

ADOPTED

MAY 4 1992

ORDINANCE NO. 31A-143

**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, BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 11, LIMITED BUSINESS DISTRICT, LB, BY AMENDING SECTION 20-307, PERMITTED USES; SECTION 20-308, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 20-314, HEIGHT AND BULK LIMITS; DIVISION 12, GENERAL BUSINESS DISTRICT, B-1, BY AMENDING SECTION 20-329, PERMITTED USES; SECTION 20-330, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND SECTION 20-336, HEIGHT AND BULK LIMITS; TO ALLOW THESE DISTRICTS TO MORE CLOSELY CONFORM TO THE ADOPTED COMPREHENSIVE PLAN.

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 20-307, Permitted Uses; Section 20-308, Uses permitted by Special Use Permit Only; Section 20-314, Height and Bulk Limits; Section 20-329, Permitted Uses; Section 20-330, Use Permitted by Special Use Permit; and Section 20-336, Height and Bulk Limits; to allow these districts to more closely conform to the adopted Comprehensive Plan.

ARTICLE IV. DISTRICTS

DIVISION 11. LIMITED BUSINESS DISTRICT, LB.

Section 20-307. Permitted Uses.

In the Limited Business District, LB, buildings or structures to be erected or land to be used shall be for one or more of the following:

~~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, gunsmith (excluding shooting range), 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, tea rooms, and taverns.~~

~~Banks and other financial institutions.~~

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

~~Feed, seed, and farm supply stores.~~

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

~~Office supply stores, secretarial and duplicating services.~~

~~Business, governmental and professional offices.~~

~~Doctors, dentist and other medical clinics or offices.~~

~~Schools, fire stations, post offices, houses of worship and libraries.~~

~~Lodges, civic clubs, fraternal organizations and service clubs.~~

~~Funeral homes.~~

~~Off street parking as required by this Chapter.~~

~~Day care and child care centers.~~

~~An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.~~

~~Health clubs, exercise clubs, fitness centers.~~

~~Contractor's offices without the storage of construction equipment or building materials.~~

~~Plumbing supply (with storage limited to a fully enclosed building).~~

~~New and or rebuilt automotive parts sales (with storage limited to a fully enclosed building).~~

An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.

Banks and other financial institutions.

Business, governmental and professional offices.

Contractor's offices without the storage of construction equipment or building materials.

Day care and child care centers.

Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, gunsmith (excluding shooting range), 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.

Doctors, dentist and other medical clinics or offices.

Drug stores, barber shops and beauty shops.

Dry cleaners and laundries.

Feed, seed, and farm supply stores.

Funeral homes.

Health clubs, exercise clubs, fitness centers.

Lodges, civic clubs, fraternal organizations and service clubs.

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

Off-street parking as required by this Chapter.

Office supply stores, secretarial and duplicating services.

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

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

Restaurants, tea rooms, and taverns.

Retail food stores, bakeries and fish markets.

Schools, fire stations, post offices, houses of worship and libraries.

Section 20-308. Uses permitted by Special Use Permit Only.

In the Limited Business District, LB, buildings or structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a special use permit by the Board of Supervisors.

~~Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.~~

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

~~Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with the sale of fuel in accordance with Section 20-89.~~

~~Flea markets.~~

~~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 for private 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 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, 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.~~

~~Publicly owned solid waste container sites.~~

~~Telephone exchanges and telephone switching stations.~~

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

Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.

Flea markets.

Lumber and building supply (with storage limited to a fully enclosed building).

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with the sale of fuel in accordance with Section 20-89.

Plumbing and electrical supply (with storage limited to a fully enclosed building).

Public or private electrical substations, with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting sixty-nine kilovolts or more.

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 for private 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 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.

Publicly owned solid waste container sites.

Railroad facilities including tracks, bridges, 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.

Section 20-314. Height and Bulk Limits.

- (a) ~~Buildings~~ Structures may be erected up to thirty-five ~~(35)~~ feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions *which are part of or on top of the structure*, but excluding belfries, cupolas, ~~monuments, water towers,~~ chimneys, flues, and ~~flag-poles flues~~. *Parapet walls may be up to four feet above the height of the building on which the walls rest.*
- (b) All accessory structures shall be less than the main structure in height.
- (c) Building coverage shall not exceed 20% of the total lot area, and the floor area ratio shall not exceed 0.4.

DIVISION 12. GENERAL BUSINESS DISTRICT, B-1.

Section 20-329. Permitted Uses.

In the General Business 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, fast food 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 limited to a fully enclosed building).~~

~~Plumbing and electrical supply (with storage limited to a fully enclosed building).~~

~~Automobile service stations, subject to the special requirements of this Chapter.~~

~~Hotels, motels, tourist homes, and convention centers.~~

~~Machinery sales and service (with storage and repair limited to a fully enclosed building).~~

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

~~Corporate, business, governmental, and professional offices.~~

~~Doctors, dentist and other medical clinics or offices.~~

~~Indoor theaters, museums, and public meeting halls.~~

~~Schools, fire stations, post offices, houses of worship and libraries.~~

~~Lodges, civic clubs, fraternal organizations and service clubs.~~

~~Funeral homes.~~

~~Gemeteries.~~

~~Gunsmith (excluding shooting ranges).~~

~~Feed, seed and farm supply stores.~~

~~Wholesale and warehousing (with storage limited to a fully enclosed building).~~

~~Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with sale of fuel in accordance with Section 20-89.~~

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

~~Wholesale and retail marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution.~~

~~Radio and television stations, and accessory antenna or towers which are 60 feet or less in height.~~

~~Printing and publishing.~~

~~Off street parking as required by this Chapter.~~

~~Day care and child care centers.~~

~~Apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.~~

~~Telephone exchanges and telephone switching stations.~~

~~Office supply stores, secretarial, and duplicating services.~~

~~Health clubs, exercise clubs, fitness centers.~~

~~Parking lots and garages.~~

~~Veterinary offices.~~

~~New and or rebuilt automotive parts sales (with storage limited to a fully enclosed building).~~

~~Contractor's offices with storage of materials and equipment limited to a fully enclosed building.~~

Apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.

Automobile service stations, subject to the special requirements of this Chapter.

Banks and other financial institutions.

Contractor's offices with storage of materials and equipment limited to a fully enclosed building.

Corporate, business, governmental, and professional offices.

Day care and child care centers.

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.

Doctors, dentist and other medical clinics or offices.

Drug stores, barber shops and beauty shops.

Dry cleaners and laundries.

Feed, seed and farm supply stores.

Funeral homes.

Gunsmith (excluding shooting ranges).

Health clubs, exercise clubs, fitness centers.

Hotels, motels, tourist homes, and convention centers.

Indoor theaters, museums, and public meeting halls.

Lodges, civic clubs, fraternal organizations and service clubs.

Lumber and building supply (with storage limited to a fully enclosed building or fully screened from view with a structural barrier approved by the Development Review Committee, located within the building setback area with a maximum height of twelve feet).

Machinery sales and service (with storage and repair limited to a fully enclosed building).

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with sale of fuel in accordance with Section 20-89.

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

Off-street parking as required by this Chapter.

Office supply stores, secretarial, and duplicating services.

Parking lots and garages.

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

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

Plumbing and electrical supply (with storage limited to a fully enclosed building).

Printing and publishing.

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

Radio and television stations, and accessory antenna or towers which are sixty feet or less in height.

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

Retail food stores, bakeries and fish markets.

Schools, fire stations, post offices, houses of worship and libraries.

Telephone exchanges and telephone switching stations.

Veterinary offices.

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

Wholesale and warehousing (with storage limited to a fully enclosed building).

Section 20-330. Uses Permitted by Special Use Permit Only.

In the B-1, General Business District, 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:

~~Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.~~

~~Hospitals and nursing homes.~~

~~Antennas and towers in excess of 60 feet in height.~~

~~Campgrounds.~~

~~Drive-in theaters.~~

~~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.~~

~~Design, research and evaluating laboratories.~~

~~Airports.~~

~~Sanitary landfills in accordance with Section 20-97, waste disposal, and publicly owned solid waste container sites.~~

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

~~Outdoor sport facilities.~~

~~Theme parks of ten acres or more.~~

~~Outdoor centers of amusement.~~

~~Petroleum storage.~~

~~Vehicle and trailer sales and services (with major repair limited to a fully enclosed building).~~

~~Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).~~

~~Flea markets.~~

~~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 for 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, 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 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.~~

~~Taxi Service.~~

Airports.

Antennas and towers in excess of sixty feet in height.

Campgrounds.

Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.

Design, research and evaluating laboratories.

Drive-in theaters.

Flea markets.

Hospitals and nursing homes.

Limousine service.

New or expansion of water impoundments for public or private use of fifty acres or more and dam heights of twenty-five feet or more.

Outdoor centers of amusement.

Outdoor sport facilities.

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.

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 sixty-nine kilovolts or more.

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 for 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 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.

Railroad facilities including tracks, bridges 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.

Sanitary landfills in accordance with Section 20-97, waste disposal, and publicly owned solid waste container sites.

Taxi Service.

Theme parks of ten acres or more.

Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).

Vehicle and trailer sales and services (with major repair limited to a fully enclosed building).

Section 20-336. Height and Bulk Limits and Height Limitation Waivers.

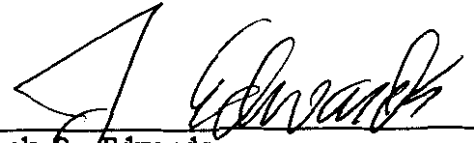
~~Buildings~~ Structures may be erected up to 60 sixty feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure ~~but excluding those items listed in (c) below,~~ 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 structure* in excess of 60 *sixty* 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 *which are part of or on top of the structure, 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:

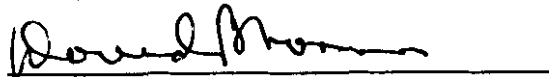
- (1) The aforesaid regulations regarding building coverage, floor area ratio and open space are met;
- (2) Such *building structure* will not obstruct light from adjacent property;
- (3) Such *building structure* will not impair the enjoyment of historic attraction and areas of significant historic interest;

- (4) Such ~~building~~ *structure* will not impair property values in the surrounding area;
- (5) Such ~~building~~ *structure* 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~~ *structure* 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 aeriels 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.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
DEPUE	AYE
TAYLOR	NAY
SISK	AYE
KNUDSON	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 4th day of May, 1992.

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