

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

AFD-9-86-3-2010. GORDON CREEK - 3603 NEWS ROAD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, to add 30.74 acres of land owned by Jerry and Martha Nixon located at 3603 News Road and identified as James City County Real Estate Tax Map No. 3730100003 to AFD 9-86, which is generally known as the 3,203.8-acre "Gordon Creek Agricultural and Forestal District (AFD)"; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the addition of land to the Gordon Creek AFD; and

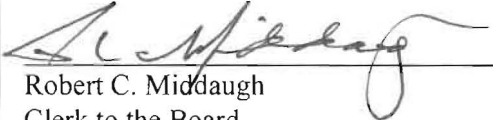
WHEREAS, the AFD Advisory Committee, at its meeting on October 19, 2010, voted 6-0 to recommend approval of this application; and

WHEREAS, the Planning Commission, following its public hearing on November 3, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby adds 30.74 acres owned by Jerry and Martha Nixon as referenced herein to the 3,203.8 acres of the Gordon Creek AFD with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

James G. Kennedy  
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2010.

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