

ORDINANCE NUMBER: _____

AN ORDINANCE TO REZONE A PARCEL ZONED GC, GENERAL COMMERCIAL, TO UR, URBAN RESIDENTIAL, FOR PROPERTY LOCATED ON SUGAR HILL ROAD, TAX PARCEL IDENTIFICATION NUMBER 34-01-106B; ZA-5-18

WHEREAS, KS Carrollton, LLC, applicant, and Nathan J. Forrest, property owner, have requested to rezone 1.134 acres located near the intersection of Sugar Hill Road and Carrollton Boulevard, (Rte.17) on the property with tax parcel identification number 34-01-106B, which land is depicted on Exhibit "B" from GC, General Commercial, to UR, Urban Residential, to allow for a 12-unit condominium structure; 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 1-1015 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"; and,

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

Section 1. Exhibits.

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

Section 2. Findings.

A. The Board finds that the proposed amendment to conditional zoning is reasonable and warranted due to a change in circumstances affecting the property, and has considered the following factors and finds that the proposed amendment to conditional zoning does not conflict with:

1. the existing use and character of property within the County;
2. the suitability of the property for various uses;
3. the trends of growth or change;
4. the current or future requirements of the community as to land for various purposes as determined by the population and economic studies and other studies;
5. the transportation requirements of the community;
6. the requirements for airports, housing, schools, parks,

- playgrounds, recreation areas and other public services;
7. the conservation of natural resources;
 8. the preservation of flood plains;
 9. the preservation of agricultural and forestal land;
 10. the conservation of properties and their values; and
 11. the encouragement of the most appropriate use of land throughout the County.

Section 3. 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 4. 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.

This ordinance shall be effective upon passage and shall not be published or codified.

READ AND PASSED: _____
Chairman, Isle of Wight County Board of Supervisors

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

Approved as to Form:

Robert W. Jones, Jr., Interim County Attorney