

ADOPTED

JUL 08 2025

ORDINANCE NO. 31A-363

Board of Supervisors  
James City County, VA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING ARTICLE V, DISTRICTS, BY AMENDING DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, USE LIST; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST; AND DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending Article V, Districts, by amending Division 9, Limited Business District, LB, Section 24-368, Use list; Division 10, General Business District, B-1, Section 24-390, Use list; and Division 11, Limited Business/Industrial District, M-1, Section 24-411, Use list.

#### ARTICLE I. IN GENERAL

##### Sec. 24-2. Definitions.

Retail stores and shops. Buildings for display and sale of merchandise at retail or for the rendering of personal services such as the following which will serve as illustration: Drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique shop and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop and beauty shop. For purposes of this definition, the following uses are excluded: coal, wood and lumber yards, sexually oriented businesses, vape/smoke shop, and vape/smoke lounge.

Sexually oriented business. Any premises which the public patronizes or to which members are invited or admitted, and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, directly or indirectly. A sexually oriented business further includes, without being limited to, any adult store, adult entertainment studio, or any premises that are used as such, whether advertised or represented as an adult entertainment studio, adult-oriented motion picture theatre, exotic dance studio, or any other term of like or similar import; and other activities and land uses which the zoning administrator determines to be materially similar to the activities listed above. The following additional definitions are to be included when determining a sexually oriented business:

Adult store. A commercial establishment which regularly excludes all persons under the age of eighteen (18) from the premises, or a section thereof, because of the sexually explicit nature of the items sold, rented or displayed therein, or which, as one of its principal purposes, offers for sale or rental for any form of consideration adult media or adult novelty items as defined below. For these purposes, to constitute a principal business purpose, an adult store must have at least twenty-five percent (25%) or more of its floor space dedicated to or have twenty-five percent (25%) or more of its stock-in-trade consist of, the sale or rental of any adult media or adult novelty items. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental adult media or adult novelty items and still be categorized as an adult store.

Adult media. Adult media includes, but is not limited to, books, magazines, periodicals, or other printed matter; photographs, films, motion pictures, videos in any format including digital format; computer programs; or other visual representations which are distinguished or characterized by the exhibition or display of specified sexual activities or specified anatomical areas as defined below.

Adult novelty items. Instruments, devices, or paraphernalia which are designed or marketed for use in connection with specified sexual activities. Adult novelty items do not include instruments, devices, or paraphernalia that also constitute contraception.

Adult entertainment. Live performance, display, dancing, or other live entertainment of any type where the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes, slides, photographs, VHS, CD-ROMs, DVD-ROMs, streaming video, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Specified anatomical areas. Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly erect state, even if completely and opaquely covered.

Specified sexual activities. Human genitals in a state of sexual stimulation or arousal; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or breast, including masturbation.

**Division 9. Limited Business District, LB**

**Sec. 24-368. Use list.**

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business District, LB, all buildings or structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	<u>Sexually oriented business</u>		<u>SUP</u>

**Division 10. General Business District, B-1**

**Sec. 24-390. Use list.**

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions. 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:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	<u>Sexually oriented business</u>		<u>SUP</u>

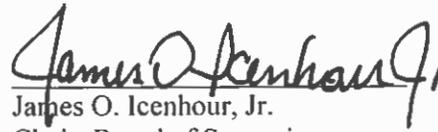
**Division 11. Limited Business/Industrial District, M-1**

**Sec. 24-411. Use list.**

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	<u>Sexually oriented business</u>		<u>SUP</u>

  
 James O. Icenhour, Jr.  
 Chair, Board of Supervisors

ATTEST:

  
 Teresa J. Saeed  
 Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NULL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of July, 2025.

ORD25-1\_ZOASOBUS-ord