

BOARD OF SUPERVISORS

JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I. IN GENERAL, SECTION 20-2, DEFINITIONS, SECTION 20-8, SPECIAL USE PERMITS, SECTION 20-9, PUBLIC HEARINGS REQUIRED, SECTION 20-10, REGULATIONS FOR MOBILE HOMES REQUIRING SPECIAL USE PERMITS, SECTION 20-12 MINIMUM OFF-STREET PARKING, SECTION 20-18, PROFFER OF CONDITIONS; ARTICLE II. SITE PLAN, SECTION 20-35, CERTAIN PLANS SUBJECT TO REVIEW BY PLANNING COMMISSION, SECTION 20-42, TRANSITIONAL SCREENING REQUIREMENTS; ARTICLE III. MOBILE HOME PARKS, SECTION 20-61, STATEMENT OF INTENT, SECTION 20-62, AREA REQUIREMENTS, SECTION 20-64, MINIMUM SETBACK REQUIREMENTS, SECTION 20-65, MINIMUM YARD REQUIREMENTS, SECTION 20-66, UNDERGROUND UTILITIES, SECTION 20-67, STREETS REQUIRED, SECTION 20-68, STORM DRAINAGE, SECTION 20-69, OFF-STREET PARKING REQUIRED, SECTION 20-70, FIRE HYDRANTS REQUIRED, SECTION 20-71, STREETLIGHTS REQUIRED, SECTION 20-72, SOLID WASTE DISPOSAL, SECTION 20-73, RECREATION AREA REQUIRED, SECTION 20-74, APPLICABILITY OF VIRGINIA UNIFORM STATEWIDE BUILDING CODE, SECTION 20-75, SITE PLAN REQUIRED; ARTICLE IV. DISTRICTS, DIVISION 1. GENERALLY, SECTION 20-87, DIVISION OF UNINCORPORATED AREAS INTO DISTRICTS, SECTION 20-95, TEMPORARY MOBILE HOMES, SECTION 20-98, SPECIAL REQUIREMENTS FOR MOBILE HOMES; DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 20-111, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 3. LIMITED AGRICULTURAL DISTRICT, A-2, SECTION 20-131, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 10. MOBILE HOME SUBDIVISION DISTRICT, R-7, SECTION 20-284, STATEMENT OF INTENT, SECTION 20-285, PERMITTED USES, SECTION 20-286, USES PERMITTED BY SPECIAL USE PERMIT ONLY, SECTION 20-293, SIGN REGULATIONS, SECTION 20-294, MINIMUM SITE SIZE, SECTION 20-295, PERIMETER LANDSCAPING REGULATIONS; DIVISION 13. LIMITED

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BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Article I. In General, Sections 20-2, Definitions, Section 20-8, Special use permits, Section 20-9, Public hearings required, Section 20-10, Regulations for manufactured homes requiring special use permits, Section 20-12 Minimum off-street parking; Section 20-18, Proffer of Conditions; Article II. Site plan, Section 20-35, Certain plans subject to review by planning commission, Section 20-42, Transitional screening requirements; Article III. Manufactured home parks, Section 20-61, Statement of intent, Section 20-62, Area requirements, Section 20-64, Minimum setback requirements, Section 20-65, minimum yard requirements, Section 20-66, Underground utilities, Section 20-67, Streets required, Section 20-68, Storm drainage, Section 20-69, Off-street parking required, Section 20-70, Fire hydrants required, Section 20-71, Streetlights required, Section 20-72, Solid waste disposal, Section 20-73, Recreation area required, Section 20-74, Applicability of Virginia Uniform Statewide Building Code, Section 20-75, Site

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BUILDING, MAIN. 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.

CAMPGROUND. Any area, place, parcel or tract of land of four acres or more on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions and easements. "Campground" includes but is not limited to a travel camp, recreation camp, family campground, camping resort, recreational vehicle park and camping community. "Campground" does not include a summer camp, migrant labor camp, or park for manufactured homes as defined in sections 32.1-203, 35-1.1 and 36.71 of the Code of Virginia, or a construction camp, storage area for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions for providing his sanitary facilities within his property lines.

CAMPING UNIT. A tent, tent trailer, travel trailer, camping trailer, pickup camper, motor home, recreational vehicle or any other commonly used temporary shelter device used as temporary living quarters or shelter during periods of recreation, vacation, leisure time or travel. To qualify as a camping unit, vehicular and mobile units shall be eligible to be currently licensed and registered by a governmental body and be legal to travel on Virginia highways without special permits for size, weight or other reasons. For purposes of this definition, temporary shelter device shall mean a unit not occupied by the same persons in the campground for more than thirty days in any sixty day period. A mobile home or manufactured home shall not be considered a camping unit.

CAMPSITE. Any plot of ground within a campground used or intended for occupation by the camping unit.

CELLAR. A story having more than one-half of its height below grade and which may not be occupied for dwelling purposes.

COMMISSION, THE. The Planning Commission of James City County, Virginia.

CONDOMINIUM. A building, or group of buildings, in which units are owned individually, and the structure, common areas, and common facilities are owned by all the owners on a proportional, undivided basis.

CONVENIENCE STORE. A single store, the ground floor area of which is four thousand 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 convenience store.

DAIRY. A commercial establishment for the manufacture, processing, distribution and sale of dairy products.

DAY CARE OR CHILD CARE CENTER. An establishment offering group care to six or more children away from their own home for any part of a day.

DIAMETER BREAST HEIGHT. The diameter of a tree trunk measured 4.5 feet from the ground.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT, WIDTH OF. The horizontal distance between side lot lines measured at the setback line.

LOT OF RECORD. A lot which has been recorded in the Clerk's Office of the Circuit Court.

MANUFACTURE; MANUFACTURING. The assembly of components, pieces or sub-assemblies, or the processing or converting, of raw, unfinished materials, or products into articles or substances of different character, or for use for a different purpose.

MANUFACTURED HOME. A manufactured home is a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

MANUFACTURED HOME PARK. A lot or parcel, not part of a manufactured home subdivision, on which are located or which are arranged or equipped for the accommodation of three or more manufactured homes occupied as single-family dwellings.

MEDICAL CLINIC. An establishment where patients are admitted for examination and treatment by one or more physicians, dentists or psychologists and where patients are not usually lodged overnight. "Medical clinic" includes a facility known as surgical out-patient clinic.

MOBILE HOME. A mobile home is a structure not meeting the specifications or requirements of a manufactured home, designed for transportation, after fabrication, on streets and highways on its own wheels or on flat bed 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 "trailer" and "travel trailer", following in this Section.)

MOTEL. One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

NET DEVELOPABLE AREA. The total gross land area of a site minus stream beds, areas subject to flooding, marsh, and areas with slopes exceeding twenty-five percent gradient.

NONCONFORMING LOT. An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Chapter for the district in which it is located either at the effective date of this Chapter or as a result of subsequent amendments to the Chapter.

NONCONFORMING ACTIVITY OR USE. 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 Chapter for the district in which it is located, either at the effective date of this Chapter or as a result of subsequent amendments to the Chapter.

NONCONFORMING BUILDING OR 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 Chapter, or is designed or intended for a use that does not conform to the use regulations of this Chapter for the district in which it is located, either at the effective date of this Chapter, or as a result of subsequent amendments to the Chapter.

NURSING HOME. Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities and infirmaries.

OFF-STREET PARKING AREA. Space provided for vehicular parking outside the dedicated street right-of-way.

OPEN SPACE. Space suitable for recreation, gardens or landscaping which may include areas left in their natural state, trails, ponds, stream banks, recreation areas, areas of excessive slopes, low-lying areas and marshes and landscaped areas required by this Chapter. Such space must be free of automobile traffic and parking, and be readily accessible to all those for whom it is required.

PARCEL. A contiguous area of land described in a single description as one of a number of lots on a plat; separately owned, either publicly or privately; and capable of being separately conveyed.

PARKS AND PLAYGROUNDS. Land set aside for nonprofit activities of a recreational nature such as fishing, boating, swimming, camping, hiking, picnicking, outdoor games, and sports incidental to the foregoing.

PARKING AREA. Any public or private land area or structure designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

PARKING LOT. An off-street, outdoor area, usually surfaced and improved, for the parking of motor vehicles.

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) square feet for each hog or small animal or 200 square feet for each larger animal shall not be regarded as a pen.

PRINCIPAL RESIDENTIAL USE. A single-family dwelling, including a mobile home, manufactured home and a modular home; a two-family dwelling; or a multiple-family dwelling. The occupancy of a building by a caretaker or watchman for sleeping quarters shall not constitute a principal residential use.

Section 20-8. Special Use Permits.

In order to provide for good zoning practices, the purpose the Zoning District seeks to accomplish, to provide for adjustments in the relative location of uses and buildings of the same or different classification, and to promote the usefulness of these regulations, Special Use Permits, limited as to location by the District regulations are permitted as set forth under the terms of this Chapter. In considering an application for a Special Use Permit in those Districts allowing them, the Planning Commission and the Board of Supervisors shall give due regard to the James City County Comprehensive Plan, the nature and condition of adjacent uses and structures, and the probable effect upon them of the proposed exception. They shall also take into account the special characteristics, design, location, construction, methods and hours of operation, effect on traffic conditions, or any other aspects of the particular use or structure that may be proposed by the applicant. The Planning Commission and the Board of Supervisors should consider whether the proposed establishment or use will adversely affect the health, safety, or welfare of persons residing or working on the premises or in the neighborhood, will unreasonably restrict an adequate supply of light and air to adjacent property, will increase congestion in the streets, will increase public danger from fire, will impair the character of the District or adjacent Districts, will be incompatible with the Comprehensive Plan of James City County, will likely reduce or impair the value of buildings or property in surrounding areas, and whether such establishment or use will be in substantial accordance with the general purpose and objectives of this Chapter. After a public hearing if the Planning Commission determines the above considerations have been protected, the Planning Commission shall recommend to the Board of Supervisors that the Special Use Permit be granted. The Board of Supervisors shall consider the recommendation of the Planning Commission and after a public hearing and a determination that the above considerations have been protected shall grant the Special Use Permit. In those instances where the Planning Commission or the Board of Supervisors find that the proposed use may be likely to have an adverse affect, they shall determine whether such affect may be avoided by the imposition of special requirements or conditions, including, but not limited to, location, design, construction, equipment, maintenance and-or hours of operation, in addition to those expressly stipulated in this Chapter and the Commission may make their recommendation or the Board of Supervisors may grant the Special Use Permit contingent upon the imposition of such special requirements or conditions. The Planning Commission need not make a recommendation to the Board of Supervisors for the issuance of a Special Use Permit for a manufactured home.

Section 20-9. Public hearing required.

Prior to issuance of a special use permit a public hearing shall be held by the Planning Commission and by the Board of Supervisors; provided however, that a special use permit for a manufactured home, temporary classroom trailer, or as required by Sections 20-531 or 20-533 of this chapter may be issued after a public hearing is held by the Board of Supervisors only. Whenever the Planning Commission is not required to hold a public hearing, it need not consider the permit nor make a recommendation to the Board of Supervisors for such permit. The fee for a special use permit shall be in accordance with Section 20-6 of this Chapter. (Ord. No. 31A-88, Section 20-10.1, 4-8-85)

Section 20-10. Regulations for Manufactured Homes Requiring Special Use Permits

Manufactured homes requiring Special Use Permits shall comply with the following regulations:

- (a) An application and a vegetative screening plan shall be submitted to the Administrator.
- (b) No manufactured home shall be placed within 300 feet of any of the following interstate highways, principal or minor arterial streets, or major collector streets:

Interstate 64
Route 60 West (Richmond Road)
Route 5 (John Tyler Highway)
Route 30 (Old Stage Road, Barhamsville Road and
Rochambeau Drive)
Route 607 (Croaker Road) from Richmond Road to
Riverview Road
Route 614 from Brick Bat Road to Jamestown Road

Section 20-11. 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, extension, or construction of any street or highway, the Commission may require additional setbacks and yards for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way, or the dedication or reservation of additional right-of-way in order to preserve and protect the planned future right-of-way for such proposed street or highway as part of its review of subdivision plats, site plans or master plans.

Section 20-12. Minimum Off-Street Parking.

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

A. General provisions.

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

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

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

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

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

D. Minimum off-street parking requirements.

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

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

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

General retail stores.

Retail food stores, bakeries, and fish markets.

Laundries and dry cleaners.

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

Drug stores.

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

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

Libraries and post offices.

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

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

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

- (e) A petition for a plan or amendment substantially the same as one previously considered shall not be reconsidered within a one year period from the date the similar petition was decided.

Section 20-16. Construction and Severability of Provisions.

This Chapter shall be liberally construed so as to effectuate the purposes hereof. If any clause, sentence, paragraph, section or subsection of this Chapter shall be adjudged by any Court of competent jurisdiction to be invalid for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth or of the United States, or if the application thereof to any government, agency, person or circumstance is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof or the specific application hereof, directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or subsection hereof, or affect the validity of the application thereof to any other government, agency, person or circumstance.

Section 20-17. Purpose of Article.

It is the general policy of the County, in accordance with the laws of the Commonwealth of Virginia, to provide for the orderly development of land, for all purposes, through zoning and other land development legislation. Frequently where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit land uses and at the same time to recognize effects of change. It is the purpose of this article to provide a more flexible and adaptable zoning method to cope with situations found in such zoning through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that is not applicable to land similarly zoned. The provisions of this article shall not be used for the purpose of discrimination in housing.

Section 20-18. Proffer of conditions.

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

1. The rezoning itself must give rise to the need for the conditions;
2. Such conditions shall have a reasonable relation to the rezoning;

3. Such conditions shall not include a cash contribution to the County;
4. Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in subdivision A(f) of Code of Virginia, Section 15.1-466.
5. Such conditions shall not include payment for or construction of off-site improvements except those provided for in subdivision A(j) of Code of Virginia, Section 15.1-466.
6. No condition shall be proffered that is not related to the physical development or physical operation of the property; and
7. All such conditions shall be in conformity with the comprehensive plan of the County.
(Ord. No. 31A-88, Section 20-14.3, 4-8-85; Ord. No. 31A-100, 4-6-87)

Section 20-19. Enforcement and Guarantees as to Conditions.

The Zoning Administrator shall be vested with all necessary authority on behalf of the County to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including:

1. The ordering in writing of the remedy of any noncompliance with such conditions;
2. The bringing of legal action to ensure compliance with such conditions, including injunction, abatement or other appropriate action or proceeding; and
3. Requiring a guarantee, in an amount sufficient for or conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee may be reduced or released by the Zoning Administrator upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any required use, occupancy or building permits as may be appropriate.

Section 20-20. Records.

The zoning map of the County shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The Zoning Administrator shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zone.

ARTICLE II. SITE PLAN

Section 20-35. Certain Plans Subject to Review by Planning Commission.

For the purpose of assuring public safety, good arrangement and insuring harmony with the Comprehensive Plan, site plans for the following major uses and additions and expansions thereto shall be subject to review for approval by the Planning Commission's Site Plan Review Committee and the Zoning Administrator:

- (a) Multiple-family dwellings.
- (b) Townhouses and condominiums.
- (c) Churches; temples, synagogues; cemeteries.
- (d) Docks, marinas, wharves, piers, bulkheads and the like and any over-water structures, except private over-water piers and boat houses accessory to single-family dwelling.
- (e) Hotels; motels and motor lodges.
- (f) Business, commercial and industrial buildings and developments.
- (g) Manufactured home parks.
- (h) Campgrounds.
- (i) Public parks, recreation facilities.
- (j) Public utilities or public service or transportation uses; buildings, generating, purification or treatment plants; water storage tanks; pumping or regulator stations; telephone exchange, transformer or substations; and power transmission lines.
- (k) Schools and State institutions.
- (l) Hospitals and nursing homes.
- (m) State and public buildings.
- (n) Towers.
- (o) Two or more two-family dwellings on the same parcel.
- (p) Three or more single-family dwellings on the same parcel.
- (q) Off-street parking areas with ten or more spaces, or any additions to existing off-street parking areas except for single-family residences.

- (b) Design and layout of the site including buildings; signs; recreation facilities; garbage and trash disposal facilities; sedimentation and erosion controls; storm drainage, stormwater management, sanitary sewage disposal, and water supply exit and entrance points on the site including line sizes; areas to be landscaped with approximate arrangement and plant types and sizes indicated; and provisions for pedestrian and vehicular traffic movements within and adjacent to the site. Particular emphasis shall be placed upon the review of on-site aesthetics; public safety features; environmental, historic and vegetative preservations; efficient layout of buildings, parking areas, off-street loading and unloading; and movement of people, goods and vehicles (including emergency vehicles) from access roads, within the site, between buildings and vehicles. Vehicular access to the site shall be designed to aid overall traffic flow and to permit vehicles a safe ingress and egress.

Design standards contained in this Chapter as they relate to traffic circulation, parking, performance standards, location of structures, setbacks, yards, bulk, height and building coverage shall apply, where applicable, to site plan approval. The design criteria established in the James City County Subdivision Ordinance and applicable standards of the State Department of Highways shall apply where appropriate, to site plan approval.

Section 20-42. Transitional Screening Requirements.

If the Site Plan Review Committee determines that noise, dust and debris, glare, or other objectionable impacts created by a manufactured home park, or multi-family, or commercial or industrial land uses will have a detrimental effect on existing adjoining residential properties, the committee may require that landscaped or architectural barriers be provided between the residential and commercial or industrial land uses, and that setbacks be increased to provide adequate buffers to adjacent uses.

The owner of the multi-family, or commercial or industrial land use shall be responsible for the installation, maintenance, repair and replacement of all required landscaping materials and barriers.

Section 20-43. Notification of Findings; Processing.

The Planning Director or his designee shall notify in writing the applicant, owner or developer regarding the findings of the Site Plan Review Committee. Notification shall be given within ten working days following the review by the Site Plan Review Committee or the Planning Director.

Section 20-44. Preliminary Approval--Term of Validity; Extension; Resubmittal.

Preliminary approval of a site plan shall be valid for a period of six months. A revised site plan must be presented and properly filed with the Planning Director, or his designee, prior to the termination date of the

ARTICLE III. MANUFACTURED HOME PARKS.

Section 20-61. Statement of Intent.

The regulations contained herein are intended to foster the quiet, low and moderate density residential character of manufactured home parks. The regulations are designed to stabilize and protect the residential areas in which manufactured home parks are likely to be developed and to promote and encourage a suitable environment for family life, both inside of the manufactured home park, and in the surrounding area. To these ends, the location of manufactured home parks and the expansion of existing manufactured home parks shall require, in addition to the site plan approval required by Article II of this Chapter and a Special Use Permit as provided for in Article IV of this Chapter.

Section 20-62. Area Requirements.

Each manufactured home in a manufactured home park shall be placed upon a separate and individual lot.

Lots containing or intended to contain a single manufactured home served by public water and public sewage disposal systems shall have a minimum area of 6,000 square feet.

Lots containing or intended to contain a single manufactured home served by a public sewage disposal system or by a public water system shall have a minimum area of 10,000 square feet.

Lots containing or intended to contain a single manufactured home served by private water and private sewage disposal systems shall have a minimum area of 20,000 square feet.

Section 20-63. Minimum Lot Width.

The minimum width of a lot less than 10,000 square feet in area shall be 60 feet measured at the setback line.

The minimum width of a lot more than 10,000 square feet in area, but less than 20,000 square feet in area, shall be 80 feet measured at the setback line.

The minimum width of a lot 20,000 square feet or greater in area shall be 100 feet measured at the setback line.

Section 20-64. Minimum Setback Requirements.

The minimum setback in a manufactured home park for manufactured homes and all accessory structures shall be 15 feet from the right-of-way of internal private streets.

The minimum setback in a manufactured home park for manufactured homes and all accessory structures shall be 35 feet from the right-of-way of internal public streets.

The minimum setback in a manufactured home park for manufactured homes and all accessory structures shall be 100 feet from the right-of-way of any public street which creates a boundary for the manufactured home park.

Section 20-65. Minimum Yard Requirements.

No manufactured home shall be placed closer than 15 feet from any lot line within the manufactured home park.

No manufactured home shall be placed closer than 100 feet from any property boundary separating the manufactured home park from adjacent property.

The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.

The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.

Section 20-66. Underground Utilities.

All utilities within the manufactured home park, including but not limited to electrical distribution lines, telephone lines, cable television lines, natural gas lines, sewer lines and water lines, shall be placed underground.

Section 20-67. Streets Required.

Each manufactured home lot shall front on a public or private street. All streets shall meet the design and construction standards of the Virginia Departments of Highways and Transportation, or the County's subdivision ordinance, whichever is greater. The construction and maintenance of private streets shall be guaranteed by a surety bond, letter of credit, cash escrow, or other form of surety approved by the County Attorney and Department of Public Works. Public streets shall be part of Virginia Department of Highways and Transportation road system.

Section 20-68. Storm Drainage.

A storm drainage plan shall be included with the site plan of a manufactured home park. It shall be the park owner's responsibility to provide for the adequate drainage and erosion controls and their maintenance within the manufactured home park.

Section 20-69. Off-street Parking Required.

Each lot in a manufactured home park shall contain at least two off-street parking spaces each at least nine feet by 18 feet in size; or

Shall have access to a parking lot which meets the design standards contained in the Off-street Parking requirements of this Chapter, Section 20-12, and provides two spaces for each manufactured home lot it is intended to serve. The location and the design of any parking lot shall be shown on the site plan and is subject to approval with the site plan.

Section 20-70. Fire Hydrants Required.

Manufactured home parks served by a public water system shall provide fire hydrants located within the park such that no manufactured home lot is more than 500 feet by road frontage from a fire hydrant. Locations of the fire hydrant shall be approved by the Fire Chief and shown on the site plan.

Section 20-71. Streetlights Required.

The owner of the manufactured home park shall provide streetlights within the manufactured home park. The location of streetlights shall be shown on the site plan and approved by the Zoning Administrator.

Section 20-72. Solid Waste Disposal.

Each operator of a manufactured home park shall provide for the disposal of the solid waste generated by the park tenants. Dumpsters at locations shown and approved on the site plan or provisions for individual solid waste pickup at each manufactured home site shall be provided. If dumpsters are provided, they shall be placed on concrete pads with a drain connected to a septic drainfield as required by the Health Department, and shall be screened by vegetation, landscaping and-or fences.

Section 20-73. Recreation Area Required.

Manufactured home parks with 25 lots or more shall have a developed recreation area to be maintained by the park owner.

The area shall have terrain suitable for active recreation. The size of the recreation area shall be not less than 400 square feet multiplied by the number of manufactured home spaces in the manufactured home park. The area shall be shown on the site plan with a list of equipments and facilities.

Section 20-74. Applicability of Virginia Uniform Statewide Building Code.

Manufactured homes located in manufactured home parks shall meet all applicable sections of the Virginia Uniform Statewide Building Code including, but not limited to, requirements for permanent tie downs located on each lot.

Section 20-75. Site Plan Required.

Prior to development of a manufactured home park, a site plan shall be filed and approved as provided for in Article II of this Chapter.

The construction and maintenance of all common open space areas, parking, recreation areas and other privately-owned areas and facilities for the common use of the manufactured home park's tenants shall be the responsibility of the park owner.

Section 20-76. Temporary Trailer Parks.

Special use permits for temporary trailer parks may be issued by the governing body, subject to the following conditions:

- (a) That the location of a temporary trailer park is necessary for the housing of construction workers employed on an industrial or highway construction project.
- (b) That the request is filed by or certified to by the industry or state department of highways as being essential to the construction.
- (c) That a minimum area of 2,000 square feet be provided for each space.
- (d) That sanitary facilities conform to the state health department's "Trailer Camp Sanitation" requirements.
- (e) That the period of 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 45 days prior to the expiration of the original temporary use permit.
- (f) Bond. The governing body, in granting such a special 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.
- (g) The governing body shall establish such additional requirements as are in the best interest of the public.

Section 20-77 - Section 20-86. Reserved

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ARTICLE IV. DISTRICTS.

DIVISION 1. GENERALLY.

Section 20-87. Division of Unincorporated Areas into Districts.

For the purposes of this Chapter, the unincorporated areas of James City County, Virginia are hereby divided into the following Districts, as shown on the Zoning Map:

General Agricultural, A-1
Limited Agricultural, A-2
Limited Residential, R-1
Limited Residential, R-2
General Residential, R-3
Residential Planned Community, R-4
Multi-family Residential, R-5
Residential Agriculture, R-6
Manufactured Home Subdivision, R-7
Residential Planned Unit Development, PUD-R
Commercial Planned Unit Development, PUD-C
Industrial Planned Unit Development, PUD-I
General Business, B-1
Limited Business, LB
Limited Industrial, M-1
General Industrial, M-2

Section 20-88. Interpretation of Zoning Map.

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:

- (a) Where District boundaries are indicated as approximately following or being at right angles to property lines, or the center lines of streets, highways, alleys, or railroad tracks, such property lines, center lines, or lines at right angles to such property lines or center lines shall be construed to be such boundaries, as the case may be.
- (b) Where a District boundary is indicated to follow a river, creek or branch or other body of water, such 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.
- (c) 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 the Zoning Map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.

Section 20-95. Temporary Manufactured Homes.

Certificates of Occupancy for temporary manufactured homes may be issued by the Zoning Administrator, subject to Section 20-7 of this Chapter and the following conditions:

- (a) The location of a temporary manufactured home shall be necessary for the housing of a property owner on the same lot, during the reconstruction of a dwelling destroyed by fire or other causes beyond the control of the owner.
- (b) A minimum area of 5,000 square feet shall be provided for the manufactured home.
- (c) Sanitary facilities shall conform to County and State Health regulations.
- (d) Electrical connections shall meet the requirements of the County Electrical Code.
- (e) The period for the use of any such temporary manufactured home shall not exceed the completion date of construction as submitted by the applicant or one year from the date of issue, whichever be the shortest period, except that a Certificate of Occupancy may be renewed one time for an additional period not to exceed six months. Any such application for renewal shall be submitted to the Zoning Administrator at least 30 days prior to the expiration of the initial Certificate of Occupancy.
- (f) The temporary manufactured home shall be removed from the site within 60 days after the completion date of construction.

Section 20-96. Public Utilities.

Except where a public utility requires a Special Use Permit, public utilities shall be allowed as a permitted use in each zoning district. Public utilities include poles, power lines, distribution transformers or substations, pipes, meters, telephone exchanges, and other facilities necessary for the provision and maintenance of utilities, including water and sewer facilities, water storage tanks, pumping or regulator stations.

The location of all utilities and utility easements shall be shown on the site plans, or subdivision plats, as appropriate. New utilities are to be placed underground except for required transformers, switching equipment, meter pedestals, telephone pedestals, outdoor lighting poles and meter and service connections attached to buildings. In consideration of voltage requirements, existing overhead service, existing tree cover and physical features of the site and the surrounding area, the Planning Commission may waive requirements for underground utilities upon a favorable recommendation of the Site Plan Review Committee, or the Subdivision Review Committee, as appropriate. Waivers in subdivisions must comply with Section 17-45 of the Subdivision Ordinance.

Section 20-97. Special Requirements for Sanitary Landfills.

Sanitary landfills shall comply with the following requirements:

- (a) Refuse shall 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 two feet.
- (b) An adequate amount of the proper type equipment shall be provided to move the compact and to cover the refuse at least every twenty-four hours regardless of machinery breakdown.
- (c) All solid waste received shall be buried each day with the exception of bulky materials (e.g., tree stumps).
- (d) A daily cover of not less than six inches and at completion of the fill at least two feet of earth shall cover a grade no greater than 2 percent.
- (e) No burning of garbage or refuse containing garbage shall be allowed and all such burning allowed as prescribed by the Air Pollution Control Board.
- (f) Adequate provisions shall also be made for adequate supervision of the landfill operation, to prevent blowing paper, to control dust, and to provide insect and rodent control measures.

Section 20-98. Special Requirements for Manufactured Homes or Mobile Homes.

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

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

Mobile homes shall not be located or relocated.

Section 20-99. Special Provisions for Garage Sales.

Garage sales shall be permitted in all districts.

Professional offices of not more than 2,000 square feet with no more than one office per lot.

Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.

Waterfront business activities: Wholesale and retail marine interests, such as boat docks, piers, yacht clubs and servicing facilities therefor; 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.

Petroleum storage on a farm for farm use, or as an accessory use and not for resale.

Tourist homes.

Day or child care centers.

Feed, seed, and farm supplies.

Farm equipment sales and service.

House museums.

Home occupation.

Beauty shops and barber shops.

Gift shops and antique shops.

Lumber and building supply stores.

Storage and repair of heavy equipment on a farm.

Contractors' warehouses, sheds and offices under 3,000 square feet.

Manufacture and sale of wood products.

Off-street parking as required by this Chapter.

Accessory uses as defined.

Accessory buildings or structures.

Water impoundments of less than 50 acres and with dam heights of less than 25 feet.

Section 20-111. Uses Permitted by Special Use Permit Only.

In the General Agriculture District, A-1, buildings to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors.

Manufactured homes in accordance with Section 20-8, Section 20-9, Section 20-10 and Section 20-98.

Manufactured home parks.

Commercial livestock feeding operations containing 1,000 animal units or more (as defined in 1976 by the U. S. Environmental Protection Agency).

Slaughterhouses.

Horse racing tracks.

Commercial recreation facility, including indoor tennis, miniature golf, and other similar recreation facilities.

Restaurants, taverns.

Dinner theaters and dance halls as an accessory use to a restaurant or tavern.

Group homes.

Seminaries.

Storage and repair of heavy equipment.

Contractors' warehouses, sheds and offices over 3,000 square feet.

Section 20-131. Uses Permitted by Special Use Permit Only.

In the Limited Agricultural District, A-2, structures to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

- Subdivisions of land into more than five (5) residential lots.
- Two-family dwellings.
- Professional, business and governmental offices.
- Convenience stores with the sale of fuel in accordance with Section 20-89.
- Farm equipment sales and service establishments.
- Farmer's markets.
- Raising of hogs.
- Flea markets.
- Manufacture and sale of wood products.
- Sanitary landfills in accordance with Section 20-97, waste disposal or publicly-owned solid waste container sites.
- Airports.
- Gift shops, antique shops.
- Restaurants, taverns.
- Beauty shops, barber shops, and drug stores.
- Hospitals, nursing homes, sanatoria, and rest homes.
- Medical clinics.
- Group homes.
- Manufactured home parks.
- Tourist homes.
- Lodges, civic clubs, fraternal organizations, and service clubs.
- Cemeteries and memorial gardens.
- Radio and television stations or towers.
- Photography sales, and arts and crafts shops.
- Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, stripping of top soil but farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval are permitted generally without a Special Use Permit.
- Hotels and motels.
- Day care or child care centers.
- Campgrounds.
- New or expansion of water impoundments for public or private use of 50 acres or more or a dam height of 25 feet or more.
- Food processing and storage, but not the slaughter of animals.
- Commercial livestock feeding operations containing 1,000 animal units or more (as defined in 1976 by the U. S. Environmental Protection Agency).
- Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, are permitted generally and shall not require a Special Use Permit.
- Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products,

DIVISION 10. MANUFACTURED HOME SUBDIVISION DISTRICT, R-7

Section 20-284. Statement of Intent.

The Manufactured Home Subdivision District, R-7, is composed of manufactured home subdivisions, and 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 and to limit activities of a commercial nature. To these ends, development is limited to manufactured homes placed on individual parcels and certain public and semipublic, institutional and other related uses.

Section 20-285. Permitted Uses:

In the Manufactured Home Subdivision District, R-7, structures to be erected or land to be used, shall be for the following uses:

Manufactured homes in accordance with Section 20-98.

Schools, libraries.

Houses of worship.

Fire stations.

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

Retail shops associated with community recreation facilities.

Golf courses, country clubs.

Home occupations.

Off-street parking as required by this Chapter.

Accessory buildings or structures as defined.

Water impoundments of less than 50 acres and with a dam height of less than 25 feet.

Property maintenance facilities, sheds or garages.

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

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

Group homes.

Lodges, civic clubs, fraternal organizations and service clubs.

Cemeteries and memorial gardens.

Day care and child care centers.

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

Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains which are intended to serve an individual residential or commercial customer

and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, are permitted generally and without a Special Use Permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.

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

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

Telephone exchanges and telephone switching stations.

Section 20-287. Area and Utility Requirements.

The minimum lot area shall be 7,500 square feet and all lots shall be served by public water and public sewer.

Section 20-288. Setback Requirements.

Structures shall be located a minimum of 25 feet from any street right-of-way which is 50 feet or greater in width, except that signs advertising sale or rent of property may be erected up to the property line. If the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 50 feet from the center line of street. This shall be known as the "setback line", except that in subdivisions the following shall apply:

Where 40% or more of frontage on one side of a street within the same block is improved with buildings, no building shall project beyond the average front yard so established.

Section 20-289. Minimum Lot Width.

The minimum lot width at the setback line shall be 60 feet.

Section 20-290. Yard Regulations.

(a) Side. The minimum side yard for each main structure shall be ten feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of ten feet.

Section 20-293. Sign Regulations.

To assure an appearance and condition which is consistent with the purposes of the Manufactured Home Subdivision District, R-7, outdoor signs on the properties within the District shall comply with the regulations for exterior signs in Article VII of this Chapter.

Section 20-294. Minimum Site Size.

The minimum site size for a manufactured home subdivision district shall be 10 acres.

Section 20-295. Perimeter Landscape Regulations.

Along the perimeter of Manufactured Home Subdivision Districts a landscape strip at least 30 feet wide shall be provided in addition to all other yard requirements for this district. No building, driveway or parking surface shall be permitted provided however, necessary approved entrances, walkways, bikepaths, fences and signs will be allowed.

The perimeter strip shall contain a number of trees equal to at least one tree per 40 linear feet of landscaped strip.

Section 20-296 - Section 20-305. Reserved

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Warehouse, storage, and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property.

Printing, lithographing, engraving, photocopying, blueprinting, and publishing establishments.

Corporate, business, professional, and governmental offices.

Data processing centers.

Research, development, and design facilities.

Industrial and technical training schools.

Commercial banks, credit unions, and other similar financial institutions.

Employment services or agencies.

Janitorial service establishments.

Security service offices.

Furniture and carpet stores.

Cabinet and upholstery shops.

Veterinary hospitals and kennels.

Dry cleaners and laundries.

Automobile sales and service with major repair under cover.

Home appliance sales and service.

Wholesale and retail lumber and building supply stores with storage under cover or screened with landscaping and fencing from adjacent property.

Wholesale and retail plumbing and electrical supply stores with storage under cover or screened with landscaping and fencing from adjacent property.

Machinery sales and service with major repair under cover.

Heavy equipment sales and service, with major repair under cover.

Vehicle and trailer sales and service, with major repair under cover.

Wholesale and retail nurseries.

Plant and garden supply and hardware and paint stores.

Manufactured home or mobile home sales.

Locksmith and gunsmith shops.

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

Tire, transmission, glass, body and fender and other automotive products sales and service with major repair under cover and vehicle storage screened from adjacent property by landscaping and fencing.

Farm supply feed and seed stores.

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

Restaurants, tearooms and taverns.

Hotels, motels and conference or convention centers with accessory retail sales, barber shops and beauty shops located within the hotel, motel and conference or convention center for the principal benefit of the resident guest.

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

Farmer's markets.

Places of worship.

Fire stations.

Post offices.

Telephone exchanges and telephone switching stations.

Accessory uses as defined in Section 20-2 of this Chapter.

Off-street parking as required by this Chapter.

DIVISION 14. GENERAL INDUSTRIAL DISTRICT, M-2.

Section 20-374. Statement of Intent.

The primary purpose of the General Industrial District, M-2, is to establish an area where the principal use of land is for industrial operations which are not compatible with residential or commercial service establishments. The specific intent of this District is to accomplish the following:

- (a) Encourage the use of land for industrial purposes; and
- (b) Prohibit residential and commercial service developments on land reserved for industrial uses; and
- (c) Encourage the discontinuance of existing uses which would not be permitted as new uses under the provision of this Chapter; and
- (d) Establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects of the development of industrial uses.

Section 20-375. Permitted Uses.

In the General 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:

- Manufacture or assembly of automobiles, trucks, machinery or equipment.
- Manufacture or assembly of electronic instruments, electronic devices or electronic components.
- Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments.
- Manufacture or assembly of appliances, tools, firearms, hardware products, and heating, cooling or ventilating equipment.
- Manufacture, assembly or fabrication of sheet metal products.
- Manufacture, compounding, processing or packaging of cosmetic, toiletry, and pharmaceutical products.
- Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps.
- Manufacture and sale of manufactured homes, mobile homes, modular homes, and industrialized housing units.
- Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals.
- Manufacture or assembly of aircraft and aircraft parts.
- Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, wax, leather, cellophane, canvas, felt, fur, horn, hair, and yarn.
- Manufacture of glass and glass products.
- Manufacture and processing of acrylic and other synthetic fibers.
- Manufacture and processing of textiles and textile products.

relocation on the same lot may be approved by the zoning administrator, provided the new location is less nonconforming than the original location, and further provided that the new location shall not cause a greater detrimental impact on conforming uses in the neighborhood.

- (7) A nonconforming use may expand in accordance with the provisions of section 20-403 of this chapter.
- (8) A nonconforming use may be extended throughout any part of a structure originally arranged or designed for such activity, provided that current parking requirements shall be adhered to upon such extension.
- (9) No structure used as a part of a nonconforming use shall be moved to any other lot unless such lot is properly zoned to permit the use, nor shall such a structure be moved within the lot on which it exists, unless a relocation is specifically provided for in section 20-399 et seq. of this chapter.
- (10) A nonconforming office building meeting all current zoning requirements except connection to public water and sewer which is located within an industrial district may be replaced upon issuance of a special use permit excepting the use from the public water and sewer requirements. The replacement office building shall not exceed 4,000 square feet in floor area.
- (11) Nonconforming mobile homes or manufactured homes in any Agricultural or Residential district may be replaced with manufactured homes upon issuance of a special use permit. For purposes of this Article a nonconforming mobile home or manufactured home shall be defined as any mobile home or manufactured home which does not meet all current zoning requirements which was (1) located in the county prior to April of 1969, or any replacement thereof; (2) located pursuant to a conditional use permit, either with or without an expiration date; (3) located pursuant to a special use permit; or (4) a replacement for a mobile home or manufactured home located pursuant to a conditional or special use permit not specifically prohibited by the permit.

(b) A nonconforming use may change as a matter of right to a more restricted nonconforming use, upon issuance by the zoning administrator of an approval for such a change. The zoning administrator's approval, which shall not be given until the nonconforming status of the use has been verified in accordance with section 20-405 of this chapter, shall include a determination in writing that the proposed use is "more restricted" than the existing nonconforming use. If the zoning administrator determines the proposed use is not "more restricted" than the existing nonconforming use, the application for a change to a more restricted nonconforming use shall be denied. An appeal from such a determination shall be to the board of zoning appeals as provided by section 20-432 of this chapter.

DIVISION 2. REGULATIONS GOVERNING APPEALS.

Section 20-432. Initiation and Effect of Appeal; Restraining Orders.

An appeal to the Board of Zoning Appeals 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 proceeding 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 as for good cause shown.

Section 20-433. Procedure; Deposit if Public Hearing Required.

Appeals shall be mailed to the Board of Zoning Appeals in care of the Zoning Administrator, and a copy of the appeal shall be mailed to the Secretary of the Planning Commission. A third copy should be mailed to the individual, Official, Department, or Agency concerned, if any.

Appeals requiring an advertised public hearing shall be accompanied by a certified check payable to the Treasurer for the amount set forth in Section 20-6.

Section 20-434. Public Hearing; Authority of Board.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of an application or appeal, given public notice hereof as well as due notice to the parties in interest, and decide the matter within ninety (90) 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. (Ord. No. 31A-88, Section 20-120, 4-8-85)

Section 20-435. Petition for Certiorari to Review Decision of Board.

- (a) 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 30 days after the filing of the decision in the Office of the Board.

- (b) Upon the presentation of such petition, the court will allow a writ of certiorari to review the decision of the Board of Zoning Appeals and will prescribe therein the time within which a return thereto must be made and served upon the petitioner's attorney, which will not be less than ten days and may be extended by the Court. The allowances of the writ will 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.
- (c) 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.
- (d) 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 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.
- (e) 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. In the event the decision of the board is affirmed, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari. (Ord. No. 31A-88, Section 20-121, 4-8-85)

Section 20-436 - Section 20-445. Reserved

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ARTICLE X. OVERLAY DISTRICTS

DIVISION 1. RESERVOIR PROTECTION OVERLAY DISTRICT, RP

Section 20-524. Statement of Intent.

The purpose of this District is to control and regulate runoff at the source to protect against and minimize the pollution of and deposition of sediment in existing or proposed public drinking water supply reservoirs in James City County. This District is intended to prevent causes of degradation of the water supply reservoir as a result of operating or the accidental malfunctioning of the use of land or its appurtenances within the drainage area of such water sources. The regulations in this district are found to be necessary to protect the health, safety, and general welfare of the people of the County.

The Reservoir Protection Overlay District is intended to impose special requirements in addition to the regulations of the principal Zoning District in which the water supply reservoir is located.

Section 20-525. Designation of the Reservoir Protection Overlay District.

The governing body of James City County, Virginia hereby establishes and delineates on the Zoning District Map the Reservoir Protection Overlay District, to be referred to on the Zoning District Map by the symbol RP.

Section 20-526. Existing Structures and Land Uses.

The provisions of this article shall apply only to structures constructed and land uses established after December 5, 1983. Expansions of existing structures and land uses, however, shall comply with the provisions of this article. If a structure or activity is destroyed or damaged to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent (75%) of the cost of reconstructing the entire activity or structure, it shall be restored only if it complies with the requirements of this article; provided however this shall not apply to single-family dwellings, manufactured homes, two-family dwellings, three-family dwellings, four-family dwellings, townhouses or multi-family dwellings legally in existence, and they may be repaired or replaced.

Section 20-527. Definitions.

For the purpose of this Division, the following words and phrases shall have the meanings ascribed to them below:

BULK STORAGE. Above-ground storage of liquids in excess of 1,320 gallons.

IMPERVIOUS SURFACE. An area which prevents the infiltration of water into the soil. Buildings, paved roads and parking lots, sidewalks and any area of concrete or asphalt are impervious surfaces. Compacted soil aggregate and crusher run shall be considered to be impervious surfaces.

(5) Sanitary landfills.

(b) The following uses shall be prohibited within 200 feet of a tributary stream and within 200 feet of the normal pool of a water supply reservoir (these distances shall be horizontal measurements):

(1) Bulk storage of petroleum and asphalt products and compounds.

(2) Storage of hazardous substances in reportable quantities as listed in 44 Fed. Reg. 50777 et seq. (1979).

Section 20-530. Requirements for Residential Uses.

(a) Each residential lot shall have a minimum area of one acre (43,560 square feet); provided, however, the minimum area requirement of one acre shall not apply to lots recorded or legally in existence as of December 5, 1983. Such lots of less than one acre used for residential purposes shall be limited to one principal residential use.

(b) For residential subdivisions of more than five lots and manufactured home parks, the applicant shall, at the time of filing a site plan or a preliminary plat for a subdivision, submit five copies of a Runoff Analysis in accordance with Section 20-534(a). Performance assurances shall be provided that all runoff control and reservoir protection measures proposed in the Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth in the study. The form of agreement and type of bond or letter of credit shall be approved by the County Attorney. The amount of bond or letter of credit and designated length of completion time shall be set by the Director of Public Works or his authorized designee.

(c) Development in the Planned Unit Development-Residential (PUD-R) district may be exempted from the requirements of Section 20-530(a) and (b), Section 20-531, Section 20-532 and Section 20-533 of this article provided the applicant at the time of filing for a rezoning shall provide five copies of a Runoff Analysis in accordance with Section 20-534(a), and performance assurances that all runoff control and reservoir protection measures proposed in the Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth therein. The form of agreement and type of bond or letter of credit and designated length of completion time shall be set by the Director of Code Compliance or his authorized designee.

Section 20-531. Area Requirements - Exceptions.

Residential lots smaller than one acre shall be permitted in accordance with the underlying zoning district after the issuance of a special use permit

- (2) Property within Zones A-1-30 of a Flood Insurance Rate Map (FIRM) published by the Federal Insurance Administrator.

Such maps shall be available for inspection in the Division of Code Compliance and Development Management Department.

Section 20-550. Permits.

No special permit shall be required by this Article. An application for subdivision, site plan, rezoning, Building Permit, Special Use Permit, Sediment and Erosion Control Permit, Wetlands Permit or other local development permit shall be considered an application for development under this Article. The applicant shall be informed of the provisions of this Article as they may apply to the property, and no permit shall be issued until the applicant has complied with such provisions.

Section 20-551. Regulations for Construction.

The construction or placing of any structure or obstruction, filling, or changing the cross-section or flow characteristics within the 100 year floodplain as shown on the flood hazard boundary map shall not be permitted unless the project is in conformance with the following requirements:

- (1) New structures or additions to any existing structure shall have the lowest floor, including the basement and crawl space, elevated to or above the level of the 100 year flood.
- (2) Utility and sanitary facilities shall be flood proofed up to the level of the 100 year flood.

This Section shall be administered by the Building Official. It shall be the responsibility of the applicant to provide this data, certified by a licensed surveyor or engineer or other source acceptable to the Building Official.

Section 20-552. Regulations for Mobile Homes and Manufactured Homes.

In floodplain areas, mobile homes and manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in either of the following arrangements:

- (1) Over-the-top ties at each corner plus one frame tie at the middle of each side; or
- (2) Frame ties at each corner plus no less than five evenly spaced additional frame ties per side.

All ties to the ground shall be able to carry a force of 4,800 pounds.

This Section shall be administered by the Building Official. The Zoning Administrator shall not issue a Special Use Permit for any manufactured home in a floodplain area until the applicant has complied with these provisions.

Section 20-553. Regulations for Subdivisions and Site Plans.

The applicant of any subdivision of land or site plan within the County shall submit with his application a statement by a licensed surveyor or engineer as to whether or not any property shown on the plat or plan is at an elevation lower than the 100 year flood level. Where a 100 year flood level exists the extent of this area shall be shown on the plat or plan. Further, the elevation of the finished surface of the ground at each building location shall be shown. This Section shall be administered by the subdivision agent.

Section 20-554. Regulations for Manufactured Home Parks or Manufactured Home Subdivisions.

In all floodplain areas, all new manufactured home parks or manufactured home subdivisions shall have an alternate vehicular access and escape route approved by the Zoning Administrator prior to approval of any Special Use Permit or occupancy of the site.

Section 20-555. Regulations for Public Utilities.

Nonessential or improper installation of public utilities and public facilities in floodplain areas shall be prohibited:


- (1) Water supply system. New or replacement water supply systems in a floodplain area shall be designed to eliminate infiltration of floodwaters.
- (2) Sanitary sewerage systems. New or replacement sanitary systems shall be designed to minimize or eliminate infiltration of floodwaters or discharge of effluents into floodwaters.
- (3) Septic tanks. New or replacement septic tank drain fields shall be placed where they shall not be impaired or contaminated by a base flood.

This Section shall be administered by the Director of Code Compliance or Health Official where applicable.

Section 20-556. Regulations for Filling of Floodplain Areas.


Filling of land which has an elevation lower than the elevation of a 100 year flood shall be prohibited unless:

- (1) Such fill will not increase the level of flooding on any other property; or



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,
this 12th day of September, 1988.

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