

TOWN COUNCIL STAFF REPORT: ORDINANCE AMENDMENT
PUBLIC HEARING: TUESDAY, MARCH 7TH, 2023
SMITHFIELD ZONING ORDINANCE ARTICLE 5.I.5.:
Conditional Zoning and Proffers

Town staff is suggesting a text amendment to Article 5.I.5 of the Smithfield Zoning Ordinance. Section I.5 currently reads “No amendment shall be made to any accepted proffer except in the manner of a new rezoning application as set forth herein.” This language is contradictory to Virginia Code 15.2-2302.B, which allows amendments to proffered conditions, where such amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing.

Town staff is proposed the following addition:

5. No amendment shall be made to any accepted proffer except in the manner of a new rezoning application as set forth herein. **However, where an amendment to such proffered conditions is requested, and where such amendment does not affect condition of use or density, a local governing body may waive the requirement for a public hearing and new rezoning application, by majority vote at the next regularly scheduled Town Council meeting.**

This last part of the sentence was suggested as an addition by the Planning Commission at the Tuesday, February 14th, 2023 Planning Commission meeting.

Town staff recommend a robust discussion and agreement on finalized language.

For convenience, a redlined version of the Smithfield Zoning Ordinance follows this staff report.

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