

PITTSYLVANIA COUNTY Zoning Ordinance

REZONING Application Process



Zoning Administrator's Office
Pittsylvania County Administrative Offices
E-911 Building, 53 N. Main Street
Chatham, VA 24531
Telephone Numbers
Chatham 432-7751

PITTSYLVANIA COUNTY

REZONING PROCESS

STEP 1: PREAPPLICATION:

Applicant confers with Zoning Administrator concerning request and to obtain proper forms, recommended procedures, and technical assistance. An application to rezone property may be filed by either the property owner or a contract purchaser with the owner's consent (*New deeds or Contract Purchase Agreement shall be presented*).

Applicant should contact neighboring property owners to review the proposal and determine the acceptability of the rezoning.

STEP 2: APPLICATION:

Applicant submits **complete** application packet to Zoning Administrator by deadline (4:00 P.M. last Thursday in month, generally). **If the owner cannot appear before the Zoning Administrator, the owner(s) signature shall be notarized on the application.** The application is filed in the Zoning Administrator's Office and kept open for public inspection. Application set on public hearing calendar list by staff.

The property must be posted in a clearly visible location at least two (2) weeks prior to the required public hearings. Sign(s) are required to be posed by the applicant. Once the sign(s) are posted, it shall be the responsibility of the applicant to see that the sign(s) remain in place until after the final public hearing.

Staff notifies adjoining property owners of the rezoning application and the public hearing schedule by first class mail. Staff prepares and delivers required legal advertising to newspaper. Notification of requests and scheduled public hearings must appear in a local newspaper two (2) times in two (2) consecutive weeks before each public hearing.

Applicant is responsible for a \$125.00 fee to cover processing and advertising plus first class postage as required.

STEP 3: STAFF REVIEW:

Staff places application on agenda for Planning and Board of Supervisors. Staff visits site and surrounding neighborhood. Staff may route application to various County departments, as well as the Virginia Department of Transportation, for review. Staff compiles information from field inspection and reviews and prepares comprehensive report for Planning Commission and Board of Supervisors.

Each request is evaluated on the basis of its relationship with the environment, relationship to the Comprehensive Plan, and relationship to the purpose and intent of the Zoning Ordinance.

STEP 4: PLANNING COMMISSION REVIEW:

Planning Commission may, as a group, visit each site during the week prior to the public hearing.

Planning Commission Public Hearing (first Tuesday of the month, generally):

- Applicant must attend the public hearing. The applicant may have an agent present the request to the Commission if desired, but should also be in attendance in order to answer any questions and avoid delays due to lack of information.
- Interested parties may comment on the request and/or voice concerns to the Commission.
- Planning Commission may make a recommendation to the Board of Supervisors to approve or deny the request, with or without proffered conditions. The Commission may also continue the agenda item to a later or adjourned meeting if more information is needed.
- Unless otherwise instructed in writing by the applicant, the zoning staff will automatically schedule the request to be heard at the next public hearing of the Board of Supervisors. If the applicant chooses to withdraw the petition or delay taking the petition to the Board, he/she must notify the zoning staff in writing within two (2) days after the Planning Commission public hearing. Any request to withdraw or postpone an application after the hearing has been fully advertised is subject to approval by the Commission or Board, whichever body has advertised the hearing. Unless the body approving withdrawal specifies that the time limitation shall not apply, substantially the same petition shall not be reconsidered within twelve (12) months of the date of action. The cost of additional time for review and hearing will be borne by the County.

STEP 5: BOARD OF SUPERVISORS ACTION:

Applicant may amend (add, delete, alter) Proffers of Condition up until the Board of Supervisors public hearing begins. However, final completed legal forms for any proffer of conditions should be submitted to the Zoning Administrator's Office at least three (3) weeks prior to the public hearing in order to allow staff and interested parties adequate time to review the conditions. A proffer of conditions will still be accepted until the public hearing begins, but the Board may delay making a decision on the request until it is satisfied that interested parties have had time to review the conditions.

Prior to the Board's public hearing, staff distributes a report to the Board of Supervisors which summarizes the events of the Planning Commission public hearing and states the Commission's recommendation on each request.

Board of Supervisors Public Hearing (third Monday of the month, generally):

- Applicant must attend the public hearing. The applicant may have an agent present the request to the Board if desired, but must also be in attendance in order to answer any questions and avoid delays in the review process due to lack of information.
- Interested parties may comment on the request and/or voice concerns to the Board.
- Board of Supervisors may vote to approve or deny the request, with or without proffered conditions. The Board may also continue the hearing if more information is needed or send the request back to the Planning Commission for additional review.

STEP 6: RECORDATION OF FINAL ACTION:

The Board's decision is considered to be in effect once the vote on the request has been announced. Legal forms are filed in the Zoning Administrator's Office the morning following the vote. All files remain open for public inspection.

PITTSYLVANIA COUNTY
APPLICATION FOR REZONING

I/We, _____, as Owner/Contract Purchaser (circle one) of the below described property, hereby apply to the Pittsylvania County Board of Supervisors to amend the Pittsylvania County Zoning Maps as hereinafter described:

1. Current Owner of Property _____ Telephone _____
Address _____ ZIP _____
2. Location of Property: _____ Total Amount: _____
Taken By: _____
3. Tax Map Number: _____
4. Election District: _____
5. Size of Property _____ acres/square feet
6. Existing Land Use: _____
Existing Zoning: _____
7. Proposed Land Use: _____
Proposed Zoning: _____
8. Are Conditions being Proffered: Yes _____ No _____
9. Check-completed items:

_____ Letter of Application	_____ 11" x17" Concept Plan	_____ Legal Forms
_____ Site Development Plan	_____ Application Form	_____ Plat Map
_____ List of Adjoining Properties		

Through application for this permit, the owner authorizes a right-of-entry to the designated personnel of Pittsylvania County for the purpose of site evaluation and monitoring for compliance with the Pittsylvania County Zoning Ordinance.

Applicant

Sworn to and subscribed before me in my presence this _____ day of _____, _____, in my City and State aforesaid, by _____ Notary Public. My commission Expires: _____

OFFICE USE ONLY:
Application No.: _____
Application Deadline: _____ Hearing Date: _____
Received by: _____ Date Received: _____
BOS Hearing Date: _____ Action: _____

VIRGINIA:

BEFORE THE BOARD OF SUPERVISORS OF
PITTSYLVANIA COUNTY

A _____ acre parcel of land,)
generally located _____)
within the _____)
Election District, and recorded as _____)
parcel # _____ in the _____)
Pittsylvania County tax records. _____)

PETITION

TO THE HONORABLE SUPERVISORS OF PITTSYLVANIA COUNTY

WHEREAS, your Petitioner _____ respectfully
files this petition pursuant to Sections 35-806 and 35-807 of the Pittsylvania County Zoning
Ordinance and in accordance with the Code of Virginia 1950, as amended, and would respectfully
show the following:

- 1) The Petitioner is the owner of the above-referenced parcel of land, or is the contract purchaser filing with the owner's consent.
- 2) The property is presently zoned under the provisions of the Pittsylvania County Zoning Ordinance as _____ District.
- 3) Your petitioner now desires to have this property rezoned as _____
_____ District for the purpose of _____
_____.

WHEREFORE, your Petitioner respectfully requests that the Zoning Ordinance of Pittsylvania County be amended and that the above-referenced parcel of land be rezoned as set out in Number 3.

FURTHER, Your Petitioner respectfully requests that this petition be referred by the Zoning Administrator to the Pittsylvania County Planning Commission for its consideration and recommendation.

Respectfully submitted,

Petitioner

Sworn to and subscribed before me in my presence this _____ day of _____, _____, in my City and State aforesaid, by _____ Notary Public. My commission Expires: _____

ADJACENT PROPERTY OWNERS

Adjacent property owners are mailed a notice of the request. Please provide each owner's name and mailing address plus zip code for every Property adjacent to the site and directly across from any public right-of-way adjoining the site. Names and addresses are available in the County Tax Commissioners office in the Courthouse.

Petition Parcel # _____

NAME: _____ ADDRESS: _____
TAX MAP NUMBER: _____

Requested by: Odie H. Shelton, Jr.
Director of Code Compliance/Zoning Administrator

PITTSYLVANIA COUNTY
REQUIREMENTS FOR REZONING APPLICATION

All applications must be received by 4:00 P.M. on the last Thursday of the month, generally. (***Ex. Cases filed the last Thursday in January will be heard in March***) Incomplete packets will not be accepted. The packet must include the following information:

1. **Consultation with zoning staff to review the proposal and obtain recommended procedures** and technical assistance. Applicant should also contact neighboring property owners to review the proposal.
2. **Completed application form**, typed and signed by applicant, including owner's consent. (Owners signature shall be notarized, if signed outside the Code Compliance Office/Zoning Administrator's Office).

Letter of application stating in general terms: (*Owners signature shall be notarized, if signed outside the Code Compliance Office/Zoning Administrator's Office.*)
 - (a) the change in use and zoning of the property,
 - (b) the effect of the changes on the surrounding area, and
 - (c) the reason for the rezoning.
4. **Site Development Plan (if required)**, discuss with Zoning Administrator. Concept plan submission may be permitted. A concept plan and site development plan may be required at the discretion of the Zoning Administrator. (See attached Site Development Plan instructions.)
5. **Concept plan (if required)** for site layout --11" x 17" scaled drawing. A concept plan and site development plan may be required at the discretion of the Zoning Administrator. (See attached Concept Plan instructions.)
6. **Legal Forms**, including Petition, (*Owners signature shall be notarized, if signed outside the Code Compliance Office/Zoning Administrator's Office*). Recommendation, Final Order, description of property in metes and bounds, Proffer of Conditions (if any). All forms must be typed.
7. **List of names, addresses, and tax map and parcel numbers of property** owners who abut the property or are directly across a public right-of-way. (Refer to County tax records in the Land Use office.)
8. **Application fee of \$125.00** to cover required processing, signs, and newspaper advertising, plus first class postage for each adjoining property owner for mailing casts.
9. For further information or assistance, please contact the Zoning Administration staff Monday through Friday, 9:30 A.M. to 4:00 P.M. at:

SITE DEVELOPMENT PLAN INSTRUCTIONS

Purpose: The site development plan details the characteristics of the applicant project's setbacks, boundaries, location, density, and other factors critical to making zoning determinations.

Preparation: A site development plan is required with rezonings, special use zoning permits, some zoning permits for permitted uses and variances. The Ordinance provides for those uses specifically requiring site development plans; also listed are exemptions from preparation of site development plans. In addition, the Zoning Administrator may have discretion to waive site development plans, substituting concept plan requirements.

Eight (8) copies of the site development plan and one (1) original will be required on initial application. The plan does not have to be prepared by a professional site planner but should be legible and describe the project in appropriate detail. The following are considered minimum requirements:

- Title of project; name of subdivision.
- Name of owner, subdivider, surveyor, or engineer.
- True north pointer.
- Date of drawing; number of sheets; voting district.
- Scale of the drawing which shall be one hundred (100) feet per inch. Original drawing (s) shall be black line on polyester film or comparable transparentized material; size of drawing(s) shall be twenty (20) inches by eighteen (18) inches. A blank oblong space of 3" by 5" shall be reserved for the use of the approving authorities.
- A three (3) inch by five (5) inch area shall be reserved on drawings for signatures and/or stamps of approving agencies.
- Location of the proposed subdivision by an inset map at a scale of not less than two (2) inches per one (1) mile, showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks, and streams, bodies of water, railroads, subdivisions, to clearly identify the location of the property.
- A boundary survey or existing survey of record; provided that such survey shows a closure with an accuracy of not less than one (1) in twenty-five hundred (2,500); total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
- Zoning of the tract and all surrounding tracts. Include parcel numbers, other identifying numbers from county tax maps.
- All existing, platted and proposed streets, their names, numbers and widths; existing utility and other easements, public areas and parking spaces; culverts, drains and watercourses, their names and other pertinent data.
- Location, type and size of all entrances to the site.
- All parcels of land to be dedicated for public use and the conditions of such dedication.

- Existing topography and proposed' finished contours shown at intervals satisfactory to the Resident Engineer, when applicable.
- Elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith.

PROFFERS OF CONDITION

Per Section 15.1-491.2 of the Code of Virginia.

In situations where more flexible and adaptable zoning methods are needed, amendments to the Zoning Map may be allowed subject to certain conditions that are not generally applicable to land similarly zoned.

Proposed amendments to the Zoning Map may include the voluntary proffering in writing, signed by the property owner of record (and the petitioner if different from the property owner of record), of reasonable conditions in addition to the regulations provided for in the desired zoning district. Any such proffered conditions must be made prior to the public hearing held by the governing body and must adhere to the following:

- (1) The rezoning itself must give rise to the need for the conditions.
- (2) Such conditions shall have a reasonable relation to the rezoning.
- (3) Such conditions shall not include a cash contribution to the County.
- (4) Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in Section 15.1-466(f) of the Code of Virginia.
- (5) Such conditions shall not include payment for or construction of off-site improvements - except those provided for in Section 15.1-4660) of the Code of Virginia.

CONCEPT PLAN INSTRUCTIONS

Limitations: The concept plan should not be confused with the site development plan that is required in most cases before the issuance of a zoning permit and building permit. Site development plan procedures ensure compliance with development regulations and may require changes to the initial concept plan. Unless limiting conditions are proffered during a rezoning and accepted, or imposed by the Board of Supervisors on a Special Use Permit request, the concept plan may be altered to the extent permitted by zoning district and other regulations.

Preparation: A concept plan may be required with all Rezoning, Permitted Use Zoning Permit, Special Use Zoning Permit, and some other zoning applications at the discretion of the Zoning Administrator. The plan does not have to be prepared by a professional site planner, but should be legible and describe the project in appropriate detail. Eight (8) copies of the Concept Plan and one

(1) original will be required on initial application. The staff may exempt some items or suggest the addition of extra items, but in general, the following are considered minimum:

- Project title; name of applicant, and project designer/surveyor (if applicable).
- Date, north arrow, and graphic scale.
- 11 " x 17" drawings. If plans are larger than 11 " x 17", applicant must provide twenty (20) copies of the plan for distribution to Planning Commission and Board of Supervisors members.
- Size of entire parcel and/or lots in acres and square feet and, if applicable, size of portion of parcel to be rezoned.
- Lot dimensions in feet.
- Adjacent streets, alleys, railroads, water bodies, physical features, etc. Tax parcel identification numbers, deed book references, plat book references.
- Locations, dimensions, and heights of all structures.
- Impacting natural features.

Additional requirements of applicant's concept plan may include:

- For residential, commercial, and mixed use projects: the number, type, and size of dwelling, retail, or commercial office units, and the gross density of units, plus the location, size, and type of recreational amenities.
- Location and dimensions of pedestrian access and plazas as well as vehicular driveways, off-street parking spaces, and loading facilities.
- Outstanding natural features to be conserved, such as slope, ground cover, surface water, trees and vegetation, floodplain, etc.
- Signs, including type, area, height, and placement on site.
- Location and description of any screening and buffering along the lot perimeter or within the lot.
- Building elevations or renderings and description of landscape improvements (optional).
- Other information pertinent to the specific request including areas outdoors which are designated for special uses, for example, storage areas, recreation area, loading/unloading areas, dumpster areas.
- Grades of roads shall not exceed those recommended by the Resident Engineer's Office, when applicable. Street grades shall not exceed ten (10) percent.
- Provisions for off-street parking, loading spaces and pedestrian walkways; including sidewalks; calculations indicating the number of parking spaces required and the number provided.
- Number of floors, floor area, height and location of each building.
- For a multi-family residential development, the number, size and type of dwelling units; density, location, type, and percentage of total acreage of recreation facilities.
- Proposed connections with existing sanitary sewers and existing water supply or the alternate means of sewage disposal and water supply.
- Detailed utility layout including water and sanitary sewer plan with profiles; density, location of electrical transmission lines, gas pipelines, streetlights, and fire hydrants;

and showing the locations of garbage and trash disposal facilities; location of standpipes for fire protection.

- Provisions for collecting and discharging surface drainage and preliminary designs of any structure that may be required; other provisions for the adequate control of storm water drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures, and including drainage calculations.
- Computations notation to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multi-family residential developments.
- Bylaws of Homeowners Association when applicable.
- Notification of adjacent property owners. It shall be the responsibility of the applicant to pay for notification of all adjoining property owners, advising them of the submission of plans to the County and that plans are on file and available for review in the Zoning Administrator's office. No site plan shall be approved until the Zoning Administrator or his designee, is satisfied that all property owners contiguous to and sharing a common property line with said applicants or whose property lies directly across from the proposed development have been notified in writing prior to the time the site development plan is approved. Evidence that such notice was sent by mail to the **last known address** of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance.

If the Zoning Administrator determines that one (1) or more of the submittal requirements is not applicable to the proposed project, the Administrator may waive those requirements.

The submittal of a site development plan with insufficient information shall result in the return of the plans to the applicant without review; such deficiencies shall be noted in written form.

OFFICE OF ZONING/CODE
COMPLIANCE
P.O. Drawer D,
Chatham, Virginia 24531



(434) 432-7751
(434) 432-7919 FAX

SIGN AFFIDAVIT

Sec. 35-817. POSTING OF PROPERTY - PLANNING COMMISSION HEARING-

At least fourteen (14) days preceding the Commission's public hearing on a zoning map amendment, there shall be erected on the property proposed to be rezoned, a sign or signs provided by the Zoning Administrator indicating the date, time, and place of the public hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half (2 1/2) feet above the ground. If more than one (1) such road abuts the property, then a sign shall be erected in the same manner as above for each such abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two (2) boundaries of the property abutting land not owned by the applicant.

Sec. 35-818, POSTING OF PROPERTY - BOARD OF SUPERVISORS HEARING-

When a public hearing has been scheduled before the Board of Supervisors for a Zoning Map amendment, there shall be erected, at least fourteen (14) days preceding such hearing, a sign or signs provided by the Zoning Administrator indicating the date, time and place of the public hearing. Such sign or signs shall be erected in the same manner as prescribed in Section 35-817 above.

Sec. 25-819. MAINTENANCE AND REMOVAL OF SIGNS.

Any sign erected in compliance with this section shall be maintained at all times by the applicant up to the time of the hearing and it shall be the duty of the applicant at the hearings to prove by affidavit that he has fully complied with the requirements of this section and has continuously maintained the sign or signs up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator or an authorized agent of either, to remove or tamper with any sign furnished during the period it is required to be maintained under this Section. All signs erected under this Section shall be removed by the applicant with fourteen (14) days following the public hearing for which it was erected.

I have read and understand Sections 35-817, 35-818, and 35-819 of the Pittsylvania County Zoning Ordinance. I understand it is my responsibility to post, maintain and remove this/these sign or signs, according to Section 35-817, Section 35-818, and 35-819. If this sign is removed or destroyed, I understand it is my responsibility to obtain another sign from the Zoning office, post the property and maintain the sign(s), according to the above Sections of the Pittsylvania County Zoning Ordinance.

Should the property not be posted and the sign(s) maintained as required above, I understand the board may defer the case.

Case _____ Applicant _____ Date _____
*Sworn to and subscribed before me in my presence this _____ day of _____, _____, in my City and State
aforesaid, by _____ Notary Public. My commission Expires: _____*

Bachelors Hall/Whitmell (434) 797-9550

Gretna/Hurt (434) 656-6211

SPECIAL POWER OF ATTORNEY

Property Description (Tax Map Number, Street Address or Common Description, Borough):

Tax Map # _____

I/we _____, am/are:

_____ the applicant for the above-referenced application

_____ the owner(s) of the property described above

I/we do hereby make, constitute, and appoint _____, authorized agent of _____, my/our true and lawful attorney-in-fact, and grant unto my/our attorney-in-fact full power and authority to make any and all applications and execute any related documents required in connection with all zoning and/or permitting matters related to _____, on the above described property (the "Property"), and to perform all acts and make all agreements as such person shall deem necessary or appropriate in regard to said zoning and/or permitting matters, including but not limited to the following authority: the authority to negotiate with localities; to sign and submit proffers that would constitute binding conditions on the Property; to agree to conditions and bind the Property with conditions, whether through proffers or other agreements; to sign and submit applications, agreements and/or other documents in connection with rezoning, conditional rezoning, special use permits, conditional use permits, special exceptions, zoning variances, building permits and/or any other permits related to _____, on the Property; and to modify or amend any documents in whole or in part relating to such applications, agreements and related documents.

I/we ratify all actions taken to date in connection with the zoning and/or permitting of the Property related to _____, on the Property.

The rights, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the _____ day of _____, in the year _____, and shall remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested is received by the Planning Department of the City/County of _____, Virginia, or by _____, stating that the terms of this power have been revoked or modified.

Owner: Print Name _____

Commonwealth of Virginia City/County of _____, to-wit:

Subscribed and sworn to before me this _____ day of _____, _____, in my City and State aforesaid, by _____ Notary Public.

My Commission Expires: _____.