

**ADOPTED**

**JAN 23 1996**

ORDINANCE NO. 31A-166

**BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-7, ADMINISTRATIVE FEES; ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 20-218, HEIGHT LIMITS; DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 20-238, HEIGHT LIMITS; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 20-261, HEIGHT LIMITS; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 20-293, HEIGHT LIMITS; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 20-314, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 7, LOW-DENSITY RESIDENTIAL DISTRICT, R-6, SECTION 20-335, HEIGHT LIMITS; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 20-354, HEIGHT LIMITS; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 20-375, HEIGHT AND BULK LIMITS; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 20-397, HEIGHT AND BULK LIMITS AND HEIGHT LIMITATION WAIVERS; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 20-419, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; DIVISION 12, GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 20-444, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; DIVISION 13, LIMITED INDUSTRIAL DISTRICT, M-3, SECTION 20-468, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 20-496, HEIGHT AND SPACING OF STRUCTURES; DIVISION 15, MIXED USE, MU, SECTION 20-525, HEIGHT OF STRUCTURES; IN ORDER TO BETTER PROVIDE FOR THE SAFETY AND WELFARE OF THE COMMUNITY AND PROVIDE MORE EQUAL TREATMENT WITHIN ALL DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-7, Administrative fees, Section 20-218, Height limits, Section 20-238, Height limits, Section 20-261, Height limits, Section 20-293, Height limits, Section 20-314, Requirements for improvements and design, Section 20-335, Height limits, Section 20-354, Height limits, Section 20-375, Height and bulk limits, Section 20-397, Height and bulk limits and height limitation waivers, Section 20-419, Height limits and height limitation waivers, Section 20-444, Height limits and height limitation waivers, Section 20-468, Height limits and height limitation waivers, Section 20-496, Height and spacing of structures, Section 20-525, Height of structures.

Chapter 20. Zoning

Article I. In General

Sec. 20-7. Administrative fees.

- (7) *Application for a height limitation waiver to the board of supervisors* \$100.00

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 20-218. Height limits.

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

- (2) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, 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.*

Division 3. Limited Residential District, R-1

Sec. 20-238. Height limits.

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

- (3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennae 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, 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.*

#### Division 4. General Residential District, R-2

##### Sec. 20-261. Height limits.

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

- (3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, 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, 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.*

Division 5. Residential Planned Community District, R-4

Sec. 20-293. 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 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, 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. 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 to 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, so as to offer adequate protection to life and property; and
- f. Such structure will not be contrary to the public health, safety and general welfare.

#### Division 6. Multifamily Residential District, R-5

Sec. 20-314. Requirements for improvements and design.

(j) 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, water tank or other accessory functions which are part of the structure. A structure in excess of thirty-five feet in height from grade to the top of the structure, including all *church spires, belfries, cupolas, monuments*, penthouse, electrical, plumbing, elevator, water tank, radio, television and microwave antennas and towers 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 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 would not be contrary to the public health, safety and general welfare.

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

##### Sec. 20-335. Height limits.

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

- (2) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennas, home radio aeriels, 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 sixty 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.*

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

##### Sec. 20-354. Height limits.

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

- (2) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, 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.*

#### Division 9. Limited Business District, LB

##### Sec. 20-375. Height and bulk limits.

(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, ~~but excluding belfries, cupolas, chimneys, and flues.~~ Parapet walls may be up to four feet above the height of the building on which the walls rest.

(b) *Church spires, belfries, cupolas, chimneys, flues, monuments and flag poles 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.*
- (bc) All accessory structures shall be less than the main structure in height.
- (cd) Building coverage shall not exceed 20 percent of the total lot area and the floor area ratio shall not exceed 0.4.

Division 10. General Business District, B-1

Sec. 20-397. Height and bulk limits and height limitation waivers.

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all *church spires, belfries, cupolas, monuments, flag poles*, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure and in accord with the following criteria:

- (2) 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, monuments, flag poles*, 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 aforesaid regulations regarding building coverage, floor area ratio and open space are met;
  - b. Such structure will not obstruct light to 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.

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

Sec. 20-419. 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, *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 20-415 and Section 20-416; however, the Board may waive additional setbacks in excess of 60 feet;
- (2) Such structure will not obstruct light to 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.

Division 12. General Industrial District, M-2

Sec. 20-444. 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 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 20-440 and Section 20-441; however, the board may waive additional setbacks in excess of 60 feet;
- (2) Such structure will not obstruct light to 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.

Division 13. Limited Industrial District, M-3

Sec. 20-468. 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 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 20-465 and Section 20-466; however, the board may waive additional setbacks in excess of 60 feet;
- (2) Such structure will not obstruct light to 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, so as to offer adequate protection to life and property; and
- (6) Such structures will not be contrary to the public health, safety and general welfare.

#### Division 14. Planned Unit Development Districts

##### Sec. 20-496. 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, monuments, flag poles, 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, monuments, flag poles, penthouse, electrical, plumbing, elevator, water tank, radio, television, and microwave antennas and towers*

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 to 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, so as to offer adequate protection to life and property; and
- (6) Such structure would not be contrary to the public health, safety or general welfare.



Division 15. Mixed Use, MU

Sec. 20-525. 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, monuments, flag poles*, 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, monuments, flag poles*, penthouse, electrical, plumbing, elevator, water tank, radio, television, and microwave antennas and towers 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 to 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, so as to offer adequate protection to life and property; and


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

This ordinance shall be effective February 1, 1996.



David L. Sisk, Chairman  
Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
MAGOON	NAY
DEPUE	AYE
EDWARDS	AYE
SISK	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of January 1996.