

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

ESTABLISHMENT OF CARTER'S GROVE

AGRICULTURAL AND FORESTAL DISTRICT (AFD-01-02)

WHEREAS, in accordance with Sections 15.2-4307 and 15.2-4309 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 application for an Agricultural and Forestal District in the Carter's Grove area; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on July 22, 2002, unanimously recommended approval of the application for a term of four years; and

WHEREAS, the Planning Commission, following its public hearing on September 9, 2002, by a vote of 6-0 with one abstention, recommended approval of the application for a term of four years.

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

1. The Carter's Grove Agricultural and Forestal District has been created for a period of four years beginning the 8th day of October, 2002, and includes the following parcels:

(58-2)(1-2)	Colonial Williamsburg Foundation	76.50 acres
(59-1)(1-21)	Colonial Williamsburg Foundation	1.56 acres
(59-1)(1-30A)	Colonial Williamsburg Foundation	<u>242.30 acres</u>

Total: 320.36 acres

2. Pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Carter's Grove Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is to be limited to parcels of 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.

- b. No land outside the Primary Service Area and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to the Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
  - c. No special use permit shall be issued except for agricultural, forestal or other activities, and uses consistent with State Code Section 15.2-4312 et. seq., which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities or for underground water and sewer lines.
3. All land within 50 feet of the existing right-of-way on both sides of Route 60, Pocahontas Trail; all land within the Colonial Pipeline Easement; all land within the HRSD Easement; and all land within ten feet adjacent to both sides of the HRSD easement be excluded from the district as needed for future improvements and expansion.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of October, 2002.

Carter'sGrove.res