

ADOPTED

SEP 24 1996

ORDINANCE NO. 31A-172

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 VII, NONCONFORMITIES, SECTION 20-632, EXPANSION OF NONCONFORMING USES; IN ORDER TO CLARIFY WHICH ZONING DISTRICTS NONCONFORMING BUSINESS AND INDUSTRIAL USES MAY EXPAND.

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 20-632, Expansion of nonconforming uses; in order to clarify which zoning districts nonconforming business and industrial uses may expand.

Chapter 20. Zoning

Article VII. Nonconformities

**Sec. 20-632. Expansion of nonconforming uses.**


(b) *One-family dwellings.* For a nonconforming one-family dwelling use, the dwelling may be expanded without limitation, except as provided for in this section. In addition, new or expanded residential accessory structures and uses (such as a storage shed, garage, swimming pool, etc.) may be permitted subject to the provisions of this chapter. Expansion of the dwelling and new or expanded accessory structures and uses shall meet all current zoning requirements, including height, yard and setbacks, for the zoning district in which located or the R-1 zoning district if such dwelling is not located in a zoning district where a residential use is permitted. In no case shall ~~be~~ a nonconforming one-family dwelling be modified to accommodate additional dwelling units.

(c) *Business or industrial districts uses.* For lots ~~uses~~ in any ~~business or industrial~~ district where the ~~use~~ *activity* is permitted in the zoning district in which the lot is located, but where the current zoning requirements (including, but not limited to, parking, yards, setbacks, landscaping, screening and buffering, height, signs, lot coverage, connection to public sewer and water) are not met, expansion of the building, and expansion of the land area within the lot devoted to activities other than buildings, may be approved, provided all current zoning requirements applicable to the expansion are met.

(e) *Expansion allowance resulting from right-of-way dedication.* Existing ~~business or industrial~~ ~~uses~~ permitted ~~uses~~ within any ~~business or industrial~~ district which have been made nonconforming with respect to open space, perimeter landscape requirements or setback requirements as a result of a right-of-way dedication to the county or the Virginia Department of Transportation without compensation shall be allowed to expand in accordance with the current zoning ordinance under the conditions which existed prior to the dedication.

  
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David L. Sisk, Chairman  
Board of Supervisors

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
MAGOON	AYE
DEPUE	AYE
EDWARDS	AYE
SISK	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 1996.

## MEMORANDUM

DATE: September 24, 1996

TO: The Board of Supervisors

FROM: John B. Patton, Development Management Technician

SUBJECT: Case No. ZO-8-96. Zoning Ordinance Amendment, Expansion of Nonconforming Uses

Attached for your consideration is a proposed amendment to the Zoning Ordinance which would allow for business and industrial uses to expand in any district where they are permitted but for one reason or another have become nonconforming. A business could become nonconforming because of changes to the Zoning Ordinance changing setback requirements or height limitations, a change in the zoning of adjacent property, new roads being built or any number of other reasons.

Under the current wording of the ordinance only businesses in business or industrial districts may expand once they become nonconforming. Many business and industrial uses are permitted by right or with an SUP in other districts. It was never the intent to not allow these otherwise permitted commercial uses to expand just because they became nonconforming. The purpose and intent of the nonconforming section of the ordinance states in part that it "is to regulate nonconforming uses in a manner consistent with sound planning and zoning principals..." and "nonconforming uses need not be entirely static...". Staff feels that the intent of the ordinance will be better served by making these changes.

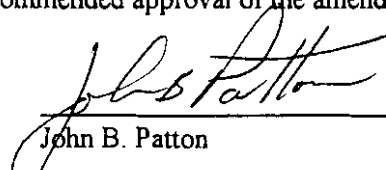
Proposed Amendment


The proposed amendment would relax the current restriction that only allows nonconforming businesses to expand when located in business or industrial zoning districts. Under this amendment businesses would be able to expand in any zoning district as long as the use is currently permitted and the expansion would meet all current zoning requirements.

In addition this change will correct a typographical error, changing the word "be" to "a".

RECOMMENDATION:

On September 3, 1996, the Planning Commission unanimously recommended approval of the amendment. Staff recommends approval of the amendment.

  
 \_\_\_\_\_  
 John B. Patton

CONCUR:  
  
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 O. Marvin Sowers, Jr.

JBP/iow  
 ZO896.mem

Attachment

Ordinance