



## Legislation Details (With Text)

**File #:** 16-279      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Agenda Ready  
**File created:** 10/18/2016      **In control:** Town Council Meeting  
**On agenda:** 10/24/2016      **Final action:**  
**Title:** Proposed amendments to the Town of Vienna Zoning Code, Sec. 18-248 - Protest against proposed change

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Sec 18-248 Track Changes

Date	Ver.	Action By	Action	Result
10/24/2016	1	Town Council Meeting	approved	Pass

### Subject:

Proposed amendments to the Town of Vienna Zoning Code, Sec. 18-248 - Protest against proposed change

### EXPLANATION AND SUMMARY :

Town Council wishes to amend Sec. 18-248 of the Town of Vienna Zoning Ordinance to require:

- a rezoning protest be signed by 50% of all surrounding property owners
- the protest be submitted no later than noon the day of the first hearing before Town Council
- the needed favorable vote by Council to be 2/3 of a quorum present.

Council also wishes to first forward the proposed ordinance amendments to the Planning Commission to review and recommend any changes to the requested amendments.

A recent protest against a rezoning brought to light the stringent nature of our current code related to the need for a required super majority vote for approval, even if only 20% of surrounding property owners object and sign a protest form. Likewise, the deadline for submission of such a protest needs to be considered in order to provide adequate time for staff and Council to determine the merits of the protest. In light of these issues with the current code, Council has asked the Town Attorney and Planning Director to recommend changes to address these concerns. Draft changes were discussed with Council at the October 17 work session. Council came to a general consensus of the desired changes (noted above) and asked that draft changes be forwarded to the Planning Commission to review and recommend any changes.

**Departmental Recommendation :** Staff recommends that Council initiates amendments to Sec. 18-248 of the Zoning Ordinance by sending the proposed amendments to the Planning Commission to review and make a recommendation to Council.

**Finance Recommendation :** N/A

**Purchasing Recommendation** : N/A

**Town Attorney Recommendation** : Town Council may refer in its discretion the proposed amendments to Section 18-248 to the Planning Commission for its recommendations.

**Town Manager's Recommendation** : I recommend the Town Council send the proposed amendments to Sec. 18-248 of the Town of Vienna Zoning Code to the Planning Commission for review as presented.

Cost and Financing: NA

Account Number: NA

Decision Needed by This date: October 24, 2016

**PROPOSED/SUGGESTED MOTION**

"I move to send the proposed amendments to Sec. 18-248 of the Town of Vienna Zoning Code to the Planning Commission for review and to make a recommendation to Council."

Or

Other action deemed necessary by Council.