

ORDINANCE NO. 31A-21

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING ORDINANCE, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE 8A, BUSINESS TOURIST ENTRY DISTRICT B-2, BY AMENDING CERTAIN ARTICLES, REPEALING CERTAIN ARTICLES, ADDING CERTAIN ARTICLES AND REORDAINING THE REMAINING ARTICLES.

BE IT ORDAINED, by the Board of Supervisors of James City County that Chapter 20, Zoning Ordinance, of the Code of the County of James City, Article 8A, Business Tourist Entry District B-2, be and the same is, hereby, amended and reordained by amending certain articles, adding certain articles and reordaining the remaining articles as follows:

CHAPTER 20

ZONING ORDINANCE

Article 8A. Business Tourist Entry
District B-2.

Statement of Intent

The primary purpose of this district is to protect and enhance the quality of those highway corridors which provide access to the National Historic District of Williamsburg. This district is not intended for general application in all parts of the County but will be limited to those areas where high traffic volume tourist corridors exist. The regulations for the TOURIST ENTRY DISTRICT are intended to encourage the most appropriate use of land in accordance with a comprehensive plan, to minimize hazardous and unsightly conditions which may be distracting to and impair the safety of highway users, to preserve the efficiency of transportation facilities, to protect, emphasize and preserve the distinctive character of the historical tourist attractions in the area, and to encourage development of tourist facilities in an attractive and harmonious manner.

8A-1. USE REGULATIONS

In a TOURIST ENTRY DISTRICT, structures to be erected or land to be used shall be for one or more of the following uses:

- 8A-1-1. Hotels and motels;
- 8A-1-2. Restaurants except for "fast food" or drive-in eating establishments;
- 8A-1-3. Indoor theaters;
- 8A-1-4. Service stations (with facilities under cover for minor repairs only) with a conditional use permit;
- 8A-1-5. Handcrafts and art galleries, which may include not more than two (2) operatives in process of manufacturing craft items for demonstration and sales;
- 8A-1-6. Antique shops;
- 8A-1-7. Business signs as permitted in this Article;
- 8A-1-8. Other similar tourist oriented businesses with a conditional use permit.
- 8A-1-9. Accessory uses and structures: Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures, including:
 - 1. Establishments for the sale of gifts, clothing, drugs, photographic supplies, newspapers and magazines and sundries, eating and drinking establishments and professional and personal service establishments; provided that such uses are accessory to hotels or motels

having 50 or more dwelling or lodging units for rent; and provided further, that all such establishments shall be designed and scaled only to meet the requirements of occupants and their guests; and provided further that the total floor area occupied by all such establishments shall not exceed, in the aggregate, 15% of the total floor area of the hotel or motel;

2. Meeting rooms and convention hall facilities.

8A-3. Deleted

8A-4. FRONTAGE REGULATIONS

8A-4-1. For permitted uses the minimum lot width at the setback line shall be one hundred and fifty (150) feet or more; however, development of lots or parcels with frontages of a minimum of 120 feet existing on January 10, 1973, will be permitted.

8A-4-2. Access points to the major thoroughfare from the access road shall, where possible, be spaced at approximate intervals of six hundred (600) feet or more.

8A-5. PERIMETER OPEN SPACE AND BUILDING LINE REGULATIONS

8A-5-1. For permitted uses a ten (10) foot minimum perimeter open space area shall be provided adjoining the sides and rear property lines within which no building, structure, driveway, or parking surface will be permitted. In addition to such minimum side and rear landscaped areas, a minimum ten (10) foot perimeter open space strip shall be provided adjacent to buildings. Such open space shall not be used for parking, and shall be landscaped except for walkways, which shall not exceed five (5) feet in width, service entrances and such other accesses as may be necessary for the operation of the uses permitted.

8A-5-2. Land within the perimeter open space areas shall be landscaped with grass, trees, shrubs, or evergreen ground cover and maintained in good condition.

8A-5-3. The minimum side and rear building line shall be increased beyond the interior edge of the perimeter open space area one (1) foot for each one (1) foot of building height in excess of thirty-five (35) feet.

8A-6. HEIGHT REGULATIONS

Buildings may be erected up to sixty (60) feet in height from grade by right; from sixty (60) to one hundred (100) feet in height from grade with a height limitation waiver** subject in either case to building line regulations as set forth in Section 8A-5-1, and the criteria below.

Maximum Height	Maximum Percentage of the lot area in Building Coverage	Maximum Floor Area Ratio	Minimum Percentage of the lot area in Open Space
Up to 3 floors or 35 feet	20%	.6	30% ¹
Over 35 feet or 4 floors or more	20% ²	.6 ²	40% ¹

¹Land in required setback areas and perimeter open space may be included within the minimum percentage of lot area in Open Space.

² Coverage may be increased to 25% and/or floor area ratio may be increased to 0.75 if the additional floor area is used for inside parking space.

**Upon application to the Administrator or his designee, the Board of Supervisors may grant a height limitation waiver upon finding that:

- a) the regulations of this section regarding building coverage, floor area ratio and open space are met;
- b) such building will not impair property values in the surrounding area;
- c) such building will not impair the enjoyment of historic attractions 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.

8A-7. OFF-STREET PARKING REGULATIONS

Off-street parking within the TOURIST ENTRY DISTRICT shall comply with the regulations as set forth in Article 12, Section 6, General Provisions, and with the following special provisions:

- 8A-7-1. Screening and Landscaping. Off-street parking for vehicles shall be effectively screened on each side which faces other properties, public rights-of-way, or recorded street lines, by a fence, wall or compact hedge, except where access ways to the parking lot are to be provided. Such fence, wall, or hedge shall be not less than six (6) feet in height and shall be maintained in good condition and shall provide year round screening. The space, if any, between such fence, wall, or hedge and the side lot line of adjoining premises shall be landscaped with grass, shrubs, or evergreen ground cover and maintained in good condition.
- 8A-7-2. Surfacing of Parking Areas. Any off-street parking area shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. Surface water from any parking, loading, or other paved area shall not be permitted to drain onto adjoining property, but shall be required to drain directly into established and approved public drainage ways.
- 8A-7-3. Exterior Loading Areas. Exterior areas used for loading, unloading, and standing or turning of service vehicles shall comply with Article 12, Section 12-11, General Provisions, and with the screening, landscaping and surfacing requirements as set forth in 8A-7-1, and 8A-7-2, above.

8A-8. SPECIAL REGULATIONS FOR UNDERGROUND UTILITIES

In TOURIST ENTRY DISTRICTS, facilities of electric and communications utilities shall be installed below the surface of the ground to the extent provided herein.

8A-8-1. All utility facilities, constructed or installed after the effective date of this ordinance, including but not limited to wires, cables, pipes, conduits and appurtenant equipment, carrying or used in connection with the furnishing of electric, telephone, telegraph, cable television or similar service, shall be placed below the surface of the ground, provided that the following utility facilities shall be permitted above ground:

- (a) Electric transmission lines and facilities in excess of 50 kilovolts;
- (b) Equipment such as electric distribution transformers, switchgear, meter pedestals, telephone pedestals, outdoor lighting poles or standards, radio antennae and associated equipment, which is, under accepted utility practices, normally installed above ground;
- (c) Meters, service connections and similar equipment normally attached to the outside wall of the customer's premises;
- (d) When authorized by the Board of Supervisors or their designee, utility facilities crossing or entering any portion of the TOURIST ENTRY DISTRICT and originating or terminating in some other district where overhead utility facilities are permitted.

8A-8-2. Above-ground utility facilities in existence on January 10, 1973 may remain above ground and may be repaired, replaced or increased in capacity, provided that:

- (a) Whenever any tract or parcel of land, upon which above-ground utility facilities are located, is subdivided or otherwise developed, the subdivider or developer shall pay to the appropriate utility the non-betterment cost of relocating those utility facilities underground.
- (b) The Board of Supervisors may from time to time direct the utility company owning any above-ground utility facilities in existence on January 10, 1973 to relocate such facilities underground, in specified areas, in which case the cost of such relocation shall be borne by James City County.

8A-8-3. All installation of utility facilities below ground will be made in accordance with accepted standards of utility practice for underground construction and with applicable rules, regulations and policies of the State Corporation Commission.

8A-9. SIGN REGULATIONS

To assure an appearance and condition which is consistent with the purposes of the TOURIST ENTRY DISTRICT, outdoor signs on properties within the district shall comply with the Special Regulations for Exterior Signs in Section 12-14.


8A-10. SITE PLAN REVIEW

All buildings or complexes of buildings erected, altered, or restored within the TOURIST ENTRY DISTRICT shall be subject to Site Plan Review in accordance with General Provisions set forth in Article 12, Section 12-12, and the special provisions for the district as set forth in this Article. In the case of any disparities in the regulations, the provisions in this Article shall supersede.

8A-11. ARCHITECTURAL DESIGN REVIEW

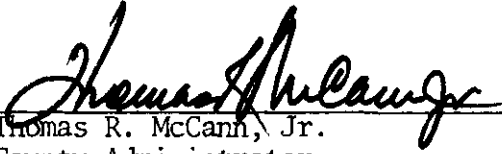
Approval of the Preliminary site plan will be conditional, subject to Architectural Design Review procedures as set forth under General Provisions, Article 12, Section 12-13.

This ordinance shall be in full force and effect from the day of its adoption.



Jack D. Edwards, Chairman
Board of Supervisors
James City County, Virginia

ATTEST:



Thomas R. McCann, Jr.
County Administrator

Adopted by the Board of Supervisors, James City County, Virginia,
this 23rd day of April, 1974.