



STAFF REPORT
ACTION ITEM

Item #13h

SUBJECT: Initiation of Zoning Ordinance Text Amendments

DATE OF MEETING: October 11, 2016

STAFF CONTACTS: Sally Hankins, Town Attorney

SUMMARY:

At the Town Council meeting on September 27, 2016, Town Council adopted a motion directing the Town Attorney to draft a Resolution initiating Zoning Ordinance text amendments relating to Stream and Creek Buffers, C-4 District Building Height Limits, Civil Penalties, Screenings and Plantings, and Clearing Limits for Minimum Plan Requirements. After the meeting, the Town Attorney conferred with Council Member Grim, as the maker of the motion, to understand the nature of the amendments. Based on that conversation, the attached Resolution initiating the text amendments was drafted.

The attached Resolution proposes the following:

1. Amend the Zoning Ordinance to lower the maximum heights allowed in the C-4 Zoning District under various conditions; and
2. Amend the Zoning Ordinance to add tree preservation requirements, to increase the quantity and quality of required tree and vegetative plantings within the Town's Stream and Creek Buffer, and to increase the required quantity and quality of tree and vegetative plantings on non-residential properties; and
3. Review and amend Articles 7 and 14 of the Zoning Ordinance, which govern Landscaping, Buffering, Open Space, and Stream and Creek Buffers, in order to remove ambiguities, reflect state code requirements, and clarify existing language; and
4. Amend the Zoning Ordinance to add a schedule of civil financial penalties that will be imposed for violations of the Zoning Ordinance.

RECOMMENDATION:

The attached Resolution accomplishes the above purposes and its adoption is at the discretion of Town Council.

ISSUES:

1. The proposed text amendments are a significant undertaking. For that reason, the Resolution authorizes the Planning Commission to take more than the 100 days allowed by statute to present its recommendations to Town Council. The Resolution, however, imposes no deadlines on the Planning Commission. Town Council should consider whether it would like to impose one or more deadlines on the process.
2. The Resolution directs the proposed amendments to be undertaken in a particular order. Town Council may, at its discretion, revise the order.

BUDGET IMPACT:

There is no budget impact with this item.

MOTION:

I move that Town Council adopt Resolution 16-10-02, initiating amendments to Article 7, Article 14, Article 4 Section 9.8, and Article 11, Section 17 of the Zoning Ordinance.

ATTACHMENT(S):

1. Resolution 16-10-02

**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

RESOLUTION NO. 16-10-02

PRESENTED: October 11, 2016
ADOPTED: _____

A RESOLUTION: INITIATING AMENDMENTS TO ARTICLE 7 (LANDSCAPING, BUFFERING, AND OPEN SPACE REGULATIONS), ARTICLE 14 (STREAM AND CREEK BUFFER), ARTICLE 4 SECTION 9.8 (C-4 CENTRAL COMMERCIAL DISTRICT, HEIGHT STANDARDS), AND ARTICLE 11, SECTION 17 (VIOLATION AND PENALTIES) OF THE ZONING ORDINANCE

WHEREAS, the Town Council desires to amend the Zoning Ordinance to lower the maximum heights allowed in the C-4 Zoning District under various conditions; and

WHEREAS, the Town Council desires to amend the Zoning Ordinance to add tree preservation requirements, to increase the quantity and quality of required tree and vegetative plantings within the Town's Stream and Creek Buffer, and to increase the required quantity and quality of tree and vegetative plantings on non-residential properties; and

WHEREAS, in addition to increasing the quantity and quality of required tree and vegetative plantings as stated above, the Town Council desires to wholly review and amend Articles 7 and 14 of the Zoning Ordinance, which govern Landscaping, Buffering, Open Space, and Stream and Creek Buffers, in order to remove ambiguities, reflect state code requirements, and clarify existing language; and

WHEREAS, under authority granted by Va. Code 15.2-2209, the Town Council desires to adopt a schedule of civil financial penalties that will be imposed for violations of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Purcellville that:

1. The public necessity, convenience, general welfare, and good zoning practice require consideration of these proposed amendments to the Zoning Ordinance, which are hereby initiated and referred to the Planning Commission, to be considered and acted upon in the following order:
 - a. Tree Planting, Tree Preservation, Landscape, and Stream & Creek Buffer Amendments to Article 7 and Article 14
 - b. C-4 District Height Standard Amendments to Article 4, Section 9.8

A RESOLUTION: INITIATING AMENDMENTS TO ARTICLE 7 (LANDSCAPING, BUFFERING, AND OPEN SPACE REGULATIONS), ARTICLE 14 (STREAM AND CREEK BUFFER), ARTICLE 4 SECTION 9.8 (C-4 CENTRAL COMMERCIAL DISTRICT, HEIGHT STANDARDS), AND ARTICLE 11, SECTION 17 (VIOLATION AND PENALTIES) OF THE ZONING ORDINANCE

- c. Civil Financial Penalties Amendments to Article 11, Section 17
2. As to each amendment, the Planning Commission shall present to the Town Council its recommendations prior to holding a public hearing, and will take into consideration any comments from Town Council. Thereafter, the Planning Commission shall hold a public hearing and may make appropriate changes to the proposed ordinance or amendment as a result of the hearing. Finally, the Planning Commission will present the proposed amendment to the Town Council together with its recommendations and explanatory materials.
 3. The Town Council authorizes the Planning Commission to present the proposed amendments to Town Council more than 100 days after this resolution is adopted.

PASSED THIS ____ DAY OF _____, 2016.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

Jimmerson - Aye
Mayor - Aye

h. Initiation of Zoning Ordinance Text Amendments

Sally Hankins stated that as a result of the last meeting was asked to come back with a resolution that would initiation several zoning ordinance text amendments. Ms. Hankins noted that the prepared resolution is legally sufficient in her opinion however more detail can be added into the purpose in the “whereas” clauses to explain why each amendment is in the public interest and in good zoning practices if Council desires.

Council member McCollum stated he feels it is a better practice for Council to refer the subject of a text amendment to the Planning Commission to review, hold public hearings, and return to Council with recommended action. Council member McCollum stated he feels the four “whereas” clauses have distinct differences in the text pertaining to lowering the maximum heights of the C-4 central commercial district which tells the Planning Commission to lower the height limits and feels the other three are more general in directive to the Planning Commission and allow the Planning Commission and public to explore alternatives. Council member McCollum added he does not feel the first “whereas” paragraph and the first paragraph 1b under the resolution are consistent as 1b contains no language about lowering the heights. Council member McCollum suggested taking the first “whereas” and changing it to be “the Town Council desires that the Planning Commission review the height provisions allowed in the C-4 central commercial district as may be impacted by Article 14a Historic Quarter Overlay District.

Council member Ogelman added he feels Council member McCollum’s comments adds more specificity at one point and generalizes at another point and agrees about saying something about reviewing the height but limiting the review of height only to the historic overlay district does not make sense as in the proposal.

Council member Grim stated the initiatives are coming forward from the Planning Commission with their desire to move forward and pursue the items based on the comprehensive plan and the review as it has come forward with comments. Council member Grim explained the County’s process.

Council member Bledsoe added he shares the same concern as Council member McCollum with the specificity of the first “whereas” and feels Council should direct the Planning Commission to review and potentially recommend adjustments to the height limits within those districts. Council member Bledsoe added he feels a prioritization order be provided and would like to see Civil Financial Penalties as the first priority of the three followed by Height Standards and then the Tree Planting.

Council member Ogelman stated he feels Council member Grim is correct and as members of Town Council are to represent the values of the citizens and what the Planning Commission has brought forth and what the town has expressed as a majority as far as values gets to what Sally Hankins stated which is what the Planning Commission has requested.

Council member Grim made a motion that Town Council adopt Resolution 16-10-02, initiating amendments to Article 7, Article 14, Article 4 Section 9.8, and Article 11 Section 17 of the Zoning Ordinance. The motion was seconded by Vice Mayor Jimmerson.

Motion: Council member Grim
Second: Vice Mayor Jimmerson
Carried: 5-2

Cool - Aye
Bledsoe - Nay
Ogelman - Aye
McCollum - Nay
Grim - Aye
Jimmerson - Aye
Mayor - Aye

**DISCUSSION OF ITEMS PROPOSED FOR FUTURE PRESENTATIONS/
RECOGNITION:**

- a. **Proclamation Request – Red Ribbon Week, Shenandoah Valley Young Marines**
- b. **Recognition/Proclamation Request – Richard Gillespie**

Council approved both requests.

APPROVAL OF MINUTES

- a. **September 27, 2016 Town Council Special Meeting**
- b. **September 27, 2016 Town Council Regular Meeting**

Council member McCollum made motion to approve the minutes of the Sept. 27, 2016 Special Meeting and Regular Meeting and waive reading. The motion was seconded by Vice Mayor Jimmerson and approved unanimously.

Motion: Council member McCollum
Second:
Carried: 7-0

MOTION TO RECESS THE REGULAR MEETING AND CONVENE A CLOSED MEETING

Vice Mayor Jimmerson made a motion that as authorized under Section 2.2-3711(A)(1) of the Code of Virginia that the Purcellville Town Council convene in a closed meeting to discuss the performance of the Town Council and specific employees who report to Town Council. Such closed meeting discussion will be limited to issues of performance, efficiency, and effectiveness,