

ADOPTED

SEP 8 1998

ORDINANCE NO. 31A-180

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, PERMITTED USES; SECTION 24-391, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-393, SETBACK REQUIREMENTS; SECTION 24-394, YARD REGULATIONS; SECTION 24-395, SPECIAL PROVISIONS FOR THE WAIVER OF YARD REQUIREMENTS; SECTION 24-397, HEIGHT AND BULK LIMITS AND HEIGHT LIMITATION WAIVERS; BY AMENDING AND RENUMBERING SECTION 24-398, SIGN REGULATIONS TO SECTION 24-399; BY ADDING NEW SECTION 24-398, BUILDING COVERAGE LIMITS; BY RENUMBERING SECTION 24-399, SITE PLAN REVIEW TO SECTION 24-400; BY ADDING SECTION 24-401, SIDEWALKS; AND SECTION 24-402, LANDSCAPING.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 10, General Business District, B-1, Section 24-390, Permitted uses; Section 24-391, Uses permitted by special use permit only; Section 24-393, Setback requirements; Section 24-394, Yard regulations; Section 24-395, Special provisions for the waiver of yard requirements; Section 24-397, Height limits and height limitation waivers; by adding new Section 24-398, Building coverage limits; by amending and renumbering Section 24-398 to Section 24-399, Sign regulations and parking requirements; by renumbering Section 24-399 to Section 24-400, Site plan review; by adding Section 24-401, Sidewalks; and Section 24-402, Landscaping.

Chapter 24. Zoning
Article V. Districts
Division 10. General Business District, B-1

Sec. 24-390. Permitted uses.

~~Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.~~

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:

~~An~~ ~~a~~ 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.

~~Barber and beauty shops~~

~~Child day~~ 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.~~

~~Drug stores, barber shops and beauty shops.~~

~~Fire stations.~~

~~Gunsmith (excluding shooting ranges).~~

~~Houses of worship.~~

~~Indoor sport facilities (excluding shooting ranges).~~

~~Libraries.~~

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

~~Museums.~~

~~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.~~

~~Post offices.~~

~~Public meeting halls.~~

~~Retail and service stores, including the following stores: antiques, arts and crafts, books, candy, carpet, coin, department, dressmaking, duplicating services, florist, furniture, furrier, garden supply, gift, greeting card, gunsmith (excluding shooting ranges), handicrafts, hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, office supply, paint, pet, photography, picture framing, plant supply, secretarial services, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.~~

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

~~Veterinary offices hospitals.~~

Sec. 24-391. Uses permitted by special use permit only.

In the B-1, General Business District, buildings to be erected or the 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:

~~Airports.~~

~~Design, r~~Research, ~~development and design facilities or~~ and evaluating laboratories.

~~Drive-in theaters.~~

~~Heliports and helistops, as an accessory use.~~

~~Hospitals and nursing homes.~~

~~Micro-breweries.~~

~~Nursing homes.~~

~~Sanitary landfills in accordance with section 24-40, waste disposal facilities and p~~Publicly owned solid waste container sites.

~~Waste disposal facilities.~~

Water facilities (public or private), and sewer facilities (public), 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, with no additional connections to be made to the line, 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, including pump stations, are permitted generally and shall not require a special use permit.~~

~~However, the following are permitted generally and shall not require a special use permit:~~

- (a) *Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and*
- (b) *Distribution lines and local facilities within a development, including pump stations.*

Sec. 24-393. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the development review committee.

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, Peninsula Area Transportation Plan or any road plan adopted by the board of supervisors. The development review committee will consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

- (a) *The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better complement the design standards of the Community Character Corridor.*

- (b) *The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.*
- (c) *The applicant has offered extraordinary site design which better meets the Development Standards of the Comprehensive Plan.*

Sec. 24-394. Yard regulations.

(a) Buildings shall be located 20 feet or more from side or rear property lines, ~~except that~~ *However,* the minimum side yard shall be 50 feet if the side yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan, ~~and the~~ minimum rear yard shall be 50 feet if the rear yard adjoins property in a residential district or an agricultural district that is designated for residential use on the Comprehensive Plan. 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.

Sec. 24-395. Special provisions for the waiver of yard 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 multiunit structure in which the units share common walls or as part of a multiple-structure commercial development, and the entire development has been planned and designed as a cohesive, coordinated unit under a single master plan, the planning commission may grant, at its discretion, a waiver from any part of section 24-394 upon finding:~~

The following may be eligible for a waiver from any part of section 24-394:

The subdivision of commercial property on which commercial units for sale, for sale in condominium, or for lease are both:

- (a) ~~Constructed as part of a multiunit structure in which the units share common walls, or as part of a multiple-structure commercial development; and~~
- (b) ~~The entire development has been planned and designed as a comprehensive coordinated unit under a single master plan.~~

~~In these instances, the planning commission may grant, at its discretion, a waiver from any part of section 24-394 upon finding:~~

- (3) Adequate provisions are made to assure compliance with article ~~VII~~, division ~~143~~ 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

Sec. 24-397. Height and bulk limits and height limitation waivers.

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade, in accord with the following criteria:

- (1) ~~Building coverage shall not exceed 25 percent of the total lot area and the floor area ratio shall not exceed 0.6. However, the floor area ratio may be increased to 0.75 if the additional floor area is used to provide indoor parking.~~
- (2) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structure or are building mounted in accordance with division 6,

Wireless Communications Facilities in excess of 60 feet in height but not in excess of 120 feet in 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 for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- a. The aforesaid regulations ~~of section 24-398~~ regarding building coverage, floor area ratio and open space are met;
- (32) Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (43) No accessory structure which is within ten feet of any lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.

~~Sec. 24-398. Building coverage limits.~~

~~Building coverage shall not exceed 25 percent of the total lot area and the floor area ratio shall not exceed 60 percent. However, the floor area ratio may be increased to 75 percent if the additional floor area is used to provide indoor parking.~~

~~Sec. 24-398 399. Sign regulations and parking requirements.~~

(a) To assure an appearance and condition which is consistent with the purposes of the General Business District, B-1, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) ~~Off-street parking and off-street loading shall be provided as required in sections 24-53 and 24-~~

Sec. 24-399400. Site plan review.

All buildings or complexes of buildings erected, altered or restored within the district shall be subject to site plan review in accordance with section 24-142.


Sec. 24-401. Sidewalks.

Sidewalks shall be required for all projects requiring site plan review in accordance with section 24-35.

Sec. 24-402. Landscaping.

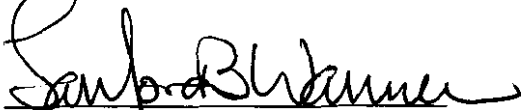
Landscaping shall be provided as required in article II, division 4.

Secs. 24-400403 - 24-409. Reserved.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	AYE
MCLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of September, 1998.