

MOTION: ANDERSON

**May 15, 2018
Regular Meeting
Ord. No. 18-26**

SECOND: LAWSON

**RE: ZONING TEXT AMENDMENT #DPA2017-00006 – PUBLIC HEARING
NOTICE REQUIREMENT – COUNTYWIDE**

ACTION: APPROVED

WHEREAS, in accordance with Sections 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, convenience, general welfare, or good zoning practice require such change; and

WHEREAS, on August 3, 2016, Supervisor Ruth Anderson requested staff prepare the appropriate agenda item to initiate a Zoning Text Amendment to increase the land use public hearing notification requirement from a 200 foot radius to 500 feet; and

WHEREAS, on September 6, 2016, the Board of County Supervisors initiated a zoning text amendment to change the public hearing notification requirement from 200 feet to 500 feet for rezonings and special use permits, through Resolution Number 16-699; and

WHEREAS, on January 19, 2018, the Development Ordinance Review Advisory Committee (DORAC) reviewed the proposed Zoning Text Amendment and staff revised the text based on input received; and

WHEREAS, on January 24, 2018, the Planning Office held a public information meeting and further revisions were made to the text; and

WHEREAS, on February 7, 2018, the proposed Zoning Text Amendment was presented to the Planning Commission for discussion during a Work Session; and

WHEREAS, the Prince William County Planning Commission held a public hearing on the Zoning Text Amendment on April 18, 2018, after which it adopted Planning Commission Resolution Number 18-041, recommending adoption by a vote of 6-0; and

WHEREAS, County staff recommends adoption of this amendment; and

WHEREAS, the Prince William County Board of County Supervisors duly ordered, advertised, and held a public hearing on May 15, 2018, at which time public testimony was received and the merits of the above-referenced request were considered; and

WHEREAS, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with Section 15.2-2283 of the Code of Virginia, Ann;

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NOW, THEREFORE, BE IT ORDAINED, that the Prince William County Board of County Supervisors does hereby adopt Zoning Text Amendment #DPA2017-00006, Public Hearing Notice Requirements.

ATTACHMENT: Text Amendment

Votes:

Ayes: Anderson, Caddigan, Candland, Jenkins, Lawson, Nohe, Principi, Stewart

Nays: None

Absent from Vote: None

Absent from Meeting: None

For Information:

Planning Director

County Attorney

ATTEST: _____


Clerk to the Board

PUBLIC HEARING NOTICE

Sec. 32-201.14 – Procedure for consideration of applications for public facility determinations.

- (a) Application procedures. Submission of a site or subdivision plan shall constitute sufficient application for a determination as to plan conformity review under the provisions of this section unless the Planning Director requests more information under this section, or separate application may be made where no site or subdivision plan is submitted. The Planning Director may require any applicant to provide such additional information as needed to identify the nature, general or approximate location, character, and extent of the public use, structure, or facility proposed, in accordance with procedures adopted by the Planning Office.

The Planning Director shall examine the application to determine whether it is in proper form, and shall advise the applicant of the date on which his application was accepted for review, or what further information is required to constitute a satisfactory application.

- (b) When the Planning Director determines that the application is complete, the applicant and the planning commission shall be advised. Prior to a public hearing, all public facility determinations shall be advertised in accordance with Section 32-700.60. The Planning eCommission shall hear and decide the application within 60 days, unless such time is extended by the Board of County Supervisors prior to the expiration of the said 60 days. Notwithstanding the above, the Planning eCommission shall hear and decide all applications for telecommunication facilities within 90 days, unless such time is extended by the Board of County Supervisors by no more than 60 additional days, or the applicant has agreed to a voluntary extension of time. Failure of the eCommission to make a final decision as required hereby shall be deemed approval of the submission under consideration.
- (c) The planning commission shall communicate in writing its determinations to the Board of County Supervisors. The Planning Director shall communicate the eCommission's determination with respect to any application presented to it hereunder to the Board of County Supervisors and the County Attorney. The Planning Director may incorporate an applicant's request for an extension of the 60-day time frame for the Planning eCommission to hear and act upon those determinations scheduled for public hearing.

(Ord. No. 94-76, 11-1-94; Ord. No. 04-78, 12-21-04)

Sec. 32-700.20. - Landowner initiated rezonings; mandatory submission requirements.

An application by an individual property owner shall be made to the Planning Office and shall include the items listed in this section. Except for the filing fee, and unless otherwise determined at a preapplication conference, 25 collated sets of the following information, shall be submitted:

1. A fully completed application form (which shall be supplied by the Planning Director) signed by the property owner (or duly authorized agent). The application form shall include the name and current mailing address of the applicant and all record owners of the property with a ten percent or greater interest, the zoning classification sought, and

- any other information as may be reasonably required by the Planning Director on the application.
2. The latest deed for the property and an accurate plat of the property of a scale of one inch equals 100 feet or less prepared by a certified land surveyor, which shall show:
 - (a) Bearings and distances of a scale of one inch represents 100 feet or less for all property lines and existing and proposed zoning district lines;
 - (b) Area of land proposed for consideration, in square feet or acres;
 - (c) Scale and north point;
 - (d) Names of boundary roads or streets and widths of existing rights-of-way;
 - (e) Each area of requested map amendment outlined in red.
 3. A written boundary description of the land which is the subject of the application, which must conform to the plat information.
 4. A general development plan, as set forth by section 32-700.21.
 5. The names and mailing addresses, as listed in the current real estate tax assessment books or current real estate tax assessment records, of all property owners, in all directions, within ~~200~~ 500 feet of the perimeter of the property to be rezoned. Even if less than the entire record parcel is to be rezoned, then the names and addresses of all property owners within ~~200~~ 500 feet of the parcel boundaries shall be provided. When a proposed rezoning includes a proposal to exceed the maximum height permitted within the subject zoning district, the names and mailing addresses required herein shall be provided for all property owners within 1,320 feet in all directions of the land involved.
 6. Additional information as required by sections 32-700.23 through 32-700.25.
 7. A filing fee, in the amount established by the Board of County Supervisors pursuant to resolution.
 8. An inventory of the historical records research completed including the maps and documents available through the Historical Commission for prehistoric and historic resources. The sources consulted for determining that the site has or does not have special significance shall be referenced, and shall include, but not be limited to the following:
 - County Comprehensive Plan, Cultural Resources Element.
 - The Virginia Department of Historic Resources; Archaeological and Architectural Site Survey Files.
 - The Prince William County Cemetery Inventory.
 9. A phase I cultural resources survey, performed in accordance with the guidelines of the Virginia Department of Historic Resources, with the scope of work approved by the County, for property that is on the County Register of Historic Sites as shown in the Comprehensive Plan, and for property within highly sensitive areas for cultural resources on the high sensitivity areas and County Registered Historic Sites Map of the Comprehensive Plan, or as indicated as having a medium to high potential on the application's cultural resources assessment and records check.

10. Traffic impact analysis when required under the criteria established in the Design and Construction Standards Manual.
11. A narrative description analyzing the consistency of the application responding to the intent, goals, policies and action strategies for each element of the Comprehensive Plan.
12. If proposed, provisions for affordable housing units for any development on which a residential component is to be constructed.

(Ord. No. 92-59, 6-16-92; Ord. No. 02-05, 1-22-02; Ord. No. 04-78, 12-21-04; Ord. No. 09-30, 5-19-09)

Sec. 32-700.60. - Notice requirements for map amendments and Special Use Permits.

Prior to a public hearing on a map amendment, public facility determination, or Special Use Permit before the Planning Commission or Board of County Supervisors, notice as required by this section shall be given. The Planning Commission shall not recommend nor the Board of County Supervisors approve any amendment or Special Use Permit until such notice is given. Notice of amendments or Special Use Permits need not be advertised in full, but may be advertised by reference, provided that the place where copies of such amendments or Special Use Permits may be viewed shall be included in the notice. In the case of a proposed amendment to the zoning map, such public notice shall state the general usage and density range of such proposed amendment and the general usage and density range of the applicable part of the Comprehensive Plan.

1. Notice of a zoning map amendment or Special Use Permit shall be published once a week for two successive weeks (with not less than six days elapsing between the first and second publication) in a newspaper having general circulation in the County. Notice for both the planning commission and Board of County Supervisors may be published concurrently. Notice shall specify the time and place of the public hearing, which shall be held not less than five days nor more than 21 days after the second advertisement shall have appeared.
2. When a proposed map amendment involves a change in the zoning map classification of 25 or fewer parcels of land, written notice shall be sent by first class mail by the Planning Director, or his designee, to the owner, agent, or occupant of each parcel within ~~200~~ 500 feet in all directions of the property to be rezoned, as well as to the owner, agent, or occupant of the property to be rezoned in the case of a rezoning initiated by the Board of County Supervisors. If any portion of a planned development district is within ~~200~~ 500 feet of the property to be rezoned, then notice shall be given to the home owner association within the planned development district that has members owning property located within 2,000 feet of the property to be rezoned. Notice shall be sent at least five days before the public hearing to the last known address as shown on the current real estate tax assessment books or current real estate tax assessment records, and the person sending such notice shall make affidavit, and file it with the papers in the case, that such notice was mailed. Written notice for Special Use Permits shall be sent by first class mail by the Planning Director or his designee for such permit to the owner, agent or occupant of each property, in all directions, within ~~200~~ 500 feet of the site of the proposed special use, as well as to the owner, agent, or occupant of the property that is the subject of the Special Use Permit in the case of a Special Use Permit initiated by the Board of County Supervisors. Such notice shall be in a form approved by the Planning Director, and shall

be mailed at least five days before the date of the public hearing to the last known address as shown on the current real estate tax assessment books. If the hearing is continued, notice shall be remailed. The applicant shall make affidavit that such notice was mailed in accordance with these provisions, and shall file the affidavit with the Planning Director at least five days before the date of the public hearing.

3. When a proposed map amendment involves a change in the zoning map classification of more than 25 parcels of land, written notice shall be sent by first class mail by the Planning Director, or his designee, to the owner, owners or their agents of each parcel of land involved. Notice shall be sent at least five days before the public hearing. one notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that the Planning Director, or his designee, shall make affidavit that such mailings have been made, and shall file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequent adopted amendment or ordinance because of the inadvertent failure by the Planning Director, or his designee, to give written notice to the owner, owners or their agents of any parcel involved.
4. Notice of a map amendment or Special Use Permit shall be given by the posting of at least one sign on the property involved at least 15 days prior to the date of the public hearing. Additional signs shall be required for properties with more than one road frontage, or properties with more than 200 feet of frontage along one road. Such signs shall be supplied by the Planning Director, and shall be posted by the applicant, who shall make affidavit that posting in accordance with these provisions was done, and shall file such affidavit with the Planning Director within three days after posting of the property. Such signs shall be posted between three and six feet in height in the following manner:
 - (a) All signs shall be posted so as to assure the greatest public visibility practical.
 - (1) Signs shall be posted adjacent to the street right-of-way abutting the site, no more than ten feet from the edge of said right-of-way. If more than one street abuts the site, at least one sign shall be posted along each abutting street. If no street abuts the site, at least one sign shall be posted along the closest public street, with a note added to locate the property in direction and distance from the sign. If more than one sign is posted along the same road frontage, such signs shall be posted at least 200 feet apart.
 - (2) Posting of land proposed to be included in a Highway Corridor Overlay District shall occur at street intersections within the proposed corridor.
 - (3) No posting shall be required for other overlay district applications except where 25 or fewer parcels are proposed to be affected; in such event, posting shall be made as for other map amendment.
 - (b) The applicant shall be responsible for maintaining the signs in good condition until the public hearing, and shall replace damaged or removed signs as soon as practical. It shall be a violation of this chapter to damage or remove a public notice sign erected under these provisions, and each sign shall carry a warning to this effect.

- (c) All signs shall be removed by the applicant within ten days of the final action of the planning commission and/or Board of County Supervisors.
5. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessee's association, respectively, in lieu of each owner.
 6. A party's actual notice of, or active participation in, the proceedings for which written notice is required, shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.
 7. When (i) a Comprehensive Plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public use airport, then written notice shall be given consistent with Code of Virginia, § 15.2-2204(D).
 8. When a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice shall be given consistent with Code of Virginia, § 15.2-2204(B).
 9. When a proposed amendment to the zoning ordinance or application for public facility determination or Special Use Permit includes a proposal to exceed the maximum height permitted within the subject zoning district, written notice as required in Subsections (2) and (3) above shall be provided to the owner, agent, or occupant of each parcel within 1,320 feet in all directions of the land involved.

(Ord. No. 92-37, 3-17-92; Ord. No. 94-1, 1-11-94; Ord. No. 95-47, 6-27-95; Ord. No. 96-77, 8-6-96; Ord. No. 04-78, 12-21-04; Ord. No. 14-17, Attch., 4-15-14)