

ORDINANCE NO. \_\_\_\_\_

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 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, USE LIST; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE DISTRICT, MU, SECTION 24-518, USE LIST; AND DIVISION 17, ECONOMIC OPPORTUNITY DISTRICT, EO, SECTION 24-536.4, 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 5, Residential Planned Community District, R-4, Section 24-281, Use list; Division 9, Limited Business District, LB, Section 24-368, Use list; Division 10, General Business District, B-1, Section 24-390, Use list; Division 11, Limited Business/Industrial District, M-1, Section 24-411, Use list; Division 14, Planned Unit Development Districts, PUD, Section 24-493, Use list; Division 15, Mixed Use District, MU, Section 24-518, Use list; and Division 17, Economic Opportunity District, EO, Section 24-536.4, 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 ~~(but specifically exclusive of coal, wood and lumber yards)~~ 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, vape/smoke shop, and vape/smoke lounge.*

*Vape/smoke shop. A retail establishment that sells cigars, tobacco, and/or tobacco products, such as, but not limited to cigars, pipe tobacco, roll-your-own supplies, herbal and wax vaporizers, and glassware; hookah and water pipes; cannabis and/or hemp products, such as, but not limited to Cannabidiol (CBD); and/or e-cigarettes and associated equipment, such as, but not limited to vape batteries, coils, and e-liquids. Drug stores, retail food stores, grocery stores and convenience stores, the primary purpose of which is to sell goods and services other than those listed above, shall not be considered vape or smoke shops even if the above referenced goods are offered for sale.*

*Vape/smoke lounge. Any public or private establishment that allows persons to gather for the purpose of using cigars, tobacco, and/or tobacco products, such as, but not limited to cigars, pipe tobacco, roll-your-own supplies, herbal and wax vaporizers, and glassware; hookah and water pipes; cannabis and/or hemp products such as, but not limited to Cannabidiol (CBD); and/or e-cigarettes and associated equipment, such as, but not limited to vape batteries, coils, and e-liquids.*

## Article V. Districts

### Division 5. Residential Planned Community District, R-4

#### Sec. 24-281. Use list.

In the residential planned community district, R-4, 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	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, <del>tobacco and pipes</del> , jewelry sales and service, books, greeting cards, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores	P	
	<i>Vape/smoke shop and vape/smoke lounge</i>		<i>SUP</i>

### 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	Retail and service stores, including the following stores: books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, health and beauty aids, home appliance, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, <del>tobacco and pipes</del> , toys, travel bureau agencies, upholstery, variety, wearing apparel, and yard goods	P	
	<i>Vape/smoke shop and vape/smoke lounge</i>		<i>SUP</i>

### 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	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, <del>tobacco and pipes</del> , toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	<i>Vape/smoke shop and vape/smoke lounge</i>		<i>SUP</i>

### 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	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, <del>tobacco and pipes</del> , toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	<i>Vape/smoke shop and vape/smoke lounge</i>		<i>SUP</i>

### Division 14. Planned Unit Development Districts, PUD

#### Sec. 24-493. Use list.

- (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:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: books, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, greeting card, ice cream, jewelry sales and service, locksmith, music and records, pet, picture framing, shoe, sporting goods, stamp, tailor, <del>tobacco and pipes</del> , toys, travel bureau, upholstery, wearing apparel and yard goods	P	
	<i>Vape/smoke shop and vape/smoke lounge</i>		<i>SUP</i>

### Division 15. Mixed Use, MU

#### Sec. 24-518. Use list.

In the mixed use districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, <del>tobacco and pipes</del> , toys, travel bureau, upholstery, wearing apparel, and yard goods	P	
	<i>Vape/smoke shop and vape/smoke lounge</i>		<i>SUP</i>

**Division 17. Economic Opportunity, EO**

**Sec. 24-536.4 Use list.**

In the economic opportunity districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plan supply, shoe, sporting goods, stamp, tailor, <del>tobacco and pipes</del> , toys, travel bureau, upholstery, wearing apparel, and yard goods	P	
	<i>Vape/smoke shop and vape/smoke lounge</i>		<i>SUP</i>

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Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

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Teresa J. Saeed  
Deputy Clerk to the Board

	VOTES				
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	
SADLER	_____	_____	_____	_____	
ICENHOUR	_____	_____	_____	_____	
MCGLENNON	_____	_____	_____	_____	
LARSON	_____	_____	_____	_____	
HIPPLE	_____	_____	_____	_____	

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2023.

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