

ADOPTED

JUN 12 2018

ORDINANCE NO. 31A-339

Board of Supervisors
James City County, VA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES, AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-47, KEEPING OF CHICKENS IN RESIDENTIALLY ZONED AREAS, BY DELETING REFERENCES TO FEES AND ADDING THAT ADMINISTRATIVE FEES ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS.

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 24-7, Administrative fees, and by amending Article II, Special Regulations, Division I, In General, Section 24-47, Keeping of chickens in residentially zoned areas.

Chapter 24. Zoning

Article I. In General

Sec. 24-7. Administrative fees.

- (a) Fees as set forth in County Code Appendix A - Fee Schedule for Development Related Permits shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. ~~The following fees shall be charged and collected at the time of application:~~

Procedure Fee

~~(1) Rezoning:~~

- ~~a. Rezoning or proffer amendments which require a public hearing ————— \$1,200
———— plus \$75.00 per acre, not to exceed \$15,000.00~~
- ~~b. Written request to the board of supervisors to amend proffered conditions where such amendment does not affect conditions of use or density ————— 200.00~~

~~(If the board of supervisors determines that an amendment or variation of proffered conditions warrants a public hearing in accordance with section 24-13 of this chapter, such requests shall pay a rezoning fee in accordance with (1)a. above.)~~

~~(2) Special use permits:~~

- ~~a. Generally (General special use permits processed with a rezoning shall pay a rezoning fee only) ————— \$1,000.00 plus \$30.00 per acre, not to exceed \$5,000.00~~
- ~~b. Manufactured home on an individual lot. ————— 100.00~~
- ~~c. Family subdivision under section 24-214. ————— 100.00~~
- ~~d. Amendment to a special use permit ————— 400.00~~
- ~~e. Wireless communications facilities under division 6 ————— 1,500.00~~

~~(3) Master plan review:~~

~~2. R-4, PUD, Mixed Use 150.00~~

~~(4) Site Plan Review:~~

~~a. Administrative review:~~

- ~~1. Residential structures or improvements, \$600.00, plus \$60.00 per residential unit.~~
- ~~2. Nonresidential structures or improvements, \$600.00, plus \$0.024 per sq. ft. of building area.~~
- ~~3. Mixed Use structures or improvements, \$600.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.~~

~~b. Planning commission review:~~

- ~~1. Residential structures or improvements, \$1,800.00, plus \$60.00 per residential unit.~~
- ~~2. Nonresidential structures or improvements, \$1,800.00, plus \$0.024 per sq. ft. of building area.~~
- ~~3. Mixed Use structures or improvements, \$1,800.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.~~

~~c. Amendment to an approved plan:~~

- ~~1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.~~
- ~~2. Nonresidential structures or improvements, \$100.00, plus \$0.004 per sq. ft. of building area.~~
- ~~3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus \$0.004 per sq. ft. of nonresidential building area.~~
- ~~4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.~~

~~d. Zoning administrator and fire department review only, \$20.00.~~

~~e. Each additional review after second resubmission, \$250.00 not to include resubmissions that are the result of substantial redesign due to other agency comments.~~

~~(5) Sign permits, \$5.00 per square foot of gross sign area.~~

~~(6) Appeals to the board of zoning appeals, \$500.00.~~

~~(7) Application for a height limitation waiver to the board of supervisors, \$200.00.~~

~~(8) Application for administrative variance, \$250.00.~~

~~(9) Public hearing applicant deferral request when the applicant fails to meet a staff imposed deadline for additional information relevant to the application except where deferral is the result of a commission or board action, \$350.00 per request.~~

~~(10) Conceptual plan review, \$25.00.~~

~~(11) Zoning verification request, \$100.00.~~

~~(12) Stormwater inspection fees: There shall be a fee for the inspection of public stormwater installations and private stormwater installations required in accordance with section 23-10(4). Such fee shall be \$900 per practice for each best management practice constructed and \$.90 per foot for every foot of stormwater drain or channel constructed and shall be submitted at the time of filing an application for a land disturbance permit.~~

- (b) Payment of any permit fees established in section 24-7 set forth in County Code Appendix A - Fee Schedule for Development Related Permits shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.

Article II. Special Regulations

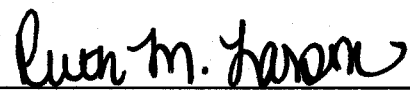
Division I. In General

Sec. 24-47. Keeping of chickens in residentially zoned areas.

Keeping and housing domestic chickens on residentially-zoned and occupied property shall be solely for purposes of household consumption and shall comply with the following requirements:


- (a) Chickens allowed pursuant to this section shall be kept and raised only for domestic purposes and no commercial activity such as selling eggs or selling chickens for meat shall be allowed. Harvesting of chickens is not permitted.
- (b) The maximum number of chickens permitted on a residential lot shall be two hens per the first 5,000 square feet of lot area, and one additional bird for each additional 5,000 square feet of total lot area thereof. The total number of birds is not to exceed a maximum of 12 hens.
- (c) Chickens shall only be allowed on properties consisting of single-family homes and which are on lots of at least 15,000 square feet in size.
- (d) No roosters shall be allowed.
- (e) Coops or cages and runs shall only be located in the rear yard area. The zoning administrator may grant an exception to this requirement in cases where due to unusual lot configuration, topography, or proximity of neighbors, another area of the yard is more suitable for such an activity.
- (f) Coops or cages and runs shall be situated at least five feet from adjoining property lines and 25 feet from any dwelling located on a property not owned by the applicant. On corner lots, all pens, coops or cages shall be situated no closer than 35 feet from the side street.
- (g) Coops or cages and runs shall be located outside of resource protection areas and any conservation easements dedicated to the county.
- (h) Coops or cages and runs shall be required, a portion of which shall be covered. Such coops, cages, and runs shall be enclosed with a minimum four feet high chicken wire fence. All coops, cages or runs shall provide at least three square feet of area per bird.
- (i) Each property owner seeking to keep chickens shall file an application with the James City County zoning office. Such application shall be accompanied by a ~~\$20.00~~ processing fee as *set forth in County Code Appendix A - Fee Schedule for Development Related Permits*. The application shall include a sketch showing the area where the chickens will be housed and the types and size of enclosures in which the chickens shall be housed. The sketch must show all dimensions and setbacks. Upon review and determination that the proposed chicken-keeping complies with the standards set forth in this section, the zoning office shall issue a permit. Any permit that is found in violation or not in compliance with this section may be revoked.
- (j) Any more restrictive covenants dealing with the keeping of chickens shall supersede and control over the provisions of this section.

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.



Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:


Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June,
2018.

Ch24Zoning-ord