

MAY 10 1976

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 31A-34

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING ARTICLE V, NONCONFORMING USES.

BE IT ORDAINED, by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City, be and the same is, hereby, amended and reordained by amending Article V, Nonconforming Uses, to read as follows:

CHAPTER 20

ZONING

Article V. Nonconforming Uses.

Section 20-103. Continuation.

If, at the time of enactment of this chapter, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this chapter, such manner of use or purpose may be continued as herein provided.

If any change in title or possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.

If any nonconforming use (structure or activity) is discontinued for a period exceeding two years after the enactment of this chapter, it shall be deemed abandoned, and any subsequent use shall conform to the requirements of this chapter.

Temporary seasonal nonconforming uses that have been in continual operation for a period of two years or more prior to March 1, 1969, are excluded.

Section 20-104. Permits required.

This section is deleted in its entirety.

Section 20-105. Repairs and maintenance.

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent of the current replacement value of the structure; provided, that the cubic content of the structure as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the

strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 20-106. Changes in zoning district boundaries.

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this article.

Section 20-107. Expansion or enlargement.

A nonconforming structure to be extended or enlarged shall conform with the provisions of this chapter. This shall not apply to single-family homes or mobile homes legally in existence, and such single-family homes or mobile homes may be expanded or enlarged, provided they comply with the area, setback, minimum frontage, yard, height, sign and other provisions of the district in which they are located.

Section 20-108. Nonconforming lot areas.

Any lot of record at the time of the adoption of this article which is less in area or width than the minimum required by this chapter may be used when the requirements of the Board of Zoning Appeals regarding setbacks, side and rear yards are met.

Section 20-109. Restoration or replacement.

(a) Nonconforming activity. If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this chapter. This shall not apply to single-family dwellings, mobile homes, two-family dwellings, three-family dwellings, four-family dwellings, townhouses, or multi-family dwellings legally in existence and they may be repaired or replaced.

(b) Nonconforming structure. If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this chapter. However, a property owner so affected may take recourse to obtain rezoning. This shall not apply to single-family dwellings, mobile homes, two-family dwellings, three-family dwellings, four-family dwellings, townhouses, or multi-family dwellings legally in existence at the time and they may be repaired or replaced.

(c) Other instances. Where a conforming structure devoted to a nonconforming activity is damaged less than fifty percent of the cost of

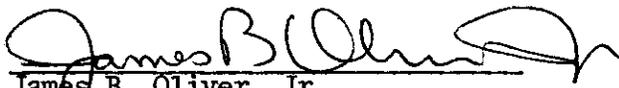
reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five percent of the cost of reconstructing the entire structure, either may be repaired or restored; provided, that any such repair or restoration is started within twelve months and completed within eighteen months from the date of partial destruction. This shall not apply to single-family dwellings, mobile homes, two-family dwellings, three-family dwellings, four-family dwellings, townhouses, or multi-family dwellings legally in existence and they may be repaired or replaced.

(d) Determination of cost. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

This ordinance shall be in full force and effect from the date of its adoption.


Abram Frink, Jr., Chairman
Board of Supervisors

ATTEST:


James B. Oliver, Jr.
Clerk to the Board