

ZONING ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND SECTIONS 3, 4 and 5, ARTICLE 8, OF THE ZONING ORDINANCE OF JAMES CITY COUNTY, VIRGINIA.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA, PURSUANT TO SECTIONS 486 THROUGH 498, ARTICLE 8, AND SECTION 431, ARTICLE 1, CHAPTER 11, TITLE 15.1, CODE OF VIRGINIA OF 1950, AS AMENDED, AS FOLLOWS:

SECTION 1

Article 8 Amended

1-1 Article 8, Section 3 amended to read:

8-3. SETBACK REGULATIONS

Buildings shall be located fifty (50) feet or more from any street right of way or sixty (60) feet from the centerline of the road, whichever is greater.

1-2 Article 8, Section 4 amended to read:

8-4. PERIMETER OPEN SPACE REGULATIONS

For permitted uses a ten (10) foot minimum perimeter landscaped area shall be provided adjoining the property lines within which no building, structure, driveway or parking surface will be permitted, but necessary approved curb cuts (entrance or entrances) will be allowed. In addition, a minimum ten (10) foot perimeter planting strip shall be provided adjacent to buildings. Such planting areas shall be landscaped except for necessary entrances and walkways, and shall not be used for parking. In no case shall walkways exceed a maximum width of five (5) feet.

Land within the perimeter planting areas shall be landscaped with grass, trees, shrubs, or evergreen ground cover and maintained in good condition.

1-3 Article 8, Section 5 amended to read:

8-5. HEIGHT REGULATIONS

Buildings may be erected up to sixty (60) feet in height from grade and in accord with the following criteria:

| <u>Maximum Height</u> | <u>Maximum Percentage of lot area in Building Coverage</u> | <u>Maximum Floor Area Ratio</u> | <u>Minimum Percentage of lot area in Open Space</u> |
|---|--|---------------------------------|---|
| Up to 3 floors or 35 feet | 25% | .6 | 30% ¹ |
| Over 35 feet or 4 floors or more but not in excess of 60 feet | 20% | .6 ² | 40% ^{1,3} |

A building in excess of sixty (60) feet in height but not in excess of one hundred (100) feet may be erected only upon the granting of a height limitation waiver by the Board of Supervisors. Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:

- a) the aforesaid regulations regarding building coverage, floor area ratio and open space applicable to buildings above 35 feet are met;
- b) such building will not impair property values in the surrounding area;
- c) such building will not impair the enjoyment of historic attraction and areas of significant historic interest;
- d) the uses accommodated in such buildings and other buildings on the site are adequately served by the site plan and lot area;
- e) the traffic volume generated by such building will be readily accommodated by the public roads affected;
- f) such building is adequately designed and served from the standpoint of safety;
- g) such building, from considerations of height, design, bulk, and appearance is compatible with the neighborhood; and
- h) such building would not be contrary to the public health, safety, morals or general welfare.

1

The minimum open space land area may in no case be less than the 30% or the total area in required open space whichever is greater.

2

An increase of 24% to .75 FAR may be permitted if the additional floor area is used for inside parking space.

3

This percentage may include the perimeter open space but shall in any case be open space contiguous to such perimeter open space.

- 1-4 A. Article 8, Section 5, Subsection 1, (8-5-1) is rescinded.
- B. Article 8, Section 5, Subsection 2, (8-5-2) is rescinded.
- C. Article 8, Section 5, Subsection 3, (8-5-3) is reclassified as, Article 8, Section 5, Subsection 1 (8-5-1).
- D. Article 8, Section 5, Subsection 4, (8-5-4) is reclassified as, Article 8, Section 5, Subsection 2 (8-5-2).

SECTION 2
EFFECTIVE DATE

3-1 The effective date of this ordinance shall be from and after its passage and legal application, and its provisions shall be in force thereafter, save those provisions which may, from time to time, be amended or repealed.

Adopted by the Board of Supervisors January 10, 1973.