

ORDINANCE NO. 31A-89

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I. IN GENERAL, SECTION 20-2. DEFINITIONS; SECTION 20-12. MINIMUM OFF-STREET PARKING; ARTICLE IV. DISTRICTS, DIVISION 1. GENERALLY, SECTION 20-98. SPECIAL REQUIREMENTS FOR MOBILE HOMES; SECTION 20-99. SPECIAL PROVISIONS FOR GARAGE SALES; DIVISION 6. GENERAL RESIDENTIAL DISTRICT, R-3, SECTION 20-195. MINIMUM LOT WIDTH; DIVISION 7. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 20-213. DOCUMENTS REQUIRED FOR SUBMISSION; SECTION 20-223. PERMITTED DENSITY WITHIN RESIDENTIAL AREAS; SECTION 20-231. HEIGHT LIMITS; SECTION 20-225. PERMITTED USES; DIVISION 8. MULTI-FAMILY RESIDENTIAL DISTRICT, R-5, SECTION 20-251. REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 10. MOBILE HOME SUBDIVISION DISTRICT, R-7, SECTION 20-286. USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 11. LIMITED BUSINESS DISTRICT, LB, SECTION 20-312. SPECIAL PROVISIONS FOR THE ADJUSTMENT OF YARD AND OPEN SPACE REQUIREMENTS; DIVISION 12. GENERAL BUSINESS DISTRICT, B-1, SECTION 20-336. HEIGHT AND BULK LIMITS; DIVISION 13. LIMITED INDUSTRIAL DISTRICT, M-1, SECTION 20-359. HEIGHT LIMITATION WAIVER; DIVISION 14. GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 20-384. HEIGHT LIMITATION WAIVER; ARTICLE V. NONCONFORMITIES, SECTION 20-401. EXPANSION OR ENLARGEMENT; ARTICLE IX. PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 20-468. DOCUMENTS REQUIRED FOR SUBMISSION; SECTION 20-476. DENSITY; SECTION 20-481. HEIGHT AND SPACING OF BUILDINGS; SECTION 20-484. PERMITTED USES; AND ARTICLE IXA. RESIDENTIAL CLUSTER DEVELOPMENT, SECTION 20-507. YARD REGULATIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 20, Zoning, of the Code of the County of James City is hereby amended and reordained by amending Section 20-2. Definitions; Section 20-12. Minimum Off-Street Parking; Section 20-98. Special Requirements for Mobile Homes; Section 20-195. Minimum Lot Width; Section 20-213. Documents Required for Submission; Section 20-223. Permitted Density Within Residential Areas; Section 20-225. Permitted Uses; Section 20-251. Requirements for Improvements and Design; Section 20-286. Uses Permitted by Special Use Permit Only; Section 20-312. Special Provisions for the Adjustment of Yard and Open Space Requirements; Section 20-336. Height and Bulk Limits; Section 20-359. Height Limitation Waiver; Section 20-384. Height Limitation Waiver; Section 20-401. Expansion or Enlargement; Section 20-468. Documents Required for Submission; Section 20-476. Density; Section 20-481. Height and Spacing of Buildings; Section 20-484. Permitted Uses; and Section 20-507. Yard Regulations and by adding Section 20-99. Special Provisions for Garage Sales; and Section 20-231. Height Limits.

CHAPTER 20

ZONING

ARTICLE I. IN GENERAL.

Section 20-2. Definitions

ACCESSORY BUILDING OR STRUCTURE. A subordinate building or structure customarily incidental to and located upon the same lot occupied by the main

use or building. No such accessory building or structure shall be used for housekeeping purposes. Garages or other accessory structures such as carports, porches, decks, and stoops attached to the main building shall be considered part of the main building. Accessory buildings and structures located 10 feet or less from a main structure shall be considered part of the main structure for the purpose of determining side and rear yards.

FLEA MARKET. An occasional or periodic market held in a structure or open area where one or more individuals offer goods for sale to the public. "Flea market" does not include sales held by charitable or non-profit organizations not more than four times a year, farmer's market, or garage sales.

Section 20-12. Minimum Off-Street Parking.

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking with adequate landscaping and provision for entrance and exit by standard sized automobiles, as follows:

A. General provisions.

1. No Certificate of Occupancy shall be issued for any structure which does not comply with these requirements; however, structures already in use are exempted, provided that:

(a) Such structure at the time of its erection complied with the provisions of all applicable ordinances of James City County.

(b) Exempted buildings remain in continuous use and at no time remain vacant or unused for a continuous period of one year.

(c) No parking lot for any exempted property is enlarged or materially altered. If such a parking lot is to be enlarged or materially altered, the existing parking area as well as the new parking area shall be brought into conformance with this Chapter; provided however, the Planning Commission may waive the setbacks and geometric design requirements found in B. 1, 2 and 6 below as they apply to existing parking areas, upon finding that the costs of complying with these standards would impose a severe hardship, or that insufficient area exists to allow such revision.

For purposes of this Section, enlarged or materially altered shall mean expansion or change in the parking lot which either increases the number of parking spaces by more than 15% or reduces the landscaped areas of the parking lot by more than 15%. Nothing in this Section is intended to prohibit paving or surfacing of parking lots, the installation of curbs or bumpers, or other improvements which do not affect the number of spaces or the areas of the site dedicated to landscaped open space.

2. Required off-street parking spaces shall be located on the same lot as the structure or use to which they are accessory or on a lot adjacent thereto which has the same zoning classification.

3. Off-street parking spaces shall be used solely for the parking of vehicles in operating condition by patrons, occupants or employees of the use to which such parking is accessory. Permanent storage of vehicles shall not be allowed. Storage of vehicles for sale shall not be allowed.

4. Parking spaces for the handicapped and any necessary curb cuts and ramps shall be provided in all parking areas in conformance with the standards for numbers and design found in the Virginia Uniform Statewide Building Code.

#### B. Design.

Parking areas shall be arranged for functional efficiency and convenience and shall be designed to be amenable to surrounding property. Parking areas accessory or otherwise, containing ten or more parking spaces, shall comply with the following:

1. The parking lot shall be separate from the street right-of-way and property lines by a landscaped strip at least ten feet in width. Ingress and egress shall be provided through driveway openings only. In the event a parking lot is adjacent to a parking lot on another parcel, the required landscaped strip along the common property line between the two parking lots may be waived by the Site Plan Review Committee.

2. The parking lot shall be constructed so that spaces are grouped into bays. At the end of each bay, a landscaped island of at least nine feet in width and 15 feet in length shall be built to separate the bays from each other or from traffic lanes. When the parking bays contain double rows of parking spaces, the landscaped island shall be increased to nine feet in width and 30 feet in length. A parking bay may not be constructed to a length of more than 200 feet without constructing a landscaped island. The Administrator may approve islands which vary from 9 x 15 or 9 x 30 rectangles in order to provide desirable geometric design features such as rounded corners and angles to facilitate maneuvering of automobile traffic. However, in no case shall the total area of an island be decreased as a result of such design change.

3. The landscaped area within the parking lot shall not be less than 7.5% of the surface area of the parking lot. The perimeter landscaped strip required by this Chapter shall be excluded from the calculations of the minimum landscaped percentage; except that any portion of the perimeter landscaped strip which exceeds the minimum requirement may be counted as up to one-third of the required landscaped percentage or against up to 2.5% of the surface area of the parking lot. Parking lots with two bays or less of single rows of parking may include the entire perimeter landscaped strip, including the minimum required, in the calculation of the landscape percentage.

4. "Landscaped area," "landscaped setback," "landscaped strip," "landscaped island," or "perimeter open space," as herein used are defined in

Section 20-2. 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 removed and new trees, shrubs, flowers and grass to be planted. A minimum of one tree shall be provided within the landscaped areas in the parking lot for each ten parking spaces in the lot. Existing trees and natural vegetation shall be retained wherever possible, particularly where they border adjacent property. All landscaped areas contiguous to parking bays shall be protected from intrusion by vehicles by curbs or bumpers.

5. Adequate lighting shall be provided if the uses which are served by the parking lot will be in operation at night. The lighting in parking lots shall be directed so as not to produce objectionable glare on adjacent property or streets, and no lighting fixture shall exceed a height of 30 feet.

6. The design of the parking lot shall meet the minimum geometric standards presented in the following table:

MINIMUM OFF-STREET PARKING AREA DIMENSIONS

<u>Angle of Parking (degrees)</u>	<u>Direction of Traffic</u>	<u>Dimension of Stall (feet)</u>	<u>Width of Aisle (feet)*</u>
Parallel	One-way	8 x 22	12
45	One-way	9 x 18	12
60	One-way	9 x 18	18
90	Two-way	9 x 18	23

\* Minimum width of traffic aisles in parking lots for two-way traffic shall be 24 feet.

The minimum aisle dimension of any parking lot designed to accommodate at least 500 vehicles and intended for long-term parking may be reduced by four feet provided: the lot is designed and marked for one-way traffic; the parking spaces form an angle of eighty degrees to ninety degrees with the aisle; each vehicle is individually guided to a parking space by an attendant; and the safety and effective operation of the lot has been clearly demonstrated.

For the purpose of this section the phrase "long-term parking" shall mean parking the duration of which is on the average six hours or more.

7. Parking areas, driveways, and entrances shall be surfaced with gravel, stone, asphalt or concrete, and shall be maintained in good repair. Adequate drainage shall be provided for the removal of storm water and a drainage plan shall be submitted with the site plan and approved by the Director of Public Works.

8. The location, size, and number of entrances from parking areas onto public or private roads shall be shown on the site plan. Upon finding that on-site traffic circulation, off-site traffic flow, or public safety would be improved, the Site Plan Review Committee may require the location, number or size of entrances to be limited or increased.

C. Special provisions for bus parking.

If provided, bus parking areas shall be arranged for functional efficiency and convenience and shall be designed to be amenable to surrounding property. Bus parking areas, accessory or otherwise, are exempted from the requirements of B. "Design," but shall comply with A. "General provisions" and with the following:

1. Site plans, in accordance with Article II of this Chapter, shall be submitted for all new off-street parking areas for buses or for any additions to existing off-street parking areas for buses. (This requirement supersedes A. 5 above.)

2. Parking areas to be used for bus parking shall be used for bus parking only. Signs shall be erected within the parking lot indicating those areas designated for bus parking only.

3. For perpendicular or angled parking, the minimum size of a bus parking space shall be 12 feet wide and 40 feet long. For parallel bus parking spaces, the minimum size shall be 12 feet wide by 50 feet long. The width of aisles within bus parking lots shall be determined by the turning radii necessary to safely maneuver into and out of the parking spaces; however, shall in no case be less than 24 feet wide.

4. Bus parking areas shall be surfaced with gravel, stone, asphalt or concrete and shall be maintained in good repair. Adequate drainage shall be provided for the removal of storm water and a drainage plan shall be submitted with the site plan and approved by the County Engineer.

5. Bus parking areas shall be separated from all street rights-of-way and property lines by a landscaped strip ten feet or greater in width. Bus parking areas which contain four or more spaces shall be separated from all street rights-of-way and property lines by a landscaped strip 20 feet or greater in width. The landscaped strip shall contain a number of trees equal to at least one tree for each two bus spaces or fraction thereof in addition to other required plantings.

6. Adequate lighting shall be provided if the uses which are served by the bus parking area will be in operation at night. The lighting shall be directed so as not to produce objectionable glare on adjacent property or streets, and no lighting fixture shall exceed a height of 30 feet.

D. Minimum off-street parking requirements.

1. Residential uses: The minimum number of off-street parking spaces shall be: two spaces per single-family residential unit; three spaces per single family dwelling with an accessory apartment; two spaces per townhouse dwelling unit; and two spaces per mobile home. Other residential uses shall provide 1.5 spaces per residential unit. Spaces in accessory garages conforming to the size and area requirements for parking spaces and having suitable ingress and egress shall be counted towards the required minimum number of parking spaces for each dwelling.

2. Commercial uses: Commercial and institutional uses shall be divided into various categories according to the parking demand which they generate, as follows:

Category A. High Parking Demand Generators shall provide one parking space per 200 square feet of retail floor area, to include:

General retail stores.

Retail food stores, bakeries, and fish markets.

Laundries and dry cleaners.

Wearing apparel, shoes, yard goods, toys, music and records, tailors, dressmakers, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, tobacco and pipes, jewelry sales and service, books, greeting cards, and sporting goods stores.

Drug stores.

Plants and garden supply, hardware and paint, and home appliance sales and service.

Antique, novelty, arts and crafts, and gift shops.

Libraries and post offices.

Lodges, civic clubs, fraternal organizations, service clubs, public billiard parlors, arcades, pool rooms, dance halls, and private clubs.

All other commercial uses not specified in Category B or C below.

Category B. Moderate Parking Demand Generators shall provide one parking space per 250 square feet of retail floor area, to include:

Banks and financial institutions.

Corporate, business and professional offices.

Lumber and building supply.

Plumbing and electrical supply.

Tire, transmission, glass, body and fender, and other automotive product sales and service.

Machinery sales and service.

Photography studios and sales and artist and sculptor studios.

Category C. Uses with unique requirements.

(a) Motels, hotels and tourist homes shall have one parking space per rental unit plus four parking spaces for every 50 rental units plus one parking space per five persons to the maximum capacity of each public meeting and-or banquet room. Accessory uses (restaurants, bars, etc.) shall provide the number of parking spaces required for those uses individually.

(b) Theaters, auditoriums and places of public assembly shall have one parking space per five seats based upon the planned seating capacity.

(c) Hospitals shall provide at least two parking spaces for every bed. Nursing homes or convalescent facilities shall provide one parking space for every three beds, plus one parking space for each employee on the largest shift.

(d) Outdoor retail sales-display areas shall provide at least one parking space per 500 square feet of area.

(e) Bowling alleys shall have three parking spaces per alley plus one space for every 200 square feet of accessory business use.

(f) Barber shops and beauty shops shall have at least three spaces plus two spaces for every barber or beautician chair.

(g) Planned shopping centers, with four or more stores using a common parking lot, shall provide parking spaces according to the following schedule:

<u>Total Retail Floor Area in Square Feet</u>	<u>Number of Spaces per 1,000 Square Feet</u>
1 - 100,000	4
100,001 - 300,000	5
Over 300,000	5.5

Where a theater is proposed in conjunction with any shopping center which contains at least 60,000 square feet of retail floor area, the number of parking spaces required for the theater may be reduced by 25% of what would have been required under (b) above. All shopping centers utilizing the provisions of this paragraph shall have a minimum landscaped strip along street rights-of-way of 20 feet and the landscaped strip along all other property lines shall be a minimum width of 15 feet.

(h) Medical and dental clinics shall provide at least three parking spaces for each doctor or dentist having offices in such clinic.

(i) Mortuaries and funeral homes shall provide at least 30 parking spaces.

(j) Furniture stores, carpet show rooms and indoor vehicular sales show rooms shall have one parking space for every 400 square feet of retail floor area.

(k) Restaurants shall have one parking space for every four seats based upon the maximum seating capacity allowed.

(l) Rental of rooms to a maximum of three shall provide off-street parking totalling one more parking space than the total number of rooms to be rented.

3. Industrial uses: Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two employees on the largest shift.

4. Where the required number of parking spaces is not set forth for a particular use in the preceding Sections, where the applicant is uncertain as to final use or size of the structure or where there is no similar general type of use listed, the Site Plan Review Committee shall determine the number of spaces to be provided.

5. Appeals and waivers.

(a) Appeals. A property owner may appeal for a change of a commercial use from Category A to Category B or a less restrictive requirement within Category C; however, the burden of proof shall

be upon the applicant to show that the particular activity will not reasonably generate parking demand sufficient to justify the parking requirement of its present classification. Appeals for changes to different parking classifications shall be made to the Site Plan Review Committee.

(b) Waivers. A property owner may be granted a waiver by the Site Plan Review Committee from the minimum off-street parking requirements if it can be shown that due to unique circumstances, a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement. Any waiver granted by the Site Plan Review Committee shall not allow a greater building area than would have been possible had the original parking requirement been enforced. The Site Plan Review Committee may place conditions upon the granting of a waiver, and may require that the parking area not required upon the granting of the waiver be landscaped in addition to the minimum landscaping requirements.

#### ARTICLE IV. DISTRICTS

##### DIVISION 1. GENERALLY

###### Section 20-98. Special Requirements for Mobile Homes.

All mobile homes located or relocated after April 8, 1985 shall comply with the following requirements:

- (a) Mobile homes shall be certified as meeting the Mobile Home Construction and Safety Standards promulgated by the Department of Housing and Urban Development. It shall be the responsibility of the mobile home owner to provide proof that the mobile home complies with these standards.
- (b) Mobile homes shall have a visible foundation of skirting. The skirting shall be in place within 30 days of placement of the mobile home on the parcel or lot. The tongue and axle of the mobile homes shall be removed if not covered by the skirting.

###### Section 20-99. Special Provisions for Garage Sales.

Garage sales shall be permitted in all districts.

##### DIVISION 6. GENERAL RESIDENTIAL DISTRICT, R-3.

###### Section 20-195. Minimum Lot Width.

Lots of less than 20,000 square feet shall have a minimum width at the setback line of 75 feet.



Lots of 20,000 square feet to 43,560 square feet shall have a minimum width at the setback line of 100 feet.

Lots of 43,560 square feet or more, shall have a minimum lot width at the setback line of 150 feet.

DIVISION 7. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4.

Section 20-213. Documents Required for Submission.

- (a) The applicant shall submit the following documents to the Planning Director for submission to the Planning Commission:
- (1) Application for rezoning.
  - (2) Master Plan, 21 copies.
  - (3) Community Impact Statement, ten copies.

The purpose of the Master Plan and Community Impact Statement is to set an overall population and development ceiling for the Planned Community, to determine off-site impacts of the development, and to identify the general arrangement of land uses within it.

- (b) Master Plan. The Master Plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 by 40 inches. It shall include:
- (1) An insert map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions or major landmarks.
  - (2) A north arrow.
  - (3) The location of existing property lines, watercourses or lakes, wooded areas and existing roads which are within or adjoin the property.
  - (4) The approximate boundaries of each section, land use or density, a general circulation plan with an indication of whether streets are to be public or private, and the approximate location of recreation areas, common open space areas, public facilities and areas proposed for dedication to public use within the project. Each residential section of the Master Plan shall be designated according to the following categories:

<u>Area Designation</u>	<u>Dwelling Type</u>
A	Single family
B	Two-family, multi-family structures containing three or four dwelling units, or townhouses
C	Multi-family structures less than three stories and containing more than four dwelling units
D	Multi-family structures of three or more stories and containing more than four dwelling units

The above designation shall be the highest and densest use to which such land may be put without amending the Master Plan. However, where the Planning Commission finds the project does not vary the basic concept or character of the planned community and where it does not exceed the maximum density permitted under Section 20-223, the Planning Commission may approve Final Plans for projects with lower densities or a lower category of uses than those shown on the Master Plan without amending the Master Plan.

Common open space shall be located so as to enhance the living environment of the residential planned community. Generally this shall mean that the common open space shall be distributed throughout the community and not aggregated in large areas that provide little or no benefit to the individual uses or the community at large.

- (5) As marginal data it shall contain a table which shows, for each section or area of different uses, the use, approximate phasing, approximate number of dwelling units and density for residential areas, square feet of floor space for commercial areas, and their acreage.
  - (6) Schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans.
  - (7) A statement on the guarantees and assurances to be provided for the maintenance of common open space, recreation areas, sidewalks, parking, private streets, and other privately-owned but common facilities serving the project.
- (c) Community Impact Statement. The Community Impact Statement shall describe the probable effects of the proposed development upon the community. At a minimum, it shall address the following topics:

- (1) Adequacy of existing public facilities and services to serve the development. Analysis shall be made of sewer, water, schools, fire stations and other major locally financed facilities.
- (2) Additional on-site and off-site public facilities or services which would be required as a result of the development.
- (3) Traffic to be generated by the development, the capacity of surrounding roads, specific road improvements necessary.
- (4) Fiscal impact of the proposed development, such as estimated tax revenues to be generated versus the cost of public improvements to be financed by the County or the State.
- (5) Impact of construction and permanent changes in land use upon surrounding property, such as aesthetics, vegetation, stormwater drainage, noise and air or water pollution.
- (6) Employment opportunities to be generated by the development.

Section 20-223. Permitted Density within Residential Areas.

The Master Plan shall designate the proposed dwelling unit densities within each residential area shown, according to the following categories:

<u>Area Designation</u>	<u>Dwelling Type</u>	<u>Maximum Density (dwelling units per acre)</u>
A	single family	4
B	two-family, multi-family structures containing three or four dwelling units or townhouses	9.6
C	multi-family structures less than three stories and containing more than four dwelling units	12
D	multi-family structures of three or more stories and containing more than four dwelling units	18

Units for sale in condominium may be in any of the dwelling types listed above, and the number of dwelling units per acre shall be determined by the dwelling type.

Section 20-231. Height Limits.

Buildings 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, but excluding those items listed in (b) below.

(a) A building 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, but excluding those items listed in (b) 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) Such building is in accordance with the uses, densities, design, and traffic analysis shown on the original Master Plan; and

(2) Such building will not obstruct light from adjacent property; and

(3) Such building will not impair the enjoyment of historic attractions and areas of significant historic interest; and

(4) Such building will not impair property values in the surrounding area; and,

(5) Such building is adequately designed and served from the standpoint of safety, and the County Fire Chief certifies 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 building will not be contrary to the public health, safety and general welfare.

(b) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennas and home radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the wall rests.

#### Section 20-225. Permitted Uses.

In the Residential Planned Community District, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Single-family dwellings.

Two-family dwellings.

Townhouses and condominiums.

Apartments.

Rental of rooms to a maximum of three rooms.

Houses of worship.

Schools, libraries, fire stations, and post offices.

Parks, playgrounds, golf courses, tennis courts, swimming pools, and other public or private recreation areas.

Yacht clubs, private or commercial marinas, boat storage, and service facilities with sale of fuel in accordance with Section 20-89.

Hunting clubs, conservation areas and preserves.

Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields.

Private clubs, civic or service clubs, lodges, and fraternal organizations.

Funeral homes, cemeteries, and memorial gardens.

Home occupations as defined.

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, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores.

Photographer, artist, and sculptor studios.

Corporate, business, professional and governmental offices.

Barbershops and beauty shops.

Banks and other financial institutions.

Hospitals, nursing homes, and rest homes.

Doctor, dentist, and other medical clinics and offices.

Hotels, motels, tourist homes and convention centers.

Restaurants, fast food restaurants, tea rooms, and taverns.

Dinner theaters.

Indoor theaters, museums, public meeting halls, and outdoor entertainment, other than drive-in theaters.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement.

Automobile service stations with sale of fuel in accordance with Section 20-89.

Property maintenance facilities, sheds or garages.

Equipment storage and restroom facilities in conjunction with other permitted uses.

Accessory buildings or structures, as defined.

Public utilities: Poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities.

New or expansion of water impoundments for public or private use of less than 50 acres and dam heights of less than 25 feet.

Water impoundments for public or private use of more than 50 acres and with dam heights of more than 25 feet with a Special Use Permit.

Off-street parking as required by this Chapter.

Telephone exchanges and telephone switching stations.

All uses are subject to the limitations hereinafter provided.

#### DIVISION 8. MULTI-FAMILY RESIDENTIAL DISTRICT, R-5.

Section 20-251. Requirements for Improvements and Design.

- (a) Sewer and water. All dwelling units within the Multi-Family Residential District, R-5, shall be served by publicly-owned and operated sewer and water systems.

- (b) Open Space. At least 35% of the gross area of the site shall be retained in open space as defined in Section 20-2.
- (c) Recreation. A playground area or areas with playground equipment shall be provided by the developer. Such areas shall be centrally located and total at least one-half acre for every 50 dwelling units; provided, that the total shall not exceed 10% of the gross area of the site. For multi-family projects with less than 50 dwelling units, the recreation areas shall total 10% of the gross acreage of the site. The developer shall provide and install playground equipment specified on the site plan prior to the issuance of any Certificates of Occupancy. Recreation areas and facilities may be deeded to a residents' association.
- (d) Sidewalks. Sidewalks of a minimum width of four feet shall be constructed between buildings, parking areas and public areas. If paralleling a street, sidewalks shall be separated from the edge of the pavement by a utility strip which shall be at least two feet wide and landscaped. If not constructed of concrete, the material and design shall be specified on the site plan and subject to commission approval.
- (e) Utility lines. All utility lines, including electrical, telephone, and cable television, shall be placed below ground.
- (f) Parking. Off-street parking facilities shall be provided in accordance with Section 20-12 of this Chapter.
- (g) Bicycle storage racks. Bicycle storage and parking racks shall be provided with a capacity of 0.5 space for each dwelling unit in townhouse, apartment, and condominium developments.
- (h) Streets. All streets shall meet the design and construction requirements of the State Department of Highways and Transportation, or the requirements of the County Subdivision Regulations, whichever is greater. All streets shall be consistent with the major thoroughfare plan of the County Comprehensive Plan. The traffic generated by a Multi-Family Residential District, R-5, shall not exceed the capacity of adjoining thoroughfares. The daily traffic shall be determined by multiplying the number of proposed dwelling units by seven (7) vehicle trips per day and compared to the existing traffic and road capacity as determined by the Highway Engineer. The construction of private streets shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the County Attorney and Department of Public Works.
- (i) Fire hydrants. Fire hydrants shall be at locations and of types approved by the County Director of Public Works and County Fire Chief. No structure within the project shall be further than 400 feet from a hydrant.

- (j) Trash collection. If containers are provided, they shall be conveniently located to serve all dwelling units. The sites for such containers shall be attractively screened by natural vegetation, landscaping or fences.
- (k) Street lights. Street lights shall be provided, as required by Section 20-12(B)(5) of this Chapter and the County Subdivision Ordinance. All streetlights shall be specified on the site plan, generally at intersections and in parking lots and other public areas. The lighting shall be directed so as not to produce objectionable glare on adjacent property or into residences within the development. No lighting fixture on pedestrian or bicycle paths, or parking lots shall exceed a height of 15 feet.
- (l) Site plan. A site plan for the project must be approved in accordance with Article II of this Chapter.
- (m) Building height. A building may exceed 35 feet in height only upon the granting of a height limitation exemption by the Board of Supervisors. Upon application, the Board of Supervisors may grant a height limitation exception upon finding that:
  - (1) Such building will not obstruct light from adjacent property; and
  - (2) Such building will not impair the enjoyment of historic attractions and areas of significant historic interest; and
  - (3) Such building will not impair property values in the surrounding area; and
  - (4) Such building is adequately designed and served from the standpoint of safety, and the County Fire Chief certifies 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 building would not be contrary to the public health, safety and general welfare.
- (n) Maximum number of units and facade variety. A maximum of ten townhouse units shall be included in one structure. The facade of townhouses within a group shall be changed by variation in the depth of front yards, building materials and-or design, so that no more than two abutting units shall be of like appearance.
- (o) Private yards. Each two-family dwelling unit and each townhouse unit shall open directly into a private yard of a minimum of 200 square feet.

- (p) Minimum distances. The distance between two main structures on a single lot shall be a minimum of the height of the taller structure. Accessory structures shall be a minimum of 10 feet from any other structure.
- (q) Drainage Facilities. Adequate facilities for the control of storm water, erosion and sedimentation shall be provided in accordance with the Virginia Erosion and Sediment Control Handbook and the Virginia Department of Highways and Transportation Drainage Manual.
- (r) Natural features and amenities. Existing features which would enhance the residential environment or the County as a whole such as trees, watercourses, historic spots and similar features shall be preserved wherever possible.
- (s) Prior to approval of Final Plans, all public improvements shall be guaranteed by an appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the County Attorney and Department of Public Works.
- (t) The maintenance of common open space, recreation facilities, sidewalks, parking, private streets and other privately-owned but common facilities serving the project shall be guaranteed by the developer, project owner or a properly established homeowners association.

#### DIVISION 10. MOBILE HOME SUBDIVISION DISTRICT, R-7.

##### Section 20-286. Uses Permitted by Special Use Permit Only.

In the Mobile Home Subdivision District, R-7, structures to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

Group homes.

Lodges, civic clubs, fraternal organizations and service clubs.

Cemeteries and memorial gardens.

Day care and child care centers.

New or expansion of water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.

Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, are permitted generally and without a Special Use Permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve



an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.

Public or private electrical generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way, and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a Special Use Permit.

Telephone exchanges and telephone switching stations.

#### DIVISION 11. LIMITED BUSINESS DISTRICT, LB.

##### Section 20-312. Special Provisions for the Adjustment of Yard and Open Space Requirements.

To allow the subdivision of commercial property on which commercial units for sale, for sale in condominium, or for lease are constructed as part of a multi-unit structure in which the units share common walls or as part of a multiple-structure commercial development, the Planning Commission may grant, at its discretion, a waiver from any part of Sections 20-311 and 20-313 upon finding:

- (a) The overall complex or structure, if considered as a single unit, meets all of the requirements of Sections 20-LB.6 and 20-LB.8; and
- (b) Adequate parking is provided as per the requirements of this Chapter, and where determined necessary by the Commission, adequate easements or other agreements are recorded to guarantee access and maintenance of the parking areas and other common areas; and
- (c) Adequate provisions are made to assure compliance with Article VIII of this Chapter, and where determined necessary by the Commission, adequate easements or agreements are recorded to allow grouping of signs on one standard, placement of signs in common areas or other appropriate arrangements made necessary because of the reduced yard area of the individual units; and
- (d) The complex or structure is adequately designed and serviced from the standpoint of safety, and the County Fire Marshal certifies that the fire safety equipment to be installed is adequately designed and the County Building Official certifies the complex is designed to conform to the BOCA Code, so as to offer adequate protection to life and property.

#### DIVISION 12. GENERAL BUSINESS DISTRICT, B-1.

##### Section 20-336. Height and Bulk Limits.

Buildings 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, but excluding those items listed in (c) below, and in accord with the following criteria:

- (a) Building coverage shall not exceed 25% of the total lot area, and the floor area ratio shall not exceed .6. However, the floor area ratio may be increased to .75 if the additional floor area is used to provide indoor parking.
- (b) A building 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 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 are met; and
  - (2) Such building will not obstruct light from adjacent property; and
  - (3) Such building will not impair the enjoyment of historic attraction and areas of significant historic interest; and
  - (4) Such building will not impair property values in the surrounding area; and
  - (5) Such building is adequately designed and served from the standpoint of safety, and the County Fire Chief certifies 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
  - (6) Such building would not be contrary to the public health, safety or general welfare.
- (c) 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.
- (d) No accessory structure which is within ten (10) feet of any lot line shall be more than one (1) story high. All accessory structures shall be less than the main structure in height.

DIVISION 13. LIMITED INDUSTRIAL DISTRICT, M-1.

Section 20-359. Height Limitation Waiver.

A structure 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. Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:

- (a) Additional setbacks have been provided as required by Section 20-354 and Section 20-355 of this Chapter. Setbacks in excess of 60 feet may be waived by the Board of Supervisors; and
- (b) Such structure will not obstruct light from adjacent property; and
- (c) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest; and
- (d) Such building will not impair property values in the area; and
- (e) Such structure is adequately designed and served from the standpoint of safety, and that the County Fire Chief certifies 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
- (f) Such building will not be contrary to the public health, safety and general welfare.

DIVISION 14. GENERAL INDUSTRIAL DISTRICT, M-2.

Section 20-384. Height Limitation Waiver.

A structure 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. Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:

- (a) Additional setbacks have been provided as required by Section 20-354 and Section 20-355 of this Chapter. Setbacks in excess of 60 feet may be waived by the Planning Commission; and
- (b) Such structure will not obstruct light from adjacent property; and

- (c) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest; and
- (d) Such building will not impair property values in the area; and
- (e) Such structure is adequately designed and served from the standpoint of safety, and that the County Fire Chief certifies 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
- (f) Such building will not be contrary to the public health, safety and general welfare.

#### ARTICLE V. NONCONFORMITIES.

##### Section 20-401. Expansion or Enlargement.

(a) A nonconforming structure shall not be extended or enlarged unless it conforms with the provisions of this Chapter.

(b) Notwithstanding subsection (a), above, nonconforming single-family dwellings or mobile homes legally in existence at the time this Chapter was enacted or amended or a nonconforming building or structure that does not meet the yard or setback requirements but meets all other requirements of the district in which it is located may be expanded or enlarged, provided the expansions comply with the area, setback, minimum lot width, yard, height, sign and other provisions of the district in which they are located.

(c) Nonconforming uses shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

#### ARTICLE IX. PLANNED UNIT DEVELOPMENT DISTRICTS.

##### Section 20-468. Documents Required for Submission.

(a) The applicant shall submit the following documents to the Zoning Administrator for submission to the Planning Commission:

- (1) Application for rezoning.
- (2) Master Plan, 21 copies.
- (3) Community Impact Statement, for any Planned Unit Development containing 50 or more acres or comprising 200 or more dwelling units, ten copies.

(b) Master Plan. The Master Plan shall be prepared by a licensed surveyor, engineer, architect, or landscape architect, or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 40 inches. It shall include:

(1) An insert map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions or major landmarks.

(2) A north arrow.

(3) The location of existing property lines, watercourses or lakes, wooded areas and existing roads which are within or adjoin the property.

(4) The approximate boundaries of each section, land-use or density, the approximate location of proposed streets and rights-of-way with an indication of whether public or private; the approximate location of recreation areas and common open space areas; and all areas proposed for dedication to public use within the project. Common open space shall be located so as to enhance the living environment of the proposed development. generally this shall mean that the common open space shall be distributed throughout the site and not aggregated in large areas that provide little or no benefit to the individual uses or the development at large.

Each section or area of the Master Plan shall be designated as follows:

<u>Area Designation</u>	<u>Type of Development</u>
A	Single-family
B	Two-family, multi-family structures containing three or four dwelling units, or townhouses
C	Multi-family structures less than three stories and containing more than four dwelling units
D	Multi-family structures of three or more stories and containing more than four dwelling units
E	Commercial Uses
F	Wholesale and Warehouse Uses
G	Office Uses
H	Light Industrial Uses
I	Institutional or Public Uses
J	Areas of Common Open Space, with recreation areas noted

For purposes of this Article, the term "common open space area" shall refer to any tract of land intended to be used in common primarily by residents of the planned unit development.

(5) As marginal data it shall contain a table which shows, for each section or area of different uses, the following (a) the use, (b) approximate phasing, (c) approximate number of dwelling units and density for residential areas, square feet of floor space for commercial or industrial areas and (d) the approximate acreage of each use.

(6) Schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans.

(7) A statement satisfactory to the County Attorney on the guarantees and assurances to be provided for the maintenance of common open space, recreation areas, sidewalks, parking, private streets, and other privately-owned but common facilities serving the project.

(c) Community Impact Statement. The Community Impact Statement shall describe the probable effects of the proposed development upon the community. At a minimum, it shall address the following topics:

(1) Adequacy of existing public facilities and services to serve the development. Analysis shall be made of sewer, water, schools, fire stations and other major locally financed facilities.

(2) Additional on-site and off-site public facilities or services which would be required as a result of the development.

(3) Traffic to be generated by the project, the capacity of surrounding roads, specific road improvements necessary.

(4) Fiscal impact of the proposed project, such as estimated tax revenues to be generated versus the cost of public improvements to be financed by the County or the State.

(5) Impact of construction and permanent changes in land use upon surrounding property, such as aesthetics, vegetation, stormwater drainage, noise and air or water pollution.

(6) Employment opportunities to be generated by the development.

Section 20-476. Density.

The number of dwelling units which may be constructed shall be determined by the number of net developable acres at the site and the use proposed. The net developable acres shall equal the total land area of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a 25% gradient. The number of units which may be constructed are:

<u>Area Designation</u>	<u>Dwelling Type</u>	<u>Maximum Density (dwelling units per acre)</u>
A	Single family	4
B	Two-family, multi-family structures containing three or four dwelling units, or townhouses	9.6
C	Multi-family structures less than three stories and containing more than four dwelling units	12
D	Multi-family structures of three stories or more and containing more than four dwelling units	18

Units for sale in condominium may be in any of the dwelling types listed above, and the number of dwelling units per acre shall be determined by the dwelling type.

Section 20-481. Height and Spacing of Buildings.

Buildings 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, but excluding those items listed in (b) below.

(a) A building 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, but excluding those items listed in (b) 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) Such building is in accordance with the uses, densities, design, and traffic analysis shown on the original Master Plan; and

(2) Such building will not obstruct light from adjacent property; and

(3) Such building will not impair the enjoyment of historic attractions and areas of significant historic interest; and

(4) Such building will not impair property values in the surrounding area; and,

(5) Such building is adequately designed and served from the standpoint of safety, and the County Fire Chief certifies 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 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 antennas and home radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the wall rests.

Section 20-484. Permitted Uses.

(a) In the Planned Unit Development District - Residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

(1) Residential Uses.

Single-family dwellings.

Two-family dwellings.

Townhouses and condominiums.

Apartments.

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities.

Retail shops associated with community recreation facilities.

Houses of worship.

Golf courses, country clubs.

Schools, both private and public.

Marinas, boat docks and waterfront activities.

Coin laundries which are accessory to other residential uses and for the primary use of their residents.

Restaurants which are accessory to permitted private clubs and marinas.

Fire stations.

Off-street parking as required by this Chapter.

Signs, as permitted by this Chapter.

Nursing home and facilities for the residence and-or care of the aged.

Accessory buildings or structures.

Telephone exchanges and telephone switching stations.

(2) Commercial Uses.

Retail food stores, bakeries, 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 and barber or beauty shops.

Restaurants, tea rooms and taverns.

Banks and other financial institutions.

Plants and garden supply, hardware and paint, and home appliance sales and service, with storage in a fully enclosed building.

Automotive service stations, with major repair in a fully enclosed building, or retail sale of automotive accessory items.

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

Corporate, business, and professional offices.

Doctors, dentists and other medical clinics or offices.

Indoor theaters, museums and public meeting halls.

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

Funeral homes.

Radio and television stations.

Motels, hotels and resort facilities.

Telephone exchanges and telephone switching stations.



(b) In the Planned Unit Development District - Commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

(1) Commercial Uses:

Same as paragraph (2) of Subsection (a) of Section 20-484.

(2) Light Industrial Uses:

Research, design and development laboratories.

Wholesale and warehousing, with storage in a fully enclosed building.

Printing and publishing.

Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly, and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect.

(3) Theme parks.

(4) Apartments, townhouses and condominiums.

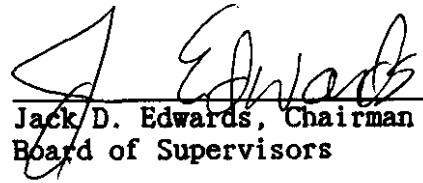
ARTICLE IXA. RESIDENTIAL CLUSTER DEVELOPMENT.

Section 20-507. Yard Regulations.

The rear and side yards may be reduced to zero provided that easements or covenants establish the rights of two abutting properties where main buildings are to be constructed on or within five feet of a property line. Such easements or covenants shall establish the rights of each affected owner to gain access to each owner's building for purposes of essential maintenance and service. Reductions of rear or side yards made under this provision shall also be subject to the following conditions:

(a) The minimum distance between any two buildings within the residential cluster development shall be not less than ten feet.

(b) No building in a residential cluster development in an R-1, R-2, R-3, or R-5 district shall be closer than 35 feet to property outside the residential cluster development. No building in a residential cluster in an R-7 district shall be closer than 50 feet to property outside the residential cluster development.

  
\_\_\_\_\_  
Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:

  
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James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,  
this 9th day of September, 1985.

0410A

<u>SUPERVISOR</u>	<u>VOTE</u>
BROWN	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	AYE
EDWARDS	AYE