REQUEST FOR INITIATION OF ZONING TEXT
AND MAP AMENDMENTS

PLANNING COMMISSION REGULAR MEETING
DATE OF PLANNING COMMISSION MEETING: MAY 11, 2010

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Date of Staff Report: April 26, 2010
Applicable City Code Provisions: §34-41 (Amendments to the Zoning Ordinance); §34-972 (Driveway regulations)

Origin of Request

Joel Schectman and Lisa Draine of 963 Locust Avenue have recently built a house on an unimproved lot in the Locust Grove neighborhood. Near the house’s completion, a zoning inspection discovered that the new driveway exceeded the zoning code’s maximum square footage. Citing safety concerns and a lack of on-street parking, Mr. Schectman and Ms. Draine submitted an initiation request which would allow them to keep the larger driveway.

Staff has worked with Mr. Schectman and Ms. Draine since the zoning inspection, and recommended the initiation request after examining several options to bring the driveway into code compliance.

Initiation Process

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by ordinance, amend, supplement, or change the city’s zoning district regulations, district boundaries, or zoning district classifications. Any such amendment may be initiated either by (1) resolution of council or (2) motion of the planning commission. (See City Code §34-41(a), which is based on Virginia Code §15.2-2286(a)(7))

If a person or groups seeks to effectuate such a change, the amendment can be initiated by Council or Commission, as required by Code. In such an instance, an applicant will be given the opportunity at a regularly scheduled Planning Commission meeting to present their request, seeking a vote in favor of initiating the amendment. Initiating, in this context, is the action by which the Commission decides whether to begin a formal study on the proposal, or to decline the request.

1 A rezoning of a particular piece of property can be initiated by Council, Planning Commission, the property owner, owner’s agent, or contract purchaser.
**Appropriate Motions**
After listening to the proposal, the Planning Commission has the following options for moving forward:

1) Initiate the process by making a motion such as:

   "I move to initiate a proposed amendment to the city's zoning ordinance, to wit: amending Article IX, Division 2 concerning driveway regulations";

2) Decline to initiate the process, by voting against such a motion; or

3) Defer voting on the motion until a later time.

If the Planning Commission votes in favor of initiation, the study period will begin as outlined below. Otherwise, the proposal goes no further. The applicant, however, would not be precluded from seeking initiation by City Council.

**Study period and public hearing**
Once an amendment has been initiated by City Council, it is *deemed* referred to the Planning Commission for study and recommendation (See City Code §34-41(d)). From the time of initiation, the planning commission has **100 days** in which to make its recommendation to City Council, or else it will be deemed to be a recommendation of approval. *If the Planning Commission initiates the request, the 100 day recommendation requirement does not apply.* Staff will provide Planning Commission with reports and analyses as appropriate and a joint public hearing will be scheduled for the next available date.

**Standard of review**
If initiated, the planning commission shall review and study each proposed amendment to determine:

1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;

2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;

3) Whether there is a need and justification for the change; and

4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification (City Code §34-42).