

ADOPTED

MAY 1 1989

ORDINANCE NO. 31A-114

**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, BY AMENDING ARTICLE I. IN GENERAL, SECTION 20-2. DEFINITIONS, SECTION 20-9. PUBLIC HEARING REQUIRED; ARTICLE IV. DISTRICTS, DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 20-109. STATEMENT OF INTENT, SECTION 20-110, PERMITTED USES. SECTION 20-111, USES PERMITTED BY SPECIAL USE PERMIT ONLY, SECTION 20-112. AREA REQUIREMENTS, SECTION 20-113. SETBACK REQUIREMENTS, SECTION 20-114. MINIMUM LOT WIDTH, SECTION 20-116. HEIGHT LIMITS, SECTION 20-117. SPECIAL PROVISIONS FOR CORNER LOTS; DIVISION 3. LIMITED AGRICULTURAL DISTRICT, A-2, SECTION 20-129. STATEMENT OF INTENT, SECTION 20-130, PERMITTED USES; SECTION 20-131. USES PERMITTED BY SPECIAL USE PERMIT ONLY, AND SECTION 20-136. HEIGHT LIMITS.

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 amending Section 20-2. Definitions, Section 20-9. Public hearing required, Section 20-110. Permitted uses, Section 20-111. Uses permitted by special use permit only, Section 20-112. Area requirements, Section 20-113. Setback requirements, Section 20-114. Minimum lot width, Section 20-116. Height limits, Section 20-117. Special provisions for corner lots, Section 20-129. Statement of intent, Section 20-130. Permitted uses, Section 20-131. Uses permitted by special use permit only, and Section 20-136. Height limits.

Chapter 20. Zoning

Article I. In General

Section 20-2. Definitions.

PRIMARY SERVICE AREA. The Primary Service Area (PSA) is the area(s) identified on the Zoning Map where urban development is encouraged to locate in accordance with the Comprehensive Plan. These areas presently are provided with public water and sewer systems and other public services such as police and fire protection, transportation and emergency medical services, and areas slated to receive such services in the next twenty years.

TOURIST HOME. A dwelling where lodging or lodging and meals are provided for compensation for up to 5 rooms and open to transients.

Section 20-9. Public hearing required.

Prior to issuance of a special use permit a public hearing shall be held by the Planning Commission and by the Board of Supervisors; provided however, that a special use permit for a manufactured home, temporary classroom trailer, a family subdivision, or as required by Sections 20-531 or 20-533 of this chapter may be issued after a public hearing is held by the Board of Supervisors only. Whenever the Planning Commission is not required to hold a public hearing, it need not consider the permit nor make a recommendation to the Board of Supervisors for such permit. The fee for a special use permit shall be in accordance with Section 20-6 of this Chapter. (Ord. No. 31A-88, Section 20-10.1, 4-8-85)

DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

Section 20-109. Statement of Intent.

The General Agricultural District, A-1, is intended for application to the rural areas of the County generally outside of the Primary Service Area and where utilities and urban services generally do not exist and are not planned for the near future. The purpose of the district is to maintain a rural environment suitable for farming, forestry, and low-density rural residence and at the same time to provide for certain recreational and public or semipublic and institutional uses which may require a spacious site and which, with proper conditions imposed, are compatible with rural surroundings. The district also serves to limit the scattering of commercial, industrial, and urban residential uses into rural areas where such uses are not planned. The area regulations of the district are intended to provide a measure of flexibility in lot size and arrangement if coupled with a design review to insure more careful use of the land.

Section 20-110. Permitted Uses.

In the General Agricultural District, A-1, structures to be erected or land to be used shall be for the following uses:

Accessory apartments in accordance with Section 20-92.

Accessory buildings and structures.

Accessory uses as defined herein.

Agriculture, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not commercial livestock or poultry operations which require a special use permit.

Communication towers up to a height of 35 feet.

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, not to exceed five such persons.

Farmers markets, limited in area to 2,500 square feet.

Greenhouses, commercial.

Home occupations as defined herein.

Horse and pony farms of less than 50 animals, (including the raising and keeping of horses), riding stables.

House museums.

Houses of worship, churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples and synagogues, and cemeteries accessory hereto.

Nurseries.

Off-street parking as required by this Chapter.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Rest homes for fewer than 15 adults.

Retreat facilities.

Single-family detached dwellings.

Slaughter of animals for personal use but not for commercial purposes.

Storage and repair of heavy equipment as an accessory use to a farm.

Water impoundments of less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Wineries as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.

Section 20-111. Uses Permitted by Special Use Permit Only.

In the General Agriculture District, A-1, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a Special Use Permit approved by the Board of Supervisors in accordance with the procedures, guides and standards of Sections 20-8 and 20-9 and such other guides and standards as may be contained in this chapter.

Airports and landing fields, heliports or helistops, and accessory uses, subject to the requirements of the Federal Aviation Administration.

Animal hospitals, veterinary offices, and kennels.

Automobile graveyards.

Automobile repair and service.

Automobile service stations in accordance with Section 20-89.

Beauty shops and barber shops.

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to Section 20-112(c).

Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.

Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.

Communication towers over 35 feet in height.

Contractors' warehouses, sheds and offices.

Convenience store with sale of fuel.

Day or child care centers.

Dinner theaters and dance halls as an accessory use to a restaurant or tavern.

Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling, or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a Special Use Permit.)

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, for more than five such persons.

Farm equipment sales and service.

Farmers markets, over 2,500 square feet in area.

Feed, seed, and farm supplies.

Fire stations, rescue squad stations, volunteer or otherwise.

Fish farming and aquaculture.

Flea markets, temporary or seasonal.

Food processing and storage.

Gift shops and antique shops.

Golf courses and country clubs.

Group homes.

Group quarters for agricultural workers.

Horse and pony farms with 50 or more animals.

Horse racing tracks.

Horse show areas, polo fields.

Hospitals, nursing homes, sanitoria.

Hunting preserve, or club, rifle or pistol range, trap or skeet shooting.

Lodges, civic clubs, fraternal organizations or service clubs.

Lumber and building supply stores.

Manufacture and sale of wood products.

Manufactured home parks in accordance with the special provisions of Article III.

Manufactured homes in accordance with Section 20-10 and Section 20-98.

Medical clinics.

Water impoundments, or expansion of existing impoundments, to provide water area of 20 acres or more or with a dam height of 15 feet or more.

Petroleum storage, other than on a farm for farm use or accessory for a residence.

Post offices and public buildings generally.

Professional offices of not more than 2,000 square feet with no more than one office per lot.

Public or private electrical generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However,

private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.

Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, are permitted generally and shall not require a Special Use Permit.

Race tracks for animals or vehicles, including racing courses for power boats.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way, and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a Special Use Permit.

Rental of rooms up to a maximum of three rooms.

Rest homes for 15 or more adults.

Restaurants, taverns.

Retail shops associated with community recreation facilities.

Sanitary landfills, in accordance with Section 20-97, construction debris landfills, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions, public or private.

Seminaries.

Slaughterhouses.

Storage and repair of heavy equipment.

Storage, stockpiling and distribution of sand, gravel and crushed stone.

Telephone exchanges and telephone switching stations.

Tourist Homes.

Two-family dwellings.

Upholstery shops.

Utility Substations.

Waterfront business activities: Wholesale and retail marine interests, such as boat docks, piers, yacht clubs, marinas, and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.

Wayside stands for sale of agricultural products, over 500 square feet in area.

Wineries, with accessory commercial facilities.

Yacht clubs and marinas and commercial and service facilities accessory thereto.

Section 20-112. Area Requirements.

- (a) The minimum lot size, except as otherwise specified herein, shall be: 1) one acre for nonresidential uses; and, 2) three acres for single-family dwellings.

(b) No lot created under the area requirements of this section after May 1, 1989, the date of adoption of this section, unless created pursuant to Subsections c or d, below, shall be used for any residential dwelling unless the lot size is three acres or more. Provided, however, lots of less than six acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this section, shall be permitted to be subdivided into two lots for single-family residential use so long as no lot size is less than two acres.

(c) It is the purpose of the area requirements in this district to discourage urban residential developments but at the same time to encourage careful design of low density residential subdivisions in order to make best use of the land, reduce development costs, and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of Article I and the special standards of this district. Upon issuance of a special use permit, a subdivision may be approved with a minimum lot size of less than three acres provided that all of the following conditions are met:

(1) The overall gross density of the subdivision shall not exceed one dwelling unit per two acres.

(2) There shall be at least three residential lots in the subdivision.

- (3) No lot shall be less than one acre in area.
- (4) The subdivision shall only be for single-family detached dwellings.
- (5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.
- (6) Provision shall be made in subdivision plats and lot conveyances to insure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this Chapter.
- (7) The general design standards of this section shall be complied with.
- (8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.
- (9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this Chapter.

- (10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this Chapter, provided however that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.
- (11) Maintenance of any common open space shall be assigned to a homeowners association or other approved entity.
- (12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads and to this end the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas, and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.
- (d) Upon issuance of a special use permit a family subdivision may be approved with a minimum lot size of less than three acres, provided no lot shall be less than one acre.
- (e) Lots for two-family dwellings shall have a minimum area of five acres.

- (f) These minimum sizes shall not apply to lots of less than three acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this article. Such lots of less than three acres used for residential purposes shall be limited to one single-family residential use.

Section 20-113. Setback Requirements.

Structures shall be located a minimum of 50 feet from any street right-of-way which is 50 feet or greater in width. If the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 75 feet from the center line of the street, except that where the minimum lot area is three acres or more the minimum setback shall be 75 feet from any street right-of-way which is 50 feet or greater in width and 100 feet from the center line of any street right-of-way less than 50 feet in width.

All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, will be allowed to adhere to these established setback lines.

Section 20-114. Minimum Lot Width and Frontage.

- (a) Lots of five acres or more shall have a minimum lot width at the setback line of 250 feet.

- (b) Lots of three acres or more but less than five acres shall have a minimum lot width at the setback line of 200 feet.
- (c) Lots of one acre or more but less than three acres shall have a minimum lot width at the setback line of 150 feet.
- (d) The minimum lot frontage abutting a public right-of-way shall be 25 feet.

Section 20-116. Height Limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (a) The height limit for buildings may be increased to 45 feet and to three stories, provided that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (b) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennas, home radio aerials, silos, and other structures normally associated with and accessory to farming operations may be erected to a total height of 60 feet from grade.

(c) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall not be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by (b) above and may exceed 45 feet in height.

(d) Communication towers permitted by a special use permit by the Board of Supervisors may be in excess of 35 feet in height.

Section 20-117. Special Provisions for Corner Lots.

For corner lots, the front of the lot shall be the shorter of the two sides fronting on streets.

No structures shall be located closer than 50 feet to the side street.

Each corner lot shall have a minimum width at the setback line of one hundred fifty (150) feet or more.

DIVISION 3. LIMITED AGRICULTURAL DISTRICT, A-2

Section 20-129. Statement of Intent.

Generally, the Limited Agricultural District, A-2, is intended for application to rural areas of the County which remain inside the Primary Service Area where utilities and urban services are planned but not yet fully available and where urban development may be expected in the near future. The district may also be applied to certain outlying areas where residences exist at similar densities or may be appropriate in view of housing needs. The district is intended to maintain a rural environment suitable for farming, forestry and low-density rural residence, together with certain recreational and public or semipublic and institutional uses, until such time as an orderly expansion of urban development is appropriate.

Section 20-130. Permitted Uses.

In the Limited Agricultural District, A-2, structures to be erected or land to be used shall be for the following uses:

Accessory apartments in accordance with Section 20-92.

Accessory buildings and structures.

Accessory uses, as defined herein.

Agriculture, dairying, forestry, general farming and specialized farming excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Communication towers up to a height of 35 feet.

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, not to exceed five such persons.

Farmers markets, limited in area to 2,500 square feet.

Home occupations, as defined herein.

Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.

House museums.

Houses of worship, churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples and synagogues and cemeteries accessory thereto.

Nurseries.

Off-street parking as required by this chapter.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Retreat facilities.

Rest homes for fewer than 15 adults.

Single-family detached dwellings.

Slaughter of animals for personal use but not for commercial purposes.

Storage and repair of heavy equipment as accessory use to a farm.

Subdivisions of land into not more than five residential lots (lots created shall not be further subdivided if the number of lots created from a parcel existing on October 6, 1986, and subdivisions thereof, together with the proposed subdivision, exceed five lots).

Water impoundments of less than twenty (20) acres and with dam heights of less than fifteen (15) feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Wineries as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.

Section 20-131. Uses Permitted by Special Use Permit Only.

In the Limited Agricultural District, A-2, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a Special Use Permit approved by the Board of Supervisors in accordance with the procedures, guides and standards of Sections 20-8 and 20-9 and such other guides and standards as may be contained in this chapter.

Airports.

Animal hospitals, veterinary offices, and kennels.

Beauty shops, barber shops, and drug stores.

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.

Communication towers over 35 feet in height.

Community recreation facilities, public or private, including parks, playgrounds, clubhouse, boating facilities, swimming pools, ball fields,

tennis courts, and other similar recreation facilities, but not those approved as a part of a Planned Unit Development.

Convenience stores with the sale of fuel in accordance with Section 20-89.

Day care or child care centers.

Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which activities do not require a Special Use Permit).

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, for more than five such persons.

Farm equipment sales and service establishments.

Farmers markets over 2500 square feet.

Feed, seed, and farm supplies.

Fire stations or rescue squad stations, volunteer or otherwise.

Fish Farming and aquaculture.

Flea markets, temporary or seasonal.

Food processing and storage, but not the slaughter of animals.

Food processing and storage in a residence.

Gift shops, antique shops.

Golf courses and country clubs.

Greenhouses, commercial.

Group homes.

Group quarters for agricultural workers.

Horse and pony farms with 50 or more animals.

Horse show areas, polo fields.

Hospital or clinic for humans.

Nursing homes, sanatoria.

Hotels and motels.

Hunting Clubs.

Lodges, civic clubs, fraternal organizations, or service clubs.

Manufacture and sale of wood products.

Manufactured home parks.

Manufactured homes in accordance with Section 20-10 and Section 20-98
not located within the Primary Service Area.

Medical clinics.

Water impoundments or expansion of existing impoundments, to provide
water area of 20 acres or more or with a dam height of 15 feet or more.

Photography, artist and sculptor studios.

Photography sales, and arts and crafts shops.

Post offices and public buildings generally.

Professional, business and governmental offices.

Public or private electrical generation facilities, electrical
substations with a capacity of 5,000 kilovolt amperes or more, and electrical
transmission lines capable of transmitting 69 kilovolts or more.

Public or private transmission pipelines, including pumping stations
and accessory storage, for natural gas, propane gas, petroleum products,
chemicals, slurry coal and any other gases, liquids or solids. However,
private extensions or connections to existing pipelines, which are intended to
serve an individual residential or commercial customer and which are accessory
to existing or proposed development, are permitted generally and shall not
require a Special Use Permit.

Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, are permitted generally and shall not require a Special Use Permit.

Radio and television stations or towers.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way, and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a Special Use Permit.

Raising of hogs.

Rest homes for 15 or more adults.

Restaurants, taverns.

Retail shops associated with community recreation facilities.

Sanitary landfills in accordance with Section 20-97, waste disposal or publicly-owned solid waste container sites.

Schools, libraries, museums and similar institutions, public or private.

Seminaries.

Subdivisions of land into more than five (5) residential lots.

Telephone exchanges and telephone switching stations.

Tourist homes.

Two-family dwellings.

Utility substations.

Wayside stands for sale of agricultural products, over 500 square feet in area.

Yacht clubs and marinas and commercial and service facilities accessory thereto.

Section 20-136. Height Limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (a) The height limit for buildings may be increased to 45 feet and to three stories, provided that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.
- (b) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennas, home radio aerials, silos, and other structures normally associated with and accessory to farming operations may be erected to a total height of 60 feet from grade.
- (c) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height, provided however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the

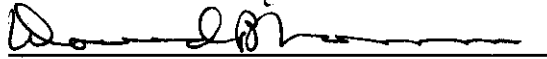
main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 45 feet in height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by (b) above and may exceed the height of the main structure and may exceed 45 feet in height.

- (d) Communication towers permitted by a Special Use Permit by the Board of Supervisors may be in excess of 35 feet in height.

Thomas D. Mahone

Thomas D. Mahone, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

SUPERVISOR VOTE

NORMENT	AYE
TAYLOR	NAY
EDWARDS	AYE
DEPUE	AYE
MAHONE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 1st day of May, 1989.

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