

ORDINANCE NO. 31A-66

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-10, CONDITIONAL USE PERMITS.

BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, 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 I, In General, Section 20-10, Conditional Use Permits to read as follows:

CHAPTER 20

ZONING

ARTICLE I, IN GENERAL

Section 20-10. Conditional use permits.

Where permitted by this Chapter uses requiring conditional use permits are subject to the requirements of this section.

(a) Procedural requirements.

(1) Application for conditional use permit. The owner or agent, may file with the administrator or his designee an application for a conditional use permit; provided, that the conditional use sought is permitted in the particular district. The application shall be accompanied by a site plan showing the actual dimensions and shape of the lot, the exact sizes and locations on the lot of existing and proposed buildings, if any, and the existing and proposed uses of structures and open areas; and by such additional information relating to topography, access, surrounding land uses and other matters as may reasonably be required by the administrator or his designee in the circumstances of the case.

(2) Fees. The application shall be accompanied by a fee of twenty dollars to cover the cost of processing.

(3) Action by the administrator or his designee. The administrator or his designee shall study the application and shall confer with pertinent county and state agencies to determine whether the proposed conditional use conforms to applicable regulations which have been adopted and to the requirements of this chapter. Upon completion of such review, the administrator or his designee shall transmit the findings and recommendations of the county or state agencies to the board of supervisors.

(4) Action by the board of supervisors. After receiving the recommendations of the county or state agencies, the board of supervisors shall act upon the proposed conditional use, granting the application in whole or in part with or without modifications or denying it. In addition to the general or specific requirements set forth in the section concerning the proposed use, which shall be considered minimum requirements with respect to the permit, additional requirements, conditions and safeguards may be added by the board of supervisors as required for the protection of public interest in the specific case.

(5) Rehearing for conditional use permit. An application for a conditional use permit may be withdrawn. However, if withdrawn or if denied by

the board of supervisors, substantially the same application shall not be reconsidered within one year of withdrawal or denial.

(b) General standards for conditional uses.

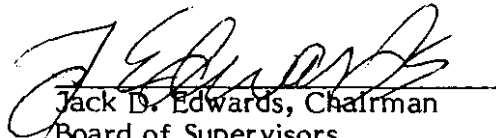
(1) Compliance with requirements. No conditional use permit shall be issued except upon a finding by the board of supervisors that the proposed use conforms to the requirements set forth in this chapter and that the proposed conditional use will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than other existing uses in the surrounding areas. Among matters to be considered in this connection are traffic flow and control; access to and circulation within the property; off-street parking and loading; refuse and service areas; utilities; screening and buffering; signs, yards and other open spaces; height, bulk and location of structures; location of proposed open space uses; hours and manner of operation; and noise, lights, dust, odor, fumes and vibration.

(2) Conformity with adopted plans. The proposed conditional use shall be in accord with the purposes of the comprehensive plan and any applicable regulations and zoning regulations.

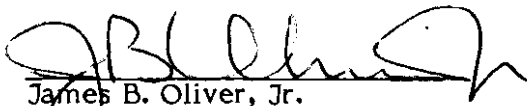
(c) Additional requirements for conditional uses.

In addition to the general requirements set forth above and limitations established for conditional uses in the district regulations, the requirements set forth hereafter shall apply to the respective conditional uses and structures.

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


Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:


James B. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, on the fourteenth day of January, 1980.