

ADOPTED

MAR 12 1979

ORDINANCE NO. 31A-53

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, ARTICLE I, IN GENERAL, SECTION 20-2, DEFINITIONS, BY AMENDING THE DEFINITION OF "HOME OCCUPATION".

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 20, Zoning, of the Code of the County of James City, Article I, In General, Section 20-2, Definitions, be and the same is, hereby, amended and reordained by amending the definition of "Home Occupation".

CHAPTER 20

ZONING

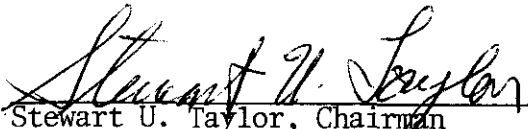
Article I. In General

Section 20-2. Definitions.


"Home Occupation" - Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and conducted solely by residents of the dwelling, provided that:

- (a) The occupation or activity is conducted entirely within the dwelling, and
- (b) Not more than twenty-five (25) percent of the first floor area is used throughout the structure for such occupation or activity, and
- (c) The occupation or activity requires no external alterations, or the use of machinery or equipment not customary for domestic household purposes, and
- (d) No exterior evidence of the secondary use exists, with the exception of one sign, not to exceed four (4) square feet. Such a sign must be attached to the dwelling and shall not be illuminated, and
- (e) No articles are displayed or otherwise offered for sale upon the premises, and
- (f) No equipment or process is used that may disrupt neighboring dwellings.

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

  
Stewart U. Taylor, Chairman  
Board of Supervisors

ATTEST:

  
James B. Oliver, Jr.  
Clerk to the Board

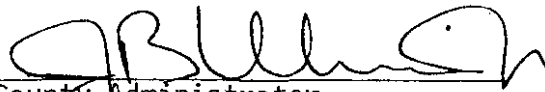
Adopted by the Board of Supervisors, James City County, Virginia,  
on this 12 day of March, 1979.

M E M O R A N D U M

DATE: March 13, 1979  
TO: William C. Porter, Jr., Director of Planning  
✓ Frank M. Morton, III, County Attorney  
FROM: James B. Oliver, Jr., County Administrator  
SUBJECT: Board of Supervisors Agenda Item # D-6  
CASE NO. Z-2-79 - Home Occupation

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The above referenced item was approved/~~disapproved~~  
at the Board of Supervisors Meeting of March 12, 1979  
Continue to process as appropriate.

  
County Administrator

\_\_\_\_\_ (If checked) forward copy of correspondence sent to  
applicant, to this office.

M E M O R A N D U M

DATE: March 1, 1979

TO: The Honorable Chairman and Members of the  
Board of Supervisors

FROM: William C. Porter, Jr., Director of Planning

SUBJECT: Case No. Z-2-79 - Home Occupation

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In June of 1978, the County lost a court case regarding the use of a single family dwelling as a business. In this case, the Court ruled that the County's present definition of a home occupation does not restrict the business use of a dwelling to a secondary use of the property. This ruling has opened the way for business operations in residential districts which will be viewed as a nuisance by the neighborhood.

In order to avoid future problems and to ensure that the intent of the residential districts are met, the attached ordinance has been drafted by the County Attorney to replace the present definition.

The proposed ordinance attempts to restrict the conduct of business in the residential districts to activities which are clearly secondary to the use of the dwelling as a home; limit the activity to residents of the dwelling; limit exterior evidence of the business; and prohibit the sale of merchandise from the premises.

Recommendation

The proposed amendment was reviewed in detail by the Ad Hoc Committee of the Planning Commission and recommended that the Planning Commission recommend approval by the Board of Supervisors. The Planning Commission voted unanimously to recommend approval of Case No. Z-2-79 by the Board of Supervisors during their February 27 meeting.

  
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William C. Porter, Jr.  
Director of Planning

Attachment