

OCT 11 1976

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 31A-38

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISION OF ARTICLE IV, DISTRICTS: DIVISION 8, BUSINESS, GENERAL, DISTRICT B-1.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City be and the same is, hereby, amended by amending the following divisions of Article IV, Districts: Division 8, Business, General, District B-1, to read as follows:

CHAPTER 20

ZONING

Article IV. Districts

Division 8. Business, General, District B-1.

Section 20-81. Statement of intent.

Generally, the business, general, district B-1, covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. All buildings erected, altered or restored within the district shall be subject to these requirements.

Section 20-82. Permitted uses.

In the business, general, district B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Retail food stores, bakeries and fish markets.

Dry cleaners and laundries.

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 and sporting goods stores.

Drug stores, barber shops and beauty shops.

Restaurants, drive-in restaurants, tea rooms, and taverns.

Banks and other financial institutions.

Plants and garden supply, hardware and paint, and home appliance

sales and service stores.

Lumber and building supply (with storage under cover).

Plumbing and electrical supply (with storage under cover).

Vehicle and trailer sales and service (with major repair under cover).

Tire, transmission, glass, body and fender and other automotive product sales and service (with storage and major repair under cover).

Hotels, motels, tourist homes, and convention centers.

Machinery sales and service (with storage and repair under cover).

Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.

Corporate, business and professional offices.

Doctors, dentists and other medical clinics or offices.

In-door theaters, museums, and public meeting halls.

Schools, fire stations, post offices, public utilities, churches and libraries.

Lodges, civic clubs, fraternal organizations and service clubs.

Funeral homes, hospitals and nursing homes.

Wholesale and warehousing (with storage under cover).

Marinas, docks, piers, yacht clubs, boat basins, and servicing facilities for the same.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and private clubs and other centers of amusement with a conditional use permit.

Wholesale and retail marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution, with a conditional use permit.

Radio and television stations, with a conditional use permit required if any antenna or tower is to exceed sixty feet in height.

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; with a conditional use permit.

Drive-in theaters, with a conditional use permit.

Design, research and evaluating laboratories, with a conditional use permit.

Printing and publishing, with a conditional use permit.

Tourist camps, with a two hundred foot setback for campsites, with a conditional use permit.

Off-street parking as required by this Chapter.

Section 20-83. Area requirements.

None, except for permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The Administrator may require a greater area if considered necessary by the Health Official.

Section 20-84. Setback requirements.

Structures shall be located fifty feet or more from any street

right-of-way which is fifty feet or greater in width. Where the street right-of-way is less than fifty feet in width, structures shall be located seventy-five feet or more from the center line of the street.

Section 20-84.1. Side and rear setbacks.

Buildings shall be located twenty feet or more from side or rear property lines. This minimum side and rear setback shall be increased an additional one foot for each one foot of building height in excess of thirty-five feet. This additional setback may be used for driveways, parking or open space, but not for any building or structure.

Section 20-85. Perimeter open space regulations.

For permitted uses a ten foot minimum perimeter open space area shall be provided adjoining the sides and rear property lines within which no building, structure, driveway (unless such driveway shall run perpendicularly across the property line to connect with adjoining property, as opposed to running along the property line), or parking surface will be permitted. Necessary approved curb cuts (entrance or entrances) will be allowed. In addition to such minimum side and rear landscaped areas, a minimum ten foot perimeter open space strip shall be provided adjacent to buildings. Such open space areas shall be landscaped except for necessary entrances and walkways and shall not be used for parking.

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

"Landscaped area", "landscaped setback", "landscaped strip", or "perimeter open space area" as herein used are defined as areas containing shrubs, trees, flowers, grass, mulch, etc. Such areas shall be shown on the site plan or a separate landscaping plan for the site which shows the size and type of existing trees, trees to be cleared or removed, and new trees or vegetation to be planted. Such plan is subject to approval of the Site Plan Review Committee. In general, where trees are required, they shall be of a minimum height of seven feet, with one tree per thirty linear feet of landscaped area, and more or less evenly distributed. Where approved, hedges, shrubs, ground cover, or flower beds may substitute in part for the planting of trees. Existing trees and natural vegetation shall be retained wherever possible, particularly where they border adjacent property.

Section 20-86. Height limits.

Buildings may be erected up to sixty feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions, but excluding those items listed in (b) below, and in accord with the following criteria:

| Maximum Height | Maximum Percentage of lot area in Building Coverage | Maximum Floor Area Ratio | Minimum Percentage of lot area in Open Space |
|---|---|--------------------------|--|
| 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} |

Notes:

¹The minimum open space land area may in no case be less than the thirty percent or the total area in required open space whichever is greater.

²An increase of twenty-four percent to .75 FAR may be permitted if the additional floor area is used for inside parking space.

³This percentage may include the perimeter open space but shall in any case be open space contiguous to such perimeter open space.

(A) A building in excess of sixty feet in height but not in excess of one hundred feet, from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions, but excluding those items listed in (c) below, 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:

- 1) The aforesaid regulations regarding building coverage, floor area ratio and open space applicable to buildings above thirty-five feet are met;
- 2) Such building will not impair property values in the surrounding area;
- 3) Such building will not impair the enjoyment of historic attraction and areas of significant historic interest;
- 4) Such building is adequately designed and served from the standpoint of safety, and that the County Fire Marshal certifies 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;
- 5) Such building would not be contrary to the public health, safety or general welfare.

(B) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennae and home radio aerials are exempt. Parapet walls may be up

to four feet above the height of the building on which the walls rest.

(c) No accessory structure which is within ten feet of any party lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.

Section 20-86.1. Sign regulations.

To assure an appearance and condition which is consistent with the purposes of the B-1 General Business District, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in Article VIII of this Chapter.

Section 20-86.2. Underground utilities.

(a) Where new commercial structures are built or existing structures expanded, all electrical and communication service extensions which run from the main transmission or distribution lines to the structure shall be placed beneath the surface of the ground, as specified below.

(1) Above ground facilities in existence prior to the adoption of this ordinance may remain above ground and be repaired or replaced.

(2) If the retail floor area within an existing structure is to be expanded by more than twenty-five percent, and if the existing service extension line must be expanded in capacity, the new line and existing lines shall be placed beneath the surface of the ground.

(b) Electric transmission lines and facilities in excess of 50 kilovolts may be permitted above ground.

(c) Transformers, switching equipment, meter pedestals, telephone pedestals, outdoor lighting poles, and meters or service connections attached to the outside wall of the building may be placed above ground.

Section 20-86.3. Site plan review.

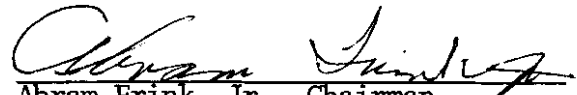
All buildings or complexes of buildings erected, altered, or restored within the district shall be subject to site plan review in accordance with Section 20-16 of this Chapter.

Section 20-86.4. Automotive service stations.

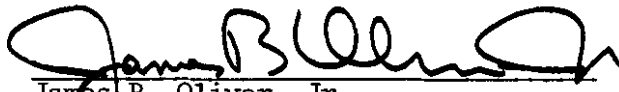
The following special requirements shall apply to automotive service stations:

- (1) Minimum lot area shall be twenty thousand square feet.
- (2) Minimum lot width shall be two hundred feet or one hundred fifty feet where self-service gasoline pumps are subordinate to general retail uses and no repair is conducted.
- (3) No gasoline island shall be located closer than fifteen feet to any adjoining road right-of-way.
- (4) The width of curb openings shall not exceed thirty-five feet and where two or more curb openings are proposed, they shall be no closer than twenty-five feet apart.
- (5) Curb openings shall be no closer than ten feet from an adjoining property line and no closer than twenty-five feet to a street intersection.
- (6) Two off-street parking spaces shall be provided for each service bay plus a total of three spaces for employee parking.

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


Abram Frink, Jr., Chairman
Board of Supervisors

ATTEST:


James B. Oliver, Jr.
Clerk to the Board