

Caroline County

**INFORMATIONAL BROCHURE FOR
REZONING, SPECIAL EXCEPTION,
ZONING TEXT AMENDMENTS,
&
PROFFER AMENDMENTS**



County of Caroline

**Department of Planning &
Community Development**

P.O. Box 424

233 West Broaddus Avenue

Bowling Green, VA 22427

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INTRODUCTION

If the use intended for your property is not permitted as a matter of right in the Zoning Ordinance, you will need to apply for a rezoning or a special exception permit. The County's ordinance has specific development standards required. In some circumstances you may request a waiver to these standards. In these cases you would request a waiver to the development standards as specified in the ordinance. If your property was previously rezoned or you have an existing special exception permit and you wish to amend or change the proffers or conditions placed on the property you will need to file for a proffer/condition modification.

Each of the processes is described in more detail below. County staff is willing to provide assistance to you in determining the best solution for the development request you are seeking. At any time during the process you may call staff to obtain more information and/or assistance.

WHAT IS A REZONING?

A rezoning is required if your proposed use is permitted neither by right nor as a special exception under your property's current zoning classification. If you wish to apply reasonable conditions in addition to the regulations of your desired zoning classification, you may submit these "proffers" in writing with your application. Typically, proffers relate to such things as use restrictions, timing/phasing of development, off-site improvements, additional aesthetic features, capital contributions and similar items not a part of the normal plan approval process.

WHAT IS A SPECIAL EXCEPTION PERMIT?

Some uses, because of their unique nature or their impact on adjacent land uses, are not permitted by right, but may, under certain conditions be deemed acceptable in certain locations. If such is the case with the use you have proposed for your property, a special exception permit is required.

WHAT IS A ZONING TEXT AMENDMENT?

Some uses are not listed nor can they be classified under an existing use in the zoning ordinance. In these cases staff will assist you in determining the appropriate zoning text amendments to permit your proposal as a use under the special exception permit process. In these unique situations you will be filing for a zoning text amendment as well as a special exception permit.

WHAT IS A WAIVER?

In some development proposals an applicant may request that a development standard(s) to be waived. Often this is associated with other proffers that the applicant is offering with a rezoning or special exception permit application. In these circumstances the applicant will most likely proffer something in place of the development standard that accomplishes the intended goal of the development standard.

WHAT IS A PROFFER AMENDMENT?

Often a property has been rezoned with proffers attached to the rezoning. During the course of the development of the property a situation occurs that generates the need to modify the proffered conditions. In these instances the applicant will request the County modify the proffers to address the particular situation(s). In order for this to occur the applicant will have to submit a proffer amendment application to the County, which provides the reasons for the modification(s) to the original proffered conditions.

Note:

- 1. In some cases both a rezoning and a special exception permit as well as proffer, text amendment(s) and a waiver may be necessary.*
- 2. For brevity and clarity the following procedural discussion references rezonings and special exceptions, but the procedures for zoning text amendment(s), waiver(s), and proffer amendment(s) are the same.*

PROCEDURE

STEP 1

For rezoning and special exception permit applications, schedule a pre-application meeting with a staff member of the Department of Planning & Community Development (DPCD). The office is located at 233 West Broaddus Avenue, in the Town of Bowling Green. **Phone: (804) 633-4303.**

Points you should cover during the meeting:

1. Check ZONING MAP to determine current zoning of subject property.
2. Check the appropriate sections of the County's Zoning Ordinance to determine if proposed use is permitted by right or by special exception permit.
3. Obtain: application(s), and Schedule of Planning Commission meetings (including deadlines for submissions).
4. Discuss best approach for obtaining approval of proposed activities. Keep in mind that, although many factors are considered in review of rezoning and special exception permit requests, the most important ones are:
 - Conformance with the Comprehensive Plan
 - Potential service, fiscal, transportation and environmental impacts
 - Relationship of use to its surroundings
 - Conditions which would mitigate potential negative impacts

A traffic analysis may also be required, and is *always* required for proposed activities which involve:

1. 1,000 vehicle trips in a 24-hour period
2. 100 vehicle trips in a peak hour
3. A subdivision where 50 or more lots are proposed

Note: County staff contact can assist you in estimating the potential traffic volumes anticipated for the project.

STEP 2 – Part A; Technical Review Committee

Complete application(s) and submit with fee as soon as possible before deadline. Attention to detail is important. Information on applications must be complete and correct and checks must be for correct amounts. Don't miss the deadline. If you have any questions call and ask. The staff will determine if the application is complete and, if so, will begin the review process by distributing it for review by

the Technical Review Committee (TRC). This committee is composed of a number of County and state agencies.

STEP 2 – Part B; Staff Report & Public Notice

When comments have been returned, the DPCD prepares a review letter and sends it to your engineer. Your engineer then needs to revise the plans, plats, and/or proffers accordingly. When the revisions have been completed and re-submitted and the revisions reflect staff's comments your application will be placed on the next available Planning Commission Agenda. Then Public Notice of the proposed action is prepared and sent to the local newspaper and to adjacent property owners, and signs are posted on the property.

During this time, DPCD prepares an analysis and recommendation for the Planning Commission in the form of a staff report. Your engineer will receive a copy of this staff report. The staff report is an official recommendation from staff regarding your proposal. It is important to get a favorable recommendation for your proposal in the staff report.

STEP 3

Attend Planning Commission Public Hearing. The staff will present the application and its recommendation. The applicant or applicant's agent can present additional information including a description of the proposed use, maps, plans and architectural renderings. Other area property owners and interested parties are allowed to speak. The Planning Commission will make a decision after discussion of the case. It may make one of the following recommendations (advisory only) to the Board of Supervisors:

- Approval as submitted
- Approval subject to certain conditions or revisions
- Denial, or
- Table the application to a future meeting

Since failure to act within ninety (90) days results in an automatic recommendation of approval, the Commission will likely recommend denial if there continues to be unresolved issues. The ninety (90) day deadline does not apply when the applicant requests or concurs in a delay.

STEP 4

Attend Board of Supervisors Public Hearing. The next step is a hearing before the Board of Supervisors where the prior notice and meeting procedures are basically the same as the Planning Commission. The Board will receive the recommendation(s) from the Planning Commission and DPCD staff and hear public comments. The Board will take final action after discussion of the

information presented during the public hearing and the recommendations of the Planning Commission and DPCD staff.

The Board will:

- Approve as submitted
- Approve with conditions or revisions (use permits or conditional zoning)
- Deny, or
- Table it to a later meeting

The Board must take action within one (1) year of the date a rezoning petition was filed.

WHAT'S NEXT?

If your proposal receives approval from the Board of Supervisors, the next step is to develop the site and construction plans that must be approved by the DPCD. See the Informational brochure on Site & Subdivision Plans for a detailed discussion about the approval process.

TOP TEN MISTAKES THAT NEGATIVELY IMPACT THE DEVELOPMENT REVIEW PROCESS

1. Failure to consult the County staff prior to the purchase of property intended for investment or development.
2. Unreasonable expectations concerning the yield or developability of property.
3. Hiring a consultant that is not familiar with County and State ordinances, statutes, design requirements and processes or the site in question.
4. Designing and engineering a project without the benefit of a pre-submission meeting or a pre-application review conference.
5. Assuming that an ordinance or design standard does not apply to your property and deciding not to consult with staff to confirm its applicability.
6. Designing a project with the intention that design review personnel will overlook the error or omission.
7. Submission of a project without paying the requisite review fee or having the appropriate number of plan sets or all necessary documentation that may apply to your project such as traffic studies, water quality impact

- studies, drainage calculations, landscape plans, archaeological studies, wetlands permits, photometric plans, etc.
8. Designing a project based on the assumption that staff can arbitrarily waive ordinance requirements or that a variance, appeal or exception will readily be obtained.
 9. Failing to address or inadequately addressing review comments made in a previous round of development review.
 10. Failing to keep in close contact with the County staff during the entire project and failing to actively manage important aspects of the project.