

ADOPTED

APR 6 1987

ORDINANCE NO. 31A-100

**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, ARTICLE I, IN GENERAL, SECTION 20-7, CERTIFICATE OF OCCUPANCY; SECTION 20-9, PUBLIC HEARING REQUIRED; SECTION 20-18, PROFFER OF CONDITIONS; SECTION 20-24, PENALTIES; SECTION 20-25, EXCLUSIVE NATURE OF THE CHAPTER; ARTICLE II, SITE PLAN, SECTION 20-46, SAME--SUBMITTAL CONTENTS; ARTICLE IV, DISTRICTS, DIVISION 8, MULTI-FAMILY RESIDENTIAL DISTRICT, R-5, SECTION 20-251, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 12, GENERAL BUSINESS DISTRICT, B-1, SECTION 20-333, YARD REGULATIONS; DIVISION 13, LIMITED INDUSTRIAL DISTRICT, M-1; SECTION 20-351, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 20-355, SIDE AND REAR YARDS; DIVISION 14, GENERAL INDUSTRIAL DISTRICT, M-2; SECTION 20-380, SIDE OR REAR YARDS; AND ARTICLE VIII, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 20-484, PERMITTED USES.

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, Certificate of occupancy; Section 20-9, Public hearing required; Section 20-18, Proffer of conditions; Section 20-24, Penalties; Section 20-46, Same--Submittal contents; Section 20-251, Requirements for improvements and design; Section 20-333, Yard regulations; Section 20-351, Uses permitted by special use permit only; Section 20-355, Side and rear yards; Section 20-380, Side or rear yards; Section 20-484, Permitted uses; and by adding Section 20-25, Exclusive nature of the chapter.

Chapter 20. Zoning
Article I. In General

Section 20-7. Certificate of occupancy.

Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after a Certificate of Occupancy has been issued by the administrator. Such a certificate shall state that the building or the proposed use, or the use of the land, complies with the provisions of this Chapter. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. The certificate shall be issued within ten days after the erection or structural alteration of such building or part has conformed with the provisions of this Chapter and all applicable codes and ordinances. Upon the request of the holder of a permit the Zoning Administrator may issue a temporary Certificate of Occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare.

The zoning administrator shall not issue a temporary certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, public water and public sewer facilities, shown on the approved site plan or other approved plan by providing either a letter of credit, certified check, cash escrow, or cash payment, approved by the county attorney. (Ord. No. 31A-88, Section 20-9, 4-8-85)

Section 20-9. Public hearing required.

Prior to issuance of a special use permit a public hearing shall be held by the Planning Commission and by the Board of Supervisors; provided however, that a special use permit for a mobile home or as required by Sections 20-531 or 20-533 of this chapter may be issued after a public hearing is held by the Board of Supervisors only. The fee for a special use permit shall be in accordance with Section 20-6 of this Chapter. (Ord. No. 31A-88, Section 20-10.1, 4-8-85)

Section 20-18. Proffer of conditions.

The owner or owners of property making application for a change in zoning or amendment to a zoning map, as part of their application, may voluntarily proffer in writing reasonable conditions which shall be in addition to the regulations provided for in the zoning district or zone sought in the rezoning petition. The conditions shall be proffered as a part of the requested rezoning or amendment to the County's zoning map. It is expressly provided, however, that the conditions so proffered are subject to the following limitations:

1. The rezoning itself must give rise to the need for the conditions;
 2. Such conditions shall have a reasonable relation to the rezoning;
 3. Such conditions shall not include a cash contribution to the County;
 4. Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in subdivision A(f) of Code of Virginia, Section 15.1-466.
 5. Such conditions shall not include payment for or construction of off-site improvements except those provided for in subdivision A(j) of Code of Virginia, Section 15.1-466.
 6. No condition shall be proffered that is not related to the physical development or physical operation of the property; and
 7. All such conditions shall be in conformity with the comprehensive plan of the County.
- (Ord. No. 31A-88, Section 20-14.3, 4-8-85)

Section 20-24. Penalties

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, may be fined up to one thousand dollars (\$1,000.00). Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Chapter is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided. (Ord. No. 31A-88, Section 20-15, 4-8-85)

Section 20-25. Exclusive nature of the chapter.

This chapter shall be deemed exclusive in nature, and only those uses specified shall be permitted in the various zoning districts. If a use is not specified in a zoning district, it shall be prohibited in that district. In the event that a use is not permitted in any zoning district, it may only be permitted after appropriate amendment to the text of this chapter.

Article II. Site Plan

Section 20-46. Same—Submittal contents.

The revised site plan shall be submitted in separate sheets or overlays as appropriate for accurate representation of the project.

Insufficient submittals may be returned to the applicant with written notification of deficiencies from the Planning Director or his designee. The revised site plan shall as a minimum contain those items set forth in Subsection 20-39(a) through (q).

(Ord. No. 31A-88, Section 20-21.3, 4-8-85)

Article IV. Districts
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;
 - (2) Such building will not impair the enjoyment of historic attractions and areas of significant historic interest;
 - (3) Such building will not impair property values in the surrounding area;

- (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) Guarantee for improvements. The Zoning Administrator shall not issue a temporary Certificate of Occupancy or Certificate of Occupancy until the applicant has guaranteed the completion of public improvements, including but not limited to public roads, public water and public sewer facilities, shown on the approved site plan by providing either a letter of credit, certified check, cash escrow, cash payment, or other surety, approved by the County Attorney.
- (t) Maintenance of common open space, recreation facilities, etc. 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. (Ord. No. 31A-88, Section 20-80.13, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-91, 12-2-85)

Division 12. General Business District, B-1

Section 20-333. Yard regulations.

(a) Buildings shall be located 20 feet or more from side or rear property lines, except that the minimum side yard shall be 50 feet if the side yard abuts property in a Residential district, and the minimum rear yard shall be 50 feet if the rear yard abuts property in a Residential district. The minimum side and rear yards shall be increased an additional one foot for each one foot of building height in excess of 35 feet.

(b) All accessory structures shall be located at least ten feet from any side or rear lot line. (Ord. No. 31A-88, Section 20-84.1, 4-8-85)

Division 13. Limited Industrial District, M-1

Section 20-351. Uses permitted by special use permit only.

In the Limited Industrial District, M-1, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

- Day care centers.
- Truck stop.
- Outdoor sports facilities.
- Theme parks of ten acres or more.
- Radio stations, television stations, transmission relay stations and communication towers which exceed 60 feet in height.
- Petroleum storage.
- 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.
- Sanitary landfills in accordance with Section 20-97 and waste disposal facilities.
- Resource recovery facilities.
- Airports.
- Hospitals.
- Lodges, civic clubs, fraternal organizations, service clubs and assembly halls.
- Funeral homes.
- Commercial marinas, docks, piers, yacht clubs, boat basins and servicing areas for same.
- Manufacture of furniture.
- Manufacture and sale of glass and glass products.
- Manufacture and storage of ice, including dry ice.
- Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals.

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 customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require 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 any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual 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, steam 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.
(Ord. No. 31A-88, Section 20-88.1, 4-8-85)

Section 20-355. Side and rear yards.

(a) Structures shall be located 20 feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

(b) The minimum side yard shall be increased to 75 feet if the side yard abuts property in a Residential district, and the minimum rear yard shall be increased to 75 feet if the rear yard abuts property in a Residential district. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the Site Plan Review Committee; provided, however, that no structure shall be located within 10 feet of any property line.
(Ord. No. 31A-88, Section 20-90.1, 4-8-85)

Division 14. General Industrial District, M-2

Section 20-380. Side or rear yards.

(a) Structures shall be located 20 feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each three feet of height in excess of 35 feet.

(b) The minimum side yard shall be increased to 75 feet if the side yard abuts property in a Residential district, and the minimum rear yard shall be increased to 75 feet if the rear yard abuts property in a Residential district. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the Site Plan Review Committee; provided, however, that no structure shall be located within 10 feet of any property line.
(Ord. No. 31A-88, Section 20-98.2, 4-8-85)

Article VIII. Planned Unit Development Districts

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.
Day care centers.

(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.

(Ord. No. 31A-88, Section 20-151, 4-8-85; Ord. No. 31A-89, 9-9-85)

0175U



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,
this 6th day of April, 1987.

0175U