



Department of Planning and Zoning

Patrick J. Mulhern, AICP
Director of Planning & Zoning

TO: Mayor and Town Council, Town of Vienna

FROM: Walter I. Basnight, Jr., Chair
Planning Commission, Town of Vienna

DATE: May 11, 2017

RE: Recommendation by the Planning Commission to the Mayor and Town on proposed ordinance amendment language to §18-248, proposed change under Article 24 of Chapter 18 of the Vienna Town Code.

1. The Planning Commission voted to recommend with some changes the proposed ordinance amendment language to §18-248, Article 24 Chapter 18 of the Vienna Town Code in our meeting of May 10, 2017. The Commission had a quorum and the vote was unanimous. (Recommended amendment language is attached)

Commissioner Cole made a motion that the Planning Commission make recommendation to the Town Council on amendment to language of §18-248, Protest against proposed change under Article 24 of Chapter 18 of the Vienna Town Code be as presented in the staff report titled *Planning Commission Recommended Language, May 5, 2017* subject to the addition "...day of the first public hearing" be included within the second line of the last paragraph.

Motion: Cole
Second: Couchman
Carried: 6-0

Respectfully submitted,

Walter Basnight

- **Black Text: Proposal compared to the current zoning code**
 - **Underline: Inserted**
 - **Strike: Removed**
- **Red Text: Proposal compared to the council recommended language**

Planning Commission Recommended Language -Final (5/10/2017)

ARTICLE 24. - REZONING AND AMENDMENTS

Sec. 18-248. - Protest against proposed change.

In case of a protest against any change of zone boundaries or rezoning of property signed by ~~20~~ **35 percent**, or more, **of any one of either of the following groups:**

- (1) The owners of lots included within the area of the proposed change; **or**,
- (2) The owners of lots abutting the area included in such proposed change **and** the owners of lots directly opposite the area included in such proposed change, where such area abuts upon a street;

Such change shall not become effective except by the favorable vote of ~~six-sevenths~~ **two-thirds** of ~~all~~ the Town Council **quorum present**.

For purposes of this section, a protest petition must be submitted in writing and received by the Town Clerk no later than 12 o'clock noon on the working day before the day of the first public hearing on the application or motion is first conducted by the town council. The owners of any lots submitting any such protest petition shall execute such protest petition under oath that they are the legal owner or authorized representative of any such lot owner. If the owner of any lot is not a natural person, the petitioner shall submit the appropriate documentation demonstrating the signatory is the authorized representative for the lot owner.

Town Council Recommended Language (10/24/2016)

Sec. 18-248. - Protest against proposed change.

In case of a protest against any change of zone boundaries or rezoning of property signed by ~~20~~ **50** percent, or more, of ~~any one of~~ the following groups:

- (1) The owners of lots included within the area of the proposed change;
- (2) The owners of lots abutting the area included in such proposed change; ~~or~~ **and**
- (3) The owners of lots directly opposite the area included in such proposed change, where such area abuts upon a street;

such change shall not become effective except by a favorable **two-thirds** vote of ~~six-sevenths of~~ ~~all~~ the Town Council **quorum present**.

For purposes of this section, a protest petition must be submitted in writing and received by the Town Clerk no later than 12 o'clock noon on the working day on which a public hearing on the application or motion is first conducted by the town council. The owners of any lots submitting any such protest petition shall execute such protest petition under oath

that they are the legal owner or authorized representative of any such lot owner. If the owner of any lot is a corporation or condominium, the petitioner shall submit the appropriate documentation demonstrating he/she is the authorized representative for the lot owner.

(Code 1969, § 18-248)

Existing Town Code Language

Sec. 18-248. - Protest against proposed change.

In case of a protest against any change of zone boundaries or rezoning of property signed by 20 percent, or more, of any one of the following groups:

- (1) The owners of lots included within the area of the proposed change;
- (2) The owners of lots abutting the area included in such proposed change; or
- (3) The owners of lots directly opposite the area included in such proposed change, where such area abuts upon a street;

such change shall not become effective except by the favorable vote of six-sevenths of all the Town Council.

(Code 1969, § 18-248)