

## RESOLUTION

### ZONING ORDINANCE TRANSITION

WHEREAS, the Board of Supervisors has adopted comprehensive revisions and amendments to sections of Chapter 24, Zoning, of the Code of the County of James City, Virginia, as described in Case Nos. ZO-0007-11, ZO-0008-2011, and ZO-0009-2011; and

WHEREAS, the orderly transition from the existing zoning regulations to revised regulations requires a transition resolution to affect changes in law.


NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby grandfathers proposed developments which meet the criteria identified below under the regulations in effect prior to the September 11, 2012, adoption of the comprehensive revisions to the James City County Zoning Ordinance, as described in Case Nos. ZO-0007-11, ZO-0008-2011, and ZO-0009-2011, if all of the following conditions were fully and completely met on or before September 11, 2012:

1. The landowner had obtained or was the beneficiary of a "significant affirmative governmental act" (as defined herein) which remains in effect allowing development of a specific project; and
2. Relied in good faith on the significant affirmative governmental act; and
3. Incurred extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

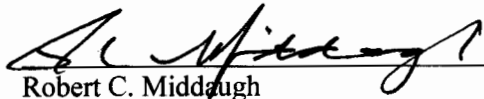
Each of the following are deemed to be a "significant affirmative governmental act":

- a. The board of supervisors has accepted proffers or proffered conditions which specify use related to a zoning amendment;
- b. The board of supervisors has approved an application for a rezoning, with master plan, for specific use(s) or density;
- c. The board of supervisors or board of zoning appeals has granted a special exception or use permit, with master plan, with conditions;
- d. The board of zoning appeals has approved a variance;
- e. The board of supervisors or its designated agent has approved a preliminary subdivision plat, site plan, or plan of development for the landowner's property and the landowner diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances;
- f. The board of supervisors or its designated agent has approved a final subdivision plat, site plan, or plan of development for the landowner's property; or

- g. The zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification, or reversal under subsection C of section 15.2-2311 of the Code of Virginia, 1950, as amended.

  
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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	___	___
JONES	<u>X</u>	___	___
KENNEDY	<u>Absent</u>	___	___
ICENHOUR	<u>X</u>	___	___
KALE	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2012.

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