

PROPOSED ORDINANCE

Proposed by: Department of Planning & Zoning (*Revisions in bold/italic, deletions are strikethroughs*)

A proposed ordinance to amend Chapter 18 - Zoning, amending Article 24 – Rezoning and Amendments, Section 18-249.1 – Zoning on Conditions, to the Code of the Town of Vienna to permit the Town to accept cash proffers and off-site transportation and public facility improvements in accordance with state law.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VIENNA, VIRGINIA THAT:

Section 1: The Town Code, Chapter 18 - Zoning, amending Article 24 – Rezoning and Amendments, Section 18-249.1 – Zoning on Conditions, to the Code of the Town of Vienna and to read as follows:

Section 18-249.1 - ~~Zoning on conditions~~ Conditional Zoning and Proffers

As a condition to any rezoning or amendment to the zoning map, the council may ~~require~~ **suggest** reasonable conditions, in addition to the regulations provided for the zoning district or zone by this Code, provided such conditions are voluntarily proffered in writing by the owner prior to public hearing before the council and provided further that:

- (a) The rezoning itself must give rise for the need for the conditions;
- (b) Such conditions shall have a reasonable relation to the zoning;
- (c) Such conditions ~~shall not~~ **may** include a cash contribution to the Town **in accordance with the Virginia State Code. Cash proffers may be used for any public improvements consistent with the Town's adopted Capital Improvement Plan and/or goals set forth in the Town's Comprehensive Plan to address transportation and other public facility needs and impacts;**
- (d) Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in the Town's subdivision, ~~or~~ site plan **or other Town** ordinances;
- (e) Such conditions ~~shall not~~ **may** include payment for or construction of off-site improvements **to address transportation and public facility impacts; except those not already** provided for in the Town's subdivision or site plan ordinances;

(f) *Except for off-site transportation and public facility improvements, n*No condition shall be proffered that is not related to the physical development or physical operation of the property; and

(g) All such conditions shall be in conformity with the comprehensive plan.

Section 2: This Ordinance shall become effective ten (10) days following notice of adoption by the Town Council.

Passed and approved this _____ day of _____, 2016.

Laurie A. DiRocco, Mayor

ATTEST:

Town Clerk

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