

CHAPTER 25. ZONING

DIVISION I. PERMITS AND AMENDMENTS

Article LX. Rezoning and other Amendments

- § 25-601. Authority.
- § 25-602. Presubmission conference.
- § 25-603. Submission of petition for rezoning.
- § 25-604. Conditional zoning.
- § 25-605. Reconsideration.
- § 25-606. Withdrawal of application.

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§ 25-601. Authority.

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the board of supervisors may by ordinance amend, supplement or change the regulations, district boundaries or classifications of property.

State law reference--Virginia Code § 15.2-2286(A)(7).

§ 25-602. Presubmission conference.

A. Prior to the formal submission of a petition for rezoning by the owner, contract purchaser with the owner's consent, or the owner's agent, the petitioner or his representative shall hold a conference with the Director of the Community Development Department concerning the proposed rezoning.

B. The presubmission conference shall be for the following purposes:

1. To allow the petitioner to submit unofficial preliminary studies of the concept of the proposed development for tentative review, comments and recommendations.
2. To review the Comprehensive Plan as it may relate to the requested rezoning and proposed development.
3. To review the procedures which must be followed to effect the requested rezoning.
4. To determine whether the proposal may have an undue adverse impact on the surrounding neighborhood.
5. To consider possible conditions which the owner may be willing to voluntarily proffer to mitigate such adverse impact, as provided by law. (Ord. 2/22/17)

§ 25-603. Submission of petition for rezoning.

A. After presubmission review as set forth in § 25-602 above has been completed, the petitioner may submit his petition for rezoning. If the petitioner is not the owner, the petition shall be accompanied by written consent from the owner. The petitioner shall be notified in advance of the time and place the petition will be considered by the planning commission and the board of supervisors.

B. The petitioner shall also be notified of the last day prior to consideration by the planning commission when the owner may proffer conditions. All conditions voluntarily proffered by the owner pursuant to § 25-604 below shall be submitted prior to consideration by the planning commission in time to allow advertising of such proffers in summary form along with the advertising of the proposed rezoning ordinance before the meeting of the planning commission.

C. Amendments to proffered conditions may be submitted prior to a public hearing before the board of supervisors without referral to the planning commission provided such amendments (i) do not address matters different from the matters addressed by the proffers considered by the planning commission, (ii) do not permit a more intensive use of the property than would have been permitted by the proffers considered by the planning commission, and (iii) do not otherwise reduce or relax any proffers considered by the planning commission which impose restrictions or limitations on the use of the property designed to protect the interests of neighboring properties and the public at large.

State law reference--Virginia Code § 15.2-2286.

§ 25-604. Conditional zoning.

A. Purpose. The purpose of this section is to include and provide for the voluntary proffering in writing, by the owner, of reasonable conditions in addition to the regulations provided for the zoning district or zone by this chapter, as a part of a rezoning or amendment to a zoning map as authorized by state law.

B. Voluntary proffer authorized for non-residential rezonings. The owner of property which is the subject of an application for rezoning may voluntarily proffer in writing reasonable conditions in addition to the regulations provided for the zoning district by this chapter, as a part of the rezoning, provided that:

1. The rezoning itself gives rise to the need for the conditions.
2. Such conditions have a reasonable relation to the rezoning.
3. All such conditions are in conformity with the Comprehensive Plan.

State law reference--Virginia Code § 15.2-2298.

C. Voluntary proffer authorized for residential rezonings and the residential use portion of mixed use rezonings. The owner of property which is the subject of an application for rezoning may voluntarily proffer in writing reasonable conditions in addition to the regulations provided for the zoning district by this chapter, as a part of the rezoning, provided that:

1. Such conditions are specifically attributable to the proposed development.
2. Such off-site conditions address a development impact to a public facility, limited to the following areas: transportation, public safety, schools, or parks.
3. Such off-site conditions address a need or identifiable portion of a need for public facility improvements in excess of existing capacity.
4. Such conditions lend a direct and material benefit to the development.

(Ord. 2/22/17)

State law reference--Virginia Code § 15.2-2303.4.

§ 25-605. Reconsideration.

The board of supervisors shall not reconsider a petition to amend the zoning of a parcel of land for a period of one year from the date of final action on a prior petition if such petition seeks substantially the same zoning sought in the previous petition. (Augusta County Code 1969, § 25-169)

§ 25-606. Withdrawal of application.

An application for an amendment may be withdrawn by the applicant at any time; provided, however, that there shall be no refund of any fee paid if the county has contracted for any advertising or notification as required by law. In no case shall more than one-half of the fee paid be refunded. (Augusta County Code 1969, § 25-170)

Sections 25-607 through 25-660 reserved.

Articles LXI through LXV reserved.