

ORDINANCE NUMBER 2023-



**AN ORDINANCE TO AMEND THE PROFFERS OF 0 LEW DEWITT BOULEVARD,
TAX MAP NUMBERS 40-3-115A AND 40-3-115C, INCLUDED AS PART OF THE APPROVED
REZONING APPLICATION #R-01-2 AND ORDINANCE 2001-53**

WHEREAS, Draft Building Company, the owner, has filed an application requesting to amend the proffers for its property located on Lew Dewitt Boulevard, Waynesboro, Virginia, City Tax Map Numbers 40-3-115A and 40-3-115C (the “Property”);

WHEREAS, in 2001, Draft Building Company proffered, and City Council adopted, 7 proffers relating to the Property, Draft Building Company now wishes to rescind those 7 proffers and replace them with 2 new proffers;

WHEREAS, notices were mailed to the owner of the Property, to the owners, their agent, or the occupant of all abutting property and property immediately across the street or road from the Property in accordance with 15.2-2204(B) of the Code of Virginia and a duly noticed public hearing was held by the Waynesboro Planning Commission;

WHEREAS, City Council held a public hearing pursuant to notice thereof as required by Section 98-7.2.5 of the Waynesboro City Code and Sections 15.2-2204 and -2302 of the Code of Virginia;

WHEREAS, approval of such an amendment or variation by the City Council will not in itself cause the use of any other property to be determined a nonconforming use; and

WHEREAS, the request to amend the proffers is consistent with good zoning practice, is justified by the public necessity, convenience, and general welfare, and is in general accord with the Comprehensive Plan of the City; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Waynesboro, Virginia, that:

1. The application to amend the proffers for a property located on Lew Dewitt Boulevard, Waynesboro Virginia, City Tax Map Numbers 40-3-115A and 40-3-115C, is hereby approved in accordance with the application (#23-020), the staff report dated September 19, 2023 and revised October 11, 2023, and the applicant’s signed proffer letter dated September 22, 2023, which is attached hereto and incorporated herein as Exhibit 1.

2. The City Manager, or his designee, is authorized to take all actions reasonably necessary to effectuate and carry out the purpose of this Ordinance, including, without limitation, execution of such documents as are reasonably necessary to rezone this property.
3. This Ordinance shall take effect immediately upon adoption by the City Council.

INTRODUCED:

ADOPTED:

EFFECTIVE:

CERTIFICATE

The undersigned Mayor and Clerk of the City Council of City of Waynesboro, Virginia hereby certify that the foregoing constitutes a true and correct copy of an ordinance entitled "An Ordinance to Amend the Proffers of 0 Lew Dewitt Boulevard, Tax Map Numbers 40-3-115A and 40-3-115C" amending the proffers included as part of the approved rezoning application #R-01-2 and Ordinance 2001-53. Adopted by the City Council at a meeting held on.

[SEAL]

CLERK

MAYOR