

ADOPTED

OCT 08 2019

**Board of Supervisors
James City County, VA**

ORDINANCE NO. 31A-346

AN ORDINANCE TO REAUTHORIZE CONDITIONAL ZONING UNDER SECTION 15.2-2303 OF THE CODE OF VIRGINIA AND 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.

WHEREAS, the Code of Virginia, 1950, as amended (the "Virginia Code") permits localities to authorize conditional zoning within their jurisdictions by adoption of a Zoning Ordinance; and

WHEREAS, by Ordinance No. 31A-230 adopted on October 9, 2007, the Board of Supervisors of the County of James City, Virginia (the "Board") authorized conditional zoning in the County under the authority granted pursuant to Section 15.2-2303 of the Virginia Code; and

WHEREAS, Section 15.2-2303 of the Virginia Code authorizes the Board to adopt reasonable regulations and provisions for conditional zoning as defined in Section 15.2-2201 of the Virginia Code.

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

BE IT FURTHER ORDAINED by the Board of Supervisors of the County of James City, Virginia, that an owner desiring a zoning map amendment may voluntarily submit any proffer that the owner deems reasonable and appropriate, as conclusively evidenced by the signed proffers.

BE IT FURTHER 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 24-16, Proffer of conditions.

Chapter 24. Zoning

Article I. In General

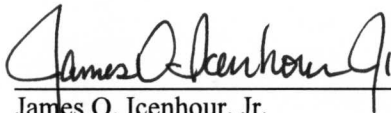
Sec. 24-16. Proffer of conditions.

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. No proffers shall be submitted or accepted for any new residential rezoning or zoning map amendment, or any new residential component of a multi-use district rezoning or zoning map amendment field after July 1, 2016 *unless such proffers are submitted pursuant to Section 15.2-2303.4(D) of the Code of Virginia, 1950, as amended.*

BE IT FURTHER ORDAINED by the Board of Supervisors of the County of James City, Virginia, that:

1. This Ordinance shall be effective as to any pending rezoning application in which the applicant elects to proceed hereunder by amendment of that pending application; and
2. An applicant with a pending application for a rezoning or proffer condition amendment that was filed prior to July 1, 2016, may continue to proceed under the law as it existed prior to that date; and
3. Determination of whether a proffer by a rezoning applicant is sufficient to offset the impacts of the proposed development shall be made on a case-by-case basis. Volunteering a proffer condition, including cash contributions, is in no way a requirement to obtaining a positive decision on a rezoning application. The acceptability of a proffer to offset any public impact, by itself, will not result in the approval of a rezoning application; and
4. Failure to submit proffers shall not be a basis for the denial of any rezoning or proffer condition amendment application.

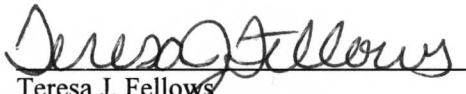
State law reference - Code of Va. §§ 15.2-2303, 15.2-2303.4(D)



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

VOTES
AYE NAY
ABSTAIN

ATTEST:



 Teresa J. Fellows
 Deputy Clerk to the Board

HIPPLE	✓	___	___
LARSON	✓	___	___
SADLER	✓	___	___
MCGLENNON	✓	___	___
ICENHOUR	✓	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of October, 2019.