADA accessible use.

Mr. O'Connor opened the public hearing.

As no one wished to speak, Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Heath Richardson commended staff for their work on this ordinance amendment. Mr. Richardson noted that he is pleased that the County is being forward thinking and establishing this use. Mr. Richardson stated that he supports the amendment.

Mr. Basic made a motion to recommend approval of ZO-0006-2016.

On a roll call vote the Commission voted to recommend approval of ZO-0006-2016, Zoning Ordinance Revisions for Electric Vehicle Charging Stations (7-0).

2. ZO-0007-2016, Zoning Ordinance Revisions to Reduce Parking Requirements

Mr. Scott Whyte, Senior Landscape Planner, presented a report to the Commission on ordinance amendments to reduce parking minimums. Mr. Whyte stated that Staff has proposed to amend the definition and calculation for retail floor area as it applies to both retail and office space to reduce confusion and the potential for different interpretations of the Ordinance. Mr. Whyte stated that staff has also provided an option for applicants who wish to propose an alternative floor space estimate based on their own calculation for actual retail and office space.

Mr. Whyte stated that staff also proposes deleting the requirements of Section 24-55 (a) (2) so that by-right use of an existing building would not be prohibited by an existing parking lot that is non-conforming as to the minimum number of spaces.

Mr. Whyte stated that staff proposed to change the parking requirements for townhomes and multi-family units to 1.25 spaces for multi-family dwellings up to 500 square feet, 1.5 spaces for multi-family dwellings of more than 500 square feet and two spaces for each two-bedroom or more unit over 500 square feet. Mr. Whyte stated that staff has also proposed additional guest parking for developments where parking is only offered on individual lots at a rate of one guest space per every four units. Mr. Whyte stated that staff contacted a county with similar requirements and found that these minimums have served

them well and they have no plans to revise them.

Mr. Whyte stated that staff determined that the County's parking minimums for beauty parlors and barber shops is slightly higher than the surrounding localities. Therefore, staff is proposing to lower the minimum to three spaces for the first chair and two spaces for each additional chair.

Mr. Whyte further stated that staff has proposed amending the parking requirements for this use by breaking it into Assisted Living, Independent Living and Skilled Nursing categories with separate parking minimums for each new use.

Mr. Whyte stated that staff has also proposed changes to the shared parking agreement option to include residential uses and to allow all uses to be evaluated for shared parking agreements. Mr. Whyte stated that changes were also proposed to the Mass Transit Plan requirements and to the appeals process.

Mr. Whyte stated that staff recommends that the Commission recommend approval of the ordinance amendments to the Board of Supervisors.

Mr. O'Connor opened the floor to questions from the Commission.

Mr. O'Connor inquired if the change to the parking requirements would generate an increase in the potential floor space of a building.

Mr. Whyte stated that while it was not part of the discussion, the change in parking minimums could potentially allow for an increase in the floor area.

Mr. Holt stated that he did not anticipate a substantive net impact on building size. Mr. Holt stated that the requirements are minimums and that the amendments are an effort to right-size the requirements. Mr. Holt noted that the amendments are not drastic changes and that, more than anything, it will simplify the calculations and provide owners of retail stores the option not to include storage room space in their calculations.

Mr. Basic inquired if the evolution of the changes was from a redevelopment standpoint to assist with redevelopment on very small parcels.

Mr. Holt stated that the amendments were tweaking the parking standards to bring them in alignment with other similar jurisdictions. Mr. Holt noted that he did not anticipate seeing new forms of development as a result of these changes.

Mr. O'Connor opened the public hearing.

As no one wished to speak, Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Basic commended staff on the efforts to revise and refine the standards for assisted Living, Independent Living and Skilled Nursing categories.

Ms. Robin Bledsoe commended staff on their efforts to refine the requirements for Barber and Beauty shops.

Ms. Bledsoe made a motion to recommend approval of ZO-0007-2016.

On a roll call vote the Commission voted to recommend approval of ZO-0007-2016, Zoning Ordinance Revisions to Reduce Parking Requirements (7-0).

3. SO-0004-2016, Subdivision Ordinance Amendment and ZO-0012-2016, Zoning Ordinance Amendment to reflect departmental name changes

Mr. Max Hlavin, Assistant County Attorney, presented a report to the Commission on two ordinance amendments to reflect department name changes. Mr. Hlavin stated that the Board of Supervisors recently renamed the Department of Development Management to the Department of Community Development. Mr. Hlavin further stated that the Board also initiated all necessary ordinance amendments in order to implement the changes in the County Code. Mr. Hlavin stated that the ordinance amendments will replace references to the “development manager” with the term “director of community development” in the County’s Subdivision and Zoning Ordinances.

Mr. Heath Richardson inquired about the genesis of the name change.

Mr. Hlavin stated that certain elements of the Housing division moved under the umbrella of Development Management and it was determined that the name Community Development better represented the mission and purpose of the department.

Mr. O’Connor opened the public hearing.

As no one wished to speak, Mr. O’Connor closed the public hearing.

Mr. Wright made a motion to recommend approval of SO-0004-2016.

On a roll call vote the Commission voted to recommend approval of SO-0004-2016, Subdivision Ordinance Amendment to reflect departmental name changes (7-0).

Mr. Richardson made a motion to recommend approval of ZO-0012-2016.

On a roll call vote the Commission voted to recommend approval of ZO-0012-2016, Subdivision Ordinance Amendment to reflect departmental name changes (7-0).

G. PLANNING COMMISSION CONSIDERATIONS

1. ZO-0010-2016, Initiation of Consideration of Amendments to the Zoning Ordinance to Allow Mobile Food Vending Vehicles (Food Trucks) in PL, Public Land District

Mr. Paul Holt presented a report to the Commission on the request for an initiating resolution to consider allowing food trucks in the PL, Public Land District. Mr. Holt stated that while staff was working with the Policy Committee to research and develop draft Zoning Ordinance language to define and allow food trucks in M-1, Limited Business/Industrial District; M-2, General Industrial District; and PUD-C, Planned Unit Development Commercial District, the Board of Supervisors requested that staff expand the scope of research to include PL, Public Land District.

Mr. Holt stated that adopting the initiating resolution would not change the Zoning Ordinance and is a necessary part of the process to formally consider the amendments. Mr. Holt stated that staff recommends that the Planning Commission adopt the resolution and

refer the matter to the Policy Committee. Mr. Holt noted that the matter would be discussed at the Policy Committee meeting on September 15 and is anticipated to come before the Commission at its October meeting.

The Commission requested clarification on whether the Public Land District encompassed school properties, Parks & Recreation properties and the James City County Library.

Mr. Holt confirmed that school properties, Parks & Recreation properties and the Library are zoned Public Land.

Ms. Bledsoe noted appreciation for the work of the Policy Committee and staff in researching the subject and moving it forward in a timely manner.

Mr. O'Connor inquired if there would be consideration of including the LB, Limited Business, and B-1, General Business Districts.

Mr. Krapf stated that the Economic Development Authority will be taking up a discussion of whether food trucks should be allowed in the B-1, General Business District at its September 8 meeting. Mr. Krapf stated that the Policy Committee would like to see the amendments for the M-1, Limited Business/Industrial, M-2, General Industrial, PUD-C, Planned Unit Development-Commercial, and PL, Public Lands Districts move forward on its current track and that the B-1 District should follow a separate but similar track to ensure that business owners in the B-1 District would have the same opportunity for providing comment and recommendations.

Ms. Bledsoe inquired about the zoning district for the James City County Marina property.

Mr. Holt stated that it is zoned B-1.

Mr. Holt stated that before amendments to the B-1 District could be formally considered, there would have to be an initiating resolution from either the Board of Supervisors or the Planning Commission.

Ms. Bledsoe inquired what would happen if the EDA recommended allowing food trucks in the B-1, General Business district.

Mr. O'Connor stated that his understanding is that the amendments for the B-1 District would follow the same process, but that the current amendments would not be held up. Mr. O'Connor stated that it would be a parallel track.

Ms. Bledsoe inquired about the time frame.

Mr. Holt stated that the next action would need to be adoption of an initiating resolution by the Board of Supervisors or the Planning Commission.

Mr. Krapf stated that if the Policy Committee votes to forward the amendments for M-1, Limited Business/Industrial, M-2, General Industrial, PUD-C, Planned Unit Development-Commercial, and PL, Public Lands Districts to the Planning Commission for consideration in October, the Board of Supervisors could hear the matter in November and the amendments could conceivably be in place before the end of the year. Mr. Krapf further stated that the amendments for B-1 would follow the similar process with review by the Policy Committee, consideration by the Planning Commission and a determination by the Board of Supervisors but with a slightly later start date.

Mr. Holt stated that the Policy Committee work done to date has not included any research, analysis or public input for properties in the B-1 District.

Mr. Wright inquired if, in the interim, businesses in the B-1 District could apply for a Special Event Permit to allow for an event to be serviced by food trucks.

Mr. Holt confirmed.

Mr. O'Connor made a motion to adopt ZO-0010-2016, Initiation of Consideration of Amendments to the Zoning Ordinance to Allow Mobile Food Vending Vehicles (Food Trucks) in PL, Public Land District.

The Commission voted to adopt the initiating resolution by voice vote (7-0).

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - September 2016

Mr. Holt stated that there was nothing more to add other than what was submitted in the Planning Commission packet.

Mr. Holt stated that he appreciated the efforts of the Policy Committee and the Planning Commission in working through the improvements to the zoning ordinance over the last ten months. Mr. Holt noted that residential permits are at a ten year high with an average of 126 new applications each month. Mr. Holt further noted that commercial building permits are at a nine year high and the number of administrative plans submitted to the Planning Division is at a six year high. Mr. Holt state that the work of the Policy Committee to streamline the Zoning Ordinance and process improvements is key to working in partnership with the community to bring new development on line.

Ms. Bledsoe inquired if minutes for the New Town Design Review Board meeting are available to the public.

Mr. Holt stated that the minutes could be provided.

Mr. Schmidt inquired about the removal of the bridge on the Country Road.

Mr. Holt stated that the bridge is located in the area of Ron Springs Drive near the HRSD plant.

Mr. O'Connor stated that the bridge crosses Grove Creek and was part of the discussion when Colonial Williamsburg deeded property back to Anheuser Busch and that the intention then was that the bridge would be removed. Mr. O'Connor stated that the bridge does not really serve an active purpose and in in poor repair.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Richardson stated that the James City County Strategic Plan Open House would be held on September 12 with a session at 2:00 p.m. and 6:00 p.m.

Mr. O'Connor noted that Mr. Schmidt would have the Board of Supervisors coverage for September.

J. ADJOURNMENT

Mr. Wright made a motion to adjourn.

The meeting was adjourned at approximately 7:43 p.m.

Tim O'Connor, Chairman

Paul D. Holt, III, Secretary

ITEM SUMMARY

DATE: 10/5/2016

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Development Review Committee Action Item: Case No. SP-0047-2016, Patriot's Colony Expansion

As part of this site plan application, the applicant has requested to place a stormwater outfall within a 50-foot buffer along the eastern boundary of the Greensprings National Historic site.

According to adopted proffers associated with Z-0005-2015/MP-0002-2015/HW-0002- 2015, the historical site buffer shall be undisturbed and exclusive of any lots subject only to appropriate stormwater management and utility improvements/easements as approved by the DRC.

Link to DRC Agenda and Staff Report:
<http://jamescity.novusagenda.com/AgendaPublic/MeetingView.aspx?MeetingID=323&MinutesMeetingID=-1&doctype=Agenda>

DRC Recommendation: Approval 3-0-1 (Basic abstain)

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/29/2016 - 1:38 PM
Planning Commission	Holt, Paul	Approved	9/29/2016 - 1:38 PM
Publication Management	Burcham, Nan	Approved	9/29/2016 - 1:45 PM
Planning Commission	Holt, Paul	Approved	9/29/2016 - 1:47 PM

ITEM SUMMARY

DATE: 10/3/2016

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: SUP-0014-2016/MP-0002-2016, Warhill Sports Complex Master Plan Amendment

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Location Map	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/29/2016 - 1:47 PM
Planning Commission	Holt, Paul	Approved	9/29/2016 - 1:48 PM
Publication Management	Burcham, Nan	Approved	9/29/2016 - 2:00 PM
Planning Commission	Holt, Paul	Approved	9/29/2016 - 2:19 PM

SPECIAL USE PERMIT-0014-2016/MASTER PLAN-0002-2016. Warhill Sports Complex Master Plan Amendment

Staff Report for the October 5, 2016, Planning Commission Public Hearing**SUMMARY FACTS**

Applicant: Mr. John Carnifax, Director of the Parks and Recreation Department

Land Owner: James City County

Proposal: To amend the special use permit and master plan for the Warhill Sports Complex to allow for the addition of a running center building, a Williamsburg Area Transit Authority (WATA) bus transfer station, the relocation of a proposed indoor sports facility (community gym) and other minor revisions.

Location: 5700 and 5720 Warhill Trail

Tax Map/Parcel Nos.: 3210100012 and 3210100012A

Project Acreage: +/- 442.23 and 3.00 acres, respectively

Zoning: PL, Public Lands

Comprehensive Plan: Open space or recreation and federal, state and County land

Primary Service Area: Inside

PUBLIC HEARING DATES

Planning Commission: October 5, 2016, 7:00 p.m.
November 2, 2016, 7:00 p.m.

Board of Supervisors: December 13, 2016, 6:30 p.m. (tentative)

Staff Contact: Jose Ribeiro, Senior Planner II

FACTORS FAVORABLE

1. The proposal is compatible with surrounding zoning and development.
2. The proposal is consistent with the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way."
3. On September 21, 2016, the Parks and Recreation Advisory Commission approved the proposed amendment to the Warhill Sports Complex Master Plan.

FACTORS UNFAVORABLE

1. Staff finds that there are no unfavorable factors.

STAFF RECOMMENDATION

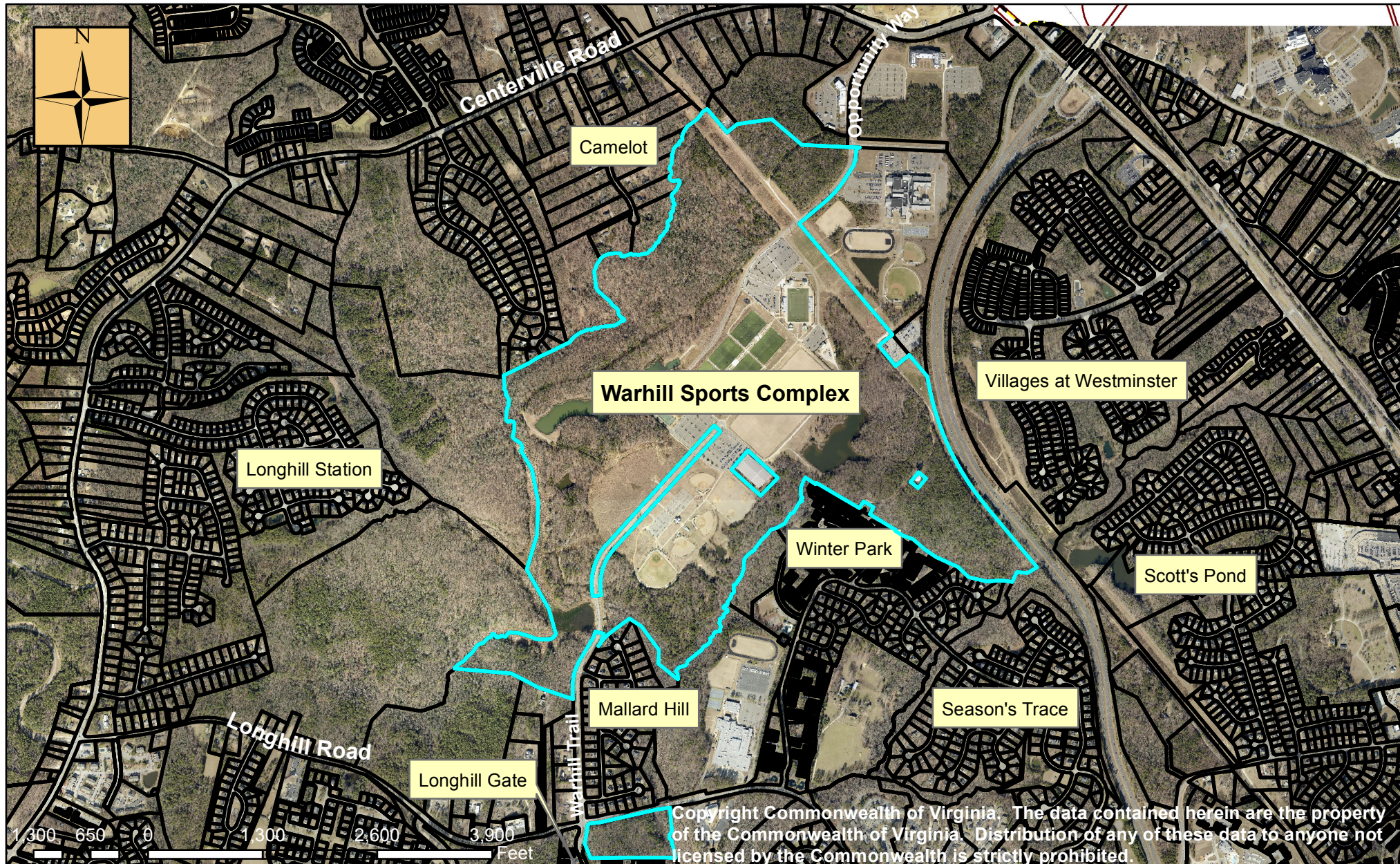
Staff recommends the Planning Commission defer consideration of this application to the November 2, 2016, Planning Commission meeting. The deferral will provide staff and the Virginia Department of Transportation (VDOT) additional time with which to evaluate the Traffic Impact Analysis (TIA).

JR/nb
SUP14-16MP02-16Warhill

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.

JCC-SUP-0014-2016/MP-0002-2016

Warhill Sports Complex



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ITEM SUMMARY

DATE: 10/5/2016

TO: The Planning Commission

FROM: Alex Baruch, Planner

SUBJECT: Z-0009-2016, 124 and 130 Riverview Plantation Drive

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Location Map	Exhibit
▣	Proposed Proffers	Exhibit
▣	Master Plan	Exhibit
▣	Soil and Water Quality Conservation Plan	Exhibit
▣	Citizen Comment	Exhibit
▣	Citizen Comment	Exhibit
▣	Citizen Comment	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/29/2016 - 1:35 PM
Planning Commission	Holt, Paul	Approved	9/29/2016 - 1:35 PM
Publication Management	Burcham, Nan	Approved	9/29/2016 - 1:41 PM
Planning Commission	Holt, Paul	Approved	9/29/2016 - 1:47 PM

REZONING-0009-2016. 124 AND 130 RIVERVIEW PLANTATION DRIVE

Staff Report for the October 5, 2016, Planning Commission Public Hearing**SUMMARY FACTS**

Applicants: Mr. and Mrs. Chris and Teresa Dewitt

Land Owners: Mr. and Mrs. Chris and Teresa Dewitt

Proposal: To rezone 124 and 130 Riverview Plantation Drive from R-1, Limited Residential to A-1, General Agricultural with proffers to allow for the keeping of two horses and their foals to weaning age.

Location: 124 and 130 Riverview Plantation Drive.

Tax Map/Parcel Nos.: 1640100006 and 1640100007

Project Acreage: +/- 5.45 acres total

Current Zoning: R-1, Limited Residential

Proposed Zoning: A-1, General Agricultural, with proffers

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Alex Baruch, Planner

PUBLIC HEARING DATES

Planning Commission: October 5, 2016, 7:00 p.m.
Board of Supervisors: November 8, 2016, 6:30 p.m. (tentative)

FACTORS FAVORABLE

1. With the proposed conditions, the proposal is compatible with surrounding development.
2. The proposal is consistent with the recommendations of the James City County Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*."
3. No commercial activity regarding the keeping of horses is proposed.
4. Proposed Proffer No. 7 would protect the historic preservation of a historically significant site.

FACTORS UNFAVORABLE

1. Staff has received correspondence from neighbors who expressed concerns with the proposal.

STAFF RECOMMENDATION

Approval and acceptance of the voluntary proffers.

PROJECT DESCRIPTION

- Proposal to rezone 124 and 130 Riverview Plantation Drive from R-1, Limited Residential to A-1, General Agricultural to allow for the keeping of two horses.
- One barn is proposed to stable the horses.
- The property is fenced and has ample open space.

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.

REZONING-0009-2016. 124 AND 130 RIVERVIEW PLANTATION DRIVE

Staff Report for the October 5, 2016, Planning Commission Public Hearing

- The existing single-family residence would remain on-site.

PLANNING AND ZONING HISTORY

- The existing single-family house on 124 Riverview Plantation Drive has been in place since the early 1850's. The surrounding area was developed as Riverview Plantation from the 1960's through the early 2000's.
- Riverview Plantation neighborhood development is within the R-1, Limited Residential District Zoning.
- James City Service Authority received approval for a Special Use Permit to extend the water line from Wexford Hills to Riverview Plantation to protect the public health, safety and welfare of the residents from a failing water system on January 11, 2005.
- The R-1, Limited Residential District does not allow the keeping of horses.

SURROUNDING ZONING AND DEVELOPMENT

- Located on Riverview Plantation Drive to the east of the Riverview Plantation homeowners association recreation parcel.
- The surrounding zoning of all properties is R-1, Limited Residential.
 - The properties surrounding the parcels to the north, south and east are residential lots. To the south and east of 130 Riverview Plantation Drive, Four Mile Tree Road runs along the boundary line. In the south portion there is currently a wooded buffer.

- The four lots directly across from the house on 124 Riverview Plantation Drive do not have houses on them, one being owned by the applicants, another by the homeowners association and the other two by the same private owner.
- 124 and 130 Riverview Plantation Drive do not share a boundary line on any side of the property.

COMPREHENSIVE PLAN and ZONING

The property is designated Rural Lands, as are all of the surrounding parcels.

- Appropriate primary uses include traditional agricultural and forestal activities, but also innovative uses such as non-commercial equine opportunities. Staff finds this use to fit within the non-commercial equine category.
- The development standards state that uses in Rural Lands should reflect and enhance the rural character of the County. Uses should be sited to maintain existing topography, vegetation, trees and tree lines to the maximum extent possible. Staff finds the use to be consistent given that 130 Riverview Plantation Drive is in a scenic easement that will continue to exist after the boundary line is extinguished. The open character of the property will be maintained to accommodate the horses.
- Proposed Proffer No. 4, Boundary Line Extinguishment, would bring the property into conformance with the A-1, General Agricultural minimum lot size of three acres.

PUBLIC IMPACTS

- Anticipated impact on public facilities and services: None.

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.

- Anticipated impact on environmental, cultural and historic resources: None, a Soil and Water Quality Conservation Plan (SWQCP) was submitted with information about nutrient management, soils and Resource Protection Area as part of Erosion and Sediment Control Plan-016-16 and this application. The SWQCP was approved by the Colonial Soil and Water Conservation District Board of Directors on July 14, 2016, as it abided by local Chesapeake Bay Preservation Area program requirements. (Attachment No. 4)
- In the Community Character section of the 2035 Comprehensive Plan (Map CC-1, pg. 101), the Riverview Plantation subdivision is located in a high archaeological sensitivity area. An Archaeological Study is proposed in Proffer No. 7 if an archeological site is discovered during land disturbing activities. In Proffer No. 2 a site plan would be required for any new development on the parcel and Proffer No. 6 would require architectural review to ensure the development remains consistent with the property.
- Anticipated impact on nearby and surrounding properties: None.

PROPOSED PROFFERS

- The full text of the proffers is provided as Attachment No. 2.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the Comprehensive Plan and Zoning Ordinance. Staff recommends the James City County Planning Commission recommend approval of this application to the Board of Supervisors and acceptance of the voluntary proffers.

AB/nb

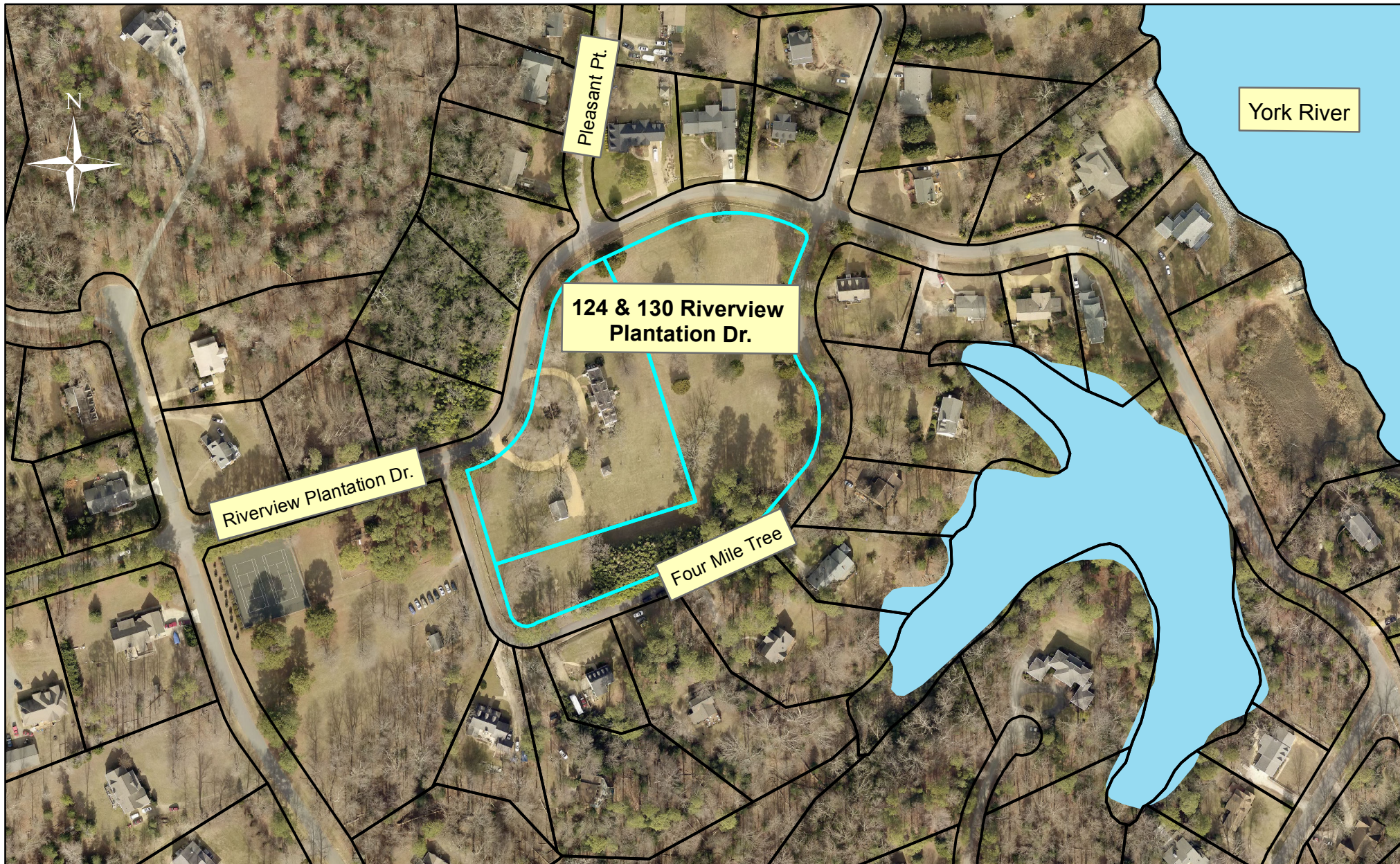
RZ09-16RiverviewHorses

Attachments:

1. Location Map
2. Proposed Proffers
3. Master Plan (two pages)
4. Soil and Water Quality Conservation Plan
5. Citizen Comments

JCC-Z-0009-2016

124 and 130 Riverview Plantation Dr.



PROFFERS

THESE PROFFERS are made this ___ day of _____, 2016 by Christopher J and Teresa E Dewitt (together with its successors in title and assigns, the "Owner").

RECITALS

A. Owner is the owner of a parcel of land located in James City County, Virginia, containing approximately 5.45 acres, more or less, further identified as James City County Tax Parcel No. 1640100006 and 1640100007 (the "Property").

B. The Property is designated Rural Lands on the County's Comprehensive Plan, *Toward 2035: Leading the Way*, Land Use Map and is now zoned R-1, General Residential. Owner has applied to rezone the Property from R-1 to A-1, Agricultural, with proffers.

C. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned A-1 in the form of the following Proffers.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Permitted Non-Residential Uses. Permitted non-residential uses on the Property

shall be limited to the following:

a. Horse and pony farm (up to two mature horses and their foals to weaning age)

2. Site Plan. A site plan shall be submitted for County review and approval for the barn as shown on the master plan.

3. Master Plan. This rezoning shall permit the keeping of horses on property located at 124 and 130 Riverview Plantation Drive and further identified as James City County Real Estate Tax Map Parcel Numbers 1640100006 and 1640100007 (the "Property"). The use and layout of the Property shall be generally located as shown on the document entitled "JCC Z-0009-2016: 124 and 130 Riverview Plantation Drive" and date stamped _____ (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

4. Boundary Line Extinguishment Prior to the issuance of site plan approval, a subdivision plat shall be reviewed, approved and recorded for the two project parcels.

5. No commercial activity. No commercial activity pertaining to the keeping of horses may take place.

6. Architectural Review. Prior to final site plan approval, architectural elevations, building materials, and colors, shall be submitted to the Director of Planning for review and approval for all new structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible with existing structures in terms of design, materials, and colors, and are designed for minimal visual impact.

7. Archaeological Study. If an archeological site is discovered during land disturbing activities, a Phase I Archaeological Study for any disturbed area shall be submitted to the Director of Planning for his review and approval. All construction work involving subsurface disturbance will be halted in the area of the site and in the surrounding area where further subsurface remains can reasonably be expected to occur and the Owner shall immediately notify the County of the discovery. The County, or an archeologist approved by it, will immediately inspect the work site and determine the area and the nature of the affected archeological site and

its potential eligibility for inclusion on the National Register of Historical Places. Construction work may then continue in the project area outside the archeological site. Within 15 working days of the original notification of discovery the County shall determine the National Register eligibility of the site. The County may extend this 15 working day period one time by an additional 5 working days by written notice to Owner prior to the expiration date of said 15 working day period.

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

incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

If the site is determined to meet the National Register Criteria (36 CFR Part 60), Owner shall prepare a plan for its avoidance, protection, recovery of information, or destruction without data recovery. The plan shall be approved by the County prior to implementation. Work in the affected area shall not proceed until either, (a) the development and implementation of appropriate data recovery or other recommended mitigation procedures, or (b) the determination is made that the location remains are not eligible for inclusion on the National Register.

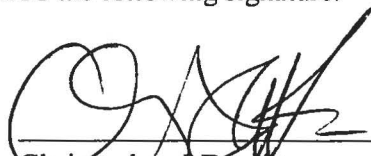
8. Water Conservation. The Owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority ("JCSA") and for, subsequently, enforcing such standards. The standards shall address such water conservation measures as limitations to the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and appliances to promote water conservation and minimize the use of public water resources. The standards shall be submitted to JCSA for review and approval for consistency with this Proffer prior to final approval by the County of the first site plan for development of any portion of the property.

9. Severability. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have

been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

10. Successors and Assigns. These Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

WITNESS the following signature.


Christopher J Dewitt


Teresa E Dewitt

STATE OF Virginia
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me this 19 day of September 2016, by Christopher J Dewitt + Teresa E Dewitt

Beth Klapper
Notary Public No.: 7182762
Commonwealth of Virginia
My Commission Expires:
12-31-16


NOTARY PUBLIC

My commission expires: December 31, 2016
Registration No.: 7182762

JCC Z-0009-2016, 124 and 130 Riverview Plantation Drive

Master Plan to keep two horses at 124 and 130 Riverview Plantation Drive.

Site Address: 124 and 130 Riverview Plantation Drive.

Property Owner: Mr. and Mrs. Chris and Teresa Dewitt
124 Riverview Plantation Dr.
Williamsburg, VA 23188

Tax Map ID: 1640100006 and 1640100007

Zoning: R1, Limited Residential

Parcel Acreage: +/- 5.45 acres

General Notes:

1. The construction of a barn on 124 Riverview Plantation Drive to stable horses is proposed as shown on the attached Master Plan.
2. Site is served by public water and sewer. No new utilities are proposed.
3. The property has an existing driveway.
4. No new exterior lighting is proposed.

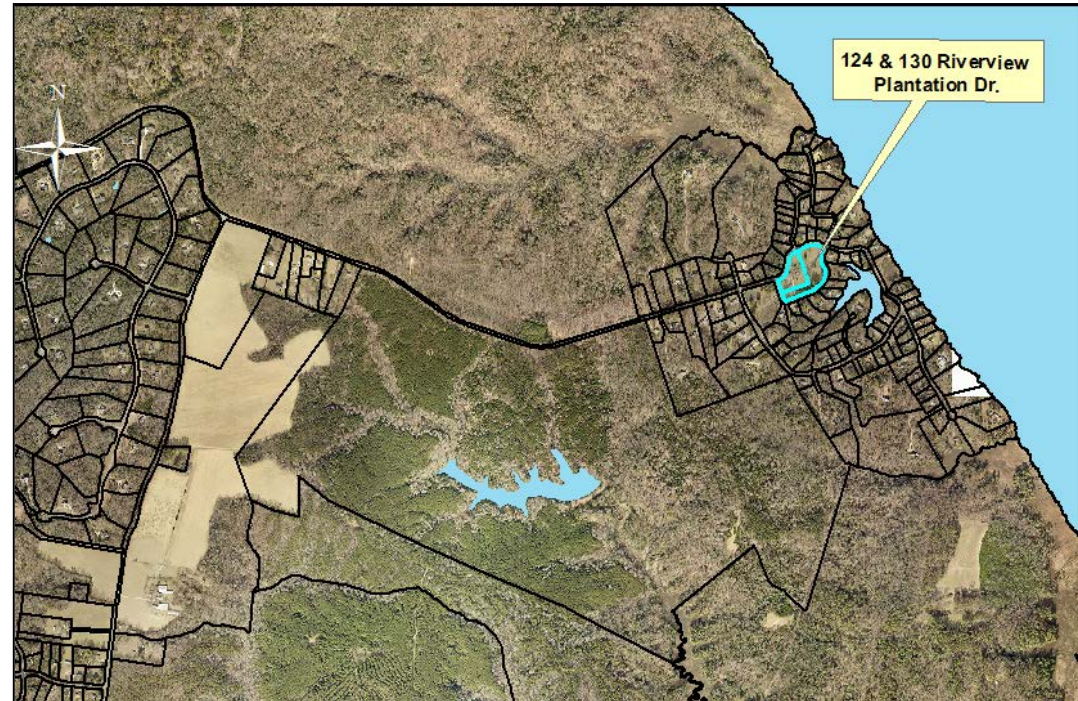
Parking:

Not applicable.

Sheet Index:

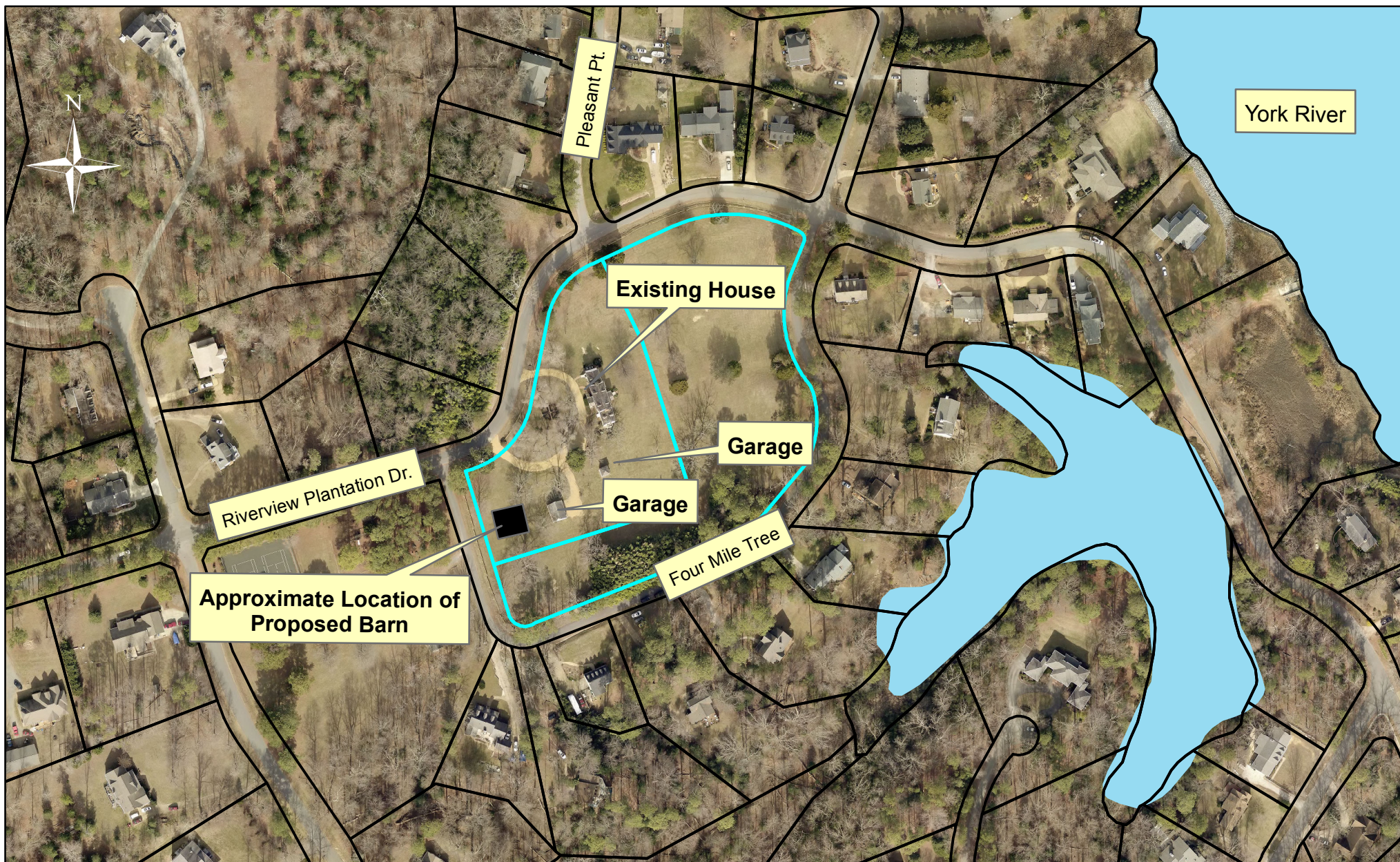
1. Cover sheet
2. Master Plan

Vicinity Map (not to scale):



JCC-Z-0009-2016, Master Plan

124 and 130 Riverview Plantation Dr.



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James City County
Engineering and Resource Protection Division

Project: SWQCP – DeWitt Parcels
124 & 130 Riverview Plantation Drive
County Parcel Nos. 1640100006 & 1640100007

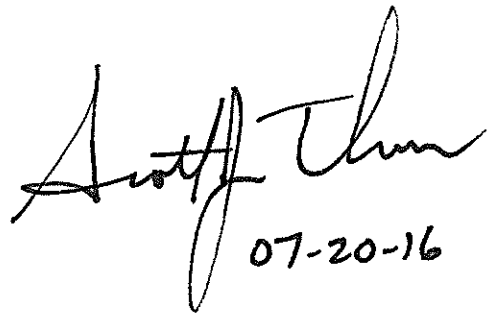
Division Plan No.: E&S-016-16

Date: July 20, 2016

This is a follow-up transmittal to an approved Soil & Water Quality Conservation Plan for the above referenced residential land tracts. TRC committee review for this particular case was done by email correspondence in early July 2016. After committee review, the plan for Bay Act agricultural activities was referred to the Colonial Soil & Water Conservation District Board of Directors for positive recommendation. The Board of Directors approved the plan on July 14, 2016.

Plan has abided by local Chesapeake Bay Preservation Area program requirements to secure proper agricultural exemptions.

*Forage – horse pasture on two land parcels
4.00 acres (coverage)
York River direct watershed
HUC Code YO65*


07-20-16

Farm Narrative
124 Riverview Plantation Drive
James City County, VA

APPROVED
James City County
Eng & Res Protection
By: *[Signature]*
Date: 07/20/16
E+S-016-16
SWRCP

Riverview Plantation is a historic James City County property located in northeastern portion of the county along the York River. The larger farm was subdivided into residential lots with the historic plantation house serving as the center piece of the development. The current owner, Chris Dewitt, seeks to keep his two horses on the site for personal recreational purposes.

James City County code identifies all lands of the county as Chesapeake Bay Preservation Act (CBPA) areas, meaning they are subject to the county's CBPA ordinance. This site, identified as county tax parcels 1640100006 and 1640100007, contains lands identified by the CBPA ordinance as Resource Management Areas (RMA). No encroachment into the more restrictive Resource Protection Area (RPA) is being proposed.



The following plan was written to nutrient management specifications established by the Virginia Department of Conservation and Recreation. While the James City County code allows for an extremely high animal density per acre of land, this plan will only be considered implemented when the animal density ratio is no more than 1 animal unit per acre of grazing land **and** the forage within the paddocks housing the livestock is healthy and not grazed or mowed below 3" in height. Changes in forage types may be made at any time without a revision to this plan, although the farm manager may find recommendations useful. However, any change in the type of agriculture, such as grass pasture to intensive livestock agriculture, will require a full revision to the plan prior to the proposed change.

James City County is considered to be the governing body with respect to the approval and enforcement of this plan. The Colonial SWCD serves as a technical resource to the county to recommend appropriate management practices to achieve environmental goals set forth by the state and federal agencies.

124 Riverview Plantation Drive Conservation Plan Summary

****Chesapeake Bay Preservation Area**

The site is located within the county's Resource Management Area (RMA) portion of the Chesapeake Bay Preservation Area. No Resource Protection Area (RPA) exists on the site. No land clearing activities are being proposed by the landowner at this time. The current field boundaries are considered to be the limits of agricultural activities. Due to the parcel boundary limits, future land clearing for agricultural purposes appears impossible, however, the removal of some trees may be necessary, especially the Cherry trees, given their toxic properties when wilted. Tree removal on the scale envisioned on this site would not require a land disturbance permit, if kept under 2,500 sq. ft.

In the event the site is determined to be out of compliance with the CBPA ordinance, James City County will have complete authority to take corrective action, as needed and authorized. The Colonial Soil and Water Conservation District will assist the County, as needed.

****Animal Stocking Rates / Soils**

The proposed use for this site, as identified by the landowner, is for grass production to pasture horses. Animal stocking rates should not exceed 1 animal per 2 acres of available pasture, as a general rule. In any case, maintain grass height at a minimum of 3" and consider breaking the pasture into multiple paddocks to allow for regrowth of the grasses and better distribution of manure.

****Nutrient Management**

As the site is currently stable with a good stand of cool season grasses, the management of soil nutrients is one of the most important tasks to ensure adequate pasture for the animals. Follow recommendations in the nutrient management plan and take soil tests every 3 years to adjust nutrient applications.

In summary, the nutrient management plan states:

Species Season	Planting Dates, if over seeding	Nutrient Applications	Lime Application
Cool Season (fescue, orchardgrass)	September 15- October 15	Spring (March 15) apply 40 lbs. N/ac If addition forage is needed late season, apply 40 lbs. N/ac in late summer (September 15)	Apply 1 ton of agricultural limestone per acre in an effort to maintain soil pH at 6.2

****Manure Management and Traffic Management**

Given the proposal to board two horses on the site, manure/bedding production should not become burdensome. When the animals are pastured, use a drag (chain link fence, drag harrow, or

124 Riverview Plantation Drive Conservation Plan Summary




something similar) to disburse manure piles. Consider composting stall bedding and returning the composted material to the pasture as a soil amendment. Any on-site manure storage should not contribute to ground or surface water pollution. Many farm managers have rainy-day paddocks that are exercise lots with no pasture grass. They are used for turnout during inclement weather when horse traffic on grass pastures would tear the turf into a muddy mess. Ungrassed paddocks also work well for horses kept on limited acreage or when pastures are reseeded, fertilized, or are rested as part of rotational grazing program.



1 inch = 400 feet

James City County Parcels
16401000006 & 16401000007
Chris Dewitt, owner/operator
Chesapeake Bay Preservation Area Map

Legend

-  Resource Protection Area (RPA)
-  Dewitt Parcels
-  parcel_public



1 inch = 400 feet

James City County Parcels
1640100006 & 1640100007
Chris Dewitt, owner/operator
Soils Map

Legend

MUSYM

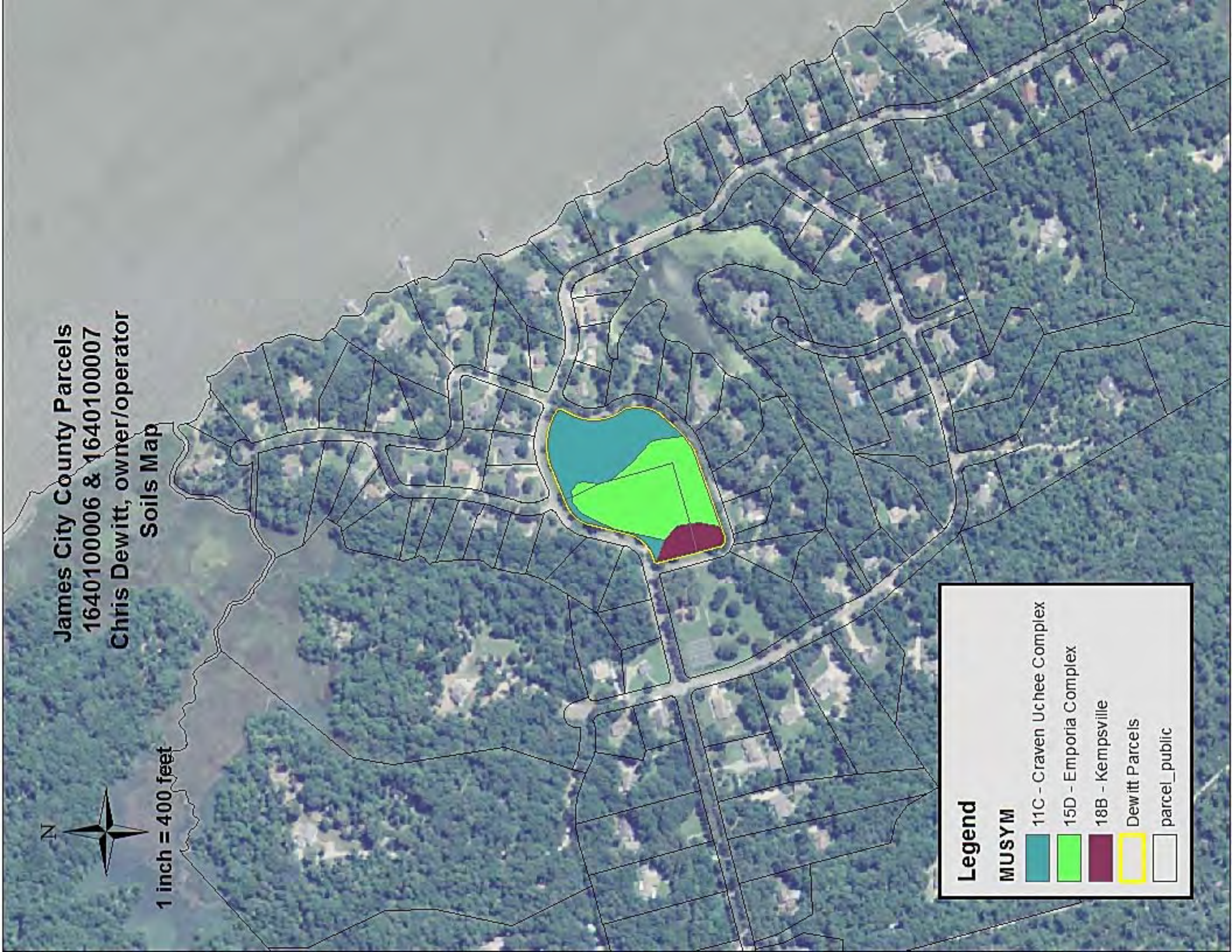
11C - Craven Uchee Complex

15D - Emporia Complex

18B - Kempsville

Dewitt Parcels

parcel_public

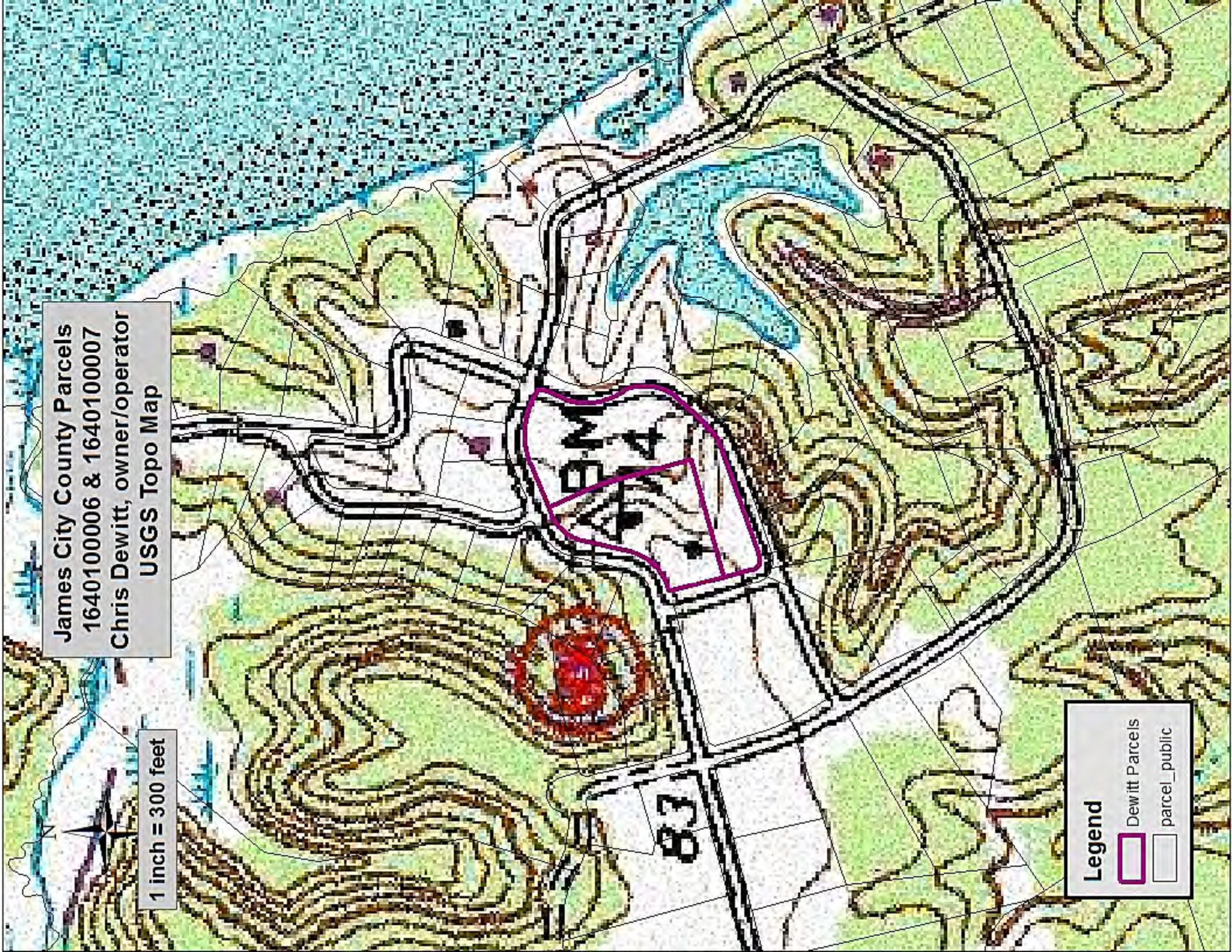


James City County Parcels
1640100006 & 1640100007
Chris Dewitt, owner/operator
USGS Topo Map

1 inch = 300 feet

Legend

- Dewitt Parcels
- parcel_public



NUTRIENT MANAGEMENT PLAN IDENTIFICATION

Operator

Chris Dewitt
124 Riverview Plantation Drive
Williamsburg, VA 23188

Integrator: None

Farm Coordinates

Easting: 0, Northing: 0, zone: 17

Watershed Summary

watershed: YO65
county: James City

Nutrient Management Planner

James Wallace
4620 Black Rail Court
Providence Forge, VA 23140

Certification Code: 429

Acreage Use Summary

Total Acreage in this plan: 4.

Cropland: 0.
Hayland: 0.
Pasture: 4.
Specialty: 0.

Livestock Summary

Beef Cattle 0
Dairy Cattle 0
Poultry 0
Swine 0
Other 0

Manure Production Balance

	Imported	Produced	Exported	Used	Net
kgals	0.	0.	0.	0.	0.
tons	0.	0.	0.	0.	0.

Plan written 3/1/2016
Valid until 3/1/2019

Signature: _____
Planner date

NUTRIENT MANAGEMENT PLAN IDENTIFICATION

Operator

Chris Dewitt
124 Riverview Plantation Drive
Williamsburg, VA 23188

Integrator:None

Farm Coordinates

Easting: 0, Northing: 0, zone: 17

Watershed Summary

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county: James City

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Beef Cattle 0
Dairy Cattle 0
Poultry 0
Swine 0
Other 0

Manure Production Balance

	Imported	Produced	Exported	Used	Net
kgals	0.	0.	0.	0.	0.
tons	0.	0.	0.	0.	0.

Plan written 3/1/2016
Valid until 3/1/2019

Signature: _____
Planner date

Field Productivities for Major Crops

Tract Name	Tract/ Field	Field Name	Acres	Predominant Soil Series	Corn	Small Grain	Alfalfa	Grass Hay	Environmental Warnings
Riverview	None/0	Pasture*	4	Emporia	IVb	III	Not Suited	III	High Leaching, High Slope

* Do not apply manure or biosolids more than 30 days prior to planting. Apply commercial fertilizer nitrogen to row crops in split spring applications.

Yield Range

Field Productivity Group	Corn Grain Bu/Acre	Barley/Intensive Wheat Bu/Acre	Std. Wheat Bu/Acre	Alfalfa Tons/Acre	Grass/Hay Tons/Acre
I	>170	>80	>64	>6	>4.0
II	150-170	70-80	56-64	4-6	3.5-4.0
III	130-150	60-70	48-56	<4	3.0-3.5
IV	100-130	50-60	40-48	NA	<3.0
V	<100	<50	<40	NA	NA

Nutrient Management Plan Balance Sheet
(Spring, 2016-Spring, 2019)
Riverview Plantation
Planner: James Wallace (cert. No. 429)

Tract: Riverview Location: James City

(N = N based, 1P = P based, 1.5P = P based at 1.5 removal, 0P = No P allowed)

Field CFSA No. /Name	Size (ac) Total/ Used	Yr.	Crop	Needs N-P-K (lbs/ac)	Leg /Man Resid	Manure/Biosid Rate & Type (season)	IT (d)	Man/Bios N-P-K (lbs/ac)	Net = Needs - appld N-P-K (lbs/ac)	Sum P rem cred	Commercial N-P-K (lbs/ac)	Notes
0/Pasture(N)	4/4	2016	Grass Pasture	50-30-0	0/0				50-30-0	N/A	50-30-0(br)	1,2
		2017	...	50-30-0	0/0				50-30-0	N/A	50-30-0(br)	1
		2018	...	50-30-0	0/0				50-30-0	N/A	50-30-0(br)	1
		2019	...	50-30-0	0/0				50-30-0	N/A	50-30-0(br)	1

Commercial Application Methods:

br - Broadcast ba - Banded sd - Sidedress

Notes:

1 If stand contains less than 25% clover, apply 40-60 lbs. N/ac in the spring. If additional production is needed later in the growing season, apply 40-60 lbs. N/ac in late summer. If legumes are scheduled to be overseeded, do not apply the late summer N.

2 You may combine annual applications(3 years total) of Phosphorus and Potassium in one single application to reduce annual application costs.

Soil Test Summary

Tract	Field	Acre	Date	P2O5	K2O	Lab	Soil pH	Lime Date	rec. lime tons/Ac
Riverview	Pasture	4	2015-Sp	M- (16 P lbs/acre)	H (260 K lbs/acre)	Virginia Tech	5.8	2016Fa	1.

Virginia Cooperative Extension

Soil Test Report

Questions? Contact:
James City County Office
3127 Forge Road
P.O. Box 69
Toano, VA 23168-0069
757-564-2170

Virginia Tech Soil Testing Laboratory
145 Smyth Hall (0465)
185 Ag Quad Ln
Blacksburg, VA 24061
www.soiltest.vt.edu

SEE NOTES:
1 17
at www.soiltest.vt.edu under Report Notes

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DEWITT
JAMES CITY VCE
TURF LOVE PROGRAM

C F
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P R
Y

SAMPLE HISTORY

Sample ID	Field ID	LAST CROP		LAST LIME APPLICATION		SOIL INFORMATION				
		Name	Yield	Months Prev.	Tons/Acre	SMU-1 %	SMU-2 %	SMU-3 %	Yield Estimate	Productivity Group
D1567										

LAB TEST RESULTS (see Note 1)

Analysis	P (lb/A)	K (lb/A)	Ca (lb/A)	Mg (lb/A)	Zn (ppm)	Mn (ppm)	Cu (ppm)	Fe (ppm)	B (ppm)	S.Salts (ppm)
Result	16	260	1670	217	7.2	5.5	0.4	10.2	0.5	
Rating	M-	H	H-	VH	SUFF	SUFF	SUFF	SUFF	SUFF	

Analysis	Soil pH	Buffer Index	Est.-CEC (meq/100g)	Acidity (%)	Base Sat. (%)	Ca Sat. (%)	Mg Sat. (%)	K Sat. (%)	Organic Matter (%)
Result	5.8	6.20	6.6	18.0	82.0	63.3	13.6	5.1	

FERTILIZER AND LIMESTONE RECOMMENDATIONS

Crop: LAWN MAINTENANCE - BLUEGRASS, FESCUE (202)

612. LIME RECOMMENDATIONS: Apply 70 pounds of agricultural limestone (ground, pulverized or pelletized) per 1000 square feet in several small applications of up to 50 lbs each, at intervals of 1 to 6 months, until the full amount is applied.

990. We are trying to improve our service. PLEASE take a moment to complete our brief, anonymous customer survey at tinyurl.com/soiltestsurvey.

991. "Explanation of Soil Tests, Note 1" and other referenced notes are viewable at www.soiltest.vt.edu under Report Notes.

208. FERTILIZER RECOMMENDATIONS: Use any complete "turf-type" fertilizer according to the instructions in the note on lawn fertilization. (A "turf-type" fertilizer is typically high in nitrogen, and has little or no phosphorus and potassium, e.g., 25-0-7.)



Virginia Cooperative Extension
James City County Office
P. O. Box 69
3127 Forge Road
Toano, VA 23168
757-564-2170 Fax: 757-566-8413
<http://offices.ext.vt.edu/james-city/>

K2+P



NUTRIENT APPLICATION WORKSHEET

Name: Chris DeWitt
Date Prepared: Jan. 13, 2015

Soil Test Report Date: Jan 9, 2015
Lawn area (square feet): 175,000

FOLLOW THIS PLAN FOR 3 YEARS—THEN RETEST SOIL

Month	Total Fertilizer (lbs)	Fertilizer to Apply (lbs/1000 sq ft)	Fertilizer Analysis N-P-K*	Nitrogen to Apply (lbs/1000 sq ft)	Lime (lbs)	*Key:
Sept	490	2.8	25-3-7	0.7	Apply	N = Nitrogen P = Phosphate K = Potash
Oct	490	2.8	25-3-7	0.7	8750 lbs	
Nov	490	2.8	25-3-7	0.7	now and	
					3500 lbs	
					in 4 to 6	
					months.	

Disclaimer: Commercial products are named in this publication for information purposes only. Virginia Cooperative Extension does not endorse these products and does not intend discrimination against other products which also may be suitable.

You are a stakeholder in the York River Watershed. As a stakeholder, you should know that any excess water or chemicals from your property could flow into the York River and ultimately contribute to pollution of the Chesapeake Bay and its tributaries.

Your lawn area was measured at 175,000 square feet.

The soil test showed medium levels of phosphorus and high levels of potassium, which suggest that any turf-type complete fertilizer can be used. 25-3-7* is available at most garden supply centers.

Soil organic matter is generally low in our area. Your soil (Emporia Complex) would benefit from top dressing with 1/4 inch of compost in spring and fall, especially prior to core aeration.

Your soil pH is low at 5.8. You can correct this by applying 8,750 pounds of lime now, followed by 3,500 pounds in four to six months.

Invent the Future

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 **Virginia
Cooperative
Extension**
www.ext.vt.edu

jim.wallace@colonialswcd.net

From: Waring, Robert (DCR) <Robert.Waring@dcv.virginia.gov>
Sent: Thursday, July 07, 2016 11:35 AM
To: jim.wallace@colonialswcd.net
Subject: RE: Conservation plan for Chris Dewitt

Nmp looks pretty standard. perfect

Robert Waring
VADCR
Division of Soil and Water Conservation
P.O. Box 1425
Tappahannock, Va 22560
(804) 443 3162

From: jim.wallace@colonialswcd.net [mailto:Jim.Wallace@colonialswcd.net]
Sent: Thursday, July 07, 2016 10:27 AM
To: 'Scott Thomas' <Scott.Thomas@jamecitycountyva.gov>; Waring, Robert (DCR) <Robert.Waring@dcv.virginia.gov>; 'Jones, Matthew - NRCS, Quinton, VA' <matthew.jones@va.usda.gov>; john.allison@vt.edu; Tom.Dunlap@colonialswcd.net
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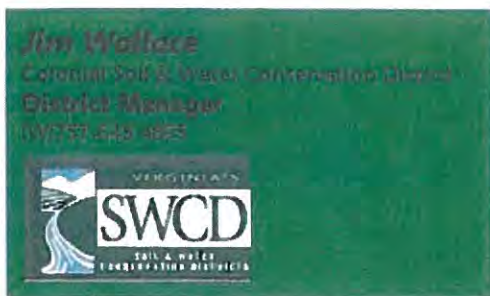
Good morning.

I've written a Ches. Bay plan for Chris Dewitt of James City County and I'm asking you, as members of our Technical Review Committee to review and comment on the plan.

The Colonial SWCD Board of Directors will meet on Thursday morning (7/14) and I'd like to be able to present an approved draft to them.

Thanks in advance for your input.

jw



jim.wallace@colonialswcd.net

From: Scott Thomas <Scott.Thomas@jamescitycountyva.gov>
Sent: Monday, July 11, 2016 5:18 PM
To: 'jim.wallace@colonialswcd.net'
Cc: Joseph Buchite; Michael Woolson; Ellen Cook
Subject: RE: Conservation plan for Chris Dewitt

Jim –

I have reviewed the Soil & Water Quality Conservation Plan/Assessment (SWQCP/A) for the DeWitt parcels at 124 & 130 Riverview Plantation Drive. I have no comments for Technical Review Committee (TRC) purposes.

If needed, I have assigned this SWQCP/A a division internal case number of E&S-016-16. As previously provided, the parcels are situated in the York River direct subwatershed of the County, HUC Code YO65.

Let me know when it receives board of director endorsement (or not).

Thanks.

Scott J. Thomas, P.E.
Director of Engineering and Resource Protection



101-E Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6639
F: 757-259-4032
jamescitycountyva.gov

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Sent: Thursday, July 07, 2016 10:27 AM
To: Scott Thomas <Scott.Thomas@jamescitycountyva.gov>; Robert.waring@dcr.virginia.gov; 'Jones, Matthew - NRCS, Quinton, VA' <matthew.jones@va.usda.gov>; john.allison@vt.edu; Tom.Dunlap@colonialswcd.net
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Thanks in advance for your input.

jw

jim.wallace@colonialswcd.net

From: Allison, John <jba10352@vt.edu>
Sent: Tuesday, July 12, 2016 11:52 AM
To: jim.wallace@colonialswcd.net
Subject: RE: Conservation plan for Chris Dewitt

Jim:

I just got back from vacation. I have one comment. Could the rainy-day paddocks be surfaced to reduce erosion?

John

John Allison

ANR Extension Agent
Charles City and New Kent Counties
CC: 804-652-4743 NK: 804-966-9645
Cell Phone: 804-658-7838
john.allison@vt.edu



From: jim.wallace@colonialswcd.net [mailto:Jim.Wallace@colonialswcd.net]
Sent: Thursday, July 07, 2016 10:27 AM
To: 'Scott Thomas'; Robert.waring@dcr.virginia.gov; 'Jones, Matthew - NRCS, Quinton, VA'; Allison, John; Tom.Dunlap@colonialswcd.net
Subject: Conservation plan for Chris Dewitt

Good morning.

I've written a Ches. Bay plan for Chris Dewitt of James City County and I'm asking you, as members of our Technical Review Committee to review and comment on the plan.

The Colonial SWCD Board of Directors will meet on Thursday morning (7/14) and I'd like to be able to present an approved draft to them.

Thanks in advance for your input.

jw

Alex Baruch

From: anitadasher@cox.net
Sent: Tuesday, September 27, 2016 2:09 PM
To: Alex Baruch
Cc: Sue Sadler
Subject: rezoning request at RIVERVIEW plantation

good morning Mr .Baruch we are Dennis and Anita dasher our mailing address is 92 four mile tree Williamsburg VA. 23188. we have resided here for 20 years we live across the street from the plantation house. we were deeply concerned when we received the letter from the planning commission on the plans for a horse barn and pony farm on the plantation property application #Z-009-2016.we knew nothing of these plans until 3 days ago when we returned home from a short trip. the letter is vague on many issues and information as to the location of the barn number of horses and pony's etc. I found out from talking to some of my neighbors the plan is to erect the barn approximately 100 yards from my homes front door and approximately the same distance from the main entrance street into our beautiful and peaceful community.As I said I have lived here for 20 years because I so enjoy the tranquil views of the surrounding property and the fresh air. I do not wish to wake every morning to view a stable or barn. more study and plans should go into this matter on behalf of all the home owners involved before any action is taken. the plantation is a beautiful home and the focal point of the entrance to the neighborhood it is also on the historical land mark on the Virginia register. there are many residents who did not receive the letter dated September 20 because they do not drive by the plantation they access there homes via the other end of RIVERVIEW drive by the tennis courts and did not see the posting in front of the house. the entire community should be aware of the proposed plans because this parcel of land is the namesake and showcase of our community THANK YOU DENNIS AND ANITA DASHER .

Alex Baruch

From: Jane Nichols <calamity11@icloud.com>
Sent: Thursday, September 29, 2016 11:42 AM
To: Alex Baruch
Subject: Planning case Z-0009-2016

Dear Mr. Baruch,

Thank you for speaking with me regarding case # Z-0009-2016. I would appreciate it if you would include my letter following, in your package to the Planning Commission. Towit:

Dear James City Planning Commissioners:

Regarding the case before you on October 5, Z-0009-2016, we respectfully submit that this change to our existing neighborhood is a bad idea. The creation of a "horse and pony farm" in the middle of our neighborhood raises many concerns.

1. It would create a dangerous precedent for other changes in what has been a very stable and cohesive community. We are apprehensive of other variance requests that could impact the quality of our neighborhood.
2. This is not, and is not zoned to be, horse country. We are basically a quiet, wooded community of middle-class homes. That is what we all bought into, assuming the protection of the current county plan.
3. This is a threat to our health and well-being. A barn of large animals and their leavings would attract rodents, insects, horse flies, snakes and other vermin, which we try to keep at bay.
4. The polluted runoff from these new conditions would be damaging to the Chesapeake Bay. The "farm" runoff will fall directly downhill into our yard. It would continue downhill through my backyard into Lake Norvell, a link of the Chesapeake Bay Watershed.
5. The property changes will NOT restore an historical look to the property. The footprint of the original house on this hill did not include an animal barn. It was a house, a kitchen and a small tobacco shed. Neither is the irregular oval rail fence which has been added historical. It is nothing like a horse fence such as described by George Washington. Also, a farm family would know not to have the barn and wandering horses right beside their house. The "recreations" made and proposed would be a Disneyesque parody of a time that never was.

Thank you very much for your time and attention to this matter.

Very truly yours,
Jane and John Nichols
102 Four Mile Tree

Alex Baruch

From: Beth Klapper
Sent: Thursday, September 29, 2016 8:02 AM
To: Alex Baruch
Subject: FW: Riverview Plantation Rezoning

From: S & K Home [mailto:topnotch05@cox.net]
Sent: Wednesday, September 28, 2016 5:18 PM
To: Planning <planning@jamescitycountyva.gov>
Subject: Riverview Plantation Rezoning

Dear Mr. Alex Baruch

I live at 102 Riverview Plantation Drive. I am not in favor of the rezoning at the plantation house. This would open up a can of worms and I am sure other people would try to rezone for a number of reasons. I worry about the nitrate/manure run off into our pond and would make the algae grow even more in the summer. I believe the owners of the horses would walk/ride down Riverview road to pick up the trails in the State Park. This would be unsafe. I also believe it may lower the home prices in the neighborhood. I have talked to many of my neighbors and all are against this proposal that I have spoke with.

Thank you,

Scott Summerfield

ITEM SUMMARY

DATE: 10/5/2016

TO: The Planning Commission

FROM: Ellen Cook, Principal Planner

SUBJECT: ZO-0001-2016, Zoning Ordinance Revisions to Allow Places of Public Assembly, Including Those Used Primarily as an Event Facility, in A-1, General Agricultural, and R-8, Rural Residential Districts.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1A Draft Changes to A-1	Backup Material
▣	Attachment 1B Draft Changes to R-8	Backup Material
▣	Attachment 2 Draft Changes to Special Regulations	Backup Material
▣	Attachment 3 Material for Guidance Document	Backup Material
▣	Attachment 4 August 11, 2016 Policy Committee Minutes	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/28/2016 - 4:51 PM
Planning Commission	Holt, Paul	Approved	9/28/2016 - 4:51 PM
Publication Management	Burcham, Nan	Approved	9/28/2016 - 4:56 PM
Planning Commission	Holt, Paul	Approved	9/28/2016 - 4:57 PM

M E M O R A N D U M

DATE: October 5, 2016

TO: The Planning Commission

FROM: Ellen Cook, Principal Planner

SUBJECT: Case No. ZO-0001-2016. Zoning Ordinance Revisions to Allow Places of Public Assembly Including those Used Primarily as an Event Facility in A-1, General Agricultural, and R-8, Rural Residential Districts

History

Over the past year and a half, the County has received a number of inquiries from citizens who are interested in starting privately run-for-profit event facility businesses on parcels in Rural Lands. Examples of events that would be able to be accommodated at such facilities include weddings, charity fundraisers, corporate parties, etc. Event facilities are not currently permitted in the A-1, General Agriculture district, or R-8, Rural Residential district.

The County has a strategy for rural economic development which encourages allowing rural land owners to pursue appropriate commercial uses that would complement rural character while expanding income-generating potential. Evaluating updates to the Zoning Ordinance to account for private special events and event facilities as a primary use was proposed as part of the Planning Division's 2015-16 work program at the October 2015 Policy Committee meeting and the Committee had an initial discussion regarding this use in January 2016. Following this initial discussion, the Planning Commission adopted an initiating resolution at its February 3, 2016 meeting. The Policy Committee discussed possible approaches and reviewed the draft amendment language at its March 10, June 16, and August 11, 2016 meetings. During the course of these meetings, the Committee expressed interest in pursuing a hybrid approach to permitting such venues. This approach would attempt to capture a portion of these requests as a permitted use with defined performance standards. Any proposal not able to meet the performance standards would then be evaluated on a case-by-case basis through the Special Use Permit (SUP) process. The Policy Committee also listened to citizen feedback during the Policy Committee meetings, as well as receiving specific input from residents along Forge Road. On August 11, 2016, the Policy Committee voted to recommend approval of the attached draft amendments by a vote of 2-1.

Draft Ordinance

In keeping with the approach described above, the draft ordinance proposes changes to the use lists in A-1, General Agricultural, and R-8, Rural Residential, and changes to Article II, Special Regulations, to create a new Section 24-48 that lists the standards that a place of public assembly used primarily as an event facility would need to meet in order to proceed as a by-right use. This draft language is included as Attachment Nos. 1 and 2 and accomplishes the following:

- In both A-1 and R-8, deletes the uses “houses of worship and cemeteries accessory hereto” and “lodges, civic clubs, fraternal organizations or service clubs” and consolidates them into the use “place of public assembly,” consistent with what has been done previously in the other Zoning Ordinance districts. Further, the places of public assembly use is listed in three parts, with “places of public assembly used primarily as an event facility in accordance with Section 24-48” listed as a permitted use and “places of public assembly” and “places of public assembly used primarily as an event facility not in accordance with Section 24-48” listed as SUP uses.

- In the Special Regulations section of the Ordinance, adds a new section (Section 24-48) which lists the performance standards for event facilities.
- In R-8, the Use List is reformatted as a table to make it consistent with the other zoning districts, and the “group home” use has been updated to be consistent with state code requirements and with what has been done previously in the other residential Zoning Ordinance districts.

Since the August Policy Committee meeting, the County Attorney’s office has worked with staff to make the following revisions:

- In (b)(1) Parcel Size, inclusion of a percentage of the property line that would need to be shared if two parcels are used to meet the ten-acre minimum size. This is to ensure that the intent of the minimum size requirement is met.
- In (b)(3)(b), addition of more specific language to this section which addresses landscaping in the setbacks. The documents cited (the landscape ordinance and the buffer treatment guidelines language) achieves greater consistency in the wording with screening requirements elsewhere in the Zoning Ordinance.
- For the items that had been listed as (b)(8) Conformance with Applicable Regulations and (d) Relationship with Other Regulations, it was recommended that these be moved to a separate Guidance Document for applicants, since this language simply repeated or made note of regulations elsewhere in the ordinance. Accordingly, this information is now shown in Attachment No. 3.
- In (c) Development Plans, revision of this section to specify that submission of a site plan is the mechanism for demonstrating compliance with the performance standards. This makes the language consistent with Section 24-143 When Site Plans Required which includes “places of public assembly” in the list of uses which require a site plan.
- In (c) Development Plans, revision of the structure of the waiver/modification language to be more consistent with elsewhere in the ordinance, and addition of criteria (a) which specifies that the item to be waived will not result in negative impact to adjacent property owners.

Staff recommends the Planning Commission recommend approval of these amendments to the Zoning Ordinance to the Board of Supervisors.

EC/nb

ZORevEventFacRL-mem

Attachments:

1. Draft Ordinance Language - possible changes to A-1 and R-8
2. Draft Ordinance Language - possible changes to the Special Regulations (new Section 24-48)
3. Material for Guidance Document
4. Draft August 11, 2016, Policy Committee Meeting Minutes

ORDINANCE NO. _____

Chapter 24. Zoning

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-212. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32.	P	
	Accessory apartment, detached, in accordance with section 24-32.		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Group home or residential facility, for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP
	Home care facilities.		SUP
	Manufactured homes that are on a permanent foundation.	P	
	Manufactured home parks in accordance with the special provisions of Article IV.		SUP
	Single-family detached dwellings.	P	
	Two-family dwellings.		SUP
Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day-care centers.		SUP
	Airports and landing fields, heliports or helistops and accessory uses.		SUP
	Animal hospitals, veterinary offices and kennels.		SUP
	Automobile graveyards.		SUP
	Automobile repair and service.		SUP
	Automobile service stations; if fuel is sold, then in accordance with section 24-38.		SUP
	Beauty and barber shops.		SUP

	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP
	Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.		SUP
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).		SUP
	Contractors' warehouses, sheds and offices.		SUP
	Convenience stores; if fuel is sold, then in accordance with section 24-38.		SUP
	Day care and child-care centers.		SUP
	Dinner theaters and dance halls as an accessory use to a restaurant or tavern.		SUP
	Farm equipment sales and service.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	
	Farmers' markets over 2,500 square feet in area.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage.		SUP
	Gift shops and antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.	P	
	Home occupations, as defined herein.	P	
	Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
	Horse racing tracks.		SUP
	Horse show areas, polo fields.		SUP
	Hospitals and nursing homes.		SUP
	House museums.	P	
	Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
	Lumber and building supply stores.		SUP
	Medical clinics.		SUP

	Nurseries.	P	
	Off-street parking as required by section 24-54.	P	
	Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
	Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
	Race tracks for animals or vehicles, including racing courses for power boats.		SUP
	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.		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Rest homes for fewer than 15 adults.	P	
	Rest homes for 15 or more adults.		SUP
	Restaurants, taverns.		SUP
	Retreat facilities.		SUP
	Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.		SUP
	Retail sales of plant and garden supplies.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use, but not for commercial purposes.	P	
	Slaughterhouses.		SUP
	Small-scale alcohol production.		SUP
	Tourist homes.		SUP
	Upholstery shops.		SUP
	Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.		SUP

Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, including agritourism activities, as defined in section 24-2.	P	
	Fish farming and aquaculture, but shall not include the processing of such products.	P	
	Food processing and storage, when it occurs in private homes per Code of Virginia § 3.2-5130 subdivisions A 3, 4 and 5.	P	
	General agriculture operation, production agriculture or silviculture activity, dairying, forestry, general farming and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.	P	
	Limited farm brewery.	P	
	Limited farm distillery.	P	
	Intensive agriculture as herein defined.	P	
	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands.	P	
	Storage and repair of heavy equipment as an accessory use to a farm.	P	
	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	
	Wineries, with accessory commercial facilities.		SUP
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Fire stations, rescue squad stations, volunteer or otherwise.		SUP
	Houses of worship and cemeteries accessory hereto.	P	
	Lodges, civic clubs, fraternal organizations or service clubs.		SUP
	<i>Places of public assembly used primarily as an event facility in accordance with section 24-48</i>	<i>P</i>	
	<i>Places of public assembly used primarily as an event facility not in accordance with section 24-48</i>		<i>SUP</i>
	<i>Places of public assembly</i>		<i>SUP</i>
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions, public or private.		SUP

	Seminaries.		SUP
Utility Uses	Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.	P	
	Communication towers over 35 feet in height.		SUP
	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.		SUP
	Telephone exchanges and telephone switching stations.		SUP
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or 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
	Utility substations.		SUP
	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, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.		SUP
	Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.	P	
	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
	Wireless communication facilities that utilize alternative mounting structures, or are camouflaged and comply with division 6, Wireless Communications Facilities.	P	
Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with section 24-43.	P	
Industrial	Accessory buildings and structures.	P	

Uses			
	Accessory uses, as defined herein.	P	
	Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)		SUP
	Manufacture and sale of wood products.		SUP
	Solid waste transfer stations.		SUP
	Storage and repair of heavy equipment.		SUP
	Storage, stockpiling and distribution of sand, gravel and crushed stone.		SUP

DistrictA-1-ord

ORDINANCE NO. _____

Chapter 24. Zoning

Article V. Districts

Division 8. Rural Residential District

Sec. 24-348. ~~Permitted uses.~~ Use list.

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

~~Accessory apartments, attached, in accordance with Section 24-32.~~

~~Accessory buildings and structures.~~

~~Accessory uses, as defined herein.~~

~~Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.~~

~~Farmers' markets, limited in area to 2,500 square feet.~~

~~General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a Special Use Permit in the General~~

~~Agricultural District, A-1.~~

~~Home occupations, as defined herein.~~

~~Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.~~

~~House museums.~~

~~Nurseries.~~

~~Off street parking as required by Section 24-54.~~

~~Petroleum storage on a farm as an accessory use and not for resale.~~

~~Preserves and conservation areas for protection of natural features and wildlife.~~

~~Rest homes for fewer than 15 adults.~~

~~Site built single family detached dwellings and modular homes.~~

~~Slaughter of animals for personal use but not for commercial purposes.~~

~~Storage and repair of heavy equipment as accessory use to a farm.~~

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

~~Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.~~

~~Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.~~

~~Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.~~

~~Wireless communications facilities that utilize alternative mounting structures and comply with Division 6, Wireless Communications Facilities.~~

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential Uses</i>	<i>Accessory apartments, attached, in accordance with section 24-32.</i>	<i>P</i>	
	<i>Accessory apartments, detached, in accordance with section 24-32.</i>		<i>SUP</i>
	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled, or other developmentally disabled persons for more than five such persons.		<i>SUP</i>
	<i>Group home or residential facility, for eight or fewer adults.</i>	<i>P</i>	
	<i>Group homes or residential facilities for nine or more adults.</i>		<i>SUP</i>
	<i>Group quarters for agricultural workers.</i>		<i>SUP</i>
	<i>Home care facilities.</i>		<i>SUP</i>
	<i>Manufactured home parks.</i>		<i>SUP</i>
	<i>Manufactured homes in accordance with section 24-107 and section 24-108 not located within the primary service area.</i>		<i>SUP</i>
	<i>Site-built single-family detached dwellings and modular homes.</i>	<i>P</i>	
	<i>Two-family dwellings.</i>		<i>SUP</i>
<i>Commercial Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	

	<i>Adult day-care centers.</i>		<i>SUP</i>
	<i>Airports and landing fields, helistops or heliports and accessory uses.</i>		<i>SUP</i>
	<i>Barber and beauty shops.</i>		<i>SUP</i>
	<i>Business, governmental and professional offices.</i>		<i>SUP</i>
	<i>Campgrounds.</i>		<i>SUP</i>
	<i>Cemeteries and memorial gardens, not accessory to a church or other place of worship.</i>		<i>SUP</i>
	<i>Child day-care centers.</i>		<i>SUP</i>
	<i>Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities, but not those approved as a part of a planned unit development.</i>		<i>SUP</i>
	<i>Convenience stores; if fuel is sold, then in accordance with section 24-38.</i>		<i>SUP</i>
	<i>Drug stores.</i>		<i>SUP</i>
	<i>Farm equipment sales and service establishments.</i>		<i>SUP</i>
	<i>Farmers' markets, limited in area to 2,500 square feet.</i>	<i>P</i>	
	<i>Farmers' markets over 2,500 square feet.</i>		<i>SUP</i>
	<i>Feed, seed and farm supplies.</i>		<i>SUP</i>
	<i>Flea markets, temporary or seasonal.</i>		<i>SUP</i>
	<i>Food processing and storage, but not the slaughter of animals.</i>		<i>SUP</i>
	<i>Food processing and storage in a residence.</i>		<i>SUP</i>
	<i>Gift shops, antique shops.</i>		<i>SUP</i>
	<i>Golf courses and country clubs.</i>		<i>SUP</i>
	<i>Greenhouses, commercial.</i>		<i>SUP</i>
	<i>Home occupations, as defined herein.</i>	<i>P</i>	
	<i>Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.</i>	<i>P</i>	
	<i>Horse and pony farms with 50 or more animals.</i>		<i>SUP</i>
	<i>Horse show areas, polo fields.</i>		<i>SUP</i>
	<i>Hospitals.</i>		<i>SUP</i>
	<i>Hotels and motels.</i>		<i>SUP</i>
	<i>House museums.</i>	<i>P</i>	
	<i>Hunting clubs.</i>		<i>SUP</i>

	<i>Kennels.</i>		<i>SUP</i>
	<i>Medical clinics or offices.</i>		<i>SUP</i>
	<i>Nurseries.</i>	<i>P</i>	
	<i>Nursing homes and facilities for the residence and/or care of the aged.</i>		<i>SUP</i>
	<i>Off-street parking as required by section 24-54.</i>	<i>P</i>	
	<i>Photography, artist and sculptor studios.</i>		<i>SUP</i>
	<i>Photography sales and arts and crafts shops.</i>		<i>SUP</i>
	<i>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.</i>		<i>SUP</i>
	<i>Rental of rooms to a maximum of three rooms.</i>		<i>SUP</i>
	<i>Restaurants, taverns.</i>		<i>SUP</i>
	<i>Rest homes for fewer than 15 adults.</i>	<i>P</i>	
	<i>Rest homes for 15 or more adults.</i>		<i>SUP</i>
	<i>Retail shops associated with community recreation facilities.</i>		<i>SUP</i>
	<i>Retreat facilities</i>		<i>SUP</i>
	<i>Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.</i>		<i>SUP</i>
	<i>Slaughter of animals for personal use, but not for commercial purposes.</i>	<i>P</i>	
	<i>Tourist homes.</i>		<i>SUP</i>
	<i>Veterinary hospitals.</i>		<i>SUP</i>
	<i>Wayside stands for sale of agricultural products over 500 square feet in area.</i>		<i>SUP</i>
	<i>Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.</i>	<i>P</i>	
	<i>Yacht clubs and marinas and commercial and service facilities accessory thereto.</i>		<i>SUP</i>
<i>Agricultural Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses,</i>		<i>SUP</i>

	<i>10,000 chickens or 5,500 turkeys or ducks.</i>		
	<i>Fish farming and aquaculture.</i>		<i>SUP</i>
	<i>General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.</i>	<i>P</i>	
	<i>Petroleum storage on a farm as an accessory use and not for resale.</i>	<i>P</i>	
	<i>Raising of hogs.</i>		<i>SUP</i>
	<i>Storage and repair of heavy equipment as accessory use to a farm.</i>	<i>P</i>	
	<i>Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.</i>	<i>P</i>	
<i>Civic Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Fire stations or rescue squad stations, volunteer or otherwise.</i>		<i>SUP</i>
	Houses of worship and cemeteries accessory thereto.		<i>SUP</i>
	Lodges, civic clubs, fraternal organizations and service clubs.		<i>SUP</i>
	<i>Neighborhood Resource Centers.</i>		<i>SUP</i>
	<i>Places of public assembly used primarily as an event facility in accordance with section 24-48.</i>	<i>P</i>	
	<i>Places of public assembly used primarily as an event facility not in accordance with section 24-48.</i>		<i>SUP</i>
	<i>Places of public assembly.</i>		<i>SUP</i>
	<i>Post offices and public buildings generally.</i>		<i>SUP</i>
	<i>Schools, libraries, museums and similar institutions.</i>		<i>SUP</i>
	<i>Seminaries.</i>		<i>SUP</i>
<i>Utility Uses</i>	<i>Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities.</i>		<i>SUP</i>
	<i>Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.</i>	<i>P</i>	
	<i>Communication towers over 35 feet in height.</i>		<i>SUP</i>
	<i>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.</i>		<i>SUP</i>
	<i>Radio and television stations or towers.</i>		<i>SUP</i>
	<i>Telephone exchanges and telephone switching stations.</i>		<i>SUP</i>

	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 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, private extensions or 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>Utility substations.</i>		<i>SUP</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 are accessory to existing or proposed development, with no additional connections to be made to the line.</i> <i>(b) Distribution lines and local facilities within a development, including pump stations.</i>		<i>SUP</i>
	<i>Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.</i>	<i>P</i>	
	<i>Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.</i>		<i>SUP</i>
	<i>Wireless communications facilities that utilize alternative mounting structures and comply with Division 6, Wireless Communications Facilities.</i>	<i>P</i>	
<i>Open Uses</i>	<i>Preserves and conservation areas for protection of natural features and wildlife.</i>	<i>P</i>	
	<i>Timbering in accordance with section 24-43.</i>	<i>P</i>	
<i>Industrial Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	

	<i>Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a special use permit).</i>		<i>SUP</i>
	<i>Manufacture and sale of wood products.</i>		<i>SUP</i>

~~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:~~

~~Accessory apartments, detached, in accordance with Section 24-32.~~

~~Adult day-care centers.~~

~~Airports and landing fields, helistops or heliports and accessory uses.~~

~~Barber and beauty shops.~~

~~Business, governmental and professional offices.~~

~~Camouflaged wireless communications facilities that comply with Division 6, Wireless Communication Facilities.~~

~~Campgrounds.~~

~~Cemeteries and memorial gardens, not accessory to a church or other place of worship.~~

~~Child day-care centers.~~

~~Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.~~

~~Communication towers over 35 feet in height.~~

~~Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities, but not those approved as a part of a planned unit development.~~

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

~~Drug stores.~~

~~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.~~

~~Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a Special Use Permit).~~

~~Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled, or other developmentally disabled persons for more than five such persons.~~

~~Farm equipment sales and service establishments.~~

~~Farmers' markets over 2,500 square feet.~~

~~Feed, seed and farm supplies.~~

~~Fire stations or rescue squad stations, volunteer or otherwise.~~

~~Fish farming and aquaculture.~~

~~Flea markets, temporary or seasonal.~~

~~Food processing and storage, but not the slaughter of animals.~~

~~Food processing and storage in a residence.~~

~~Gift shops, antique shops.~~

~~Golf courses and country clubs.~~

~~Greenhouses, commercial.~~

~~Group quarters for agricultural workers.~~

~~Home care facilities.~~

~~Horse and pony farms with 50 or more animals.~~

~~Horse show areas, polo fields.~~

~~Hospitals.~~

~~Hotels and motels.~~

~~Houses of worship and cemeteries accessory thereto.~~

~~Hunting clubs.~~

~~Kennels.~~

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

~~Manufacture and sale of wood products.~~

~~Manufactured home parks.~~

~~Manufactured homes in accordance with Section 24 107 and Section 24 108 not located within the primary service area.~~

~~Medical clinics or offices.~~

~~Neighborhood Resource Centers.~~

~~Nursing homes and facilities for the residence and/or care of the aged.~~

~~Photography, artist and sculptor studios.~~

~~Photography sales and arts and crafts shops.~~

~~Post offices and public buildings generally.~~

~~Radio and television stations or towers.~~

~~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.~~

~~Raising of hogs.~~

~~Rental of rooms to a maximum of three rooms.~~

~~Rest homes for 15 or more adults.~~

~~Restaurants, taverns.~~

~~Retail shops associated with community recreation facilities.~~

~~Retreat facilities.~~

~~Sanitary landfills in accordance with Section 24 40, waste disposal or publicly owned solid waste container sites.~~

~~Schools, libraries, museums and similar institutions.~~

~~Seminaries.~~

~~Telephone exchanges and telephone switching stations.~~

~~Tourist homes.~~

~~Tower mounted wireless communications facilities in accordance with Division 6, Wireless Communications Facilities, over 35 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, private extensions or 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.~~

~~Two family dwellings.~~

~~Utility substations.~~

~~Veterinary hospitals.~~

~~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.~~

~~Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.~~

~~Wayside stands for sale of agricultural products over 500 square feet in area.~~

~~Yacht clubs and marinas and commercial and service facilities accessory thereto.~~

DistrictR-8-ord

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

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

- (a) *Applicability. A place of public assembly used primarily as an event facility (referred to as an "event facility") is a place for hosting functions including, but not limited to, weddings, receptions, banquets, anniversaries, meetings or conferences. The event facility may be a building, tent, uncovered outdoor gathering space, or a combination thereof. For the purposes of this section, an event facility is one that charges a fee or requires compensation to use the space or charges an entry or other fee for the uses related to the facility. Facilities exclusively used by membership groups such as civic or service clubs, or fraternal organizations are not included in this definition.*
- (b) *Performance standards. All event facilities, and the parcel(s) upon which they are located, must meet the following standards:*
- (1) *Parcel Size. The property must be ten or more acres. This may consist of a single parcel or two adjacent parcels under the same ownership, which, when aggregated, total ten or more acres. If adjacent, the parcels must share at least 25% of the smaller parcel's property line. If the total acreage becomes less than ten acres through subsequent subdivision, sale or other means, this standard would no longer be met and approval under this section would no longer be valid.*
- (2) *Maximum Number of Attendees. The maximum number of attendees for any given event is limited to 300 people, including but not limited to, any event staff, caterers, photographers and vendors.*
- (3) *Setbacks.*
- a. *Setback areas shall be:*
- i. *Not less than 75 feet from any property line for all development and activity areas related to the event facility, including but not limited to, parking, permanent facilities, temporary tents, fire pits and outdoor gathering spaces;*
- ii. *Not less than 150 feet from the edge of the right-of-way for roads that are designated by the comprehensive plan as community character corridors for all development and activity areas related to the event facility;*
- iii. *Not less than 100 feet from any property line for any activity area that will include the use of outdoor amplified sound or music.*
- b. *Existing trees, bushes, shrubs and other vegetation within such setback areas shall be protected and preserved. For those areas where the event facility would be visible from*

a property line or right-of-way, the setbacks specified in 3.a.i and 3.a.ii shall contain landscaping in accordance with section 24-96, General landscape area standards, and setbacks along community character corridors shall also adhere to the community character corridor buffer treatment guidelines and map. The planning director may modify, permit substitutions, or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.

(4) Access. The property shall be located on a road that is classified by the Virginia Department of Transportation as an arterial road. Access to and from the event facility may not occur via a shared or common driveway.

(5) Limitations on noise. No activity shall cause or permit to be caused any noise which is plainly audible across a property line between the hours of 11 p.m. to 7 a.m. For the purposes of this standard, all definitions shall be those found in section 15.20 of the county code. In addition, all sources of amplified music shall be oriented toward the interior of the property.

(6) Temporary Tents. Where proposed, temporary tents are allowed for a period not to exceed 30 days. The 30-day time period may be extended by written request to the zoning administrator or their designee showing reasonable cause.

(7) Consideration of Future Production Capacity. To the greatest degree possible, the permanent component(s) of a proposed event facility should be placed on a parcel so as to avoid areas defined by the United States Department of Agriculture (USDA) as Prime Farmland or Farmland of Statewide Importance. A map shall be submitted showing the location of any Prime Farmland or Farmland of Statewide Importance on the parcel and the location of the permanent component(s) of the event facility. The planning director may allow the permanent component(s) of the event facility to be located in whole or in part on these areas of farmland, should the applicant demonstrate, in writing, that their placement is due to the unique aspects of the property such as, but not limited to, topography, previous disturbance, or unusual shape of the parcel.

(c) Development plans.

(1) The applicant must demonstrate that all performance standards would be met by their proposal through submission of a site plan.

(2) Upon written request, the planning director may waive or modify provisions of the following sections of the zoning ordinance:

a. Chapter 24, Article II. Special Regulations, Division 2. Highways, Streets, Parking and Loading

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

c. Chapter 24, Article III. Site Plan

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

- i. *Not negatively impact adjacent property owners;*
- ii. *Assist in keeping the proposal consistent with the comprehensive plan's rural lands designation description and development standards; and*
- iii. *Not be contrary to public health, safety, and welfare.*

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

Sec24-48EventFacRuralLnds-ord

Event Facilities Guidance Document

The following material that was formerly part of the draft ordinance language will be reformatted and included in a guidance document for applicants. The guidance document will also include an introduction and other helpful information.

Conformance with Applicable Regulations:

- a. All facilities, both temporary and permanent, shall be permitted and constructed in accordance with applicable local and state building code requirements for such a use and obtain the appropriate permits and inspections and/or certificates of occupancy;*
- b. All of the activities shall be required to comply with county and state erosion and sediment control, Chesapeake Bay preservation area, floodplain and Virginia stormwater management permit regulations, as applicable;*
- c. Any food service or catering associated with an event at the event facility shall be approved by the Virginia Department of Health;*
- d. Restrooms shall be provided in accordance with applicable building code requirements and shall be approved by the Virginia Department of Health.*

Relationship to Other Regulations.

- 1. The permitting of an event venue in accordance with the above-listed performance standards does not permit secondary uses by-right on the property when such uses are otherwise listed as specially permitted uses in the zoning ordinance including, but not limited to, tourist homes, overnight accommodations, bed and breakfasts or inns, food processing, restaurants, camping, etc. Such other uses shall be evaluated in accordance with applicable zoning ordinance standards.*
- 2. Event venues subject to these special regulations are separate from the use “agri-tourism activity” which has separate standards established by the Virginia Code and county zoning ordinance.*
- 3. If any event at a permitted event venue triggers the requirements of chapter 14 of the county code, the event sponsor must obtain a special event permit.*

AGENDA
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 11, 2016
4:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order on Thursday, August 11, 2016 at 4:00 p.m.

B. ROLL CALL

Present:

Mr. Rich Krapf
Mr. Heath Richardson
Mr. John Wright, III

Absent:

Mr. Danny Schmidt

Staff:

Ms. Tammy Rosario, Principal Planner
Ms. Ellen Cook, Principal Planner
Ms. Christy Parrish, Zoning Administrator
Mr. Scott Whyte, Senior Landscape Planner II
Ms. Savannah Pietrowski, Planner
Mr. Alex Baruch, Planner
Ms. Tori Haynes, Community Development Assistant
Mr. Jake Hoioos, Intern

C. MINUTES

1. June 16, 2016 Minutes

Mr. Heath Richardson made a motion to approve the June 16, 2016 minutes. On a voice vote the minutes were approved 3 – 0.

D. OLD BUSINESS

1. Zoning Ordinance Revisions to the Mixed Use District, Stage III

Ms. Ellen Cook stated that staff has not made any changes to the Mixed Use Ordinance since its Stage II review. She asked if staff could bring the ordinance to the Planning Commission in October.

Mr. Krapf confirmed that the ordinance could be presented to the Planning Commission.

2. Zoning Ordinance Revisions to Allow Event Facilities in Rural Lands, Stage III

Ms. Cook presented the Stage III revisions to allow event facilities in the A-1 and R-8 districts. Ms. Cook stated that collector roads have been removed from the by-right use list at the Policy Committee's request during the Stage II meeting. The effect of this change is that proposed event facilities on collector roads now require a special use permit (SUP), while event facilities on arterial roads **could** be by-right. Ms. Cook stated that staff recommends that the Policy Committee recommend approval of the draft ordinance to the Planning Commission for consideration at the September 7 meeting. She welcomed any questions or comments.

Mr. Richardson supported raising the maximum by-right attendance from 250 to 300 people.

Mr. Krapf asked if the maximum attendance would apply whether it is a by-right use or specially permitted use.

Ms. Cook replied that to follow the by-right path on arterial roads, the facility would only be able to have 250 people. An SUP would be required for more than 250 people.

Mr. Krapf expressed concern about additional vehicles if the maximum attendance is raised.

Mr. John Wright stated that support staff is included in the maximum attendance, which reduces the number of potential invitees. He supported raising the attendance to 300 to accommodate support staff.

Mr. Richardson concurred.

Mr. Krapf supported keeping the attendance at 250. He asked if Albemarle County had a similar maximum attendance, and if their staff had noted any negative effects.

Ms. Cook stated that she did not know the exact number from the ordinance, but Albemarle staff had indicated some concerns related to higher attendance.

Mr. Krapf noted that per Section 24-48(b)(4)(b), the Planning Director may require the installation of vegetation. He asked if the Planning Director would be involved in every application.

Ms. Cook stated there would probably need to be a conversation with the Planning Director for each application.

Mr. Wright asked if the restroom requirement should be interpreted as permanent facilities, or if portable restrooms would suffice.

Ms. Cook stated there may be instances where the Health Department would be comfortable with portable restrooms.

Mr. Krapf opened the floor to public comment.

Ms. Linda Rice spoke against allowing event facilities on collector roads.

Ms. Jessica Aiken spoke in favor of allowing event facilities in rural lands.

Mr. Jim Kennedy spoke in favor of allowing event facilities in rural lands.

Mr. Krapf stated that allowing event facilities in rural lands was proposed by the Rural Economic Development Committee as an economic alternative to residential development in rural areas. Mr. Krapf stated he is in favor of non-residential economic development, but expressed concern with potential issues such as traffic volume and noise generated by event facilities. He supported allowing event facilities on arterial roads only.

Mr. Wright supported raising the maximum attendance to 300, but asked if there could be performance standards to minimize noise on collector roads.

Ms. Cook stated that noise across property lines would be prohibited between the hours of 11:00 p.m. and 7:00 a.m., and the County's noise ordinance would also be applicable to event facilities.

Mr. Wright asked who enforces the noise ordinance.

Ms. Cook stated the police respond on a complaint basis.

Mr. Richardson stated his support for the by-right process on arterial roads, and SUP process on collector roads.

Mr. Richardson then motioned to raise the maximum attendance to 300 and recommend approval of the ordinance as amended. On a voice vote the motion carried 2 – 1, with Mr. Richardson and Mr. Wright voting in favor and Mr. Krapf opposed.

3. Zoning Ordinance Revisions to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District and the PL, Public Land District - Stage II

Ms. Tammy Rosario presented the Stage II Zoning Ordinance revisions to allow food trucks in the M-1, M-2, PUD-C, and PL districts. The draft ordinance creates a formal definition for mobile food vending, as well as establishes the application process and performance standards. Ms. Rosario stated that at the Stage I meeting, staff was directed to reach out to the business community to get feedback on the proposed revisions. In response, staff developed a survey for local restaurant owners and food truck operators. The results of the survey will be presented at a community meeting scheduled for August 25. Feedback from both the survey and August 25 meeting will be

incorporated into the Stage III revisions.

Mr. Wright asked why there is a one year limit on the permit. He expressed concern about unnecessary annual fees.

Mr. Richardson concurred.

Ms. Rosario stated the annual fee mirrors similar provisions in other localities, but could be revised to a one-time fee.

Mr. Richardson asked if other localities had given any feedback on the success of their setback restrictions, in particular the 100-foot setback to brick-and-mortar restaurants and residential areas.

Mr. Jake Hoioos stated the localities he spoke with had no issues with their setback restrictions.

Mr. Richardson asked about the rationale for a 100-foot setback to residential areas.

Mr. Hoioos stated there were general concerns such as traffic and noise generated by people going to food trucks. A 100-foot buffer to residential areas was common in other localities and helped reduce complaints from residents.

Mr. Krapf asked if there is a difference between noise generated by food trucks and music played by ice cream trucks.

Mr. Hoioos stated that some localities, such as York County, specifically excluded ice cream trucks from the same regulations as food trucks, which are not allowed to produce any amplified noise.

Mr. Krapf opened the floor to public comment.

Mr. Kennedy spoke in favor of allowing food truck vendors with fewer regulations.

Mr. Richardson asked in which zoning districts York County allowed food trucks, and if James City County's ordinance language differentiates between food trucks and ice cream trucks.

Mr. Hoioos stated York County allows food trucks in commercial, industrial, and mixed-use districts.

Ms. Rosario stated the definition for mobile food vending vehicles excludes ice cream trucks.

Mr. Krapf asked who received surveys and how were they chosen.

Ms. Rosario stated Mr. Hoioos compiled a list of restaurant owners within a certain distance of the zoning districts under review, and the Office of Economic Development would be providing a list of food truck vendors.

Mr. Krapf and Mr. Richardson asked why food trucks are regulated differently than other mobile businesses, and if we need to clarify the definitions in some way.

Ms. Christy Parrish clarified that a privately hired mobile service, such as a caterer traveling to a private party, is not considered a land use issue because it is a temporary use for a select clientele. It becomes a land use issue if a business were to set up in a location and advertise for people to come to their place of business. She further clarified that ice cream trucks are not permitted due to the County Code section regulating vehicles in the right of way.

Mr. Kennedy urged the Committee to reduce the rate of fees charged by private property owners for food truck operators to set up at special events.

Mr. Krapf asked if the ordinance prohibits a private property owner from charging a fee to a food truck vendor.

Ms. Rosario replied no.

Mr. Wright stated a special event such as a festival can ask for a fee to defray their operational costs.

Mr. Krapf closed the Committee discussion and asked that staff revise the ordinance to reflect a one-time permit fee for the Stage III meeting.

4. Wireless Communications Facilities and Towers, Stage III

Ms. Savannah Pietrowski presented the Stage III revisions to the Wireless Communications Facilities and Towers ordinance to address the implications of the Spectrum Act. Based on feedback from the July 14 meeting, staff proposed revisions to reduce the permitted height of towers, streamline the application process to be in compliance with the Spectrum Act, and add language that better defines a concealed tower. Formatting and language inconsistencies were also corrected throughout the ordinance.

Mr. Richardson asked for clarification on the new application process.

Ms. Pietrowski stated that if an increase in height or width to an existing tower is not considered a substantial change, then there will be a separate application. Per the Spectrum Act, if a tower is not undergoing substantial change, then staff must approve the application within 60 days. The new application will verify that all Spectrum Act criteria are met and will help streamline the approval process.

Mr. Richardson asked if staff had received feedback from the County Attorney's Office.

Ms. Pietrowski stated that feedback was received yesterday, and was not incorporated into the meeting packet materials. She noted the comments were largely in regards to formatting rather than content.

Mr. Scott Whyte clarified that comments had been received from the County Attorney but not the consulting attorney.

Ms. Pietrowski stated once we incorporate our attorney's feedback, it will be sent to the consulting attorney for his review.

Mr. Wright asked if the reduced heights could allow a tower owner to claim the ordinance is too restrictive and ask for redress from the federal government.

Mr. Whyte stated we haven't reduced their capability on heights.

Ms. Pietrowski clarified that the reduced heights would apply to SUP triggers only.

Mr. Krapf asked if they have the by-right ability to increase the tower height by 10% or 20 feet, whichever is greater.

Ms. Pietrowski confirmed. She then noted two other proposed revisions. The first revision increases the maximum permitted height of **alternatively mounted antennas** in the R-5 district from 35 feet to 60 feet to be consistent with the other residential districts. The second allows antennas mounted on alternative mounting structures that have received a height limitation waiver from the Board of Supervisors to exceed the maximum approved height of the structure to which it is mounted, upon issuance of a separate height limitation waiver. The separate height limitation waiver would cap at 100 feet.

Mr. Richardson and Mr. Krapf agreed with capping the separate height limitation waiver at 100 feet.

Mr. Wright motioned to recommend approval of the draft ordinance as presented. On a voice vote the motion passed 3 – 0.

E. NEW BUSINESS

There was no new business.

F. ADJOURNMENT

There being no further business, Mr. Richardson motioned to adjourn the meeting. On a voice vote the motion passed 3 – 0 and the meeting was adjourned at approximately 5:00 p.m.

ITEM SUMMARY

DATE: 10/5/2016

TO: The Planning Commission

FROM: Ellen Cook, Principal Planner

SUBJECT: ZO-0009-2016, Zoning Ordinance Amendments to the Mixed Use District

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1 Draft Mixed Use Ordinance Language	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/27/2016 - 3:55 PM
Planning Commission	Holt, Paul	Approved	9/27/2016 - 3:55 PM
Publication Management	Burcham, Nan	Approved	9/27/2016 - 3:58 PM
Planning Commission	Holt, Paul	Approved	9/27/2016 - 4:13 PM

MEMORANDUM

DATE: October 5, 2016

TO: The Planning Commission

FROM: Ellen Cook, Principal Planner

SUBJECT: ZO-0009-2016, Zoning Ordinance Amendments to the Mixed Use District

History

Evaluating updates to the Zoning Ordinance to provide additional flexibility in the Mixed Use District was proposed as part of the Planning Division's 2015-16 work program at the October 2015 Policy Committee meeting. Staff had noted that this flexibility was to provide for the following circumstances:

1. Development of mixed-use structures (i.e., "vertical mixed use") or mixed-use development on parcels or groups of parcels less than five acres total.
2. Mixed-use development in an infill or redevelopment context.

The Policy Committee had an initial discussion of this matter in April 2016. Following this initial discussion, the Planning Commission adopted an initiating resolution to initiate consideration of such amendments at its May 4, 2016 meeting. The Policy Committee then reviewed the draft amended language at its July 14, 2016, meeting and had no revisions.

Draft Ordinance

The draft ordinance is included as Attachment No.1 and accomplishes the following:

- Eliminates Section 24-517, thereby allowing mixed-use development on parcels less than five acres.
- Revises Section 24-519, clarifying the mix of uses requirement calculation as it applies to mixed-use structures ("vertical mixed use"), and adding specifications for Mixed Use zoned development in areas designated Neighborhood Commercial or Community Commercial on the Comprehensive Plan such that the development must consist of mixed-use structures and contain a minimum percentage of non-residential uses.
- Revises Section 24-520, removing the prohibition on counting landscape area adjacent to buildings toward the required percentage of open space.
- Revises Section 24-523, clarifying the right-of-way and perimeter buffer standards. For the right-of-way, the language is revised to refer to the standards for right-of-way buffers in the landscape ordinance. For perimeter buffers, the language has been amended to tailor the perimeter buffer width to the type of adjacent development, and to simplify the buffer modification process by having the same process for all Comprehensive Plan designations.

Recommendation

There having been no further suggested revisions to the draft ordinance, at its August 11, 2016, meeting the Policy Committee directed staff to bring forward the draft ordinance to the Planning Commission. Staff recommends the Planning Commission recommend approval of these amendments to the Zoning Ordinance to the Board of Supervisors.

EC/nb

ZORevMUD-mem

Attachments:

1. Draft Mixed Use Ordinance Language

ORDINANCE NO. _____

Chapter 24. Zoning

Article V. Districts

Division 15. Mixed Use, MU

~~Sec. 24-517. Minimum area of districts.~~

~~Mixed use districts shall be located on a single parcel of land, or separate but adjacent parcels, which shall total not less than five acres. Mixed use districts may be located on a parcel of less than five acres provided that the purpose of the district is to provide for the development of a mixed use structure or mixed use structures within an area designated mixed use in the Comprehensive Plan.~~

Sec. 24-519. Density.

- (a) The number of dwelling units which may be constructed in any residential or mixed use-residential area designation as indicated on the master plan shall be determined by the number of gross acres at the site and the use proposed. The maximum densities of dwelling units per acre which may be constructed are:

Area Designation	Dwelling Type	Base Gross Density (Dwelling Units Per Acre)	Maximum Gross Density with Density Bonus (see Table under Section 24-519 (c))
A	Single-family structures	3	6
B	Multi-family dwellings containing up to four dwelling units	5	10
C	Multi-family dwellings containing more than four dwelling units	6	12
D	Apartments	9	18

- (b) The density of a proposed development shall be calculated as the number of units divided by the gross acreage. For the purposes of this section, the gross acreage shall be calculated as follows:

Percent Non-Developable Land	Percent of Gross Acreage added to the Developable Land
0-20 Percent	Use Total Parcel Acreage
21-40 Percent	20
41-70 Percent	15
71-100 Percent	10

Illustration of Gross Acreage Calculation

- (a) If a 50-acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Since 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.
- (b) If the 50 acre parcel instead had 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Since 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 acres).

In this example, if an applicant sought a density of two dwelling units per acre, they would yield a maximum of 100 units in (a) and 92 units in (b).

- (c) In addition to the base density standards from section 24-519 (a) a density bonus can be achieved with the provision of options as detailed below. In order to achieve the densities listed below, the developer shall make assurances in a master plan or otherwise for the density bonus items.

Bonus Increase from Base Density	Required Density Bonus Points from List Below
Up to the base density	0
Greater than the base density, up to and including 33 percent above the base density	2
Greater than 33 percent above the base density, up to and including 66 percent above the base density	4
Greater than 66 percent above the base density, up to and including 100 percent above the base density	6

	Bonus Item Options	Bonus Points
A.	For every 10 percent of the units committed to provision of affordable and workforce housing (starting above the threshold set in the county's housing opportunities policy).	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay Preservation Ordinance standards and requirements through extensive use of better site design/low impact development techniques, as approved by the engineering and resource protection division.	1.5
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division.	1.5
D.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units.	1
E.	Dedicating to the county a public use site, the developable portion of which is suitable for a	1

	public facility, as determined by the county administrator or designee.	
F.	Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as approved by the parks and recreation director or designee.	1
G.	Preserving a single area of healthy, mature, mixed hardwood forestland at least two acres in size, within the developable portion of the site. The planning director may request that the developer provide confirmation, prepared by a certified horticulturalist, that these qualities are present.	1
H.	Preserving one of the following underlined environmentally-related conservation features. The underlined item must constitute at least 5 percent of the developable area of the site.	1
	1. 100 foot buffers around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer.	
	2. Soils in hydrologic groups A and B, as defined by the USDA, and as verified on-site by a licensed geotechnical engineer (retain at least 50 percent of these soils on site)	
	3. Conservation area as identified by an approved watershed management plan	
	4. Wildlife habitat corridors that:	
	<ul style="list-style-type: none"> • Protect a corridor at least 100 feet in width from one protected area (on or off the development property) to another protected area, and • Consist of mature forestland 	
I.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements set forth in section 24-35 of this chapter.	1
J.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director.	0.5
K.	Providing a 100-foot buffer from the internal edge of a right-of-way buffer and/or perimeter buffer (must constitute at least five percent of the developable area of the site).	0.5
L.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the comprehensive plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.	0.5

- (d) To achieve the intent of a mixed use development, *more than one land use category shall be used and* no single use or use category shall exceed 80 percent of the developable land area within a mixed use area, as delineated on the master plan. *Where the mixed use development contains one or*

more mixed use structures (vertical mixed use), the developable land area may be converted to square feet to demonstrate compliance with this requirement.

Illustration of Vertical Mixed Use Buildings Calculation.

For a vertical mixed use building of 60,000 square feet in size, no one use could exceed 48,000 square feet.

(e) For areas designated neighborhood commercial or community commercial on the comprehensive plan,

all proposed structures should be mixed use structures (vertical mixed use) and residential floor area should not exceed 50% of the total floor area. Either of these criteria may be modified if specifically shown on a master plan approved by the board of supervisors that exceeds mixed use designation development standards in the comprehensive plan.

Sec. 24-520. Open space.

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

- (1) Perpetual easement(s) of no less than 50 feet in width dedicated to James City County or another group approved by the county adjoining any road designated as a Community Character Corridor on the Comprehensive Plan.
- (2) Buffer area(s) of no less than 50 feet around an RMA wetland as measured from the landward edge of the wetland.
- (3) Preservation of any archaeological site, any landmark registered in the Virginia Landmarks Register, the National Register of Historic Places or National Historic Site register.
- (4) Preservation of any developable area onsite that is set aside to meet the county's natural resource policy where preservation of such area is not required by other local, state or federal law.
- (5) Bikeways, bike paths, hiking trails, greenways or other similar amenity, excluding sidewalks.
- (6) Public or private picnic areas, parks, plazas or other gathering areas.
- (7) Public or private community facilities such as swimming pools, tennis courts, and recreation buildings. Golf courses may also be counted as open space for the purpose of meeting the open space requirement to a maximum of 60 percent of the required open space.

Open space area shall be protected by easements, maintenance agreements and/or other assurances satisfactory to the county attorney.

Sec. 24-523. Setback and buffer requirements.

- (a) ~~Location of structures. Structures shall be set back 50 feet or more from any external existing or planned public road right of way, or any internal arterial road right of way, which is 50 feet or greater in width. Where the external existing or planned public road right of way or the internal arterial road right of way is less than 50 feet in width, structures shall be set back 75 feet or more from the centerline of the external existing or planned or internal arterial public road. Landscape area(s) along right(s)-of-way. A landscape area shall be provided along right(s)-of-way in accordance with section 24-98.~~
- (b) ~~Required buffer from mixed use districts. Perimeter buffer. For commercial, industrial, office, residential and mixed uses a buffer of 50 feet shall be maintained from the perimeter of a mixed use district. A perimeter buffer shall be planned and maintained along the perimeter property lines of the development, except for areas adjacent to rights-of-way. The minimum perimeter buffer depth shall be in accordance with the table below. The buffer shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development. Landscaping guidelines for perimeter buffers shall follow the requirements specified in section 24-96 of this chapter.~~

<i>Mixed Use Master Plan Area Designation</i>	<i>Adjacent Development*</i>	<i>Perimeter Buffer Width (in feet)</i>
<i>Single-family (A)</i>	<i>Residential</i>	<i>15</i>
	<i>Commercial</i>	<i>30</i>
	<i>Industrial</i>	<i>50</i>
<i>Multi-family and Apartments (B,C,D)</i>	<i>Residential</i>	<i>30</i>
	<i>Commercial</i>	<i>30</i>
	<i>Industrial</i>	<i>50</i>
<i>Commercial and Office (E,G), Institutional and Public Uses (I)</i>	<i>Residential</i>	<i>30</i>
	<i>Commercial</i>	<i>0</i>
	<i>Industrial</i>	<i>0</i>
<i>Wholesale and warehouse (F), Light Industrial (H)</i>	<i>Residential</i>	<i>50</i>
	<i>Commercial</i>	<i>0</i>
	<i>Industrial</i>	<i>0</i>
<i>Areas of common open space (J)</i>	<i>Residential</i>	<i>50 if active recreation is present (pool, clubhouse, etc.) or 0 if area is passive open space</i>
	<i>Commercial</i>	
	<i>Industrial</i>	
<i>Structures containing a mixture of uses (M), other structures, facilities or amenities (X)</i>	<i>Residential</i>	<i>30</i>
	<i>Commercial</i>	<i>0</i>
	<i>Industrial</i>	<i>0</i>
<i>Master Plans with Multiple Area Designations within a</i>	<i>Residential</i>	<i>Max Buffer width for each of the listed uses</i>

given land bay or tract	Commercial	Max Buffer width for each of the listed uses
	Industrial	Max Buffer width for each of the listed uses

* Residential=land zoned R-1, R-2, R-3, R-4, R-5, R-8, PUD-R, MU (area designations A, B, C, D), A-1; Commercial=land zoned LB, B-1, RT, EO, PL, MU (area designations E,G, I, M, X), PUD-C; Industrial=land zoned M-1, M-2, MU (area designations F, H).

In instances where a proposed Mixed Use area will form a logical component of an existing development (such as sharing entrances, roads, parking areas, etc.), the perimeter buffer shall be zero adjacent to the existing development, even if all, or components of, the existing development are not zoned Mixed Use.

- (c) ~~Setback and/or buffer modifications; criteria for determination. Reduction of the width of the setbacks and/or buffers specified in subsections (a) and (b) above may be approved for a mixed use zoning district that is designated mixed use by the Comprehensive Plan upon demonstration that the proposed setback and/or buffer, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback and/or buffer requirement of this section and the intent of section 24-86 (Landscaping and tree preservation requirements), shall have no additional adverse impact on adjacent properties or public areas, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan. In addition, a request for a setback and/or buffer modification must meet one or more of the following criteria:~~

- ~~(1) The proposed setback and/or buffer is for the purpose of integrating proposed mixed use development with adjacent development;~~
- ~~(2) The proposed setback and/or buffer substantially preserves, enhances, integrates and complements existing trees and topography;~~
- ~~(3) The proposed setback and/or buffer is due to unusual size, topography, shape or location of the property, existing structures or other unusual conditions, excluding the proprietary interests of the developer.~~

~~Reduction of the width of the setbacks and/or buffers may also be approved for a mixed use zoning district that is not designated mixed use by the Comprehensive Plan upon finding that the proposed setback and/or buffer meets one or more of the criteria listed above and both of the following additional criteria:~~

- ~~(1) Properties adjacent to the properties being considered for a reduction in setback and/or buffer must be compatible;~~
- ~~(2) The proposed setback and/or buffer reduction has been evaluated by appropriate county, state or federal agencies and has been found to not adversely impact the public health, safety or welfare.~~

- (c) *Buffer modifications; criteria for determination. The width of the buffer specified in (b) may be reduced with approval of the planning director. The planning director will consider a buffer reduction only if the reduced buffers do not have additional adverse impact on adjacent properties or public areas when compared to the required buffers, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning*

practice, or the goals, objectives, strategies, and policies of the Comprehensive Plan; and if one or more of the following criteria are met:

- (1) The site is designated a community character area on the Comprehensive Plan Land Use Map, and the proposed buffer will better complement the design standards of the Community Character Area.*
 - (2) The adjacent properties have setbacks or buffers that are non-conforming with this section, and the proposed buffer will better complement the established setbacks or buffers of adjacent properties, where such buffers help achieve the goals and objectives of the Comprehensive Plan.*
 - (3) The applicant has offered extraordinary site design which exceeds the Development Standards of the Comprehensive Plan.*
 - (4) The buffer reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements).*
- (d) Requests for modifications. Requests for modifications pursuant to subsection (c) above shall be filed in writing with the planning director and shall identify the reasons for such requests together with the proposed alternative. The planning director shall approve, deny, or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met.
- (e) Appeals. In the event the planning director disapproves the items specified in section 24-523 (d) or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission.
- (f) No minimum lot size or yard requirements. Except for required setbacks and/or buffer specified in (a) and (b) above, there shall be no minimum lot size nor minimum front, side or rear yard requirements for any lot within a Mixed Use Development District, MU, other than as specified in approved final plans.
- (g) Uses prohibited. Setbacks and/or buffers shall not be used for streets or for parking except for entrances and driveways which may penetrate the setback and/or buffer.

ITEM SUMMARY

DATE: 10/5/2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner

SUBJECT: ZO-0010-2016, Zoning Ordinance Amendments to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District and the PL, Public Land District

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Draft Ordinance Language - Section 24-2 (In General, Definitions)	Backup Material
▣	Draft Ordinance Language - Special Regulations (new Section 24-49)	Backup Material
▣	Draft Ordinance Language - M-1 Use List (Section 24-411)	Backup Material
▣	Draft Ordinance Language - M-2 Use List (Section 24-436)	Backup Material
▣	Draft Ordinance Language - PUD-C Use List (Section 24-493)	Backup Material
▣	Draft Ordinance Language - PL Use List (Section 24-535.1)	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/28/2016 - 4:44 PM
Planning Commission	Holt, Paul	Approved	9/28/2016 - 4:46 PM
Publication Management	Burcham, Nan	Approved	9/28/2016 - 4:54 PM
Planning Commission	Holt, Paul	Approved	9/28/2016 - 4:57 PM

M E M O R A N D U M

DATE: October 5, 2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner

SUBJECT: ZO-0010-2016, Zoning Ordinance Amendments to Permit Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, M-2, General Industrial District, PUD-C, Planned Unit Development-Commercial District and the PL, Public Land District

History

At its February 9 work session, the Board of Supervisors asked staff and the Planning Commission to research the issue of food trucks and to begin a discussion of what may be the best fit for this use in James City County. A formal initiating resolution was adopted by the Board at its April 12, 2016 meeting, initiating the consideration of Zoning Ordinance amendments to permit food trucks in the M-1, Limited Business/Industrial, M-2, General Industrial and PUD-C, Planned Unit Development-Commercial Districts. Over the course of the following months, staff received a request from the Board to expand that research to the PL, Public Land District as well.

Staff met with the Policy Committee at its May 12 and August 11 meetings to receive feedback on research and draft Ordinance language. Additionally, staff conducted an online survey targeted to local restaurant owners as well as potential food truck operators. A public input meeting was held on August 25 to discuss the results of that survey and to facilitate additional public comment related to the proposed draft Ordinance language. Staff incorporated feedback from the August meetings, as well as feedback from the County Attorney's Office, into revisions of the draft regulations which were presented to and reviewed by the Policy Committee at its September 15, 2016 meeting.

Draft Ordinance

The draft ordinance is included as Attachment Nos. 1-6 and accomplishes the following:

- In Section 24-2 (In General, Definitions), creates a definition for "mobile food vending vehicle (food truck)."
- In the Special Regulations section of the ordinance, creates a new section (Section 24-9) which describes the proposed application process and requirements for a mobile food vendor permit, as well as proposed performance standards for food truck operations.
- In the M-1, M-2, PUD-C and PL districts, adds "mobile food vending vehicles" as a permitted use.

On September 15, 2016, the Policy Committee voted 3-0 to recommend approval of the proposed draft language subject to the incorporation of the following changes:

- In Section 24-49, remove the requirement of a \$20 administrative fee (formerly item (a)(4)).

- In Section 24-49(b)(4), add the word “offsite” to clarify where food trucks may operate relative to the required setbacks.

These changes have since been incorporated in the attached draft ordinances.

Recommendation

Staff recommends the Planning Commission recommend approval of these amendments of the Zoning Ordinance to the Board of Supervisors.

RS/nb
ZoningOrdinanceAmends-mem

Attachments:

1. Draft Ordinance Language - Section 24-2 (In General, Definitions)
2. Draft Ordinance Language - Special Regulations (new Section 24-49)
3. Draft Ordinance Language - M-1 Use List (Section 24-411)
4. Draft Ordinance Language - M-2 Use List (Section 24-436)
5. Draft Ordinance Language - PUD-C Use List (Section 24-493)
6. Draft Ordinance Language - PL Use List (Section 24-535.1)

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

M

Manufacture; manufacturing. The assembly of components, pieces or subassemblies, or the processing or converting of raw, unfinished materials or products into articles or substances of different character or for use for a different purpose.

Manufactured home. A manufactured home is a structure subject to federal regulation which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

Manufactured home park. A lot or parcel, not part of a manufactured home subdivision, on which are located or which are arranged or equipped for the accommodation of three or more manufactured homes occupied as single-family dwellings.

Medical clinic. An establishment where patients are admitted for examination and treatment by one or more physicians, dentists or psychologists and where patients are not usually lodged overnight. "Medical clinic" includes a facility known as surgical outpatient clinic.

Micro-brewery. A brewery that produces less than 15,000 barrels per year.

Mixed use structure. A building or other structure containing a combination of two or more different principle uses.

Mobile food vending vehicle (food truck): A self-propelled or towed vehicle licensed by the Department of Motor Vehicles, which is not parked on public rights-of-way, containing a mobile kitchen in which food and beverages are stored and/or prepared and from which menu items are served in individual portions to walk-up customers.

Mobile home. A mobile home is a structure not meeting the specifications or requirements of a manufactured home, designed for transportation, after fabrication, on streets and highways on its own wheels or on flat bed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like. (See "trailer" and "travel trailer" following in this section.)

Monopole. A wireless communication facility tower used to deploy antennas defined as self-supporting with a single shaft of wood, steel or concrete.

Motel. One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

Multi-antenna system. Wireless communication facilities networked together and connected to a wireless service source so that one or more multiple provisioning (high-powered) antennae which would normally be mounted on a tower to serve a given area are replaced or prevented by a group of lower-power antennas to serve the same geographic area.

Multiple provisioning antenna. Antennas used as part of an overall network such as distributive antenna systems that transmit and/or receive radio signals from multiple points and multiple users in a prescribed geographic area.

Sec24-2Definitions-ord

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

Sec. 24-49. Mobile food vending vehicles (food trucks)

In order to protect the health, safety and welfare of the citizens of James City County and to ensure that the unique aesthetic characteristics of the area are maintained, the following regulations shall apply to the permitting and operation of mobile food vending vehicles ("food trucks") on public and private property within certain zoning districts of the county. These regulations shall not apply to the operation of food trucks operating in conjunction with a special event, for which a special event permit would be required per Chapter 14 of James City County Code, or to food trucks operating in conjunction with a privately catered event not serving the general public.

(a) Administration. The operation of food trucks on appropriately zoned properties shall be permitted by administrative permit. Written application for a mobile food vendor permit shall be made to the Zoning Administrator or their designee. Such application shall be on forms provided by the county and shall be accompanied by the following:

- (1) A copy of a valid health permit from the Virginia Department of Health stating that the mobile food vending operation meets all applicable standards. A valid health permit must be maintained for the duration of the permit.*
- (2) Verification of Fire Department inspection and approval.*
- (3) Written documentation of the consent of the owner(s) of the property or properties on which the mobile food vending unit will be operated.*

Upon review and determination that the proposed mobile food vending operation complies with the standards set forth in this section, the zoning office shall issue a permit. Any permit that is found in violation or not in compliance with this section may be revoked. The administrative permit shall be issued for a period not to exceed one (1) year, at which time the operator may apply to renew their permit. At any time during the one (1) year permit period, the operator may amend an approved permit application to include additional vending locations by submitting written documentation to the zoning administrator of the consent of the owner(s) of the newly proposed property or properties.

(b) General Operational Requirements. The following standards and conditions shall apply to all mobile food vending vehicle operations:

- (1) Parking: Mobile food vending vehicles shall not park, with the intent of vending, along public rights-of-way, or in designated handicapped parking spaces. Mobile food vending vehicles shall not obstruct pedestrian or bicycle access or passage, impede traffic or parking lot circulation or create safety or visibility problems for vehicles and pedestrians.*

- (2) Hours of Operation: Mobile food vending vehicles shall operate only during the operational hours of the establishment on the premises.*
- (3) Permitting: The operator shall display, in a prominent location visible to potential customers, a copy of a valid business license and a copy of a valid health permit.*
- (4) Setbacks: Mobile food vending vehicles shall be parked at least 100 feet from any off-site residential dwelling or the main entrance of any existing off-site restaurant establishment.*
- (5) Signage: Not more than one (a) A-frame signs may be used in conjunction with the food vending operation. Such signs shall not exceed six (6) square feet in area (e.g., each face of the A-frame) and four (4) feet in height, shall be positioned within thirty (30) feet of the vehicle and shall not be placed within a public road right-of-way. Signage that is permanently affixed to the vehicle shall be permitted; however, flags, banners, flashing signs or other decorative appurtenances, whether attached or detached, shall not be allowed.*
- (6) Lighting: No lighting shall be displayed on the exterior of the food truck. If a food truck is operating after dark, appropriate lighting may be used to illuminate the menu board and the customer waiting area adjacent to the vehicle. Such lighting shall be provided in accordance with section 24-132 of James City County Code and shall not produce light trespass onto adjacent roadways or properties or into the night sky.*
- (7) Noise: The volume of any background music played from the vehicle shall be limited so as not to be plainly audible beyond the property boundaries of the site where the vehicle is located, or at a distance of 100 feet from the vehicle, whichever is less.*
- (8) Trash: Operators must provide at least one trash receptacle within ten (10) feet of their vehicle.*
- (9) Liquid Waste: No liquid wastes used in the operation of the food truck or food vending shall be allowed to be discharged from the food truck except into an approved sewerage system as permitted by law.*
- (10) One (1) station, for items such as condiments and paper products and the like, may be set up next to the vehicle. Such station may be covered by a roll-out awning extending from the vehicle or by a temporary canopy not exceeding 10 feet by 10 feet in size.*

ORDINANCE NO. _____

Chapter 24. Zoning

Article V. Districts

Division 11. Limited Business/Industrial District, M-1

Sec. 24-411. 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:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial or industrial use of the property	P	
Commercial	Accessory uses and structures as defined in section 24-2	P	
	Adult day care centers	P	
	Antique shops	P	
	Arts and crafts, hobby and handicraft shops	P	
	Auction houses	P	
	Bakeries or fish markets	P	
	Banks and other financial institutions	P	
	Barber shops and beauty salons	P	
	Business and professional offices	P	
	Catering and meal preparation	P	
	Child day care centers	P	
	Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Convenience stores; if fuel is sold, then in accordance with section 24-38		SUP
	Convention centers	P	

	Courier services	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Farmer's market	P	
	Fast food restaurants		SUP
	Feed, seed and farm supply stores	P	
	Firearms sales and service	P	
	Firing and shooting ranges (limited to a fully enclosed building)	P	
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores	P	
	Health and exercise clubs, fitness centers	P	
	Heliports, helistops and accessory uses		SUP
	Hospitals		SUP
	Hotels and motels with accessory retail sales, barber shops and beauty shops located within the hotel or motel, for the principal benefit of the resident guest	P	
	Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
	Indoor sport facilities, including firing and shooting ranges	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	
	Laboratories, research and development centers	P	
	Laser technology production	P	
	Limousine services (with maintenance limited to a fully enclosed building)	P	
	Lodges, civic clubs, fraternal organizations and service clubs	P	
	Lumber and building supply (with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Machinery sales and service (with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold,	P	

	then in accordance with section 24-38		
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid centers	P	
	Museums	P	
	<i>Mobile food vending vehicles, in accordance with section 24-49</i>	<i>P</i>	
	New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Nursing homes		SUP
	Nurseries	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Office supply stores	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
	Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks, with water and sewer facilities for golf courses as approved by the board of supervisors		SUP
	Parking lots, structures or garages	P	
	Pawnshops		SUP
	Payday/title loan establishments		SUP
	Pet stores and pet supply sales	P	
	Photography, artist and sculptor stores and studios	P	
	Plumbing and electrical supply and sales (with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Private streets within "qualifying industrial parks" in accordance with section 24-62	P	
	Radio and television stations and accessory antenna or towers, self-supported, (not attached to buildings) which are 60 feet less in height	P	
	Research, development and design facilities or laboratories	P	
	Restaurants, tea rooms, coffee shops, and taverns, not to include fast food restaurants	P	

	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel and yard goods	P	
	Retail food stores	P	
	Security service offices	P	
	Small-scale alcohol production	P	
	Tattoo parlors		SUP
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP
	Truck stops; if fuel is sold, then in accordance with section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building and screened from adjacent property by landscaping and fencing with a maximum height of 12 feet)	P	
	Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt (with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing with a maximum height of 12 feet)	P	
	Vehicle rentals	P	
	Vehicle service stations; if fuel is sold, then in accordance with section 24-38	P	
	Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise)	P	
	Warehousing, wholesaling, storage and distribution centers (with storage limited to a fully enclosed building or screened 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	P	

	enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)		
Civic	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Nonemergency medical transport	P	
	Places of public assembly	P	
	Post offices	P	
	Schools		SUP
	Antennas and towers, self-supported, which are 60 feet or less in height	P	
	Antennas and towers (not attached to buildings) in excess of 60 feet in height		SUP
	Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private) and sewer facilities (public),		SUP

	including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment, such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit:		
	(a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and		
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with section 24-43	P	
Industrial	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, water and alcoholic beverages	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	P	

	products and heating, cooling or ventilation equipment		
	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 and retail distribution		SUP
	Processing, assembly and manufacture of light industrial products or components (with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect)		SUP
	Propane storage, distribution or sale		SUP
	Recycling center or plant	P	
	Resource recovery facilities		SUP
	Solid waste transfer stations and container sites, public or private		SUP
	Waste disposal facilities		SUP

Ch24-M1UseList-ord

ORDINANCE NO. _____

Chapter 24. Zoning

Article V. Districts

Division 12. General Industrial District, M-2

Sec. 24-436. Use list.

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

In the General Industrial District, M-2, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial or industrial use of the property	P	
Commercial	Accessory uses and structures as defined in section 24-2	P	
	Business and professional offices	P	
	Child day care centers as an accessory use to other permitted uses	P	
	Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Convenience stores; if fuel is sold, then in accordance with section 24-38		SUP
	Data processing centers	P	
	Firearms sales and service	P	
	Health and exercise clubs, fitness centers as an accessory use to other permitted uses	P	
	Heliports, helistops and accessory uses		SUP
	Hospitals		SUP
	Indoor sport facilities, including firing and shooting ranges	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	
	Laboratories, research and development centers	P	

	Laser technology production	P	
	Lumber and building supply (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Machinery sales and service (with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid centers as an accessory use to other permitted uses	P	
	<i>Mobile food vending vehicles in accordance with section 24-49</i>	<i>P</i>	
	Nurseries	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
	Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks		SUP
	Pawnshops		SUP
	Payday/title loan establishments		SUP
	Plumbing and electrical supply and sales (with storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
	Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Private streets within qualifying industrial parks in accordance with article II, division 2 of this chapter	P	
	Radio and television stations and accessory antenna or towers, self-supported, not attached to buildings, which are 60 feet less in height	P	
	Research, development and design facilities or laboratories	P	
	Restaurants, tea rooms, coffee shops, taverns, and micro-breweries, not to include fast food restaurants as an accessory use to other permitted uses	P	
	Retail sales of products related to the main use, provided that the floor area for retail sales comprises less than 25 percent of the first	P	

	floor area of the main use		
	Security service offices	P	
	Truck stops; if fuel is sold, then in accordance with section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle 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	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 25 feet or more		SUP
	Water well drilling establishments	P	
Civic	Fire stations	P	
	Governmental offices	P	
	Nonemergency medical transport	P	
	Post offices	P	
	Schools		SUP
Utility	Antennas and towers, self-supported, which are 60 feet or less in height	P	
	Antennas and towers, not attached to buildings, in excess of 60 feet in height		SUP
	Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of		SUP

	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. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private) and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment, such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit:		SUP
	(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		
Open	Timbering, in accordance with section 24-43	P	
Industrial	Asphalt mixing plants		SUP
	Boiler shops	P	
	Breweries and other associated activities	P	
	Crushed stone, sand, gravel, or mineral mining; storage and distribution of same		SUP
	Drop forge industries, manufacturing, forgings with a power hammer	P	
	Heavy equipment sales and service (with major repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	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, water and alcoholic beverages	P	
	Manufacture and compounding of chemicals		SUP

	Manufacture and processing of acrylic and synthetic fibers	P	
	Manufacture and processing of textiles and textile products	P	
	Manufacture and sale of manufactured homes, mobile homes, modular homes and industrialized housing units	P	
	Manufacture and sale of wood and wood 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, fiberglass, glass, rubber, leather, cellophane, canvas, 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 batteries	P	
	Manufacture of boats, marine equipment and boat trailers	P	
	Manufacture of cans and other metal products from previously processed metals	P	
	Manufacture of carpets and carpet yarns	P	
	Manufacture of cement, lime, gypsum, bricks and non-previously prepared stone products (i.e., stone and rock used for general erosion and sediment control or road construction)		SUP
	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 aircraft and aircraft parts	P	
	Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment	P	
	Manufacture or assembly of automobiles, trucks, machinery or equipment	P	
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
	Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment	P	
	Metal foundry and heavy weight casting	P	
	Petroleum refining		SUP

	Petroleum storage and retail distribution		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
	Ready mix concrete production		SUP
	Recycling center or plant	P	
	Resource recovery facilities		SUP
	Solid waste transfer stations and container sites, public or private		SUP
	Structural iron and steel fabrication	P	
	Vehicle graveyards and scrap metal storage yards		SUP
	Waste disposal facilities		SUP
	Welding and machine shops including punch presses and drop hammers	P	
	Wood preserving operations		SUP

Ch24-M2UseList-ord

ORDINANCE NO. _____

Chapter 24. Zoning

Article V. Districts

Division 14. Planned Unit Development District, PUD

Sec. 24-493. Use list.

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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Home occupations, as defined	P	
	Independent living facilities	P	
	Multi-family dwellings	P	
Commercial Uses	Commercial uses: Same as subsection (a) above		
	Assisted living facilities	P	
	Continuing care retirement facilities	P	
	Skilled nursing facilities (nursing home)	P	
	Golf courses	P	
	Theme parks	P	
	<i>Mobile food vending vehicles in accordance with section 24-49</i>	<i>P</i>	
Civic Uses	Civic uses as listed in (a) above		
Utility Uses	Utility uses as listed in (a) above		
	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities, only in areas with a designation other than residential on a board adopted master plan	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities		SUP
	Water facilities (public) and sewer facilities (public), including		SUP

	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		
Industrial Uses	Printing and publishing	P	
	Private streets within “qualifying industrial parks” in accordance with section 24-62	P	
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect	P	
	Research, design and development facilities or laboratories	P	
	Wholesale and warehousing, with storage in a fully enclosed building	P	

ORDINANCE NO. _____

Chapter 24. Zoning

Article V. Districts

Division 16. Public Land District, PL

Sec. 24-535.1. Permitted uses.

In the public land district, structures to be erected or land to be used shall be for the following public uses:

Accessory buildings and structures.

Accessory uses, as defined in section 24-2 and including privately owned uses that are either limited to a fully enclosed building and encompassing less than 25 percent of the floor area of the public use or are a free-standing building or area covering less than 10 percent of the overall land area.

Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.

General Agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Governmental or non-profit offices under 30,000 square feet.

Mobile food vending vehicles in accordance with section 24-49.

Neighborhood resource centers.

Non-profit medical clinics or offices under 30,000 square feet.

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

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Public meeting halls under 30,000 square feet.

Rest homes for fewer than 15 adults.

Storage and repair of heavy equipment as accessory use to a farm.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

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

Ch24-PLUse-ord

ITEM SUMMARY

DATE: 10/5/2016

TO: The Planning Commission

FROM: Savannah Pietrowski, Planner, and Scott Whyte, Senior Landscape Planner II

SUBJECT: Z-0011-2016, Wireless Communications Facilities and Towers

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Draft Communications Facilities Ordinance	Ordinance
▣	Draft Special Requirements for Antennas Ordinance	Ordinance
▣	Draft Definitions Ordinance	Ordinance
▣	Draft A-1 Ordinance	Ordinance
▣	Draft R-1 Ordinance	Ordinance
▣	Draft R-2 Ordinance	Ordinance
▣	Draft R-3 Ordinance	Ordinance
▣	Draft R-4 Ordinance	Ordinance
▣	Draft R-5 Ordinance	Ordinance
▣	Draft R-6 Ordinance	Ordinance
▣	Draft R-8 Ordinance	Ordinance
▣	Draft LB Ordinance	Ordinance
▣	Draft B-1 Ordinance	Ordinance
▣	Draft M-1 Ordinance	Ordinance
▣	Draft M-2 Ordinance	Ordinance
▣	Draft RT Ordinance	Ordinance
▣	Draft PUD Ordinance	Ordinance
▣	Draft MU Ordinance	Ordinance
▣	Draft PL Ordinance	Ordinance
▣	Draft EO Ordinance	Ordinance
▣	Draft "Performance Standards for Communications Facilities, Antennas, Towers and Support Structures that Require an SUP"	Ordinance

Policy

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/28/2016 - 4:57 PM
Planning Commission	Holt, Paul	Approved	9/28/2016 - 5:01 PM
Publication Management	Burcham, Nan	Approved	9/29/2016 - 7:32 AM
Planning Commission	Holt, Paul	Approved	9/29/2016 - 1:32 PM

M E M O R A N D U M

DATE: October 5, 2016

TO: The Planning Commission

FROM: Savannah Pietrowski, Planner
Scott Whyte, Senior Landscape Planner II

SUBJECT: Case No. ZO-0011-2016. Wireless Communications Facilities and Towers

Overview

Updating the Wireless Communications Facilities (WCF) Ordinance was proposed as part of the Planning Division's 2015-2016 work program at the October 2015 Policy Committee meeting. The primary request at that time was to consider how the WCF Ordinance is or is not applicable to other types of towers (such as microwave or radio).

In addition, staff has identified provisions of the Middle Class Tax Relief and Job Creation Act of 2012, which became a law in February 2012 that pertain to wireless siting. Although the legislation was primarily implemented to extend payroll tax exemptions, the omnibus act contained many other unrelated provisions. Section 6409(a) of the Act, also known as the Spectrum Act, was intended to advance wireless broadband service for public safety and commercial purposes, and to provide for the creation of a broadband communications network for first responders. Though the Spectrum Act has technically been in effect since February 2012, additional guidance on definitions and implementation were not provided by the Federal Communications Commission (FCC) until several years later and officially took effect on April 8, 2015. As part of staff's evaluation of the WCF Ordinance, it is necessary and prudent for the County to amend processes and the Ordinance in order to comply with the Spectrum Act.

The Spectrum Act states that a locality "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." Eligible requests can include collocations of new equipment/antennas, removal of transmission equipment or replacement of transmission equipment, but does not apply to brand new towers or new siting of transmission equipment on a building that does not already house transmission equipment. The FCC guidance also includes a "shot clock" dictating how long a locality has to act on an eligible request and includes provisions to automatically grant an approval in the event that a locality does not take action within the specified timeline. Guidelines for what is considered a substantial change can be found in the proposed revisions to Section 24-2, Definitions (attached).

History

The Policy Committee met on May 12, 2016 (Stage I), to discuss initial planning for ordinance amendments related to the WCF Ordinance and associated policy, Performance Standards for WCF that require a Special Use Permit, both of which are now titled Communications Facilities, Antennas, Towers and Support Structures (CATS).

The Policy Committee met on July 14, 2016 (Stage II), to discuss the draft ordinance and policy language prepared by staff. Following discussion and feedback, the Committee directed staff to consider additional approaches to proactively address the implications of the Spectrum Act, such as lowering the permitted heights of new towers and enhancing language regarding camouflaged towers.

The Policy Committee met on August 11, 2016 (Stage III) and discussed the proposed Zoning Ordinance and Policy revisions. The Committee voted 3-0 to recommend the amendments to the full Planning Commission for their consideration and review.

The Policy Committee also met on September 15, 2016 (Stage III Follow-up) to review staff's proposed changes to Section 24-34 of the Zoning Ordinance. Section 24-34 regulates satellite earth station antenna and other types of incidental antenna and the revisions to this section were found to be necessary to ensure consistency. Staff also proposed adding a reference to this section in the amended CATS Ordinance.

Draft Ordinance

Staff has drafted the attached ordinance language using feedback from the three stages of Policy Committee meetings, consultation with the County Attorney, and consultation with a consulting attorney specializing in telecommunications. This draft language is included as Attachment Nos. 1-21. In addition to minor grammatical and/or formatting corrections, staff proposes the following revisions to the Zoning Ordinance and CATS policy:

- Replaces all references to WCFs with a more encompassing term - Communications Facilities, Antennas, Towers and/or Support Structures (CATS).
- Revises Section 24-2, Definitions, to add definitions required for compliance with the Spectrum Act and revising several existing definitions for consistency with Federal Communications Commission (FCC) terminology.
- Revises Section 24-34, Special requirements for antennas, to ensure consistency with the revisions to the CATS ordinance outlined below, and to comply with state and federal exemptions for regulations pertaining to small satellite dishes used to receive services such as television or internet.
- Staff proposes to amend Section 24-122 by clarifying concealment, camouflaged, alternative mounting, multi-antenna systems and height limitations.
- Staff proposes to amend Section 24-122(b)(1), Table 1 of Division 6, to decrease the maximum by-right tower heights in order to account for any potential by-right increases allowed by the Spectrum Act. The following changes were made:
 - The A-1 and R-8 Zoning Districts previously permitted towers up to 35 feet. Staff proposed to require a Special Use Permit (SUP) for all towers in these districts, as reducing the permitted height of these towers by 20 feet would result in a maximum height of 15 feet, which would likely effectively eliminate any future proposals for by-right towers.
 - The B-1, M-1, M-2, and RT Zoning Districts previously permitted towers up to 60 feet. Staff proposed to reduce these heights to 40 feet.
 - Staff identified an inconsistency between the LB Zoning District Use List, which permitted towers with an SUP, and Table 1, which stated that towers were not permitted at all. Staff revised Table 1 to permit towers with an SUP.
 - Staff identified an inconsistency between the PL Zoning District Use List, which required an SUP for towers over 35 feet, and Table 1, which required an SUP for towers over 60 feet. Staff revised Table 1 to require an SUP for towers over 40 feet, consistent with revisions made to other districts.

- Table was also reformatted for consistency with other tables in the Ordinance.
- Revises Section 24-122(b)(2) to eliminate the discrepancy between the permitted height for alternative mounted CATS in R-5, Multifamily Residential, versus all other Zoning Districts. Currently, the maximum height for alternative mounted CATS in R-5 is 35 feet, and 60 feet in all other districts (including all other residential districts). Staff is proposing a maximum height for alternative mounted CATS of 60 feet in all zoning districts, in order to provide consistency.
- Staff also revised Section 24-122(b)(2) to allow antennas mounted on alternative mounting structures that have received a height limitation waiver from the Board of Supervisors to exceed the maximum approved height of the structure to which it is mounted, upon issuance of a separate height limitation waiver. In these circumstances, the current language only allows antennas to be attached to the side of the structure, and the antenna may not protrude higher than the maximum structure height approved by the Board. The proposed revision allows an applicant to apply for a separate height limitation waiver for the antenna, which would permit the antenna to exceed the permitted height for the structure to which it is mounted.
- Revises Section 24-122(b)(3), clarifying that applications for by-right camouflaged towers shall be reviewed by the Planning Director to ensure the camouflaged requirements are met, and as previously specified, applications for specially permitted camouflaged towers shall be reviewed by the Board of Supervisors to ensure the requirements are met.
- Reformatted Section 24-122(b)(4), Table 2, Multi-antenna systems, for consistency with other tables in the Ordinance.
- Revises Section 23-123 to include a reference to the antenna requirements in Section 24-32.
- Revises Section 24-124 to reference the new title and adoption date for the amended CATS policy.
- Creates Section 24-128.1, and establishes submittal and processing guidelines for applications for modifications to existing facilities that would qualify as an eligible facilities request in accordance with the Spectrum Act.
- Renumbers Section 24-128 to 24-128.2 and clarifies that the requirements of this section apply only to applications for new CATS and/or modifications to existing facilities that would not fall under the requirements of the Spectrum Act. In order to ensure public safety, a structural analysis, radio frequency report and noninterference/intermodulation study will still be required for these applications, consistent with current requirements for site plan applications for tower modifications.
- Revises the format in which the requirements in Section 24-128.2(b) are presented. No information was lost or modified, only reorganized.
- Creates subsection 24-128(c) to add information regarding required timelines for reviewing CATS application.
- Revises the use list section for each zoning district, replacing the various ways communications facilities are referred to with the more encompassing CATS term and ensuring consistency with the tables in the CATS ordinance.

- Revises the height limitation section for each zoning district. Staff removed references to permitted tower heights in each of these sections and instead provided a statement that Communications facilities shall be permitted in accordance with the heights identified in Division 6, Communications Facilities, Antennas, Towers and Support Structures. This change was made to avoid any possible conflicts that could be created by future amendments to the CATS Ordinance. Staff also added language to Section 24-122(b) (2) regarding alternative mounting structures to ensure that the height limitation language from the zoning district sections was carried over into the CATS Ordinance.
- Revises the CATs Policy to ensure that applications are evaluated based on both the initial dimensions of the proposed facility and the maximum increase in dimensions permitted by the Spectrum Act.

Recommendation

Staff recommends that the Planning Commission recommend approval of the attached draft amendments to the Zoning Ordinance to the Board of Supervisors for consideration at its November 8, 2016 meeting.

SP/nb
WCFT-PC-mem

Attachments:

1. Draft Communications Facilities Ordinance
2. Draft Special Requirements for Antenna
3. Draft Definitions
4. Draft A-1 Ordinance
5. Draft R-1 Ordinance
6. Draft R-2 Ordinance
7. Draft R-3 Ordinance
8. Draft R-4 Ordinance
9. Draft R-5 Ordinance
10. Draft R-6 Ordinance
11. Draft R-8 Ordinance
12. Draft LB Ordinance
13. Draft B-1 Ordinance
14. Draft M-1 Ordinance
15. Draft M-2 Ordinance
16. Draft RT Ordinance
17. Draft PUD Ordinance
18. Draft MU Ordinance
19. Draft PL Ordinance
20. Draft EO Ordinance
21. Draft "Performance Standards for Communications Facilities, Antennas, Towers and Support Structures That Require an SUP" Policy

DIVISION 6. ~~WIRELESS COMMUNICATIONS FACILITIES~~ COMMUNICATIONS FACILITIES

Sec. 24-121. Statement of intent.

The purpose of this article is to provide guidance for the deployment and usage of ~~wireless communications facilities (WCF)~~ *Communications facilities, antennas, towers and/or support structures (CATS)*.

- (a) The goals for ~~WCF~~ *the placement of CATS* are to:
 - 1. Protect viewsheds and the scenic beauty of James City County.
 - 2. Deploy ~~WCFs~~ *CATS* in a manner that will not adversely impact property values.
- (b) The objectives for the ~~WCF~~ *CATS* are to:
 - 1. Ensure that the deployment of ~~WCFs~~ *CATS* 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~~ *substantial* coverage area.
 - 3. Promote the use of camouflaged, alternatively mounted and low-rise ~~WCF~~ *CATS*.
 - 4. ~~Ensure that all new technologies accommodate the needs of the current and future residential and commercial marketplace.~~

Sec. 24-122. 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 *CATS*. Requirements for this mounting category are found in section 24-122(b)(2).
- 3. Camouflaged ~~WCF~~ *CATS*. 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~~ *Communications facilities, antennas, towers and/or support structures.*

1. *Tower-mounted WCFs communications facility.* Tower-mounted ~~WCFs~~ *communications facilities* shall be allowed as shown on Table 1.

Table 1: Tower mounted ~~wireless communications facilities~~ *communications facilities*

Zoning District	Maximum By Right Tower Height	SUP Required
General Agricultural, A-1	≤35' <i>Not Permitted</i>	>35' <i>All Towers</i>
Rural Residential, R-8	≤35' <i>Not Permitted</i>	>35' <i>All Towers</i>
Residential, R-1, R-2, R-3, R-5, R-6	Not Permitted	Not Permitted
<i>Limited Residential, R-1</i>	<i>Not Permitted</i>	<i>Not Permitted</i>
<i>General Residential, R-2</i>	<i>Not Permitted</i>	<i>Not Permitted</i>
<i>Residential Redevelopment, R-3</i>	<i>Not Permitted</i>	<i>Not Permitted</i>
Residential Planned Community, R-4 with a designation other than residential on a Board adopted master plan	Not Permitted	All Towers
Residential Planned Community, R-4 with a residential designation on a Board adopted master plan	Not Permitted	Not Permitted
<i>Multifamily Residential, R-5</i>	<i>Not Permitted</i>	<i>Not Permitted</i>
<i>Low-Density Residential, R-6</i>	<i>Not Permitted</i>	<i>Not Permitted</i>
Limited Business, LB	Not Permitted	Not Permitted <i>All Towers</i>
General Business, B-1	≤60'40'	>60'40'
Industrial, M-1, M-2	≤60'	>60'
<i>Limited Business/Industrial, M-1</i>	<i>≤40'</i>	<i>>40'</i>
<i>General Industrial, M-2</i>	<i>≤40'</i>	<i>>40'</i>
Planned Unit Development, PUD	Not Permitted	All Towers
Mixed Use, MU	Not Permitted	All Towers
Economic Opportunity, EO	≤60' <i>Not Permitted</i>	>60' <i>All Towers</i>
Public Lands, PL	≤60'40'	>60'40'
Research and Technology District, RT	≤60'40'	>60'40'

- a. *Tower-mounted communications facilities* 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.~~

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

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.

b. ~~In addition to the height limitations of the underlying zoning district, the antennas mounted on~~ *The principal structure shall be permitted in accordance with the height limitations of the underlying zoning district. Height limitation waivers for CATS may be issued by the board of supervisors upon finding that the proposal is in accordance with the criteria identified in the height limitation section of the underlying zoning district. CATS utilizing alternative mounting structures shall conform to the following requirements:*

(1) On Alternative Mounting Structures without a Height Limitation Waiver. CATS utilizing alternative mounting structures may be erected to a total height of 60 feet from grade. CATS utilizing alternative mounting structures in excess of 60 feet, but not to exceed 100 feet, from grade may be permitted by issuance of a height limitation waiver from the board of supervisors.

(2) On Alternative Mounting Structures with Height Limitation Waiver. CATS utilizing alternative mounting structures may be erected to a total height of 60 feet from grade. Antennas may be erected in excess of 60 feet from grade on structures that have received a height limitation waiver from the board of supervisors. Such antennas shall be permitted by-right provided that the antenna does not exceed the maximum approved height of the structure to which it is mounted. An antenna may be permitted to exceed the maximum approved height of the structure upon issuance of a separate height limitation waiver from the board of supervisors, but shall not exceed a total height of 100 feet from grade.

~~(+)~~ (3) 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.

~~(2)~~ (4) 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.

~~(3)~~ (5) 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)~~ (6) Building-mounted antennas shall be mounted in a manner that is architecturally compatible with the structure on which they are located as determined by the planning director. Building-mounted antennas (excluding whip antennas under five feet in height) shall be completely screened or camouflaged from view from residentially zoned areas or adjacent roadways.

(5) (7) Equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence.

(6) (8) ~~WCFs~~ **CATS** shall meet the requirements in sections 24-123 through 24-128.

3. ~~Camouflaged wireless communications facilities~~ **communications facility**. Camouflaged ~~WCFs~~ **CATS** as defined by this ordinance shall be permitted pursuant to Table 1.1 below.

Table 1.1 Camouflaged ~~Tower~~ **CATS Determinations**

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

Upon application for a special use permit for a camouflaged ~~WCF~~ **CATS** in a residential district, the board of supervisors shall make a determination pursuant to section 24-122(b)(3) ~~if whether~~ a proposed tower is camouflaged. *Upon application for a by-right camouflaged CATS, the*

planning director shall make a determination pursuant to section 24-122(b)(3) whether a proposed tower is camouflaged. An appeal of a planning director determination shall be made to the development review committee which shall forward a recommendation to the planning commission. Written notice of the appeal must be received by the planning division within 30 days of the date of the planning director's determination.

Applicants may apply for any of the three categories of camouflaged ~~WCFs~~ **CATS** as defined below:

- a. *Architecturally compatible.* The ~~WCF~~ **CATS** 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~~ **CATS** is proposed the following requirements shall be met:
 - (1) The ~~WCF~~ **CATS** 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~~ **CATS** shall be placed in the vicinity of another structure that the proposed ~~WCF~~ **CATS** intends to replicate and be unnoticeable to the casual observer that the primary use of the structure is for a ~~WCF~~ **CATS**;
 - (3) The architecturally compatible ~~WCF~~ **CATS** should be no taller than twice the permitted height of the replicated structure up to 70 feet;
 - (4) Professional design requirements:
 - i. All ~~WCFs~~ **CATS** 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~~ **CATS** 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~~ **CATS** is proposed the following requirements shall be met:
 - (1) Should the ~~WCF~~ **CATS** 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~~ **CATS** 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~~ **CATS** 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~~ **CATS**.
 - (5) Access drives shall be designed and located in a manner that obscures views of the ~~WCF~~ **CATS**'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.~~
 - ~~(8)~~ (7) Shall not exceed 120 feet in height.
- c. *Buffered.* The structure is well buffered by tall vegetation and/or other structures. Where a buffered ~~WCF~~ **CATS** 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~~ **CATS** 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~~ **CATS** 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~~ **CATS** 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~~ **CATS** owner has guaranteed the buffer will remain undisturbed while the ~~WCF~~ **CATS** 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~~ **CATS** is removed.
 - (4) Professional design requirements:

- i. ~~WCFs~~ **CATS** 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. ~~The~~ **Landscape architect** *preparing the landscape plan* 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~~ **CATS** base or related facilities from the point of ingress.

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

(6) Shall not exceed 120 feet in height.

4. *Multi-antenna system.* A multi-antenna system such as Distributed Antenna System (DAS) or others as determined by the zoning administrator shall *utilize concealment elements and* 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	SUP Required
General Agriculture al , 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
<i>Limited Residential, R-1</i>	<i>Not Permitted</i>	<i>All Applications</i>
<i>General Residential, R-2</i>	<i>Not Permitted</i>	<i>All Applications</i>
<i>Residential Redevelopment, R-3</i>	<i>Not Permitted</i>	<i>All Applications</i>
<i>Residential Planned Community, R-4</i>	<i>Not Permitted</i>	<i>All Applications</i>
<i>Multifamily Residential, R-5</i>	<i>Not Permitted</i>	<i>All Applications</i>
<i>Low-Density Residential, R-6</i>	<i>Not Permitted</i>	<i>All Applications</i>
Limited Business, LB	Not Permitted	All Applications
General Business, B-1	≤60'	>60'
Industrial, M-1, M-2	≤60'	>60'
<i>Limited Business/Industrial, M-1</i>	<i>≤60'</i>	<i>>60'</i>
<i>General Industrial, M-2</i>	<i>≤60'</i>	<i>>60'</i>
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'

Concealment Requirements for antenna mounting of Multi-antenna systems:

- a. 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.
- b. Antennas shall be generally unnoticeable to the casual observer and/or screened from view as determined by the planning director.
- c. Equipment enclosures shall be camouflaged or screened from view by landscaping, walls or fencing.
- d. 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).
- e. 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, ~~an~~ RF Report and a noninterference/intermodulation study no fewer than seven 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 WCF CATS, except for eligible facilities requests, to the extent noted in section 24-128.1:~~

- (a) *Setbacks.* In addition to meeting the requirements of the underlying zoning district, tower-mounted ~~WCFs~~ *communications facilities* (including camouflaged ~~WCFs~~ *CATS*) 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 towers shall meet the structural requirements set forth in standard 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 a minimum of 110 percent of the documented collapse radius.
 - (5) All setbacks from a public right-of-way shall ~~exclude~~ *take into account* 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~~ *CATS* equipment enclosures, and security fences shall conform to the following requirements:
- (1) Lighting installed at all ~~WCFs~~ *CATS*, 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 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~~ *CATS*:
- (1) All ~~towers, WCFs~~ *CATS* using alternative mounting structures, and camouflaged ~~WCFs~~ *CATS* 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) Satellite Earth Station Antenna. In addition to the requirements of this section, satellite earth station antennas and other types of incidental antenna shall be provided in accordance with Section 23-34, Special requirements for antennas.

~~(d)~~ *(e) 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, *May 26, 1998*;
- (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~~ *CATS*, the planning director shall prepare a composite report identifying the extent to which the application is in compliance with the "Performance Standards for ~~Wireless Communication Facilities~~ *Communications Facilities, Antennas, Towers and Support Structures (CATS)* That Require a Special Use Permit," dated ~~January 10, 2012~~ *XXXX XX,XXXX*, 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~~ *CATS* shall comply with Federal Communications Commission (FCC) standards for all electromagnetic emissions.
- (b) *Noninterference/modulation with local broadcasts.* The applicant shall ensure that the ~~WCF~~ *CATS* will not cause localized interference/modulation with the transmittance or reception of area television or radio authorized FCC broadcasts. Prior to preliminary site plan approval of the ~~WCF~~ *CATS*, a noninterference/modulation study shall be submitted to and approved by the planning director indicating that no interference with any communications equipment will take place. If such interference/modulation 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~~ *CATS* will not interfere with public safety communications. ~~Should~~ *If* such interference ~~be~~ *is* detected, and

is not corrected or ceased within 24 hours, operation of the ~~WCF~~ **CATS** 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~~ **CATS** prior to making these locations available to other providers. *The applicant shall provide evidence of these negotiations acceptable to the planning director prior to preliminary site plan approval.* 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 ~~WCFs~~ **CATS** providing voice service shall be reported to the county dispatch center to ensure that all wireless E-911 calls placed within the boundaries of the county are routed to the 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~~ **CATS** is located shall post a performance bond, cash surety, or letter of credit in an amount sufficient to fund removal of an abandoned or unused ~~WCF~~ **CATS** or any disused portion thereof, and site restoration. This bond or other financial mechanism shall remain in effect throughout the life of the ~~WCF~~ **CATS**. ~~A wireless communication facility~~ **CATS** shall be considered abandoned or unused if it is not being utilized for the purpose of providing wireless communications services for a period of six months. At such time the ~~WCF~~ **CATS** shall be removed, except where the ~~WCF~~ **CATS** 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~~ **CATS** *for the life of the facility* for the purposes of inspection and, in the event a ~~WCF~~ **CATS** is abandoned or unused, removal. ~~for the life of the facility.~~
- (c) *Site restoration.* The site of a removed ~~WCF~~ **CATS** shall be restored to its original state, except that any installed landscaping shall remain in place.

Sec. 24-128.1. Processing and submittal requirements for eligible facilities requests.

The Following shall apply to eligible facilities requests, as that term is defined in section 24-2:

- (a) *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.
- (b) *Evidence of eligible support structure.* The applicant shall provide evidence of prior approval letters or actions from the county authorizing the initial construction of the support structure. If no approvals were granted by the county for the structure, the applicant shall provide copies of site plan and building permit approvals as evidence that the structure was constructed lawfully.

- (c) *Evidence of eligible request. The applicant shall provide certification by a Virginia-registered professional engineer specifying the following information in order to verify that the proposal will not result in a substantial change to the existing eligible support structure:*
- a. *Location and dimensions of all existing and proposed improvements to the structure, including appurtenances, ground equipment and enclosures, landscaped/vegetative buffer areas, fences and access ways. This plan should include elevation or profile views.*
 - b. *Identification of the color of the existing structure and any new appurtenances or fencing.*
 - c. *Depiction of the facility illustrating the maximum height above ground and maximum width of the structure permitted without triggering a substantial change to the facility.*
- (d) *Public safety. The applicant shall provide certification by a Virginia-registered professional engineer specifying the following information in order to verify that the proposal will not adversely impact public safety:*
- a. *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, and the National Electrical Code.*
 - b. *A radio frequency (RF) report indicating compliance with FCC standards for electromagnetic emissions.*
 - c. *A noninterference/intermodulation study indicating no potential interference with public safety communications shall be provided in a manner acceptable to the planning director.*
- (e) *Timing. The county will act on eligible facilities requests within 60 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.*
- a. *The timeframe for review of an eligible facilities request shall begin to run when the application is submitted, but shall be tolled if the county finds the application is incomplete and requests that the applicant submit additional information to complete the application. Such requests shall be made within 30 days of submission of the application. After submission of additional information, the county will notify the applicant within 10 days of this submission if the additional information failed to complete the application.*
 - b. *If the county determines that an application for modification of an existing eligible support structure does not qualify as an eligible facilities, the county will notify the applicant of that determination in writing and will process the application in accordance with section 24-128.2.*
 - c. *To the extent federal law and regulations provide a “deemed granted” remedy for eligible facilities requests not acted on within 60 days, no such application shall be deemed granted until the applicant provides notice to the county, in writing.*
 - d. *Any request that is deemed granted by operation of federal law shall be subject to the requirements of sections 24-122, 24-125, and 24-127.*

Sec. 24-128.2. Processing and submittal requirements for all other new CATS and modifications.

(a) The following shall apply to all WCF applications for new CATS and/or for modifications to eligible support structures that are not eligible facilities requests:

(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.

(2) *Preapplication meeting.* Prior to formal application for a camouflaged WCF CATS, 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 CATS location, the configuration of the proposed WCF CATS, the feasibility of co-location, the feasibility of alternative tower locations, and the feasibility of a building-mounted WCF CATS, utilizing an alternative mounting structure or a camouflaged WCF CATS. The planning director may request a tower simulation (balloon test) for a camouflaged determination.

(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. *Applications for new CATS shall include a scaled depiction of the maximum permitted increase in the physical dimensions of the proposed project that would be permitted according to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and FCC implementing regulations, using the proposed project as a baseline.*

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 and the National Electrical Code.

c. ~~A RF report.~~ *A RF report indicating compliance with FCC standards for electromagnetic emissions.*

d. A noninterference/intermodulation study indicating no potential interference with public safety communications shall be provided in a manner acceptable to the planning director.

(b) In addition to meeting all other processing and submittal requirements for site plans, ~~special use permits for tower-mounted WCFs shall also comply with the following~~ *any application for a special use permit for the installation of CATS shall comply with the following, and the application shall not be deemed complete until accompanied by these materials, which shall be submitted six weeks prior to the planning commission meeting:*

~~(1) Co-location 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 communications 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 co-location would preclude the WCF from meeting ordinance requirements for such facilities, and for wireless communications facilities that utilize alternative mounting structures, or are building mounted.~~

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

~~(7) (1) 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 **CATS** 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 **CATS** with a radio signal propagation 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 **CATS**. At least one other graphic shall also be provided that shows the relationship of this coverage to that of existing and proposed WCFs **CATS** operated by the same provider and future service plans, within the county and within five miles of the border thereof.

~~(4) (2) Evidence of attempts at co-location and using alternative locations, designs, and operating procedures. 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 communications 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 CATS where co-location would preclude the CATS from meeting ordinance requirements for such facilities, and for communications facilities that utilize alternative mounting structures, or are building-mounted. ~~An~~ The 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 **CATS**, 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 **CATS** 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~~ **CATS** 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~~ **CATS**, alternative mounting structures, building-mounted ~~WCFs~~ **CATS**, 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~~ **CATS** 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~~ **CATS**, 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~~ **CATS** within a three mile radius of the site of the proposed ~~WCF~~ **CATS** in order to accommodate the proposed ~~WCF~~ **CATS**.
- (5) (3) *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 communications facility~~ support structure.
- (6) (4) *Balloon test.* At least three weeks prior to the planning commission meeting, the applicant shall conduct a balloon test that simulates *both* the height of the proposed ~~WCF~~ **CATS**, and the *maximum increase in the physical dimensions of the proposed project permitted according to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and FCC implementing regulations.* 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~~ **CATS** 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~~ **CATS** may be substituted for the balloon test results or required in addition to the balloon test results at the discretion of the planning director.
- (c) *Timing.* *The county will act on proposed modifications to CATS that are not eligible facilities requests within 90 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time. The county will act on new CATS within 150 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.*
- (1) *The timeframe for review shall begin to run when the application is submitted, but shall be tolled if the county finds the application is incomplete and requests that the applicant submit additional information to complete the application. Such requests shall be made within 30 days of submission of the application. After submission of additional information, the county will*

notify the applicant within 10 days of this submission if the additional information failed to complete the application .

- (2) If the county denies an application submitted pursuant to this section, the county will notify the applicant of the denial in writing of the reasons for the denial.*

Div6-CommFacilities-ord

Sec. 24-34. Special requirements for antennae.

In order to protect the health, safety, and welfare of the citizens of James City County and to ensure that the unique aesthetic characteristics of the area are maintained, the following shall apply to the installation, maintenance and location of satellite earth station antennae and other types of incidental antennae located in the county, ~~except antenna associated with wireless communications facilities in accordance with division 6, Wireless Communications Facilities.~~ *provided however the following shall be exempt from the requirements of this section:*

- *Those antennas and facilities covered by Article II, Special Regulations, Division 6, Communications Facilities, Antennas, Towers and Support Structures, except satellite earth station antennas and other types of incidental antennas.*
- *A "dish" antenna that is one meter (39.37") or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, including satellite internet service, provided such antenna is not located more than twelve (12) feet above the roofline of the structure to which it is affixed.*
- *An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite, provided such antenna is not located more than twelve (12) feet above the roofline of the structure to which it is affixed.*
- *An antenna that is designed to receive local television broadcast signals, provided such antenna is not located more than twelve (12) feet above the roofline of the structure to which it is affixed.*
- *An antenna that is designed to receive internet service signals, provided such antenna is not located more than twelve (12) feet above the roofline of the structure to which it is affixed.*
- *Exempt antenna as defined in § 15.2-2293.1 of the Code of Virginia.*

Any satellite dish antennae more than one meter in diameter or any other antennae in a residential district with more than ten square feet of surface area on any one side shall be permitted only after the issuance of a special use permit by the board of supervisors. In all other districts, antennae shall be permitted as accessory uses upon the issuance of a building permit. Provided that transmission and reception signals are not materially limited for satellite dish antennae, one meter or less in diameter, or two meters in diameter in commercial or industrial zoned property, all antennae shall be subject to the following requirements:

- (1) *Height limitations.* The antennae shall not exceed the height limitations for accessory structures of each district.
- (2) *Yard limitations.* All antennae shall meet all yard requirements for accessory structures of each district. Additionally, they shall be further restricted as follows:
 - a. *A-1 and R-8 districts.* For lots in the A-1 and R-8 districts, antennae shall be permitted in side and rear yards only and on roofs as provided in subsection (3).
 - b. *R-1, R-2, and R-6 districts.* For all lots in the R-1, R-2, and R-6 districts, antennae shall be permitted in rear yards only and on roofs as provided in subsection (3).

- c. *R-4, R-5, MU, PUD-R, LB, B-1, M-1, M-3, and PUD-C districts.* For all lots in the R-4, R-5, MU, PUD-R, LB, B-1, M-1, M-3, and PUD-C districts, antennae shall be permitted in rear yards and on roofs as provided in subsection (3).
 - d. *M-2 District.* In the M-2 District, antennae shall be permitted in all yards and on roofs as provided in subsection (3).
- (3) *Roof location.* An antenna larger than ten square feet in surface area on any one side and located on a roof shall be set back from all edges of the roof at least two times the height of the antenna.
- (4) *Standards.* All antennae and the construction and installation thereof shall conform with applicable Uniform Statewide Building Code requirements. No antenna larger than ten square feet in surface area on any one side may be installed on a portable or moveable device. Further, all antennae shall be of noncombustible and corrosive-resistant materials and be erected in a secure, wind-resistant manner located and designed to reduce visual impact from surrounding properties at street level and from public streets, antennae visible from public streets shall be black in color unless otherwise approved by the planning director.
- (5) *Exceptions.* Satellite dish antennae one meter or less in diameter or two meters or less if located in commercial or industrial zoned districts are not required to be black in color. Additionally, if transmission or reception of a satellite antenna one meter or less in diameter, or two meters or less in diameter if located on commercial or industrial zoned property, is shown to be materially limited by one or more of the above requirements, the minimum number of requirement(s) necessary to provide a usable signal shall be waived. For all other antenna, upon a finding by the director of planning that a usable signal cannot be obtained by locating an antenna in the rear yard or upon a roof as provided in subsection (3) in the R-1, R-2, R-4, R-5, R-6, MU, PUD-R, PUD-C, LB, B-1, M-3, and M-1 districts or in the rear or side yard or upon a roof as provided in subsection (3) in the A-1 and R-8 districts, the planning commission may grant an exception to the provisions of this section to allow placement of an antenna in a side or front yard in the R-1, R-2, R-4, R-5, R-6, MU, PUD-R, PUD-C, LB, B-1, M-3, and M-1 districts or the front yard in the A-1 and R-8 districts, if the placement will provide for the reception of a usable signal. No exception shall be granted unless it is determined that the granting of such exception will not be of substantial detriment to adjacent property and will not change the character of the districts. In granting an exception, the planning commission may impose conditions including, but not limited to, the following:
- a. Screening by architectural or landscape methods to reduce visual impact from surrounding properties and public streets.
 - b. Placement and installation methods to limit detrimental impact upon surrounding properties and to enhance the public health, safety, and general welfare,
 - c. Other reasonable requirements deemed necessary to make the use consistent with the character of surrounding properties.

Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Base station. For the purposes of article ii, special regulations, division 6, communications facilities, antennas, towers and support structures only, base station shall be defined as a structure or equipment at a fixed location that enables Federal Communications Commission (FCC)-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base stations include, without limitation:

- (1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless service and fixed wireless services such as microwave backhaul.*
- (2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration, including distributed antenna systems and small-cell networks.*
- (3) Any structure other than a tower that, at the time the relevant application is filed with the county, supports or houses equipment described in paragraphs (1) and (2) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support. The term does not include any structure that, at the time the relevant application is filed with the county, does not support or house equipment described in paragraphs (1) and (2) of this definition.*

~~Co-location. The use of a single support structure and/or site by more than one wireless communications service provider.~~

Collocation. The mounting or installation of transmission equipment on an existing tower or existing base station for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Communications facility. A facility for the transmission or reception of radio signals licensed or authorized by the FCC, including facilities associated with radio and television broadcasting. Communications facilities shall not include facilities used for transmitting or receiving signals by governmental agencies or amateur radio or citizens band radio,

Concealment element. Any condition of approval, including any applicable requirements of article ii, special regulations, division 6, communications facilities, antennas, towers and support structures, in effect at the time of approval, established and imposed on a communications facility as a concealment technique designed to render the facility minimally visible to the casual observer or otherwise not having the appearance of an antenna or a tower, including conditions or regulations pertaining to antenna size, color of the structure and all equipment, antenna mounting techniques, maximum tower diameters, limitations on tower height relative to a reference tree, screening by trees, including the restrictions on removing trees that are screening the tower, and the size, location, design and screening for ground based equipment.

Eligible facilities request. Any request for modification of an existing tower or existing base station that does not substantially change the physical dimensions of such tower or base station, involving:

- (1) Collocation of new transmission equipment*
- (2) Removal of transmission equipment*
- (3) Replacement of transmission equipment*

Eligible support structure. Any tower or base station, provided that it is existing at the time the relevant application is filed with the county.

Existing. Having been reviewed and approved under the applicable zoning process. A tower or base station that has not been reviewed and approved because it was not required to be reviewed when it was built, but was lawfully constructed, shall also be deemed "existing."

Monopole. A ~~wireless~~ communications facility tower used to deploy antennas defined as self-supporting with a single shaft of wood, steel or concrete.

Multi-antenna system. ~~Wireless~~ Communications facilities networked together and connected to a wireless service source so that one or more multiple provisioning (high-powered) antennae which would normally be mounted on a tower to serve a given area are replaced or prevented by a group of lower-power antennas to serve the same geographic area.

Noninterference/intermodulation study. A study prepared by a licensed engineer indicating potential interference of ~~wireless~~ communications facilities with public safety communication equipment.

Radio frequency (RF) report. A statement from a registered engineer demonstrating that electromagnetic radiation emitted from ~~wireless~~ communications facilities, including all facilities that may already be attached, does or does not result in "public" exposure level outside the ~~wireless~~ communications facilities that exceeds relevant ~~federal communication commission~~ FCC standards.

Substantial change. For the purposes of Article II, Special Regulations, Division 6, Communications Facilities, Antennas, Towers and Support Structures, substantial change shall be defined as modification to an eligible support structure which meets any of the following criteria:

- (1) Increase in height. For towers other than towers in the public rights-of-way, the modification increases the height of the tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, the modification increase the height of the structure by more than 10 percent (10%) or more than ten (10) feet, whichever is greater. Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.*
- (2) Increase in width. For towers other than towers in the public rights-of-way, the modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of*

the appurtenance, whichever is greater; for other eligible support structures, the modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet.

- (3) Excessive equipment cabinets. For any eligible support structure, the modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public-rights-of-way and base stations, the modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure.*
- (4) Expands tower site. The modification entails any excavation or deployment outside the current site.*
- (5) Defeats concealment elements. The modification would defeat the concealment elements of the eligible support structure*
- (6) Does not comply with conditions of approval. The modification does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in paragraphs (1) through (4) of this section.*

Support structure. The structure to which antenna and other necessary hardware is mounted. Support structures shall include the following:

- (1) Tower.* A pole or latticed structure designed for the attachment of one or more *FFC-licensed or -authorized* antenna as the primary use of the structure. *This term does not include a base station.*
- (2) Alternative mounting structure.* Light poles, utility transmission structures, water towers, buildings, and other structures other than towers or camouflaged ~~wireless~~ communications facilities which are not primarily designed to support antenna nor are designed taller in order to accommodate antenna.
- (3) Camouflaged structure.* Any ~~wireless~~ communications facility disguised or hidden *by utilizing concealment elements* so that all of its components are unnoticeable to the casual observer, or otherwise not having the appearance of an antenna or a tower.
- (4) Antenna support structures for multi-antenna systems.* Structures whose primary function is to deploy an antenna as part of a multi-antenna system arrangement.

~~*Wireless communications facility (WCF).* A facility for the transmission or reception of low power radio signals used for two-way communications provided by a FCC licensee. WCFs shall not include facilities for broadcasting or receiving commercial or public radio or television programming, or facilities for transmitting or receiving signals by governmental agencies or amateur radio, citizens band, or similar users. WCFs are composed of two or more of the following components:~~

~~(1) Antenna;~~

~~(2) Support structure;~~

~~(3) Equipment enclosure; or~~

~~(4) Security barrier.~~

Sec24-2-Definitions-ord

DIVISION 2 - GENERAL AGRICULTURAL, A-1

Sec. 24-212. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32.	P	
	Accessory apartment, detached, in accordance with section 24-32.		SUP
	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Group home or residential facility, for eight or fewer adults.	P	
	Group homes or residential facilities for nine or more adults.		SUP
	Group quarters for agricultural workers.		SUP
	Home care facilities.		SUP
	Manufactured homes that are on a permanent foundation.	P	
	Manufactured home parks in accordance with the special provisions of article IV.		SUP
	Single-family detached dwellings.	P	
	Two-family dwellings.		SUP
Commercial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Adult day care centers.		SUP
	Airports and landing fields, heliports or helistops and accessory uses.		SUP
	Animal hospitals, veterinary offices and kennels.		SUP
	Automobile graveyards.		SUP
	Automobile repair and service.		SUP
	Automobile service stations; if fuel is sold, then in accordance with section 24-38.		SUP
	Beauty and barber shops.		SUP
	Campgrounds.		SUP
	Cemeteries and memorial gardens, not accessory to a church or other place of worship.		SUP
	Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.		SUP
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).		SUP
	Contractors' warehouses, sheds, and offices.		SUP
	Convenience stores; if fuel is sold, then in accordance with section 24-		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	38.		
	Day care and child care centers.		SUP
	Dinner theaters and dance halls as an accessory use to a restaurant or tavern.		SUP
	Farm equipment sales and service.		SUP
	Farmers' markets, limited in area to 2,500 square feet.	P	
	Farmers' markets over 2,500 square feet in area.		SUP
	Feed, seed and farm supplies.		SUP
	Flea markets, temporary or seasonal.		SUP
	Food processing and storage.		SUP
	Gift shops and antique shops.		SUP
	Golf courses and country clubs.		SUP
	Greenhouses, commercial.	P	
	Home occupations, as defined herein.	P	
	Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
	Horse racing tracks.		SUP
	Horse show areas, polo fields.		SUP
	Hospitals and nursing homes.		SUP
	House museums.	P	
	Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
	Lumber and building supply stores.		SUP
	Medical clinics.		SUP
	Nurseries.	P	
	Off-street parking as required by section 24-54.	P	
	Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
	Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
	Race tracks for animals or vehicles, including racing courses for power boats.		SUP
	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.		SUP
	Rental of rooms to a maximum of three rooms.		SUP
	Rest homes for fewer than 15 adults.	P	
	Rest homes for 15 or more adults.		SUP
	Restaurants, taverns.		SUP
	Retreat facilities.		SUP
	Retail sale and repair of lawn equipment with outdoor display area up		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	to 2,500 square feet and repair limited to a fully enclosed building.		
	Retail sales of plant and garden supplies.		SUP
	Retail shops associated with community recreation facilities.		SUP
	Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.		SUP
	Slaughter of animals for personal use but not for commercial purposes.	P	
	Slaughterhouses.		SUP
	Small-scale alcohol production.		SUP
	Tourist homes.		SUP
	Upholstery shops.		SUP
	Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.		SUP
Agricultural Uses	Accessory buildings and structures.	P	
	Accessory uses, including agritourism activities, as defined in section 24-2.	P	
	Fish farming and aquaculture, but shall not include the processing of such products.	P	
	Food processing and storage, when it occurs in private homes per Code of Virginia § 3.2-5130 subdivisions A 3, 4, and 5.	P	
	General agriculture operation, production agriculture or silviculture activity, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.	P	
	Limited farm brewery.	P	
	Limited farm distillery.	P	
	Intensive agriculture as herein defined.	P	
	Petroleum storage on a farm as an accessory use and not for resale.	P	
	Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands.	P	
	Storage and repair of heavy equipment as an accessory use to a farm.	P	
	Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.	P	
	Wineries, with accessory commercial facilities.		SUP
Civic Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Fire stations, rescue squad stations, volunteer or otherwise.		SUP
	Houses of worship and cemeteries accessory hereto.	P	
	Lodges, civic clubs, fraternal organizations or service clubs.		SUP
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions, public or private.		SUP
	Seminaries.		SUP
Utility Uses	Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.	P	
	Communication towers over 35 feet in height.		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures; or multi-antenna systems greater than a height of 35 feet. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures that utilize alternative mounting structures; are camouflaged; or multi-antenna systems up to a height of 35 feet. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	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.		SUP
	Telephone exchanges and telephone switching stations.		SUP
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or 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
	Utility substations.		SUP
	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, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.		SUP
	Water impoundments, new or expansion of, less than 20 acres and with	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	dam heights of less than 15 feet.		
	Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.		SUP
	Wireless communication facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities.	P	
Open Uses	Preserves and conservation areas for protection of natural features and wildlife.	P	
	Timbering in accordance with section 24-43.	P	
Industrial Uses	Accessory buildings and structures.	P	
	Accessory uses, as defined herein.	P	
	Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)		SUP
	Manufacture and sale of wood products.		SUP
	Solid waste transfer stations.		SUP
	Storage and repair of heavy equipment.		SUP
	Storage, stockpiling and distribution of sand, gravel and crushed stone.		SUP

- **Editor's note** - Ord. No. 31A-296, adopted June 9, 2015, amended § 24-212 in its entirety to read as herein set out. Former § 24-212 pertained to use list. See the Code Comparative Table for complete derivation.

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 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 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) *Heights of Communications towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

DIVISION 3 - LIMITED RESIDENTIAL, R-1

Sec. 24-232. Use list.

In the Limited Residential District, R-1, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32	P	
	Accessory apartments, detached, in accordance with section 24-32		SUP
	Accessory buildings or structures as defined	P	
	Group home or residential facility, for eight or fewer adults	P	
	Keeping of chickens in accordance with section 24-47	P	
	Single-family detached dwellings contained within cluster development in accordance with article VI, division 1 of this chapter		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-233(a)	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre in accordance with section 24-233(b)		SUP
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers		SUP
	Child day care centers		SUP
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities	P	
	Golf courses, country clubs		SUP
	Home occupations as defined	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Rental of rooms to a maximum of three rooms		SUP
	Retail food shops and food service establishments accessory to community recreation facilities		SUP
Civic Uses	Cemeteries and memorial gardens		SUP
	Fire stations		SUP
	Libraries		SUP
	Neighborhood resource centers		SUP
	Places of public assembly		SUP
	Publicly owned solid waste container sites		SUP
	Schools		SUP
	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, 50 acre or more and dam heights of 25 feet or more		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Utility Uses	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
	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		SUP
	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 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
	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 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 communication facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit		SUP
	(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		
Open	Timbering in accordance with section 24-43	P	

Sec. 24-240. Height of structures.

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 there are two side yards for each permitted use each of which is a minimum of 15 feet plus one foot or more of side yard for each additional foot of building 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, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennae and home radio aerials ~~and wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities,~~ may be erected to a total height of 60 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 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, to offer adequate protection to life and property; and
 - e. Such structure will not be contrary to the public health, safety and general welfare.
- (4) 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 the 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.
- (5) *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

DIVISION 4 - GENERAL RESIDENTIAL, R-2

Sec. 24-252. Use list.

In the General Residential District, R-2, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32	P	
	Accessory apartments, detached, in accordance with section 24-32		SUP
	Accessory buildings or structures as defined	P	
	Group home or residential facilities, for eight or fewer adults	P	
	Keeping of chickens in accordance with section 24-47	P	
	Multifamily dwellings of between five and eight units, contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including four units, with a maximum gross density of one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter	P	
	Multifamily dwellings, up to and including four units, with a maximum gross density of more than one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including two units, in accordance with section 24-260		SUP
	Single-family detached dwellings with a maximum gross density of one dwelling unit per acre, either	P	
	• in accordance with section 24-253(a), or		
	• contained within residential cluster development in accordance with article VI, division 1 of this chapter		
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre, either		SUP
	• in accordance with section 24-253(b), or		
	• contained within residential cluster development in accordance with article VI, division 1 of this chapter		
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers		SUP
	Barber and beauty shops		SUP
	Child day care centers		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities	P	
	Golf courses, country clubs		SUP
	Home occupations as defined	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Photography studios and sales, artists and sculptor studios		SUP
	Rental of rooms to a maximum of three rooms		SUP
	Retail shops accessory to community recreation facilities	P	
	Tourist homes		SUP
Civic Uses	Cemeteries and memorial gardens		SUP
	Fire stations		SUP
	Libraries		SUP
	Neighborhood resource centers		SUP
	Places of public assembly		SUP
	Publicly owned solid waste container sites		SUP
	Schools		SUP
	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, 50 acre or more and with dam heights of 25 feet or more		SUP
Utility Uses	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities		SUP
	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		SUP
	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 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
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
	Transmission pipelines (public or private), including pumping		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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 residential or commercial customer and which are accessory to existing or proposed development are permitted generally and shall not require a special use permit		
	Wireless communication facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		SUP
	(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		
Open	Timbering in accordance with section 24-43	P	

Sec. 24-261. Height of structures.

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 there are two side yards for each permitted use each of which is a minimum of 15 feet plus one foot or more of side yard for each additional foot of building 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, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas and home radio aerials ~~and wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities,~~ may be erected to a total height of 60 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 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, to offer adequate protection to life and property; and
 - e. Such structure will not be contrary to the public health, safety and general welfare.
- (4) No accessory building which is within ten 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 the 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.
- (5) *Heights of communications facilities shall be permitted in accordance with division 6, Communications Facilities, Antennas, Towers and Support Structures.*

DIVISION 4.1 - RESIDENTIAL REDEVELOPMENT, R-3

Sec. 24-273.2. Use list.

In the Residential Redevelopment District, R-3, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with section 24-32	P	
	Accessory apartments, detached, in accordance with section 24-32		SUP
	Accessory buildings or structures as defined	P	
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Independent living facilities		SUP
	Multifamily dwellings up to and including four units	P	
	Multifamily dwellings greater than four units	P	
	Single-family dwellings	P	
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers	P	
	Assisted living facilities		SUP
	Barber and beauty shops		SUP
	Business, professional and governmental offices		SUP
	Child day care centers	P	
	Coin laundries which are accessory to other residential uses and for the primary use of its residents	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities	P	
	Continuing care retirement facilities		SUP
	Hospitals and mental health facilities		SUP
	Off-street parking as required by article II, division 2 of this chapter	P	
	Photography studios and sales, artist and sculptor studios		SUP
	Places of public assembly	P	
	Professional and business offices located in the same structure as and in conjunction with multifamily uses		SUP
	Rental of one room	P	
	Rental of two or three rooms to a maximum of three rooms		SUP
	Retail shops accessory to community recreation facilities	P	
	Schools, libraries and fire stations	P	
	Skilled nursing facilities (nursing homes)		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Temporary offices in accordance with section 24-111		SUP
	Tourist homes		SUP
	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, 50 acres or more and dam heights of 25 feet or more		SUP
Utility Uses	Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
	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		SUP
	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 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
	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		SUP
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:		SUP

	(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		
Open	Timbering in accordance with section 24-43	P	

Sec. 24-273.11. Height of structures.

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

- (a) The height limit for dwellings may be increased to 45 feet and to three stories; provided, that there are two side yards for each permitted use each of which is a minimum of 15 feet plus one foot or more of side yard for each additional foot of building height over 35 feet.
- (b) 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, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- (c) Church spires, belfries, cupolas, monuments, water towers, athletic field lighting, chimneys, flues, flagpoles, home television antennas and home radio aerials ~~and wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities,~~ may be erected to a total height of 60 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 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, to offer adequate protection to life and property; and
 - (5) Such structure will not be contrary to the public health, safety and general welfare.
- (d) No accessory building which is within ten 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 the 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.

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

Sec27-273-2and24-273-11-R3

DIVISION 5 - RESIDENTIAL PLANNED COMMUNITY, R-4

Sec. 24-281. Use list.

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with <u>section 24-32</u>	P	
	Accessory apartments, detached, in accordance with <u>section 24-32</u> and located in an area designated as "A" on the approved master plan		SUP
	Accessory buildings or structures, as defined	P	
	Apartments	P	
	Group homes or residential facilities for eight or fewer adults	P	
	Group homes or residential facilities for nine or more adults		SUP
	Independent living facilities		SUP
	Multi-family dwellings (up to and including four dwelling units)	P	
	Multi-family dwellings (more than four dwelling units)	P	
	Single-family dwellings	P	
Commercial Uses	Accessory buildings or structures, as defined	P	
	Assisted living facilities	P	
	Automobile service stations; if fuel is sold, then in accordance with <u>section 24-38</u>	P	
	Banks and other similar financial institutions	P	
	Barber and beauty shops	P	
	Business, professional and governmental offices	P	
	Continuing care retirement facilities	P	
	Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores	P	
	Dinner theaters	P	
	Dry cleaners and laundries	P	
	Funeral homes, cemeteries and memorial gardens	P	
	Home occupations, as defined	P	
	Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields	P	
	Hospitals and mental care facilities	P	
	Hotels, resort hotels, motels, tourist homes and convention centers	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Hunting clubs, conservation areas and preserves	P	
	Indoor theaters, museums, public meeting halls and outdoor entertainment, other than drive-in theaters	P	
	Medical clinics and offices	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Parks, playgrounds, golf courses, tennis courts, swimming pools and other public or private recreation areas	P	
	Photographer, artist and sculptor studios	P	
	Property maintenance facilities, sheds or garages	P	
	Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement	P	
	Rental of rooms to a maximum of three rooms	P	
	Restaurants, fast food restaurants, tea rooms and taverns	P	
	Retail food stores, bakeries and fish markets	P	
	Skilled nursing facilities (nursing homes)	P	
	Yacht clubs, private or commercial marinas, boat storage and service facilities; if fuel is sold, then in accordance with <u>section 24-38</u>	P	
Civic Uses	Fire stations	P	
	Libraries	P	
	Post offices	P	
	Places of public assembly	P	
	Schools	P	
Utility Uses	Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that comply with article II, division 6 of this chapter, only in areas with a designation other than residential on a board adopted master plan</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
	Public utilities: Poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities	P	
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communication Facilities, only in areas with a designation other than residential on a board adopted master		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	plan		
	Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions shall be a permitted use only after the issuance of a special use permit by the board of supervisors. However, the following are permitted generally and shall not require a special use permit:		SUP
	(1) 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;		
	(2) Distribution lines and local facilities within a development; including pump stations.		
	Water impoundments, new or expansion of, 50 acres or more with dam heights of more than 25 feet		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	
Open Uses	Timbering in accordance with section 24-43	P	

All uses are subject to the limitations hereinafter provided.

Sec. 24-286. Height limits.

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, athletic field lighting, or other accessory functions, which are part of the structure. 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 penthouse, electrical, plumbing, elevator, water tank, ~~radio, television and microwave antennas and towers~~ or other accessory functions, ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities and 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. *Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.*

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. Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;

- 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 that the building is reasonably well located in relation to fire stations and equipment, to offer adequate protection to life and property; and
- f. Such structure will not be contrary to the public health, safety and general welfare.

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DIVISION 6 - MULTIFAMILY RESIDENTIAL, R-5

Sec. 24-305. Use list.

In the Multifamily Residential District, R-5, structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory buildings or structures as defined	P	
	Apartments	P	
	Group home or residential facilities, for eight or fewer adults	P	
	Group home or residential facilities, for nine or more adults		SUP
	Independent living facilities		SUP
	Multifamily dwellings containing two or more dwelling units	P	
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers	P	
	Assisted living facilities		SUP
	Barber and beauty shops		SUP
	Business, professional and governmental offices		SUP
	Child day care centers	P	
	Coin laundries which are accessory to other residential uses and for the primary use of its residents	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ballfields, tennis courts and other similar recreation facilities	P	
	Continuing care retirement communities		SUP
	Golf courses, country clubs		SUP
	Home occupations, as defined	P	
	Hospitals and mental health facilities		SUP
	Lodges, civic clubs, fraternal organizations, service clubs		SUP
	Marina, boat dock or waterfront recreational facilities	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Photography studios and sales, artist and sculptor studios	P	
	Professional and business offices located in the same structure as and accessory to multifamily uses		SUP
	Rental of one room	P	
	Rental of two or three rooms to a maximum of three rooms		SUP
	Restaurants which are accessory to permitted private clubs or marinas	P	
	Retail shops accessory to community recreation facilities	P	
	Skilled nursing facilities (nursing homes)		SUP
	Temporary offices in accordance with <u>section 24-111</u>		SUP
	Tourist homes	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Civic	Cemeteries and memorial gardens		SUP
	Fire stations	P	
	Libraries	P	
	Places of public assembly	P	
	Schools	P	
	Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
Utility	Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
	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		SUP
	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 rights-of-way and track and safety improvement 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
	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, private extensions or 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
	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's such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	are accessory to existing or proposed development, and distribution lines, and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit		
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	
Open	Timbering in accordance with <u>section 24-43</u>	P	

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

- (a) *Sewer and water.* All dwelling units within the Multifamily Residential District, R-5, shall be served by publicly owned and operated sewer and water systems.
- (b) *Open space.* There shall be planned and set aside permanently an amount of open space to be maintained exclusively for conservation and recreation purposes.
 - (1) Non-developable areas shall be maintained as open space and shall not be included on any private lot, and should be protected though a conservation easement dedicated to the county or other legal entity approved by the county attorney.
 - (2) In addition, ten percent of the developable area shall also be set aside as open space. The developable area open space may include, but is not limited to:
 - a. Areas on site necessary to meet county policies pertaining to natural resources, archaeology, and parks and recreation;
 - b. Areas on site used to achieve density bonus points in accordance with section 24-307;
 - c. The following areas, up to the percent specified:
 - 1. Required right-of-way and perimeter buffers cannot exceed 50 percent of the developable open space required, and
 - 2. Stormwater management facilities cannot exceed 20 percent of the developable open space required (this limitation applies to structural best management practices such as wet and dry ponds, but does not apply to bioretention or other low impact design measures).
 - (3) For the purpose of meeting the developable open space requirements, open space area may not include:
 - a. Area on any individual private lots, with the exception of easements for streetscapes, or
 - b. Land within public road rights-of-way and utility or drainage easements.

- (4) Open space shall be arranged on the site in a manner that is suitable in its size, shape, and location for the conservation and recreational uses intended, with adequate access for all residents and served with adequate facilities for such purpose. Existing features which would enhance the residential environment or the county as a whole such as trees, watercourses, historic spots and similar features shall be preserved to the maximum extent possible.
- (c) *Recreation.* A playground area or areas with playground equipment shall be provided by the developer. Such areas shall be centrally located and total at least one-half acre for every 50 dwelling units; provided, that the total shall not exceed ten percent of the gross area of the site. For multifamily projects with less than 50 dwelling units, the recreation areas shall total ten percent of the gross acreage of the site. The developer shall provide and install playground equipment specified on the site plan prior to the issuance of any certificates of occupancy. Recreation areas and facilities may be deeded to a residents' association.
- (d) *Parking.* Off-street parking facilities shall be provided in accordance with article II, division 2 of this chapter.
- (e) *Streets.* All dedicated public streets shown on the development plan shall meet the design and construction requirements of the Virginia Department of Transportation's standards or the county subdivision ordinance, whichever is more stringent. Such public streets shall be coordinated with the major transportation network shown in the Comprehensive Plan. Private streets may be permitted in accordance with the provisions of section 24-62. The traffic generated by a Multifamily Residential District, R-5, shall not exceed the capacity of adjoining thoroughfares. The daily traffic shall be determined by multiplying the number of proposed dwelling units by the appropriate trip generation rate as listed in the latest edition of a book entitled Trip Generation published by the Institute of Transportation Engineers and compared to the existing traffic and road capacity as determined by the highway engineer.
- (f) *Outdoor lighting.* Outdoor lighting shall be provided, as required by article II, division 7 of this chapter and the county subdivision ordinance. No lighting fixture on pedestrian or bicycle paths or parking lots shall exceed a height of 15 feet.
- (g) *Structure height.* Structures may be erected up to 35 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, penthouse, electrical, plumbing, elevator, athletic field lighting, water tank or other accessory functions which are part of the structure ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities.~~ A structure in excess of 35 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, penthouse, electrical, plumbing, elevator, athletic field lighting, water tank, ~~radio, television and microwave antennas and towers~~ or other accessory functions, ~~and for wireless communications facilities that utilize alternative mounting structures to exceed 35 feet in height but not to exceed 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. *Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.*

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

- (1) Such structure will not obstruct light from 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 stand point of safety and the county fire chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment to offer adequate protection to life and property; and
 - (5) Such structure would not be contrary to the public health, safety and general welfare.
- (h) *Maximum number of units and facade variety.* A maximum of ten multifamily dwelling units shall be included in one structure. The facade of multifamily dwelling within a group shall be changed by variation in the depth of front yards, building materials and/or design so that no more than two abutting units shall be of like appearance.
 - (i) *Minimum distances.* The distance between two main structures on a single lot shall be a minimum of the height of the taller structure. Accessory structures shall be a minimum of ten feet from any other structure.
 - (j) *Maintenance of common open space, recreation facilities, etc.* The maintenance of common open space, recreation facilities, sidewalks, parking, private streets and other privately owned but common facilities serving the project shall be guaranteed by the developer, project owner or a properly established homeowners' association.
 - (k) *Signs.* To assure an appearance and condition which is consistent with the purposes of this district, outdoor signs shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

DIVISION 7 - LOW-DENSITY RESIDENTIAL, 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:

Accessory apartments, attached, in accordance with section 24-32.

Accessory buildings or structures as defined.

Agriculture, including land and buildings for accessory uses, such as forestry, farming, the raising of livestock, excluding hogs, and other agricultural pursuits.

Boat docks.

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures. All facilities shall comply with article II, division 6 of this chapter.

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities.

Home occupations as defined.

Horse or pony farms (including the raising and keeping of horses), riding stables or horse show areas.

Houses of worship.

Off-street parking, as required by section 24-54.

Preserves, conservation areas or hunting clubs.

Retail shops associated with community recreation facilities.

Schools, libraries and fire stations.

Single-family dwellings.

Timbering in accordance with section 24-43.

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

~~Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications 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:

Accessory apartments, detached, in accordance with section 24-32.

Adult day care centers.

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

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.

Cemeteries and memorial parks.

Day care and child care centers.

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.

Golf courses, county clubs.

Home care facilities.

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.

Rental of rooms to a maximum of three rooms.

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 or 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, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit.

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

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

DIVISION 8 - RURAL RESIDENTIAL, 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:

Accessory apartments, attached, in accordance with section 24-32.

Accessory buildings and structures.

Accessory uses, as defined herein.

~~Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.~~

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures; or multi-antenna systems up to a height of 35 feet. All facilities shall be in accordance with article II, division 6 of this chapter.

Farmers' markets, limited in area to 2,500 square feet.

General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Home occupations, as defined herein.

Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.

House museums.

Nurseries.

Off-street parking as required by section 24-54.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Rest homes for fewer than 15 adults.

Site-built single-family detached dwellings and modular homes.

Slaughter of animals for personal use, but not for commercial purposes.

Storage and repair of heavy equipment as accessory use to a farm.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.

~~Wireless communications facilities that utilize alternative mounting structures 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:

Accessory apartments, detached, in accordance with section 24-32.

Adult day care centers.

Airports and landing fields, helistops or heliports and accessory uses.

Barber and beauty shops.

Business, governmental, and professional offices.

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

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Child day care centers.

Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that are camouflaged; or multi-antenna systems greater than a height of 35 feet. All facilities shall comply with article II, division 6 of this chapter.

~~Communication towers over 35 feet in height.~~

Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities, but not those approved as a part of a planned unit development.

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

Drug stores.

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.

Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a special use permit).

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled, or other developmentally disabled persons for more than five such persons.

Farm equipment sales and service establishments.

Farmers' markets over 2,500 square feet.

Feed, seed and farm supplies.

Fire stations or rescue squad stations, volunteer or otherwise.

Fish farming and aquaculture.

Flea markets, temporary or seasonal.

Food processing and storage, but not the slaughter of animals.

Food processing and storage in a residence.

Gift shops, antique shops.

Golf courses and country clubs.

Greenhouses, commercial.

Group quarters for agricultural workers.

Home care facilities.

Horse and pony farms with 50 or more animals.

Horse show areas, polo fields.

Hospitals.

Hotels and motels.

Houses of worship and cemeteries accessory thereto.

Hunting clubs.

Kennels.

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

Manufacture and sale of wood products.

Manufactured home parks.

Manufactured homes in accordance with section 24-107 and section 24-108 not located within the primary service area.

Medical clinics or offices.

Neighborhood Resource Centers.

Nursing homes and facilities for the residence and/or care of the aged.

Photography, artist and sculptor studios.

Photography sales and arts and crafts shops.

Post offices and public buildings generally.

~~Radio and television stations or towers.~~

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.

Raising of hogs.

Rental of rooms to a maximum of three rooms.

Rest homes for 15 or more adults.

Restaurants, taverns.

Retail shops associated with community recreation facilities.

Retreat facilities.

Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions.

Seminaries.

Telephone exchanges and telephone switching stations.

Tourist homes.

~~Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 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, private extensions or 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.

Two-family dwellings.

Utility substations.

Veterinary hospitals.

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.

Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.

Wayside stands for sale of agricultural products over 500 square feet in area.

Yacht clubs and marinas and commercial and service facilities accessory thereto.

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 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.
- (4) 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 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (3) above and may exceed the height of the main structure and may exceed 45 feet in height.
- (5) *Heights of Communications towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.*

DIVISION 9 - LIMITED BUSINESS, LB

Sec. 24-368. 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:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property	P	
Commercial	Accessory uses and structures, as defined in <u>section 24-2</u>	P	
	Adult day care centers	P	
	Antique shops	P	
	Arts and crafts, hobby and handicraft shops	P	
	Auction houses	P	
	Bakeries and fish markets	P	
	Banks and other financial institutions	P	
	Barber and beauty salons	P	
	Business and professional offices	P	
	Catering and meal preparation 5,000 sq. ft. or less	P	
	Catering and meal preparation larger than 5,000 sq. ft.		SUP
	Child day care centers	P	
	Contractor offices (with materials and equipment storage limited to a fully enclosed building)	P	
	Convenience stores without the sale of fuel, in areas not designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map		SUP
	Drug stores 10,000 sq. ft. or less	P	
	Drug stores larger than 10,000 sq. ft.		SUP
	Dry cleaners and laundries	P	
	Firearms sales and service		SUP
	Firing and shooting ranges, limited to a fully enclosed building		SUP
	Feed, seed and farm supply stores	P	
	Flea markets, not in areas designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map		SUP
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores 10,000 sq. ft. or less	P	
	Grocery stores larger than 10,000 sq. ft		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Health clubs and exercise clubs, fitness centers	P	
	Janitorial service establishments	P	
	Lodges, civic clubs, fraternal organizations and service clubs	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 <u>section 24-38</u>		SUP
	Medical clinics or offices	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Office supply stores 10,000 sq. ft. or less	P	
	Office supply stores greater than 10,000 sq. ft.		SUP
	Pet stores and pet supply sales	P	
	Photography, artist and sculptor stores and studios	P	
	Plumbing and electrical supply (with storage limited to a fully enclosed building)	P	
	Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Restaurants (excluding fast food restaurants), coffee shops, tea rooms and taverns with 100 seats or less	P	
	Restaurants (excluding fast food restaurants), coffee shops, tea rooms and taverns with greater than 100 seats		SUP
	Retail and service stores, including the following stores: books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, health and beauty aids, home appliance, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel bureau agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores 5,000 sq. ft. or less	P	
	Retail food store greater than 5,000 sq. ft.		SUP
	Security service offices	P	
	Tourist home	P	
	Vehicle parts sales, new and/or rebuilt (with storage limited to a fully enclosed building)	P	
	Vehicle rentals	P	
	Vehicle 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 <u>section 24-38</u>		SUP
	Veterinary hospitals (with all activities limited to a fully enclosed building, with the exception of supervised animal exercise while on a leash)	P	

Civic	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Nonemergency medical transport		SUP
	Places of public assembly	P	
	Post offices	P	
	Schools		SUP
Utility	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
Utility	Electrical generation facilities (public or private), steam generation facilities, and electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations		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. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities, public or private, and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit:		SUP

	(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		
Open	Timbering, in accordance with <u>section 24-43</u>	P	

Sec. 24-374. Height 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, *and* flagpoles ~~and wireless communications facilities that utilize alternative mounting structures 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 lower in height than the main structure.
- (d) *Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.*

DIVISION 10 - LIMITED BUSINESS, B-1

Sec. 24-390. 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:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property	P	
Commercial	Accessory uses and structures, as defined in <u>section 24-2</u>	P	
	Adult day care centers	P	
	Amphitheaters		SUP
	Antique shops	P	
	Arts and crafts, hobby and handicraft shops	P	
	Auction houses	P	
	Bakeries or fish markets	P	
	Banks and other financial institutions	P	
	Barber and beauty salons	P	
	Business and professional offices	P	
	Campgrounds		SUP
	Catering and meal preparation	P	
	Child day care centers	P	
	Contractor offices (with storage of materials and equipment limited to a fully enclosed building)	P	
	Convenience stores which sell and dispense fuel in accordance with <u>section 24-38</u>		SUP
	Convention centers		SUP
	Country clubs and golf courses, public or private		SUP
	Drug stores	P	
	Dry cleaners and laundries	P	
	Farmer's market	P	
	Feed, seed and farm supply stores	P	
	Firearms sales and service	P	
	Firing and shooting ranges, limited to a fully enclosed building		SUP
	Flea markets		SUP
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Health and exercise clubs, fitness centers	P	
	Heliports and helistops, as an accessory use		SUP
	Hospitals		SUP
	Hotels and motels	P	
	Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
	Indoor sport facilities (excluding firing and shooting ranges)	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	
	Limousine services (with maintenance limited to a fully enclosed building)	P	
	Lodges, civic clubs, fraternal organizations and service clubs	P	
	Lumber and building supply (with storage limited to a fully enclosed building or screened from view with landscaping and fencing with a maximum height of 12 feet)	P	
	Machinery sales and service (with storage and repair limited to a fully enclosed building)	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 <u>section 24-38</u>	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices	P	
	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 article II, division 2 of this chapter	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, structures or garages	P	
	Pet stores and pet supply sales	P	
	Photography, artist and sculptor stores and studios	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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Radio and television stations and accessory antenna or towers 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, and taverns	P	
	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores	P	
	Security service offices	P	
	Small-scale alcohol production	P	
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP
	Tourist homes	P	
	Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt (with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing)	P	
	Vehicle and trailer sales and services (with major repair limited to a fully enclosed building)	P	
	Vehicle rentals	P	
	Vehicle service stations; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise while on a leash)	P	
	Wholesale and warehousing (with storage limited to a fully enclosed building)	P	
Civic	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Nonemergency medical transport		SUP
	Places of public assembly	P	
	Post offices	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Schools		SUP
Utility	Antennas and towers, self supported, which are 60 feet or less in height	P	
	Antennas or towers in excess of 60 feet in height		SUP
Utility	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures up to a height of 40 feet; or multi-antenna systems up to a height of 60 feet. All facilities shall comply with article II, division 6 of this chapter.</i>	<i>P</i>	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures greater than a height of 40 feet; or multi-antenna systems greater than a height of 60 feet. All facilities comply with article II, division 6 of this chapter.</i>		<i>SUP</i>
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged. All facilities shall comply with article II, division 6 of this chapter.</i>	<i>P</i>	
	Electrical generation facilities (public or private), steam generation facilities, and electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and stations. Spur lines which are to serve and are 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, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	

	Water facilities, public or private, and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. 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		SUP
	(b) Distribution lines and local facilities within a development, including pump stations		
Open	Timbering, in accordance with <u>section 24-43</u>	P	
Industrial Uses	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
	Waste disposal facilities		SUP

Sec. 24-396. Height 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 nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted,~~ may be erected only upon the granting of a height limitation waiver by the board of supervisors. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:
 - a. The regulations of section 24-397 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.
 - (4) *Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.*

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DIVISION 11 - LIMITED BUSINESS/INDUSTRIAL, M-1

Sec. 24-411. 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:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial or industrial use of the property	P	
Commercial	Accessory uses and structures as defined in <u>section 24-2</u>	P	
	Adult day-care centers	P	
	Antique shops	P	
	Arts and crafts, hobby and handicraft shops	P	
	Auction houses	P	
	Bakeries or fish markets	P	
	Banks and other financial institutions	P	
	Barber shops and beauty salons	P	
	Business and professional offices	P	
	Catering and meal preparation	P	
	Child day-care centers	P	
	Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Convenience stores; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Convention centers	P	
	Courier services	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Farmer's market	P	
	Fast food restaurants		SUP
	Feed, seed and farm supply stores	P	
	Firearms sales and service	P	
	Firing and shooting ranges (limited to a fully enclosed building)	P	
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores	P	
	Health and exercise clubs, fitness centers	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Heliports, helistops and accessory uses		SUP
	Hospitals		SUP
	Hotels and motels with accessory retail sales, barber shops and beauty shops located within the hotel or motel, for the principal benefit of the resident guest	P	
	Indoor centers of amusement including billiard halls, arcades, pool rooms, bowling alleys, dance clubs and bingo halls	P	
	Indoor sport facilities, including firing and shooting ranges	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	
	Laboratories, research and development centers	P	
	Laser technology production	P	
	Limousine services (with maintenance limited to a fully enclosed building)	P	
	Lodges, civic clubs, fraternal organizations and service clubs	P	
	Lumber and building supply (with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Machinery sales and service (with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	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 <u>section 24-38</u>	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid centers	P	
	Museums	P	
	New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Nursing homes		SUP
	Nurseries	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Office supply stores	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
	Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks, with water and sewer facilities for golf courses as approved by the board of supervisors		SUP
	Parking lots, structures or garages	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Pawnshops		SUP
	Payday/title loan establishments		SUP
	Pet stores and pet supply sales	P	
	Photography, artist and sculptor stores and studios	P	
	Plumbing and electrical supply and sales (with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)	P	
	Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Private streets within "qualifying industrial parks" in accordance with <u>section 24-62</u>	P	
	Radio and television stations and accessory antenna or towers, self supported, (not attached to buildings) which are 60 feet less in height	P	
	Research, development and design facilities or laboratories	P	
	Restaurants, tea rooms, coffee shops, and taverns, not to include fast food restaurants	P	
	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores	P	
	Security service offices	P	
	Small-scale alcohol production	P	
	Tattoo parlors		SUP
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP
	Truck stops; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Truck terminals; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	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)	P	
	Vehicle repair and service, including tire, transmission, glass, body and fender, and other automotive product sales, new and/or rebuilt (with major repair limited to a fully enclosed building and storage of parts and vehicles screened from adjacent property by landscaping and fencing with a maximum height of 12 feet)	P	
	Vehicle rentals	P	
	Vehicle service stations; if fuel is sold, then in accordance with <u>section 24-38</u>	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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 with a maximum height of 12 feet)	P	
Civic	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Nonemergency medical transport	P	
	Places of public assembly	P	
	Post offices	P	
	Schools		SUP
Utility	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures up to a height of 40 feet; or multi-antenna systems up to a height of 60 feet. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures greater than a height of 40 feet; or multi-antenna systems greater than a height of 60 feet. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	Antennas and towers, self-supported, which are 60 feet or less in height	P	
	Antennas and towers (not attached to buildings) in excess of 60 feet in height		SUP
	Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private) and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment, such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit:		SUP
	(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		
Open	Timbering, in accordance with <u>section 24-43</u>	P	
Industrial	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, water and alcoholic beverages	P	
	Manufacture and processing of textiles and textile products	P	
	Manufacture and storage of ice, including dry ice	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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 and retail distribution		SUP
	Processing, assembly and manufacture of light industrial products or components (with all storage, processing, assembly and manufacture conducted indoors or under cover, with no dust, noise, odor or other objectionable effect)		SUP
	Propane storage, distribution or sale		SUP
	Recycling center or plant	P	
	Resource recovery facilities		SUP
	Solid waste transfer stations and container sites, public or private		SUP
	Waste disposal facilities		SUP

Sec. 24-418. Height 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 24-414 and section 24-415; 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.
- (d) *Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.*

DIVISION 12 - GENERAL INDUSTRIAL, M-2

Sec. 24-436. Use list.

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

In the General Industrial District, M-2, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential	An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial or industrial use of the property	P	
Commercial	Accessory uses and structures as defined in <u>section 24-2</u>	P	
	Business and professional offices	P	
	Child day care centers as an accessory use to other permitted uses	P	
	Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Convenience stores; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Data processing centers	P	
	Firearms sales and service	P	
	Health and exercise clubs, fitness centers as an accessory use to other permitted uses	P	
	Heliports, helistops and accessory uses		SUP
	Hospitals		SUP
	Indoor sport facilities, including firing and shooting ranges	P	
	Janitorial service establishments	P	
	Kennels and animal boarding facilities	P	
	Laboratories, research and development centers	P	
	Laser technology production	P	
	Lumber and building supply (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	
	Machinery sales and service (with storage and repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	P	

	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 <u>section 24-38</u>	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid centers as an accessory use to other permitted uses	P	
	Nurseries	P	
	Off-street parking as required by article II, division 2 of this chapter	P	
	Outdoor centers of amusement, including miniature golf, bumper boats and waterslide parks		SUP
	Outdoor sports facilities, including golf courses, driving ranges, batting cages and skate parks		SUP
	Pawnshops		SUP
	Payday/title loan establishments		SUP
	Plumbing and electrical supply and sales (with storage limited to a fully enclosed building or screened from adjoining property with landscaping and fencing with a maximum height of 12 feet)	P	
	Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments	P	
	Private streets within qualifying industrial parks in accordance with article II, division 2 of this chapter	P	
	Radio and television stations and accessory antenna or towers, self supported, not attached to buildings, which are 60 feet less in height	P	
	Research, development and design facilities or laboratories	P	
	Restaurants, tea rooms, coffee shops, taverns, and micro-breweries, not to include fast food restaurants as an accessory use to other permitted uses	P	
	Retail sales of products related to the main use, provided that the floor area for retail sales comprises less than 25 percent of the first floor area of the main use	P	
	Security service offices	P	
	Truck stops; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Truck terminals; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Vehicle service stations; if fuel is sold, then in accordance with <u>section 24-38</u>	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	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 25 feet or more		SUP
	Water well drilling establishments	P	
Civic	Fire stations	P	

	Governmental offices	P	
	Nonemergency medical transport	P	
	Post offices	P	
	Schools		SUP
Utility	Antennas and towers, self supported, which are 60 feet or less in height	P	
	Antennas and towers, not attached to buildings, in excess of 60 feet in height		SUP
Utility	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures up to a height of 40 feet; or multi-antenna systems up to a height of 60 feet. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures greater than a height of 40 feet; or multi-antenna systems greater than a height of 60 feet. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more		SUP
	Railroad facilities including tracks, bridges and switching stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a special use permit		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height	P	
	Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines, public or private, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP

	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
	Water facilities (public or private) and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment, such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit:		SUP
	(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		
Open	Timbering, in accordance with <u>section 24-43</u>	P	
Industrial	Asphalt mixing plants		SUP
	Boiler shops	P	
	Breweries and other associated activities	P	
	Crushed stone, sand, gravel, or mineral mining; storage and distribution of same		SUP
	Drop forge industries, manufacturing, forgings with a power hammer	P	
	Heavy equipment sales and service (with major repair limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)	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, water and alcoholic beverages	P	
	Manufacture and compounding of chemicals		SUP
	Manufacture and processing of acrylic and synthetic fibers	P	
	Manufacture and processing of textiles and textile products	P	
	Manufacture and sale of manufactured homes, mobile homes, modular homes and industrialized housing units	P	
	Manufacture and sale of wood and wood 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, fiberglass, glass, rubber, leather, cellophane, canvas, 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 batteries	P	
	Manufacture of boats, marine equipment and boat trailers	P	
	Manufacture of cans and other metal products from previously processed metals	P	
	Manufacture of carpets and carpet yarns	P	
	Manufacture of cement, lime, gypsum, bricks and non-previously prepared stone products (i.e., stone and rock used for general erosion and sediment control or road construction)		SUP
	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 aircraft and aircraft parts	P	
	Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment	P	
	Manufacture or assembly of automobiles, trucks, machinery or equipment	P	
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
	Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment	P	
	Metal foundry and heavy weight casting	P	
	Petroleum refining		SUP
	Petroleum storage and retail distribution		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
	Ready mix concrete production		SUP
	Recycling center or plant	P	
	Resource recovery facilities		SUP
	Solid waste transfer stations and container sites, public or private		SUP
	Structural iron and steel fabrication	P	
	Vehicle graveyards and scrap metal storage yards		SUP
	Waste disposal facilities		SUP
	Welding and machine shops including punch presses and drop hammers	P	
	Wood preserving operations		SUP

Sec. 24-443. Height 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 24-439 and section 24-440; 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.
- (d) *Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.*

DIVISION 13 – RESEARCH AND TECHNOLOGY, RT

Sec. 24-461. Use list.

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:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	An apartment or living quarters for a guard, caretaker, proprietor or other person employed on the premises which is clearly secondary to the research and technology use of the property.	P	
Commercial Uses	Accessory uses and structures as defined in <u>section 24-2</u>	P	
	Banks and other similar financial institutions as an accessory use to other permitted uses	P	
	Child day care centers as an accessory use to other permitted uses	P	
	Clinics as an accessory use to other permitted uses	P	
	Corporate offices	P	
	Courier services	P	
	Data processing centers as an accessory use to other permitted uses	P	
	Health clubs, exercise clubs and fitness centers as accessory use to other permitted uses	P	
	Off-street parking as required by article II, division II of this chapter	P	
	Restaurants as an accessory use to other permitted uses	P	
Civic	Fire stations	P	
Utility	Antennas or towers (not attached to buildings) in excess of 60 feet in height		SUP
	Antennas and towers, self supported which are 60 feet or less in height	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures up to a height of 40 feet; or multi-antenna systems up to a height of 60 feet. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, greater than a height of 40 feet; or multi-antenna systems greater than a height of 60 feet. All facilities shall comply with article II, division 6 of this chapter.</i>		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		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	transmitting 69 kilovolts or more		
	Radio and television studios and accessory antenna or towers, self-supported (not attached to buildings), which are 60 feet or less in height	P	
	Railroad facilities including tracks, bridges, switching yards 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		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. Extensions or private connections to existing pipelines, which serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		SUP
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. The following are permitted generally and shall not require a special use permit:		SUP
	(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, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, 50 acres or more or with dam height of 25 feet or more		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
Open	Timbering in accordance with <u>section 24-43</u>	P	
Industrial	Heliports and helistops and accessory uses		SUP
	Industrial and technical training centers or schools	P	
	Laser technology production	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products	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	P	
	Private streets within "qualifying industrial parks" in accordance with <u>section 24-62</u>	P	
	Research, development and design facilities or laboratories	P	
	Solid waste transfer stations and container sites, public or private		SUP
	Warehouse, storage and distribution centers to serve only uses permitted in the Research and Technology District, RT, with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	
	Waste disposal facilities		SUP

Sec. 24-469. Height limits and height limitation waivers.

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure. 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 ~~and accessory and nonaccessory wireless communication facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities~~, 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 24-468(c); however, the board may waive additional setbacks in excess of 60 feet;
 - (2) Such structure will not obstruct light from adjacent property;
 - (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
 - (4) Such structures 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, to offer adequate protection to life and property; and
 - (6) Such structures will not be contrary to the public health, safety and general welfare.

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

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DIVISION 14 – PLANNED UNIT DEVELOPMENT, PUD

Sec. 24-493. Use list.

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

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

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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Public utilities	P	
	Radio and television stations	P	
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities		SUP
	Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit.		SUP
	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		
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	

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

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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities, only in areas with a designation other than residential on a board adopted master plan	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities		SUP
	<i>Communication facilities, antennas, towers, and support structures that are camouflaged, for a non-residential use and part of a Board approved Master Plan. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	<i>Communication facilities, antennas, towers, and support structures, including multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
	Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit.		SUP
	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		
Industrial Uses	Printing and publishing	P	
	Private streets within "qualifying industrial parks" in accordance with <u>section 24-62</u>	P	
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect	P	
	Research, design and development facilities or laboratories	P	
	Wholesale and warehousing, with storage in a fully enclosed building	P	

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

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities.~~

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

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

- (1) Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
 - (2) Such structure will not obstruct light from adjacent property;
 - (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
 - (4) Such structure will not impair property values in the surrounding area;
 - (5) Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, to offer adequate protection to life and property; and
 - (6) Such structure would not be contrary to the public health, safety or general welfare.
- (c) *Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.*

DIVISION 15 - MIXED USE, MU

Sec. 24-518. Use list.

In the mixed use districts, all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Accessory apartments, attached, in accordance with <u>section 24-32</u>	P	
	Accessory structures, as defined in <u>section 24-2</u>	P	
	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Group quarters	P	
	Home care facilities	P	
	Home occupations, as defined	P	
	Independent living facilities	P	
	Multi-family dwellings up to and including four dwelling units	P	
	Multi-family dwellings more than four dwelling units	P	
	Single-family dwellings	P	
Commercial Uses	Accessory structures, as defined in <u>section 24-2</u>	P	
	Adult day care centers	P	
	Antique shops	P	
	Arts and crafts shops	P	
	Assisted living facilities	P	
	Automobile rental	P	
	Automobile repair and service including tire, transmission, glass, body and fender, and other automotive products sales (new and/or rebuilt) and service with major repair under cover and storage of parts and vehicle storage screened from adjacent property by landscaping and fencing	P	
	Automobile service stations; if fuel is sold, then in accordance with <u>section 24-38</u>	P	
	Banks and other similar financial institutions	P	
	Barber and beauty shops	P	
	Business, professional and governmental offices	P	
	Campgrounds		SUP
	Child day care centers	P	
	Community recreation facilities, public or private, including parks,	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities		
	Continuing care retirement facilities	P	
	Contractor offices, equipment storage yards, shops and warehouses with storage under cover or screened with landscaping and fencing from adjacent property	P	
	Convenience stores; if fuel is sold, then in accordance with <u>section 24-38</u>	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Employment services or agencies	P	
	Farmer's markets	P	
	Fast food restaurants		SUP
	Feed, seed and farm supply stores	P	
	Fish farming	P	
	Flea markets		SUP
	Funeral homes, cemeteries and memorial gardens	P	
	Gift stores	P	
	Golf courses		SUP
	Greenhouses and nurseries	P	
	Handicrafts stores	P	
	Health clubs, exercise clubs and fitness centers	P	
	Home occupations as defined	P	
	Hotels, motels, tourist homes and convention centers	P	
	Indoor sport facilities	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Limousine service	P	
	Lumber and building supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	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 <u>section 24-38</u>		SUP
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution under cover or screened with landscaping and fencing from adjacent property		SUP
	Medical offices	P	
	Museums		SUP
	Off-street parking as required by article II, division 2 of this chapter	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Office supply stores, secretarial and duplicating services	P	
	Parking lots and garages	P	
	Photographer, picture, artist and sculptor stores and studios	P	
	Plumbing and electrical supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	
	Printing and publishing establishments	P	
	Property maintenance facilities, sheds or garages	P	
	Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement	P	
	Rental of more than three rooms in a single-family dwelling unit		SUP
	Rental of rooms to a maximum of three rooms	P	
	Restaurants, tea rooms and taverns	P	
	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	P	
	Retail food stores, bakeries and fish markets	P	
	Security service offices	P	
	Shooting ranges, indoor		SUP
	Skilled nursing facilities (nursing homes)	P	
	Taxi services	P	
	Theme parks		SUP
	Truck stops; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Truck terminals; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building)	P	
	Veterinary hospitals	P	
Agricultural Uses	Wineries		SUP
Civic Uses	Fire stations	P	
	Libraries	P	
	Nonemergency medical transport	P	
	Places of public assembly	P	
	Post offices	P	
	Schools	P	
Utility Uses	Camouflaged wireless communications facilities that comply with	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	division 6, Wireless Communication Facilities		
	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures; or multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.		SUP
	Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged, and comply with article II, division 6 of this chapter.	P	
	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		SUP
	Radio stations, television stations, transmission relay stations and communication towers		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, 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
	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:		SUP
	(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	P	
	Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities	P	

Open Uses	Timbering in accordance with <u>section 24-43</u>	P	
Industrial Uses	Food processing and storage, but not the slaughter of animals	P	
	Heavy equipment sales and service, with major repair under cover or screened with landscaping and fencing from adjacent property	P	
	Heliports, helistops and accessory uses		SUP
	Hospitals and mental health facilities	P	
	Industrial and technical training schools	P	
	Machinery sales and service with major repair under cover	P	
	Manufacture and assembly of musical instruments, toys, novelties and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks and wine	P	
	Manufacture and processing of textiles and textile products in structures of not more than 5,000 square feet	P	
	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 and yarn in structures of not more than 5,000 square feet	P	
	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 and yarn in structures of 5,000 square feet and greater		SUP
	Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products	P	
	Manufacture of carpets and carpet yarns in structures of not more than 5,000 square feet	P	
	Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity	P	
	Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilating 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	P	
	Petroleum storage		SUP
	Private streets within "qualifying industrial parks" in accordance with <u>section 24-55</u>	P	
	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	P	
	Publicly owned solid waste container sites		SUP

	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 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
	Research, development and design facilities or laboratories	P	
	Resource recovery facilities		SUP
	Solid waste transfer stations		SUP
	Warehouse, storage and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property	P	
	Water well drilling establishments		SUP
	Welding and machine shops with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	

Sec. 24-521. Height of structures.

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities.~~
- (b) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank, ~~radio, television and microwave antennas, and towers~~ or other accessory functions, ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of the maximum approved height of the structure to which it is mounted,~~ may be erected only upon the granting of a height limitation waiver by the board of supervisors.
- (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) Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
 - (2) Such structure will not obstruct light from adjacent property;
 - (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
 - (4) Such structure will not impair property values in the surrounding area;
 - (5) Such structure is adequately designed and served from the standpoint of safety and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the

structure is reasonably well located in relation to fire stations and equipment, to offer adequate protection to life and property; and

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

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

Sec24-518and24-521-MU-ord

DIVISION 16 - PUBLIC LANDS, PL

Sec. 24-535.1. Permitted uses.

In the public land district, structures to be erected or land to be used shall be for the following public uses:

Accessory buildings and structures.

Accessory uses, as defined in section 24-2 and including privately owned uses that are either limited to a fully enclosed building and encompassing less than 25 percent of the floor area of the public use or are a free-standing building or area covering less than 10 percent of the overall land area.

~~Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.~~

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures up to a height of 40 feet; or multi-antenna systems up to a height of 60 feet. All facilities shall comply with article II, division 6 of this chapter.

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged. All facilities shall comply with article II, division 6 of this chapter.

General Agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Governmental or non-profit offices under 30,000 square feet.

Neighborhood resource centers.

Non-profit medical clinics or offices under 30,000 square feet.

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

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Public meeting halls under 30,000 square feet.

Rest homes for fewer than 15 adults.

Storage and repair of heavy equipment as accessory use to a farm.

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

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

Sec. 24-535.2. Uses permitted by special use permit only.

In the public land district, structures to be erected or land to be used for the following public 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:

Adult day care centers.

Airports and landing fields, helistops or heliports and accessory uses.

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

~~Communication towers over 35 feet in height.~~

Community recreation facilities, public, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities.

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.

Farmers markets, temporary or seasonal.

Fire stations or rescue squad stations, volunteer or otherwise.

Flea markets, temporary or seasonal.

Golf courses and country clubs.

Governmental institutions.

Governmental or non-profit offices over 30,000 square feet.

Horse show areas, polo fields.

Hospitals.

Marinas, docks, and waterfront recreation facilities.

Mental health facilities.

Nonprofit medical clinics or offices over 30,000 square feet.

Nursing homes and facilities for the residence and/or care of the aged.

Post offices.

Public meeting halls over 30,000 square feet.

Publicly owned operational centers including equipment storage/warehouses.

~~Radio and television stations or towers.~~

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.

Rest homes for 15 or more adults.

Retreat facilities.

Riding stables.

Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions.

Solid waste transfer stations.

Telephone exchanges and telephone switching stations.

Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures greater than a height of 40 feet; or multi-antenna systems greater than a height of 60 feet. All facilities comply with article II, division 6 of this chapter.

~~Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 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, private extensions or 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.

Utility substations.

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:

- 1) 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;

2) distribution lines and local facilities within a development, including pump stations.

Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.

Wayside stands for sale of agricultural products over 500 square feet in area.

Yacht clubs and marinas and commercial and service facilities accessory thereto.

Sec. 24-535.9. 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 60 feet, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.
- (2) 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 non-accessory 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.
- (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 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 the height of the main structure 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.~~ *Heights of communications facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.*

Sec24-535-1and24-535-9-PL-ord

DIVISION 17 - ECONOMIC OPPORTUNITY, EO

Sec. 24-536.4. Use list.

In economic opportunity districts, all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Special Permit Uses
Residential Uses	Accessory structures, as defined in <u>section 24-2</u>	P	
	Apartments		SUP
	Group quarters		SUP
	Multiple-family dwellings		SUP
	Nursing homes		SUP
Commercial Uses	Accessory structures, as defined in <u>section 24-2</u>	P	
	Adult day care centers	P	
	Automobile rental	P	
	Automobile repair and service including tire, transmission, glass, body and fender, and other automotive product sales (new and/or rebuilt) and service with major repair under cover and storage of parts and vehicle storage screened from adjacent property by landscaping and fencing	P	
	Automobile service stations; if fuel is sold, then in accordance with <u>section 24-38</u>	P	
	Banks and other similar financial institutions	P	
	Barber and beauty shops	P	
	Business, professional and governmental offices	P	
	Child day care centers	P	
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities	P	
	Contractor offices, equipment storage yards, shops and warehouses with storage under cover or screened from adjacent property with landscaping and fencing	P	
	Convenience stores; if fuel is sold, then in accordance with <u>section 24-38</u>	P	
	Corporate offices	P	
	Courier services	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Employment services or agencies	P	
	Farmer's markets	P	

Use Category	Use List	Permitted Uses	Special Permit Uses
	Fast food restaurants		SUP
	Feed, seed and farm supply stores	P	
	Fire stations	P	
	Fish farming	P	
	Gift stores	P	
	Greenhouses and nurseries	P	
	Health clubs, exercise clubs and fitness centers	P	
	Home occupations as defined	P	
	Hotels, motels, tourist homes and convention centers	P	
	Indoor sport facilities	P	
	Indoor theaters	P	
	Janitorial service establishments	P	
	Limousine service	P	
	Lumber and building supply with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing	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 <u>section 24-38</u>		SUP
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packaging or distribution under cover or screened from adjacent property with landscaping and fencing		SUP
	Off-street parking as required by article II, division 2 of this chapter	P	
	Office supply stores, secretarial and duplicating services	P	
	Parking lots and garages	P	
	Photographer, picture, artist and sculptor stores and studios	P	
	Plumbing and electrical supply with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing	P	
	Printing and publication establishments	P	
	Property maintenance facilities, sheds or garages	P	
	Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement	P	
	Rental of rooms to a maximum of three rooms	P	
	Restaurants, tea rooms and taverns	P	
	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, plan supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing	P	

Use Category	Use List	Permitted Uses	Special Permit Uses
	apparel, and yard goods		
	Retail food stores, bakeries and fish markets	P	
	Security service offices	P	
	Shooting ranges, indoor		SUP
	Taxi services	P	
	Theme parks		SUP
	Truck stop; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Truck terminals; if fuel is sold, then in accordance with <u>section 24-38</u>		SUP
	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building)	P	
	Veterinary hospitals	P	
	Water well drilling establishments	P	
Civic	Nonemergency medical transport	P	
	Places of public assembly	P	
	Post offices	P	
	Water impoundments, new or expansion of	P	
Utility	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures, that utilize alternative mounting structures and/or are camouflaged; or multi-antenna systems up to a height of 60 feet. All facilities shall comply with article II, division 6 of this chapter.</i>	P	
	<i>Communications facilities (public or private), including, but not limited to, antennas, towers, and support structures; or multi-antenna systems greater than a height of 60 feet. All facilities shall comply with article II, division 6 of this chapter.</i>		SUP
Utility	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		SUP
	Radio stations, television stations, transmission relay stations and communication towers		SUP
	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		SUP
	Telephone exchanges and telephone switching stations	P	
	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communication Facilities		SUP

	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, 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
	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:		SUP
	(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		
	Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or area camouflaged, and comply with division 6, Wireless Communications Facilities	P	
Open	Timbering	P	
	Wineries	P	
Industrial Uses	Food processing and storage, but not the slaughter of animals	P	
	Heavy equipment sales and service, with major repair under cover or screened with landscaping and fencing from adjacent property		SUP
	Heliports, helistops		SUP
	Hospital		SUP
	Industrial and technical training schools	P	
	Laser technology production	P	
	Machinery sales and service with major repair under cover		SUP
	Manufacture and assembly of musical instruments, toys, novelties and rubber and metal stamps	P	
	Manufacture and bottling of soft drinks and wine	P	
	Manufacture and processing of textiles and textile products in structures more than 10,000 square feet		SUP
	Manufacture and processing of textiles and textile products in structures not more than 10,000 square feet	P	
	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 and yarn	P	

	Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products	P	
	Manufacture of carpets and carpet yarns in structures of not more than 10,000 square feet	P	
	Manufactured home or mobile home sales	P	
	Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity	P	
	Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilating 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	P	
	Petroleum storage		SUP
	Private streets within "qualifying industrial parks" in accordance with <u>section 24-62</u>	P	
	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	P	
	Research, development and design facilities or laboratories	P	
	Warehouse, storage and distribution centers with storage under cover or screened from adjacent property with landscaping and fencing	P	
	Welding and machine shops with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing	P	

Sec. 24-536.7. - Height of structures.

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~
- (b) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank, ~~radio, television and microwave antennas, and towers~~ or other accessory functions, ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures 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.
- (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) Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
- (2) Such structure is part of a Transit Oriented Development that utilizes a mass transit system, or is a primary economic opportunity use as determined by the county administrator and is of substantial fiscal benefit to the county;
- (3) Such structure will not obstruct light from adjacent property;
- (4) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- (5) Such structure will not impair property values in the surrounding area;
- (6) 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 structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- (7) Such structure would not be contrary to the public health, safety or general welfare.

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

**PERFORMANCE STANDARDS FOR ~~WIRELESS COMMUNICATIONS FACILITIES~~
COMMUNICATIONS FACILITIES, ANTENNAS, TOWERS AND SUPPORT STRUCTURES
(CATS) THAT REQUIRE A SPECIAL USE PERMIT**
~~January 10, 2012~~ New Date XXXX

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, ~~wireless communications facilities (WCFs)~~ *communications, antennas, towers and support structures (CATS)* 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~~ *CATS*. 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: *When considering these applications, the Planning Commission and the Board of Supervisors will evaluate the proposal based on both the initial height of the proposed CATS and the maximum increase in the physical dimension of the proposed project permitted by Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and the FCC's implementing regulations.*

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 ~~WCFs~~ *CATS* and potential alternative mounting structures more than 60 feet tall within a three-mile radius of the proposed site for a new ~~WCF~~ *CATS* 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~~ *CATS* within a three mile radius of the site of the proposed ~~WCF~~ *CATS*, or through the use of a camouflaged ~~WCF~~ *CATS*, alternative mounting structure, multi-antenna system 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~~ *CATS* is less than three miles.
3. Towers should be sited in a manner that allows placement of additional ~~WCF~~ *CATS* 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~~ **CATS** 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~~ **CATS** 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~~ **CATS** would be located; and (2) ~~WCFs~~ **CATS** should be located and designed in a manner that protects the character of the County's Community Character Corridors and historic and scenic resource areas and their view sheds.

2. ~~WCFs~~ **CATS** should be located and designed consistent with the following criteria:

<i>Proposed Location of WCF CATS</i>	<i>Impact Criteria</i>
<i>a. Within a residential zone or residential designation in the Comprehensive Plan</i>	<i>Use a camouflage design, a well buffered slickstick, Multi-Antenna system, or have a minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or community character corridors.</i>
<i>b. Near a historic or scenic resource area or on a Community Character Corridor</i>	<i>Use a camouflaged design or slicksticks that have minimal intrusion on to residential areas, historic and scenic resources areas or 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 well buffered monopole, a camouflaged design, or other design that has minimal intrusion on to residential areas, or community character corridors. 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, well buffered monopole, or other design that has minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or 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 ~~WCF~~ **CATS** 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~~ CATS will meet the minimal intrusion criteria if it is not visible off site above the tree line. Such ~~WCF~~ CATS 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 CATS 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 from residential areas and public roads are very limited. At a minimum, ~~WCFs~~ CATS 200 feet or more in height should exceed the location standards listed above.
5. Towers should be freestanding and not supported with guy wires.
6. *Any modification to CATS should adopt the same camouflaging and screening measures as the original structure.*

C. Buffering

1. ~~WCFs~~ CATS 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~~ CATS as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the ~~WCFs~~ CATS base or related facilities.



Figure 1: Example of a well buffered slickstick with minimal intrusion

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 community

character corridors, an undisturbed, completely wooded buffer consisting of existing mature trees at least 100 feet wide should be provided around the tower.

- 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.

PerformanceStand-ord

ITEM SUMMARY

DATE: 10/5/2016

TO: The Planning Commission

FROM: Paul D. Holt, III, Planning Director

SUBJECT: Planning Director's Report - October 2016

ATTACHMENTS:

	Description	Type
▣	Memo	Cover Memo
▣	Spreadsheet listing new applications received	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/27/2016 - 4:26 PM
Planning Commission	Holt, Paul	Approved	9/27/2016 - 4:27 PM
Publication Management	Burcham, Nan	Approved	9/27/2016 - 4:29 PM
Planning Commission	Holt, Paul	Approved	9/27/2016 - 4:29 PM

PLANNING DIRECTOR'S REPORT
October 2016

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

- **Monthly Case Report:** For a list of all cases received in the last month, please see the attached documents.
- **Board Action Results:**
 - September 13, 2016
 - ZO-0002-2016, B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits; and ZO-0003-2016, LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits.
Deferred until November 8, 2016
 - SUP-0008-2015/SUP-0011-2016, J.S.G. Mineral Resource Management Expansion and SUP Amendment
Approved (5 – 0)
 - ZO-0008-2016, Article 1, Section 24-16, Proffer of Conditions
Approved (5 – 0)

NEW CASES FOR OCTOBER 2016						
Case Type	Case Number	Case Title	Address	Case Description	Planner	District
Conceptual Plan	C-0070-2016	107 Leon Drive, NG Taft Estate	107 LEON DRIVE	Re-subdivision of parcel to reestablish a boundary line that was previously removed.	Alex Baruch	04-Jamestown
	C-0071-2016	Route 199 & Brookwood Drive Intersection		Route 199 and Brookwood Drive PFI plan review request.	Roberta Sulouff	05-Roberts
	C-0072-2016	The Pointe at New Town Parking Waiver	4375 NEW TOWN AVENUE	509 parking spaces were approved as part of the Oxford apartments (now, the Point at New Town) site plan (including 11 on-street parking spaces). Two of the 11 on street parking spaces were eliminated in order to install a bus stop striped area. There are another set of 11 on street parking spaces across New Town Avenue and these will offset the reduction of 2 parking spaces.	Jose Ribeiro	04-Jamestown
	C-0073-2016	Massie Family Subdivision	2406 FORGE ROAD	Approx. 20-30 acres of land to be transferred to son. Land currently in AFD and will stay in AFD.	Alex Baruch	02-Powhatan
	C-0074-2016	7782 Richmond Road, Atlantic Septic Office with Metal Warehouse	7782 RICHMOND ROAD	Proposed septic business to include permanent 50' x 60' metal warehouse to store tanker trucks, equipment, and supplies. Use of existing house as contractor's office with continued use of existing gravel driveway and parking areas.	Jose Ribeiro	01-Stonehouse
Master Plan	MP-0002-2016	Warhill Sports Complex Master Plan Amend.	5700 WARHILL TRAIL	Amend existing Master Plan to address current and future sports facility needs that will accommodate community and tournament related events.	Jose Ribeiro	02-Powhatan
Subdivision	S-0029-2016	Colonial Heritage Ph. 4, Sec. 1A1	499 JOLLY POND ROAD	Final plat of 6 lots and common open space on 1.636 acres.	Jose Ribeiro	01-Stonehouse
Site Plan	SP-0068-2016	Carter's Grove Planation Outfall Reach #3 Restoration Plan	8797 POCAHONTAS TR	Carter's Grove Plantation stream restoration amendment.	Roberta Sulouff	05-Roberts
	SP-0069-2016	Riverside Norge Medical Center Renovation	7364 RICHMOND ROAD	Primary Care interior renovation with vestibule addition.	Ellen Cook	01-Stonehouse
	SP-0070-2016	James City County Marina Warehouse	2054 JAMESTOWN ROAD	Construction of a warehouse at the James City County Marina. Site improvements include the addition of a 3,938 sq. ft. prefabricated warehouse building, renovation of the second floor of the existing P&R building for a 30-seat tasting room.	Chris Johnson	03-Berkeley
	SP-0071-2016	Williamsburg Landing - Woodhaven Expansion SP Amend. #1	5560 WILLIAMSBURG LANDING DR	Revisions to lighting plan.	Roberta Sulouff	05-Roberts
	SP-0072-2016	Brook Haven Stream Restoration	133 BROOK HAVEN DR	Project to restore degraded stream behind 127 to 139 Brook Haven Drive. The stream restoration includes restoring the stream to its existing floodplain, eliminating erosion and incision on the banks, and providing grade control.	Jose Ribeiro	04-Jamestown
	SP-0073-2016	Busch Gardens Holiday Inn Express SP Amend.	480 MCLAWS CIRCLE	Renovation of existing hotel.	Jose Ribeiro	05-Roberts
	SP-0074-2016	New Town Sec. 2 & 4, Block 3, Parcel C, SP Amend. #2	4175 IRONBOUND ROAD	Pecan Square office building SP amendment.	Savannah Pietrowski	04-Jamestown
	SP-0075-2016	4854 Longhill Road, Olde Towne Square, Fence	4854 LONGHILL ROAD	Install ornamental iron fence at 4854 Longhill Road.	Alex Baruch	04-Jamestown
Special Use Permit	SUP-0014-2016	Warhill Sports Complex Master Plan Amend.	5700 WARHILL TRAIL	Amend existing Master Plan to address current and future sports facility needs that will accommodate community and tournament related events.	Jose Ribeiro	02-Powhatan
Rezoning	Z-0009-2016	124 and 130 Riverview Plantation Drive Rezoning	124 RIVERVIEW PLANT DR	Rezone 5.457 acres at 124 and 130 Riverview Plantation Drive from R-1 to A-1 to allow 1-2 horses.	Roberta Sulouff	01-Stonehouse