

**A G E N D A**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**November 8, 2016**  
**6:30 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Mackenzie Britt, a 3rd grade student at Stonehouse Elementary and a resident of the Stonehouse District

**E. PUBLIC COMMENT - Until 7 p.m.**

**F. PRESENTATIONS**

**G. CONSENT CALENDAR**

1. Minutes Adoption - October 25, 2016 Regular Meeting
2. Grant Award - Naloxone for Law Enforcement
3. Grant Award - Office of Emergency Medical Services EMS System Initiative Award - \$2,856
4. Grant Award - Citizen Preparedness - \$18,420
5. Personnel Policy & Procedure Manual Chapter 4 Update

**H. PUBLIC HEARING(S)**

1. SUP-0025-2016, Richardson Family Subdivision
2. ZO-0002-2016. B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits; and Case No. ZO-0003-2016. LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits
3. 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
4. ZO-0011-2016, Wireless Communications Facilities and Towers
5. Z-0009-2016, 124 and 130 Riverview Plantation Drive

**I. BOARD CONSIDERATION(S)**

1. Renaming Mid County Park to Veterans Park
2. Initiating Resolution - Group Homes

**J. BOARD REQUESTS AND DIRECTIVES**

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

1. County Administrator's Report

**L. PUBLIC COMMENT**

**M. CLOSED SESSION**

**N. ADJOURNMENT**

1. Adjourn until 4:00 pm on November 22, 2016 for the Work Session

**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Pledge Leader - Mackenzie Britt, a 3rd grade student at Stonehouse Elementary and a resident of the Stonehouse District

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 8:48 AM

**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Minutes Adoption - October 25, 2016 Regular Meeting

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**ATTACHMENTS:**

	Description	Type
▣	102516BOS-mins	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Economic Development Authority	Fellows, Teresa	Approved	11/1/2016 - 2:54 PM



**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**October 25, 2016**  
**6:30 P.M.**

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**A. CALL TO ORDER**

**B. ROLL CALL**

John J. McGlennon, Vice-Chairman, Roberts District  
Ruth M. Larson, Berkeley District  
Kevin D. Onizuk, Jamestown District  
P. Sue Sadler, Stonehouse District  
Michael J. Hipple, Chairman, Powhatan District

Adam R. Kinsman, County Attorney  
Bryan J. Hill, County Administrator

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leaders - Members of Cub Scout Pack 102

**E. PUBLIC COMMENT - Until 7 p.m.**

**F. PRESENTATIONS**

1. Presentation of "Welcome to our Purple Heart Community" Highway Sign

Mr. T.C. Smith, Commander of the Williamsburg Chapter of the Military Order of the Purple Heart, presented the Board with two "Welcome to our Purple Heart Community" highway signs, and asked that they be placed at prominent entry points to the County.

2. FY 2016 Annual Report Video Presentation

Mr. Hill introduced the FY 2016 Annual Report video. He thanked the Board for its participation. Mr. Hill also thanked the Communications Department for all of its hard work in producing the video.

At 6:56 p.m., Mr. Hipple recessed the Board in order to conduct the James City Service Authority Board of Directors meeting.

At 7:02 p.m., Mr. Hipple reconvened the Board of Supervisors.

**G. CONSENT CALENDAR**

Ms. Larson requested that Item No. 2 be pulled for discussion.

1. Minutes Adoption - October 11, 2016, Regular Meeting

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

2. Federal Grant Award - Bulletproof Vest Partnership - \$32,520

A motion to Approve was made by Ms. Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Chief of Police, Brad Rinehimer, addressed the Board, giving an overview of the grant award. He stated that this federal grant provides vests for new officers and replacement vests for current officers. He stated that vests have a life cycle of about five years.

Ms. Larson thanked him for the information.

3. Grant Appropriation - Clerk of the Circuit Court - \$227,913

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

4. Grant Award - Commonwealth Attorney - Victim Witness Program - \$189,015

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

**H. PUBLIC HEARING(S)**

**I. BOARD CONSIDERATION(S)**

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon mentioned his attendance at the ribbon cutting for MODU System and the College of William and Mary Alumni Homecoming Reception, provided by the Economic Development Authorities of the City of Williamsburg, James City County and York County. He also attended the groundbreaking for the James Blair Middle School, the Litter and Recycling Expo and the Open House at the Police Station.

Ms. Larson stated that she attended the groundbreaking ceremony for James Blair as well as the Williamsburg-James City County Schools Foundation Grant Award Winners Reception. She also attended the Open House at the Police Station. She stated that the County hosted the most recent Historic Triangle Collaborative breakfast meeting, and thanked staff for their help in setting it all up. She attended a traffic calming meeting which included staff,

Police Department and citizens. She stated that she has received requests from business owners in Colony Square Shopping Center to have the previous traffic study looked at again. That shopping center is now at capacity and the traffic on Jamestown Road is feeling that pressure.

Mr. Onizuk announced the Williamsburg Harvest Celebration that is coming up November 4 through November 13. On Friday, November 11, there will be the Bountiful Brews and Bites event at the Jamestown Beach Event Park.

Ms. Sadler stated that she attended several meetings with citizen groups this week. She is pleased to announce that there is a new playground in Chickahominy and thanked everyone for their participation in making it happen.

Mr. Hipple thanked everyone for their help in making the Chickahominy playground a reality. He announced that Chickahominy Day is October 29. He gave a brief update on the Hampton Roads Transportation Planning Organization, the Hampton Roads Planning District Commission and the Hampton Roads Transportation Accountability Commission. He is pleased with the accomplishments of those groups to move transportation projects forward for our region. He appreciated the opportunity to speak at the WJCC Schools Foundation Grant Award Winners Reception, and he attended the groundbreaking ceremony for the James Blair Middle School.

Mr. Hipple asked for staff to bring an initiating resolution forward to the Board that would direct staff to review the County Code sections related to Group Homes for their compliance with recent changes.

## **K. REPORTS OF THE COUNTY ADMINISTRATOR**

### **1. County Administrator's Report**

Mr. Hill announced that Trick or Treat hours in James City County are from 6-8 p.m. on Monday, October 31, for children 12 and under. James City County Police would like to remind anyone who will be out driving to watch for children trick-or-treating, as they might forget to watch out for you. He also announced that James City County's annual Live Well Expo will be held on Friday, November 4, 8:30 a.m.-12 p.m. at the James City County Recreation Center, 5301 Longhill Road. The event is designed for participants, age 55+ and caregivers of any age. Come learn about the services available in our community for ages 55+; over 40 vendors will be participating and providing information on nutrition, home health care, leisure, recreational services and more.

Mr. Hill asked Ms. Sue Mellen, Director of Financial and Management Services, to come forward and address the Board in regard to a tax exemption issue that has been brought to his attention.

Ms. Mellen stated that back in 2003, the General Assembly changed the State Code requirement for nonprofits seeking a tax exemption. Since that change, nonprofit tax exemptions must come before the Board of Supervisors. She stated that staff has received a tax exemption request. Upon their review of neighboring localities and their practices, staff found that most have stopped looking at these tax exemptions. She stated that staff is looking for Board guidance on whether the Board wants to continue to hear these applications.

Mr. McGlennon stated that over the course of the last several years, his understanding is that there have been five nonprofits that have come forward asking for a tax exemption. He stated that it is available under the County's current policy. It is an option under state law, but not a requirement and most localities have stopped providing these exemptions. So, the question is whether or not to hear this current application and say this is the last one, or to not hear this application at all and make changes to the policy. He would recommend ending this policy.

Ms. Mellen clarified that there is not a formal written policy. There is an application process and previous Boards have generally acted in favor of these applications.

Mr. McGlennon stated that he would recommend suspending receipt of these applications until the Board can decide on whether or not to continue this practice. He would also recommend that the Board make a decision on the pending application at the next meeting once the Board has had the opportunity to review any materials that may be provided by staff.

Ms. Larson stated that the next meeting will be a heavy agenda, and asked that it be moved to the November 22 meeting.

Mr. Hill clarified that the motion is that the Board will make a decision at the November 22 meeting on whether or not to hear the application. If they do decide to hear it, then staff will advertise for a public hearing in accordance with State Code.

Ms. Larson stated correct.

A motion to Discuss was made by Ms. Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

**L. PUBLIC COMMENT**

**M. CLOSED SESSION**

**N. ADJOURNMENT**

1. Adjourn until 6:30 p.m. on November 8, 2016, for the Regular Meeting

A motion to Adjourn was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

At 7:30 p.m., Mr. Hipple adjourned the Board.

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Bryan J. Hill  
County Administrator

**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Naloxone for Law Enforcement

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**ATTACHMENTS:**

	Description	Type
▣	Memo	Cover Memo
▣	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	10/14/2016 - 12:54 PM
Police	Rinehimer, Bradley	Approved	10/14/2016 - 12:54 PM
Publication Management	Burcham, Nan	Approved	10/14/2016 - 1:23 PM
Legal Review	Kinsman, Adam	Approved	10/18/2016 - 12:11 PM
Board Secretary	Fellows, Teresa	Approved	10/18/2016 - 12:12 PM
Board Secretary	Purse, Jason	Approved	11/1/2016 - 9:41 AM
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 10:22 AM

## MEMORANDUM

DATE: November 8, 2016  
TO: The Board of Supervisors  
FROM: Bradley J. Rinehimer, Chief of Police  
SUBJECT: Grant Award - Naloxone for Law Enforcement - \$2,025

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The James City County Police Department has been awarded a grant for Law Enforcement from the Virginia Department of Criminal Justice Services for \$2,025 for the purchase of Naloxone.

Naloxone is an FDA approved nasal spray intended for immediate administration during a heroin/opioid overdose. The grant funds are to be used to purchase approximately 54 Naloxone devices to be distributed to patrol officers to use should they encounter potential victims of heroin/opioid overdoses. Law enforcement officers are often first on the scene of an emergency and having the ability to administer Naloxone in a timely manner can improve a patient's chances of survival.

Staff recommends adoption of the attached resolution to appropriate funds.

BR/nb  
GA-Naloxone-mem

Attachment

## RESOLUTION

### GRANT AWARD - NALOXONE FOR LAW ENFORCEMENT - \$2,025

WHEREAS, the James City County Police Department has been awarded a grant for Law Enforcement from the Virginia Department of Criminal Justice Services (DCJS) for \$2,025 for the purchase of Naloxone; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used to purchase approximately 54 Naloxone devices to be distributed to patrol officers to use should they encounter potential victims of heroin/opioid overdoses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation amendment to the Special Projects/Grants Fund:

Revenue:

DCJS - Naloxone	<u>\$2,025</u>
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Expenditure:

DCJS - Naloxone	<u>\$2,025</u>
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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

GA-Naloxone-res

**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

FROM: Ryan Ashe, Fire Chief

SUBJECT: Grant Award - Office of Emergency Medical Services EMS System Initiative Award - \$2,856

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**ATTACHMENTS:**

	Description	Type
▣	Memo	Cover Memo
▣	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	10/21/2016 - 3:22 PM
Publication Management	Babbitt, Katterina	Approved	10/21/2016 - 3:44 PM
Legal Review	Kinsman, Adam	Approved	10/24/2016 - 8:20 AM
Board Secretary	Fellows, Teresa	Approved	10/24/2016 - 8:42 AM
Board Secretary	Purse, Jason	Approved	11/1/2016 - 9:42 AM
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 10:22 AM



## MEMORANDUM

DATE: November 8, 2016

TO: The Board of Supervisors

FROM: Ryan Ashe, Fire Chief

SUBJECT: Grant Award - Office of Emergency Medical Services EMS System Initiative Award - \$2,856

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The James City County Fire Department (JCCFD) has been awarded an EMS System Initiative Award as part of the Rescue Squad Assistance Fund from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services.

The funds are to be used toward the initial enrollment costs for EMS certification courses beginning prior to the end of Calendar Year 2016. The JCCFD intends to use these funds to support startup costs for an upcoming Advanced Emergency Medical Technician (AEMT) certification course offered to current JCCFD personnel scheduled to begin in December 2016. The grant funds will support the following expenses:

- 1) Emergency Medical Technician (EMT) students are currently taught using a hybrid learning technique, with instruction occurring both in the classroom and electronically. The students are also required to complete assignments and activities online through the JB-Learning Learning Management System.

This grant provides funding toward the enrollment costs and membership fees associated with the JB-Learning Learning Management System.

- 2) Students in the AEMT course are required to demonstrate mastery of medication administration and the use of the regional medication boxes. Proper dosing and administration are core competencies of the curriculum.

This grant provides funding toward obtaining additional “practice” medication boxes to maintain in the classroom to be used by the EMT students.

The grant is 100% funded, and as such requires no local match. Fifty percent of the total grant award is to be disbursed by the Office of EMS upon receiving enrollment forms for all of the students in the upcoming course, with the remaining 50% being disbursed upon completion of the course.

Staff recommends adoption of the attached resolution to appropriate funds.

RA/nb  
GA-OEMS-EMS-mem

Attachment

## RESOLUTION

### GRANT AWARD - OFFICE OF EMERGENCY MEDICAL SERVICES EMS

#### SYSTEM INITIATIVE AWARD - \$2,856

WHEREAS, the James City County Fire Department has been awarded an EMS System Initiative Award Grant in the amount of \$2,856 from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services (OEMS); and

WHEREAS, the funds are to be used for the support of initial enrollment costs for Emergency Medical Service certification programs; and

WHEREAS, the grant does not require a local match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following budget appropriation to the Special Projects/Grants fund:

Revenue:

OEMS-EMS Systems Initiative Grant	<u>\$2,856</u>
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Expenditure:

OEMS-EMS Systems Initiative Grant	<u>\$2,856</u>
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\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

GA-OEMS-EMS-res

**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

FROM: Ryan Ashe, Fire Chief

SUBJECT: Grant Award - Citizen Preparedness - \$18,420

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**ATTACHMENTS:**

	Description	Type
▣	Memo	Cover Memo
▣	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	10/21/2016 - 3:22 PM
Publication Management	Colonna, Tina	Approved	10/21/2016 - 3:36 PM
Legal Review	Kinsman, Adam	Approved	10/24/2016 - 8:20 AM
Board Secretary	Fellows, Teresa	Approved	10/24/2016 - 8:31 AM
Board Secretary	Purse, Jason	Approved	11/1/2016 - 9:41 AM
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 10:22 AM

## MEMORANDUM

DATE: November 8, 2016  
TO: The Board of Supervisors  
FROM: Ryan Ashe, Fire Chief  
SUBJECT: Grant Award - Citizen Preparedness - \$18,420

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The James City County Fire Department's Emergency Management Division has been awarded a grant from the Commonwealth of Virginia Department of Emergency Management (VDEM) in the amount of \$18,420 to support citizen preparedness through the James City County Community Emergency Response Team (JCC CERT) program.

The grant is a 2016 State Homeland Security Program (SHSP) grant awarded by VDEM using funds from the United States Department of Homeland Security Federal Emergency Management Agency.

The JCC CERT program trains residents to be prepared for a range of hazards, to safely respond in emergencies until professional responders arrive, and to support Emergency Management through specific volunteer support activities including community outreach, specific tasks in emergency operations and support to the Emergency Operations Center in activations and exercises.

The JCC CERT program has been active since 2003 and trained more than 400 residents. There are seven neighborhood JCC CERT teams as well as a cadre of active at-large volunteers.

Through the SHSP grant, the Emergency Management Division's JCC CERT program will recruit new volunteers, provide basic and advanced training for volunteers, conduct skills based drills and exercises to maintain and enhance volunteer capabilities, provide volunteers with basic equipment and supplies, and continue to train and deploy specially trained JCC CERT volunteers as force multipliers in actual emergencies as well as activations and exercises.

This grant requires no local match.

Staff recommends adoption of the attached resolution to appropriate funds.

RA/nb  
GA-SHSP2016-mem

Attachment

**RESOLUTION**

**GRANT AWARD - CITIZEN PREPAREDNESS - \$18,420**

WHEREAS, James City County Fire Department's Emergency Management Division has been awarded a grant in the amount of \$18,420 from the Commonwealth of Virginia Department of Emergency Management (VDEM) to support citizen preparedness through the James City County Community Emergency Response Team (JCC CERT) program; and

WHEREAS, the grant is a 2016 State Homeland Security Program grant awarded by VDEM using funds from the United States Department of Homeland Security Federal Emergency Management Agency; and

WHEREAS, the funds will be used to support citizen preparedness through the JCC CERT program; and

WHEREAS, the JCC CERT program seeks to increase the safety, preparedness and resiliency of County residents; and

WHEREAS, the grant requires no match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation to the Special Projects/Grants fund:

Revenue:

Citizen Preparedness - SHSP - VDEM	<u>\$18,420</u>
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Expenditure:

Citizen Preparedness - SHSP - VDEM	<u>\$18,420</u>
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\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

FROM: Patrick O. Teague, Acting Director of Human Resources

SUBJECT: Personnel Policy & Procedure Manual Chapter 4 Update

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**ATTACHMENTS:**

	Description	Type
▣	Cover Memo	Cover Memo
▣	PPPM Chapter 4 Update Resolution	Resolution
▣	Personnel Policy & Procedure Manual with Updates	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Human Resources	Teague, Patrick	Approved	10/27/2016 - 11:00 AM
Publication Management	Burcham, Nan	Approved	10/27/2016 - 11:01 AM
Legal Review	Kinsman, Adam	Approved	10/31/2016 - 11:50 AM
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 8:08 AM
Board Secretary	Purse, Jason	Approved	11/1/2016 - 9:42 AM
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 10:22 AM

## MEMORANDUM

DATE: November 8, 2016

TO: The Board of Supervisors

FROM: Patrick O. Teague, Acting Director of Human Resources

SUBJECT: Revisions to Chapter 4 of the James City County Personnel Policies and Procedures Manual

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Effective December 1, 2016, the salary threshold under the Fair Labor Standards Act will increase.

Staff proposes revisions to Chapter 4 of the James City County Personnel Policies and Procedures Manual to reflect this mandated change. Revisions include updates to Section 4.14 Overtime C 2 Exemptions A.

A copy of the proposed changes is attached.

Staff recommends approval of the proposed changes.

POT/kb  
Ch4PPPRvisions-mem

Attachments

## **RESOLUTION**

### **REVISIONS TO CHAPTER 4 OF THE JAMES CITY COUNTY PERSONNEL POLICIES**

### **AND PROCEDURES MANUAL**

WHEREAS, the James City County Personnel Policies and Procedures Manual is an important document that guides decisions; and

WHEREAS, it is the practice of the County to revise and update policies to reflect changes and improvements; and

WHEREAS, recommended revisions to Chapters 4.14 of the Personnel Policies and Procedures Manual bring the County into compliance with Department of Labor's 29 CFR 541.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the personnel policies and procedures listed above and set forth in the staff memorandum are adopted effective December 1, 2016.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	-	_____	_____
MCGLENNON	-	_____	_____
ONIZUK	-	_____	_____
KENNEDY	-	_____	_____
HIPPLE	-	_____	_____

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

Ch5PPPrevisions-res



## **CHAPTER 4**

### **Compensation Plan**

#### **Section 4.14 Overtime**

## CHAPTER 4

### COMPENSATION PLAN

#### Section 4.14 Overtime

- A. Policy—It is James City County’s policy to comply with all requirements of the Fair Labor Standards Act (FLSA), including the salary basis requirements. Therefore, we will not make any improper deductions from the salaries of employees in non-exempt or exempt positions.
- B. Legal Basis - The FLSA (29 C.F.R pt.541) is a Federal law which requires that most employees in the United States be paid at least the Federal minimum wage for all hours worked, and receive overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.
- C. Coverage

- 1. General - All paid employees are covered by the FLSA. However, Section 13(a)(1) of the FLSA provides an exemption from overtime pay for individuals employed in bona fide executive, administrative, and professional positions. Section 13(a)(1) and Section 13 (a)(17) also exempt certain employees in computer positions.

The Human Resource Department shall review each position to determine whether it is exempt or non-exempt from overtime payments. The FLSA exemption status of job classes shall be indicated in the Compensation Plan, and the status of individual

positions shall be indicated in the Human Resource Information System.

- 2. Exemptions

~~a. — Salary Basis and Requirements~~ - To qualify for exemption, employees generally must meet certain tests regarding their job duties and ~~be paid on a salary basis at not less than~~

~~a. \$455 per week~~ must earn more than the FLSA minimum salary threshold for the exemption. Job titles do not determine exempt status. In order for an exemption to apply, an employee’s specific job duties and salary must meet all the requirements of the FLSA regulations.

~~These salary requirements do not apply to teachers and~~

~~employees practicing law or medicine. Employees in exempt computer positions may be paid at least \$455 per week on a salary basis or on an hourly basis at a rate of not less than \$27.63 an hour.~~

Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period on a twice monthly basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee’s work, but can be reduced because of disciplinary reasons.

Subject to exceptions listed below, an employee in an exempt position must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. However, employees in exempt positions do not need to be paid for any workweek in which they perform no work unless appropriate accrued paid leave is used.

If the employer makes deductions from an employee’s predetermined salary because of the operating requirements of the business, that employee is not paid on a “salary basis.” If the employee is ready, willing, and able to work, deductions may not be made for time when work is not available.

b. Salary Basis Exceptions

- (i) Deductions from pay are permissible when an employee in an exempt position is either:
  - (a) absent from work for one or more full days for personal reasons, other than sickness or disability;
  - (b) absent from work for one or more full days due to sickness or disability, if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness;
  - (c) in receipt of payment for jury or witness fees, or for military pay;
  - (d) on an unpaid disciplinary suspension of one or more full days, imposed in good faith for workplace conduct rule infractions;

- (ii) The employer is not required to pay an employee's full salary:
  - (a) in the initial or terminal week of employment;
  - (b) for penalties imposed in good faith for infractions of safety rules of major significance; or,
  - (c) for weeks in which the employee takes unpaid leave under the Family and Medical Leave Act.

In these circumstances, either a partial-day or full-day deduction may be made.

**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

FROM: Savannah Pietrowski, Planner

SUBJECT: SUP-0025-2016, Richardson Family Subdivision

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Location Map	Backup Material
▣	Family Subdivision Affidavit	Backup Material
▣	Preliminary Plat	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	10/21/2016 - 5:09 PM
Development Management	Holt, Paul	Approved	10/21/2016 - 5:10 PM
Publication Management	Burcham, Nan	Approved	10/24/2016 - 7:26 AM
Legal Review	Kinsman, Adam	Approved	10/24/2016 - 8:20 AM
Board Secretary	Fellows, Teresa	Approved	10/24/2016 - 8:42 AM
Board Secretary	Purse, Jason	Approved	11/1/2016 - 9:44 AM
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 10:23 AM

**SPECIAL USE PERMIT-0025-2016. Richardson Family Subdivision**

**Staff Report for the November 8, 2016, Board of Supervisors Public Hearing**

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**SUMMARY FACTS**

Applicant: Mr. Gary Richardson

Land Owners: Mr. and Mrs. Langdon and Janice Richardson

Proposal: A family subdivision to create one lot that is less than three acres in size.

Locations: 2653 Jolly Pond Road

Tax Map/Parcel No.: 3520100006

Project Acreage: +/- 30.81 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Savannah Pietrowski, Planner

**PUBLIC HEARING DATES**

Board of Supervisors: November 8, 2016, 6:30 p.m.

**FACTORS FAVORABLE**

1. Staff finds that the proposal will not negatively impact surrounding zoning and development.

2. The proposal is consistent with the recommendations of the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way."

**FACTORS UNFAVORABLE**

Staff finds that there are no unfavorable factors.

**SUMMARY STAFF RECOMMENDATION**

Approval, subject to the conditions in the attached resolution.

**PLANNING COMMISSION RECOMMENDATION**

Family subdivisions do not require Planning Commission review.

**PROJECT DESCRIPTION**

Mr. Gary Richardson has applied for a Special Use Permit (SUP) to allow for a family subdivision of a lot less than three acres in size.

On property zoned A-1, General Agricultural, the minimum lot size for single-family dwellings is generally three acres. However, Section 24-214 of the Zoning Ordinance allows for a minimum lot size of less than three acres, but more than one acre, if the creation of the lot is for use by a member of the owner's immediate family and an SUP is approved by the Board of Supervisors.

The existing parent parcel is 30.81 acres in size and owned by the parents of Mr. Richardson. The new lot is proposed to be approximately 1.01 acres and would be transferred to Mr. Gary Richardson.

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*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.*

## **SPECIAL USE PERMIT-0025-2016. Richardson Family Subdivision**

### **Staff Report for the November 8, 2016, Board of Supervisors Public Hearing**

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This case was previously considered by the Board of Supervisors on October 11, 2016. However, due to an administrative error in advertising, this case was required to re-advertise and must be reconsidered by the Board of Supervisors.

#### **PLANNING AND ZONING HISTORY**

- The Board of Supervisors approved Case No. SUP-0011-1998 on April 28, 1998. This application was for a family subdivision, which created a lot less than three acres in size for another son of Mr. and Mrs. Richardson.

#### **SURROUNDING ZONING AND DEVELOPMENT**

- All surrounding properties are zoned A-1, General Agricultural. These properties are either undeveloped or contain single-family homes, many with small-scale agriculture.

#### **COMPREHENSIVE PLAN**

- The property is designated Rural Lands on the Comprehensive Plan Land Use Map, as are all surrounding properties.
- Principal suggested uses for Rural Lands include agricultural and forestal activities. Residential uses should be at a very low density. All uses should be compatible with the natural and rural character of the area and should be in accordance with the Rural Lands Development Standards in the Comprehensive Plan.
- Staff finds that the proposal is not in conflict with the rural character of the area and is compatible with the Comprehensive Plan.

#### **PUBLIC IMPACTS**

1. Anticipated impact on public facilities and services:
  - a. *Streets.* None. Proposed access to the lot would be from an existing gravel driveway on the property.
  - b. *Schools/Fire.* Anticipated impacts are those typically associated with a single-family residence.
  - c. *Utilities.* None. The new lot would be served by private well and septic. The Health Department will review soils information prior to final subdivision approval.
2. Environmental/Cultural/Historical: None. This portion of the property has been previously disturbed for agricultural use.
3. Nearby and Surrounding Properties: None. As most surrounding properties are either undeveloped or also used for single-family residences, staff finds that the proposal would not negatively impact the surrounding properties.

#### **PROPOSED CONDITIONS**

- Should this family subdivision be approved, staff has proposed a condition requiring the applicant to obtain final subdivision approval within 24 months.

#### **STAFF RECOMMENDATION**

Approval, subject to the conditions in the attached resolution.

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*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.*

**SPECIAL USE PERMIT-0025-2016. Richardson Family Subdivision**

**Staff Report for the November 8, 2016, Board of Supervisors Public Hearing**

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SP/nb

SUP25-16Richardson

Attachments:

1. Resolution
2. Location map
3. Family Subdivision Affidavit
4. Preliminary Plat

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*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.*



## **RESOLUTION**

### **CASE NO. SUP-0025-2016. RICHARDSON FAMILY SUBDIVISION**

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Langdon and Janice Richardson (the “Owners”) own a parcel of property located at 2653 Jolly Pond Road, further identified as James City County Real Estate Tax Map Parcel No. 3520100006, (the “Property”); and

WHEREAS, Mr. Gary Richardson, son of the Owners, has requested an SUP to allow for a family subdivision to create one additional lot on the Property less than three acres in size in an A-1, General Agricultural District; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing was conducted on Case No. SUP-0025-2016; and

WHEREAS, the Board of Supervisors is of the opinion that the SUP to allow for the above-mentioned family subdivision is consistent with good zoning practice and should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-0025-2016 as described herein with the following conditions:

1. Plan: This SUP shall be valid for a family subdivision for the creation of no more than one new lot of less than three acres in size and provided no lot is less than one acre in size (the “Subdivision”). The Subdivision shall be generally as shown on the plan drawn by Sebert Surveying and Layout, LLC, titled “Plat of Family Subdivision and Highway Dedication Being 30.81 acres Standing in the Name of Langdon H. and Janice E. Richardson” and dated June 15, 2016.
2. Commencement: Final subdivision approval must be received from the County within 24 months from the issuance of this SUP or the permit shall become void.
3. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

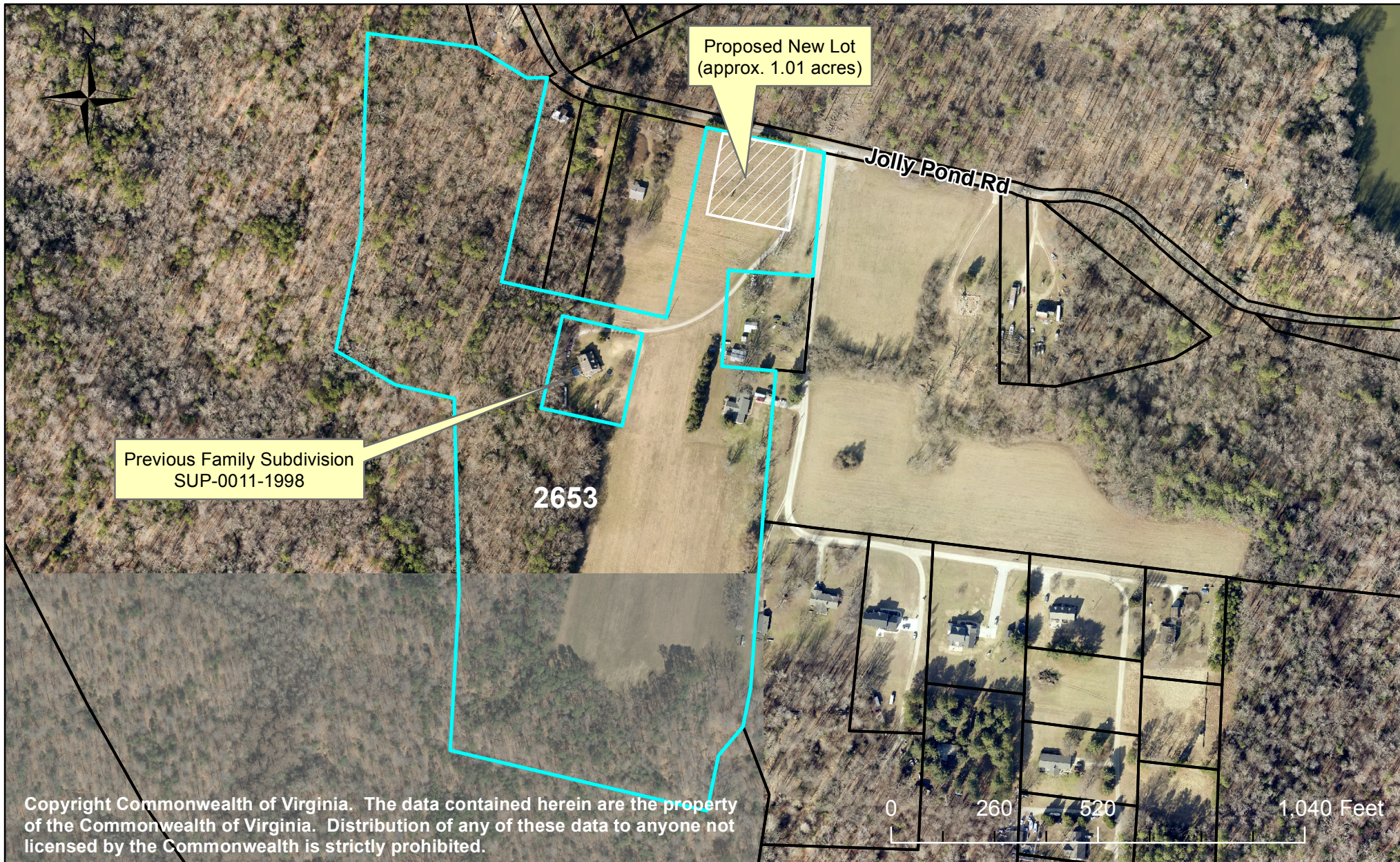
Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2016.

SUP25-16Richardson-res



# JCC-SUP-0025-2016

## Richardson Family Subdivision







## County of James City, Virginia - Family Subdivision Affidavit

September 6, 2016

I/we, Langdon H. Richardson, own a parcel of property consisting of 30.81 acres and located at 2653 Jolly Pond Road and further identified as James City County Real Estate Tax Map No. 3520100006 (the "Property"). I/we hereby request that James City County, Virginia, approve a family subdivision of the Property into a total of two (2) parcel(s), in the specific location and sizes as shown on a plat entitled "Plat of Family Subdivision and Highway Dedication Being 30.81 acres Standing in the name of Langdon H. and Janice E. Richardson", made by Sebert Surveying and Layout, LLC, and dated June 15, 2016 (the "Family Subdivision Plat").

This family subdivision is being made for the purpose of transferring a lot by sale or gift to:

Gary Richardson, who is my/our son, and is not made for the purpose of circumventing any of the provisions of the Code of the County of James City, Virginia. It is my/our intention that the deed(s) of transfer will be drawn and duly recorded as soon as reasonably possible subsequent to the approval of the Family Subdivision Plat.

Langdon H. Richardson  
Owner

\_\_\_\_\_  
Owner

COMMONWEALTH OF VIRGINIA,

~~CITY/COUNTY~~ of James City, to-wit:

The foregoing Affidavit was acknowledged before me this 6 day of September, 2016 by, Langdon H. Richardson, owner(s).

My Commission expires: 12/31/16

Beth Klapper  
Notary Public

Notary No. 7182762

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

Prepared by and return to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

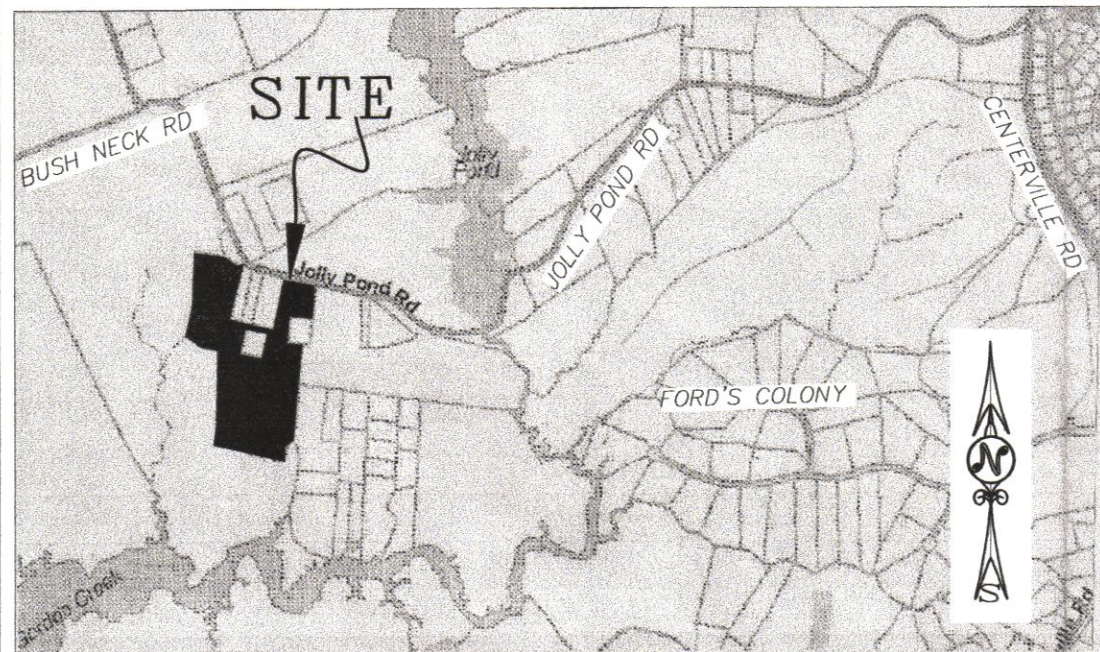


S-0025-2016 / JWP-0013-2016

PLANNING DIVISION

AUG 05 2016

RECEIVED



VICINITY MAP - SCALE: 1"=2000'

**CERTIFICATION OF SOURCE OF TITLE**

THE PROPERTY SHOWN ON THIS PLAT AND IDENTIFIED AS "BEING 30.81 ACRES STANDING IN THE NAME OF LANGDON H. AND JANICE E. RICHARDSON" WAS CONVEYED BY EVELYN WARBURTON HARRIS TO LANGDON H. AND JANICE E. RICHARDSON (HUSBAND AND WIFE) BY DEED DATED JANUARY 31, 1966 AND RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OF JAMES CITY AS DB 105 PAGE 171.

**OWNER'S CERTIFICATE**

THE FAMILY SUBDIVISION AND HIGHWAY DEDICATION SHOWN ON THIS PLAT AND KNOWN AS "BEING 30.81 ACRES STANDING IN THE NAME OF LANGDON H. AND JANICE E. RICHARDSON" IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES.

SIGNATURE (LANGDON H. RICHARDSON) \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE (JANICE E. RICHARDSON) \_\_\_\_\_ DATE \_\_\_\_\_

**CERTIFICATE OF NOTARIZATION**

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, A  
NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND  
STATE AFORESAID, DO HEREBY CERTIFY THAT THE  
PERSONS WHOSE NAMES ARE SIGNED TO THE  
FOREGOING WRITING HAVE ACKNOWLEDGED THE  
SAME BEFORE ME IN THE CITY/COUNTY AFORESAID.  
GIVEN UNDER MY HAND THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 20\_\_\_\_.

SIGNATURE \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS  
PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF  
SUPERVISORS AND ORDINANCES OF THE COUTNY OF JAMES CITY, VIRGINIA.  
REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUTNY.

06/15/2016

A.D. SEBERT, L.S. \_\_\_\_\_ DATE \_\_\_\_\_

PROPOSED WELL SITE TO BE:  
-MINIMUM OF 100' FROM DRAINFIELD  
-MINIMUM OF 25' FROM OVERHEAD ELECTRIC LINES  
-MINIMUM OF 50' FROM ADJACENT CROPLANDS

PARCEL "A"  
N/F ROY RICHARDSON  
TAX ID: 3520100006B  
2651 JOLLY POND ROAD  
INST NO: 980017812  
PB 70 PG 62

**AREA CALCULATIONS**

<b>ORIGINAL AREA</b>	
PARENT TRACT	30.81 AC±
<b>NEW AREA</b>	
PARENT TRACT	29.80 AC±
PARCEL "B"	1.01 AC± (44,100 SF±)
TOTAL	30.81 AC±

GRAPHIC SCALE  
50 0 50 100  
SCALE: 1" = 50'

**GENERAL NOTES:**

1. THE SUBDIVISION SHOWN HEREON IS PART OF ASSESSOR'S PARCEL 3520100006 AND THE CURRENT ADDRESS IS #2653 JOLLY POND ROAD.
2. THE PROPERTY IS NOT SERVED BY PUBLIC WATER AND SEWER.
3. THE PROPERTY IS CURRENTLY ZONED A1
4. THE PROPERTY LIES IN FLOODZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% CHANCE FLOODPLAIN) PER F.I.R.M. 51095C0065D. EFFECTIVE DATE 12/16/15.
5. THE TOTAL AREA OF PARENT TRACT IS 30.81 ACRES ±.
6. MINIMUM BUILDING SETBACK LINES:  
FRONT = 75'  
SIDE = 15'  
REAR = 35'
7. ALL UTILITIES SHALL BE PLACED UNDERGROUND IN ACCORDANCE WITH SECTION 19-33 OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE.
8. ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY CODE.
9. WETLANDS AND LAND WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT THOSE ACTIVITIES PERMITTED BY SECTION 23-9(c)(1) OF THE JAMES CITY COUNTY CODE.
10. UNLESS OTHERWISE NOTED, ALL DRAINAGE EASEMENTS DESIGNATED ON THIS PLAT SHALL REMAIN PRIVATE.
11. THERE ARE NO JAMES CITY COUNTY GEODETIC CONTROL MONUMENTS IN THE AREA OF THIS SURVEY.
12. PROPOSED DRAINFIELD LOCATIONS ARE BASED UPON MARKERS SET BY "ADAM'S SEPTIC EVALUATION AND DESIGN, LLC"

THIS SUBDIVISION IS APPROVED FOR INDIVIDUAL ONSITE SEWAGE SYSTEMS IN ACCORDANCE WITH THE PROVISIONS OF THE CODE OF VIRGINIA, AND THE SEWAGE HANDLING AND DISPOSAL REGULATIONS (12 VAC 5-610-10 ET SEQ., THE "REGULATIONS").

THIS SUBDIVISION WAS SUBMITTED TO THE HEALTH DEPARTMENT FOR REVIEW PURSUANT TO 32.1-163.5 OF THE CODE OF VIRGINIA WHICH REQUIRES THE HEALTH DEPARTMENT TO ACCEPT PRIVATE SOIL EVALUATIONS AND DESIGNS FROM AN AUTHORIZED ONSITE SOIL EVALUATOR (AOSE) OR A PROFESSIONAL ENGINEER WORKING IN CONSULTATION WITH AN AOSE FOR RESIDENTIAL DEVELOPMENT. THE DEPARTMENT IS NOT REQUIRED TO PERFORM A FIELD CHECK OF SUCH EVALUATIONS. THIS SUBDIVISION WAS CERTIFIED AS BEING IN COMPLIANCE WITH THE BOARD OF HEALTH'S REGULATIONS BY: ADAM C. HERMAN, AOSE #185. THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THAT CERTIFICATION.

PURSUANT TO SECTION 360 OF THE REGULATIONS THIS APPROVAL IS NOT AN ASSURANCE THAT SEWAGE DISPOSAL SYSTEM CONSTRUCTION PERMITS WILL BE ISSUED FOR ANY LOT IN THE SUBDIVISION UNLESS THAT LOT IS SPECIFICALLY IDENTIFIED AS HAVING AN APPROVED SITE FOR AN ONSITE SEWAGE DISPOSAL SYSTEM, AND UNLESS ALL SITE CONDITIONS AND CIRCUMSTANCES ARE PRESENT AT THE TIME OF APPLICATION FOR A PERMIT AS ARE PRESENT AT THE TIME OF THIS APPROVAL. THIS SUBDIVISION MAY CONTAIN LOTS THAT DO NOT HAVE APPROVED SITES FOR ONSITE SEWAGE SYSTEMS.

THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THE CERTIFICATION THAT THE APPROVED LOTS ARE SUITABLE FOR GENERALLY APPROVED SYSTEMS, HOWEVER ACTUAL SYSTEM DESIGNS MAY BE DIFFERENT AT THE TIME CONSTRUCTION PERMITS ARE ISSUED. RESIDENTIAL SEWAGE FLOWS (BASED UPON THE NUMBER OF BEDROOMS PROPOSED) WILL BE DETERMINED AT THE TIME OF APPLICATION FOR INDIVIDUAL ONSITE SEWAGE DISPOSAL SYSTEM PERMITS AND THE DEPARTMENT'S PERMIT MAY DIFFER FROM THE CONSULTANT'S ABBREVIATED DESIGN PROPOSALS.

ON-SITE SEWAGE DISPOSAL SYSTEM INFORMATION AND SOILS INFORMATION SHOULD BE VERIFIED AND REEVALUATED BY THE HEALTH DEPARTMENT PRIOR TO ANY NEW CONSTRUCTION.

ON-SITE SEWAGE DISPOSAL SYSTEMS SHALL BE PUMPED OUT AT LEAST ONCE EVERY FIVE YEARS PER SECTION 23-9(b)(6) OF THE JAMES CITY COUNTY CODE.

MONUMENTS SHALL BE SET IN ACCORDANCE WITH SECTIONS 19-34 THROUGH 19-36 OF THE COUNTY CODE. SUBSEQUENT TO COMPLETION OF ALL IMPROVEMENTS, BUT PRIOR TO FINAL RELEASE OF SURETY FOR A SUBDIVISION OR ANY PART THEREOF, THE SUBDIVIDER SHALL PROVIDE TO THE AGENT A SURVEYOR'S CERTIFICATE THAT THE MONUMENTS AS SHOWN ON THE RECORD PLAT HAVE BEEN INSTALLED, WERE PROPERLY SET, ARE PROPERLY ALIGNED, AND ARE UNDAMAGED. THE PROVISION OF THE CERTIFICATION SHALL BE WITHIN SIX MONTHS OF PLAT APPROVAL, UNLESS OTHERWISE ARRANGED IN ADVANCE, IN WRITING, WITH THE AGENT.

**CERTIFICATE OF APPROVAL**

THIS PLAT OF SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

DATE	VIRGINIA DEPARTMENT OF TRANSPORTATION
DATE	VIRGINIA DEPARTMENT OF HEALTH
DATE	SUBDIVISION AGENT OF JAMES CITY COUNTY

**LEGEND:**

X	EXISTING ELEVATION
IRS	IRON ROD SET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
PPF	PINCH PIPE FOUND
BSL	BUILDING SETBACK LINE
R/W	RIGHT-OF-WAY
SMH	SANITARY MANHOLE
CO	SANITARY CLEANOUT
WM	WATER METER
WV	WATER VALVE

DATE: 06/15/2016  
REVISION /DATE/DESCRIPTION

DESIGNED BY: ADS

SCALE: 1" = 50'

PROJECT NO.

J352-1

DRAWING NO.

1 OF 1

SEBERT  
SURVEYING  
& LAYOUT, LLC

173 BARLOW ROAD  
WILLIAMSBURG, VA  
PHONE (757) 345-0931  
CELL: (757) 784-2413

PLAT OF FAMILY SUBDIVISION  
AND HIGHWAY DEDICATION  
BEING 30.81 ACRES  
STANDING IN THE NAME OF  
LANGDON H. AND JANICE E. RICHARDSON  
POWhatan DISTRICT JAMES CITY COUNTY VIRGINIA



**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner II and Robeta Sulouff, Planner

SUBJECT: ZO-0002-2016. B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits; and Case No. ZO-0003-2016. LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	10/19/2016 - 1:18 PM
Development Management	Holt, Paul	Approved	10/19/2016 - 1:19 PM
Publication Management	Burcham, Nan	Approved	10/19/2016 - 1:26 PM
Legal Review	Kinsman, Adam	Approved	10/24/2016 - 8:22 AM
Board Secretary	Fellows, Teresa	Approved	10/24/2016 - 8:43 AM
Board Secretary	Purse, Jason	Approved	11/1/2016 - 9:44 AM
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 10:23 AM

## MEMORANDUM

DATE: November 8, 2016

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner II  
Roberta Sulouff, Planner

SUBJECT: Case No. ZO-0002-2016. B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits; and Case No. ZO-0003-2016. LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits

---

Staff has received requests from Board members for additional information regarding the proposed amendments to the B-1 and LB zoning districts. In order for staff to provide the requested information and to ensure that we are addressing all of the Board's concerns, staff requests that the Board of Supervisors indefinitely defer consideration of these proposed amendments.

JR/RS/nb  
ZO-02-16andZO-03-16Amends-mem

**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

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

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**ATTACHMENTS:**

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



24-436)	
<div> <div> <div></div> <div>Clean-Copy Draft Ordinance Language - PUD-C Use List (Section 24-493)</div> </div> <div>Backup Material</div> </div>	
<div> <div> <div></div> <div>Clean-Copy Draft Ordinance Language - PL Use List (Section 24-535.1)</div> </div> <div>Backup Material</div> </div>	
<div> <div> <div></div> <div>Unapproved minutes of the October 5, 2016, Planning Commission meeting.</div> </div> <div>Backup Material</div> </div>	

## REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	10/21/2016 - 3:56 PM
Development Management	Holt, Paul	Approved	10/21/2016 - 3:57 PM
Publication Management	Colonna, Tina	Approved	11/1/2016 - 9:40 AM
Legal Review	Kinsman, Adam	Approved	11/1/2016 - 11:29 AM
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 12:58 PM
Board Secretary	Purse, Jason	Approved	11/1/2016 - 2:57 PM
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 3:07 PM

## **M E M O R A N D U M**

DATE: November 8, 2016

TO: The Board of Supervisors

FROM: Roberta Sulouff, Planner

SUBJECT: Case No. 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

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### **History**

At its February 9, 2016 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 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, as well as other non-substantive, grammatical and punctuation changes, have since been incorporated in the attached draft ordinances.

### **Recommendation**

At its October 5, 2016 meeting, the Planning Commission voted to recommend approval of the proposed amendments by a vote of 7-0. Staff recommends the James City County Board of Supervisors approve the creation of County Code Section 24-49 as well as the attached amendments to County Code Sections 24-2, 24-411, 24-436, 24-493 and 24-535.1.

RS/nb

ZO-10-16ZOrdAmdmts-mem

### Attachments:

1. Strikethrough Draft Ordinance Language - Section 24-2 (In General, Definitions)
2. Strikethrough Draft Ordinance Language - Special Regulations (new Section 24-49)
3. Strikethrough Draft Ordinance Language - M-1 Use List (Section 24-411)
4. Strikethrough Draft Ordinance Language - M-2 Use List (Section 24-436)
5. Strikethrough Draft Ordinance Language - PUD-C Use List (Section 24-493)
6. Strikethrough Draft Ordinance Language - PL Use List (Section 24-535.1)
7. Clean-Copy Draft Ordinance Language - Section 24-2 (In General, Definitions)
8. Clean-Copy Draft Ordinance Language - Special Regulations (new Section 24-49)
9. Clean-Copy Draft Ordinance Language - M-1 Use List (Section 24-411)
10. Clean Copy Draft Ordinance Language - M-2 Use List (Section 24-436)
11. Clean-Copy Draft Ordinance Language - PUD-C Use List (Section 24-493)
12. Clean-Copy Draft Ordinance Language - PL Use List (Section 24-535.1)
13. Unapproved minutes of the October 5, 2016, Planning Commission meeting.

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL; SECTION 24-2, DEFINITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General; Section 24-2, Definitions.

**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 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.

ATTEST:	<hr/> Michael J. Hipple Chairman, Board of Supervisors			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
	MCGLENNON	_____	_____	_____
	LARSON	_____	_____	_____
	ONIZUK	_____	_____	_____
	SADLER	_____	_____	_____
	HIPPLE	_____	_____	_____

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

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE II, SPECIAL REGULATIONS; DIVISION I, IN GENERAL; SECTION 24-49, MOBILE FOOD VENDING VEHICLES (FOOD TRUCKS).

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 adding Article II, Special Regulations; Division I, In General; Section 24-49, Mobile food vending vehicles (food trucks).

**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 his 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 food truck 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 food truck will be operated.*

*Upon review and determination that the proposed food truck 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 food truck operations:*

- (1) Parking: food trucks shall not park, with the intent of vending, along public rights-of-way, or in designated handicapped parking spaces. Food trucks 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: Food trucks 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: Food trucks shall be parked at least one hundred (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 truck 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 food truck and shall not be placed within a public road right-of-way. Signage that is permanently affixed to the food truck 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 food truck shall be limited so as not to be plainly audible beyond the property boundaries of the site where the food truck is located, or at a distance of one hundred (100) feet from the vehicle, whichever is less.*
- (8) Trash: Operators must provide at least one trash receptacle within ten (10) feet of their food truck.*
- (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 food truck. Such station may be covered by a roll-out awning extending from the food truck or by a temporary canopy not exceeding ten (10) feet by ten (10) feet in size.*

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	
MCGLENNON	_____	_____	_____	
LARSON	_____	_____	_____	
ONIZUK	_____	_____	_____	
SADLER	_____	_____	_____	
HIPPLE	_____	_____	_____	

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

Ch24-ArtII-Reg-ord



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1; SECTION 24-411, USE LIST.

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

**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, then in accordance with section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid centers	P	
	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	P	

	adjacent property)		
	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
	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,		SUP

	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		
	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	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 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

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

Ch24-M1UseList-ord



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 12, GENERAL INDUSTRIAL DISTRICT, M-2; SECTION 24-436, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts; Division 12, General Industrial District, M-2; Section 24-436, Use list.

**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	P	

	in height		
	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 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		SUP

	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		
	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 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	P	

	a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)		
	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	P	

	products and heating, cooling or ventilation equipment		
	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

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

Ch24-M2UseList-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICT, PUD; SECTION 24-493, USE LIST.

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 14, Planned Unit Development District, PUD; Section 24-493, Use list.

**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	P	



	a designation other than residential on a board adopted master plan		
	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		
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	

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

Ch24-PUDUse-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 16, PUBLIC LAND DISTRICT, PL; SECTION 24-535.1, PERMITTED USES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts; Division 16, Public Land District, PL; Section 24-535.1, Permitted Uses.

**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.

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

Ch24-PLUse-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL; SECTION 24-2, DEFINITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General; Section 24-2, Definitions.

**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 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.

Ch24-Definitions-ord-final

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE II, SPECIAL REGULATIONS; DIVISION I, IN GENERAL; SECTION 24-49, MOBILE FOOD VENDING VEHICLES (FOOD TRUCKS).

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 adding Article II, Special Regulations; Division I, In General; Section 24-49, Mobile food vending vehicles (food trucks).

**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 his 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 food truck 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 food truck will be operated.

Upon review and determination that the proposed food truck 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 food truck operations:

- (1) Parking: food trucks shall not park, with the intent of vending, along public rights-of-way, or in designated handicapped parking spaces. Food trucks 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: Food trucks 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: Food trucks shall be parked at least one hundred (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 truck 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 food truck and shall not be placed within a public road right-of-way. Signage that is permanently affixed to the food truck 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 food truck shall be limited so as not to be plainly audible beyond the property boundaries of the site where the food truck is located, or at a distance of one hundred (100) feet from the vehicle, whichever is less.
- (8) Trash: Operators must provide at least one trash receptacle within ten (10) feet of their food truck.
- (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 food truck. Such station may be covered by a roll-out awning extending from the food truck or by a temporary canopy not exceeding ten (10) feet by ten (10) feet in size.



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1; SECTION 24-411, USE LIST.

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

**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, then in accordance with section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid centers	P	
	Museums	P	
	Mobile Food Vending Vehicles in accordance with section 24-49	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	
	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	P	

	adjacent property)		
	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
	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,		SUP

	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		
	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	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 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

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 12, GENERAL INDUSTRIAL DISTRICT, M-2; SECTION 24-436, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts; Division 12, General Industrial District, M-2; Section 24-436, Use list.

**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	
	Mobile food vending vehicles in accordance with section 24-49	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,	P	

	not to include fast food restaurants as an accessory use to other permitted uses		
	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 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 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 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	P	

	devices or electronic components		
	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

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICT, PUD; SECTION 24-493, USE LIST.

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 14, Planned Unit Development District, PUD; Section 24-493, Use list.

**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	
	Mobile food vending vehicles in accordance with section 24-49	P	
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	P	

	division 6, Wireless Communication Facilities, only in areas with a designation other than residential on a board adopted master plan		
	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		
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. \_\_\_\_\_

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 16, PUBLIC LAND DISTRICT, PL; SECTION 24-535.1, PERMITTED USES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts; Division 16, Public Land District, PL; Section 24-535.1, Permitted Uses.

**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-final

**Unapproved Minutes of the October 5, 2016  
Planning Commission Meeting**

**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**

Ms. Roberta Sulouff, Planner, presented a report to the Commission on the proposed ordinance amendments to allow mobile food vending vehicles in 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. Ms. Sulouff stated following the Initiating Resolution by the Board of Supervisors on April 12, staff worked with the Policy Committee to discuss with ordinance requirements for mobile food vending vehicles throughout the Commonwealth and develop draft ordinance language. Ms. Sulouff stated that the current ordinance language incorporates recommendations by the Policy Committee over the course of several meetings in May, August and September. Ms. Sulouff stated that the draft language also incorporates feedback resulting from an online survey and a community meeting, as well as feedback from the County Attorney's Office. Ms. Sulouff stated that staff proposes that mobile food vending vehicles be added as a permitted use, subject to requirements to be established in a new section providing performance standards. Ms. Sulouff noted that the proposed permitting process and operational standards would not apply to food trucks used in conjunction with special events where a special event permit is required or food trucks operating in conjunction with a private catered events. Ms. Sulouff stated that the proposed permitting process would be administered by the Zoning Administrator and would require the operator to provide a copy of a valid Health Department permit, verification of inspection by the Fire Department and documented consent from the owner of the property where the mobile food vending vehicle will operate. Ms. Sulouff stated that the performance standards included set back distances, parking requirements, signage and lighting requirements, waste disposal requirements and restrictions on hours of operation. Ms. Sulouff stated that at its September 15 meeting the Policy Committee voted to forward the draft ordinance to the Planning Commission for consideration. Ms. Sulouff 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 by the Commission.

Ms. Basic inquired what would happen if a property owner withdrew permission to operate on the property.

Ms. Max Hlavin, Assistant County Attorney, stated that the property owner would submit a letter indicating that he wishes to withdraw his permission.

Mr. Holt stated that once permission is withdrawn, the mobile food vendor would be trespassing if he continued to operate.

Mr. Richardson inquired about the next steps for the ordinance amendments and the timeline for considering amendments to allow mobile food vending vehicles in the B-1, General Business District.

Ms. Sulouff stated that the two ordinances would remain on separate timelines and that these amendments would move forward to the Board of Supervisors in November, with the amendments to the B-1 District to follow in December depending on the recommendation of the Policy Committee.

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. Schmidt commended staff on the thoroughness of their research and public outreach.

Ms. Bledsoe commended staff on their efforts. Ms. Bledsoe stated that she is excited to see this use opened up in these zoning districts.

Mr. Krapf made a motion to approve ZO-0010-2016.

On a roll call vote the Commission voted to recommend approval of 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 (7-0).

**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

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

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

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**ATTACHMENTS:**

	Description	Type
▣	st report	Staff Report
▣	Draft Communications Facilities Ordinance (strikethrough version)	Ordinance
▣	Draft Special Requirements for Antennas (strikethrough version)	Ordinance
▣	Draft Definitions (strikethrough version)	Ordinance
▣	Draft A-1 Ordinance (strikethrough version)	Ordinance
▣	Draft R-1 Ordinance (strikethrough version)	Ordinance
▣	Draft R-2 Ordinance (strikethrough version)	Ordinance
▣	Draft R-3 Ordinance (strikethrough version)	Ordinance
▣	Draft R-4 Ordinance (strikethrough version)	Ordinance
▣	Draft R-5 Ordinance (strikethrough version)	Ordinance
▣	Draft R-6 Ordinance (strikethrough version)	Ordinance
▣	Draft R-8 Ordinance (strikethrough version)	Ordinance
▣	Draft LB Ordinance (strikethrough version)	Ordinance
▣	Draft B-1 Ordinance (strikethrough version)	Ordinance
▣	Draft M-1 Ordinance (strikethrough version)	Ordinance
▣	Draft M-2 Ordinance (strikethrough version)	Ordinance

▣	Draft RT Ordinance (strikethrough version)	Ordinance
▣	Draft PUD Ordinance (strikethrough version)	Ordinance
▣	Draft MU Ordinance (strikethrough version)	Ordinance
▣	Draft PL Ordinance (strikethrough version)	Ordinance
▣	Draft EO Ordinance (strikethrough version)	Ordinance
▣	Draft "Performance Standards for Communications Facilities, Antennas, Towers and Support Structures that Require an SUP" Policy (strikethrough version)	Ordinance
▣	Resolution for "Performance Standards for Communications Facilities, Antennas, Towers and Support Structures that Require an SUP" Policy	Resolution
▣	Draft Communications Facilities Ordinance (clean version)	Backup Material
▣	Draft Special Requirements for Antennas (clean version)	Backup Material
▣	Draft Definitions (clean version)	Backup Material
▣	Draft A-1 Ordinance (clean version)	Backup Material
▣	Draft R-1 Ordinance (clean version)	Backup Material
▣	Draft R-2 Ordinance (clean version)	Backup Material
▣	Draft R-3 Ordinance (clean version)	Backup Material
▣	Draft R-4 Ordinance (clean version)	Backup Material
▣	Draft R-5 Ordinance (clean version)	Backup Material
▣	Draft R-6 Ordinance (clean version)	Backup Material
▣	Draft R-8 Ordinance (clean version)	Backup Material
▣	Draft LB Ordinance (clean version)	Backup Material
▣	Draft B-1 Ordinance (clean version)	Backup Material
▣	Draft M-1 Ordinance (clean version)	Backup Material
▣	Draft M-2 Ordinance (clean version)	Backup Material
▣	Draft RT Ordinance (clean version)	Backup Material
▣	Draft PUD Ordinance (clean version)	Backup Material
▣	Draft MU Ordinance (clean version)	Backup Material
▣	Draft PL Ordinance (clean version)	Backup Material
▣	Draft EO Ordinance (clean version)	Backup Material
▣	Draft "Performance Standards for Communications Facilities, Antennas, Towers and Support Structures That Require an SUP" Policy (clean version)	Backup Material
	Unapproved minutes from the	

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	10/24/2016 - 8:06 AM
Development Management	Holt, Paul	Approved	10/24/2016 - 8:06 AM
Publication Management	Burcham, Nan	Approved	10/24/2016 - 8:15 AM
Legal Review	Kinsman, Adam	Approved	10/24/2016 - 8:22 AM
Board Secretary	Fellows, Teresa	Approved	10/24/2016 - 8:43 AM
Board Secretary	Purse, Jason	Approved	11/1/2016 - 9:49 AM
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 10:23 AM

## MEMORANDUM

DATE: November 8, 2016

TO: The Board of Supervisors

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

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

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### 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).

Staff has prepared draft revisions 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), as well as the Use List and Height Limitation sections of each zoning district, and several other ancillary sections of the Zoning Ordinance.

These proposed revisions have been reviewed and recommended for approval by the Policy Committee and the Planning Commission. In addition, the revisions have been reviewed by a consulting attorney specializing in telecommunications, and it was determined that the proposed revisions are in accordance with FCC regulations.

## **Proposed Revisions**

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. This revision is intended to encourage co-locations on existing structures versus proposals for new towers.
- 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**

On October 5, 2016, the Planning Commission voted to recommend approval of the above mentioned amendments by a vote of 7-0. Staff recommends that the Board of Supervisors approve the attached amendments to the Zoning Ordinance and WCF Policy.

### Attachments:

1. Draft Communications Facilities Ordinance (strikethrough version)
2. Draft Special Requirements for Antenna (strikethrough version)
3. Draft Definitions (strikethrough version)
4. Draft A-1 Ordinance (strikethrough version)
5. Draft R-1 Ordinance (strikethrough version)
6. Draft R-2 Ordinance (strikethrough version)
7. Draft R-3 Ordinance (strikethrough version)
8. Draft R-4 Ordinance (strikethrough version)
9. Draft R-5 Ordinance (strikethrough version)
10. Draft R-6 Ordinance (strikethrough version)
11. Draft R-8 Ordinance (strikethrough version)
12. Draft LB Ordinance (strikethrough version)
13. Draft B-1 Ordinance (strikethrough version)
14. Draft M-1 Ordinance (strikethrough version)
15. Draft M-2 Ordinance (strikethrough version)
16. Draft RT Ordinance (strikethrough version)
17. Draft PUD Ordinance (strikethrough version)
18. Draft MU Ordinance (strikethrough version)
19. Draft PL Ordinance (strikethrough version)
20. Draft EO Ordinance (strikethrough version)
21. Draft "Performance Standards for Communications Facilities, Antennas, Towers and Support Structures That Require an SUP" Policy (strikethrough version)
22. Resolution for "Performance Standards for Communications Facilities, Antennas, Towers and Support Structures That Require an SUP" Policy
23. Draft Communications Facilities Ordinance (clean version)
24. Draft Special Requirements for Antenna (clean version)
25. Draft Definitions (clean version)
26. Draft A-1 Ordinance (clean version)
27. Draft R-1 Ordinance (clean version)
28. Draft R-2 Ordinance (clean version)
29. Draft R-3 Ordinance (clean version)
30. Draft R-4 Ordinance (clean version)
31. Draft R-5 Ordinance (clean version)
32. Draft R-6 Ordinance (clean version)
33. Draft R-8 Ordinance (clean version)
34. Draft LB Ordinance (clean version)
35. Draft B-1 Ordinance (clean version)
36. Draft M-1 Ordinance (clean version)
37. Draft M-2 Ordinance (clean version)
38. Draft RT Ordinance (clean version)
39. Draft PUD Ordinance (clean version)

40. Draft MU Ordinance (clean version)
41. Draft PL Ordinance (clean version)
42. Draft EO Ordinance (clean version)
43. Draft “Performance Standards for Communications Facilities, Antennas, Towers and Support Structures That Require an SUP” Policy (clean version)
44. Unapproved minutes from the October 5, 2016, Planning Commission meeting

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS; DIVISION 6, WIRELESS COMMUNICATIONS FACILITIES; SECTION 24-121, STATEMENT OF INTENT; SECTION 24-122, ANTENNA MOUNTING; SECTION 24-123, GENERAL REQUIREMENTS; SECTION 24-124, PERFORMANCE STANDARDS; SECTION 24-125, RADIO FREQUENCY STANDARDS; SECTION 24-126, PUBLIC SAFETY CONSIDERATIONS; AND SECTION 24-127, PERMIT LIMITATIONS; BY ADDING NEW SECTION 24-128, PROCESSING AND SUBMITTAL REQUIREMENTS FOR ELIGIBLE FACILITIES REQUESTS; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-128 WITH NEW NUMBER AND NAME 24-128.1, PROCESSING AND SUBMITTAL REQUIREMENTS FOR ALL OTHER NEW CATS AND MODIFICATIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations; Division 6, Wireless Communications Facilities; Section 24-121, Statement of intent; Section 24-122, Antenna mounting; Section 24-123, General requirements; Section 24-124, Performance standards; Section 24-125, Radio frequency standards; Section 24-126, Public safety considerations; and Section 24-127, Permit limitations; By adding new section 24-128, Processing and submittal requirements for eligible facilities requests; By amending, renumbering and renaming Section 24-128 with new number and name 24-128.1, Processing and submittal requirements for all other new CATS and modifications.

**DIVISION 6. ~~WIRELESS~~ 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	<del>≤35'</del> <i>Not Permitted</i>	<del>&gt;35'</del> <i>All Towers</i>
Rural Residential, R-8	<del>≤35'</del> <i>Not Permitted</i>	<del>&gt;35'</del> <i>All Towers</i>
<del>Residential, R-1, R-2, R-3, R-5, R-6</del>	<del>Not Permitted</del>	<del>Not Permitted</del>
<del>Limited Residential, R-1</del>	<del>Not Permitted</del>	<del>Not Permitted</del>
<del>General Residential, R-2</del>	<del>Not Permitted</del>	<del>Not Permitted</del>
<del>Residential Redevelopment, R-3</del>	<del>Not Permitted</del>	<del>Not Permitted</del>
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
<del>Multifamily Residential, R-5</del>	<del>Not Permitted</del>	<del>Not Permitted</del>
<del>Low-Density Residential, R-6</del>	<del>Not Permitted</del>	<del>Not Permitted</del>

Limited Business, LB	Not Permitted	<del>Not Permitted</del> <i>All Towers</i>
General Business, B-1	<del>≤60'40'</del>	<del>&gt;60'40'</del>
<del>Industrial, M-1, M-2</del>	<del>≤60'</del>	<del>&gt;60'</del>
<i>Limited Business/Industrial, M-1</i>	<del>≤40'</del>	<del>&gt;40'</del>
<i>General Industrial, M-2</i>	<del>≤40'</del>	<del>&gt;40'</del>
Planned Unit Development, PUD	Not Permitted	All Towers
Mixed Use, MU	Not Permitted	All Towers
Economic Opportunity, EO	<del>≤60'</del> <i>Not Permitted</i>	<del>&gt;60'</del> <i>All Towers</i>
Public Lands, PL	<del>≤60'40'</del>	<del>&gt;60'40'</del>
Research and Technology District, RT	<del>≤60'40'</del>	<del>&gt;60'40'</del>

- a. Tower-mounted communications facilities shall meet the requirements in Table 1 above and the requirements in sections 24-123 through 24-128.1.
  - ~~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 height 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.*

c. *The antennas mounted on alternative mounting structures shall also conform to the following requirements:*

- (1) All panel antenna shall be no more than five feet measured to the outermost point of the panel antenna from any surface of the existing structure at the point of attachment.
- (2) All whip antenna shall be no more than ten feet measured to the tip of the whip antenna above the mounting surface of the existing structure at the point of attachment.
- (3) All parabolic or dish antenna shall be no more than five feet measured to the outermost point of the dish from any surface of the existing structure at the point of attachment.
- (4) 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) Equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence.
- (6) **CATS** shall meet the requirements in sections 24-123 through 24-128.1.

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**

<b>Zoning District</b>	<b>Planning Director</b>	<b>SUP Required</b>
General Agriculture <del>al</del> , A-1	✓	
Rural Residential, R-8		✓
<del>Residential, R-1, R-2, R-3, R-5, R-6</del>		✗
<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	✓	
<del>Industrial, M-1, M-2</del>	✓	
<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. **I**;
- ~~(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. **I**.
  - ~~(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 24-128.1.
  - (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 <del>al</del> , A-1	≤35'	>35'
Rural Residential, R-8	≤35'	>35'
<del>Residential,</del> 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'
<del>Industrial, M-1, M-2</del>	<del>≤60'</del>	<del>&gt;60'</del>
<i>Limited Business/Industrial, M-1</i>	<i>≤60'</i>	<i>&gt;60'</i>
<i>General Industrial, M-2</i>	<i>≤60'</i>	<i>&gt;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:

- To the greatest extent possible, antennas should be mounted on structures not originally associated with the ~~wireless~~ communications facility as determined by the zoning administrator.
- Antennas shall be generally unnoticeable to the casual observer and/or screened from view as determined by the planning director.

- 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 24-128.1.

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 ~~R~~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/intermodulation with local broadcasts.* The applicant shall ensure that the ~~WCF~~ CATS will not cause localized interference/intermodulation with the transmittance or reception of area television or radio authorized FCC broadcasts. Prior to preliminary site plan approval of the ~~WCF~~ CATS, a noninterference/intermodulation 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/intermodulation is detected at any time, and is not corrected within 60 days, the special use permit or any other permits may be modified or revoked.

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

- (a) *Noninterference with public safety communications.* The applicant shall ensure that the ~~WCF~~ 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. 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 24-128.1.*
  - 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. 24-128.1. 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.*



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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

Div6-CommFacilities-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS; DIVISION 1, IN GENERAL; SECTION 24-34, SPECIAL REQUIREMENTS FOR ANTENNAE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations; Division 1, In General; Section 24-34, Special Requirements for Antennae.

**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.

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

MCGLENNON  
LARSON  
ONIZUK  
SADLER  
HIPPLE

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Section24-34-ord



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL; SECTION 24-2, DEFINITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General; Section 24-2, Definitions.

**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.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 2, GENERAL AGRICULTURAL, A-1, SECTION 24-212, USE LIST; AND SECTION 24-218, HEIGHT LIMITS.

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 2, General Agricultural, A-1, Section 24-212, Use list; and Section 24-218, Height limits.

**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		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	place of worship.		
	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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.		
	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
	Post offices and public buildings generally.		SUP
	Schools, libraries, museums and similar institutions, public or private.		SUP
	Seminaries.		SUP
Utility Uses	<del>Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.</del>	<del>P</del>	
	<del>Communication towers over 35 feet in height.</del>		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
	<del>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.</del>		SUP
	Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products,		SUP



Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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.		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
	<del>Wireless communication facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities.</del>	<del>P</del>	
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.~~

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	_____ Michael J. Hipple Chairman, Board of Supervisors		
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

Sec24-212and24-218-A1-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 3, LIMITED RESIDENTIAL, R-1, SECTION 24-232, USE LIST; AND SECTION 24-240, 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 3, Limited Residential, R-1, Section 24-232, Use list; and Section 24-240, Height of 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
	Cemeteries and memorial gardens		SUP
Civic Uses			

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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
Utility Uses	<del>Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities</del>		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
	<del>Wireless communication facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	P	
	Water facilities (public or private), and sewer facilities (public),		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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		
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.*

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MC GLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

Sec24-232and24-240-R1

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 4, GENERAL RESIDENTIAL, R-2, SECTION 24-252, USE LIST; AND SECTION 24-261, 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 4, General Residential, R-2, Section 24-252, Use list; and Section 24-261, Height limits.

**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		SUP



Use Category	Use List	Permitted Uses	Specially Permitted Uses
	more than one dwelling unit per acre, either		
	• 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
	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	<del>Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities</del>		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		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	rights-of-way are permitted generally and shall not require a special use permit		
	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 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
	<del>Wireless communication facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	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.*

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

Sec24-252and24-261-R2

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 4.1, RESIDENTIAL REDEVELOPMENT, R-3, SECTION 24-273.2, USE LIST; AND SECTION 24-273.11, 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 4.1, Residential Redevelopment, R-3, Section 24-273.2, Use list; and Section 34-273.11, Height of 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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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
	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	<del>Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities</del>		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		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	development, are permitted generally and shall not require a special use permit		
	<del>Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	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.*

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

\_\_\_\_\_  
MCGLENNON  
LARSON  
ONIZUK  
SADLER  
HIPPLE

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

VOTES		
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY, R-4, SECTION 24-281, USE LIST; AND SECTION 24-286, HEIGHT LIMITS.

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 3, Residential Planned Community, R-4, Section 24-281, Use list; and Section 24-286, Height limits.

**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 section 24-32	P	
	Accessory apartments, detached, in accordance with section 24-32 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 section 24-38	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	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	stores		
	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	
	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 section 24-38	P	
Civic Uses	Fire stations	P	
	Libraries	P	
	Post offices	P	
	Places of public assembly	P	
	Schools	P	
Utility Uses	<del>Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities</del>		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</i>		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	<i>with article II, division 6 of this chapter.</i>		
	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	
	<del>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 plan</del>		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 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: (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.		SUP
	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	
	<del>Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	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.

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	<hr/> Michael J. Hipple Chairman, Board of Supervisors		
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

Sec24-281and24-286-R4-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 6, MULTIFAMILY RESIDENTIAL, R-5, SECTION 24-305, USE LIST; AND SECTION 24-310, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN.

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 6, Multifamily Residential, R-5, Section 24-305, Use list; and Section 24-310, Requirements for improvements and design.

**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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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 section 24-111		SUP
	Tourist homes	P	
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	<del>Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities</del>		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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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 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
	<del>Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	P	
Open	Timbering in accordance with section 24-43	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 rights-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.

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

Sec24-305and24-310-R5-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 7, LOW-DENSITY RESIDENTIAL, R-6, SECTION 24-328, PERMITTED USES; SECTION 24-329, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND SECTION 24-335, HEIGHT LIMITS.

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 7, Low-Density Residential, R-6, Section 24-328, Permitted uses; Section 24-329, Uses permitted by special use permit only; and Section 24-335, Height limits.

**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 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.

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, 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.*

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

Sec24-328and24-335-R6-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 8, RURAL RESIDENTIAL, R-8, SECTION 24-348, PERMITTED USES; SECTION 24-349, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND SECTION 24-354, HEIGHT LIMITS.

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 8, Rural Residential, R-8, Section 24-348, Permitted uses; Section 24-349, Uses permitted by special use permit only; and Section 24-354, Height limits.

**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 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.

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.*

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 9, LIMITED BUSINESS, LB, SECTION 24-368, USE LIST; AND SECTION 24-374, 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 9, Limited Business, LB, Section 24-368, Use list; and Section 34-374, Height of 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 section 24-2	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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Firing and shooting ranges, limited to a fully enclosed building		SUP
	Feed, seed and farm supply stores	P	
	Flea markets, not in areas designated Low-Density Residential or Neighborhood Commercial on the Comprehensive Plan Land Use Map		SUP
	Funeral homes	P	
	Gift and souvenir stores	P	
	Grocery stores 10,000 sq. ft. or less	P	
	Grocery stores larger than 10,000 sq. ft.		SUP
	Health clubs and exercise clubs, fitness centers	P	
	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 section 24-38		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	

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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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		
	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: (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	

**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 wireless communications facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities~~ *and* flagpoles 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.*

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

MCLENNON  
LARSON  
ONIZUK  
SADLER  
HIPPLE

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 10, GENERAL BUSINESS, B-1, SECTION 24-390, 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 34-396, 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	<del>Antennas and towers, self supported, which are 60 feet or less in height</del>	<del>P</del>	
	<del>Antennas or towers in excess of 60 feet in height</del>		<del>SUP</del>
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	
	<del>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</del>		<del>SUP</del>
	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		
	<del>Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities</del>	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.*

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

\_\_\_\_\_  
MCGLENNON  
LARSON  
ONIZUK  
SADLER  
HIPPLE

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

VOTES		
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Sec24-390and24-396-BI-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL, M-1, SECTION 24-411, USE LIST; AND SECTION 24-418, 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 11, Limited Business/Industrial, M-1, Section 24-411, Use list; and Section 34-418, Height of structures.

**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 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	



Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Drug stores	P	
	Dry cleaners and laundries	P	
	Farmers' 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, then in accordance with section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid centers	P	
	Museums	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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 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</i>	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	<del>feet. All facilities shall comply with article II, division 6 of this chapter.</del>		
	<del>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.</del>		SUP
	<del>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.</del>	P	
	<del>Antennas and towers, self-supported, which are 60 feet or less in height</del>	P	
	<del>Antennas and towers (not attached to buildings) in excess of 60 feet in height</del>		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	
	<del>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60 feet in height</del>	P	
	<del>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</del>		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
	<del>Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities</del>	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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: (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	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 products and heating, cooling or ventilation equipment	P	
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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.*

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

VOTES

AYE

NAY

ABSTAIN

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

Sec24-411and24-418-M1-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 12, GENERAL INDUSTRIAL, M-2, SECTION 24-436, USE LIST; AND SECTION 24-443, 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 12, General Industrial, M-2, Section 24-436, Use list; and Section 34-443, Height of 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 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	P	



Use Category	Use List	Permitted Uses	Specially Permitted Uses
	enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)		
	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	
	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	
	<del>Radio and television stations and accessory antenna or towers, self supported, not attached to buildings, which are 60 feet less in height</del>	<del>P</del>	
	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 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	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	section 24-38		
	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	<del>Antennas and towers, self supported, which are 60 feet or less in height</del>	<del>P</del>	
	<del>Antennas and towers, not attached to buildings, in excess of 60 feet in height</del>		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	
	<del>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, less than 60</del>	<del>P</del>	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	<del>feet in height</del>		
	<del>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</del>		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
	<del>Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities</del>	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: (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	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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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.*

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

Sec24-436and24-443-M2-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 13, RESEARCH AND TECHNOLOGY, RT, SECTION 24-461, USE LIST; AND SECTION 24-469, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS.

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 13, Research and Technology, Section 24-461, Use list; and Section 34-469, Height limits and height limitation waivers.

**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 section 24-2	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	<del>Antennas or towers (not attached to buildings) in excess of 60 feet in height</del>		SUP
	<del>Antennas and towers, self supported which are 60 feet or less in height</del>	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</i>	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	<i>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>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 transmitting 69 kilovolts or more		SUP
	<del>Radio and television studios and accessory antenna or towers, self-supported (not attached to buildings), which are 60 feet or less in height</del>	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	
	<del>Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</del>		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: (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
	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		SUP



Use Category	Use List	Permitted Uses	Specially Permitted Uses
	with dam height of 25 feet or more		
	<del>Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities</del>	P	
Open	Timbering in accordance with section 24-43	P	
Industrial	Heliports and helistops and accessory uses		SUP
	Industrial and technical training centers or schools	P	
	Laser technology production	P	
	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 section 24-62	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.*

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

MCGLENNON  
LARSON  
ONIZUK  
SADLER  
HIPPLE

VOTES		
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Sec24-461and24-469-RT-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 14, PLANNED UNIT DEVELOPMENT, PUD, SECTION 24-493, USE LIST; AND SECTION 24-490, HEIGHT AND SPACING 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 14, Planned Unit Development, PUD, Section 24-493, Use list; and Section 34-490, Height and spacing of structures.

**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 section 24-32	P	
	Accessory apartments, detached, in accordance with section 24-32 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 section 24-38	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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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 section 24-38	P	
	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 section 24-43	P	
Utility Uses	<del>Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities</del>		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</i>	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	<i>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>		
	Public utilities	P	
	Radio and television stations	P	
	Telephone exchanges and telephone switching stations	P	
	<del>Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities</del>		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. (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		SUP
	<del>Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	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		
	<del>Camouflaged wireless communication facilities that comply with</del>	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	<del>division 6, Wireless Communication Facilities, only in areas with a designation other than residential on a board adopted master plan</del>		
	<del>Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities</del>		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. (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		SUP
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	

**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.*

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

\_\_\_\_\_  
MCGLENNON  
LARSON  
ONIZUK  
SADLER  
HIPPLE

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

VOTES

AYE      NAY      ABSTAIN

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST; AND SECTION 24-521, 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 15, Mixed Use, MU, Section 24-518, Use list; and Section 34-521, Height of 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 section 24-32	P	
	Accessory structures, as defined in section 24-2	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 section 24-2	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	P	



Use Category	Use List	Permitted Uses	Specially Permitted Uses
	(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		
	Automobile service stations; if fuel is sold, then in accordance with section 24-38	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, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities	P	
	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 section 24-38	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Employment services or agencies	P	
	Farmers' 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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Marinas, docks, piers, yacht clubs, boat basins, boat storage and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38		SUP
	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	
	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 section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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	<del>Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities</del>	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
	<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, and 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
	<del>Radio stations, television stations, transmission relay stations and communication towers</del>		SUP
	Telephone exchanges and telephone switching stations	P	
	<del>Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities</del>		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		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	special use permit: (a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and (b) Distribution lines and local facilities within a development, including pump stations		
	Water impoundments, new or expansion of	P	
	<del>Wireless communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities</del>	P	
Open Uses	Timbering in accordance with section 24-43	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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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 section 24-55	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.*

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

\_\_\_\_\_  
MCGLENNON  
LARSON  
ONIZUK  
SADLER  
HIPPLE

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

VOTES		
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Sec24-518and24-521-MU-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 16, PUBLIC LANDS, PL, SECTION 24-535.1, PERMITTED USES; SECTION 24-535.2, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND SECTION 24-535.9, HEIGHT LIMITS.

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 16, Public Lands, PL, Section 24-535.1, Permitted uses; Section 24-535.2, Uses permitted by special use permit only; and Section 24-535.9, Height limits.

**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.

*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.

**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.

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.

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.

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.*

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

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

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

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24-536.4, USE LIST; AND SECTION 24-536.7, 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 17, Economic Opportunity, EO, Section 24-536.4, Use list; and Section 34-536.7, Height of structures.

**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 section 24-2	P	
	Apartments		SUP
	Group quarters		SUP
	Multiple-family dwellings		SUP
	Nursing homes		SUP
Commercial Uses	Accessory structures, as defined in section 24-2	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 section 24-38	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	P	

Use Category	Use List	Permitted Uses	Special Permit Uses
	landscaping and fencing		
	Convenience stores; if fuel is sold, then in accordance with section 24-38	P	
	Corporate offices	P	
	Courier services	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Employment services or agencies	P	
	Farmers' markets	P	
	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 section 24-38		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	P	

Use Category	Use List	Permitted Uses	Special Permit Uses
	halls and other indoor centers of amusement		
	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 apparel and yard goods	P	
	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 section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building)	P	
	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
	<del>Radio stations, television stations, transmission relay stations and communication towers</del>		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		SUP

Use Category	Use List	Permitted Uses	Special Permit 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	
	<del>Tower mounted wireless communication facilities in accordance with division 6, Wireless Communication Facilities</del>		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: (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
	<del>Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or area camouflaged, and comply with division 6, Wireless Communications Facilities</del>	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		SUP

Use Category	Use List	Permitted Uses	Special Permit Uses
	structures more than 10,000 square feet		
	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 section 24-62	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.*

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	_____ Michael J. Hipple Chairman, Board of Supervisors		
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

Sec24-536-4and24-536-7-EO-ord

**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 <del>WCF</del> 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

## RESOLUTION

### PERFORMANCE STANDARDS FOR COMMUNICATIONS FACILITIES, ANTENNAS,

### TOWERS AND SUPPORT STRUCTURES THAT REQUIRE A SPECIAL USE PERMIT

- WHEREAS, the Performance Standards for Wireless Communications Facilities that require a Special Use Permit ("Policy") is designed to assist the Board of Supervisors in determining the acceptability of a proposed communication facility; and
- WHEREAS, the Policy has been renamed "Performance Standards for Communications Facilities, Antennas, Towers and Support Structures (CATS);" and
- WHEREAS, the Policy has been revised due to changes associated with the Middle Class Tax Relief and Job Creation Act of 2012; and
- WHEREAS, the Policy has been revised in order to make it applicable to additional types of communications facilities; and
- WHEREAS, the James City County Planning Commission's Policy Committee endorsed the revised policy on August 11, 2016; and
- WHEREAS, the James City County Planning Commission, after a public hearing, endorsed the revised policy on October 5, 2016, by a vote of 7-0.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the Performance Standards for Communications Facilities, Antennas, Towers and Support Structures (CATS) dated November 8, 2016 and attached hereto.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

## **DIVISION 6. COMMUNICATIONS FACILITIES**

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

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

(a) The goals for the placement of CATS are to:

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

(b) The objectives for the CATS are to:

1. Ensure that the deployment of 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 substantial coverage area.
3. Promote the use of camouflaged, alternatively mounted and low-rise CATS.

### **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 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 Transmission Facility (PCTF). Requirements for this mounting category are found in section 24-122(5).

(b) Communications facilities, antennas, towers and/or support structures.

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



**Table 1: Tower mounted communications facilities**

<b>Zoning District</b>	<b>Maximum By Right Tower Height</b>	<b>SUP Required</b>
General Agricultural, A-1	Not Permitted	All Towers
Rural Residential, R-8	Not Permitted	All Towers
Limited Residential, R-1	Not Permitted	Not Permitted
General Residential, R-2	Not Permitted	Not Permitted
Residential Redevelopment, R-3	Not Permitted	Not Permitted
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
Multifamily Residential, R-5	Not Permitted	Not Permitted
Low-Density Residential, R-6	Not Permitted	Not Permitted
Limited Business, LB	Not Permitted	All Towers
General Business, B-1	≤40'	>40'
Limited Business/Industrial, M-1	≤40'	>40'
General Industrial, M-2	≤40'	>40'
Planned Unit Development, PUD	Not Permitted	All Towers
Mixed Use, MU	Not Permitted	All Towers
Economic Opportunity, EO	Not Permitted	All Towers
Public Lands, PL	≤40'	>40'
Research and Technology District, RT	≤40'	>40'

- a. Tower-mounted communications facilities shall meet the requirements in Table 1 above and the requirements in sections 24-123 through 24-128.
2. *Alternative Mounting CATS.* 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 communications facility as determined by the planning director.
  - b. 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 height 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.

c. The antennas mounted on alternative mounting structures shall also conform to the following requirements:

- (1) All panel antenna shall be no more than five feet measured to the outermost point of the panel antenna from any surface of the existing structure at the point of attachment.
- (2) All whip antenna shall be no more than ten feet measured to the tip of the whip antenna above the mounting surface of the existing structure at the point of attachment.
- (3) All parabolic or dish antenna shall be no more than five feet measured to the outermost point of the dish from any surface of the existing structure at the point of attachment.
- (4) 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) Equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence.
- (6) CATS shall meet the requirements in sections 24-123 through 24-128.

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

**Table 1.1 Camouflaged CATS Determinations**

Zoning District	Planning Director	SUP Required
General Agricultural, A-1	✓	
Rural Residential, R-8		✓
Limited Residential, R-1		✓
General Residential, R-2		✓
Residential Redevelopment, R-3		✓
Residential Planned Community, R-4		✓
Multifamily Residential, R-5		✓
Low-Density Residential, R-6		✓
Limited Business, LB	✓	
General Business, B-1	✓	
Limited Business/Industrial, M-1	✓	
General Industrial, M-2	✓	
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 CATS in a residential district, the board of supervisors shall make a determination pursuant to section 24-122(b)(3) 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 CATS as defined below:

- a. *Architecturally compatible.* The 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 CATS is proposed the following requirements shall be met:

- (1) The 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 CATS shall be placed in the vicinity of another structure that the proposed CATS intends to replicate and be unnoticeable to the casual observer that the primary use of the structure is for a CATS;
  - (3) The architecturally compatible CATS should be no taller than twice the permitted height of the replicated structure up to 70 feet;
  - (4) Professional design requirements:
    - i. All 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 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;
- b. *Native vegetation.* The structure has the appearance of vegetation native to eastern Virginia. Where a native vegetation CATS is proposed the following requirements shall be met:
- (1) Should the 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 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 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 CATS.
  - (5) Access drives shall be designed and located in a manner that obscures views of the 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 not exceed 120 feet in height.

- c. *Buffered.* The structure is well buffered by tall vegetation and/or other structures. Where a buffered 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 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 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 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 CATS owner has guaranteed the buffer will remain undisturbed while the 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 CATS is removed.
  - (4) Professional design requirements:
    - i. 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 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:

<b>Zoning District</b>	<b>Maximum By-Right Antenna Mounting Height</b>	<b>SUP Required</b>
General Agricultural, A-1	≤35'	>35'
Rural Residential, R-8	≤35'	>35'
Limited Residential, R-1	Not Permitted	All Applications
General Residential, R-2	Not Permitted	All Applications
Residential Redevelopment, R-3	Not Permitted	All Applications
Residential Planned Community, R-4	Not Permitted	All Applications
Multifamily Residential, R-5	Not Permitted	All Applications
Low-Density Residential, R-6	Not Permitted	All Applications
Limited Business, LB	Not Permitted	All Applications
General Business, B-1	≤60'	>60'
Limited Business/Industrial, M-1	≤60'	>60'
General Industrial, M-2	≤60'	>60'
Planned Unit Development, PUD	Not Permitted	All Applications
Mixed Use, MU	Not Permitted	All Applications
Public Lands, PL	≤60'	>60'
Economic Opportunity, EO	≤60'	>60'
Research and Technology District, RT	≤60'	>60'

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 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 Transmission Facility (PTF).*

- a. A PTF 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 PTF 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 PTF shall be set back at least two times the height of the PTF from any residential or public structure.
- c. The maximum height of the PTF 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 PTF 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 PTF at the location and time duration indicated on the conceptual plan.

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

The following requirements shall apply to all 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 communications facilities (including camouflaged 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 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 CATS equipment enclosures, and security fences shall conform to the following requirements:



- (1) Lighting installed at all 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 CATS:
- (1) All CATS using alternative mounting structures, and camouflaged 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.
- (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 CATS, the planning director shall prepare a composite report identifying the extent to which the application is in compliance with the "Performance Standards for Communications Facilities, Antennas, Towers and Support Structures (CATS) That Require a Special Use Permit," dated November 5, 2016, 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 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 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 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 CATS will not interfere with public safety communications. If such interference is detected, and not corrected or ceased within 24 hours, operation of the 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 with public safety agencies regarding vacant antenna locations on 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 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 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 CATS or any disused portion thereof, and site restoration.

This bond or other financial mechanism shall remain in effect throughout the life of the CATS. A CATS shall be considered abandoned or unused if it is not being utilized for the purpose of providing communications services for a period of six months. At such time the CATS shall be removed, except where the 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 CATS for the life of the facility for the purposes of inspection and, in the event a CATS is abandoned or unused, removal.
- (c) *Site restoration.* The site of a removed 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 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 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 CATS location, the configuration of the proposed CATS, the feasibility of co-location, the feasibility of alternative tower locations, and the feasibility of a building-mounted CATS, utilizing an alternative mounting structure or a camouflaged 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. An 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, 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) *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 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 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 CATS. At least one other graphic shall also be provided that shows the relationship of this coverage to that of existing and proposed CATS operated by the same provider and future service plans, within the county and within five miles of the border thereof.
  - (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. 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 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 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 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 CATS, alternative mounting structures, building-mounted 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 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 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 CATS within a three mile radius of the site of the proposed CATS in order to accommodate the proposed CATS.
- (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 communications facility support structure.
  - (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 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 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 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 antennas.**

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 antennas and other types of incidental antennas located in the county, 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 antennas one meter or less in diameter, or two meters in diameter in commercial or industrial zoned property, all antennas 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 antennas 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, antennas 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, antennas 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, antennas shall be permitted in rear yards and on roofs as provided in subsection (3).
  - d. M-2 District. In the M-2 District, antennas 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 antennas 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 antennas 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, antennas visible from public streets shall be black in color unless otherwise approved by the planning director.
  - (5) Exceptions. Satellite dish antennas 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.

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

*Multi-antenna system.* 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 communications facilities with public safety communication equipment.

*Radio frequency (RF) report.* A statement from a registered engineer demonstrating that electromagnetic radiation emitted from communications facilities, including all facilities that may already be attached, does or does not result in "public" exposure level outside the communications facilities that exceeds relevant 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 communications facilities which are not primarily designed to support antenna nor are designed taller in order to accommodate antenna.
- (3) *Camouflaged structure.* Any 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.

## 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 24-38.		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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	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.		SUP
	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.	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
	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
Open Uses	Preserves and conservation areas for protection of natural features and	P	



Use Category	Use List	Permitted Uses	Specially Permitted Uses
	wildlife.		
	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 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, 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 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
	Cemeteries and memorial gardens		SUP
Civic Uses	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		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	dam heights of 25 feet or more		
Utility Uses	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities		SUP
	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	P	
	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		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
	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		SUP
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 arials 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 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 <ul style="list-style-type: none"> <li>in accordance with section 24-253(a), or</li> <li>contained within residential cluster development in accordance with article VI, division 1 of this chapter</li> </ul>	P	
	Single-family detached dwellings with a maximum gross density of more than one dwelling unit per acre, either <ul style="list-style-type: none"> <li>in accordance with section 24-253(b), or</li> <li>contained within residential cluster development in accordance with article VI, division 1 of this chapter</li> </ul>		SUP
Commercial Uses	Accessory buildings or structures as defined	P	
	Adult day care centers		SUP
	Barber and beauty shops		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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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	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
	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	P	
	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		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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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		SUP
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 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 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.

Sec24-252and24-261-R2-final

## 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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Skilled nursing facilities (nursing homes)		SUP
	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	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	P	
	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		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
	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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	(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 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 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-final

## 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 section 24-32	P	
	Accessory apartments, detached, in accordance with section 24-32 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 section 24-38	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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Hotels, resort hotels, motels, tourist homes and convention centers	P	
	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 section 24-38	P	
Civic Uses	Fire stations	P	
	Libraries	P	
	Post offices	P	
	Places of public assembly	P	
	Schools	P	
Utility Uses	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.	P	
	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		SUP
	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.		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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	<p>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:</p> <p>(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;</p> <p>(2) Distribution lines and local facilities within a development; including pump stations.</p>		SUP
	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	
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 or other accessory functions, 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:

- Such structure is in accordance with the uses, densities, design and traffic analysis shown on the original master plan;
- Such structure will not obstruct light from adjacent property;
- Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- 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	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.	P	
	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.		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 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		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	shall not require a special use permit		
Open	Timbering in accordance with section 24-43	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. 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 or other accessory functions 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.

### **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.

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 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 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.

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.

**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.

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.

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.

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.

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 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 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 facilities shall be permitted in accordance with division 6, communications facilities, antennas, towers and support structures.

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## 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 section 24-2	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
	Health clubs and exercise clubs, fitness centers	P	



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

Civic	Fire stations	P	
	Governmental offices	P	
	Libraries	P	
	Nonemergency medical transport		SUP
	Places of public assembly	P	
	Post offices	P	
	Schools		SUP
Utility	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.	P	
	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
	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
	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
Open	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
	<ul style="list-style-type: none"> <li>(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</li> <li>(b) Distribution lines and local facilities within a development, including pump stations</li> </ul>		
Open	Timbering, in accordance with section 24-43	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 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 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
	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	
	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	
	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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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
	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	

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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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.		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. All facilities shall comply with article II, division 6 of this chapter.	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	
	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
	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
Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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, 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 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 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	
	Farmers' markets	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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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, then in accordance with section 24-38	P	
	Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packaging or distribution	P	
	Medical clinics or offices, including emergency care and first aid centers	P	
	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,		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	batting cages and skate parks, with water and sewer facilities for golf courses as approved by the board of supervisors		
	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	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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)		
	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 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	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.	P	
	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.		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. All facilities shall comply with article II, division 6 of this chapter.	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		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	capable of transmitting 69 kilovolts or more		
	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	
	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
	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: (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	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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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. 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, 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.

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## 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 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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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	
	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 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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Utility	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	P	
	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		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. All facilities shall comply with article II, division 6 of this chapter	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	
	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
	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: (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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
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	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	electricity		
	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. 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, 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.

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## 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 section 24-2	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	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.	P	
	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.	P	
	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.		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, switching yards and stations. Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	way 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	
	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: (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
	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
Open	Timbering in accordance with section 24-43	P	
Industrial	Heliports and helistops and accessory uses		SUP
	Industrial and technical training centers or schools	P	
	Laser technology production	P	
	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 section 24-62	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	



Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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, 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 24-468(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.

## 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 section 24-32	P	
	Accessory apartments, detached, in accordance with section 24-32 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 section 24-38	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 section 24-38	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 section 24-43	P	
Utility Uses	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 are camouflaged. 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. All facilities shall comply with article II, division 6 of this chapter.	P	
	Public utilities	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Radio and television stations	P	
	Telephone exchanges and telephone switching stations	P	
	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. (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		SUP

(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		
	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.	P	
	Communication facilities, antennas, towers and support structures, including multi-antenna systems. All facilities shall comply with article II, division 6 of this chapter.		SUP

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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. (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		SUP
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	

**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.
- (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 or other accessory functions. 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.

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## 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 section 24-32	P	
	Accessory structures, as defined in section 24-2	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 section 24-2	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 section 24-38	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	P	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	parks, 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 section 24-38	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Employment services or agencies	P	
	Farmers' 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 section 24-38		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	P	



Use Category	Use List	Permitted Uses	Specially Permitted Uses
	chapter		
	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 section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building)	P	
	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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Utility Uses	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
	Telephone exchanges and telephone switching stations	P	
	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: (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
	Water impoundments, new or expansion of	P	
Open Uses	Timbering in accordance with section 24-43	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	

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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 section 24-55	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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	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
- (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 or other accessory functions 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.

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## **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.

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.

**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.

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.

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.

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.

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

## 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 section 24-2	P	
	Apartments		SUP
	Group quarters		SUP
	Multiple-family dwellings		SUP
	Nursing homes		SUP
Commercial Uses	Accessory structures, as defined in section 24-2	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 section 24-38	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 section 24-38	P	
	Corporate offices	P	
	Courier services	P	
	Data processing centers	P	
	Drug stores	P	
	Dry cleaners and laundries	P	
	Employment services or agencies	P	

Use Category	Use List	Permitted Uses	Special Permit Uses
	Farmers' markets	P	
	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 section 24-38		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	P	

Use Category	Use List	Permitted Uses	Special Permit Uses
	and records, paint, pet, picture framing, plan supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel and yard goods		
	Retail food stores, bakeries and fish markets	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 section 24-38		SUP
	Truck terminals; if fuel is sold, then in accordance with section 24-38		SUP
	Vehicle and trailer sales and service (with major repair limited to a fully enclosed building)	P	
	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	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.	P	
	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.		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	P	
	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		SUP

Use Category	Use List	Permitted Uses	Special Permit 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		
	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	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	

Use Category	Use List	Permitted Uses	Special Permit Uses
	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 section 24-62	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
- (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 or other accessory functions 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.

Sec24-536-4and24-536-7-EO-ord-final

**PERFORMANCE STANDARDS FOR COMMUNICATIONS FACILITIES, ANTENNAS,  
TOWERS AND SUPPORT STRUCTURES (CATS) THAT REQUIRE A SPECIAL USE PERMIT**

**November 8, 2016**

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, 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 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 CATS and potential alternative mounting structures more than 60 feet tall within a three-mile radius of the proposed site for a new 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 CATS within a three mile radius of the site of the proposed CATS, or through the use of a camouflaged 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 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. 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) 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 CATS would be located; and (2) 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. CATS should be located and designed consistent with the following criteria:

<i>Proposed Location of 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 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 CATS will meet the minimal intrusion criteria if it is not visible off site above the tree line. Such 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, 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. 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 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 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

**Unapproved Minutes of the October 5, 2016  
Planning Commission Meeting**

**Z0-0011-2016, Wireless Communications Facilities and Towers**

Ms. Savannah Pietrowski, Planner, presented a report to the Commission on the proposed changes to the Wireless Communications Facilities (WCF) Ordinance and the Board of Supervisors Wireless Communications Facilities Policy. Ms. Pietrowski stated that part of the updates were initially proposed as part of the Planning Division's 2015-2016 work program. Ms. Pietrowski stated that the request at that time was to consider how the ordinance requirements could be applied to other types of towers such as radio or microwave towers. Ms. Pietrowski stated that to address this issue, staff proposes replacing all references to WCFs with a more encompassing term - Communications Facilities, Antennas, Towers and/or Support Structures (CATS). Ms. Pietrowski further stated that each district's use list would be updated so that terms would be consistent throughout the Zoning Ordinance. Ms. Pietrowski stated that, in addition, staff has identified provisions of the Middle Class Tax Relief and Job Creation Act of 2012, which limit the parameters by which the County may evaluate wireless communication facilities applications. Ms. Pietrowski stated that 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. Ms. Pietrowski stated that under the Spectrum Act, 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. Ms. Pietrowski further stated that the FCC guidance 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. Ms. Pietrowski stated that staff proposes to develop a separate application process for these requests and has proposed a new section of the ordinance covering submittal and processing requirements. Ms. Pietrowski stated that following discussion with the Policy Committee, staff has also proposed amendments to proactively address the implications of the Spectrum Act, such as decreasing the maximum by-right height for tower mounted facilities and enhancing language regarding concealment elements for new towers. Ms. Pietrowski stated that staff has also proposed revisions to the ordinance language regarding satellite antennas to reflect existing exemptions for small satellite dishes such as those used for television or internet service. Ms. Pietrowski further stated that staff proposes certain changes to address inconsistencies across the ordinance and certain formatting changes to prevent future inconsistencies from occurring. Ms. Pietrowski stated that most notably, staff proposes to move information on permitted tower heights from the height limitations section in each zoning district to the CATS ordinance. Ms. Pietrowski stated that at its meeting on August 11, the Policy Committee voted to forward the amendments to the Planning Commission for consideration. Ms. Pietrowski stated that the ordinance amendments have also been reviewed by a consulting attorney specializing in telecommunications. Ms. Pietrowski stated that the attorney has determined that the amendments are in accordance with federal telecommunications regulations. Ms. Pietrowski stated that staff recommend that the Commission recommend approval of the ordinance amendments to the Board of Supervisors.

Mr. Holt stated that he wanted to also recognize Scott Whyte, Senior Landscape Planner, who was also instrumental in developing the ordinance amendments.

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

Ms. Bledsoe inquired about the height regulations for alternative mounting structures.

Ms. Pietrowski stated that these regulations pertain antennas that are mounted on structures other than towers such as a water tower. Ms. Pietrowski stated that under the current ordinance, if the structure received a height limitation waiver, the antenna could be mounted along the side of the structure but could not exceed the height of the structure. Ms. Pietrowski stated that under the proposed regulations it would allow an antenna to exceed the height of the structure to which it is mounted where an increased height is needed for improved service range. Ms. Pietrowski stated that this change was made to encourage the use of existing alternative structures and potentially reduce the need for new towers.

Mr. Wright thanked staff for their efforts in developing the ordinance amendments.

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. Richardson stated that staff did an outstanding job on the ordinance amendments.

Ms. Bledsoe stated that she appreciated staff's creative approach to crafting the regulations.

Mr. O'Connor stated that resolving the inconsistencies will provide a smoother process going forward.

Mr. Richardson made a motion to approve Z0-0011-2016, Wireless Communications Facilities and Towers.

On a roll call vote the Commission voted to recommend approval of Z0-0011-2016, Wireless Communications Facilities and Towers (7-0).

**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

FROM: Alex Baruch, Planner

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

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Location Map	Backup Material
▣	Proffers	Backup Material
▣	Master Plan	Backup Material
▣	Unapproved Minutes from October 5 Planning Commission Meeting	Minutes
▣	Farm Conservation Plan	Backup Material
▣	Citizen Comment	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	10/21/2016 - 1:34 PM
Publication Management	Babbitt, Katterina	Approved	10/21/2016 - 1:50 PM
Legal Review	Kinsman, Adam	Approved	10/24/2016 - 8:22 AM
Board Secretary	Fellows, Teresa	Approved	10/24/2016 - 8:43 AM
Board Secretary	Purse, Jason	Approved	11/1/2016 - 10:20 AM
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 10:23 AM

**REZONING-0009-2016. 124 and 130 Riverview Plantation Drive****Staff Report for the November 8, 2016, Board of Supervisors 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.

**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.
5. Staff has received correspondence from neighbors in favor with the proposal.

**FACTORS UNFAVORABLE**

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

**STAFF RECOMMENDATION**

Approval and acceptance of the voluntary proffers.

**PLANNING COMMISSION RECOMMENDATION**

At its October 5, 2016 meeting, the Planning Commission recommended approval of this rezoning and acceptance of the voluntary proffers by a vote of 4-3.

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*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 November 8, 2016, Board of Supervisors Public Hearing**

#### **Proposed Changes Made Since the Planning Commission Meeting**

The applicants added Proffer No. 9 which would bind the Farm Conservation Plan (Attachment No. 6) to the land with modifications needing approval from the Director of the Engineering & Resource Protection division and District Manager of the Colonial Soil and Water Conservation District accordingly.

#### **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.
- 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

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## **REZONING-0009-2016. 124 and 130 Riverview Plantation Drive**

### **Staff Report for the November 8, 2016, Board of Supervisors Public Hearing**

forestral 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.
- 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. 6).
- 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 Land Use impact on nearby and surrounding properties: None.

#### **PROPOSED PROFFERS**

- The full text of the proffers is provided as Attachment No. 3.

#### **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 Board of Supervisors recommend approval of this application and acceptance of the voluntary proffers.

AB/kb

RZ09-16RiverviewHorses

#### Attachments:

1. Resolution
2. Location Map
3. Proffers
4. Master Plan (two pages)
5. Unapproved Minutes from the October 5, 2016, Planning Commission Meeting
6. Farm Conservation Plan
7. Citizen Comments

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*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.*

## RESOLUTION

### CASE NO. Z-0009-2016. 124 AND 130 RIVERVIEW PLANTATION DRIVE

WHEREAS, Mr. and Mrs. Chris and Terry DeWitt have applied to rezone approximately 5.45 acres from R-1, Limited Residential, to A-1, General Agricultural, with proffers; and

WHEREAS, the property is located at 124 and 130 Riverview Plantation Drive, further identified as James City County Real Estate Tax Map Parcel No. 1640100006 and 1640100007; and

WHEREAS, the Planning Commission, following its public hearing on October 5, 2016, recommended approval of Case No. Z-0009-2016, by a vote of 4-3; and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified and a hearing scheduled for Case No. Z-0009-2016; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-0009-2016 to be required by public necessity, convenience, general welfare and good zoning practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves Case No. Z-0009-2016 as described herein and accepts the voluntary proffers.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

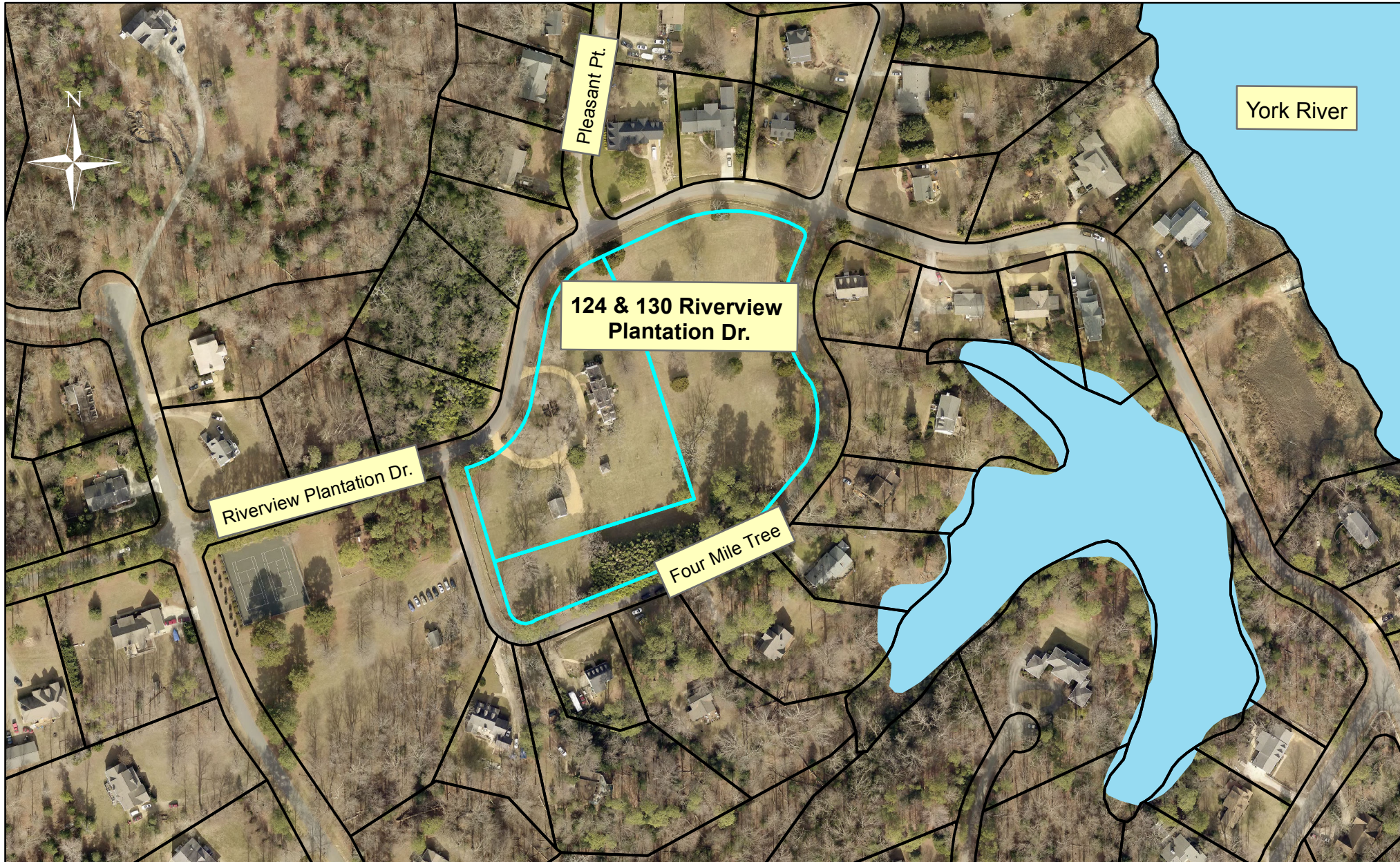
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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



# JCC-Z-0009-2016

## 124 and 130 Riverview Plantation Dr.





## PROFFERS

THESE PROFFERS are made this 21<sup>st</sup> day of October, 2016 by Christopher J. and Teresa E. Dewitt (together with their 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 (as defined herein).

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 (together, 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 October 20, 2016 (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 Property.

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 Property. The intent of this condition is to ensure that all future buildings on the Property 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. Farm Conservation Plan: Pasture and forage operations associated with the horse and pony farm shall follow the requirements of the Soil and Water Quality Conservation Plan as approved by the board of directors of the Colonial Soil and Water District on July 14, 2016 and as assigned a local Engineering and Resource Protection division plan number of E&S-016-16 (July 20, 2016) for local Chesapeake Bay Preservation Act program purposes. Any modification

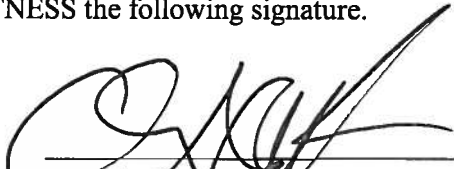
to this plan must be approved by the Director of the Engineering and Resource Protection division and the District Manager of the Colonial Soil and Water Conservation District accordingly.

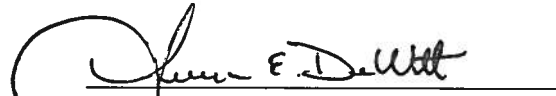
10. Severability. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia 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.

11. 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 21 day of October,  
2016, by Christopher and Teresa Dewitt.

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

  
NOTARY PUBLIC

My commission expires: 12-31-16  
Registration No.: 7182762

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

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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.

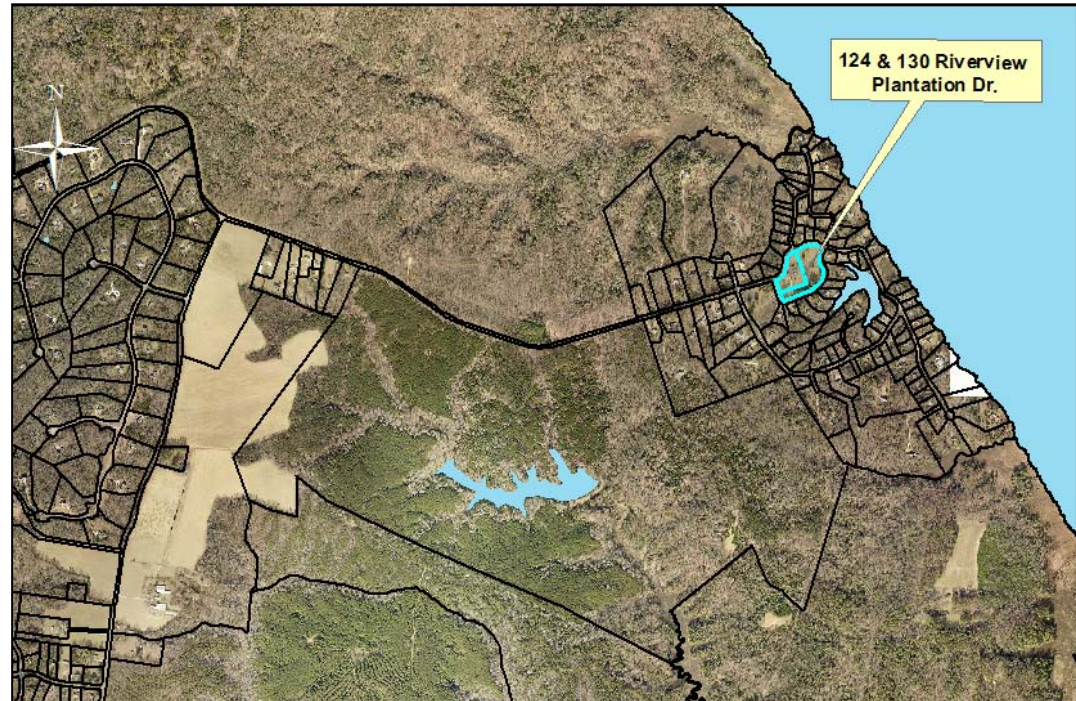
**Parking:**

Not applicable.

**Sheet Index:**

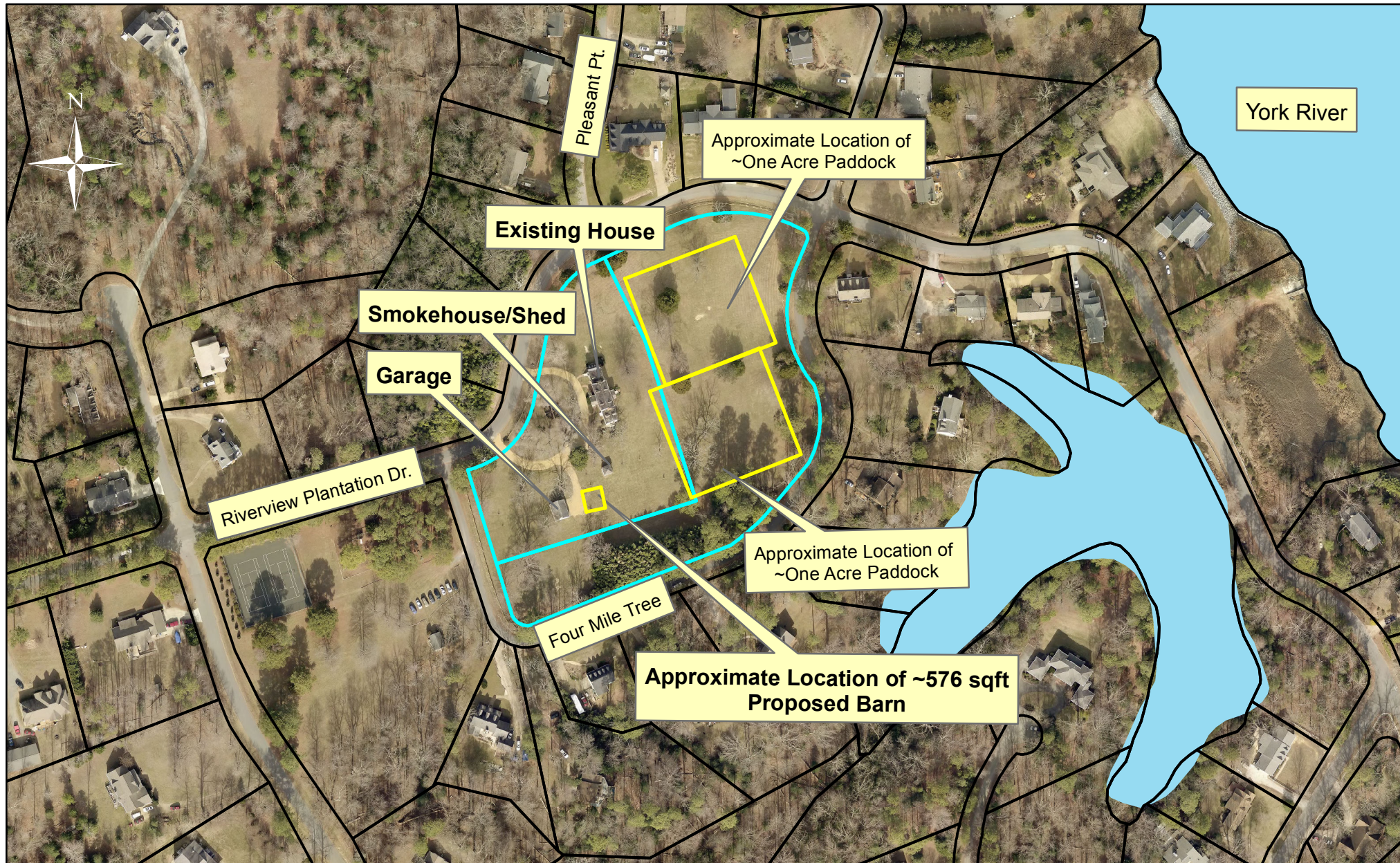
1. Cover sheet
2. Master Plan

**Vicinity Map (not to scale):**





# JCC Z-0009-2016: 124 and 130 Riverview Plantation Dr.





**Unapproved Minutes of the October 5, 2016  
Planning Commission Meeting**

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

Mr. Alex Baruch, Planner, provided a report to the Commission on the request to rezone approximately 5.45 acres of land from R-1, Limited Residential to A-1, General Agricultural. The purpose of this application is to allow the keeping of two horses and their foals to weaning age on their property for personal use. Mr. Baruch stated that the subject properties are located in the middle of Riverview Plantation subdivision and do not share any boundary lines with adjacent lots as they are surrounded by two roads, Four Mile Tree and Riverview Plantation Drive. Mr. Baruch further stated that the house and its dependencies are a part of the National Register of Historic Places. Mr. Baruch stated that the property is designated Rural Lands on the adopted Comprehensive Plan Land Use Map as are all of the surrounding parcels. Staff finds this use to fit within the recommended uses listed in the Comprehensive Plan, and to meet Rural Lands development standards. Mr. Baruch noted that after the distribution of the agenda materials, the applicants became aware of concerns related to the barn. Mr. Baruch stated that the applicants are proposing to move the location of the barn interior to the parcel, across from the existing garage.

Mr. Baruch stated that staff finds the proposal to be compatible with the adopted Comprehensive Plan, the Zoning Ordinance and surrounding development. Mr. Baruch further stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors and accept the proffers attached to the staff report.

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

Mr. Danny Schmidt inquired what additional types of structures could be built if the property is rezoned.

Mr. Baruch stated that accessory structures are permitted uses in the A-1 district. Mr. Baruch stated that the residential components were not proffered out; however, all the other agricultural uses and all commercial uses have been proffered out.

Mr. Wright inquired what other animals could be housed on the property.

Mr. Baruch stated that all other agricultural uses have been proffered out. Mr. Baruch further stated that the request is specifically for two horses and their foal to weaning age.

Mr. Chris Basic inquired if there were a mechanism to ensure that the nutrient management plan is carried out.

Mr. Baruch stated that the plan is a recommendation approved by the Colonial Soil and Water Conservation District and the County's Engineering & Resource Protection division but it is not a binding document.

Mr. O'Connor inquired if the restriction was for two animals whether it be horses or ponies.

Mr. Baruch state that the request was for two horses and their foals to weaning age.

Mr. Basic inquired about the standard weaning age for a foal.

Mr. Baruch stated that his research indicated that weaning age was between six months and one year.

Ms. Robin Bledsoe inquired about the inclusion of the foals when both of the applicant's horses are geldings and it was stated that there would be no reproductive activities on the property.

Mr. Baruch stated that the language was a suggestion from the HOA. Mr. Baruch confirmed that both of the applicant's horses are geldings.

Ms. Bledsoe inquired if the allowance for foals was intended to leave the door open for something in the future.

Mr. Baruch stated that he would defer to the applicant on that question.

Mr. Krapf stated that his understanding is that the allowance for foals would cover a future situation where the applicant might have a mare, already with foal when purchased, instead of a gelding.

Mr. Baruch stated that Mr. Krapf's understanding is correct.

Mr. Schmidt inquired if the proffered conditions would apply to future property owners.

Mr. Baruch stated that the proffered conditions will run with the land and the limitation on the number of horses would not change.

Mr. Basic inquired if chickens were permitted in the R-1 Zoning District.

Mr. Baruch stated that chickens are permitted with the minimum lot size specified in the Chicken Keeping Ordinance.

Mr. O'Connor opened the public hearing.

Dr. Teresa Dewitt, 124 Riverview Plantation Drive, applicant, provided a presentation to the Commission on the request to rezone the property. Dr. Dewitt provided a history of the property, noting its agricultural origins and that the original Riverview Subdivision plan included a riding stable among the recreational amenities. Dr. Dewitt discussed the conservation easement on 130 Riverview Plantation Road and noted that the conditions proffered with this rezoning would formalize the status of the easement. Dr. Dewitt shared details of the proposed barn and noted that the barn would be kept architecturally consistent with the existing buildings. Dr. Dewitt noted that waste and soiled bedding would be bagged and removed from the property twice weekly to minimize odor and proliferation of vermin. Dr. Dewitt further stated that the barn would not require extensive clearing or grading and that the paddocks would be rotated and managed to allow recovery of the grass.

Dr. Chris Dewitt, 124 Riverview Plantation Road, stated that he wanted to emphasize that the only structures would be on the 124 Riverview Road parcel. Dr. Dewitt further stated that the location of the proposed barn had adjusted to mitigate concerns.

Ms. Bledsoe inquired about the easement and the County's authority to regulate the easement.

Dr. Chris Dewitt stated that the lot known as 130 Riverview Plantation Road is shown on the plat as being a conservation easement; however, it is not dedicated to the County. Dr. Dewitt stated that it is their intention to ensure that the parcel remains greenspace.

Ms. Bledsoe inquired about the James City Service Authority's requirements for the property.

Dr. Teresa Dewitt stated that the comments from the JCSA noted that the property owner would need to be responsible for developing water conservation standards.

Dr. Chris Dewitt stated that the JCSA comments preceded the recommendation from the Colonial Soil and Water Conservation District.

Ms. Bledsoe inquired about the design of the paddock area.

Dr. Chris Dewitt stated that it is proffered to ensure that any buildings or fences constructed would be architecturally consistent with the existing home.

Mr. Schmidt inquired whether the proposed barn would be post-in-ground or require a foundation.

Dr. Chris Dewitt stated that he anticipated it would require a slab foundation.

Mr. Basic inquired how the County could ensure that the nutrient management plan will be followed if it has not been proffered.

Dr. Chris Dewitt stated that they also want the area to be well maintained. Dr. Dewitt further stated that even before this application was considered, he obtained recommendations from the Turf Love program to improve the yard. Dr. Dewitt noted that he is following through with those recommendations.

Mr. O'Connor inquired the applicant would consider adding the waste management plan to the proffers.

The applicants concurred with the request.

Ms. Morgan Dewitt, 124 Riverview Plantation Drive, addressed the Commission in support of the application by sharing the request she submitted to the Home Owners Association. Ms. Dewitt noted that the property and the horses would be well maintained and would be an asset to the community.

Mr. Kenneth Barnhart, 220 Sherwood Forrest, representing the Riverview Plantation Home Owners Association, addressed the Commission in opposition of the request to rezone the properties. Mr. Barnhart noted that the HOA has no question about the applicants' maintenance of their property or their ability to care for the horses. Mr. Barnhart stated that the HOA does not agree with the analysis that the use is compatible with the location and the surrounding development. Mr. Barnhart noted there has been a substantial outpouring of concerns from the community about impact on the surrounding properties and the precedent that the rezoning would set. Mr. Barnhart stated that the HOA Board requests that the Commission recommend denial of the rezoning application.

Ms. Jane Nichols, 102 Four Mile Tree, addressed the Commission in opposition to the rezoning. Ms. Nichols presented a petition signed by 44 home owners. Ms. Nichols expressed concerns about the appropriateness of the use in the community, the impacts on individuals allergic to horses, impacts on air quality. Ms. Nichols requested that the Commission recommend denial of the rezoning request.

Mr. Jim Saunders, 136 Riverview Plantation Drive, addressed the Commission in opposition to the rezoning. Mr. Saunders expressed concerns about the impacts of run-off and odors from the property.

Ms. Anita Dasher, 92 Four Mile Tree, addressed the Commission in opposition to the rezoning. Ms. Dasher expressed concerns about impacts on the beauty of the area and the air quality. Ms. Dasher requested that the Commission recommend denial of the rezoning request.

Mr. Louis Vosteen, 124 Four Mile Tree, addressed the Commission in opposition to the rezoning. Mr. Vosteen expressed concerns about potential for incompatible uses adjacent to the residential community and the impact of the rezoning on the values of the surrounding parcels. Mr. Vosteen requested that the Commission recommend denial of the rezoning request.

Mr. William Jaissle, 126 Four Mile Tree, addressed the Commission in opposition to the rezoning. Mr. Jaissle expressed concerns about run-off from the property, the proliferation of flies and other pests. Mr. Jaissle further expressed concerns about severe horse allergies. Mr. Jaissle requested that the Commission recommend denial of the rezoning request.

Mr. Edward Miller, 112 Four Mile Tree, addressed the Commission in opposition to the rezoning. Mr. Miller noted that it was the intent of the developer that the community be bound by covenants and restrictions and that any lots added to the community would also be bound by the covenants. Mr. Miller expressed concerns about the impact of the rezoning on the character of the neighborhood given that the parcels are central to the community. Mr. Miller requested that the Commission recommend denial of the rezoning request.

Mr. Peter Evans, 109 Greenway Circle addressed the Commission in opposition the rezoning. Mr. Dasher expressed concerns about the precedent that the rezoning would set and the impact of potential property owners who are not as diligent as the applicant.

Mr. Obediah Andrews, 108 Greenway Circle, stated that, had he been at the HOA meeting he would have added his name to the petition. Mr. Andrews addressed the Commission in opposition the rezoning. Mr. Andrews expressed concerns about the precedent that the rezoning would set, future changes to the property and the impact on the historic integrity of the property. Mr. Andrews requested that the Commission recommend denial of the rezoning request.

Mr. John McDonough 712 E. Tazewell's Way, stated that he owns 119 and 120 Riverview Plantation Road. Mr. McDonough addressed the Commission in opposition to the rezoning. Mr. McDonough expressed concerns about the effect of creating an agricultural parcel in the center of a residential community. Mr. McDonough requested that the Commission recommend denial of the rezoning request.

Ms. Angie McDonough, 712 E. Tazewell's Way, addressed the Commission in opposition to the rezoning. Ms. McDonough expressed concerns about the potential for other property owners to request a similar rezoning. Ms. McDonough noted that she bought property in a residential Community and did not want to be adjacent to agricultural activities. Ms. McDonough requested that the Commission recommend denial of the rezoning request.

Mr. James Armstrong, 104 Riverview Plantation Drive, expressed appreciation for the way the applicants have improved the property. Mr. Armstrong further stated that the difficulty is to decide between the rights of a property owner and the common good. Mr. Armstrong requested that the Commission recommend denial of the rezoning request.

Mr. Dennis Dasher, 92 Four Mile Tree, addressed the Commission in opposition to the rezoning. Mr. Dasher expressed concerns about changes to the scenic property and the impacts of an agricultural property in the center of a residential community. Mr. Dasher stated that Riverview Plantation should remain a residential community.

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

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

Mr. Krapf inquired about the factors staff considered in developing the recommendation on the application. Mr. Krapf noted that the Comprehensive Plan is a major factor but compatibility with surrounding development is also important.

Mr. Baruch stated that the subject parcel and the surrounding properties are designated rural lands. Mr. Baruch stated that equine opportunities are among the recommended uses in rural lands. Mr. Baruch further stated that staff considered the size of the parcels, the recommendations of the Colonial Soil & Water Conservation District Board and recommendations from other reviewing divisions and agencies.

Mr. Holt stated that the proffers were also a key factor. Mr. Holt stated that the proffers were designed to ensure mitigation of any negative impacts. Mr. Holt stated that the proffers remove the opportunity for all other agricultural uses, removes the potential for any commercial uses and limits the number of horses allowed on the property.

Ms. Bledsoe inquired about the process to amend proffers.

Mr. Holt stated that action by the Board of Supervisors would be required to amend proffers.

Ms. Bledsoe inquired if a future property owner could change the proffers.

Mr. Holt stated that it would be possible but the request would go through the Board of Supervisors legislative process.

Mr. O'Connor inquired if the subject parcels were encumbered by the Riverview Plantation Covenants and Restrictions.

Mr. Barnhart stated that he had researched the deeds for the property from the time it was deeded to the Plantation Club, Ltd. up to the time it was purchased by the applicant. Mr. Barnhart stated that he did not see covenants on the deed. Mr. Barnhart stated that all other properties in the subdivision have covenants on their deed. Mr. Barnhart noted that initially the plantation house was to serve as the clubhouse for the community and since it was not intended as a residential property, covenants were not included. Mr. Barnhart noted that the properties are part of Section III of Riverview Plantation and there are covenants for Section III. Mr. Barnhart stated that it is not clear if the Section III covenants apply to the subject properties; however, it is clear that the intent is for Riverview Plantation to be a residential community.

Ms. Bledsoe inquired if the applicant met with the neighbors prior to discuss their intentions.

Mr. Barnhart responded that the HOA Board had recommended that the applicant meet with neighbors prior to moving forward with the rezoning. Mr. Barnhart noted that some of the misunderstandings could have been avoided if the applicant had met with neighbors.

Ms. Bledsoe inquired if the HOA had discussed the proffers with the applicant.

Mr. Barnhart stated that the HOA had made recommendations on what the proffers should contain.

Ms. Bledsoe inquired if there was a community meeting.

Mr. Barnhart stated that the community meeting did not occur until after the public hearing notification sign was placed.

Ms. Bledsoe inquired if the applicants attended.



Mr. Barnhart stated that the applicants were notified. Mr. Barnhart stated that he also informed the applicants of the concerns from the community.

Mr. O'Connor requested that Mr. Hlavin discuss the Commissions role in considering the neighborhood covenants.

Mr. Max Hlavin, Assistant County Attorney, stated that restrictive covenants are private matters between private landowners and do not involve the County. Mr. Hlavin further stated that as they relate to the Commissions deliberations on land use, restrictive covenants indicate the desires and expectations of the landowners for the community. Mr. Hlavin stated that the scenic easement is shown on the plat of the property and that any changes to that easement would have to go through the Board of Supervisors plat vacation process. Mr. Hlavin noted that the scenic easement issue is separate from the issue of restrictive covenants.

Ms. Bledsoe asked the applicants if and when they shared their plan with the community.

Dr. Teresa Dewitt stated that they had created an information packet for neighbors and had set the packets out once the public hearing notification sign was posted.

Mr. Wright inquired if the applicants are members of the HOA and if they were given a declaration package.

Dr. Chris Dewitt stated that they are members of the HOA and received the declaration package.

Dr. Teresa Dewitt noted that it was suggested that they not attend the community meeting because they would be represented by the County.

Mr. Baruch stated that he did not attend per guidance from the County. Mr. Baruch stated that after the staff report is made available to the public, the County believes the report should speak for itself.

Ms. Bledsoe inquired who told the applicant that they should not attend the community meeting.

Dr. Chris Dewitt stated that Mr. Barnhart had recommended that they not attend. Dr. Dewitt further stated that Mr. Barnhart indicated that he was familiar with their proposal and would be able to make clarifications and address any questions.

Mr. Richardson inquired if the HOA is active and actively enforcing covenants.

Mr. Baruch stated that believes it is a voluntary HOA and would defer to Mr. Barnhart on whether they HOA actively enforces covenants.

Mr. Barnhart stated that the HOA has been active from the beginning of the development and that they do enforce the covenants; however, the difficulty is that covenants vary somewhat depending on when the parcel was developed. Mr. Barnhart noted that nothing in the covenants requires membership in the HOA and that rather than being voluntary, it is more that requiring membership is unenforceable.

Mr. Richardson inquired whether the home is actually subject to the covenants.

Mr. Barnhart stated that the deeds for the two subject parcels do not have the covenants on them. Mr. Barnhart stated that the deeds for all the other parcels do have the covenants. Mr. Barnhart noted that the properties are part of Section III of Riverview Plantation and there are covenants for Section III. Mr.

Barnhart stated that it is not clear if the Section III covenants apply to the subject properties; however, it is clear that the intent is for Riverview Plantation to be a residential community.

Mr. Krapf stated that this is a difficult application to sort through. Mr. Krapf stated that the Comprehensive Plan does support the rezoning. Mr. Krapf stated that the applicants have proffered away every other agricultural and commercial use that would be available under the A-1 zoning. Mr. Krapf noted that there is a primary structure and several accessory structures already on the parcel and that the 576 square foot barn would be of minimal impact. Mr. Krapf stated that the difficult part of the decision is that it would be the only property in that subdivision with the A-1 designation. Mr. Krapf stated that the elements he is weighing are the impact on the neighbors which is offset by the size of the parcel and the proffers.

Mr. Richardson stated that he believes the parcel is large enough to support the use with minimal impact and that the proffers also work to substantially mitigate the impacts. Mr. Richardson noted that he would like to see the waste management plan included in the proffers.

Mr. Basic stated that he concurs that this is not a cut and dried decision. Mr. Basic noted that one of the larger questions is what is to prevent other property owners to request their property be rezoned to A-1. Mr. Basic stated that the factual response is that the ordinance requires that a parcel be minimum of three acres which would address that concern. Mr. Basic stated that he would consider supporting the request because the fear of what this application could be versus what it actually is are very different.

Mr. Wright stated that both the applicants and the neighbors have strong arguments in favor of their individual positions. Mr. Wright stated that for him, it comes down to the land use. Mr. Wright stated that he is basing his decision on the best use for the land.

Mr. Richardson stated that it is worth considering also that the parcel boundary line would be extinguished and the property would remain that larger acreage.

Mr. Schmidt stated that rezoning the parcel would create an island in the middle of the residentially zoned parcels. Mr. Schmidt stated that after considering all the factors he is inclined not to support the application.

Mr. Wright noted that if the request were in reverse to go to a designation that supports greater density, the Comprehensive Plan would support keeping the area rural lands and ensuring that it remains a scenic area in the future.

Mr. O'Connor stated that the residents have an expectation for how the community will operate based on the zoning designation when they purchased property. Mr. O'Connor stated that his consideration is balancing the expectations of the community with the desires of the applicant.

Ms. Bledsoe stated that she believes the placement of the property is key to the decision. Ms. Bledsoe stated that it has been the centerpiece of the community from the beginning. Ms. Bledsoe further stated that the applicant's request is compatible with the Comprehensive Plan. Ms. Bledsoe stated that it does come down to weighing what the community expects against the right of the homeowner. Ms. Bledsoe stated that the next consideration is the visual impact on the property. Ms. Bledsoe stated that there does not seem to be opposition to constructing the barn, but more to the horses and their by-products. Ms. Bledsoe stated that what changes the look of the property is establishing the fencing for the paddocks. Ms. Bledsoe stated that the difficult decision for the Commission is whether it is more important that the community as a whole gets to maintain what it is accustomed to at the expense of the homeowner or does the homeowner get what it wants at the expense of the community.

Mr. Richardson made a motion to approve with an addition to the proffers for the waste management plan.

Mr. Holt stated that proffers were entirely voluntary.

Mr. Richardson made a motion to approve.

On a roll call vote the Commission voted to recommend approval of Z-0009-2016, 124 and 130 Riverview Plantation Drive (4-3).

Mr. Basic stated that he wanted to clarify that the Planning Commission is only a recommending body and that the Board of supervisors would make the final determination at its meeting in November.



**James City County**  
**Engineering and Resource Protection Division**

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

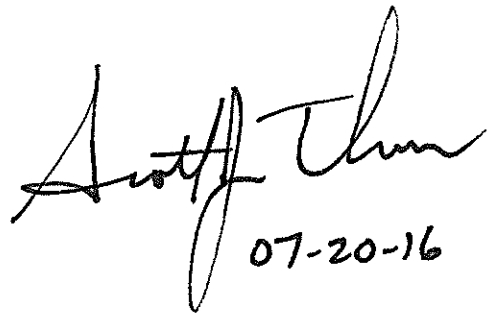
**Division Plan No.:** E&S-016-16

**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

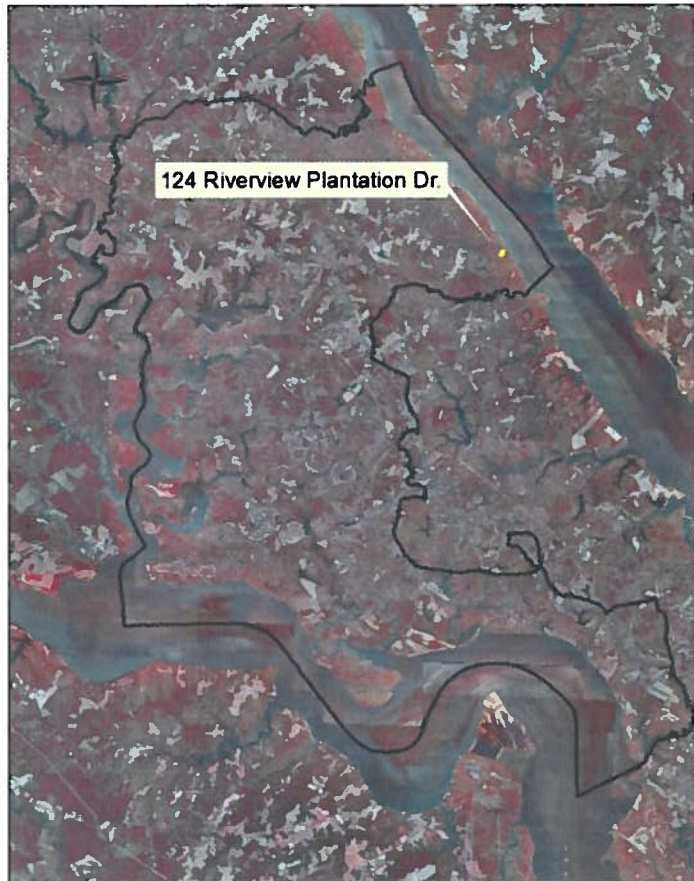
## Farm Narrative

### 124 Riverview Plantation Drive

### James City County, VA

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 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.

## 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

3/1/2016  
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/Biosld 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](http://www.soiltest.vt.edu) under Report NotesO  
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**DEWITT**  
**JAMES CITY VCE**  
**TURF LOVE PROGRAM**

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## 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](http://tinyurl.com/soiltestsurvey).

991. "Explanation of Soil Tests, Note 1" and other referenced notes are viewable at [www.soiltest.vt.edu](http://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.)



## 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 ¼ 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*

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

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[www.ext.vt.edu](http://www.ext.vt.edu)










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

1 inch = 400 feet

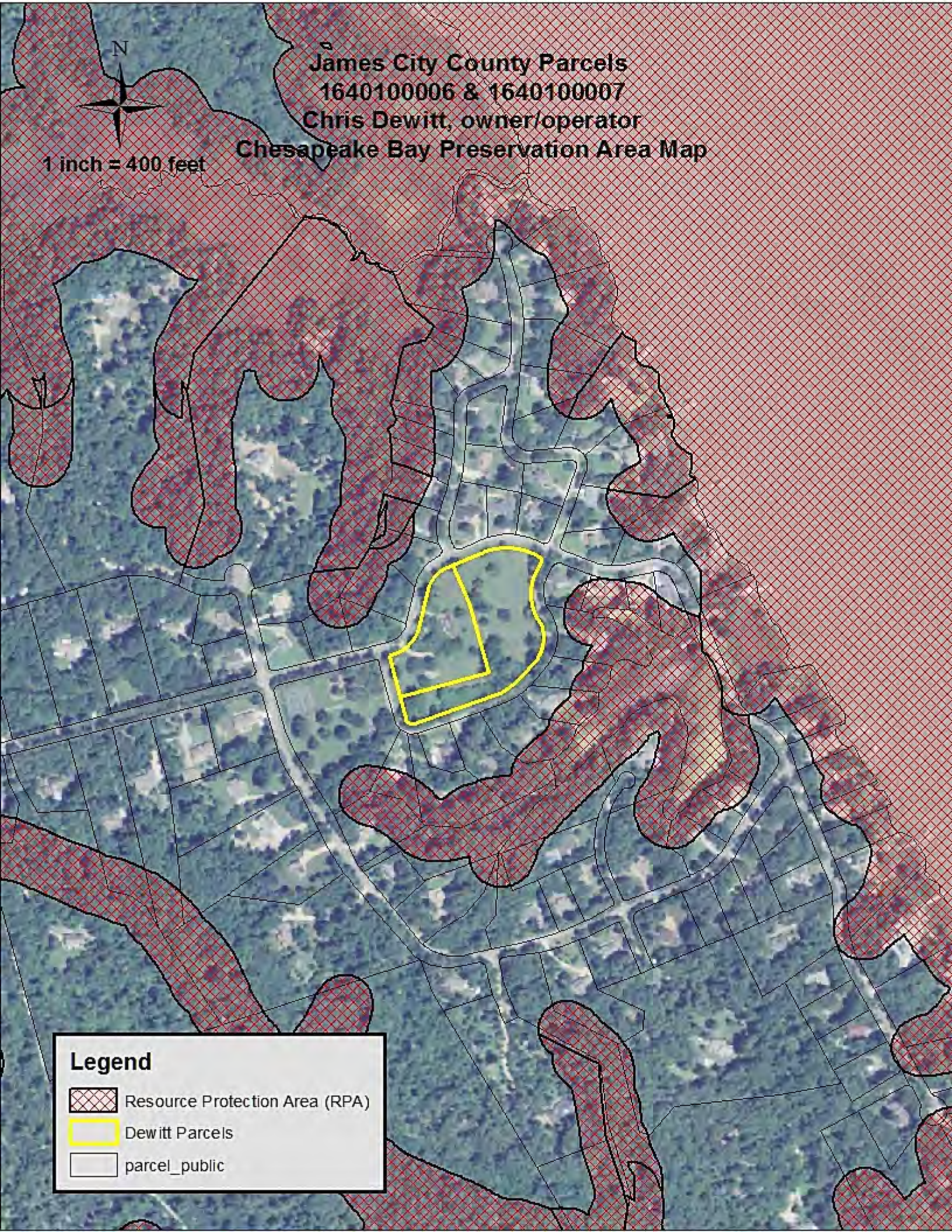


**Legend**

**MUSYM**

-  11C - Craven Uchee Complex
-  15D - Emporia Complex
-  18B - Kempsville
-  Dewitt Parcels
-  parcel\_public








N

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

Chesapeake Bay Preservation Area Map

1 inch = 400 feet

### Legend

-  Resource Protection Area (RPA)
-  Dewitt Parcels
-  parcel\_public



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

1 inch = 300 feet

83

ABM  
4

**Legend**

-  Dewitt Parcels
-  parcel\_public



**jim.wallace@colonialswcd.net**

---

**From:** Jones, Matthew - NRCS, Quinton, VA <matthew.jones@va.usda.gov>  
**Sent:** Tuesday, July 19, 2016 6:47 AM  
**To:** jim.wallace@colonialswcd.net  
**Subject:** RE: Conservation plan for Chris Dewitt

Hey Jim! My apologies! I thought I replied to that email on last week. I did not see anything that jumped out to me, nor did I have any questions. Again, my apologies! I hope all is well!

Regards,

Matthew Jones  
District Conservationist  
Quinton Service Center  
2502 New Kent Highway  
Quinton, VA 23141

Phone: 804.932.4376 ext. 101  
Fax: 855.621.7145



*"...Yet what we suffer now is nothing compared to the glory He will reveal to us later..." – Romans 8:18*

**From:** jim.wallace@colonialswcd.net [mailto:Jim.Wallace@colonialswcd.net]  
**Sent:** Friday, July 15, 2016 11:16 AM  
**To:** Jones, Matthew - NRCS, Quinton, VA <matthew.jones@va.usda.gov>  
**Subject:** Conservation plan for Chris Dewitt

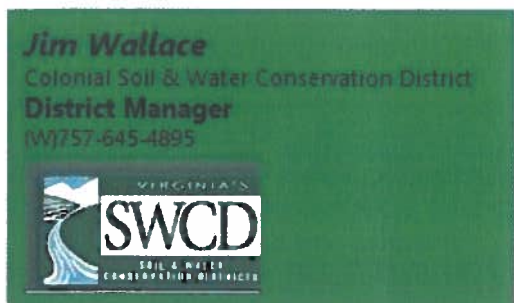
Hi Matthew

I'm circling back around to see if you had/have any questions or comments on the conservation plan developed for Chris Dewitt.

Our Board approved the plan, as presented, pending TRC review and approval.

Thanks in advance.

jw



**jim.wallace@colonialswcd.net**

---

**From:** Waring, Robert (DCR) <Robert.Waring@dcr.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@jamescitycountyva.gov>; Waring, Robert (DCR) <Robert.Waring@dcr.virginia.gov>; 'Jones, Matthew - NRCS, Quinton, VA' <matthew.jones@va.usda.gov>; john.allison@vt.edu; Tom.Dunlap@colonialswcd.net  
**Subject:** Conservation plan for Chris Dewitt

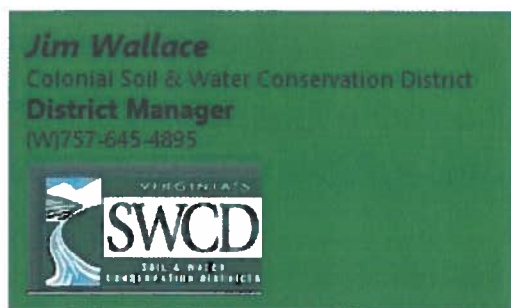
Good morning.

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



**jim.wallace@colonialswcd.net**

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**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

**From:** jim.wallace@colonialswcd.net [mailto:Jim.Wallace@colonialswcd.net]  
**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  
**Subject:** Conservation plan for Chris Dewitt

Good morning.

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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**

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**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](mailto:john.allison@vt.edu)



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**From:** jim.wallace@colonialswcd.net [mailto:Jim.Wallace@colonialswcd.net]  
**Sent:** Thursday, July 07, 2016 10:27 AM  
**To:** 'Scott Thomas'; Robert.waring@dcv.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

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**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

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

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**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

## Alex Baruch

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**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

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**From:** Alex Baruch  
**Sent:** Monday, October 03, 2016 8:30 AM  
**To:** Alex Baruch; Paul Holt  
**Subject:** FW: Case Z-0009-2016

-----Original Message-----

From: Frye, Christopher [mailto:CFrye@VHB.com]  
Sent: Saturday, October 01, 2016 12:47 PM  
To: Community Development <community.development@jamescitycountyva.gov>  
Subject: Case Z-0009-2016

I am a resident of river view plantation at 107 riverview plantation drive. I am strongly opposed to the rezoning of this property situated right in the center of our neighborhood. Too many adjacent properties are negatively impacted by this change in use. Please do not approve this rezoning request.

Chris and Karen Frye  
107 Riverview Plantation Drive

Sent from my iPhone

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Vanasse Hangen Brustlin, Inc. | [info@vhb.com](mailto:info@vhb.com)



## Alex Baruch

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**From:** rmponton@cox.net  
**Sent:** Sunday, October 02, 2016 11:15 AM  
**To:** Alex Baruch  
**Subject:** Re: Case# Z-009-016, 124 and 130 Riverview Plantation

Dear Mr. Baruch,

We are home owners of 110 Four Mile Tree, Riverview Plantation and have lived here for around 25 years. We purchased our home in a neighborhood that is zoned as Limited Residential and are happy to be part of this residential community. We did not choose, and invest our money, to live in an area zoned as A-I, General Agricultural. The Riverview Covenants states that this area is residential and the request to rezone the area to accommodate the wishes of our new neighbors in 124 and 130 Riverview Plantation Drive constitutes a violation of these covenants.

We have many concerns with this request, to name a few: devaluation of our property; the utilization of the land due to changes in zoning; changes in the character of the neighborhood; the accommodations necessary for housing animals near to existing homes, our children's playground, and our community's common areas used for community functions; the smells from animal manure permeating the neighborhood affecting not only those who live in close proximity but also those of us who walk daily in the neighborhood; the increase in horseflies; and manure in our streets.

We respectfully request that you deny the submitted request to rezone our neighborhood. Please keep our neighborhood as it is now, allowing us to enjoy the community we invested in and call our home.

Mr. and Mrs. Ponton

**Alex Baruch**

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**From:** Joanne Shaver <joshaver@gmail.com>  
**Sent:** Friday, September 30, 2016 11:21 AM  
**To:** alex.baruche@jamescitycountyva.gov; Alex Baruch  
**Subject:** case No. Z-0009-2016

Dear Mr. Baruch,

Our family has lived in Riverview Plantation for almost 20 years. We raised 2 children in this neighborhood. The appeal of the community is its peaceful, clean, natural environment, quiet roads, and community spirit. The property concerned (124, 130 Riverview Plantation Drive) is located in the center of the neighborhood and visible from our home. We take daily walks by and around this property. It is also adjacent to our neighborhood community park for children.

Our family is very concerned about the rezoning proposal on a number of points, as approval of A-1 rezoning will have a drastic and negative impact the character of our neighborhood.

1. It will allow for unlimited commercial land use
2. It will result in a property devaluation of our sole family residence
3. It will cause pollution due to manure piles, runoff, and odors
4. It will result in land clearing
5. It will result in increased traffic and noise due to building, maintenance, and commercial activity

It is our earnest hope that the James City County Planning Commission will not approve this rezoning request.

Sincerely,  
Joanne D. Shaver  
117 Pleasant Point  
Williamsburg, VA 23188

## Alex Baruch

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**From:** Kathryn Wheeler <kwheeler613@gmail.com>  
**Sent:** Friday, September 30, 2016 11:19 AM  
**To:** Alex Baruch  
**Subject:** Rezoning in Riverview Plantation

Thank you for speaking with me the other day. I am writing to express some of my concerns again so that they may be entered into the official file for review of this decision.

My driveway is approximately 300 feet from the proposed site of the barn. With the barn will come equipment, odor, manure, and noise. I did not sign up for any of this when we moved into this peaceful and beautiful neighborhood with my husband, 3 year old son, and 1 year old daughter.

My concern is that we live in a **neighborhood** and I am not interested in the smell and the critters that a barn will attract. Additionally, I am greatly concerned with the runoff and the impact on my property and the lake and river that are all "down hill" from this land. It will destroy our property value to be located a stones throw from a barn in a residential community. My family and I looked long and hard when we moved to Williamsburg to find the perfect neighborhood, and we did. It is peaceful, unique, quiet, and historical. It is rural but it is not a farm.

I was also concerned that the letter was only distributed to adjacent and neighboring properties. I mentioned that the playground is adjacent, and since that belongs to the neighborhood, I believe all residents should have gotten the letter. I feel that this is a deliberate lack of transparency.

Last summer the owners of the home erected a fence. The owners mentioned to my husband that their daughter wanted a horse so they were building a fence. Obviously the intention to become A1 and have horses was always the plan. This home is in a unique location in that it is the centerpiece of the neighborhood that was built around it. However, it is no longer a stand alone home surrounded by land that it owns like it was back when it was a functional plantation. Though the lot is large, it is immediately next to and surrounded by traditional single family homes and lots.

In the Riverview Plantation by-laws, Section 1, paragraph 2 it states: "The subdivision was organized in a natural environment. Conservation of its existing land forms, **bodies of water** and **purity of air** are of paramount concern to the property owners both individually and their association collectively" I believe the proposed horse and pony farm violates this.

I ask that our beloved neighborhood remain the unique gem it is. It is a special piece of history and a special piece of JCC. Our land is residential and needs to remain as such. It is home to beautiful land and bodies of water that would all be negatively impacted by the barn. It is also home to ~100 single family homes who chose to live in this beautiful neighborhood, not among a barn, animals, and all the accompanying problems. This proposed horse and pony farm would disrupt the entire peaceful neighborhood and simply put would serve as a hindrance to many more than it would benefit.

I appreciate you taking time to consider and reflect upon my thoughts.

-Kathryn and Thad Wheeler  
94 Four Mile Tree

571-224-3551

## Alex Baruch

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**From:** Richard Krapf  
**Sent:** Sunday, October 02, 2016 4:50 PM  
**To:** Paul Holt; Alex Baruch; PlanComm  
**Subject:** FW: Riverview Plantation Horses

All - FYI . Rich

---

**From:** kay little [pony4kay@yahoo.com]  
**Sent:** Saturday, October 01, 2016 6:49 PM  
**To:** Richard Krapf  
**Subject:** Riverview Plantation Horses

Hey Rich,

If anybody, you too, should want to see how a horse can be kept in a congested area, please have them come visit my place at 5580 Riverview Road.

I clean my horse's stall and paddock twice a day, sacking the poop and soiled bedding in heavy garbage bags, tied up tight. I set the bags out twice a week for Suburban Disposal to pick up. If there is any "run off" it is very minimal.

I bed with Sweet PDZ stall refresher powder (rubber mats in the stall), absorbent wood pellets and straw. There is no lingering stink.

Some nice fly-eating wasps/dirt daubers have taken up residence in my barn, therefore stable flies are almost nonexistent. In the last two years, since those wasps moved in, I have been able to stop spraying my horse's stall which has saved me about \$75 a year in pesticide. Don't swat at my wasps.

Yes, there is a black snake somewhere in my barn, but there are no mice because my legless friend eats them. Yum.

As for breeding the horses, I don't think that's a good idea for a site that has room for them when what you want to do is limit the equine population. Some weanlings sell, some don't. People do tend to fall in love with their mare's foals. I wish they could be allowed to also board a pony or two (under 13 hands) owned by residents of the subdivision so the kids in the neighborhood could learn everything a pony has to teach. There is no way a sober person would ride a horse down Riverview Road from the Plantation to York River State Park. But the law allows it, I believe.

You might want to be sure they don't bury any dead horses on the property.

They have to have some outdoor lighting available on the barn because when horses have medical emergencies, it is often at night and the vet will need to see what she is doing. (Yeah, Tidewater Equine has added a lady vet!)

I saw this about the zoning change request in the paper and thought I would like to put in my 2 cents.

Hope you and yours are well.

Regards,  
k

Kay and Bill Little  
P. O. Box 1793  
Williamsburg VA 23187  
muletowntart.com  
757-564-9029

## Alex Baruch

---

**From:** Beth Klapper  
**Sent:** Monday, October 03, 2016 3:01 PM  
**To:** Alex Baruch  
**Subject:** FW: Riverview plantation house re-zoning (case no. Z-0009-2016)

Beth Klapper  
Development Management Assistant

101-A Mounts Bay Road  
Williamsburg, VA 23185  
P: 757-253-6671  
jamescitycountyva.gov

Please note that County e-mail addresses have changed.  
Please use: Beth.Klapper@jamescitycountyva.gov for all future correspondence.

-----Original Message-----

From: wmsant@cox.net [mailto:wmsant@cox.net]  
Sent: Monday, October 03, 2016 2:05 PM  
To: Planning <planning@jamescitycountyva.gov>  
Subject: Riverview plantation house re-zoning (case no. Z-0009-2016)

My wife and I have lived in Riverview Plantation Subdivision since 1987 and are very much opposed to a change in zoning for any property in the subdivision to A-1, General Agricultural. The property requesting rezoning is surrounded by residential homes and my property is only one lot removed from the big house. This rezoning goes against everything we bought in to when we purchased our lot and built our home. We are concerned with the possibility of odors and other aspects of keeping farm animals in the middle of our subdivision. Another big concern is setting a precedent where other properties in the subdivision of larger size could request their own re-zoning. We strongly urge that James City County deny this re-zoning request and keep our subdivision as residential only.

Respectfully, Joseph A. McFaden & Wilma B. McFaden  
111 Greenway Circle - Riverview Plantation Subdivision  
Williamsburg, Va. 23188

## Alex Baruch

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**From:** Beth Klapper  
**Sent:** Monday, October 03, 2016 3:31 PM  
**To:** Alex Baruch  
**Subject:** FW: Riverview Plantation

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**From:** Lou-Anne Smith [mailto:LSmith@williamsburgumc.org]  
**Sent:** Monday, October 03, 2016 2:42 PM  
**To:** Community Development <community.development@jamescitycountyva.gov>  
**Cc:** Charles Smith <memark12@yahoo.com>; Neil Konitzer (nkonitzer@me.com) <nkonitzer@me.com>  
**Subject:** Riverview Plantation

To Whom It May Concern,

I live at 129 Riverview Plantation Drive right across the street from the property that is requesting rezoning. I moved to this location in July of last year (2015). One of the reasons we chose the property was because of its serene location, and I would like to keep it that way. My husband and next door neighbors and I often sit on our front porch and enjoy an afternoon chat and an iced tea. I have a couple of concerns about the proposed rezoning.

1. This was not taken to the Riverview Community Association before it was brought to the zoning commission, leaving out a whole step in which I believe the entire community had a right to have information and input.
2. The neighbors at 124 and 130 Riverview Plantation Drive knew beforehand that there is a community association to report to before they contacted the county for rezoning, because they took a neighbor two doors down from me to the association for having a community library box on the easement to their property. This harmless community library was there before the new owners of 124/130 ever moved to the property. As a result, the association agreed to have that neighbor (I believe at 133 Riverview) move the box to her side of the road. The plantation property owners circumvented the association when they had a MAJOR project that they wanted to push through. This is insulting and disrespectful to the entire neighborhood.
3. From a personal stand point, I don't think I should have to smell horse manure from the property across the street or be subject to the flies and other vermin that will accompany these proposed zoning changes. I have a right to sit on my front steps with my friends and neighbors and not be hassled by smell and flies!
4. Rezoning this property will tax an already narrow road into the neighborhood, and frankly down all of Newman Road and Riverview Road. Large horse vans and trucks will make it increasingly difficult to navigate this very narrow road. I don't want the road to change! It adds charm, but I didn't move to the country to engage in more traffic and wider roads! In fact, I moved away from the peninsula especially because of the traffic congestion down there! We live in a quiet and serene community, and the additional traffic coming to a veterinarian and horse farm will harm my right to the serene location that we purchased and just moved to! There is a beautiful property about three miles down Riverview Road that is already a horse farm, and it is for sale! I would suggest Riverview Plantation be kept a neighborhood and not a business location, and these folks purchase the property for their horses down the road!
5. What will be next? Will we be forced to have a 7-11 or a Wal-Mart Marketplace built in the beautiful backwoods of upper James City County to support the folks coming to the horse farm in our neighborhood? I certainly hope not!

Please register my email as a NO for rezoning our beautiful neighborhood!

Thank you very much,

*Lou-Anne*

Lou-Anne D. Smith  
129 Riverview Plantation Drive  
Williamsburg, VA 23188

**Alex Baruch**

---

**From:** spider <spider\_23188@yahoo.com>  
**Sent:** Monday, October 03, 2016 10:27 PM  
**To:** Alex Baruch  
**Subject:** DeWitt rezoning

I hope this finds you well. I am sending this correspondence in regard to the rezoning request of the DeWitts located at 124 Riverview Plantation Drive, Williamsburg, Virginia 23188. I am a resident in Riverview Plantation and a Board Member of the Home Owners Association. As I understand it, they are pursuing a rezoning of their property to A1 with proffers that "should" eliminate the commercial and other uses that are usually allowable in under A1. In addition to my personal opposition to this request, I am joined by a number of Riverview homeowners and neighbors of the DeWitts in opposing this request.

An approval of this request will create an "A1 island" within and surrounded by R1 zoning. This goes against preferred contiguous use standards and creates an alternative "farm" use right in the middle of a residential neighborhood that we, as tax-paying land-owners, understood we were buying into and in which we continue to invest.

Riverview is not Mirror Lakes nor open farm land. Riverview is an R1-zoned, waterfront community of various home and parcel sizes that share a community boat ramp and access to the York River, a community lake and dock, and a recreation area. Allowing an, albeit limited, farming use within our neighborhood is a significant departure from the integrity and character of Riverview Plantation. We are in no way in favor of limiting someone's freedom to pursue their peaceful interests and endeavors, but there are numerous areas within James City County where this use is permitted.

There is A1 land literally just outside of the neighborhood, across from York River State Park. There are A1 parcels on the market stretching from our neighborhood to Croaker Road. It is concerning that the DeWitts were not diligent enough to be sure horses were permitted before purchasing the home.



They should have confirmed this prior to purchase or made their purchase contingent on a successful rezoning.

Our long-term view includes concerns about a successful rezoning opening the door leading to a slippery slope. While the proffers may limit use, they could petition to drop these proffers at a later date, as could the next owner of the property. Additionally, other property owners in Riverview could follow suit and drastically change the character of the neighborhood that we all love and in which we are so heavily invested.

From a practical, day-to-day view we have concerns about the safety, maintenance, and use of both the DeWitt's property and our neighborhood roads. Some of the questions can concerns include:

- Are the horses going to be walked on the roadways to get to the York River State park trails?

If so, have what assurances do we have that the DeWitt's will clean up droppings / solid waste? What are the DeWitt's maintenance, clean up and disposal plan for "horse waste" on their property?

- For immediate neighbors, the DeWitt's property is quite steep. What is their plan to mitigate waste runoff into our community ditches, shared areas, and adjacent private property? Riverview already struggles with a waste / runoff situation is it relates to Lake Norvel which borders the York River.

- The foul stench of solid waste and horse urine is of concern for reasons including hygiene, our ability to enjoy our RESIDENTIAL neighborhood, and a negative impact on our property values.

- As the Dewitt's are Veterinarians by trade, will and A1 zoning allow for farm animal treatment onside as a way to work around the prohibiting of commercial activity.

In summary, I personally, and on behalf of the Riverview Plantation Home Owners Association strongly implore the commission to deny this petition for rezoning in the interest or protecting the property values and rights of tax-paying and voting Riverview Plantation residents and land owners.

Thank you for your time and work to protect and improve James City County.

Sincerely,

Audra Noah  
215 Riverview Plantation Drive

Williamsburg, Virginia 23188

Sent from my iPhone

## Alex Baruch

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**From:** Paul Holt  
**Sent:** Tuesday, October 04, 2016 10:09 AM  
**To:** Alex Baruch  
**Cc:** Ellen Cook  
**Subject:** FW: Riverview Plantation

FYI

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**From:** Tim OConnor  
**Sent:** Tuesday, October 04, 2016 8:20 AM  
**To:** PlanComm <PlanComm@jamescitycountyva.gov>  
**Cc:** Paul Holt <Paul.Holt@jamescitycountyva.gov>  
**Subject:** Riverview Plantation

Good morning all,

I had the opportunity to meet with some homeowners in Riverview Plantation last nite. I thought it was going to be a community meeting; however, it was an Association meeting and I left after 35 minutes prior to any board discussion.

However, I did learn the following from the Association. The plantation home was originally deeded to the York View club to be a clubhouse or meeting place for the community. This was then deeded to the Plantation Club and then ultimately sold to the DeWitts. As I understand it, there are no restrictive covenants on this Lot as there are on the Lots in Riverview Plantation.

It was also stated that the DeWitts wanted to pursue an R-3 designation but as there are no proffers being accepted for residential rezonings, the DeWitts are pursuing the A-1 zoning.

The balance of the time was spent answering questions about the actual meeting/public hearing process at the Planning Commission and Board of Supervisor's level.

I departed prior to any discussion about the HOA's position on this matter.

Please let me know if you have any questions.

Thanks, Tim

Timothy P. O'Connor  
James City Planning Commission  
757-871.6962

PLANNING DIVISION

OCT 03 2016

OCTOBER 3 2016  
128 FOUR MILE TREE  
RIVER VIEW PLANTATION

RECEIVED

DEAR SIR,

AS PROPERTY OWNERS IN RIVERVIEW  
PLANTATION, MY HUSBAND AND I ARE VEHEMENTLY  
OPPOSED TO THE PETITION TO REZONE OUR  
COMMUNITY TO A-1 GENERAL AGRICULTURAL.

ONE ONLY HAS TO DRIVE DOWN RIVERVIEW  
ROAD TO SEE WHAT A-1 GEN. AGR. ALLOWS.

ONE UNBELIEVABLE BLIGHT AFTER  
ANOTHER. IT IS AMAZING WHAT JAMES  
CITY COUNTY ALLOWS, TO STORE ON  
PROPERTY.

WE LIVE IN A UNIQUE COMMUNITY  
AND THE APPLICATION TO REZONE SHOULD  
BE VEHEMENTLY REJECTED.

Sincerely  
Dorothy Finger  
John F. Finger

## Alex Baruch

---

**From:** John Cox <jcox209@cox.net>  
**Sent:** Tuesday, October 04, 2016 9:27 AM  
**To:** Alex Baruch  
**Subject:** Fw: Case No. Z-0009-2016 Plantation House property

Dear Mr. Baruch,

This correspondence is in response to the subject listed case now being reviewed by the James City County Planning Division.

We feel such a rezoning initiative to an A-1 General Agricultural designation would not be in the best interests of the approximately 100 Riverview Plantation property owners who have a vested interest in Riverview and bought into a residential community.

In addition to the question of the potential violation of HOA covenants such a rezoning would establish a precedent that could very well open our neighborhood to a number of other types of land use incompatible and out of the character and community setting Riverview Plantation currently enjoys.

We, therefore, respectfully ask that this rezoning request be denied.

Thank you.

Sincerely,  
Mr. and Mrs. John F. Cox  
209 Sherwood Forest  
Riverview Plantation

## Alex Baruch

---

**From:** Beth Klapper  
**Sent:** Tuesday, October 04, 2016 10:47 AM  
**To:** Alex Baruch  
**Subject:** FW: Howdy neighbors!

Did not see you copied on this...

**Beth Klapper**  
Development Management Assistant



101-A Mounts Bay Road  
Williamsburg, VA 23185  
P: 757-253-6671  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

*Please note that County e-mail addresses have changed.  
Please use: [Beth.Klapper@jamescitycountyva.gov](mailto:Beth.Klapper@jamescitycountyva.gov) for all future correspondence.*

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**From:** Teresa DeWitt [mailto:Terry70.3@hotmail.com]  
**Sent:** Tuesday, October 04, 2016 10:39 AM  
**To:** lgjesseman@msn.com; wjhaus@wm.edu; mary@carolina-furniture.com; joshaver@gmail.com; rmponton@cox.net; CFrye@VHB.com; kwheeler613@gmail.com; pony4kay@yahoo.com; wmsant@cox.net; wmsant@cox.net; LSmith@williamsburgumc.org; nkonitzer@me.com; spider\_23188@yahoo.com; Community Development <community.development@jamescitycountyva.gov>; angus4u@aol.com  
**Subject:** Howdy neighbors!

Good morning neighbors -

First of all, we want to say thank you to all of the wonderful families that have come by our home or contacted us by e-mail/telephone to show your support and kind words of encouragement! You guys are awesome! For a few of our neighbors, we feel that it would have been nice to chat over some of your concerns in person, however that did not happen hence this brief e-mail to clarify things. We are a quiet and peaceful family of a husband, wife, and 2 children that have embraced our membership in our local community. (Our names are Chris, Terry, Morgan and Madison) We have welcomed our neighbors into our home and our yard; being the first to offer hot cocoa and cookies to the children and their families during the winter months. We love our home and have done everything in our power to maintain it's beauty and historic character. It should be kept in mind that this is a request not a trial. Let's keep that in perspective as attacks are being made on the personal character and intentions of your neighbors (that many of you have never even met in person). Let's stick to the facts please.

1) This proposal was taken to the Riverview Plantation Community Association from the very beginning. The association provided information and guidance on how to proceed in exploring the possibility of bringing our horses to our home. This is a documented fact.

- 2) The proposal that has been submitted is for the housing of 2 family horses. A very simple request, not a major project. This is a documented fact.
- 3) There has never been an interest or a request for any commercial activity. (veterinary business, etc) This is a documented fact.
- 4) We purchased our property because we truly love our home. The consideration of a horse on the property was not involved in our decision making to purchase our home and land. That is a fact.
- 5) We constructed our fence based on a historic photo that was given to us of our home and property. We personally built and designed our fence to create an improved appearance to the landscape of our acreage as well as a physical barrier to support the training of our pets to the invisible fence that was already installed on the property borders. This is also a fact.
- 6) We would be happy to go over the details of proper horse and land management, following the extensive guidelines set by James City County, to all interested parties. This of course is available at any time to anyone that is truly interested. This is fact.
- 7) Results of the extensive meetings and investigations by the James City County planning commission and the area's water conservation department are available for review to all interested parties. This of course is once again available at any time to anyone that is truly interested. This is fact.
- 8) We consider utilizing the space to house such spectacular animals is a splendid use of the land. This is our opinion.

We look forward to celebrating many more years with our wonderful neighboring families here in the Riverview Community. We hope to get the opportunity to get to know many more of you as we continue to enjoy our homes and lives here in eastern Virginia.

Best to you always and have a wonderful day -  
Terry DeWitt  
123, 124, 130 Riverview Plantation Drive

## Alex Baruch

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**From:** Virginia Kerns <vbkern@wm.edu>  
**Sent:** Tuesday, October 04, 2016 4:05 PM  
**To:** Alex Baruch  
**Subject:** Rezoning in Riverview Plantation (case no. Z-0009-2016)

Dear Mr. Baruch,

I'm writing in regard to the rezoning request to change the status of property on Riverview Plantation Drive from R-1, Limited Residential, to A-1, General Agricultural. The R-1 designation is appropriate, given the character of the community. The A-1 designation is not.

I moved to Riverview Plantation in 1988. At the time, it was a small suburban neighborhood with some thirty houses. It has since grown to a densely built, nucleated neighborhood of more than a hundred houses. It has a suburban character. There's nothing rural about it: no farm fields or pastures for livestock or barns or large mechanized equipment. The neighborhood covenants clearly pertain to a suburban, not rural, community. Like many of my neighbors, I moved to Riverview Plantation in order to enjoy the benefits of suburban living. If I had been interested in rural living, I would have looked at property along Riverview Road, near York River State Park, which is evidently zoned A-1. The horse farms in that area are dispersed properties, not surrounded by dense suburban development.

I didn't see anything in the plan about whether horses would be permitted to leave the property in question and walk along the road. There's only one road leading into and out of the neighborhood; and upwards of two hundred vehicles owned by residents exit and enter Riverview Plantation each day. That doesn't include visitors.

When I called James City County recently to request information about the planning process and this case, I was told that I should read all of the documents. "They'll allay your concerns," I was told at the end of the conversation. This was puzzling to me. I hadn't expressed any direct concerns, pro or con. The comment seemed to suggest that the rezoning request has already been approved, at least in a de facto sense. I hope this isn't the case. I hope the process will be fair and open.

Sincerely,  
Virginia Kerns  
115 Pleasant Point  
Williamsburg, VA



## Alex Baruch

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**From:** Hausman, William J <wjhaus@wm.edu>  
**Sent:** Tuesday, October 04, 2016 1:40 PM  
**To:** Teresa DeWitt  
**Cc:** lgjesseman@msn.com; thejamies@bartstrong.net; mary@carolina-furniture.com; keith.mccoy@alfalaval.com; Alex Baruch  
**Subject:** RE: Howdy neighbors!

Teresa, I am a horse lover, but this is very far from a simple request. This fundamentally changes the neighborhood I have lived in for 16 years, zoned R-1, with a beautiful plantation property at the center of it. I circle your property, parts of it twice, every morning on my walks. I am concerned about the recommendations that were made by staff regarding grass (3-inch minimum), multiple paddocks (to give the grass in one time to recover as the other is used), chopping down the cherry trees, and spreading of manure. I have seen the condition of several of the horse properties on Riverview Road, and that concerns me. I am concerned about the impact on Lake Norvell and the York River. I am sorry that it has come to a situation pitting neighbor against neighbor, but I hope the Planning Commission denies the request.

Sincerely,

Will Hausman

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**From:** Teresa DeWitt [mailto:Terry70.3@hotmail.com]  
**Sent:** Tuesday, October 04, 2016 1:02 PM  
**To:** Ken <angus4u@aol.com>  
**Cc:** lgjesseman@msn.com; thejamies@bartstrong.net; mary@carolina-furniture.com; keith.mccoy@alfalaval.com; Hausman, William J <wjhaus@wm.edu>  
**Subject:** Re: Howdy neighbors!

Hi Ken -

Thanks for the note. I wish that I agreed with you about knowing the outcome of this simple request. It all began with a note from our daughter directed to you and the board considering a way for her to spend more time with her horse. I still feel that it is a simple request and I sincerely feel that we did our best in offering information as well as our personal contact information to anyone that was really interested in speaking with us. I personally believe that going door to door with information would not have changed a thing for folks that do not like change. We love our old house and will continue to enjoy it and care for it's accompanying acreage.

We appreciate your thoughtful consideration of our proposal and we look forward to seeing you soon -

Sincerely,  
Terry DeWitt

## Alex Baruch

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**From:** Shelly Zimbrow <Shelly.Zimbrow@nn.k12.va.us>  
**Sent:** Wednesday, October 05, 2016 10:09 AM  
**To:** Planning  
**Cc:** Shelly Zimbrow  
**Subject:** Rezoning - Case No. Z-0009-2016  
**Attachments:** DeWitt Disposal of Waste.JPG; DeWitt Ditch.jpg

Good Morning,

I have been a resident of Riverview Plantation for a bit over 7 years. My house is directly across from the plantation field. I have several concerns/information regarding the request for rezoning (Case No. Z-0009-2016):

1. The neighborhood as you know is zoned R-1. This was information Mr. and Mrs. Dewitt had access to when they purchased the beautiful plantation house.
2. I bought into a residential neighborhood not a A-1 zoned neighborhood. I have concerns about my property value and "sellability" if passed.
3. I was a member of the HOA board when Mr. DeWitt first asked approval to have horses. He was counseled on the zoning laws by the board.

4. I am concerned about the diseases/issues that are possible with the horse manure. Below are some disease that horses can transfer to other animals. (There are many dogs in the neighborhood. I have 2.)

**\*Campylobacteriosis**

Campylobacteriosis is an infection of the intestines caused by a bacterium called Campylobacter. The bacteria is commonly found in the feces of infected animals.

**\*Cryptosporidiosis**

Cryptosporidiosis is caused by infection with a tiny parasite called Cryptosporidium parvum. The parasite produces cysts (eggs), which are passed in the stool of infected people or animals. The cysts can survive for 2 - 6 months in moist environments and are commonly found in lakes and streams. The parasite is spread by the fecal-oral route. People and animals can get infected when drinking contaminated water or eating contaminated food, or by direct contact with infected persons or animals.

**\*Dangers of dogs eating horse poop because of the potential of horse wormer being present.**

Intestinal parasites are common in horses and can really affect their health. Because of this risk horse owners commonly use over-the-counter dewormers as a routine treatment or even in the feed. Most of these dewormers contain ivermectin or moxidectin, as these products are very effective against a broad spectrum of parasites. They are also considered very safe to horses and have been used extensively for decades. Some of the dewormer can be excreted in the feces, though it's less than they ingest. The problem isn't that the chemicals are inherently toxic. Ivermectin is found in the majority of heartworm preventatives on the market and moxidectin is found in ProHeart (an injectable heartworm preventative for dogs). At appropriate doses these compounds are very safe, even for collie breeds that contain a mutation making them more sensitive to side effects of this category of drugs. However, the horse products are far more concentrated and contain a far higher dose than is used in dogs. Remember, virtually all dogs are going to weigh less than 100lbs (45kg) and horses can easily get over 1000lbs (450kg). It's this higher concentration that is the concern, and can be found in potentially dangerous amounts in horse feces. Side-effects of ivermectin or moxidectin are typically neurological and if treated appropriately most dogs can make it through if the symptoms aren't too severe. So yes, there can be concern from eating not only horse manure, but the feces of any livestock. Cases have been documented by vets, and the amount of ivermectin found in manure has actually been studied. It's a pretty low concentration, so a dog has to eat a fair amount to become toxic, but it can happen. The half-

life of ivermectin in horse and cow feces has been measured at as low as 11 hours and as long as 9 days. That means that it can take up to 9 days for half of the ivermectin to become inactivated, then up to another 9 days for half of the remaining amount, and so on. Realistically you can have measurable ivermectin in the manure for 1-2 weeks.

\*Noxious Gas from Horse manure CHARACTERISTICS OF HYDROGEN SULFIDE (H<sub>2</sub>S) - Hydrogen sulfide is considered the most dangerous of the byproducts of manure decomposition. It has a, distinct rotten egg smell and is heavier than air. After breathing this gas for a short time, your sense of smell becomes fatigued and you can no longer detect an odor. At low concentrations H<sub>2</sub>S irritates the eyes and respiratory tract while at moderate levels exposure causes headache, nausea, and dizziness. At high concentrations H<sub>2</sub>S paralyzes the nerve cells of the nose to the point where the person can no longer smell the gas. Both carbon dioxide and hydrogen sulfide are heavier than air, and will tend to settle to the lower areas of the storage facility and remain in high concentrations even after ventilation.

5. I am concerned about the waste and smells that come with that. Currently the Dewitt's store their yard trash within their property line. See attached picture. It is unsightly for the neighborhood. The HOA has already helped get rid of some of the yard trash that they stored near the main road. Another example is they have blocked storm drains. See attached picture.

6. There are currently 2 houses for sale on Riverview Rd (an extension of Riverview Plantation Dr.) that are zoned for horses.

I appreciate the time you take to review my email and my concerns regarding this request.

Shelly Zimbrow  
133 Riverview Plantation Dr.  
Williamsburg, VA 23188  
757-206-1093  
Auntielala2@cox.net

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**Alex Baruch**

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**From:** Kellie Clark <koclark08@gmail.com>  
**Sent:** Wednesday, October 05, 2016 1:34 PM  
**To:** Alex Baruch  
**Subject:** case no Z-0009-2016 riverview plantation drive

Dear Mr. Baruch,

As an educated resident of James City County I have reviewed the proposal for the riverview plantation drive and unequivocally believe it should be approved. The property is more than sufficient for the owners plans. Furthermore these owners are well respected members of the JCC community and extremely experienced and knowledgeable in managing horses. The objections mentioned are misguided and misinformed.

Sincerely  
Kellie Clark  
JCC resident

## Alex Baruch

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**From:** Paul Holt  
**Sent:** Wednesday, October 05, 2016 1:31 PM  
**To:** Robin Bledsoe  
**Cc:** PlanComm; Alex Baruch  
**Subject:** FW: Answers to questions....and some advice please  
**Attachments:** Riverview Plantation Project\_DeWitts.pdf

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**From:** Alex Baruch  
**Sent:** Wednesday, October 05, 2016 12:13 PM  
**To:** Paul Holt <Paul.Holt@jamescitycountyva.gov>  
**Subject:** FW: Answers to questions....and some advice please

Hi Paul,

Can you please forward Ms. DeWitt's answers to Ms. Bledsoe's questions along with a map exhibit I helped her put together this morning to all of the Planning Commission members.

Thank you,

Alex

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**From:** Teresa DeWitt [<mailto:Terry70.3@hotmail.com>]  
**Sent:** Wednesday, October 05, 2016 8:40 AM  
**To:** Alex Baruch <[Alex.Baruch@jamescitycountyva.gov](mailto:Alex.Baruch@jamescitycountyva.gov)>  
**Subject:** Answers to questions....and some advice please

1. Are the two family owned horses a fillie/mare and colt/stallion? In other words what sex are they? I assume the male is not a gelding since they plan to drop foals.

The 2 horse are geldings. There is no intent for any reproductive activity.

2. If they do intend to drop foals, what happens to the foal after its weaned at 4-6 months of age? Are they selling it, and if so doesn't this become commercial use? If they are not selling the foal, wont that be a stretch of the horse per acre? If I am understanding the Nutrient Management Plan correctly, there can only be 1 horse per 2 acres. It is my understanding the applicant has just over 5 acres. I would like clarification on how many horses will occupy the property any given year?

There would not be more than 2 horses during any given year.

3. What is the estimated square footage of the barn?

The estimated square footage of the barn is 576 square feet

4. The Nutrient Management Plan recommends using multiple paddocks to help the pasture renew. I assume the barn will have one paddock. Is there a plan for any additional paddocks and if so where and what will the dimensions be?

A rotational grazing program is intended to be used to ensure the health of both the horses and the pasture grasses in our yard. Initially, our intent is to divide the pasture area into 2 or 3 smaller and adjustable paddock

sections. This will allow us to assess the amount of time needed for our horses to graze the paddocks and it will also allow us to assess the time needed to allow for full pasture recovery. Adjustments can then be made on the size of the paddocks accordingly. Initially it would be necessary to create temporary paddock limitations with control measures such as electric fence tape. Later, more permanent paddock barriers could be created based on our observations. Our two 11 year old geldings would initially be allowed to graze a paddock of about 1 acre in size. This again would need to be adjusted according to their use of the land. Our intent is to incorporate both manure bagging/waste removal as well as dragging the paddock to help support the health of the horses and the pasture grasses.

5. The Nutrient Management Plan also suggested composting. Most composting requires a fence to keep rodents and animals out. If they compost, where will it be located and it's estimated dimensions? I ask this based on the surrounding property owners concerns about odor.

We are not intending to compost at this time. Our intent is to bag up and dispose of excess manure and other soiled bedding utilizing a commercial waste removal service.

6. What Cherry Trees will be removed? I ask this because it may or may not impact run-off. Several of the trees where the barn is proposed are very large.

The proposed barn site is in a location where no clearing would be necessary. There are 2 small (less than 4') Cherry trees that we planted last year in front of our garage. This area will not be accessible to the horses. One of the trees did not take root and is presently dying and the other tree will be very easy to remove without effecting the landscape due to its immaturity.

It would be very helpful if questions 3-5 and preferably 6 are illustrated in the master plan.

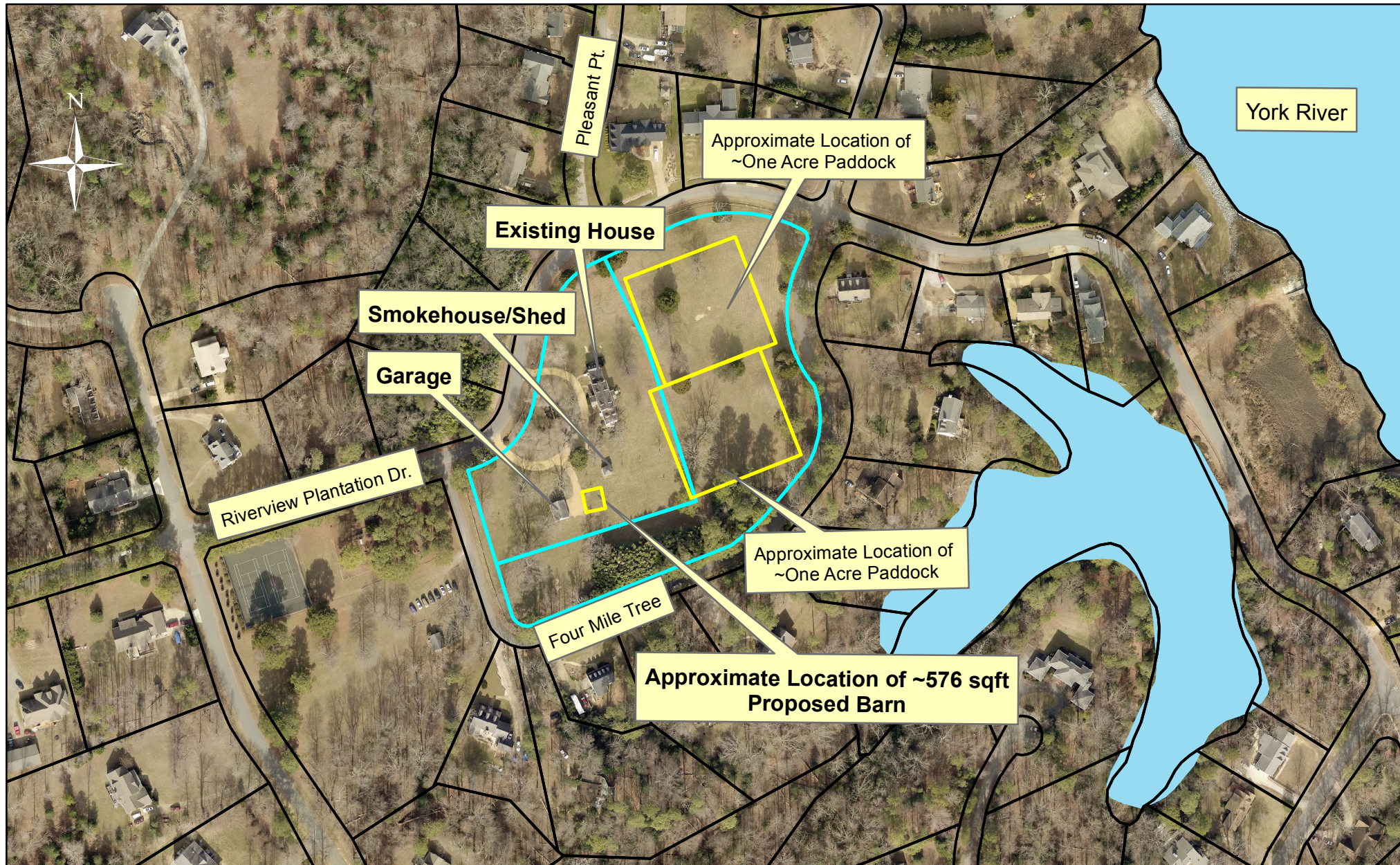
Because of the nature of the application and the placement of the property, I think it is incumbent on the applicant to show due diligence by providing a complete master plan, or at a minimum, more than where the barn will be placed. It would have been helpful to have this before the actual public hearing. I think my questions are pretty basic based on the Nutrient Management Plan. With that being said, it is enough for me if the applicant comes prepared to answer theses questions tomorrow night.

And just to comment on the applicants email.....any rezoning is more than a "simple request" because you are asking to change the use of the land.

I can only extend my apologies for my choice of words in a frustrated moment. We certainly take our project very seriously and have nothing but the utmost of respect for the James City County planning and zoning commission.



# 124 and 130 Riverview Plantation Dr. Exhibit





## **Riverview Plantation Rezoning**

Case No. Z-0009-2016

While I'm sympathetic to the desires of the home owners, rezoning of this unique residential area will have a long term detrimental effect to the entire community. For the following reasons...

Those of us with similar size properties could seek similar accommodations now or in the future for say a pig or chicken farm. This request and any future rezoning request could therefore destroy the peace and serenity of this community that we now enjoy due to the potential noise and odor that an A1 rezoning could undoubtedly produce.

Many of us bought into the community based on its existing covenants and restrictions. Any changes without the consent of the community may introduce question of liability due to the expected decrease of property values by an A1 rezoning

This rezoning request also has the potential of effecting the nearby tributaries and be in violation of the Chesapeake Bay Perseveration Act

Further, it is my understanding that the Riverview Plantation House, Outbuildings and lands are all on the historic registry and any changes would undermine or destroy its historic integrity. ..

For these reasons I'm asking that you deny this request.

Obediah Andrews

108 Greenway Circle

*Jennifer L. Broady  
217 Riverview Plantation Drive  
Williamsburg, VA 23188*

October 5, 2016

Re: 124 Riverview Plantation Drive Rezoning

To whom it may concern:

It has come to my attention that Drs. Chris and Teresa DeWitt have filed a request with James City County regarding the rezoning of the above mentioned property.

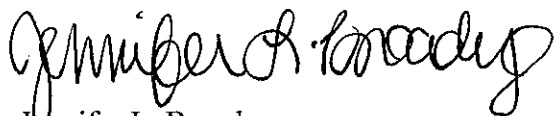
The purpose of this letter is to support both the DeWitt family and the request. The DeWitts are wonderful, friendly and supportive community members. Being a resident of the neighborhood for over 17 years I can honestly say they are by far the best family we have become associated with.

While reviewing the rezoning information it is obvious the DeWitt family has done their research on every aspect of this request. The detail and information provided by the family has been exceptional. They have left no question unanswered.

Thank you for your consideration of the rezoning request. The DeWitt family has my support 100%.

Should you have any questions or concerns please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Jennifer L. Broady". The signature is written in a cursive, flowing style.

Jennifer L. Broady

[Jennbroady823@cox.net](mailto:Jennbroady823@cox.net)

My name is Bill Jaissle, Colonel USArmy retired and I live at 126 Four Mile Tree, Riverview. My wife, Marilyn and I are opposed to the DeWitt request for rezoning of their property in Riverview Plantation from residential R-1 to general agricultural A-1 for the following reasons:

1. The A-1 zone designation for the DeWitt's large parcel of land would make Riverview Plantation a mixed use area, creating a precedent for other large parcels in Riverview to rezone to A-1, potentially for much more odious purposes. Although the DeWitts have indicated their intentions of only using their property for two horses, we anticipate that even two horses may pose enough of a nuisance factor in terms of noise, smell, flies, feces, & runoff into waterways from the centerpiece of our community, making Riverview a less desirable place to live & diminishing all property values. We bought into R-1 zoning, plan to leave our York River property to our children, and prefer it to remain an R-1 residential use only.
2. Secondly, and most importantly my wife, Marilyn, is Allergic to horses. Contact with horses can cause her to wheeze, break out in hives, and eventually go into anaphylactic shock, a potentially deadly condition. She can be similarly affected by air-borne hair, dander or feces. A-1 zoning necessitates that horse feces only be raked over the ground as an acceptable disposal technique, causing dried feces dust to be carried by the wind.

Marilyn walks our dog outside, but unfortunately the only roads from our house lead directly passed the DeWitts corral. If the DeWitts bring horses to their property, this event could actually jeopardize Marilyn's life.

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(1)

We, the neighbors of Riverview Plantation, oppose the creation of a "horse and pony farm" in the middle of our neighborhood. We petition the government of James City County to deny the proposal for change, Z-0009-2016, on Riverview Plantation Drive. September/October, 2016

Name	Address
1. Sam R Dasher	92 Four Mile Tree WBVA. 23189
2. Anita Dasher	92 Four Mile Tree DRIVE
3. Donald E. Cross	110 Riverview PLANT. DR.
4. Mary Ann Cross	110 Riverview Plant. Dr.
5. Pat Apool	88 Four Mile Tree Dr.
6. Jane Nichols	102 Four mile Tree.
7. John W. Nichols	102 Four mile tree
8. Alpine Smith	129 Riverview Plantation Dr.
9. Joanne Shaver	117 Pleasant Pt.
10. John Zimbo	133 RIVERVIEW PLANTATION PR.
11. Robert A. Houston	201 RIVERVIEW PLANTATION DR.
12. Faye Houston	201 RIVERVIEW PLANTATION
13. Scott Smith	102 Riverview Plantation
14. Kister Saffill	102 Riverview Plantation Dr.
15. Sam Limkey	204 Riverview plantation Dr.

2

We, the neighbors of Riverview Plantation, oppose the creation of a "horse and pony farm" in the middle of our neighborhood. We petition the government of James City County to deny the proposal for change, Z-0009-2016, on Riverview Plantation Drive. September/October, 2016

Name

Address

- 15 JIM SAUNDERS 136 RIVERVIEW PLANTATION DR.
- 16 Elizabeth Saunders 136 Riverview Plantation Dr.
- 17 Betty Jo Harp 96 Four Mile Tree Dr.
- 18 Kathryn Burk 94 Four Mile Tree Dr.
- 19 Al White 94 Four Mile Tree Dr.
- 20 Shi Fung 107 Riverview Pl. Dr.
- 21 Sharon Meddie 100 Four-Mile Tree Dr.
- 22 Marian Ponton 110 Four Mile Tree Rd.
- 23 Robert Ponton 110 Four Mile Tree Rd.
- 24 John + Angie McLaugh 119 & 121 Riverview Plantation Dr.
- 25 Maury Hoffman 208 Sherwood Forest Drive
- 26 O'Hart 111 Riverview Plantation Dr.
- 27 Virginia Hart 111 RIVERVIEW PLANTATION DR.
- 28 Ernest H. West 216 Riverview Plant. DR.
- 29 Andrea Nish 1151 Riverview Plantation Drive

(2)

We, the neighbors of Riverview Plantation, oppose the creation of a "horse and pony farm" in the middle of our neighborhood. We petition the government of James City County to deny the proposal for change, Z-0009-2016, on Riverview Plantation Drive. September/October, 2016

Name

Address

30. Berna E. Sneed 106 Riverview Plantation Dr
31. Well. F. Faisel 126 Four Mile Tree (Riverview)
32. Steven M. Haigne 96 FOUR MILE TREE RD.
33. Phyllis Taylor 114 greenway cir Winstyda
34. Shelly Zimm 133 Riverview Plantation Dr. Williamsburg VA
35. William H. Oels 142 Riverview Plantation Dr. Williamsburg, VA 2310
36. Terry Rickard 106 Riverview Plantation Dr Williamsburg
37. Phyllis Rickard 106 Riverview Plantation Dr Williamsburg
38. CAROL YOUNG 207 1 1 1 1
39. Roger W. Anderson 206 Riverview Plantation Dr.
40. Eeta M. Anderson 206 Riverview Plantation Dr.
41. Marilyn Faisel 126 Four Mile Tree Dr.



We, the neighbors of Riverview Plantation, oppose the creation of a "horse and pony farm" in the middle of our neighborhood. We petition the government of James City County to deny the proposal for change, Z-0009-2016, on Riverview Plantation Drive. September/October, 2016

Name

Address

112 Frank Miller Louis Vosteen  
124 Four Mile Tree, Williamsburg VA 23188

4344 + Ed + Christine Miller 112 FMT

Dennis Dasher	92 Four Mile Tree (FMT)
Anita Dasher	92 FMT
Donald Tross	110 Riverview Plantation Dr (RPD)
Mary Ann Tross	110 RPD
Jane Nichols	102 FMT
John Nichols	102 FMT
Lou Anne Smith	129 RPD
Joanne Shaver	117 Pleasant Pt
Robert Houston	201 RPD
Faye Houston	201 RPD
Scott Summerfield	102 RPD
Kisten Summerfield	102 RPD
Sonia Lemley	204 RPD
Jim Sanders	136 RPD
Elizabeth Sanders	136 RPD
Betty Flo Haynie	96 FMT
Kathy Wheeler	94 FMT
Thad Wheeler	94 FMT
Chris Frye	107 RPD
Shraronne Needre	100 FMT
Marian Ponton	110 FMT
Robert Ponton	110 FMT
John Mc Donough	119 and 121 RPD
Angie Mc Donough	119 and 121 RPD
Marilyn Hoffman	208 Sherwood Forest
J D Hart	111 RPD
Virginia Hart	111 RPD
Ernie West	211 RPD
Audra Noah	215 RPD
Ninna Snead	106 RPD
William Jaissle	126 FMT
Steven Haynie	96 FMT
Phyllis Taylor	114 Greenway Cr
Shelly Zimbro	133 RPD
William Castro	142 RPD
Terry Rickard	106 RPD
Phyllis Rickard	106 RPD
Carol Young	207 RPD
Roger W Anderson	206 RPD
Esta Anderson	206 RPD
Marilyn Jaissle	126 FMT
Lou Vosteen	124 FMT
Ed Miller	112 FMT
Christine Miller	112 FMT

## Alex Baruch

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**From:** Paul Holt  
**Sent:** Tuesday, October 11, 2016 8:20 AM  
**To:** Alex Baruch  
**Subject:** FW: rezoning concerns

On Oct 8, 2016, at 10:34 AM, Joanne Shaver <[joshaver@gmail.com](mailto:joshaver@gmail.com)> wrote:

Dear Mr. Hill,

As our County Administrator I believe it is important that you be included in the discussion regarding the rezoning request affecting the homeowners in our small community of Riverview Plantation. To this end, I am forwarding my concerns to you, also.

As I am sure you are aware, at their 5 October meeting our JCC Planning Commission approved, by a 4 to 3 vote, the request to rezone one single-family property from Residential to A-1. This property is at the heart and center of our small community in Riverview Plantation. The property owners plan to build a horse barn and paddock for horses and foals. The paddock is to sit at the base of the hill, out of sight from their home. It will be located immediately across the street from the home of a family with small children and the effluent will drain across their property to then drain into our community lake. We are at a loss to understand how the **Planning Commission staff** concluded that there will be **no anticipated impact** to the surrounding individual properties or the entire neighborhood, for that matter.

This is not an insignificant zoning change and it is troubling to learn that it can be so easily enacted. If the Board of Supervisors votes in November to approve the A-1 rezoning it will negatively impact the character and quality of life of our neighborhood. Families who moved here understood it to be strictly residential. Our Homeowners Association is opposed to this rezoning. Many of us signed a petition, wrote emails, and spoke at the Planning Commission meeting to express our concerns. Yet, we were voted down. It is my hope that you will give serious consideration to our concerns.

Sincerely,  
Joanne D. Shaver  
117 Pleasant Point  
Williamsburg, VA 23188

## Alex Baruch

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**From:** Cathcart, Gregory C CAPT USSOCOM NAVSOC NSWC <Gregory.Cathcart@socom.mil>  
**Sent:** Monday, October 17, 2016 1:51 PM  
**To:** Alex Baruch  
**Subject:** DeWitt family at 124 &130 Riverview Plantation Drive

Dear Sir, I wanted to write you a brief letter as a James City County resident stating my enthusiastic support of the rezoning application made by the DeWitt family at 124 &130 Riverview Plantation Drive. My Family and I have been residents of Williamsburg for over 16 years and have come to call it our home. I have personally known the DeWitt family for many years and have known Dr. Terri DeWitt since the 1980's. The DeWitt family are the kind of neighbors we All would love to have in our neighborhood. Their kindness and care of those around them is demonstrated daily and their professionalism and attention to detail is second to none. I have every confidence that their proposal of the horse barn will not only be implemented in a professional manner but will actually enhance the neighborhood in keeping with the historic colonial theme and raise overall property appeal and value.

I did observe several of their neighbors unfounded and somewhat emotional opposition to this last week on the JCC play back which indicated to me that their concerns were both misinformed and misguided. However, If yourself or any of the board members would like me to elaborate to this effort more off-line, I would more than happy to do so. Thank you for your careful consideration of this exciting undertaking and the time and effort by your staff expended in doing so.

Very Respectfully, Gregory C. Cathcart

Captain Gregory C. (Cory) Cathcart  
Force Chaplain  
COMNAVSPECWARCOM  
2000 Trident Way, Bldg 624  
San Diego, CA 92155-5599  
Com: (619) 537-1265  
Cell : (619) 403-7249  
FAX: (619) 437-1986  
LK: 1-37

## Alex Baruch

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**From:** DeeDee Mausteller <ddmausteller@gmail.com>  
**Sent:** Tuesday, October 18, 2016 6:11 PM  
**To:** Alex Baruch  
**Subject:** Rezoning Application by the DeWitt Family

Dear Mr. Baruch,

I would like to voice my support for the rezoning of 124 and 130 Riverview Plantation Drive in James City County. We have been county residents since 1997, first in Kingsmill and in 2006 built our current home at 109 Lakeview Drive in Toano. We have a farm with 6 horses and love it! When we were looking to buy we would have loved to find a pre-existing home with the ability to have horses. That increases the value of a property not decreases, That way you can chose to have horses or not have horses. We feed a fly control product called Simplify which prevent flies from hatching. Our farm has very few flies. We have had two outdoor weddings at our farm and flies were not an issue.

Please consider allowing them to rezone their property. They are a delightful family and will maintain it well.

If you wish to contact me for any other information, please feel free to do so.

Sincerely,

Edith Mausteller  
109 Lakeview Drive  
Toano, VA 23168

Riverview Plantation Home Owners Association

PLANNING DIVISION

OCT 21 2016

RECEIVED

Gregory H. Jesseman  
143 Riverview Plantation Dr  
Williamsburg, VA 23188

October 17, 2016  
James City Planning Division  
James City County, VA  
101 Mounts Bay Rd  
Williamsburg, VA 23185

For your records, the following letter was sent to the James City Board of Supervisors:

On November 8 the issue of the DeWitt Rezoning of their property at Riverview Plantation from R-1 to A-1 in order to keep horses will be before you at a public hearing. The Planning Commissioners voted on October 5 to recommend approval of this application by a vote of 4-3. The purpose of this letter is to apprise you of the Board of Directors of the Riverview Plantation Homeowners Association's unanimous belief that the planning staff conclusion that the DeWitt's proposal is compatible with the surrounding development and that there will be no impact on nearby and surrounding properties is incorrect. In the board's view, and as one planning commissioner said, this decision pits the concerns of the community against a property owner's right to petition for change to the zoning in our community to accommodate the recreational and family desires of one resident irrespective of the impact on their community.

The development of Riverview Plantation goes back to the 1960s. The original concept was for a development of small lots with a lake, York River access, a nine hole golf course, and the turning of the historic plantation house into a community club house. From the outset, covenants were attached to the first lots, among which was the exclusion of any farm animals or livestock as the developer intended this to be a residential development. When James City County adopted the comprehensive plan Riverview Plantation was included in the A-1 zoning

district. The early residents and developer did not like how the permitted uses in A-1 could impact their community. They sought and were granted a rezoning from A-1 to R-1 to maintain their residential character. Sections of the development continued to be sold, all with covenants that did not allow horses.

Faced with financial difficulties the developer, Yorkview Plantation, Inc., abandoned the idea of a golf course and proposed to demolish the plantation house. The Plantation Club, LTD, precursor to the Riverview Plantation Homeowners Association, persuaded the developer to deed the two plantation house lots to the club. The Plantation Club then sold the plantation house properties to a private individual with the deed restrictions that neither lot could be subdivided and that parcel 2 remain as a scenic easement used solely as green space with "no improvements of any kind whatsoever to be erected thereon." These lots have gone through a few transfers before being purchased by the DeWitts, all with restrictions in tact. Since these parcels were destined to be community property, no specific covenants were attached to them. The Plantation Club sold the parcels to Robert and Helen Cooney, and no covenants appear to have been added. The Cooneys saved the plantation house, and in 1986 they joined the other residents of Riverview Plantation in rezoning the entire development to R-1 with all of restrictions that designation entails, including the restriction of horses in order to maintain the residential nature of the community. For decades residents have invested in and thrived in this residential community.

The plantation house property is not located on the outlying fringe of Riverview Plantation. It is in the very heart of the development ringed by 15 individual lots and the community recreation and playground area. No other property in this development has a greater impact on this community. We will all have to live with the DeWitts' horses if their petition is approved, and you no doubt will hear from many residents about their concerns over the nuisances associated with the keeping of horses in a residential community. We do not question the capabilities of the DeWitts, both of whom are practicing veterinarians, to manage horses in a competent manner; however, the A-1 zoning will remain long after the DeWitts move on. As a result, the impact of your decision extends far beyond the DeWitts, and its impact will be felt by our community for many years to come.

Our community is also concerned about the aesthetic change to our neighborhood that may result from this rezoning petition. While the deed on parcel 2 of the DeWitt property states that it shall be maintained as a scenic easement with no improvements of any kind to be erected thereon, the DeWitt proposal shows fencing for two paddocks crisscrossing the parcel to manage the horses. Such construction would change the appearance of the land and impact the scenic easement established by deed. The DeWitts have stated their intention to preserve the inherent character and appearance of the property as well as mitigating the nuisance factors inherent in the keeping of horses. However, should they become unable or unwilling to shoulder the financial costs associated with their plans, our homeowners association has

neither the authority nor the leverage to compel them to do so. As a voluntary organization, we rely on county zoning, deeds and restrictive covenants to maintain the integrity of our unique neighborhood. One need only travel a mile or two down Riverview Road to see what is permissible under A-1 zoning. This does not inspire confidence and poses an additional concern to residents.

Lastly, our community is concerned about the precedent that would be set by this rezoning petition. The DeWitt property is not an especially large parcel. In fact, the proposal requires a property line extinguishment to comply with minimum lot size. There are about 20 lots of greater size in the Riverview Plantation community whose owners may be moved by the success of this petition to request rezoning for any of a variety of purposes. This would fundamentally and irrevocably change our community from the residential community it currently is to the rural community residents expressly sought to prevent. This is a major concern to many of our residents.

The DeWitts are good neighbors who are invested in our community. We do not dispute their right to petition for rezoning of their property so that they may enjoy their recreational interests and hobbies. However, the more than 100 property owners in Riverview Plantation have an equal right to preserve their interests in their community--a community in which they invested their savings and their lives--and to expect that their rights will be respected and protected by their supervisors. Accordingly, the Board of Directors of the Riverview Plantation Homeowners Association strongly believe that the good of the community as a whole should take precedence over the recreational desires of a single property owner. The Board therefore respectfully requests that you vote to deny this spot zoning proposal in the interest of the Riverview Plantation community. We welcome you to visit our community, and we would be happy to meet with you for a tour or at your office as we understand the constraints on your time. Should you have any questions on this issue, please call Ken Barnhart, our designated representative, at (757) 345-6638. We appreciate your time and service.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory H. Jesseman', written in a cursive style.

Gregory H. Jesseman, President



**AGENDA ITEM NO. I.1.****ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

FROM: John Carnifax, Director of Parks and Recreation

SUBJECT: Renaming Mid County Park to Veterans Park

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**ATTACHMENTS:**

	Description	Type
▣	Memo - Rename MCP	Cover Memo
▣	Resolution - Rename MCP	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Parks & Recreation	Carnifax, John	Approved	10/27/2016 - 2:28 PM
Publication Management	Babbitt, Katterina	Approved	10/27/2016 - 4:59 PM
Legal Review	Kinsman, Adam	Approved	10/31/2016 - 11:50 AM
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 8:08 AM
Board Secretary	Purse, Jason	Approved	11/1/2016 - 9:43 AM
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 10:22 AM

## MEMORANDUM

DATE: November 8, 2016

TO: The Board of Supervisors

FROM: John Carnifax, Director of Parks & Recreation

SUBJECT: Renaming Mid County Park to Veterans Park

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On June 28, 2016, Mr. Truax, a representative for several local veteran organizations, made a request to the James City County Board of Supervisors to change the name of Mid County Park to Veterans Memorial Park and to designate an area within the park for a Veterans' Memorial Garden. The Board of Supervisors informed Mr. Truax of the James City County Public Park and Facility Naming Policy and requested that the James City County Parks & Recreation Advisory Commission evaluate the request, solicit public input based on that policy and provide a recommendation to the Board of Supervisors.

Based on Advisory Commission directive, staff conducted a public survey on changing the name of the park. The majority of those that responded supported changing the name and adding a garden so long as it did not negatively impact the existing activities and facilities approved on the Master Plan. Based on this feedback, at its Oct. 19 meeting, the Advisory Commission members voted to approve renaming the park and the concept of adding a small memorial garden within the park. In their vote, the Advisory Commission recommended removing the word "memorial" and renaming the park Veterans Park.

The Advisory Commission also recommended that Parks & Recreation staff work with the veterans group to formulate an initial conceptual plan for the garden that will be submitted for final approval to the appropriate County staff. The final design will be vetted and approved, similar to all public park plans that include public input. The Advisory Commission also requested that staff develop an agreement or Memorandum of Understanding that will define who is responsible for the construction, maintenance and replacement costs to ensure that the garden will be maintained in perpetuity once constructed.

The associated cost to change the park name is estimated at \$9,000 which includes replacing existing park signage and reprinting park marketing materials. The funds for this are not in the current Parks & Recreation budget and would need to be allocated.

Staff supports the recommendations of the Parks & Recreation Advisory Commission, and recommends that the Board of Supervisors approve the attached resolution and authorize staff to begin the process of changing the name of the park. Staff also supports the recommendation to explore the development of a memorial garden that will enhance the existing park, but not negatively impact amenities approved in the existing Master Plan.

JC/kb  
MCP2 Rename-mem

Attachment

## **RESOLUTION**

### **RENAMING MID COUNTY PARK TO VETERANS PARK**

WHEREAS, a group of citizens approached the Board of Supervisors to rename Mid County Park in honor of area veterans; and

WHEREAS, the James City County Public Park and Facility Naming Policy provides criteria for the Parks & Recreation Advisory Commission to use for recommending names of parks; and

WHEREAS, public support was gathering by the Parks and Recreation Advisory Commission to support renaming the park that complies with the policy; and

WHEREAS, the Parks & Recreation Advisory Commission voted to change the name of Mid County Park to Veterans Park at the October 2016 meeting; and

WHEREAS, the cost to change the signage and printed material is estimated at \$9,000 and is not allocated in the FY 16 budget:

NOW, THEREFORE, BE IT RESOLVED that staff formally requests that the James City County Board of Supervisors vote to rename Mid County Park, Veterans Park and authorize the transfer of \$9,000 from operating contingency to the Parks and Recreation budget.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MC GLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

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

MCP Rename-res

**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator

SUBJECT: Initiating Resolution - Group Homes

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**ATTACHMENTS:**

	Description	Type
▣	Memorandum	Cover Memo
▣	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 10:23 AM

## MEMORANDUM

DATE: November 8, 2016

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator

SUBJECT: Initiation of a Consideration of Amendments to the Zoning Ordinance to Address Group Homes

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At the October 25, 2016 meeting, the Board directed staff to bring forward an initiating resolution to address group homes in the Zoning Ordinance. This initiating resolution will allow staff to investigate whether all of the code sections are in accordance with State Code regulations.

Staff recommends that the Board of Supervisors adopt the attached resolution to initiate consideration of such amendments to the Zoning Ordinance and to refer this matter to the Policy Committee.

JP/nb  
Initiation-mem

Attachment:  
1. Initiating Resolution

## RESOLUTION

### INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE TO

#### ADDRESS GROUP HOMES

WHEREAS, Virginia Code § 15.2-2286 and County Code § 24-13 permit the Board of Supervisors of James City County, Virginia (the “Board”) to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent; and

WHEREAS, amendments to the Zoning Ordinance are necessary in order to address group home uses required by state and federal law in all zoning districts; and

WHEREAS, the Board is of the opinion that the public necessity, convenience, general welfare and good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of Chapter 24, Zoning of the James City County Code in order to address group home uses in all zoning districts, and directs staff to prepare such amendments. The Planning Commission shall hold at least one public hearing on the consideration of amendment of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

MCLENNON  
LARSON  
ONIZUK  
SADLER  
HIPPLE

#### VOTES

AYE      NAY      ABSTAIN

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

InitiatingRes-res

**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

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**ATTACHMENTS:**

	Description	Type
▣	CA Report	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 9:23 AM

## **M E M O R A N D U M**

DATE: November 8, 2016

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

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The following is a summary of activities that took place October 19, 2016 through November 8, 2016:

### October 19, 2016 (Wednesday)

- Attended Virginia Peninsula Regional Jail meeting
- Met with John Horne, General Services Director
- Met with Rebecca Vinroot, Social Services Director, Jason Purse, Assistant County Administrator, Barbara Watson, Social Services Assistant Director, Paul Holt, Community Development Director, Keith Denny, Housing Supervisor, Vaughn Poller, Housing Director, Marion Paine Housing Assistant Director; Neighbors Drive
- Met with Brad Rinehimer, Police Chief, Patrick Teague, HR Director, Jason Purse, Assistant County Administrator, Adam Kinsman, County Attorney
- Met with Supervisor John McGlennon

### October 20, 2016 (Thursday)

- Attended Hampton Roads Planning District Commission (HRPDC), Hampton Roads Transportation Planning Organization (HRTPO), Hampton Roads Transportation Accountability Commission meetings and HRPDC/HRTPO Personnel and Budget Committee meeting
- Met with John Carnifax, Parks & Recreation Director and Paul Holt, Community Development Director

### October 21, 2016 (Friday)

- Met with Ron Kirkland, Williamsburg Hotel & Motel Association Executive Director, Karen Riordan, President and CEO at Greater Williamsburg Chamber & Tourism Alliance, Neil Morgan, County Administrator of York County, Marvin Collins, City Manager of Williamsburg
- Met with Russell Seymour, Economic Development Director

### October 24, 2016 (Monday)

- Met with Ryan Ashe, Fire Chief
- Met with Russell Seymour, Economic Development Director
- Attended Peninsula Mayors & Chairs meeting
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Director



County Administrator's Report

November 8, 2016

Page 2

October 25, 2016 (Tuesday)

- Met with Ryan Ashe, Fire Chief
- Attended agenda meeting
- Met with Neil Morgan, County Administrator of York County, Marvin Collins, City Manager of Williamsburg
- Attended Board of Supervisors work session
- Attended Board of Supervisors meeting

October 26, 2016 (Wednesday)

- Met with Olwen Herron, acting WJCC Schools Superintendent
- Met with Latara Branch, Civic Engagement Specialist

October 27, 2016 (Thursday)

- Met with 757 Swim Club representatives: Mary Lynch, Marian Long and Morgan Pordal
- Attended pre-agenda meeting
- Met with Randy Wheeler, Poquoson City Manager
- Met with Doug Powell, JCSA Manager and Mission H2O
- Attended Executive Leadership Team meeting
- Radio Sport Show
- Attended James City County Celebration of Business event

October 28, 2016 (Friday)

- Attended Coffee with County Administrator staff recognition event
- Met with Doug Powell, JCSA Manager and Michael Vergakis, Chief Civil Engineer
- Attended Chili Cook-Off, James City County staff event
- Met with John Carnifax, Parks & Rec. Director, Carla Brittle, Community Centers Administrator and Cindy Timberlake, Recreation Program Coordinator

October 31, 2016 (Monday)

- Met with Craig Quigley, Hampton Roads Military and Federal Facilities Alliance Executive Director
- Met with Russell Seymour, Economic Development Director
- Met with Sue Mellen, FMS Director

November 1, 2016 (Tuesday)

- Attended New Employee Orientation
- Met with Jason Purse, Assistant County Administrator
- Speaking Engagement at Cub Scout meeting

BJH/nb

CAReport110816-mem

**ITEM SUMMARY**

DATE: 11/8/2016

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Adjourn until 4:00 pm on November 22, 2016 for the Work Session

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	11/1/2016 - 9:01 AM