

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE December 2, 2008

TO Board of Supervisors

FROM Jeffrey A Harvey
Director of Planning and Zoning


ISSUE Amend Various Sections of the Zoning Ordinance Pertaining to the Height of Public Hearing Notice Signs

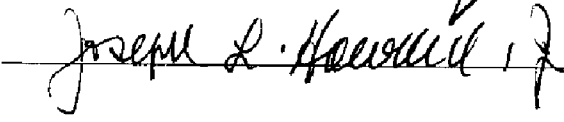
STAFF RECOMMENDATION Approval

BUDGET IMPACT N/A

ATTACHMENTS: (3)

- | | |
|----------------------------|----------------------------|
| [1] Background Report | [3] Reso/Ord/Proc # 008-71 |
| [2] PC Minutes dtd 9/17/08 | [] Reso/Ord/Proc # |
| [] | [] Reso/Ord/Proc # |

REVIEW: County Administrator's Office 

Legal 

- | | | |
|--|---|--|
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Other Business | <input checked="" type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Discussion Item | <input type="checkbox"/> Presentation | <input type="checkbox"/> Unfinished Business |
| <input type="checkbox"/> New Business | | |

PRESENTATION BY Jeffrey A Harvey, Director
Department of Planning and Zoning

ELECTION DISTRICT N/A

BACKGROUND REPORT

Proposed Ordinances O08-71 – Amends Stafford County Code, Section 28-185, Conditional Use Permits and Section 28-205, Notice, of the Zoning Ordinance. The purpose of this amendment is to reduce the minimum height a public hearing notice sign is posted.

Sections 28-185 and 28-205 of the Zoning Ordinance were amended by Ordinance O08-51 approved by the Board of Supervisors on June 17, 2008, requiring the Planning Commission or a representative post the public hearing notice signs for public hearings with the Planning Commission and the Board of Supervisors. Currently, the ordinance requires public hearing notice signs be posted a minimum of two and one half feet or thirty inches above the ground. The minimum height requirement was added to provide direction to the applicant for posting the signs prior to the approval of Ordinance O08-51. Without minimum height requirements for posting the signs, they were either posted too low or not easily visible from the road.

The responsibility for the location and visibility of public hearing notice signs are now the responsibility of the Planning Commission and the Department of Planning and Zoning by O08-51. The Department of Planning and Zoning has materials and equipment to post signs, but the bottom of the sign may be as little as fifteen inches above the ground. The equipment and materials are similar to temporary real estate and event signs. The proposed Ordinance, O08-71, would reduce the minimum height of public hearing notice signs from thirty inches to fifteen inches above the ground. Compliance with the Zoning Ordinance is easier to achieve by the proposed Ordinance O08-71.

Staff recommends approval of Ordinance O08-71. The Planning Commission recommended approval of O08-71 on September 17, 2008.

- 1 Amendment to Zoning Ordinance - Amendment to Section 28-185, Conditional use permits and Section 28-205, Notice, of the Zoning Ordinance, pursuant to O08-71 The amendment will require the bottom of the public hearing notice sign to be a minimum of fifteen (15) inches from the ground instead of two and one-half (2½) feet

Jamie Stepowany presented the staff report. He stated public hearing notice signs must be 2 ½ feet above the ground (30 inches). This was added to the Zoning Ordinance to provide direction for the applicant. Recently an ordinance was passed requiring representatives of the Planning Commission, which was the Department of Planning and Zoning, were required to post public hearing notice signs for all public hearings with the Planning Commission and Board of Supervisors. Planning and Zoning had access to materials and equipment to post signs where the bottom of the sign may be fifteen (15) inches from the ground. He showed photographs of the signs. He stated Ordinance O08-71 would amend Sections 28-185 and 28-205 by reducing the minimum height of thirty (30) inches to fifteen (15) inches above the ground for the public hearing notice signs. Staff believed the proposed amendment would allow Planning and Zoning to comply with the Zoning Ordinance and staff recommended approval of the proposed Ordinance.

Mrs. Carlone stated she was glad to see this because of complaints from people not being able to see the signs.

Mr. Di Peppe opened the public hearing.

With no one coming forward the public hearing was closed.

Mr. Mitchell made a motion to recommend approval of O08-71 to the Board of Supervisors. Mr. Rhodes seconded. The motion passed 6-0 (Mr. Fields was absent).

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 2nd day of December, 2008

MEMBERS

VOTE

George H Schwartz, Chairman
M S "Joe" Brito, Vice Chairman
Harry E Crisp II
Mark Dudenhefer
Paul V Milde III
Cord A Sterling
Robert "Bob" Woodson

On motion of , seconded by , which carried by a vote of , the following was adopted

AN ORDINANCE TO AMEND AND REORDAIN THE
STAFFORD COUNTY CODE BY AMENDING SECTION 28-185,
CONDITIONAL USE PERMITS AND SECTION 28-205, NOTICE

WHEREAS, the approval of Ordinance O08-51 required the Planning Commission, or its representative, to post the public hearing notice signs for all reclassifications and conditional use permit applications, and

WHEREAS, the zoning ordinance requires the bottom of the sign to be posted a minimum of two and one half feet (2 and ½) above the ground, and

WHEREAS, the posting of signs is now the responsibility of the Planning Commission and the Department of Planning and Zoning, and

WHEREAS, the Department of Planning and Zoning has materials and equipment to post signs where the bottom of the sign may be only fifteen (15) inches above the ground, and

WHEREAS, implementation of the new standard will save staff time and cost to install the signs, and

WHEREAS, the Board has conducted a public hearing and carefully considered the recommendations of the Planning Commission, staff, and the testimony at the public hearing, and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice requires such an amendment to the Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of December, 2008, that the Stafford County Code, Section 28-185 and 28-205, be amended and reordained to read as follows, with all other portions remaining unchanged

Sec. 28-185. Conditional Use Permits

(c) *Conditional use permits* No conditional use permit shall be issued except in conformance with the following provisions

(6) At least fifteen (15) days prior to a conditional use permit public hearing before the planning commission, board of supervisors, or a joint session of both, the planning commission or its representative shall erect on the property proposed for a conditional use permit a sign or signs furnished by the planning director or his designee indicating the proposed use, and the date, time, and place of the hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such property abuts a public road, and shall be placed so as to be clearly visible from the road. The bottom of the sign shall be not less than ~~two and one-half (2-1/2) feet~~ fifteen (15) inches above the ground. If more than one public road abuts such property, then a sign shall be erected in the same manner for each such road. If no public road abuts the property proposed for the conditional use permit, then signs shall be erected in the same manner as provided for, above on at least two (2) boundaries of the property abutting land owned by the applicant

Sec 28-205 Notice.

(b) At least fifteen (15) days prior to a map amendment public hearing before the planning commission, the board of supervisors, or a joint session of both, the planning commission or its representative shall erect on the property proposed for a rezoning, a sign or signs furnished by the planning director or his designee indicating the change proposed, and the date, time, and place of the hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such property abuts a public road, and shall be placed so as to be clearly visible from the road. The bottom of the sign shall be not less than ~~two and one-half (2-1/2) feet~~ fifteen (15) inches above the ground. If more than one public road abuts such property, then a sign shall be erected in the same manner for each such road. If no public road abuts the property proposed for rezoning, then signs shall be erected in the same manner as provided for, above on at least two (2) boundaries of the property abutting land owned by the applicant. The sign posting

requirement shall not apply to any change in the zoning district designation involving an overlay zoning district

BE IT FURTHER ORDAINED that this ordinance shall become effective on

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