

ADOPTED

JAN 22 1990

ORDINANCE NO. 31A-117

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 V. NONCONFORMITIES, SECTION 20-403. EXPANSION 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 20-403. Expansion of nonconforming uses.

Chapter 20. Zoning

Article V. Nonconformities

Section 20-403. Expansion of nonconforming uses.

(a) Nonconforming uses may expand only in accordance with the provisions of this section. Any permitted expansion shall occur only on the lot occupied by the nonconforming use, and no area of any lot not originally devoted to the nonconforming use shall be utilized for any aspect of such expansion.

(b) For a nonconforming one-family dwelling use, the dwelling may be expanded without limitation, except as provided for in this section. In addition, new or expanded residential accessory structures and uses (such as a storage shed, garage, swimming pool, etc.) may be permitted subject to the provisions of this chapter. Expansion of the dwelling and new or expanded accessory structures and uses shall meet all current zoning requirements, including height, yard and setbacks, for the zoning district in which located, or the R-1 zoning district if such dwelling is not located in a zoning district where a residential use is permitted. In no case shall a nonconforming one-family dwelling be modified to accommodate additional dwelling units.

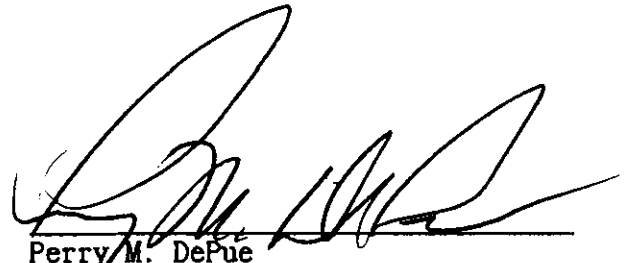
(c) For lots in any business or industrial district where the use is permitted in the zoning district in which the lot is located, but where the current zoning requirements (including, but not limited to, parking, yards, setbacks, landscaping, screening and buffering, height, signs, lot coverage, connection to public sewer and water) are not met, expansion of the building, and expansion of the land area within the lot devoted to activities other than buildings, may be approved, provided all current zoning requirements applicable to the expansion are met.

(d) Expansion of a use pursuant to paragraph (c) above meeting all zoning requirements except for connection to public water and public sewer may be permitted upon approval of a special use permit excepting the use from the public water and public sewer requirements.

(e) Existing permitted uses within any business or industrial district which have been made nonconforming with respect to open space, perimeter landscape requirements, or setback requirements as a result of a right-of-way dedication to the County or the Virginia Department of Transportation without compensation shall be allowed to expand in accordance with the current Zoning Ordinance under the conditions which existed prior to the dedication.

(f) Prior to the approval of expansion of a nonconforming use under this section, the nonconforming use shall be verified as set forth in section 20-405 of this article. (Ord. No. 31A-88, Section 20-109, 4-8-85; Ord. No. 31A-101, 5-18-87)

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Perry M. DePue
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,
this 22nd day of January, 1990.

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