

ADOPTED

OCT 9 2007

ORDINANCE NO. 31A-230

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

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 24-16, PROFFER OF CONDITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that the county shall utilize the conditional zoning authority granted pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended; and

BE IT FURTHER ORDAINED that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-16, Proffer of conditions.

Chapter 24. Zoning

Article I. In General

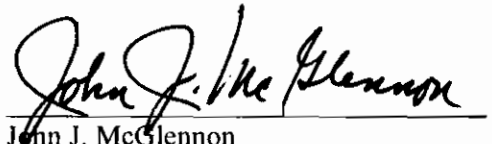
Section 24-16. Proffer of conditions.

The owner or owners of property making application for a change in zoning or amendment to a zoning map, as part of their application, may voluntarily proffer in writing reasonable conditions, prior to a public hearing before the board of supervisors, which shall be in addition to the regulations provided for in the zoning district or zone sought in the rezoning petition. The conditions shall be proffered as a part of the requested rezoning or amendment to the county's zoning map. ~~It is expressly provided, however, that the conditions so proffered are subject to the following limitations:~~

- (1) ~~The rezoning itself must give rise to the need for the conditions;~~

- (2) ~~Such conditions shall have a reasonable relation to the rezoning;~~
- (3) ~~All such conditions shall be in conformity with the Comprehensive Plan of the county;~~
- (4) ~~No proffer shall be accepted by the county unless it has adopted a capital improvement program pursuant to Virginia Code, section 15.2-2239. In the event proffered conditions include the dedication of real property or payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which such property is dedicated or cash is tendered are included in the capital improvement program; provided, that nothing herein shall prevent the county from accepting proffered conditions which are not normally included in such capital improvement program;~~
- (5) ~~If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of such property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.~~


*State law reference - Code of Va., § 15.2-2303.*



John J. McGlennon  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
HARRISON	AYE
BRADSHAW	AYE
GOODSON	AYE
ICENHOUR	AYE
MCGLENNON	AYE

ATTEST:



William C. Porter, Jr.  
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of October, 2007.