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ZONING ORDINANCE No. 31

JAMES CITY COUNTY, VIRGINIA

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ZONING ORDINANCE

JAMES CITY COUNTY, VIRGINIA

Whereas, by act of the General Assembly of Virginia as provided in Chapter 11, Article 8, Sections 15.1-486 through 15.1-498, Code of Virginia and amendments thereto, the governing body of any county, may by ordinance, divide the territory under its jurisdiction into districts of such number, shape and area as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit and determine the following:

- (a) The use of land, buildings, structures and other premises for agricultural, commercial, industrial, residential, and other specific uses;
- (b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures;
- (c) The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;
- (d) The excavation or mining of soil or other natural resources.

Therefore, be it ordained by the governing body of James City County, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Section 15.1-427, that the following be adopted as the zoning ordinance of James City County, Virginia, together with the accompanying map. This ordinance has been designed (1) to provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive and harmonious community; (4) to expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements; (5) to protect against destruction of or encroachment upon historic areas; and (6) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health, or property from fire, flood, panic or other dangers; (7) to encourage economic development activities that provide desirable employment and enlarge the tax base.

ARTICLE 1 - DISTRICTS

1-1. For the purpose of this ordinance, the unincorporated areas of James City County, Virginia are hereby divided into the following districts:

Agricultural, General A-1
Agricultural, Limited A-2
Residential, Limited R-1
Residential, Limited R-2
Residential, General R-3
Residential Planned Community R-4
Business, General B-1
Industrial, Limited M-1
Industrial, General M-2

ARTICLE 2. AGRICULTURAL, GENERAL DISTRICT A-1

Statement of Intent

This district covers the more rural areas of the county furthest removed from the influence of urban development. The purpose of the district is to permit nearly all activities to continue as they are and to allow development to occur with minimum regulation.

2-1. USE REGULATIONS

In Agricultural District A-1, structures to be erected or land to be used shall be for one or more of the following uses:

- 2-1-1. Single-family dwellings.
- 2-1-2. Two-family dwellings.
- 2-1-3. Agriculture, dairying, forestry, hog farming, general farming and specialized farming.
- 2-1-4. Golf courses and country clubs.
- 2-1-5. Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields.
- 2-1-6. Dinner theaters.
- 2-1-7. Schools.
- 2-1-8. Parks and playgrounds.

- 2-1-9. Churches and seminaries.
- 2-1-10. Professional offices.
- 2-1-11. Automobile graveyards with a conditional use permit.
- 2-1-12. Automobile sales.
- 2-1-13. Farm supplies, equipment sales and service.
- 2-1-14. Automobile repair garages.
- 2-1-15. Gasoline service stations.
- 2-1-16. Tourist homes.
- 2-1-17. Dance halls.
- 2-1-18. Bulk oil storage with a conditional use permit.
- 2-1-19. Gift shops and antique shops.
- 2-1-20. Lumber and building supply stores.
- 2-1-21. General stores, retail stores, wholesale stores.
- 2-1-22. Outdoor theaters and entertainment.
- 2-1-23. Beauty shops.
- 2-1-24. Barber shops.
- 2-1-25. Contractor's warehouses and sheds.
- 2-1-26. Motels, apartments, restaurants, tea rooms and taverns.
- 2-1-27. Manufacture and sale of wood products.
- 2-1-28. Sand and gravel operations, with a conditional use permit.
- 2-1-29. Airports, with a conditional use permit.
- 2-1-30. Water front business activities: Wholesale and retail marine interests, such as boat docks, piers, small boat docks, yacht clubs and servicing facilities for the same; docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.

Article 2. Agricultural, General District A-1

- 2-1-31. Food processing and storage.
- 2-1-32. Preserves and conservation areas.
- 2-1-33. Public and private recreation areas.
- 2-1-34. Camp grounds with a conditional use permit.
- 2-1-35. Lodges.
- 2-1-36. Hunting clubs.
- 2-1-37. Animal hospitals, veterinary offices, kennels.
- 2-1-38. Yacht clubs.
- 2-1-39. Cemeteries and memorial gardens.
- 2-1-40. Home occupations.
- 2-1-41. Mobile home ^Spark in accordance with a conditional use permit and other provisions contained herein meeting the requirements of Paragraph 2-2, 2-3, and 2-4 of this Article.
- 2-1-42. Mobile home ^{park} in accordance with a conditional use permit and other provisions contained herein.
- 2-1-43. Fire stations with a conditional use permit.
- 2-1-44. Public utility generating, booster, or relay stations, transformer substations, transmission lines and towers, pipes, meters, and other facilities for the provision and maintenance of public utilities, including railroads, and facilities, and water and sewerage installations, in accordance with a conditional use permit.
- 2-1-45. Off-street parking as required by this ordinance.
- 2-1-46. Accessory uses as defined, however, garages or other accessory structures such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five (5) feet to any party line.
- 2-1-47. Business signs.
- 2-1-48. Church bulletin boards and identification signs.
- 2-1-49. Directional signs.

- 2-1-50. Home occupation signs.
- 2-1-51. General advertising signs as defined with a conditional use permit and in accordance with provisions contained herein, provided the distance between such signs is not less than ~~1,500~~¹⁰⁰⁰ feet on the same side of a right of way but in no case shall a sign be closer than ~~700~~⁵⁰⁰ feet to another sign on either side of a right of way.
- 2-1-52. Sanitary land fills.
- 2-1-53. Storage and repair of heavy equipment.
- 2-1-54. Feed lots with a conditional use permit.
- 2-1-55. Group quarters for agricultural workers.
- 2-1-56. Hog farms with a conditional use permit.
- 2-1-57. Hospitals, Nursing homes, sanatoria.
- 2-1-58. *Upalstery Shops* 2-1-59. *Location Signs*
- 2-2. AREA REGULATIONS

The minimum lot area for permitted uses shall be twenty thousand (20,000) square feet or more.

2-3. SETBACK REGULATIONS

Structures shall be thirty-five (35) feet or more from any street right of way which if fifty (50) feet or greater in width, or sixty (60) feet or more from the center line of any street right of way less than fifty (50) feet in width except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

2-4. FRONTAGE REGULATIONS

The minimum frontage for permitted uses shall be one hundred (100) feet at the setback line.

2-5. YARD REGULATIONS

- 2-5-1. Side. The minimum side yard for each main structure shall be fifteen (15) feet and the total width of the two (2) required side yards shall be thirty-five (35) feet or more.
- 2-5-2. Rear. Each main structure shall have a rear yard of thirty-five (35) feet or more.

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2-6. SPECIAL PROVISIONS FOR CORNER LOTS

- 2-6-1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- 2-6-2. The minimum side yard on the side facing the side street shall be thirty-five (35) feet or more for both main and accessory building.
- 2-6-3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of one hundred twenty-five (125) feet or more.

ARTICLE 3. AGRICULTURAL, LIMITED, DISTRICT A-2

Statement of Intent

Generally, this district covers the portion of the county now occupied by various open uses such as forests, parks, farms, or lakes, into which urban-type development could logically expand as the need occurs. This district is established to protect existing and future farming operations, conservation of water and other natural resources and protecting watersheds. This zone is established for the specific purpose of (1) providing for the orderly expansion of urban development into territory surrounding incorporated areas within or adjacent to the county and (2) discouraging the random scattering of residential, commercial, and industrial uses into the area.

3-1. USE REGULATIONS

In Agricultural District A-2, structures to be erected or land to be used shall be for one or more of the following uses:

- 3-1-1. Single-family dwellings.
- 3-1-2. Two-family dwellings.
- 3-1-3. Group quarters for agricultural workers.
- 3-1-4. Agriculture, dairying, forestry, and general farming.
- 3-1-5. Food processing and storage.
- 3-1-6. Feed, seed, and farm supplies.
- 3-1-7. Schools and churches.
- 3-1-8. Parks and playgrounds.
- 3-1-9. Professional offices.

- 3-1-10. Gift shops.
- 3-1-11. Antique shops.
- 3-1-12. General stores as defined.
- 3-1-13. Beauty shops.
- 3-1-14. Barber shops.
- 3-1-15. Motels.
- 3-1-16. Tourist homes.
- 3-1-17. Manufacture and sale of wood products.
- 3-1-18. Airports, with a conditional use permit.
- 3-1-19. House museums.
- 3-1-20. Small boat docks (with repair).
- 3-1-21. Preserves and conservation areas.
- 3-1-22. Camp grounds with a conditional use permit.
- 3-1-23. Lodges, riding clubs and horses for hire.
- 3-1-24. Hunting clubs.
- 3-1-25. Yacht clubs.
- 3-1-26. Cemeteries.
- 3-1-27. Home occupations, as defined, conducted by the occupant.
- 3-1-28. Mobile home park in accordance with a conditional use permit and other provisions contained herein.
- 3-1-29. Public utility generating, booster, or relay stations, transformer substations, transmission lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations, in accordance with a conditional use permit.
- 3-1-30. Off-street parking as required by this ordinance.

- 3-1-31. Accessory uses as defined, however, garages or other accessory structures, such as carports, porches, and stoops, attached to the main building shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line.
- 3-1-32. Business signs.
- 3-1-33. Church bulletin boards and identification signs.
- 3-1-34. Directional signs.
- 3-1-35. Home occupation signs.
- 3-1-36. General advertising signs as defined with a conditional use permit and in accordance with provisions contained herein, provided the distance between such signs is not less than ~~1,500~~^{1,000} feet on the same side of a right of way, but in no case shall a sign be closer than ~~700~~⁵⁰⁰ feet to another sign on either side of a right of way.
- 3-1-37. Sanitary land fills.
- 3-1-38. Fire stations with a conditional use permit.
- 3-1-39. Golf course, swimming, tennis and boating.
- 3-1-40. Public and private recreational areas.
- 3-1-41. Dinner theaters and restaurants.
- 3-1-42. Hospitals, nursing homes, sanatoria.
- 3-1-43. Location Signs*
- 3-2. AREA REGULATIONS

The minimum lot area for permitted uses shall be twenty thousand (20,000) square feet or more.

3-3. SETBACK REGULATIONS

Structures shall be thirty-five (35) feet or more from any street right of way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center line of any street right of way less than fifty (50) feet in width except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

3-4. FRONTAGE REGULATIONS

The minimum frontage for permitted uses shall be one hundred (100) feet at the setback line.

3-5. YARD REGULATIONS

3-5-1. Side. The minimum side yard for each main structure shall be fifteen (15) feet and the total width of the two (2) required side yards shall be thirty-five (35) feet or more.

3-5-2. Rear. Each main structure shall have a rear yard of thirty-five (35) feet or more.

3-6. SPECIAL PROVISIONS FOR CORNER LOTS

3-6-1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

3-6-2. The minimum side yard on the side facing the side street shall be thirty-five (35) feet or more for both main and accessory building.

3-6-3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of one hundred twenty-five (125) feet or more.

ARTICLE 4. RESIDENTIAL, LIMITED, DISTRICT R-1

Statement of Intent

This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentration and permitted uses are limited basically to single unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of this district. No home occupations (including maintaining of poultry or livestock) are permitted in this district. The renting of a room is permitted with a conditional use permit.

4-1. USE REGULATIONS

In Residential District R-1, structures to be erected or land to be used, shall be for one or more of the following uses:

- 4-1-1. Single-family dwellings.
- 4-1-2. Schools.
- 4-1-3. Churches.
- 4-1-4. Parks and playgrounds, and recreational area.
- 4-1-5. Off-street parking as required by this ordinance.
- 4-1-6. Accessory buildings as defined, however, garages or other accessory buildings, such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line.
- 4-1-7. Public utilities such as poles, lines, distribution transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance, including water and sewerage facilities in accordance with a conditional use permit and provisions contained herein.
- 4-1-8. Business signs only to advertise the sale or rent of the premises upon which erected.
- 4-1-9. Church bulletin boards and identification signs.
- 4-1-10. Directional signs, non-business.
- 4-1-11. Golf, swimming, tennis and boating.

4-2. AREA REGULATIONS

- 4-2-1. For lots served by public water and sewage disposal systems, the minimum lot area shall be fifteen thousand (15,000) square feet.

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4-2-2. For lots served by either public water or public sewage disposal systems, but not both, the minimum lot area shall be seventeen thousand five hundred (17,500) square feet.

4-2-3. For lots served by individual water and sewage disposal systems, the minimum lot area shall be twenty thousand (20,000) square feet.

4-3. SETBACK REGULATIONS

Structures shall be located thirty-five (35) feet or more from any street right of way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center line of any street right of way less than fifty (50) feet in width. This shall be known as the "setback line."

4-4. FRONTAGE REGULATIONS

The minimum lot width at the setback line shall be one hundred (100) feet or more.

4-5. YARD REGULATIONS

4-5-1. Side. The minimum side yard for each main structure shall be fifteen (15) feet or more, and the total width of the two required side yards shall be thirty (30) feet or more.

4-5-2. Rear. Each main structure shall have a rear yard of thirty-five (35) feet or more.

4-6. HEIGHT REGULATIONS

Buildings may be erected up to thirty-five (35) feet in height except that:

4-6-1. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is fifteen (15) feet or more plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

4-6-2. A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

4-6-3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae and radio aeriels are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

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- 4-6-4. No accessory building which is within twenty (20) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.
- 4-7. SPECIAL PROVISIONS FOR CORNER LOTS
- 4-7-1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- 4-7-2. The side yard on the side facing the side street shall be thirty-five (35) feet or more for both main and accessory building.
- 4-7-3. For subdivisions platted after the enactment of this ordinance each corner lot shall have a minimum width at the setback line of one hundred twenty-five (125) feet or more.

ARTICLE 5. RESIDENTIAL, LIMITED, DISTRICT R-2

Statement of Intent

This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for the district are designed to stabilize and protect the essential characteristics of the district to promote and encourage a suitable environment for family life where there are children, and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentration and permitted uses are limited basically to single unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district. No poultry or live-stock (chickens, horses, cows, swine, etc.) are permitted. Multiple-unit dwellings are permitted in accordance with conditional use permit.

5-1. USE REGULATIONS

In Residential District R-2, structures to be erected or land to be used shall be for one or more of the following uses:

- 5-1-1. Single-family dwellings.
- 5-1-2. Two-family dwellings.
- 5-1-3. Three-family dwellings with a conditional use permit.
- 5-1-4. Four-family dwellings with a conditional use permit.
- 5-1-5. Multiple-family dwellings in accordance with a conditional use permit where public or community water and sewer are available.

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- 5-1-6. Tourist homes.
- 5-1-7. Schools.
- 5-1-8. Churches.
- 5-1-9. Parks, playgrounds, golf courses, and golf clubs.
- 5-1-10. Off-street parking as required by this ordinance.
- 5-1-11. Accessory buildings as defined, however, garages or other accessory buildings, such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line.
- 5-1-12. Public utilities such as poles, lines, distribution transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance, including water and sewerage facilities with a conditional use permit.
- 5-1-13. Business signs only to advertise the sale or rent of the premises upon which erected.
- 5-1-14. Church bulletin boards and identification signs.
- 5-1-15. Directional signs, non-business.
- 5-1-16. Home occupations as defined.
- 5-2. AREA REGULATIONS
 - 5-2-1. For lots containing or intended to contain a single permitted use served by public water and sewage disposal systems, the minimum lot area shall be twelve thousand (12,000) square feet.
 - 5-2-2. For lots containing or intended to contain a single permitted use served by either public water or sewage disposal system but not by both, the minimum lot area shall be fifteen thousand (15,000) square feet.
 - 5-2-3. For lots containing or intended to contain a single permitted use served by individual water and sewage disposal systems, the minimum lot area shall be twenty thousand (20,000) square feet.
 - 5-2-4. For lots containing or intended to contain more than a single permitted use served by public water and sewage disposal systems, the minimum lot area shall be:

Two (2) units. . . fifteen thousand (15,000) square feet or more; three (3) units. . . seventeen thousand five hundred (17,500) square feet or more.

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For each additional unit above three (3) . . . one thousand (1,000) square feet.

- 5-2-5. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require greater area if considered necessary by the health official.

5-3. SETBACK REGULATIONS

Structures shall be located thirty-five (35) feet or more from any street right of way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center line of any street right of way less than fifty (50) feet in width. This shall be known as the "setback line."

5-4. FRONTAGE REGULATIONS

- 5-4-1. For a single permitted use served by both public water and sewage disposal systems, the minimum lot width of the setback line shall be eighty (80) feet, and for each additional permitted use there shall be at least ten (10) feet additional lot width at the setback line.

- 5-4-2. For a single permitted use served by either or both individual water and/or sewage disposal systems, the minimum width at the setback line shall be one hundred (100) feet with ten (10) additional feet of front width for each additional permitted use.

5-5. YARD REGULATIONS

- 5-5-1. Side. The minimum side yard for each main structure shall be ten (10) feet or more and the total width of the two required side yards shall be twenty-five (25) feet or more.

- 5-5-2. Rear. Each main structure shall have a rear yard of thirty-five (35) feet or more.

5-6. HEIGHT REGULATIONS

Buildings may be erected up to thirty-five (35) feet in height except that:

- 5-6-1. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is fifteen (15) feet or more plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

- 5-6-2. A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade

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provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

- 5-6-3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- 5-6-4. No accessory building which is within twenty (20) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.
- 5-7. SPECIAL PROVISIONS FOR CORNER LOTS
 - 5-7-1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
 - 5-7-2. The side yard on the side facing the side street shall be twenty-five (25) feet of more for both main and accessory building.
 - 5-7-3. For subdivisions platted after the enactment of this ordinance each corner lot shall have a minimum width at the setback line of one hundred (100) feet or more.

ARTICLE 6. RESIDENTIAL, GENERAL, DISTRICT R-3

Statement of Intent

This district is composed of certain quiet, low density residential uses plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentration and permitted uses are limited to basically single-family dwellings plus attendant uses. This district is not completely residential as it includes public and semipublic, institutional and other related uses.

6-1. USE REGULATIONS

In Residential District R-3, structures to be erected or land to be used, shall be for one or more of the following uses:

- 6-1-1. Single-family dwellings.
- 6-1-2. Two-family dwellings.
- 6-1-3. Multiple-family dwellings.
- 6-1-4. Tourist homes.
- 6-1-5. Schools.

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- 6-1-6. Churches.
- 6-1-7. Rest homes.
- 6-1-8. General hospitals with a conditional use permit.
- 6-1-9. Clubs and lodges, with a conditional use permit.
- 6-1-10. Parks and playgrounds.
- 6-1-11. Home occupations, as defined, conducted by the occupant.
- 6-1-12. Off-street parking as required by this ordinance.
- 6-1-13. Accessory buildings permitted as defined, however, garages or other accessory structures, such as carports, porches, and stoops, attached to the main building, shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line.
- 6-1-14. Public utilities: Poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities, in accordance with a conditional use permit and in accordance with other provisions contained herein.
- 6-1-15. Church bulletin boards and identification signs.
- 6-1-16. Directional signs.
- 6-1-17. Home occupation signs.
- 6-1-18. Fire stations with a conditional use permit.
- 6-2. AREA REGULATIONS
 - 6-2-1. For lots containing or intended to contain a single permitted use served by public water and sewage disposal, the minimum lot area shall be ten thousand (10,000) square feet.
 - 6-2-2. For lots containing or intended to contain a single permitted use served by public water systems, but having individual sewage disposal, the minimum lot area shall be twelve thousand (12,000) square feet.
 - 6-2-3. For lots containing or intended to contain a single permitted use served by individual water and sewage disposal systems, the minimum lot area shall be twenty thousand (20,000) square feet.
 - 6-2-4. For lots containing or intended to contain more than a single permitted use served by public water and sewage disposal systems, the minimum lot area shall be:

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Two (2) units. . . twelve thousand (12,000) square feet or more; three (3) units. . . fourteen thousand (14,000) square feet or more; for each additional unit above three (3). . . one thousand (1,000) square feet.

- 6-2-5. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may required a greater area if considered necessary by the health official.

6-3. SETBACK REGULATIONS

Structures shall be located thirty-five (35) feet or more from any street right of way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center line of any street right of way less than fifty (50) feet in width except that signs advertising sale or rent of property may be erected up to the property line. This shall be known as the "setback line."

6-4. FRONTAGE REGULATIONS

- 6-4-1. For permitted uses served by both public water and/or public sewerage system the minimum lot width at the setback line shall be seventy-five (75) feet or more, and for each additional permitted use there shall be at least ten (10) feet of additional lot width at the setback line.

- 6-4-2. For permitted uses served by individual water and sewage disposal systems, the minimum lot width at the setback line shall be one hundred (100) feet or more, and for each additional permitted use there shall be at least ten (10) feet additional lot width at the setback line.

6-5. YARD REGULATIONS

- 6-5-1. Side. The minimum side yard for each main structure shall be ten (10) feet and the total width of the two required side yards shall be twenty-five (25) feet or more.

- 6-5-2. Rear. Each main structure shall have a rear yard of twenty-five (25) feet or more.

6-6. HEIGHT REGULATIONS

Buildings may be erected up to thirty-five (35) feet in height from grade except that:

- 6-6-1. The height limit for dwellings may be increased up to ten (10) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

- 6-6-2. A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- 6-6-3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- 6-6-4. No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.
- 6-7. SPECIAL PROVISIONS FOR CORNER LOTS
- 6-7-1. Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.
- 6-7-2. The side yard on the side facing the side street shall be twenty-five (25) feet or more for both main and accessory building.
- 6-7-3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of one hundred (100) feet or more.

ARTICLE 7 - RESIDENTIAL PLANNED COMMUNITY, DISTRICT R-4

Statement of Intent

This district is intended to permit development in accordance with a master plan therefore, of cluster-type communities containing not less than two thousand (2,000) contiguous acres under one ownership or control, in a manner that will protect and preserve the natural resources, trees, watersheds, contours and topographic features of the land, protect and enhance the natural scenic beauty and permit the greatest amount of recreational facilities by leaving as permanent open area not less than forty (40) per cent of the total acreage. Within such communities, the location of all improvements shall be controlled in such manner as to permit a variety of housing accommodations in an orderly relationship to one another with the greatest amount of open area and the least disturbance to natural features. "Open area" shall include parks, lakes, roads, roadways, walkways, trails, school sites, playground and recreation facilities, golf and other sports facilities, non-residential clubhouse grounds and rights of way and surface easements for drainage and other utilities over areas not within the lines of any residential lot. A planned residential district may include a variety of residential accommodations and light commercial facilities in Village Centers to an extent necessary to serve the neighborhood needs of the particular residential planned community, but no industrial development is permitted.

ESTABLISHMENT

7-1. REQUEST AND MASTER PLAN

Request for establishment of a residential planned community shall be made initially to the Planning Commission and subsequently to the County Board of Supervisors accompanied by a "Master Plan" for the proposed community of not less than two thousand (2,000) contiguous acres under one ownership or control.

7-2. APPLICATION

- 7-2-1. The applicant shall furnish with his application for establishment of a Residential Planned Community fifteen (15) copies of a Master Plan prepared by a surveyor, engineer or architect, duly authorized by the State to practice as such, upon which shall be shown the approximate location of the open areas which shall comprise not less than forty (40) per cent of the whole and the general location of the various types of land uses, including the general location of any Village Centers and the residential density classifications of each residential area.

- 7-2-2. The applicant shall further submit with his application fifteen (15) copies of a set of schematic preliminary plans which shall indicate a method by which the Master Plan may be implemented and show the general location of all public and private roads, the location and particular use of all open areas, the location and type of such proposed improvements and buildings as are required to be shown on the Final Plan, and a general sewer, storm drainage and water supply plan.
- 7-2-3. Upon approval by the County Board of Supervisors of the Master Plan, the Residential Planned Community shall be deemed established. After approval, the Master Plan may not be altered without approval of the County Board of Supervisors, but the preliminary plans shall be superseded by the Final Plans hereinafter provided for.

DEVELOPMENT

7-3. FINAL PLAN

- 7-3-1. Following the establishment of a Residential Planned Community by approval of the Board of Supervisors of a Master Plan therefore, the applicant may furnish to the Planning Commission fifteen (15) copies of a Final Plan of any part or section of the community comprising not less than twenty-five (25) acres of land shown on the Master Plan and from time to time thereafter shall submit additional Final Plans comprising the whole area of the Master Plan. The final plan shall be prepared or certified by a surveyor or engineer or architect. The Final Plans shall be consistent with the Master Plan as approved but may vary from the preliminary plans to any degree which the Planning Commission believe does not vary the basic concept or character of the development.
- 7-3-2. The Final Plans shall show by metes and bounds the layout of all major and local roads, public and private, the location of all buildings and improvements, other than single family dwellings (as to these buildings the general location for improvements within the lines of each lot shall be shown) and other than school buildings or other buildings to be built by public authority (as to which the site or lot shall be shown), all parking areas, pedestrian ways, utility easements, lot lines, and shall show the different types of open area and other public or community amenities, the proposed use of all buildings and of all areas dedicated for public or private common use.

- 7-3-3. The applicant shall furnish with a Final Plan a proposed deed of easement including restrictions safeguarding the permanent use of open areas and preventing encroachment thereupon. The applicant shall furnish simultaneously with, or prior to, approval of any Final Plan a deed or deeds without consideration to any land within its area determined by the County Board of Supervisors to be reasonable required for the particular community for public school purposes.
- 7-3-4. When the Final Plan and deed of dedication shall have been approved by the Planning Commission as being in conformity with this ordinance and the Master Plan as approved by the County Board of Supervisors, the Final Plan shall be approved for recordation and recorded. Thereafter, no modification may be made in any Final Plan except by an amended Final Plan submitted as provided for the original Final Plan.

7-4. ADDITIONAL LAND

Additional land area may be added to an existing Residential Planned Community if it is adjacent (except for public roads) and forms a logical addition to the existing Residential Planned Community and if it is under the same ownership or control.

The procedure for an addition shall be the same as if an original application were filed, and all of the requirements of this ordinance shall apply except the minimum acreage requirement of two thousand (2,000) acres.

7-5. COMPUTING POPULATION DENSITY

On computing average density on any final plan of a part of a Residential Planned Community, which community at the time of its creation was under one ownership or control, any excess in land area over that required to support an average density of seven and five-tenths (7.5) persons per acre of gross area in any Final Plan previously recorded may be included. So, as each successive Final plat is submitted, the overall density of all areas shown on recorded Final Plans within the proposed Residential Planned Community as shown on the Master Plan shall be recomputed so that the average population density of the aggregate gross area within all the recorded sections of the community shall never at any time in the history of its development exceed a density of seven and five-tenths (7.5) persons per acre.

On computing population density, a factor of three and seven-tenths (3.7) persons shall be used per detached single family dwelling or permanent mobile home, three (3) persons per town house, two (2)

persons per unit in multi-family structures of three stories or less, and one and five-tenths (1.5) persons per unit in residential club house, hotel, motel or high rise (elevator) apartment or other structure of more than three stories above ground.

7-6. PERMITTED POPULATION DENSITY

7-6-1. The overall population density shown on the Master Plan of a Residential Planned Community shall not exceed an average density of seven and five-tenths (7.5) persons per acre including open area and Village Centers.

7-6-2. Four residential density areas shall be permitted in the Residential Planned Community generally in the location shown on the Master Plan. Such density areas shall be designated as follows:

- "A" areas for detached single family dwelling units.
- "B" areas for town house units or permanent mobile homes
- "C" areas for multi-family residential structures of not more than three stories above ground.
- "D" areas for multi-family residential structures of more than three stories above ground.

The population density within an "A" area shall not exceed ten (10) persons per acre of gross residential area which term gross residential area shall include roads within such area; the population density within a "B" area shall not exceed twenty-five (25) persons per acre of gross residential area; the population density in a "C" area shall not exceed thirty (30) persons per acre of gross residential area; and the population density in a "D" area shall not exceed forty (40) persons per acre of gross residential area.

7-7. USE REGULATIONS

7-7-1. All uses permitted by right or by special permit in the Limited Residential District R-1, in the Limited Residential District R-2, in the General Residential District R-3, and in General Business District B-1 of the James City County Zoning Ordinance shall be permitted as in the respective districts in the Residential Planned Community, as well as the following non-commercial uses. All uses are subject to the limitations hereinafter provided.

7-7-2. Golf courses and Country Clubs.

7-7-3. Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields.

7-7-4. Dinner theaters.

7-7-5. Outdoor theaters and entertainment.

7-7-6. Preserves and conservation areas.

7-7-7. Public and private recreation areas.

7-7-8. Camp grounds.

7-7-9. Hunting clubs.

7-7-10. Yacht clubs.

7-7-11. Cemeteries and memorial gardens.

7-7-12. Fire stations.

7-8. LIMITATIONS

7-8-1. Commercial uses shall be located in "Village Centers" shown on the Master Plan and on the Final Plan. Village Centers shall be light commercial and office areas within which neighborhood commercial uses are permissible.

7-8-2. Not more than one and five-tenths acre is to be devoted to commercial uses per thousand people permitted in the Residential Planned Community, and such commercial uses are to be limited to the areas designated as Village Centers on the Master Plan and on the Final Plan.

7-8-3. Commercial uses permissible in a Village Center and not otherwise permissible in a residential district shall be limited to restaurants, store, offices, banks, and service uses adequate but not more than adequate to provide neighborhood shopping and business convenience for the particular community.

7-8-4. No trailer parks, trailer camps, or trailer courts may be permitted. However, permanent mobile home subdivisions may be included provided that they represent no more than 25 per cent of the permissible living units. For the purpose of computing the number of permitted permanent trailer sites, a mobile home subdivision

shall be considered "B" area as defined herein under Section 7-6-2 and for the purpose of computing population density, the factor for mobile homes shall be 3.7 persons per mobile home. Permanent mobile home subdivisions shall meet the requirements of the James City County zoning ordinance for permanent mobile home parks. The developer shall submit protective covenants and restrictions which shall be in addition to those contained in the zoning ordinance and shall be designed to insure the beautification of the area of the permanent mobile home subdivision for prior approval of the Planning Commission.

7-8-5. Uses in a Residential Planned Community shall be permissible only in the general location shown on the approved Master Plan as previously set forth.

7-8-6. The Use of any area within a Residential Planned Community shall be shown on the Final Plan as previously set forth.

7-9. BUILDING LOCATION REQUIREMENTS

The location of all structures shall be as shown on the Final Plan as required in Section 7-3 other than single family dwellings as to which building restriction lines or construction area limit shall be shown with respect to each lot. The proposed location and arrangement of structures shall not be detrimental to the existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood.

Open spaces between structures shall be protected where necessary by adequate covenants running with the land, conveyances or dedications. There shall be no minimum lot size, no minimum setback lines, no maximum percentage of lot coverage, no minimum width and no frontage requirement on a public street in a Residential Planned Community District except as shown on the approved Final Plan.

7-10. UTILITIES

Prior to approval of the Final Plan, the applicant must submit plans and specifications of a public or private sewer and a public or private water supply system adequate to serve the area covered by the Final Plan in conformity with standards of the Virginia State Water Control Board and the Virginia State Health Department. Approval may be granted to a Final Plan subject to the condition that no lot may be sold or conveyed until assurances satisfactory to the Planning Commission have been given by the applicant with respect to the timely extension of water and sewer to the particular lot.

7-11. STREET IMPROVEMENTS

- 7-11-1. All dedicated public streets shown on the Final Plan shall meet all requirements of the Virginia Department of Highways Subdivision Standards. Before approval of any Final Plan the Resident Agent shall so certify. Such public streets shall be coordinated with the Major Transportation Network shown in the County Comprehensive Plan.
- 7-11-2. Private streets shown on the Final Plan shall be similarly coordinated with existing or planned streets of both the Master Plan and the County Comprehensive Plan. Private streets shown on the Final Plan need not meet the requirements of the Virginia Department of Highways, but shall meet all requirements of the County Subdivision Ordinance except as these may be waived or modified by the Planning Commission as set forth hereafter.
- 7-11-3. To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the Planning Commission that a property owners' community association or similar organization has been legally established under which the lots within the area of the Final Plan will be assessed for the cost of maintaining private streets, and that such assessments shall constitute a pro-rata lien upon the individual lots shown on the Final Plan.
- 7-11-4. Approval may be granted to a Final Plan subject to the condition that no lot may be sold or conveyed until assurances satisfactory to the Planning Commission have been given by the applicant with respect to the timely extension of public or private roads to the particular lot.
- 7-11-5. The uniqueness of each proposal for a Residential Planned Community requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities, and the specifications for curbs, gutters, sidewalks, streets lights, and storm water drainage shall be subject to modification from the specifications established in the County Subdivision Ordinance. The Planning Commission may, therefore, within the limits hereinafter specified, waive or modify the specifications otherwise applicable for a particular facility where the Planning Commission finds that such specifications are not required in the interests of the residents of the Residential Planned Community and that the modifications of such specifications are not inconsistent with the interests of the entire county.

7-11-6. It shall be the responsibility of the applicant to demonstrate to the satisfaction of the Planning Commission with respect to any requested waiver or modification:

- a. That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;
- b. That the waiver or modification is reasonable because of the uniqueness of the Residential Planned Community or because of the large area of the Residential Planned Community within which the nature and excellence of design and construction will be coordinated, pre-planned and controlled;
- c. That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur within the area of the Master Plan;
- d. That any waiver or modification as to sidewalks in "B", "C", or "D" density areas be justified on the basis of anticipated pedestrian traffic or because other provisions are made for pedestrian traffic;
- e. That traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic and in no case less than ten (10) feet wide; and
- f. That waivers or modifications as to base and surface construction of streets and as to the construction of ditches or drainage way be based upon soil tests for CBR value and erosion characteristics of the particular subgrade support soils in the area.

7-12. MINIMUM STREET REQUIREMENTS CHART

In no case shall the Planning Commission grant waivers or modifications as to width of streets, curbs, gutters and sidewalks that will permit less than the following:

MINIMUM STREET REQUIREMENTS CHART

Vehicles Per Day	"A" Density Area				"B", "C", & "D" Density Areas and Business Districts & School Sites				Curb and Gutter and Sidewalk
	Traffic Lanes		Parking Lanes		Traffic Lanes		Parking Lanes		
	<u>Number</u>	<u>Width</u>	<u>Number</u>	<u>Width</u>	<u>Number</u>	<u>Width</u>	<u>Number</u>	<u>Width</u>	
Up to 400	2	10'	1*	8'	2	10'	1*	8'	Curb & Gutter Req'd. Sidewalk Req'd. on one side.
401 to 3000	2	11'	1*	8'	2	11'	2*	8'	Curb & Gutter Req'd. Sidewalk Req'd. both sides.
3001 to 5500	2	12'	2**	8'	2	12'	2	12'	"
Over 5500	4	12'	2**	10'	4	12'	2	12'	"
* Not required if curb is not used but in such case shoulders shall be a minimum of 5' wide. ** Not required if curb is not used but in such case shoulders shall be a minimum of 8' wide.					* Not required if off street parking is provided in the form of parking bays or parking lots at the rate of 1-1/2 parking spaces per living unit in "B" and "C" density areas and 2 parking spaces per living unit in "D" density areas.				

7-13. SPECIAL PROVISIONS

The provisions hereof shall not be limited by any provisions of any other part of the James City County Zoning or Subdivision Regulations inconsistent herewith.

If following the establishment of a Residential Planned Community a Final Plan shall be submitted to the Planning Commission as hereinbefore provided, such Final Plan shall be deemed approved by the Planning Commission if no action has been taken by the Planning Commission within sixty (60) days after such submission.

ARTICLE 8. BUSINESS, GENERAL, DISTRICT B-1

Statement of Intent

Generally this district covers that portion of the community intended for the conduct of general business to which the public required direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants and taverns, garages and service stations, and savings and loan institutions.

8-1. USE REGULATIONS

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

- 8-1-1. Retail food stores.
- 8-1-2. Bakeries.
- 8-1-3. Dry cleaners.
- 8-1-4. Laundries.
- 8-1-5. Wearing apparel stores.
- 8-1-6. Drug stores.
- 8-1-7. Barber and beauty shops.
- 8-1-8. Auto and home appliance services.
- 8-1-9. Theaters, assembly halls.
- 8-1-10. Hotels, motels, apartments, restaurants, tea rooms, and taverns.
- 8-1-11. Office building.
- 8-1-12. Churches.
- 8-1-13. Libraries.
- 8-1-14. Hospitals, general.
- 8-1-15. Funeral homes.

Article 8. Business, General, District B-1

- 8-1-16. Service stations (with major repair under cover).
- 8-1-17. Clubs and lodges.
- 8-1-18. Auto sales and service.
- 8-1-19. Lumber and building supply (with storage under cover).
- 8-1-20. Plumbing and electrical supply (with storage under cover).
- 8-1-21. Wholesale and processing not objectionable because of dust, noise, or odors with a conditional use permit.
- 8-1-22. Machinery sales and service.
- 8-1-23. Mobile home parks. All trailers in this District shall be parked in mobile home parks.
- 8-1-24. Retail fish markets with a conditional use permit.
- 8-1-25. Waterfront business activities: Wholesale and retail marine interests, such as boat docks, piers, small boat docks, yacht clubs and servicing facilities for the same; docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.
- 8-1-26. Public utilities.
- 8-1-27. Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement only after a public hearing shall have been held by the governing body on an application submitted to the body for such use. The governing body may request that the commission submit a recommendation to them concerning such use applications. In approving any such application, the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest.

- 8-1-28. Off-street parking as required by this ordinance.
- 8-1-29. Business signs.
- 8-1-30. General advertising signs.
- 8-1-31. Location signs.
- 8-1-32. Fire stations with conditional use permits.
- 8-1-33. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
- 8-1-34. Artists and sculptors.
- 8-1-35. Arts and crafts.
- 8-1-36. Handcrafts and art galleries.
- 8-1-37. Antique shops.
- 8-1-38. Gift shops.
- 8-1-39. Museums.
- 8-1-40. Design, research, evaluating laboratories with conditional use permit.
- 8-1-41. Trailer sales and service.
- ~~8-1-42.~~ Upholstery Shops
- 8-2. AREA REGULATIONS

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

8-3. SETBACK REGULATIONS

Buildings shall be located twenty-five (25) feet or more from any street right of way which if fifty (50) feet or greater in width, or thirty-five (35) feet or more from the center line of any street right of way less than fifty (50) feet in width, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

8-4. FRONTAGE AND YARD REGULATIONS

For permitted uses, the minimum side yard adjoining or adjacent to a residential or agricultural district shall be ten (10) feet and off-street parking shall be in accordance with the provisions contained herein.

~~8-1-28. Off-street parking as required by this ordinance.~~

~~8-1-29. Business signs.~~

~~8-1-30. General advertising signs.~~

~~8-1-31. Location signs.~~

~~8-2. AREA REGULATIONS~~

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

~~8-3. SETBACK REGULATIONS~~

~~Buildings shall be located twenty-five (25) feet or more from any street right of way which is fifty (50) feet or greater in width, or thirty-five (35) feet or more from the center line of any street right of way less than fifty (50) feet in width, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line".~~

~~8-4. FRONTAGE AND YARD REGULATIONS~~

~~For permitted uses, the minimum side yard adjoining or adjacent to a residential or agricultural district shall be ten (10) feet and off-street parking shall be in accordance with the provisions contained herein.~~

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8-5. HEIGHT REGULATIONS

Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

- 8-5-1. The height limit for business structures may be increased up to sixty (60) feet from grade provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over sixty (60) feet.
- 8-5-2. A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- 8-5-3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- 8-5-4. No accessory structure which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory structures shall be less than the main structure in height.

ARTICLE 9. INDUSTRIAL, LIMITED, DISTRICT M-1

Statement of Intent

The primary purpose of this district is to permit certain industries, which do not detract from residential desirability, to locate in any area adjacent to residential uses. This district is established to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.

9-1. USE REGULATIONS

In Industrial District M-1 any structure to be erected or land to be used shall be for one or more of the following or similar uses:

- 9-1-1. Assembly of electrical appliances, electronic instruments and devices, radios, and phonographs. Also the manufacture of electrical and electronic components.
- 9-1-2. Laboratories - pharmaceutical and/or medical, research and design laboratories.

Article 9. Industrial, Limited, District M-1

- 9-1-3. Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- 9-1-4. Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials:

Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, straw, textiles, tobacco, wood, yarn, paint, and rubber.
- 9-1-5. Manufacture of pottery and figurines or other similar ceramic products, using kilns fired only by electricity or gas.
- 9-1-6. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- 9-1-7. Feed and seed stores.
- 9-1-8. Cabinets, furniture and upholstery shops.
- 9-1-9. Boat building.
- 9-1-10. Monumental stone works.
- 9-1-11. Veterinary or dog or cat hospital, kennels.
- 9-1-12. Airports with a conditional use permit.
- 9-1-13. Wholesale businesses, storage warehouses.
- 9-1-14. Off-street parking as required by this ordinance.
- 9-1-15. Public utility generating, booster or relay stations, transformer substations, transmission lines, and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.
- 9-1-16. Business signs.
- 9-1-17. General advertising signs.
- 9-1-18. Location signs.
- 9-1-19. Sanitary land fills.
- 9-1-20. Petroleum storage.
- 9-1-21. Fire stations with conditional use permits.

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- 9-1-22. Retail food stores.
- 9-1-23. Bakeries.
- 9-1-24. Dry cleaners.
- 9-1-25. Laundries.
- 9-1-26. Wearing apparel stores.
- 9-1-27. Drug stores.
- 9-1-28. Barber and beauty shops.
- 9-1-29. Auto and home appliance services.
- 9-1-30. Theaters, assembly halls.
- 9-1-31. Hotels, motels, apartments, restaurants, tea rooms and taverns.
- 9-1-32. Office building.
- 9-1-33. Churches.
- 9-1-34. Libraries.
- 9-1-35. Hospitals, general.
- 9-1-36. Funeral homes.
- 9-1-37. Service stations (with major repair under cover).
- 9-1-38. Clubs and lodges.
- 9-1-39. Auto sales and service.
- 9-1-40. Lumber and building supply (with storage under cover).
- 9-1-41. Plumbing and electrical supply (with storage under cover).
- 9-1-42. Wholesale and processing not objectionable because of dust, noise, or odors, with a conditional use permit.
- 9-1-43. Machinery sales and service.
- 9-1-44. Retail fish markets with a conditional use permit.
- 9-1-45. Waterfront business activities: Wholesale and retail marine interests, such as boat docks, piers, small boat docks, yacht clubs and servic-

ing facilities for the same; docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.

- 9-1-46. Public utilities.
- 9-1-47. Arts and crafts.
- 9-1-48. Artists and sculptors.
- 9-1-49. Handcrafts and art galleries.
- 9-1-50. Antique shops.
- 9-1-51. Gift shops.
- 9-1-52. Museums.
- 9-1-53. Trailer sales and service.

9-2. REQUIREMENTS FOR PERMITTED USES

- 9-2-1. Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the site plans shall be submitted to the zoning administrator for study. The administrator shall refer these plans together with his written recommendation to the planning commission for their recommendation. Modifications of the plans may be required.
- 9-2-2. Where located adjacent to any residential district, permitted uses shall be conducted wholly within a completed enclosed building or enclosed on all sides by a one hundred (100) foot natural growth buffer zone or a three hundred (300) foot open buffer zone or an accepted fencing ~~or~~ hedging.
- 9-2-3. *And evergreen* Landscaping may be required within an established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner of any intersecting streets.
- 9-2-4. Sufficient area shall be provided (1) to adequately screen permitted uses from adjacent business and residential districts and (2) for off-street parking of vehicles incidental to the industry, its employees and clients.
- 9-2-5. Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance are to be considered as nonconforming uses. They shall be allowed up to eighteen months after adoption of this ordinance in which to completely screen. Permitted uses shall be conducted wholly within a completed enclosed building or enclosed on all sides by a one hundred (100) foot natural timber growth buffer zone or a three hundred (300) foot open buffer zone or an acceptable fencing or hedging.
- 9-2-6. The administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a thirty (30) day period. Failure on the part of the administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

9-3. AREA REGULATIONS

For permitted uses utilizing individual sewerage systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.

Article 9. Industrial, Limited, District M-1

9-4. SETBACK REGULATIONS

Buildings shall be located ten (10) feet or more from any street right of way which is fifty (50) feet or more in width, or thirty-five (35) feet or more from the center line of any street right of way less than fifty (50) feet in width except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

9-5. FRONTAGE AND YARD REGULATIONS

For permitted uses the minimum side yard adjoining or adjacent to a residential or agricultural district shall be ten (10) feet. The side yard of corner lots shall be twenty (20) feet or more. Off-street parking shall be in accordance with the provisions contained herein.

9-6. HEIGHT REGULATIONS

Buildings may be erected up to a height of sixty (60) feet. For buildings over sixty (60) feet in height, approval shall be obtained from the administrator. Chimneys, flues, cooling towers, flag poles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the limited height of the building on which the walls rest.

9-7. COVERAGE REGULATIONS

Buildings or groups of buildings with their accessory buildings may cover up to seventy (70) per cent of the area of the lot.

ARTICLE 10. INDUSTRIAL, GENERAL, DISTRICT M-2

Statement of Intent

The primary purpose of this district is to establish an area where the principal use of land is for heavy commercial and industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with residential, institutional and neighborhood commercial service establishments. The specific intent of this district is to:

(a) encourage the construction of and the continued use of the land for heavy commercial and industrial purposes;

(b) prohibit residential and neighborhood commercial use of the land and to prohibit any other use which would substantially interfere with the development continuation or expansion of commercial and industrial uses of the district;

Article 10. Industrial, General, District M-2

(c) to encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance.

10 -1. USE REGULATIONS

In Industrial District M-2, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

- 10-1-1. Truck terminals.
- 10-1-2. Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture.
- 10-1-3. Blacksmith shop, welding or machine shop, including punch presses and drop hammers.
- 10-1-4. Building material sales yards, plumbing supplies storage.
- 10-1-5. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
- 10-1-6. Sand and gravel operations with a conditional use permit.
- 10-1-7. Crushed stone operations with a conditional use permit.
- 10-1-8. Wood preserving operations.
- 10-1-9. Abattoirs.
- 10-1-10. Acid manufacture.
- 10-1-11. Cement, lime, gypsum manufacture.
- 10-1-12. Fertilizer manufacture.
- 10-1-13. Petroleum refining, including byproducts.
- 10-1-14. Petroleum storage.
- 10-1-15. Asphalt mixing plant.
- 10-1-16. Manufacturing and sale of wood products.
- 10-1-17. Paper and pulp manufacture.
- 10-1-18. Brick manufacture.

- 10-1-19. Boiler shops.
- 10-1-20. Junk storage (screened).
- 10-1-21. Meat, poultry and fish processing.
- 10-1-22. Off-street parking as required by this ordinance.
- 10-1-23. Public utilities.
- 10-1-24. Conservation areas.
- 10-1-25. Game preserves.
- 10-1-26. Accessory uses as defined.
- 10-1-27. Business signs.
- 10-1-28. General advertising signs.
- 10-1-29. Location signs.
- 10-1-30. Manufacturing of fibres and chemicals.
- 10-1-31. Research, development and valuation facilities.
- 10-1-32. Fire stations with conditional use permits.
- 10-1-33. Sanitary land fills.
- 10-1-34. Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.
- 10-2. REQUIREMENTS FOR PERMITTED USES
 - 10-2-1. Before a building permit shall be issued or construction commenced on any permitted uses in this district, or a permit issued for a new use, the site plans shall be submitted to the zoning administrator for study. The administrator shall, together with his written recommendation, refer these plans to the planning commission for their recommendation. Modifications of the plans may be required.

Article 10. Industrial, General, District M-2

- 10-2-2. Where located adjacent to any residential district permitted uses shall be conducted wholly within a completed enclosed building or enclosed on all sides by a one hundred (100) foot natural growth buffer zone or a three hundred (300) foot open buffer zone or an accepted fencing or hedging.
- 10-2-3. Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner of any intersecting streets.

10-2-4. Sufficient area shall be provided (1) to adequately screen permitted uses from adjacent business and residential districts and (2) for off-street parking or vehicles incidental to the industry, its employees and clients.

10-2-5. Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance are to be considered as nonconforming uses. They shall be allowed up to eighteen (18) months after adoption of this ordinance in which to completely screen. Permitted uses shall be conducted wholly within a completed enclosed building or enclosed on all sides by a one hundred (100) foot natural timber growth buffer zone or a three hundred (300) foot open buffer zone or an acceptable fencing or hedging.

10-2-6. The administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a thirty (30) day period. Failure on the part of the administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

10-3. AREA REGULATIONS

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.

10-4. SETBACK REGULATIONS

Buildings shall be located ten (10) feet or more from any street right of way which is fifty (50) feet or more in width, or thirty-five (35) feet or more from the center line of any street right of way less than fifty (50) feet in width, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

10-5. FRONTAGE AND YARD REGULATIONS

For permitted uses the minimum side yard adjoining or adjacent to a residential or agricultural district shall be ten (10) feet. The side yard of corner lots shall be twenty (20) feet or more. Off-street parking shall be in accordance with the provisions contained herein.

10-6. HEIGHT REGULATIONS

Buildings may be erected up to a height of sixty (60) feet. For buildings over sixty (60) feet in height, approval shall be obtained from the administrator. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workman are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the limited height of the building on which the walls rest.

10-7. COVERAGE REGULATIONS

Buildings or groups of buildings with their accessory buildings may cover up to seventy (70) per cent of the area of the lot.

ARTICLE 11. NONCONFORMING USES

11-1. CONTINUATION

- 11-1-1. If at the time of enactment of this ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided, except that advertising structures that become nonconforming because of a re-zoning have twenty-four (24) months within which to relocate in a permitted area.
- 11-1-2. If any change in title of possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.
- 11-1-3. If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned, and any subsequent use shall conform to the requirements of this ordinance.
- 11-1-4. Whenever a nonconforming structure, lot or activity has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.
- 11-1-5. Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded.

11-2. PERMITS

- 11-2-1. All nonconforming uses shall obtain a zoning permit and a certificate of occupancy within ninety (90) days after the adoption of this ordinance. Such permits shall be issued promptly upon the written request of the owner or operator of a nonconforming use. This shall not apply to single family dwellings.
- 11-2-2. The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, or such use of land established within thirty (30) days after the effective date of this ordinance.

Article 11. Nonconforming Uses.

11-3. REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10) per cent of the current replacement value of the structure provided that the cubic content of the structure as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

11-4. CHANGES IN ZONING DISTRICTS BOUNDARIES

Whenever the boundaries of a district are changes, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this Article.

11-5. EXPANSION OR ENLARGEMENT

11-5-1. A nonconforming structure to be extended or enlarged shall conform with the provisions of this ordinance.

11-5-2. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

11-6. NONCONFORMING LOT AREAS

Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used when the requirements of the board of zoning appeals regarding setbacks, side and rear yards are met.

11-7. RESTORATION OR REPLACEMENT

11-7-1. If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five (75) per cent of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this ordinance. This shall not apply to single family dwellings in existence at the time of this ordinance and they may be repaired or replaced.

11-7-2. If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five (75) per cent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance. However, a property owner so affected may take recourse to obtain rezoning. This shall not apply to single-family dwellings in existence at the time of this ordinance and they may be repaired or replaced.

Article 11. Nonconforming Uses.

- 11-7-3. Where a conforming structure devoted to a nonconforming activity is damaged less than fifty (50) per cent of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five (75) per cent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction. This shall not apply to single family dwellings in existence at the time of this ordinance and they may be repaired or replaced.
- 11-7-4. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

ARTICLE 12. GENERAL PROVISIONS

12-1. ZONING PERMITS

- 12-1-1. Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit has been obtained from the administrator.
- 12-1-2. The commission may request a review of the zoning permit approved by the administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.
- 12-1-3. Each application for a zoning permit shall be accompanied by three (3) copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right of way of any street or highway adjoining said parcel of land. Any other information which the administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance a permit shall be issued to the applicant by the administrator. One copy of the drawing shall be returned to the applicant with the permit.

12-2. 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 permit shall state that the building or the proposed use, or the use of the land, complies with the provisions of this ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten (10) days after the erection or structural alteration of such building or part has conformed with the provisions of this ordinance.

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12-3. CONDITIONAL USE PERMIT

Where permitted by this ordinance, the location of hotels, motels, mobile home parks, commercial amusement parks, hospitals, mobile homes, airports, borrow pits, hog farms, sanitary fill method garbage disposal, feed lots, automobile grave yards, and junk yards, public utilities, and refuse sites, and other permitted uses shall require, in addition to the zoning permit and certificate of occupancy, a conditional use permit. These permits shall be subject to such conditions as the governing body deems necessary to carry out the intent of this ordinance. Each request for a conditional use permit shall be accompanied by a fee of twenty dollars (\$20) payable to the Treasurer.

12-4. USES NOT PROVIDED FOR

If in any district established under this ordinance, a use is not specifically permitted and an application is made by a property owner to the administrator for such use, the administrator shall refer the application to the planning commission which shall make its recommendations to the governing body within thirty (30) days. If the recommendation of the planning commission is approved by the governing body, the ordinance shall be amended to list the use as a special permitted use in that location in that district henceforth.

12-5. WIDENING OF HIGHWAYS AND STREETS

Whenever there shall be plans in existence, approved by either the State Department of Highways or by the governing body for the widening of any street or highway, the commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right of way, in order to preserve and protect the right of way for such proposed street or highway widening.

12-6. 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 space with adequate provision for entrance and exit by standard sized automobiles, as follows:

12-6-1. In all residential districts there shall be provided either in a private garage or on the lot, space for the parking of one (1) automobile for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building.

12-6-2. Tourist homes and motels shall provide on the lot, parking space for one (1) automobile for each accommodation.

Article 12. General Provisions

- 12-6-3. For church, high school, college and university auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said building.
- 12-6-4. For hospitals, at least one (1) parking space for each two (2) beds' capacity, including infants' cribs and children's beds.
- 12-6-5. For medical and dental clinics, at least ten (10) parking spaces. Three (3) additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.
- 12-6-6. For tourist courts, apartments and apartment motels, at least one (1) parking space for each individual sleeping or living unit. For hotels and apartment motels at least one (1) parking space for each two (2) sleeping rooms, up to and including the first twenty (20) sleeping rooms, and one (1) parking space for each three (3) sleeping rooms over twenty (20).
- 12-6-7. For mortuaries and liquor stores, at least thirty (30) parking spaces.
- 12-6-8. For retail stores selling direct to the public, one (1) parking space for each one hundred (100) square feet or retail floor space in the building.
- 12-6-9. Any other commercial building not listed above hereafter erected, converted or structurally altered shall provide one (1) parking space for each one hundred (100) square feet of business floor space in the building.
- 12-6-10. Parking space as required in the foregoing shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as six hundred (600) feet. Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, stone, asphalt or concrete. It shall have appropriate guards where needed as determined by the administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district.
- 12-6-11. One parking space for each two and one-half (2-1/2) employees on the maximum work shift in industrial areas.

12-7. PERMANENT MOBILE HOME PARKS

The location of mobile home parks shall require, in addition to the zoning permit and certificate of occupancy, a conditional use permit issued by the governing body. Operators of such parks shall comply with the following provisions:

- 12-7-1. Area Requirements. For each mobile home space, within a park having a central water and sewer system, and designed to accommodate one (1) mobile home there shall be provided five thousand (5,000) square

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feet of area or more which shall front on an internal street, road, or right of way. *To conform with Trailer Ordinance.*

- 12-7-2. Width. Each mobile home space shall have a minimum width of fifty (50) feet.
- 12-7-3. Distance Between Mobile Homes. Parking spaces for mobile homes shall be arranged so as to provide a distance of fifteen (15) feet or more between individual units, but in no case closer than five (5) feet to the individual lot line of the mobile home space.
- 12-7-4. Sanitary Facilities. Each mobile home space shall be provided with individual water and sewer connections.
- 12-7-5. Electrical Connections. Each mobile home space shall be provided with electrical outlets installed in accordance with the National Electrical Code.
- 12-8. TEMPORARY TRAILER PARKS
- Conditional use permits for temporary trailer parks may be issued by the governing body, subject to the following conditions:
- 12-8-1. That the location of a temporary trailer park is necessary for the housing of construction workers employed on an industrial or highway construction project.
- 12-8-2. That the request is filed by or certified to by the industry or State Department of Highways as being essential to the construction.
- 12-8-3. That a minimum area of two thousand (2,000) square feet be provided for each space.
- 12-8-4. That sanitary facilities conform to the State Health Department's "Trailer Camp Sanitation" requirements.
- 12-8-5. That the period for operating such temporary park shall concur with the anticipated period of the construction. Applications for renewal may be submitted if more time is required to complete the project. However, such renewal applications must be filed at least forty-five (45) days prior to the expiration of the original temporary use permit.
- 12-8-6. Bond. The governing body, in granting such a conditional use permit, may require the posting of a bond to assure that the temporary trailer court will be removed and the site left in good order at the expiration of the permit.

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- 12-8-7. The governing body shall establish such additional requirements as are in the best interest of the public.
- 12-9. RESTRICTIONS ADJACENT TO AIRPORTS
- 12-9-1 Establishment of Approach Zones. The commission shall determine whether there exists any areas which would be involved under the Federal Aviation Agency's criteria for determining obstruction to air navigation. If there are, they shall be marked on a copy of a zoning map in the office of the administrator. It shall be available to the public for examination.
- 12-9-2. The administrator shall prepare such height and other regulations governing the construction of buildings within such areas. They are to be consistent with the Federal Aviation Agency's recommendations. Following approval by the governing body, the administrator shall enforce these regulations.
- 12-9-3. Places of public assembly, such as schools, churches, hospitals, apartment houses, theaters and assembly halls shall not be erected or otherwise located in any area which would be classified as an "approach zone." This "zone" includes an area of eleven thousand (11,000) feet from the end of any runway. The "approach zone" for airports accommodating heavy jet aircraft extends out three and one-half (3 1/2) miles from the end of the runway.

ARTICLE 13. PROVISIONS FOR APPEAL

13-1. BOARD OF ZONING APPEALS

- 13-1-1. A board consisting of five members shall be appointed by the Circuit Court of James City County. The board may serve without pay other than for traveling expenses, and members shall be removable for cause upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- 13-1-2. The term of office shall be for five years, except that of the first five members appointed, one shall serve for five years, one for four years, one for three years, one for two years, and one for one year. One of the five appointed members shall be an active member of the planning commission.
- 13-1-3. Members may be removed for cause by the appointing authority upon written charges and after a public hearing.
- 13-1-4. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.
- 13-1-5. The board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman.

13-2. POWERS OF THE BOARD OF ZONING APPEALS

Boards of zoning appeals shall have the following powers and duties:

- 13-2-1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto.
- 13-2-2. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition

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of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds: (a) that the strict application of the ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia 1950, as amended.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

13-3. RULES AND REGULATIONS

13-3-1. The board of zoning appeals shall adopt such rules and regulations as it may consider necessary.

13-3-2. The meeting of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine.

13-3-3. The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.

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- 13-3-4. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- 13-3-5. All meetings of the board shall be open to the public.
- 13-3-6. A quorum shall be at least three (3) members.
- 13-3-7. A favorable vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

13-4. APPEAL TO THE BOARD OF ZONING APPEALS

An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the zoning administrator. Such appeal shall be taken within thirty days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise, than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

13-5. APPEAL PROCEDURE

- 13-5-1. Appeals shall be mailed to the board of zoning appeals c/o the zoning administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy should be mailed to the individual, official, department, or agency concerned, if any.
- 13-5-2. Appeals requiring an advertised public hearing shall be accompanied by a certified check for fifty dollars (\$50.00) payable to the Treasurer.

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13-6. PUBLIC HEARING

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within sixty (60) days. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.

13-7. DECISION OF BOARD OF ZONING APPEALS

- 13-7-1. Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board, or bureau of the county may present to the circuit court of James City County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.
- 13-7-2. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the petitioner's attorney, which shall not be less than ten days and may be extended by the court. The allowances of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.
- 13-7-3. The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- 13-7-4. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings

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upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

- 13-7-5. Costs shall not be allowed against the board unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

ARTICLE 14. VIOLATION AND PENALTY

- 14-1. All departments, officials and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this ordinance. Any such permit, if issued in conflict with the provisions of this ordinance, shall be null and void.
- 14-2. Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, may be fined up to two hundred fifty dollars (\$250.00). 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 ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

ARTICLE 15. AMENDMENTS

- 15-1. The regulations, restrictions and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by a favorable majority of votes of the governing body; provided
- 15-1-1. That a public hearing shall be held in relation thereto at which parties in interest and citizens shall have an opportunity to be heard.
- 15-1-2. Notice shall be given of the time and place of such hearings by publication ^{and at least a duplicate next} in at least two issues of some newspaper having a general circulation in the jurisdiction. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than ten days after final publication. After enactment of any such plan, ordinance, or amendment, further publication thereof shall not be required.

Article 15. Amendments

- 15-1-3. Changes shall be made by the governing body in the zoning ordinance or the zoning map only after such changes have been referred to the planning commission for a report. Action shall be taken by the governing body only after a report has been received from the planning commission, unless a period of thirty (30) days has elapsed after date of referral to the commission, after which time it may be assumed the commission has approved the change or amendment.

ARTICLE 16. ADMINISTRATION AND INTERPRETATION

- 16-1. This ordinance shall be enforced by the administrator who shall be appointed by the governing body. The administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the governing body.
- 16-2. Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence within thirty (30) days after this ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this ordinance for the district in which the operation is located.
- 16-3. INTERPRETATION
- Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:
- 16-3-1. Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center lines or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.
- 16-3-2. Where a district boundary is indicated to follow a river, creek or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
- 16-3-3. If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.

16-4. EFFECTIVE DATE

The effective date of this ordinance shall be from and after its passage and legal application, and its provisions shall be in force thereafter until repealed.

16-5. SEVERABILITY

Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

16-6. CONFLICTING ORDINANCES

All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

16-7. This zoning ordinance of James City County, Virginia, shall be effective at and after 12:01 a. m., March 1, 1969.

16-8. A certified copy of the foregoing zoning ordinance of James City County, Virginia, shall be filed in the office of the zoning administrator of James City County and in the office of the clerk of the Circuit Court of James City County, Virginia.

A recorded vote taken on the foregoing ordinance resulted as follows:

Ayes	<u>FRED M. FLANNERY</u>	Nays	<u>CHARLES W. RICHARDS</u>
	<u>RICHARD W. COAKLEY</u>		_____
	_____		<u>W.F. PATTENSON-ALSTON</u>
	_____		_____
	_____		_____

ARTICLE 17. DEFINITIONS

- 17-1. **ABATTOIR:** A commercial slaughter house.
- 17-2. **ACCESSORY USE OR STRUCTURE:** A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.
- 17-3. **ACREAGE:** A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.
- 17-4. **ADMINISTRATOR, THE:** The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.
- 17-5. **AGRICULTURE:** The tilling of the soil, the raising of crops, horticulture, forestry, and gardening including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies or similar use.
- 17-6. **ALTERATION:** Any change in the total floor area, use, adaptability, or external appearance of an existing structure.
- 17-7. **APARTMENT HOUSE:** A building used or intended to be used as the residence of three (3) or more families living independently of each other.
- 17-8. **AUTOMOBILE GRAVEYARD:** Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, are placed. (Code of Virginia, 1938, p. 439; Michie Code 1942, Sec. 3030c)
- 17-9. **BASEMENT:** A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.
- 17-10. **BOARDING HOUSE:** A building where, for compensation lodging and meals are provided for at least five (5) and up to fourteen (14) persons.
- 17-11. **BUILDING:** Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

Article 17. Definitions

- 17-12. BUILDING, ACCESSORY: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for house-keeping purposes.
- 17-13. BUILDING, HEIGHT OF: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.
- 17-14. BUILDING, MAINTENANCE: The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.
- 17-15. CAMP GROUNDS: An area of at least three acres of land designed for and regularly used for camping and other recreational activities, usually having a road system, parking spaces, camp sites, play areas and may include docking and marina facilities for recreational boating use.
- 17-16. CELLAR: A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.
- 17-17. COMMISSION, THE: The planning commission of James City County, Virginia.
- 17-18. DAIRY: A commercial establishment for the manufacture and sale of dairy products.
- 17-19. DISTRICT: Districts as referred to in the State Code, Section 15.1-486.
- 17-20. DWELLING: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, and automobile trailers.
- 17-21. DWELLING, MULTIPLE-FAMILY: A structure arranged or designed to be occupied by more than two (2) families.
- 17-22. DWELLING, TWO-FAMILY: A structure arranged or designed to be occupied by two families, the structure having only two (2) dwelling units.
- 17-23. DWELLING, SINGLE-FAMILY: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

Article 17. Definitions

- 17-24. DWELLING UNIT: One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.
- 17-25. FAMILY: One or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home or hotel.
- 17-26. FEED LOTS: An area of 40,000 square feet or less where livestock is confined for feeding, and conforming to the requirements of the State Agricultural Department.
- 17-27. FRONTAGE: The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.
- 17-28. GARAGE, PRIVATE: Accessory building designed or used for the storage of not more than ~~three (3)~~^{four (4)} automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1-1/2) times as many automobiles as there are dwelling units.
- 17-29. GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.
- 17-30. GENERAL STORE, COUNTRY: A single store, the ground floor area of which is ~~four~~^{few} thousand ~~(4,000)~~^(4,000) square feet or less and which offers for sale primarily, most of the following articles; bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store.
- 17-31. GOLF COURSE: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.
- 17-32. GOLF DRIVING RANGE: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Article 17. Definitions

- 17-33. GOVERNING BODY: The board of supervisors of James City County, Virginia.
- 17-34 GUEST ROOM: A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.
- 17-35. HOG FARM: A farm where hogs are kept and fed primarily on garbage transported from other places.
- 17-36. HOME GARDEN: A garden in a residential district for the production of vegetables, fruits and flowers generally for use and/or consumption by the occupants of the premises.
- 17-37. HOME OCCUPATION: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities; professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling by the occupant.
- 17-38. HOSPITAL: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts. (Certain nursing homes and homes for the aged may be "home occupations" if they comply with the definition herein.)
- 17-39. HOSPITAL, SPECIAL CARE: A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.
- 17-40. HOTEL: A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.
- 17-41. JUNK YARD: The use of any area of land lying within one hundred (100) feet of a State highway or the use of more than two hundred (200) square feet of land area in any location for the storage, keeping, or abandonment of junk including scrap metals or other scrap materials. The term "junk yard" shall include the term "automobile graveyard" as defined in Chapter 304, Acts of 1938, Code of Virginia.

Article 17. Definitions

- 17-42. KENNEL: A place prepared to house, board, breed, handle, or otherwise keep or care for dogs for sale or in return for compensation.
- 17-43. LIVESTOCK: Domestic animals normally raised on a farm such as horses, cows, swine, goats, sheep, etc.
- 17-44. LIVESTOCK MARKET: A commercial establishment wherein livestock is collected for sale and auctioned off.
- 17-45. LOT: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.
- 17-46. LOT, CORNER: A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- 17-47. LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.
- 17-48. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.
- 17-49. LOT, INTERIOR: Any lot other than a corner lot.
- 17-50. LOT, WIDTH OF: The average horizontal distance between side lot lines.
- 17-51. LOT OF RECORD: A lot which has been recorded in the clerk's office of the Circuit Court.
- 17-52. MANUFACTURE AND/OR MANUFACTURING: The processing and/or converting of raw, unfinished materials, or products or either of them, into articles or substances of different character, or for use for a different purpose.
- 17-53. MOBILE HOME: A mobile home is a single-family dwelling designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like. (See Travel Trailer, 17-78.)

Article 17. Definitions

- 17-54. **MOBILE HOME PARK OR SUBDIVISION:** Any area designed to accommodate two or more mobile homes intended for residential use where residence is in mobile homes exclusively.
- 17-55. **NONCONFORMING LOT:** An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 17-56. **NONCONFORMING ACTIVITY:** The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 17-57. **NONCONFORMING STRUCTURE:** An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 17-58. **OFF-STREET PARKING AREA:** Space provided for vehicular parking outside the dedicated street right of way.
- 17-59. **PEN:** A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred (100) feet for each hog or small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen.
- 17-60. **POULTRY:** Domestic fowl normally raised on a farm such as chickens, ducks, geese, turkeys, etc.
- 17-61. **PUBLIC WATER AND SEWER SYSTEMS:** A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.
- 17-62. **REQUIRED OPEN SPACE:** Any space required in any front, side or rear yard.

Article 17. Definitions

- 17-63. RESTAURANT: Any building in which for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tea rooms, confectionery shops or refreshment stands.
- 17-64. RETAIL STORES AND SHOPS: Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards) such as the following which will serve as illustration: drug store, newsstand, food store, candy shop, milk dispensary, drygoods and notions store, antique shop and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop, and beauty shop.
- 17-65. SANITARY LAND FILLS: See 17-83.
- 17-66. SETBACK: The minimum distance by which any building or structure must be separated from the front lot line.
- 17-67. SIGN: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.
- 17-67.1. Business. A sign which directs attention to a product, commodity, or service available on the premises.
- 17-67.2. Home Occupation. A sign not exceeding four (4) square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.
- 17-67-3. General Advertising. A sign which directs attention to a product, commodity, or service not necessarily available on the premises.
- 17-67-4. Location. A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.
- 17-67-5. Directional. A directional sign is one (one end of which may be pointed, or on which an arrow may be painted, indicating the direction to which attention is called) four (4) square feet or less in area, giving the name only of the farm or business responsible for the erection of same.

Article 17. Definitions

- 17-68. SIGN STRUCTURE: Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, v-type or otherwise, exhibiting a sign.
- 17-69. SIGN, TEMPORARY: A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or sale of land. Temporary signs shall conform in size and type to directional signs.
- 17-70. STORE: See Retail Stores and Shops, 17-64.
- 17-71. STORY: That portion of a building, orther than the basement, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
- 17-72. STORY, HALF: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.
- 17-73. STREET, ROAD: A public thoroughfare which affords principal means of access to abutting property.
- 17-74. STREET LINE: The dividing line between a street or road right of way and the contiguous property.
- 17-75. STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.
- 17-76. TOURIST COURT, AUTO COURT, MOTEL, HOTEL, CABINS, OR MOTOR LODGE: One or more buildings containing individual sleeping rooms, designed for or used temporarily by auotmobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- 17-77. TOURIST HOME: A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contradistinction to hotels and boarding houses) and open to transients.
- 17-78. TRAVEL TRAILER: A mobile unit less than 29 feet in length and less than 4,500 pounds in weight which is designed for human habitation.
- 17-79. USE, ACCESSORY: A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

Article 17. Definitions

- 17-80. **VARIANCE:** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in an unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variances in the zoning division or district or adjoining zoning divisions or districts.
- 17-81. **WAYSIDE STAND, ROADSIDE STAND, WAYSIDE MARKET:** Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner of his family on their farm.
- 17-82. **YARD:** An open space on a lot other than a court unoccupied and unobstructed from the ground upward except as otherwise provided herein.
- 17-82-1. **Front.** An open space on the same lot as a building between the front line of the building (exclusive of steps) and the front lot or street line, and extending across the full width of the lot.
- 17-82-2. **Rear.** An open, unoccupied space on the same lot as a building between the rear line of the building (exclusive of steps) and the rear line of the lot, and extending the full width of the lot.
- 17-82-3. **Side.** An open, unoccupied space on the same lot as a building between the side line of the building (exclusive of steps) and the side line of the lot, and extending from the front yard line to the rear yard line.
- 17-83. **SANITARY LAND FILL:** An approved area for the disposal of refuse in the following manner:
- 17-83-1. **Refuse** should be placed in an excavation or in an area which can readily receive cover material and be thoroughly compacted to a depth not greater than approximately two (2) feet.
- 17-83-2. An adequate amount of the proper type equipment must be provided to move the compact and to cover the refuse at least every twenty-four hours irregardless of machinery breakdown.
- 17-83-3. All solid waste received shall be buried each day with the exception of bulky materials (i. e. tree stumps).

Article 17. Definitions

- 17-83-4. A daily cover of not less than six (6) inches and at completion of the fill at least two (2) feet of earth shall cover a grade no greater than two (2) per cent.
- 17-83-5. No burning of garbage or refuse containing garbage shall be allowed and all such burning allowed as prescribed by the Air Pollution Control Board.
- 17-83-6. Adequate provisions shall also be made for adequate supervision of the land fill operation, to prevent blowing paper, to control dust, and to provide for insect and rodent control measures.
- 17-84. **DISCONTINUANCE:** Discontinuance is defined as (a) vacancy of a building originally designed or arranged for the non-conforming use for a continuous period of two years (b) vacancy of land for a period of ninety days (c) vacancy of any building other than in (a) for a period of six months, or (d) clear intent on the part of the owner to abandon the non-conforming use.
- 17-85. **PARKS AND PLAYGROUNDS:** A parcel of land set aside for non-profit activities of the recreational nature such as fishing, boating, swimming, camping, hiking, picnicing, outdoor games, and sports incidental to the foregoing, but not any activity that would upset the tranquility of the neighborhood.

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