

COUNTY OF YORK

MEMORANDUM

DATE: July 27, 2012 (PC Mtg. 8/8/12)

TO: York County Planning Commission

FROM: J. Mark Carter, Assistant County Administrator

SUBJECT: Application Nos. ST-19-12 and ZT-136-12, York County Board of Supervisors, Proposed Subdivision and Zoning Ordinance Amendments

Recently, staff and the County Attorney completed review of the land use and development-related legislation adopted during the 2012 General Assembly session and identified several areas where changes in either the Subdivision Ordinance or Zoning Ordinance are necessary. Suggested amendments were drafted and presented to the Board of Supervisors. At its June 19, 2012 meeting the Board voted to sponsor the applications to allow these potential changes to be officially considered in accordance with applicable procedures. The proposed amendments are discussed in the following summary and shown on the attached pages.

Chapter 20.5 – SUBDIVISIONS

Section 20.5-28. Preliminary plan
Section 20.5-29. Development plan
Section 20.5-30. Final plat

In 2009, in response to the downturn in the economy and the housing market, the General Assembly adopted special provisions mandating extended terms of validity for development plans, special use permits, and other development approval actions, all with the intent of providing additional time for builders/developers to implement plans. The 2009 amendments specified that plans and permits valid as of January 1, 2009 would remain valid at least until July 1, 2014. House Bill 508 amended these special provisions to require that approvals valid as of January 1, 2011 must stand at least until July 1, 2017. Amendments to the above-noted sections are proposed to conform to these mandated changes.

Chapter 24.1 - ZONING

Section 24.1-104. Definitions.

Cemetery – A new section (15.2-2288.5) was added to the Code of Virginia to require, for the purposes of zoning, a specific definition of the term *cemetery*. The term is not currently defined in the York County Zoning Ordinance; however, cemeteries are listed in the Table of Land Uses (Section 24.1-306) as S-Special Use Permit uses in all Residential Districts and as P-Permitted Uses in the LB and GB Commercial Districts. The proposed new definition tracks the language used in the new COV section.

Development – the definition is proposed to be amended to incorporate language mandated by House Bill 1287 and indicating that the term *development* is not to be

construed to include a tract of land that will be devoted principally to agricultural production.

Section 24.1-108. Filing fees

Section 15.2-2286.B. of the Code of Virginia was amended to modify and expand the provisions that provide the authority, but not a mandate, for the Board of Supervisors to require applicants for zoning matters to provide evidence that any delinquent real estate taxes or various other fees or charges have been paid. The COV section reads as follows:

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid.

Draft language to incorporate this optional requirement into the Zoning Ordinance is shown in the attachment for consideration.

Section 24.1-114. Conditional zoning

Conditions proffered under Conditional Zoning procedures are enforceable by the County in the same manner as other zoning requirements. However, the COV specifies that administrative decisions regarding interpretation, compliance with, or violation of such proffers are appealable by aggrieved parties to the Board of Supervisors, rather than the Board of Zoning Appeals as is the case with other zoning requirements. House Bill 170 amended Section 15.2-2301 of the COV to specify that decisions of the governing body regarding proffers are appealable to the Circuit Court. Section 24.1-114(g) is proposed to be amended to incorporate this procedural guidance.

House Bill 415 amended the language in Section 15.2-2302 of the COV pertaining to the procedures for amendment of proffered conditions. The amendments incorporate an expedited notice and decision-making process, without a mandatory public hearing, in certain limited situations. Section 24.1-114(h) is proposed to be amended to reference Section 15.2-2302.

As noted above with respect to the Subdivision Ordinance, in 2009 the General Assembly adopted special provisions mandating extended terms of validity for various types of plans and approval actions. House Bill 508 amended those special provisions to require that approvals valid as of January 1, 2011 must stand at least until July 1, 2017. Section Nos. 24.1-114(g) and (i) are proposed to be amended to reflect the changes relative to proffered conditions.

Section 24.1-115. Special use permits

The 2009 General Assembly actions related to terms of validity changed two separate sections that dealt with Special Use Permit approvals (15.2-2209.1 and 15.2-2288.4). The provisions of Section 15.2-2288.4 applied to *any* use permit approval while those in 2209.1 applied to those use permits involving “new residential or commercial

development.” The more general provisions, which extended the terms of validity to July 1, 2011 for *any* SUP, were not amended in the 2012 General Assembly actions and, effectively, have become moot. Accordingly, those provisions are proposed to be deleted from Section 24.1-115(c)(6) with the revised wording addressing only the mandatory extensions for permit terms associated with “new residential or commercial development.”

Section 24.1-903. Procedures

Section 24.1-903(c) is proposed to be amended to incorporate a State Code revision that provides an opportunity for an applicant before the Board of Zoning Appeals to request that an action resulting in a tie vote (e.g., due to the absence of the 5th member) be carried over to the next subsequent meeting.

Recommendation

As noted in the above paragraphs, virtually all of these proposed changes are mandatory based on the General Assembly’s actions. Staff is of the opinion that the two optional proposals – a definition of *cemetery* and a requirement for applicants to have paid any delinquent taxes and fees – are reasonable and appropriate provisions. Accordingly, staff recommends that the proposed Subdivision and Zoning Ordinance text changes be forwarded to the Board of Supervisors with a recommendation for approval. This may be accomplished by the adoption of proposed Resolution Nos. PC12-17 and PC12-18.

Carter/3337:jmc

Attachments

- Proposed DRAFT Subdivision Ordinance and Zoning Ordinance amendments dated June 4, 2012
- Proposed Resolution No. PC12-17 to recommend approval of Subdivision Ordinance text amendments
- Proposed Resolution No. PC12-18 to recommend approval of Zoning Ordinance text amendments

Subdivisions – Chapter 20.5

Sec. 20.5-28. Preliminary plan.

(d) *Term of validity.*

The subdivider shall have one (1) year from the date of official notification of approval of the preliminary plan within which to file a development plan meeting all of the submittal requirements established in article IV of this chapter for the subdivision or section thereof. Failure to do so shall make the preliminary plan approval null and void. The agent may, on written request of the subdivider received no fewer than ten (10) working days prior to expiration of validity and for good cause shown, grant one (1) six-month extension of preliminary plan approval. However, notwithstanding the foregoing, any preliminary subdivision plan valid and outstanding as of January 1, ~~2011~~2009, shall not become null and void prior to July 1, ~~2017~~2014. Any other plan or permit associated with such plan extended by the preceding sentence shall likewise be extended for the same time period. Such extension shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

(Ord. No. 03-32, 8/5/03; Ord. No. 05-33, 12/20/05; Ord. No. 09-16, 8/18/09)

Sec. 20.5-29. Development plan.

(d) *Term of validity.* The subdivider shall have one (1) year from the date of official notification of approval of the development plan within which to file a final plat for those sections contained in said plan meeting all of the submittal requirements established in article V of this chapter. Failure to do so shall make the development plan approval null and void. The agent may, on written request of the subdivider received no fewer than ten (10) working days prior to expiration of validity and for good cause shown, grant one (1) one-year extension of development plan approval. However, notwithstanding the foregoing, any development plan valid as of January 1, ~~2011~~2009, shall remain valid and not become null and void prior to July 1, ~~2017~~2014. Any other plan or permit associated with such plan extended by the preceding sentence shall likewise be extended for the same time period. Such extension shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

(Ord. No. 03-32, 8/5/03; Ord. No. 05-33, 12/20/05; Ord. No. 09-16, 8/18/09)

Sec. 20.5-30. Final plat.

(d) *Term of validity.* The subdivider shall have six (6) months from the date of official notification of approval of the final plat within which to have the record plat filed and recorded by the clerk of the circuit court. Failure to do so shall make approval null and void, and the subdivider shall be required to return the approved copy of the final plat to

the agent in order that it may be so marked. Reapproval shall require resubmission in full compliance with the regulations then in effect. Where the subdivision involves the construction of facilities to be dedicated for public use and the subdivider has commenced the construction of such facilities with surety approved by the agent, or where the subdivider has furnished surety in accordance with Section 20.5-108 of this chapter, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement covering construction of required public improvements, whichever is greater. However, notwithstanding the foregoing, any final subdivision plat valid and outstanding as of January 1, ~~2011~~~~2009~~, shall not become null and void prior to July 1, ~~2017~~~~2014~~. Any other plan or permit associated with such plat extended by the preceding sentence shall likewise be extended for the same time period. Such extension shall not be effective unless any performance bonds and agreement or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

(Ord. No. 02-17, 9/17/02; Ord. No. 03-32, 8/5/03; Ord. No. 05-33, 12/20/05; Ord. No. 09-16, 8/18/09)

Zoning – Chapter 24.1

Section 24.1-104. Definitions

Cemetery. means any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery. For the purposes of this chapter, all uses necessarily or customarily associated with interment of human remains, benches, ledges, walls, graves, roads, paths, landscaping, and soil storage shall be considered part of the allowable “cemetery” use.

Development. The division of land into two or more parcels, or the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, paving, grading, filling or land disturbance, or any use or extension of the use of land; *provided however, -as stipulated by Section 15.2-2201 of the Code of Virginia, the term shall not be construed to include any tract of land which will be principally devoted to agricultural production.*

Sec. 24.1-108. Filing fees.

(a) *Application fees.*

- (1) An application fee shall be charged to offset the cost of reviewing plans, processing applications, making inspections, issuing permits, advertising public notices and other expenses incident to the administration of this chapter or to the filing or processing of any amendment to the zoning ordinance, special use permit or zoning appeals. Such fees shall also include charges for readvertising and re-mailing notices when necessitated by the amendment, postponement, or modification of an application. Filing fees shall be paid upon submission of an application and shall be as set forth in the following schedule:

TYPE OF APPLICATION	FEE
a. Amendment to the zoning ordinance, except planned development applications	\$600, plus \$10 for every acre in excess of 5, but not to exceed a maximum fee of \$2,000.
b. Application for planned development approval	
(1) Phase I submission (overall concept)	\$600, plus \$10 for every acre in excess of 5, but not to exceed a maximum fee of \$2,000.
(2) Phase II submission (detailed plan)	(Refer to site plan or subdivision plat fees)
c. Limited deviations from approved planned developments	\$100
d. Special use permits and amendments thereto: 1. Applications for home occupations and accessory apartments 2. All other types of Special Use Permit applications	\$400 \$450, plus \$10 for every acre over 5, but not to exceed a maximum fee of \$1,000.
e. Minor enlargement or expansion of a conforming special use under provisions of section 24.1-115(d)(2)	\$100
f. Special exception to height limitations as provided in section 24.1-231	\$200
g. Special exception to allow expansion of a nonconforming use as provided in section 24.1-801	\$200
h. Other special exception	\$200
i. Appeals/Variances/Modifications:	
1. Appeal or variance request to the board of zoning appeals	\$250
2. Administrative modification request	\$50
j. Amendment, modification or postponement of rezoning or use permit application requiring readvertisement and renotification by both the commission and board	\$300
k. Amendment, modification, or postponement of rezoning, use permit or variance application requiring readvertisement and renotification by the commission, board, or board of zoning appeals	\$200
l. Zoning Verification/Certification letters:	
1. Requests for verification of zoning classification and permissible uses	No Charge
2. Requests for zoning verification that also include confirmation of plan approvals, previous permits, violation notices, property conformance, and similar requests requiring file research and/or site inspections	\$50

- (2) No application shall be received or shall be deemed to have been filed until accompanied by the required filing fee. Furthermore, in the case of any application for rezoning, special use permit, special exception, or variance, submitted by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50%, the applicant shall be required to provide verification from the York County Treasurer that any delinquent real estate

taxes, nuisance charges, or any other charges that constitute a lien on the property have been paid.

- (3) Application fees shall not be refundable in the case of appeals to the board of zoning appeals. In the case of withdrawal of applications for zoning amendments, use permits or planned development approval, exemptions or exceptions, refunds of application fees shall be according to the following schedule:
- a. Written request received in sufficient time to cancel the publication of the first legal notice for the commission public hearing: one hundred percent (100%) of fee, minus a \$50 administrative processing fee, is refundable.
 - b. Written request received after the first legal notice has been published but prior to the first meeting of the planning commission at which the request will be considered: fifty percent (50%) of the fee refundable.
 - c. Written request received within five working (5) days after the date of final action by the commission: twenty-five percent (25%) of fee refundable.
 - d. Written request received more than five (5) working days after the date of final action by the commission: No refund.

All requests for withdrawal must be in writing, signed by the applicant, and be submitted to the zoning administrator.

- (4) The above described fees shall be waived for any application submitted by any board, commission, agency or department of the county.

Sec. 24.1-114. Conditional zoning.

(d) *Effect of conditions.*

- (1) The provisions of this section shall be considered separate from, supplemental to and in addition to the provisions contained elsewhere in this chapter or other county ordinances. Nothing contained in this section shall be construed as excusing compliance with all other applicable provisions of this Code.
- (2) Once proffered and accepted by the board as part of an amendment to the zoning map, such conditions shall continue in full force and effect until amended as provided herein.
- (3) Conditions once proffered and accepted by the board shall immediately become effective with approval of the application to amend the zoning map. Upon approval, any site plan, subdivision plat, or development plan thereafter submitted for the development of the property in question shall be in conformance with all proffered conditions and no development shall be approved by any county official in the absence of said conformance.
- (4) In the event proffered conditions include the dedication of real property or the payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which said property is dedicated or cash is tendered are included in the capital improvement program, except that items which are not normally included in such capital improvement program may be accepted at any time. In the event a proffer accepted prior to July 1, ~~2017~~2014, which involves a pledge of a cash payment for residential construction on a per-dwelling unit or per-home basis, the cash payment pursuant to such proffer shall be collected or accepted only after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the subject property.

- (g) *Petition for review of decision.* Any zoning applicant or any other person who is aggrieved by a decision of the zoning administrator pursuant to the provisions of section 24.1-114(f) herein may petition the board for the review of such decision. Any such appeal shall occur within thirty (30) days of the action complained of and shall be instituted by filing with the zoning administrator a notice of appeal fully specifying the grounds therefor.

The zoning administrator shall forthwith transmit to the board all of the papers constituting the record upon which the decision appealed from was taken, and the board shall proceed to hear the appeal at its next regularly scheduled meeting.

An appeal shall stay all proceedings and furtherance of the action appealed from unless the zoning administrator certifies to the governing body after the notice of appeal has been filed with the zoning administrator that by reason of the fact stated in the certificate a stay will cause imminent peril to life or property. In such case the proceeding shall not be stayed otherwise than by a restraining order which may be granted by the governing body or by a court of record on application or notice to the zoning administrator and on due cause shown.

A decision by the board of supervisors on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided written notice of the zoning violation, written determination, or other appealable decision.

An aggrieved party may petition the circuit court for review of the decision of the governing body on an appeal taken pursuant to this section. The provisions of Section 15.2-2285.F. of the Code of Virginia shall apply to such petitions to the Circuit Court, mutatis mutandis.

- (h) *Amendments and variations of conditions.* Amendment or variation of conditions created pursuant to this section ~~shall may~~ be made in accordance with the procedures set forth in as an original application for amendment of the zoning ordinance and only after public notice and hearing before the board in accordance with the provisions of section 15.2-2202 15.2-2204, Code of Virginia, and including notice and public hearing, if applicable.

- (i) Notwithstanding any other provision of this chapter, for any rezoning action approved, valid and outstanding as of January 1, ~~2011~~²⁰⁰⁹, and related to new residential or commercial development, any proffered condition that requires the landowner or developer to incur significant expenses upon an event related to a stage or level of development shall be extended until July 1, ~~2017~~²⁰¹⁴, or longer as agreed to by the county. However, the extensions in this subsection shall not apply (i) to land or right-of-way dedications, (ii) when completion of the event related to the stage or level of development has occurred, or (iii) to events required to occur on a specified date certain or within a specified time period.

(Ord. No. 01-20(R), 10/16/01; Ord. No. 05-34(R), 12/20/05; Ord. No. 08-17(R), 3/17/09; Ord. No. 09-15, 8/19/09; Ord. No. 10-24, 12/21/10; Ord. No. 11-15(R), 11/16/11)

Sec. 24.1-115. Special use permits.

- (c) *Procedures applicable to permits.*

- (6) As provided in Code of Virginia sections ~~15.2-2288.4 and~~ 2209.1:

- a- ~~Notwithstanding anything herein to the contrary, any special use permit that was valid and outstanding as of January 1, 2009, shall not expire prior to July 1, 2011. Nothing herein shall impair the ability of any person to apply~~

~~for additional extensions of time beyond July 1, 2011, as provided in this section.~~

- ~~ab.~~ ~~Moreover, i~~n the case of any special use permit outstanding as of January 1, ~~2009 2011~~, and related to new residential or commercial development, any deadline in such special use permit or in this chapter that requires the commencement of a project or that requires the landowner or developer to incur significant expenses related to improvements for a project within a certain time, shall be extended to July 1, ~~20172014~~. This provision shall not apply to any requirement that a use authorized by a special use permit or other zoning action shall be terminated by a certain date ~~oras~~ within a set number of years. This extension of time shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

Sec. 24.1-903. Procedures.

- (a) *Variances and interpretations of the zoning map.* Applications for variances as described in section 24.1-901, may be made by any property owner, tenant, government official, department, board or bureau. Such application, and accompanying maps, plans or other information, shall be made to the secretary of the board of zoning appeals who shall place the item on the docket to be acted on by the board of zoning appeals after public notice and hearing as required by section 15.2-2204, Code of Virginia.
- (b) *Appeals of administrative decisions.* An appeal to the board of zoning appeals may be made by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the zoning administrator or from any other requirement, decision or determination made by any other administrative officer in the administration or enforcement of this chapter. Such appeal shall be made within thirty (30) days after the decision appealed from by filing with the secretary of the board of zoning appeals an application and a notice of appeal specifying the grounds thereof; provided, however, that any appeal from a notice of violation involving temporary or seasonal commercial uses (reference section 24.1-306, Category 8), parking of commercial trucks in residential zoning districts (reference section 24.1-271) maximum occupancy limitations of a residential dwelling unit, or other situations which in the opinion of the Zoning Administrator constitute a series of similar short-term, recurring violations shall be made within ten (10) days. The secretary shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the appealed action was taken. An appeal shall stay all proceedings in furtherance of the appealed action unless the zoning administrator certifies to the board of zoning appeals that, by reason of facts stated in such certificate, a stay would, in the administrator's opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board of zoning appeals or by a court of record, on application and on notice to the administrator for good cause shown.
- (c) *Process.* The board of zoning appeals shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest, and, except when the applicant concurs in a further delay, decide the same within sixty (60) days of the first regularly scheduled meeting for which the matter is on the docket. In exercising its powers, the board of zoning appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, or may remand the issue to the zoning administrator for further consideration in which case a specific time for such further consideration shall be stipulated. No action of the board of zoning appeals shall be valid unless authorized by a majority of those present and voting, except that the concurring vote of a majority of the membership of the board of zoning appeals shall be necessary to reverse any order, requirement, decision or determination of an administrative officer, or to decide in

favor of the applicant on any matter upon which it is required to pass under the ordinance, or to effect any variance from this chapter. In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal. The board of zoning appeals shall keep minutes of its proceedings and other official actions which shall be filed with the zoning administrator and shall be public records. The chair of the board of zoning appeals, or the acting chair, may administer oaths and compel the attendance of witnesses.

- (d) *Reconsideration.* When the board of zoning appeals has acted on an application or appeal, substantially the same application or appeal shall not be considered by the board of zoning appeals within one (1) year of the date of action, except by unanimous vote of the membership of the board of zoning appeals.

(Ord. No. 01-20(R), 10/16/01; Ord. No. 09-15, 8/18/09)

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of _____, 2012:

Present

Vote

Richard M. Myer, Jr. , Chair
Mario C. Buffa, Vice Chair
Alexander T. Hamilton
Christopher A. Abel
Timothy D. McCulloch
Melissa S. Magowan
Mark B. Suiter

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ST-19-12 TO AMEND THE YORK COUNTY SUBDIVISION ORDINANCE (CHAPTER 20.5, YORK COUNTY CODE) TO REVISE THE PROVISIONS DEALING WITH THE TERM OF VALIDITY FOR APPROVED PLANS, AS REQUIRED BY THE CODE OF VIRGINIA

WHEREAS, Application No. ST-19-12 has been sponsored by the Board of Supervisors to allow consideration of amendments necessary to keep the Subdivision Ordinance current with respect to State Code changes adopted in the 2012 General Assembly session; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ___ day of _____, 2012, that Application No. ST-19-12 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Subdivision Ordinance (Chapter 20.5, York County Code) to read as shown on the Draft amendments package dated June 4, 2012, which is made a part of this resolution by reference.

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of _____, 2012:

Present

Vote

Richard M. Myer, Jr., Chair
Mario C. Buffa, Vice Chair
Alexander T. Hamilton
Christopher A. Abel
Timothy D. McCulloch
Melissa S. Magowan
Mark B. Suiter

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT-136-12 TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) TO REVISE VARIOUS PROVISIONS TO REFLECT CHANGES MADE IN THE CODE OF VIRGINIA IN THE 2012 GENERAL ASSEMBLY SESSION

WHEREAS, Application No. ZT-136-12 has been sponsored by the Board of Supervisors to allow consideration of amendments necessary to keep the Zoning Ordinance current with respect to State Code changes adopted in the 2012 General Assembly session; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ___ day of _____, 2012, that Application No. ZT-136-12 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Ordinance (Chapter 24.1, York County Code) to read as shown on the Draft amendments package dated June 4, 2012, which is made a part of this resolution by reference.