

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE TRANSITION -

AMENDMENTS AND GRANDFATHER/VESTING RULES

WHEREAS, the Board of Supervisors is considering amendments to Section 23-9, Performance Standards of Chapter 23, Chesapeake Bay Preservation, of the Code of the County of James City, Virginia, which would establish buffers to protect certain Resource Management Areas ("RMA"); and

WHEREAS, the orderly transition from the existing Chesapeake Bay Ordinance to the revised Ordinance requires transition rules to affect the changes in law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the grandfathering/vesting rules for the revised Chesapeake Bay Preservation Ordinance, which has an effective date of January 1, 2008, as set forth below:

All site and subdivision plans (conceptual or preliminary) must comply with the revised Ordinance unless the plans fall under one or more of the following criteria:

1. *Final Site and Subdivision Plans.* Approved final plans that are still valid in accordance with Chapters 19 and 24 of the County Code will not be subject to the revised Ordinance. However, revisions to such approved plans that impact protected RMAs (protected RMAs as set forth in Section 23-9(b)(11) of the County Code) will have to comply with the provisions of the revised Ordinance.
2. *Preliminary Site and Subdivision Plans.* Approved preliminary plans that are still valid in accordance with Chapters 19 and 24 of the County Code will not be subject to the revised Ordinance. However, revisions to such approved plans that impact protected RMAs (protected RMAs as set forth in Section 23-9(b)(11) of the County Code) will have to comply with the provisions of the revised Ordinance.
3. *Site and Subdivision Plans in the Review Process.* Plans already in the development review process and those accepted for review prior to the effective date of the Ordinance will not be subject to the revised Ordinance. However, "accepted" shall mean that the plan contains all the information required in the Zoning and Subdivision Ordinance at the time of submission. Any plan determined to be deficient will need to be resubmitted, and if submitted after the effective date, it will have to comply with the revised Ordinance. However, revisions to such plans after submission that impact protected RMAs (protected RMAs as set forth in Section 23-9(b)(11) of the County Code) will have to comply with the provisions of the exception process set forth in Section 23-14(e) of the County Code.

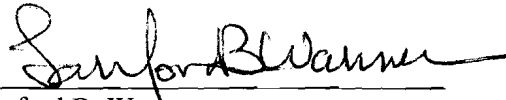
4. Conceptual Plans. Conceptual plans approved prior to the effective date of the Ordinance will not be grandfathered nor will they grandfather any subsequent site or subdivision plans.

5. Rezoning and Special Use Permits (SUPs). Approved rezoning and SUPs will have to comply with the provisions of the revised Ordinance unless the property cannot legally be developed to the proffered density, use, or square footage because of the new rules, or there is a specific feature (such as a house or other structure; a road, storm drain, or some other facility) shown on the proffered zoning plan that is located within the buffers protecting RMAs; in which case the landowner may develop to the proffered density, use, or square footage minimizing any intrusions into the buffers protecting RMAs, to the extent possible. The specific feature must be built consistent with all other applicable zoning and subdivision requirements. Once the specific feature is developed as shown on the proffered zoning plan, the provisions of the Ordinance buffers protecting RMAs shall apply in full to any future development.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	NAY
BRADSHAW	AYE
GOODSON	AYE
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of December, 2007.

ChesBayOrd.res