

ADOPTED

JUN 1 1987

ORDINANCE NO. 31A-102

**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, VIRGINIA, ARTICLE I. IN GENERAL, SECTION 20-26. REVOCATION OF SPECIAL USE PERMITS; ARTICLE IV. DISTRICTS, DIVISION 1. GENERALLY, SECTION 20-101. SPECIAL PROVISION FOR CONDOMINIUMS; DIVISION 7. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 20-222. PERMITTED DENSITY OVERALL; DIVISION 8. MULTI-FAMILY RESIDENTIAL DISTRICT, R-5, SECTION 20-242. PERMITTED USES; DIVISION 12. GENERAL BUSINESS DISTRICT, B-1, SECTION 20-329. PERMITTED USES; ARTICLE VIII. PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 20-476. DENSITY; SECTION 20-484. PERMITTED USES; AND ARTICLE X. OVERLAY DISTRICTS, DIVISION 1. RESERVOIR PROTECTION OVERLAY DISTRICT, RP, SECTION 20-528. PERMITTED USES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by adding Section 20-26. Revocation of special use permits; and Section 20-101. Special provision for condominiums; and by amending Section 20-222. Permitted density overall; Section 20-242. Permitted uses; Section 20-329. Permitted uses; Section 20-476. Density; Section 20-484. Permitted uses; and Section 20-528. Permitted uses.

CHAPTER 20.

ARTICLE I. IN GENERAL

Section 20-26. Revocation of special use permits.

(1) The governing body may, by resolution, initiate a revocation of a special use permit. When initiated, the revocation process shall be handled as would a new application for a special use permit, following the procedures set forth in subsection 20-8 of this chapter.

(2) After review by the planning office and consideration and recommendation by the planning commission, the governing body shall act on the proposal to revoke the special use permit. Grounds for revocation shall include, but not be limited to, the following:

- (a) A change in conditions affecting the public health, safety and welfare since adoption of the special use permit; or
- (b) Repeated violations of this chapter, including any conditions attached to the special use permit, by the owner/operator of the use; or
- (c) Fraudulent, false or misleading information supplied by the applicant (or his agent) for the special use permit; or
- (d) Improper public notice of the special use permit public hearing(s) when the permit was considered by the planning commission or the governing body; or
- (e) An error or mistake in fact that led to an arbitrary and unreasonable decision made by the governing body when approving the special use permit.

ARTICLE IV. DISTRICTS

DIVISION 1. GENERALLY

Section 20-101. Special provision for condominiums.

A building or group of buildings permitted under the terms of this chapter may be sold as condominiums unless otherwise prohibited by law.

DIVISION 7. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4

Section 20-222. Permitted density overall.

The gross density of the total area of the planned residential community shall not exceed two units per acre.

DIVISION 8. MULTI-FAMILY RESIDENTIAL DISTRICT, R-5.

Section 20-242. Permitted uses.

In the Multi-Family Residential, District, R-5, structures to be erected or land to be used shall be for the following uses held for rent, for sale by individual unit, or for sale in condominium:

- Single-family dwellings.
 - Two-family dwellings.
 - Three-family and four-family dwellings.
 - Townhouses.
 - Apartments.
 - Accessory apartments in accord with Section 20-92.
 - Rental of one room.
 - Accessory buildings or structures as defined.
 - Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ballfields, tennis courts, and other similar recreation facilities.
 - Retail shops associated with community recreation facilities.
 - Golf courses, country clubs.
 - Houses of worship.
 - Schools, libraries and fire stations.
 - Marina, boat dock or waterfront recreational facilities.
 - Coin laundries which are accessory to other residential uses and for the primary use of its residents.
 - Restaurants which are accessory to permitted private clubs or marinas.
 - Off-street parking as required by this Chapter.
 - Signs, as permitted by Article VII of this Chapter.
 - Water impoundments of less than 50 acres and with dam heights of less than 25 feet.
 - Day care and child care centers.
 - Residential cluster development in accordance with Article IX of this chapter.
- (Ord. No. 31A-88, Section 20-80.6, 4-8-85)

DIVISION 12. GENERAL BUSINESS DISTRICT, B-1.

Section 20-329. Permitted uses.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Retail food stores, bakeries and fish markets.

Dry cleaners and laundries.

Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.

Drug stores, barber shops and beauty shops.

Restaurants, fast food restaurants, tea rooms, and taverns.

Banks and other financial institutions.

Plants and garden supply, hardware and paint, and home appliance sales and service stores.

Lumber and building supply (with storage limited to a fully enclosed building).

Plumbing and electrical supply (with storage limited to a fully enclosed building).

Automobile service stations, subject to the special requirements of this Chapter.

Hotels, motels, tourist homes, and convention centers.

Machinery sales and service (with storage and repair limited to a fully enclosed building).

Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.

Corporate, business, governmental, and professional offices.

Doctors, dentist and other medical clinics or offices.

Indoor theaters, museums, and public meeting halls.

Schools, fire stations, post offices, houses of worship and libraries.

Lodges, civic clubs, fraternal organizations and service clubs.

Funeral homes.

Cemeteries.

Gunsmith (excluding shooting ranges).

Feed, seed and farm supply stores.

Wholesale and warehousing (with storage limited to a fully enclosed building).

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with sale of fuel in accordance with Section 20-89.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.

Wholesale and retail marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution.

Radio and television stations, and accessory antenna or towers which are 60 feet or less in height.
 Printing and publishing.
 Off-street parking as required by this Chapter.
 Day care and child care centers.
 Apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.
 Telephone exchanges and telephone switching stations.
 Office supply stores, secretarial, and duplicating services.
 Health clubs, exercise clubs, fitness centers.
 Convenience stores with sale of fuel in accordance with Section 20-89.
 Parking lots and garages.
 Veterinary offices.
 New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).
 Contractor's offices with storage of materials and equipment limited to a fully enclosed building.

ARTICLE VIII. PLANNED UNIT DEVELOPMENT DISTRICTS.

Section 20-476. Density.

The gross density of the net developable area of the planned unit development shall not exceed the maximum density suggested by the Comprehensive Plan and in no case shall exceed four dwellings per acre. The number of dwelling units which may be constructed in any area designation shall be determined by the number of net developable acres at the site and the use proposed. The net developable acres shall equal the total land area of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a 25% gradient. The number of units which may be constructed are:

<u>Area Designation</u>	<u>Dwelling Type</u>	<u>Maximum Density (dwelling units per acre)</u>
A	Single family	4
B	Two-family, multi-family structures containing three or four dwelling units, or townhouses	9.6
C	Multi-family structures less than three stories and containing more than four dwelling units	12
D	Multi-family structures of three stories or more and containing more than four dwelling units	18

Section 20-484. Permitted uses.

(a) In the Planned Unit Development District - Residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

(1) Residential Uses.

Single-family dwellings.
Two-family dwellings.
Townhouses.
Apartments.
Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities.
Retail shops associated with community recreation facilities.
Houses of worship.
Golf courses, country clubs.
Schools, both private and public.
Marinas, boat docks and waterfront activities.
Coin laundries which are accessory to other residential uses and for the primary use of their residents.
Restaurants which are accessory to permitted private clubs and marinas.
Fire stations.
Off-street parking as required by this Chapter.
Signs, as permitted by this Chapter.
Nursing home and facilities for the residence and/or care of the aged.
Accessory buildings or structures.
Telephone exchanges and telephone switching stations.

(2) Commercial Uses.

Retail food stores, bakeries, fish markets.
Dry cleaners and laundries.
Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.
Drug stores and barber or beauty shops.
Restaurants, tea rooms and taverns.
Banks and other financial institutions.
Plants and garden supply, hardware and paint, and home appliance sales and service, with storage in a fully enclosed building.
Automotive service stations, with major repair in a fully enclosed building, or retail sale of automotive accessory items.
Photography studios and sales, artist and sculptor studios, arts and crafts and handicraft shops, antique shops, reproduction and gift shops.
Corporate, business, and professional offices.
Doctors, dentists and other medical clinics or offices.

Indoor theaters, museums and public meeting halls.
Schools, fire stations, post offices, public utilities, churches,
libraries.

Funeral homes.
Radio and television stations.
Motels, hotels and resort facilities.
Telephone exchanges and telephone switching stations.

(b) In the Planned Unit Development District - Commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

(1) Commercial Uses:

Same as paragraph (2) of Subsection (a) of Section 20-484.

(2) Light Industrial Uses:

Research, design and development laboratories.

Wholesale and warehousing, with storage in a fully enclosed building.

Printing and publishing.

Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly, and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect.

(3) Theme parks.

(4) Apartments, townhouses and condominiums.

(Ord. No. 31A-88, Section 20-151, 4-8-85; Ord. No. 31A-89, 9-9-85)


ARTICLE X. OVERLAY DISTRICTS

DIVISION 1. RESERVOIR PROTECTION OVERLAY DISTRICT, RP

Section 20-528. Permitted uses.


Uses permitted in the Reservoir Protection Overlay District shall be the same as those permitted in the underlying zoning district except as specified in Section 20-529.

Within the Reservoir Protection Overlay District, agricultural or household chemicals, including herbicides, insecticides, fungicides, and pesticides, to be dispersed upon the land or on animals shall be applied in accordance with label directions as attached by the manufacturer. Such chemicals shall be disposed in accordance with Commonwealth of Virginia Department of Waste Management Hazardous Waste Management Regulations.



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BROWN	AYE
TAYLOR	NAY
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 1st day of June, 1987.

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