

Town of Gordonsville, Virginia



ZONING AMENDMENT APPLICATION PACKAGE

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Zoning Amendment Request Procedures

1. The Town of Gordonsville recommends a preliminary meeting be held prior to the submittal of a zoning amendment request. This meeting is not required.
2. Applicant must submit an original completed application **signed by the current property owner** and the supplemental documents (see *Attachment A*) along with a \$200.00 non-refundable application fee and \$175.00 for public advertising cost. *Additional advertising cost will be billed.* **Any proffer statement provided must be signed by both the applicant and the property owner.**
3. Staff will review application and documents for completeness and generate a staff comment letter. Staff review takes approximately three (3) weeks. The comment letter will include a request for seven (7) additional or corrected copies of the application package.
4. Zoning amendment requests must be reviewed by the Town Planning Commission. The Planning Commission must hold a public hearing and make a recommendation to the Town Council. Staff will add the application package to the next available Planning Commission agenda for consideration upon receipt of the applicant's written response to the staff comment letter. The applicant or his representative should attend the Planning Commission meeting. The Town Planning Commission usually meets on the second (2nd) Monday of every month. The deadline for submittal for Planning Commission consideration is four (4) weeks prior to the Planning Commission meeting.
5. The Planning Commission must report its action to the Town Council within sixty (60) days. The applicant will be advised of the Planning Commission's recommendation within thirty (30) days after the Planning Commission's action.
6. Notice of the Planning Commission's decision will include the date of the Town Council public hearing.
7. The Town Council will review the request along with the Planning Commission's recommendation and conduct a Public Hearing not more than sixty (60) days after receipt of the Planning Commission's recommendation. The Town Council must take action within thirty (30) days of the Council public hearing.
8. The Zoning Administrator will send official notice of Council's action in writing to the applicant.

No more than one application for any amendment affecting a specific parcel of land may be initiated during any single six (6) month period.

The zoning administrator is vested with all necessary authority on behalf of the Gordonsville Town Council to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including (i) the ordering in writing of the remedy of any noncompliance with the conditions; (ii) the bringing of legal action to insure compliance with the conditions, including injunction, abatement, or other appropriate action or proceeding; and (iii) requiring a guarantee, satisfactory to the Town Council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the governing body, or agent thereof, upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.



Town of Gordonsville, Virginia

Town Zoning Administrator
Post Office Box 276, 112 West Main Street
Gordonsville, Virginia 22942
Phone – (540) 832-2233/ Fax – (540) 832-2449
E-mail dkendall@gordonsville.org
www.townofgordonsville.org

ZONING AMENDMENT APPLICATION FORM

Date: _____ Tax Map Identification #: _____

Applicant Information

Name of Applicant: _____
Mailing Address of Applicant: _____
Telephone: _____ Fax: _____ Email: _____

Property Location and Identification

Physical Address of property: _____
Name of Property Owner: _____
Mailing Address of Owner: _____
Telephone: _____ Fax: _____ Email: _____
Agent's Name: _____
Phone Number: _____ Fax: _____ Email: _____
Mailing Address: _____

Present Use & Zoning Classification (Check one)

- R-1(Residential) R-2(Multi-Family/Town House) R-3 (Professional/Residential) R-4 (Low Density Residential)
 B-1 (General Business) B-2 (Restricted Business) M-1 (General Industrial)

Current Use of Property: _____

Proposed amendment (see Attachment A for additional information to be provided)

Proposed zoning from _____ to _____

Application Fee

Please include your non-refundable application fee of \$200.00 plus \$175.00 advertising costs. Please make checks payable to:
The Town of Gordonsville.

Property Owner Consent

This application and supporting documentation is hereby submitted with my full knowledge and permission:

Signature of Property Owner

Date

Attachment A
Zoning Amendment Application Requirements

Any application submitted for consideration for rezoning must include the following:

- a. A written justification of conditions warranting such amendment, the public purposes to be served, including anticipated effects upon properties within the district(s) and a statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed zoning amendment;
- b. Information about the market area to be served by the proposed development if a commercial use, including population, effective demand for proposed business facilities, and any other information describing the relationship of the proposed development to the needs of the market area;
- c. The degree of compliance of the proposed rezoning request and subsequent development plans with the provisions of the Town of Gordonsville *Comprehensive Plan*;
- d. A list of all adjoining property owners with their names and mailing addresses, including property located directly across the street;
- e. The approximate time schedule for the beginning and completion of any development proposed in the area as a result of rezoning or amendment;
- f. A site plan, which shall include, but not be limited to, the following information:
 - i. the extent of the area to be rezoned, streets bounding and intersecting the area, and the land use and zoning classification of abutting properties;
 - ii. locations of proposed or existing structures together with plans thereof, land uses;
 - iii. areas for off-street parking and loading, site access and roadways;
 - iv. topography, utilities, open spaces, recreation areas, and recognized historic resources.
 - v. whether the site is located within the Town of Gordonsville Historic Overlay District.

Attachment B

Town and Virginia Code Provisions for Rezoning or Zoning Amendment Requests

The information below outlines provisions within the Gordonsville Town Code and the Virginia Code related to a rezoning or zoning amendment request.

I. Town Code

A. 802.04 – *Council may amend zoning “whenever the public necessity, convenience, general welfare, or good zoning practice require.” The resolution proposing the rezoning shall “state the above public purposes.”*

B. 802.04-1 – Applications given to Zoning Administrator – signed by the property owner – requirements

C. 802.04-2 – Planning Commission shall review the rezoning application and conduct a duly advertised public hearing – then present the application and documents to the Council with its recommendation – if not submitted to Council within 60 days of first meeting on application, Commission is deemed to approve it

D. 802.04-3 – Council shall review after duly advertised public hearing – must notice a public hearing within 60 days of the referral and take action within 30 days of the hearing.

E. 802.05-2 – Proffers – owner may proffer “reasonable conditions” IF “in writing” and “made prior to the public hearing before Town Council” **

- a. rezoning itself must give rise to the need for the condition
- b. conditions must have “reasonable relation to the rezoning”
- c. shall not include cash contributions

II. Virginia Code § 15.2-2297. Same; conditions as part of a rezoning or amendment...

A. A zoning ordinance may include and provide for the voluntary proffering in writing, by the owner, of reasonable conditions, prior to a public hearing before the governing body, in addition to the regulations provided for the zoning district or zone by the ordinance, as a part of a rezoning or amendment to a zoning map; provided that

- (i) the rezoning itself must give rise for the need for the conditions;
- (ii) the conditions shall have a reasonable relation to the rezoning;
- (iii) the conditions shall not include a cash contribution to the locality;
- (iv) the 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 [§ 15.2-2241](#);
- (v) the conditions shall not include a requirement that the applicant create a property owners' association under Chapter 26 ([§ 55-508 et seq.](#)) of Title 55 which includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments and other public facilities not otherwise provided for in [§ 15.2-2241](#); however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the Department of Transportation;
- (vi) the conditions shall not include payment for or construction of off-site improvements except those provided for in [§ 15.2-2241](#) [subdivision ordinance – i.e., contiguous existing and planned streets]
- (vii) no condition shall be proffered that is not related to the physical development or physical operation of the property; and
- (viii) all such conditions shall be in conformity with the comprehensive plan as defined in [§ 15.2-2223](#).

***The governing body may also accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal. Once proffered and accepted as part of an amendment to the zoning ordinance, the conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by the conditions. However, the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.*

Attachment C
Zoning Amendment Check list

Application Number: _____

Pre-submission Meeting held? yes no **Date:** _____

Proffers YES NO

If yes, date proffer statement submitted: _____

Proffers must be signed by property owner and applicant.

Application package:

Date application package submitted: _____

- Application Fee paid
- Supplemental Information
 - The written justification
 - Anticipated effects upon properties within the district(s)
 - Approximate time schedule
 - Information about market area
 - Comprehensive Plan statement
 - List of adjoining property owners
- Plan
 - Extent of the area to be rezoned
 - Proposed or existing locations of structures together with plans thereof
 - Streets bounding and intersecting the area
 - Land use(s)
 - Areas for off-street parking and loading
 - Site access and roadways
 - Land use and zoning classification of abutting properties
 - Topography
 - Utilities
 - Open spaces
 - Recreation areas
 - Recognized historic resource

Application Complete: yes no

Date staff comment letter(s) issued: _____

Planning Commission Public Hearing:

Date Public Hearing notice sent to the press: _____

Dates notices appeared in the newspaper: _____

Date joint property notices sent by staff: _____

Date County notified: _____

Date package delivered to Planning Commission: _____

Date Public Hearing was held: _____

Action Taken: Recommend Approval Recommend Denial

Notes: _____

Date action notification letter and Town Council hearing date sent to applicant: _____

Town Council Public Hearing:

Date Public Hearing notice sent to press: _____

Dates notice appeared in the newspaper: _____

Date joint property notices sent by staff: _____

Date County notified: _____

Date package delivered to Town Council: _____

Date Public Hearing was held: _____

Action Taken: Approval Denial

Notes: _____

Date action notification letter sent to applicant: _____

Date zoning map updated: _____