

ORDINANCE NUMBER _____

**AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO EXPAND
AN EXISTING RESOURCE EXTRACTION OPERATION ON PROPERTY
LOCATED ALONG MUDDY CROSS DRIVE WITH TAX PARCEL NUMBER
41-01-055**

WHEREAS, Ann Marie Kirk, owner, and Bay Sand Company, Inc., applicant, have requested a conditional use permit for resource extraction in accordance with the County Zoning Ordinance on a certain tract of land located on Muddy Cross Drive with tax parcel number 41-01-055, 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 Code of Virginia (1950), as amended, Section 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 of Isle of Wight County, Virginia, that:

Section 1. Exhibits.

Exhibit "A", "Planning Commission Recommendation" and Exhibit "B", "Property 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 (CUP-02-19), as submitted or modified with conditions herein, the expressed purpose of which is to permit resource extraction, is 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 the property, the Comprehensive Plan, the suitability of the property of 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 of airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation floodplains, 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 most reasonable and limited way of avoiding the adverse impacts of resource extraction is by the imposition of the conditions provided herein.

Section 3. Permit Granted.

The conditional use permit for the property be, and is hereby approved for the property, subject to the following conditions and the general conditions set forth in Section 4 hereof. The conditional use permit specifically permits resource extraction in compliance with the County Zoning Ordinance.

Section 4. 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 judgement or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrase, clauses, sentences, paragraphs, sections, and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination

Section 5. 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 that date of approval by the Board of Supervisors and shall terminate if not initiated within that time period.

This ordinance shall be effective upon passage and shall not be published or codified.

DATE: _____

READ AND PASSED: _____
Chairman, Board of Supervisors

TESTE: _____
Clerk, Board of Supervisors

Approved as to Form:

Robert W. Jones Jr, County Attorney