

TOWN COUNCIL STAFF REPORT: ORDINANCE AMENDMENT

DISCUSSION ITEM: TUESDAY, APRIL 4TH, 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 language:

5. ~~No amendment shall be made to any accepted proffer except in the manner of a new rezoning application as set forth herein.~~ There shall be no amendment or variation of any conditions proffered pursuant to Article 5, until after a public hearing before the governing body. 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 a majority vote at the next regularly scheduled Town Council meeting.

This application item appeared on the Planning Commission agenda as a Public Hearing on February 14th, 2023 and was favorably recommended to Town Council. At the March 7th Town Council meeting, this item was sent back to the Planning Commission with the updated language, for review and recommendation. At the March 14th Planning Commission meeting, this item was favorably recommended to Town Council.

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

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

Please direct inquiries to Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov.