

Public Hearing Initiation Request

Ordinance 23-172- Development Review Procedures

June 7, 2017
Planning Commission

Zoning Review & Update

- The impetus for ongoing review and update efforts within the Zoning Ordinance is driven by Vision Strategy A.5 of the Spotsylvania County Comprehensive Plan. This is a Comprehensive Plan Implementation Item.

Proposed Amendments

- Section 23-4.1. Required Permits and Approvals;
- Section 23-4.4. Permitted Uses;
- Section 23-4.5. Special Uses;
- Section 23-4.7. Text Amendments;
- Section 23-4.8. Variances;
- Section 23-4.9. Appeals of Administrative Decisions;
- Section 23-4.12. Building Permit;
- Section 23-4.13. Occupancy Permit and Zoning Certification.

Common Amendments

- Formatting amendments;
- Clarify vague references;
- Capitalization referencing County permits, forms, position titles for consistency with comprehensive Zoning Ordinance efforts;
- Update code to reflect related amendments approved elsewhere.

Chapter 23, Article 4: Division 1- Required Permits and Approvals; Fees

- Formatting amendments;
- Correct “occupancy permit” to “Certificate of Occupancy”;
- 23-4.1.1(j), to correct zoning district references removing “A-1”, adding “PRR”, correcting reference from “VR” to “V” resulting from recent amendments elsewhere;
- 23-4.1.3, to combine similar complementary subject matter related to review fees of the Unified Fee Schedule.

Chapter 23, Article 4: Division 4- Permitted Uses

- Formatting amendments;
- References to an “occupancy permit” have been corrected to refer to a “Certificate of Occupancy”.

Chapter 23, Article 4: Division 5- Special Uses

- Formatting amendments;
- Sec. 23-4.5.2, Correct “occupancy permit” to “Certificate of Occupancy”;
- Sec. 23-4.5.3
 - (a) proposal clarifies those who may file a special use permit application.
 - In (b) the pre-application meeting for special use is proposed to be amended from “encouraged” to a requirement.
 - In (c) clarifies application requirements where appropriateness or applicability deviates from standard County forms.
 - Revised Generalized Development Plan content requirements as part of application submittal.

Chapter 23, Article 4: Division 5- Special Uses

- Sec. 23-4.5.4, clarifies procedural details related to project review and public hearing scheduling.
- Sec. 23-4.5.6, revise a Code reference related to public notice requirements in (a). Procedural details have been further elaborated upon in draft (b)(3) specifying a Board of Supervisors option during public hearing to continue the public hearing to a future meeting.
- Sec. 23-4.5.7, Use specific standards for Automobile, tractor and trailer repair shops, Places of worship, Private Schools, Wineries in A-1, A-2, A-3 and Ru Districts have been proposed to be removed in the draft ordinance.

Chapter 23, Article 4: Division 7- Text Amendments

- Formatting amendments;
- Sec. 23-4.7.6, adds procedural details related to review and recommendation by the Historic Preservation Commission when establishing a Historic Overlay District or designating a historic landmark. No substantive change results.

Chapter 23, Article 4: Division 8- Variances

- Formatting amendments;
- Update/ correct a reference to the Code of Virginia.

Chapter 23, Article 4: Division 9- Appeals of Administrative Decisions

- Formatting amendments;
- Sec. 23-4.9.1 (b) includes procedural clarifications related to Zoning appeals;
- Sec. 23-4.9.3 (c) clarifies that four (4) concurring votes necessary in order to overturn a Zoning Administrator decision by the Board of Zoning Appeals.
- Sec. 23-4.9.5 updates/ corrects Code of Virginia reference.

Chapter 23, Article 4: Division 12- Building Permit

- Formatting amendments;
- Link Building Permit issuance to the Virginia Uniform Statewide Building Code.

Chapter 23, Article 4: Division 13- Certificate of Occupancy and Zoning Approval

- Correct “occupancy permit” to “Certificate of Occupancy” or “Zoning Approval” depending on responsible party;
- Sec. 23-4.13.1, to remove (b) pertaining to issuance of an occupancy permit has been supported through consultation with the County Zoning and Building office. The change is meant to focus on Zoning related responsibilities administered by the Zoning Administrator.
- Sec. 23-4.13.4, Full re-write/ simplification of Issuance of Certificate of Occupancy language;
- Sec. 23-4.13.5, procedural clarification adding Temporary Zoning Approval may be extended by the Zoning Administrator. This amendment is supported with consultation from the Zoning office.

Recommendation

- Staff recommends that the Planning Commission initiate the ordinance amendments for public hearings with the following motion:

Based upon the public necessity, convenience, the general welfare, good zoning practices and compliance with the Virginia Code, I move that the Planning Commission initiate changes to the Spotsylvania County Ordinances found in Chapter 23 amending and adding provisions related to Ordinance 23-172- Development Review Procedures, specifically Section 23-4.1. Required Permits and Approvals; Section 23-4.4. Permitted Uses; Section 23-4.5. Special Uses; Section 23-4.7. Text Amendments; Section 23-4.8. Variances; Section 23-4.9. Appeals of Administrative Decisions; Section 23-4.12. Building Permit; Section 23-4.13. Occupancy Permit and Zoning Certification.