

ORDINANCE NO. 31A-336

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8; BY AMENDING AND RENAMING SECTION 24-348, PERMITTED USES WITH NEW NAME USE LIST; AND BY DELETING SECTION 24-349 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 V, Districts; Division 8, Rural Residential District, R-8; Section 24-348, Use list.

Chapter 24. Zoning

Article V. Districts

Division 8. Rural Residential District, R-8

ADOPTED

AUG 08 2017

Board of Supervisors
James City County, VA

Sec. 24-348. ~~Permitted uses.~~ Use list.

In the Rural Residential District, R-8, 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 communication 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, excluding the raising of hogs, but not commercial livestock or poultry operations which require a Special Use Permit in the General~~

~~Agricultural District, A-1.~~

~~Home occupations, as defined herein.~~

~~Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.~~

~~House museums.~~

~~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.~~

~~Site-built single family detached dwellings and modular homes.~~

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

~~Storage and repair of heavy equipment as 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 communications facilities that utilize alternative mounting structures and comply with Division 6, Wireless Communications 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 apartments, 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>	
	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>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>		<i>SUP</i>
	<i>Group quarters for agricultural workers.</i>		<i>SUP</i>
	<i>Home care facilities.</i>		<i>SUP</i>
	<i>Manufactured home parks.</i>		<i>SUP</i>
	<i>Manufactured homes in accordance with section 24-107 and section 24-108 not located within the primary service area.</i>		<i>SUP</i>
	<i>Site-built single-family detached dwellings and modular homes.</i>	<i>P</i>	

	<i>Two-family dwellings.</i>		<i>SUP</i>
<i>Commercial Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Adult day-care centers.</i>		<i>SUP</i>
	<i>Airports and landing fields, helistops or heliports and accessory uses.</i>		<i>SUP</i>
	<i>Barber and beauty shops.</i>		<i>SUP</i>
	<i>Business, governmental and professional offices.</i>		<i>SUP</i>
	<i>Campgrounds.</i>		<i>SUP</i>
	<i>Cemeteries and memorial gardens, not accessory to a church or other place of worship.</i>		<i>SUP</i>
	<i>Child day-care centers.</i>		<i>SUP</i>
	<i>Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities, but not those approved as a part of a planned unit development.</i>		<i>SUP</i>
	<i>Convenience stores; if fuel is sold, then in accordance with section 24-38.</i>		<i>SUP</i>
	<i>Drug stores.</i>		<i>SUP</i>
	<i>Farm equipment sales and service establishments.</i>		<i>SUP</i>
	<i>Farmers' markets, limited in area to 2,500 square feet.</i>	<i>P</i>	
	<i>Farmers' markets over 2,500 square feet.</i>		<i>SUP</i>
	<i>Feed, seed and farm supplies.</i>		<i>SUP</i>
	<i>Flea markets, temporary or seasonal.</i>		<i>SUP</i>
	<i>Food processing and storage, but not the slaughter of animals.</i>		<i>SUP</i>
	<i>Food processing and storage in a residence.</i>		<i>SUP</i>
	<i>Gift shops, antique shops.</i>		<i>SUP</i>
	<i>Golf courses and country clubs.</i>		<i>SUP</i>
	<i>Greenhouses, commercial.</i>		<i>SUP</i>
	<i>Home occupations, as defined herein.</i>	<i>P</i>	
	<i>Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.</i>	<i>P</i>	
	<i>Horse and pony farms with 50 or more animals.</i>		<i>SUP</i>
	<i>Horse show areas, polo fields.</i>		<i>SUP</i>

<i>Hospitals.</i>		<i>SUP</i>
<i>Hotels and motels.</i>		<i>SUP</i>
<i>House museums.</i>	<i>P</i>	
<i>Hunting clubs.</i>		<i>SUP</i>
<i>Kennels.</i>		<i>SUP</i>
<i>Medical clinics or offices.</i>		<i>SUP</i>
<i>Nurseries.</i>	<i>P</i>	
<i>Nursing homes and facilities for the residence and/or care of the aged.</i>		<i>SUP</i>
<i>Off-street parking as required by section 24-54.</i>	<i>P</i>	
<i>Photography, artist and sculptor studios.</i>		<i>SUP</i>
<i>Photography sales and arts and crafts shops.</i>		<i>SUP</i>
<i>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.</i>		<i>SUP</i>
<i>Rental of rooms to a maximum of three rooms.</i>		<i>SUP</i>
<i>Restaurants, taverns.</i>		<i>SUP</i>
<i>Rest homes for fewer than 15 adults.</i>	<i>P</i>	
<i>Rest homes for 15 or more adults.</i>		<i>SUP</i>
<i>Retail shops associated with community recreation facilities.</i>		<i>SUP</i>
<i>Retreat facilities</i>		<i>SUP</i>
<i>Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.</i>		<i>SUP</i>
<i>Slaughter of animals for personal use, but not for commercial purposes.</i>	<i>P</i>	
<i>Tourist homes.</i>		<i>SUP</i>
<i>Veterinary hospitals.</i>		<i>SUP</i>
<i>Wayside stands for sale of agricultural products over 500 square feet in area.</i>		<i>SUP</i>
<i>Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.</i>	<i>P</i>	
<i>Yacht clubs and marinas and commercial and service facilities accessory thereto.</i>		<i>SUP</i>

<i>Agricultural Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens or 5,500 turkeys or ducks.</i>		<i>SUP</i>
	<i>Fish farming and aquaculture.</i>		<i>SUP</i>
	<i>General agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.</i>	<i>P</i>	
	<i>Petroleum storage on a farm as an accessory use and not for resale.</i>	<i>P</i>	
	<i>Raising of hogs.</i>		<i>SUP</i>
	<i>Storage and repair of heavy equipment as accessory use to a farm.</i>	<i>P</i>	
	<i>Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.</i>	<i>P</i>	
<i>Civic Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Fire stations or rescue squad stations, volunteer or otherwise.</i>		<i>SUP</i>
	<i>Houses of worship and cemeteries accessory thereto.</i>		<i>SUP</i>
	<i>Lodges, civic clubs, fraternal organizations and service clubs.</i>		<i>SUP</i>
	<i>Neighborhood Resource Centers.</i>		<i>SUP</i>
	<i>Places of public assembly used primarily as an event facility in accordance with section 24-48.</i>	<i>P</i>	
	<i>Places of public assembly used primarily as an event facility not in accordance with section 24-48.</i>		<i>SUP</i>
	<i>Places of public assembly.</i>		<i>SUP</i>
	<i>Post offices and public buildings generally.</i>		<i>SUP</i>
	<i>Schools, libraries, museums and similar institutions.</i>		<i>SUP</i>
	<i>Seminaries.</i>		<i>SUP</i>
<i>Utility Uses</i>	<i>Camouflaged wireless communications facilities that comply with division 6, Wireless Communication Facilities.</i>		<i>SUP</i>
	<i>Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.</i>	<i>P</i>	
	<i>Communication towers over 35 feet in height.</i>		<i>SUP</i>

	<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>Radio and television stations or towers.</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, the following are permitted generally and shall not require a special use permit: (a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line. (b) Distribution lines and local facilities within a development, including pump stations.</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 communications facilities that utilize alternative mounting structures and comply with division 6, Wireless Communications Facilities.</i>	P	
Open Uses	<i>Preserves and conservation areas for protection of natural features and wildlife.</i>	P	
	<i>Timbering in accordance with section 24-43.</i>	P	
Industrial Uses	<i>Accessory buildings and structures.</i>	P	
	<i>Accessory uses, as defined herein.</i>	P	

	<i>Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of topsoil (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 activities do not require a special use permit).</i>		<i>SUP</i>
	<i>Manufacture and sale of wood products.</i>		<i>SUP</i>

~~Sec. 24 349. Uses permitted by Special Use Permit only.~~

~~In the Rural Residential District, R-8, structures 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 apartments, detached, in accordance with Section 24 32.~~

~~Adult day care centers.~~

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

~~Barber and beauty shops.~~

~~Business, governmental and professional offices.~~

~~Camouflaged wireless communications facilities that comply with Division 6, Wireless Communication Facilities.~~

~~Campgrounds.~~

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

~~Child day care centers.~~

~~Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.~~

~~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, but not those approved as a part of a planned unit development.~~

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

~~Drug stores.~~

~~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 topsoil (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 activities 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 establishments.~~

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

~~Feed, seed and farm supplies.~~

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

~~Fish farming and aquaculture.~~

~~Flea markets, temporary or seasonal.~~

~~Food processing and storage, but not the slaughter of animals.~~

~~Food processing and storage in a residence.~~

~~Gift shops, antique shops.~~

~~Golf courses and country clubs.~~

~~Greenhouses, commercial.~~

~~Group quarters for agricultural workers.~~

~~Home care facilities.~~

~~Horse and pony farms with 50 or more animals.~~

~~Horse show areas, polo fields.~~

~~Hospitals.~~

~~Hotels and motels.~~

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

~~Hunting clubs.~~

~~Kennels.~~

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

~~Manufacture and sale of wood products.~~

~~Manufactured home parks.~~

~~Manufactured homes in accordance with Section 24-107 and Section 24-108 not located within the primary service area.~~

~~Medical clinics or offices.~~

~~Neighborhood Resource Centers.~~

~~Nursing homes and facilities for the residence and/or care of the aged.~~

~~Photography, artist and sculptor studios.~~

~~Photography sales and arts and crafts shops.~~

~~Post offices and public buildings generally.~~

~~Radio and television stations or towers.~~

~~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.~~

~~Raising of hogs.~~

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

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

~~Restaurants, taverns.~~

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

~~Retreat facilities.~~

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

~~Schools, libraries, museums and similar institutions.~~

~~Seminaries.~~

~~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.~~

~~Utility substations.~~

~~Veterinary hospitals.~~

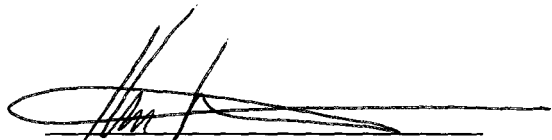
~~Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a Special Use Permit:~~

- ~~(a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line.~~
- ~~(b) Distribution lines and local facilities within a development, including pump stations.~~

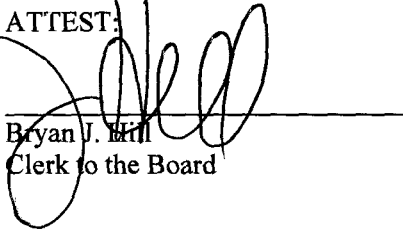
~~Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.~~

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

~~Yacht clubs and marinas and commercial and service facilities accessory thereto.~~



Kevin D. Onizuk
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	—	✓	—
SADLER	✓	—	—
HIPPLE	✓	—	—
LARSON	✓	—	—
ONIZUK	✓	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2017.