

ADOPTED

JUN 09 2015

Board of Supervisors  
James City County, VA

ORDINANCE NO. 31A-296

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; BY AMENDING AND RENAMING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, PERMITTED USES; AND BY DELETING SECTION 24-213, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; by amending and renaming Article V, Districts, Division 2, General Agricultural District, A-1, Section 24-212, Permitted uses; and by deleting Section 24-213, Uses permitted by special use permit only.

### Chapter 24

### ARTICLE I. IN GENERAL

#### Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

#### A

*Agritourism Activity - Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an Agritourism activity whether or not the participant paid to participate in the activity.*

*Agricultural Operation - Any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits or vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.*

#### L

*Limited Farm Brewery - Breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided the brewery is located on a farm where agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. Limited Farm Brewery does not include a restaurant or tap room operations, but may include the sale or tasting of beer during regular business hours within the normal course of business. The sale of beer-related items that are incidental to the sale of beer is also permitted.*

*Limited Farm Distillery - Distilleries that manufacture no more than 36,000 gallons of alcohol per calendar year, provided the distillery is located on a farm where agricultural products used by such distillery in the manufacture of its alcohol are grown on the farm. Limited Farm Distillery does not include a restaurant or tap room operations, but may include the sale or tasting of alcohol during regular business hours within the normal course of business. The sale of distillery-related items that are incidental to the sale of alcohol is also permitted.*

#### P

*Production Agriculture or Silviculture Activity - The bona fide production or harvesting of agricultural products as defined in section 3.2-6400 of the Code of Virginia, including silvicultural products, but shall not*

*include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge, or the storage or disposal of non-agricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act.*

## R

*Retreat - A private or secure place of refuge and education. A retreat can include temporary, short-term residential facilities, recreational amenities, and educational activities (e.g. for job training and life skills). Retreat facilities must be voluntary in nature, and are different from group homes, which must be licensed by the Department of Behavioral Health and Development Services. A caretaker must be present when guests/lodgers are on-site.*

## S

*Silvicultural Activities - Forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation.*

*Small-scale Alcohol Production - Includes operations such as micro-breweries, micro-distilleries, and micro-wineries. Micro-breweries produce no more than 15,000 barrels a year. Micro-distilleries produce no more than 36,000 gallons of alcohol per year. Micro-wineries produce no more than 15,000 barrels a year. These uses are often accompanied by tap rooms, brew pubs, and retail sales.*

## Chapter 24

### ARTICLE V. DISTRICTS

#### DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

##### **Sec. 24-212. Permitted uses *Use list.***

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

~~Accessory apartments, attached, in accordance with section 24-32.~~

~~Accessory buildings and structures.~~

~~Accessory uses, as defined herein.~~

~~Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.~~

~~Farmers' markets, limited in area to 2,500 square feet.~~

~~General agriculture, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.~~

~~Greenhouses, commercial.~~

~~Home occupations, as defined herein.~~

~~Horse and pony farms (including the raising and keeping of horses), riding stables.~~

~~House museums.~~

~~Houses of worship and cemeteries accessory hereto.~~

~~Intensive agriculture as herein defined.~~

~~Manufactured homes that are on a permanent foundation.~~

~~Nurseries.~~

~~Off street parking as required by section 24-54.~~

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

~~Preserves and conservation areas for protection of natural features and wildlife.~~

~~Rest homes for fewer than 15 adults.~~

~~Retreat facilities.~~

~~Single family detached dwellings.~~

~~Slaughter of animals for personal use but not for commercial purposes.~~

~~Storage and repair of heavy equipment as an accessory use to a farm.~~

~~Timbering in accordance with section 24-43.~~

~~Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.~~

~~Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.~~

~~Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.~~

~~Wireless communication facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

(Ord. No. 31A-88, § 20-29, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-131, 6-3-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-162, 6-19-95; Ord. No. 31A-165, 9-18-95; 31A-169, 5-28-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-257, 11-22-11; Ord. No. 31A-259, 1-10-12; Ord. No. 31A-293, 8-12-14)

**Sec. 24-213. Uses permitted by special use permit only.**

~~In the General Agricultural District, A-1, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter.~~

~~Accessory apartment, detached, in accordance with section 24-32.~~

~~Adult day care centers.~~

~~Airports and landing fields, heliports or helistops and accessory uses.~~

~~Animal hospitals, veterinary offices and kennels.~~

~~Automobile graveyards.~~

~~Automobile repair and service.~~

~~Automobile service stations; if fuel is sold, then in accordance with section 24-38.~~

~~Beauty and barber shops.~~

~~Campgrounds.~~

~~Cemeteries and memorial gardens, not accessory to a church or other place of worship.~~

~~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.~~

~~Communication towers over 35 feet in height.~~

~~Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(e).~~

~~Contractors' warehouses, sheds and offices.~~

~~Convenience stores; if fuel is sold, then in accordance with section 24-38.~~

~~Day care and child care centers.~~

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

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

~~Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not 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, which do not require a special use permit.)~~

~~Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled or other developmentally disabled persons, for more than five such persons.~~

~~Farm equipment sales and service.~~

~~Farmers' markets over 2,500 square feet in area.~~

~~Feed, seed and farm supplies.~~

~~Fire stations, rescue squad stations, volunteer or otherwise.~~

~~Fish farming and aquaculture.~~

~~Flea markets, temporary or seasonal.~~

~~Food processing and storage.~~

~~Gift shops and antique shops.~~

~~Golf courses and country clubs.~~

~~Group quarters for agricultural workers.~~

~~Home care facilities.~~

~~Horse racing tracks.~~

~~Horse show areas, polo fields.~~

~~Hospitals and nursing homes.~~

~~Hunting preserve or club, rifle or pistol range, trap or skeet shooting.~~

~~Lodges, civic clubs, fraternal organizations or service clubs.~~

~~Lumber and building supply stores.~~

~~Manufacture and sale of wood products.~~

~~Manufactured home parks in accordance with the special provisions of article IV.~~

~~Medical clinics.~~

~~Petroleum storage, other than on a farm for farm use or accessory for a residence.~~

~~Post offices and public buildings generally.~~

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

~~Race tracks for animals or vehicles, including racing courses for power boats.~~

~~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 right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.~~

~~Rental of rooms to a maximum of three rooms.~~

~~Rest homes for 15 or more adults.~~

~~Restaurants, taverns.~~

~~Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.~~

~~Retail sales of plant and garden supplies.~~

~~Retail shops associated with community recreation facilities.~~

~~Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.~~

~~Schools, libraries, museums and similar institutions, public or private.~~

~~Seminaries.~~

~~Slaughterhouses.~~

~~Solid waste transfer stations.~~

~~Storage and repair of heavy equipment.~~

~~Storage, stockpiling and distribution of sand, gravel and crushed stone.~~

~~Telephone exchanges and telephone switching stations.~~

~~Tourist homes.~~

~~Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.~~

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any 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.

Two family dwellings.

Upholstery shops.

Utility substations.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit.

Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.

Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, 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.

Wayside stands for sale of agricultural products over 500 square feet in area.

Wineries, with accessory commercial facilities.

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential Uses</i>	<i>Accessory apartments, attached, in accordance with section 24-32.</i>	<i>P</i>	
	<i>Accessory apartment, detached, in accordance with section 24-32.</i>		<i>SUP</i>
	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled or other developmentally disabled persons, for more than five such persons.</i>		<i>SUP</i>
	<i>Group home or residential facility, for eight or fewer adults.</i>	<i>P</i>	

	<i>Group homes or residential facilities for nine or more adults.</i>		<b>SUP</b>
	<i>Group quarters for agricultural workers.</i>		<b>SUP</b>
	<i>Home care facilities.</i>		<b>SUP</b>
	<i>Manufactured homes that are on a permanent foundation.</i>	<b>P</b>	
	<i>Manufactured home parks in accordance with the special provisions of article IV.</i>		<b>SUP</b>
	<i>Single-family detached dwellings.</i>	<b>P</b>	
	<i>Two-family dwellings.</i>		<b>SUP</b>
<b>Commercial Uses</b>	<i>Accessory buildings and structures.</i>	<b>P</b>	
	<i>Accessory uses, as defined herein.</i>	<b>P</b>	
	<i>Adult day-care centers.</i>		<b>SUP</b>
	<i>Airports and landing fields, heliports or helistops and accessory uses.</i>		<b>SUP</b>
	<i>Animal hospitals, veterinary offices and kennels.</i>		<b>SUP</b>
	<i>Automobile graveyards.</i>		<b>SUP</b>
	<i>Automobile repair and service.</i>		<b>SUP</b>
	<i>Automobile service stations; if fuel is sold, then in accordance with section 24-38.</i>		<b>SUP</b>
	<i>Beauty and barber shops.</i>		<b>SUP</b>
	<i>Campgrounds.</i>		<b>SUP</b>
	<i>Cemeteries and memorial gardens, not accessory to a church or other place of worship.</i>		<b>SUP</b>
	<i>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.</i>		<b>SUP</b>
	<i>Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).</i>		<b>SUP</b>
	<i>Contractors' warehouses, sheds, and offices.</i>		<b>SUP</b>
	<i>Convenience stores; if fuel is sold, then in accordance with section 24-38.</i>		<b>SUP</b>
	<i>Day care and child-care centers.</i>		<b>SUP</b>
	<i>Dinner theaters and dance halls as an accessory use to a restaurant or tavern.</i>		<b>SUP</b>
	<i>Farm equipment sales and service.</i>		<b>SUP</b>
	<i>Farmers' markets, limited in area to 2,500 square feet.</i>	<b>P</b>	
	<i>Farmers' markets over 2,500 square feet in area.</i>		<b>SUP</b>
	<i>Feed, seed, and farm supplies.</i>		<b>SUP</b>
	<i>Flea markets, temporary or seasonal.</i>		<b>SUP</b>
	<i>Food processing and storage</i>		<b>SUP</b>
	<i>Gift shops and antique shops.</i>		<b>SUP</b>
	<i>Golf courses and country clubs.</i>		<b>SUP</b>

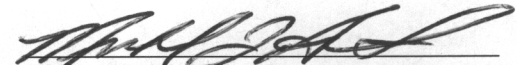


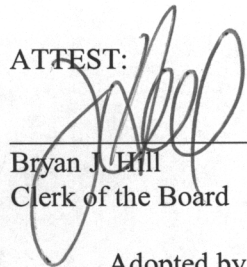
Greenhouses, commercial.	P	
Home occupations, as defined herein.	P	
Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
Horse racing tracks.		SUP
Horse show areas, polo fields.		SUP
Hospitals and nursing homes.		SUP
House museums.	P	
Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
Lumber and building supply stores.		SUP
Medical clinics.		SUP
Nurseries.	P	
Off-street parking as required by section 24-54.	P	
Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
Race tracks for animals or vehicles, including racing courses for power boats.		SUP
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 right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
Rental of rooms to a maximum of three rooms.		SUP
Rest homes for fewer than 15 adults.	P	
Rest homes for 15 or more adults.		SUP
Restaurants, taverns.		SUP
Retreat facilities.	P	SUP
Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.		SUP
Retail sales of plant and garden supplies.		SUP
Retail shops associated with community recreation facilities.		SUP
Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.		SUP
Slaughter of animals for personal use but not for commercial purposes.	P	
Slaughterhouses.		SUP
Small-scale alcohol production.		SUP
Tourist homes.		SUP
Upholstery shops.		SUP

	<i>Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, 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.</i>		SUP
	<del>Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.</del>	P	
	<del>Wayside stands for sale of agricultural products over 500 square feet in area.</del>		SUP
Agricultural Uses	<i>Accessory buildings and structures.</i>	P	
	<i>Accessory uses, including agritourism activities, as defined in section 24-2.</i>	P	
	<i>Fish farming and aquaculture, but shall not include the processing of such products.</i>	P	SUP
	<i>Food processing and storage, when it occurs in private homes per Code of Virginia § 3.2-5130 subdivisions A 3, 4, and 5.</i>	P	
	<i>General agriculture operation, production agriculture or silviculture activity, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.</i>	P	
	<i>Limited farm brewery.</i>	P	
	<i>Limited farm distillery.</i>	P	
	<i>Intensive agriculture as herein defined.</i>	P	
	<i>Petroleum storage on a farm as an accessory use and not for resale.</i>	P	
	<i>Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands.</i>	P	
	<i>Storage and repair of heavy equipment as an accessory use to a farm.</i>	P	
	<i>Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.</i>	P	
	<i>Wineries, with accessory commercial facilities.</i>		SUP
Civic Uses	<i>Accessory buildings and structures.</i>	P	
	<i>Accessory uses, as defined herein.</i>	P	
	<i>Fire stations, rescue squad stations, volunteer or otherwise.</i>		SUP
	<i>Houses of worship and cemeteries accessory hereto.</i>	P	
	<i>Lodges, civic clubs, fraternal organizations or service clubs.</i>		SUP
	<i>Post offices and public buildings generally.</i>		SUP

	<i>Schools, libraries, museums and similar institutions, public or private.</i>		SUP
	<i>Seminaries.</i>		SUP
<i>Utility Uses</i>	<i>Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.</i>	P	
	<i>Communication towers over 35 feet in height.</i>		SUP
	<i>Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.</i>		SUP
	<i>Telephone exchanges and telephone switching stations.</i>		SUP
	<i>Tower-mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.</i>		SUP
	<i>Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any 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.</i>		SUP
	<i>Utility substations.</i>		SUP
	<i>Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations, are permitted generally and shall not require a special use permit.</i>		SUP
	<i>Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.</i>	P	
	<i>Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.</i>		SUP
	<i>Wireless communication facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities.</i>	P	
<i>Open Uses</i>	<i>Preserves and conservation areas for protection of natural features and wildlife.</i>	P	
	<i>Timbering in accordance with section 24-43.</i>	P	

<i>Industrial Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not 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, which do not require a special use permit.)</i>		<i>SUP</i>
	<i>Manufacture and sale of wood products.</i>		<i>SUP</i>
	<i>Solid waste transfer stations.</i>		<i>SUP</i>
	<i>Storage and repair of heavy equipment.</i>		<i>SUP</i>
	<i>Storage, stockpiling and distribution of sand, gravel and crushed stone.</i>		<i>SUP</i>

  
 Michael J. Hipple  
 Chairman, Board of Supervisors

ATTEST:  
  
 Bryan J. Hill  
 Clerk of the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
JONES	<u>X</u>	___	___	___
MCGLENNON	<u>X</u>	___	___	___
ONIZUK	<u>X</u>	___	___	___
KENNEDY	___	___	___	<u>X</u>
HIPPLE	<u>X</u>	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2015.