

JUN 18 1990

ORDINANCE NO. 31A-122

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 IV. DISTRICTS, DIVISION 1. GENERALLY, SECTION 20-87. DIVISION OF UNINCORPORATED AREAS INTO DISTRICTS, SECTION 20-100. SPECIAL REQUIREMENTS FOR DISH ANTENNAE, DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 20-110. PERMITTED USES, SECTION 20-111. USES PERMITTED BY SPECIAL USE PERMIT ONLY; 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, SECTION 20-138. SIGN REGULATIONS, DIVISION 9. RESIDENTIAL AGRICULTURAL DISTRICT, R-6, SECTION 20-264. STATEMENT OF INTENT, SECTION 20-265. PERMITTED USES, SECTION 20-266. USES PERMITTED BY SPECIAL USE PERMIT ONLY, AND SECTION 20-273. SIGN REGULATIONS.

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 20-87. Division of unincorporated areas into districts, Section 20-100. Special requirements for dish antennae, Section 20-110. Permitted uses, Section 20-111. Uses permitted by special use permit only, Section 20-129. Statement of intent, Section 20-130. Permitted uses, Section 20-131. Uses permitted by special use permit only, Section 20-138. Sign regulations, Section 20-264. Statement of intent, Section 20-265. Permitted uses, Section 20-266. Uses permitted by special use permit only, and Section 20-273. Sign regulations.

CHAPTER 20. ZONING
ARTICLE IV. DISTRICTS.

DIVISION 1. GENERALLY.

Section 20-87. Division of Unincorporated Areas into Districts.

For the purposes of this Chapter, the unincorporated areas of James City County, Virginia are hereby divided into the following Districts, as shown on the Zoning Map:

General Agricultural, A-1
Limited Residential, R-1
Limited Residential, R-2
General Residential, R-3
Residential Planned Community, R-4
Multi-family Residential, R-5
Low-Density Residential, R-6
Manufactured Home Subdivision, R-7
Rural Residential, R-8
Residential Planned Unit Development, PUD-R
Commercial Planned Unit Development, PUD-C
Industrial Planned Unit Development, PUD-I
General Business, B-1
Limited Business, LB
Limited Industrial, M-1
General Industrial, M-2

Section 20-100. Special Requirements for Dish Antennae.

Dish antennae in all residential districts served by a cable company with a valid franchise obtained from the County shall be permitted only after the issuance of a special use permit by the board of supervisors. In all other districts, dish antennae shall be permitted as accessory uses upon the issuance of a building permit for such dish antennae subject to the following requirements:

1. Size and Height Limitations. Dish antennae shall not exceed ten feet in diameter and shall not exceed the height limitations for accessory structures of each district.
2. Yard Limitations. Dish antennae shall meet all yard requirements for accessory structures of each district. Additionally, they shall be further restricted as follows:
 - (a) A-1 and R-8 Districts. For lots in the A-1 and R-8 districts, dish antennae shall be permitted in side and rear yards only and on roofs as provided in Subsection (3).

- (b) R-1, R-2, R-3, R-6, and R-7 Districts. For all lots in the R-1, R-2, R-3, R-6 and R-7 Districts, dish antennae shall be permitted in rear yards only.
 - (c) R-4, R-5, PUD-R, LB, B-1, M-1 and PUD-C Districts. For all lots in the R-4, R-5, PUD-R, LB, B-1, M-1 and PUD-C Districts, dish antennae shall be permitted in rear yards and on roofs as provided in Subsection (3).
 - (d) M-2 District. In the M-2 District, dish antennae shall be permitted in all yards and on roofs as provided in Subsection (3).
3. Roof Location. A dish antenna located on a roof shall be set back from all edges of the roof at least two times the height of the dish antenna. A dish antenna may be located on the roof of a public building in any district.
4. Standards. All dish antennae and the construction and installation thereof shall conform with applicable Uniform Statewide Building Code requirements. No dish antenna may be installed on a portable or moveable device. Further, all dish antennae shall be of non-combustible and corrosive-resistant materials, and be erected in a secure, wind-resistant manner located and designed to reduce visual impact from surrounding properties at street level and from public streets.
5. Exceptions. Upon a finding by the Zoning Administrator that a usable satellite signal cannot be obtained by locating a dish antenna in the rear yard or upon a roof as provided in Subsection (3) in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, PUD-R, PUD-C, LB, B-1, and M-1 Districts or in the rear or side yard or upon a roof as provided in Subsection (3) in the A-1 and R-8 districts, the Board of Zoning Appeals may grant an exception to the provisions of this section to allow placement of a dish antenna in a side or front yard in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, PUD-R, PUD-C, LB, B-1, and M-1 Districts or the front yard in the A-1 and R-8 Districts, if the placement will provide for the reception of a usable signal. No exception shall be granted unless it is determined that the granting of such exception will not be of substantial detriment to adjacent property and will not change the character of the Districts. In granting an exception, the Board of Zoning Appeals may impose conditions including, but not limited to, the following:
- (a) Screening by architectural or landscape methods to reduce visual impact from surrounding properties and public streets.
 - (b) Placement and installation methods to limit detrimental impact upon surrounding properties and to enhance the public health, safety, and general welfare.
 - (c) Other reasonable requirements deemed necessary to make the use consistent with the character of surrounding properties.

6. Exemptions. This section shall not apply to any dish antenna used by a cable company with a valid franchise obtained from the County, or to any telephone company with an approved site plan from the County, or to any temporary installation of dish antennae of a duration of ten days or less.

DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

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.
- Manufactured homes that are 19 or more feet in width on a permanent foundation.
- 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, sanatoria.
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 (not otherwise permitted by Section 20-110) 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.

DIVISION 3. RURAL RESIDENTIAL DISTRICT, R-8

Section 20-129. Statement of Intent.

Generally, the Rural Residential District, R-8, 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 Rural Residential District, R-8, 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 Rural Residential District, R-8, 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 20-138. Sign Regulations.

To assure an appearance and condition which is consistent with the purposes of the Rural Residential District, R-8, outdoor signs on the properties within the District shall comply with the regulations for exterior signs in Article VII of this Chapter.

DIVISION 9. LOW-DENSITY RESIDENTIAL DISTRICT, R-6

Section 20-264. Statement of Intent.

The Low-Density Residential District, R-6, is composed of those portions of the County where a quiet, low-density residential character has already been established and where limited agricultural operations function concurrently, with low-density residential uses. This District is established for the purposes of stabilizing and protecting the existing low-density residential character from encroachment by non-residential or higher density uses, insuring that limited farming and livestock operations will function harmoniously with residential uses, ensuring that future development will be of similar character and protecting watersheds, waterways and natural resources.

Section 20-265. Permitted Uses.

In the Low-Density Residential District, R-6, structures to be erected or land to be used shall be for the following uses:

- Single-family dwellings.
- Schools, libraries and fire stations.
- Houses of worship.
- 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.
- Golf courses, country clubs.
- Off-street parking, as required by this Chapter.
- Accessory buildings or structures as defined.
- Agriculture, including land and buildings for accessory uses, such as forestry, farming, the raising of livestock, excluding hogs, and other agricultural pursuits.
- Horse or pony farms (including the raising and keeping of horses), riding stables or horse show areas.
- Home occupations as defined.
- Boat docks.
- Preserves, conservation areas or hunting clubs.
- Water impoundments of less than 50 acres and with dam heights of less than 25 feet.

Section 20-266. Uses Permitted by Special Use Permit Only.

In the Low-Density Residential District, R-6, buildings to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

- Rental of rooms to a maximum of three rooms.
- Day care or child care centers.

Group homes.

Accessory apartments in accord with Section 20-92.

Cemeteries and memorial parks.

New or expansion of water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.

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.

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, extensions or private 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 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.

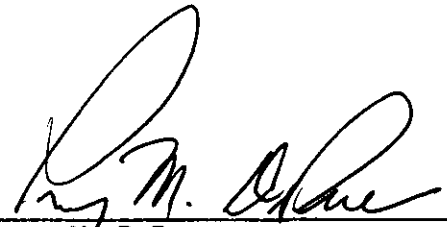
Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally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

Telephone exchanges and telephone switching stations.

Section 20-273. Sign Regulations.

To assure an appearance and condition which is consistent with the purposes of the Low-Density Residential District, R-6, outdoor signs on the properties within the District shall comply with the regulations for exterior signs in Article VII of this Chapter.

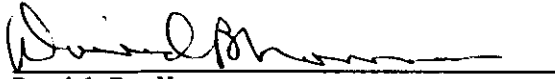
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Perry M. DePue
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
KNUDSON	AYE
DEPUE	AYE

ATTEST:



David B. Norman
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,
this 18th day of June, 1990.