

ORDINANCE NUMBER _____

**AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT A
BOATHOUSE TO BE LOCATED WHERE THERE IS NO EXISTING
RESIDENCE ON PROPERTY LOCATED AT 13302 DOGETT LANE
WITH TAX MAP NUMBER 33-01-001**

WHEREAS, Sarah Robinson, property owner, has requested a conditional use permit to allow for a boathouse to be located where there is no existing residence in accordance with Section 1-1017 of the County Zoning Ordinance on certain tracts of land situated in Isle of Wight County, Virginia, with tax map number 33-01-001 which land is depicted on Exhibit "B"; and

WHEREAS, the procedural requirements of Appendix B, Zoning Ordinance, of the Code of Isle of Wight County, Virginia, 2005 (as amended), have been followed; and

WHEREAS, in acting upon this request, the Planning Commission and Board of Supervisors have considered the matters enunciated in Section 15.2-2284 of the Code of Virginia (1950), as amended, and Section 1-1017 of the Isle of Wight County zoning ordinance with respect to the purposes stated in the Code of Virginia (1950), as amended, Sections 15.2-2200 and 15.2-2283; and

WHEREAS, the Planning Commission has made a recommendation as stated in Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors, that:

Section 1. Exhibits.

Exhibit "A", "Planning Commission Recommendation" and Exhibit "B", "Zoning/Land Use Map", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

The Board of Supervisors finds that the proposal for a conditional use permit, as submitted or modified with conditions herein, the expressed purpose of which is to permit a boathouse to be located where there is no existing residence in conformity with the standards of the Isle of Wight County Zoning Ordinance, and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities with the conditions set forth below.

These findings are based upon the consideration for the existing use and character of property, the Comprehensive Plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestal land, the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the County.

These findings are based upon a determination that the most reasonable and limited way of avoiding the adverse impacts of a boathouse where there is no existing residence is by the imposition of the conditions provided herein.

Section 3. Permit Granted.

The conditional use permit for the property be, and it is hereby, approved for the property, subject to the general conditions set forth in Section 4. The conditional use permit specifically permits a boathouse to be located where there is no existing residence in compliance with the County zoning ordinance.

Section 4. General Conditions.

- (a) The conditional use permit may be revoked by the Board upon failure to comply with any of the conditions contained herein in the same manner as which the permit was granted.
- (b) To the extent applicable, the requirements set forth in the County zoning ordinance shall be met.
- (c) The commencement of the use described in Section 3 of this ordinance shall be deemed acceptance by Isle of Wight County, property owner, or any party undertaking or maintaining such use, of the conditions to which the conditional use permit herein granted is subject.

Section 5. Severability.

It is the intention of the Board of Supervisors that the provisions, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable; and if any phrase, clause, sentence, paragraph, section and provision of this ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination.

Section 6. Recordation.

A certified copy of this ordinance shall be recorded, by the applicant, in the name of the property owner as grantor in the office of the Clerk of Circuit Court.

Section 7. Effective Date.

This ordinance shall be effective upon passage and shall not be published or codified. The conditional use authorized by this permit shall be implemented within two (2) years from the date of approval by the Board of Supervisors and shall terminate if not initiated within that time period.

READ AND PASSED: _____

TESTE: _____
Carey Storm, Clerk to the Board of
Supervisors

Approved as to Form:

Robert W. Jones, Jr., Interim County Attorney