

**ADOPTED**

**NOV 6 1989**

ORDINANCE NO. 31A-116

**BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-8. SPECIAL USE PERMITS; ARTICLE V, NONCONFORMITIES, SECTION 20-401. PERMITTED CHANGES OF NONCONFORMING USES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-8. Special Use Permits; and Section 20-401 (a)(11). Permitted changes of nonconforming uses.

Chapter 20.

Article I. In General

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. An application for a special use permit substantially the same as one previously denied shall not be reconsidered within a one-year period from the date the similar application was denied.

#### Article V. Nonconformities

##### Section 20-401. Permitted changes of nonconforming uses.

(a) (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:

- a. Located in the county prior to April of 1969, or any replacement thereof;
- b. Located pursuant to a conditional use permit, either with or without an expiration date;
- c. Located pursuant to a special use permit; provided, however, any manufactured home located pursuant to a special use permit with an expiration date shall be removed from the site upon expiration of the special use permit unless a new special use permit is approved to lawfully continue the use; or
- d. A replacement for a mobile home or manufactured home located pursuant to a conditional or special use permit not specifically prohibited by the permit.

*Thomas D. Mahone*

Thomas D. Mahone, Chairman  
Board of Supervisors

ATTEST:

*David B. Norman*

David B. Norman  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,  
this 6th day of November, 1989.

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