

ORDINANCE NO. 62

BUILDING HEIGHT ORDINANCE

AN ORDINANCE TO REGULATE THE HEIGHT WHICH BUILDINGS MAY BE CONSTRUCTED; AND TO FIX PENALTIES FOR THE VIOLATION THEREOF. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS "THE BUILDING HEIGHT ORDINANCE OF JAMES CITY COUNTY, VIRGINIA."

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA, PURSUANT TO SECTIONS 504, 505, AND 510, ARTICLE 1, CHAPTER 12, TITLE 15.1, CODE OF VIRGINIA OF 1950, AS AMENDED, AS FOLLOWS:

## ARTICLE I

### Definitions

1-1 Building:

Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

1-2 Building, Height of:

The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

ARTICLE 2  
Height Regulation

- 2-1 No approval shall be given nor any permit issued for a building or buildings to be constructed over a height of thirty-five feet (35') within any area of James City County.

## ARTICLE 3

### Penalties

3-1 Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the articles, sections, subsections, regulations, or provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty (50) dollars nor more than three hundred (300) dollars, or imprisonment in the County jail, not to exceed thirty (30) days, or both. Each and every day during which any violation of this ordinance is committed, continued or permitted, shall constitute a separate offense and shall be punishable as herein provided.

ARTICLE 4  
Severability

4-1      Should any article, section, subsection, paragraph, clause or other provision of this ordinance be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

ARTICLE 5  
Conflicting Ordinances

5-1 All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

ARTICLE 6  
Effective Date

6-1 There deemed to be an emergency existing the effective date of this ordinance shall be from its date of passage and legal application, and its provisions shall be in force for a period of sixty (60) days thereafter, save those provisions which may be amended or repealed.

ADOPTED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY,  
VIRGINIA, OCTOBER 9, 1972.