

NOV 08 2016

Board of Supervisors
James City County, VA

ORDINANCE NO. 31A-321

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 10, GENERAL BUSINESS, B-1, SECTION 24-390, USE LIST; AND SECTION 24-396, HEIGHT OF STRUCTURES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts; Division 10, General Business, B-1, Section 24-390, Use list; and Section 24-396, Height of structures.

DIVISION 10 - GENERAL 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 section 24-2	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 section 24-38		SUP
	Convention centers		SUP
	Country clubs and golf courses, public or private		SUP
	Drug stores	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Dry cleaners and laundries	P	
	Farmer's market	P	
	Feed, seed and farm supply stores	P	
	Firearms sales and service	P	
	Firing and shooting ranges, limited to a fully enclosed building		SUP
	Flea markets		SUP
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores	P	
	Health 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 section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices	P	
	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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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	
	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 section 24-38		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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Civic	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Nonemergency medical transport		SUP
	Places of public assembly	P	
	Post offices	P	
	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>	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 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 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		SUP

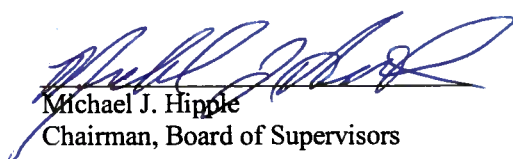
Use Category	Use List	Permitted Uses	Specially Permitted Uses
	existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		
	Wireless communications 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 (b) Distribution lines and local facilities within a development, including pump stations		SUP
Open	Timbering, in accordance with section 24-43	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.

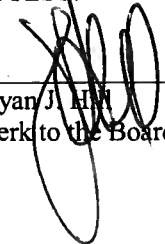
Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, athletic field lighting, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the 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.*


 Michael J. Hipple
 Chairman, Board of Supervisors

ATTEST:


 Bryan J. Hipple
 Clerk to the Board

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

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