

**Article XVII**  
**Administration and Enforcement**

Repealed & Replaced July 25, 2006

**Section 1 - Purpose**

The purpose of this Article is to establish the requirements and procedures for rezonings, special use permits, amendments to the text of this ordinance and to the zoning map, amendments to the Comprehensive Plan, and for obtaining zoning permits, certificates of occupancy and zoning compliance as required by this Ordinance.

**Section 2 - Enforcement**

- A. This ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the governing body. The Zoning Administrator or any authorized assistant thereof, upon proper identification, shall have the right to enter upon any land or into any building for the purpose of making an inspection or acquiring information to determine whether or not the property and the use thereof conform to the requirements of this Ordinance.
- B. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

**Section 3 - Zoning Permits Required**

Except as expressly permitted herein, no permitted use, accessory use, temporary use, or special use shall be initiated nor shall any building, structure, or mobile home erected, constructed, altered, stored, located, moved, converted, extended or enlarged or used or changed in use without a zoning permit issued by the Zoning Administrator. No zoning permit shall be issued by the Zoning Administrator except in conformance with the provisions of this Ordinance.

**Section 4 - Zoning Permit Applications**

- A. Applications for zoning permits shall be made to the Zoning Administrator on standard forms available in the Department of Planning and Community Development. Each application shall be accompanied by the following items:
  - 1. Three (3) copies of a plan drawn to scale which shows:
    - a. A boundary survey for any parcel which is three (3) acres or less, with a site drawing showing the north arrow and property line measurements.
    - b. The area of the parcel (in square feet and acres).
    - c. The location, dimensions and use of proposed and existing structures. In the case of temporary structures, the date when the structures will be removed must be indicated.
    - d. The location of all building restriction lines, setbacks, easements, covenants, restrictions and rights-of-way.
    - e. The dimensions, location and total area of all driveways, parking areas or any other impervious surfaces.

- f. The location of all existing and proposed septic tanks and drainfield areas, including reserve areas, and the location of all existing and proposed wells.
  - g. The limits of all clearing and grading.
  - h. The location of the limits of any RPA and any additional required buffer areas.
  - i. The location of all erosion and sediment control devices.
2. A land disturbing permit application, if required, by the Department of Planning & Community Development.
  3. A well and septic construction permit from the Virginia Department of Health or, where a public water and/or sewerage system is involved, a statement from the system(s) management that all applicable regulations and requirements have been complied with, if required, by the Department of Planning & Community Development.
  4. A VDOT Highway Entrance Permit, if required, by the Department of Planning & Community Development.
  5. Any other information deemed necessary by the Department of Planning & Community Development for the review of the application.
- B. The requirement for a boundary survey may be waived by the Department of Planning and Community Development for lots greater than 3 acres in size, and for accessory structures.

#### **Section 5 - Review of Applications**

Upon receipt of an application, the Zoning Administrator shall review the zoning permit application for completeness. If the application is incomplete, the Zoning Administrator shall notify the applicant of the deficiencies, in writing, within twenty-one (21) working days from the date the application is received, when possible. If the application is complete, the Zoning Administrator shall review the application and, either approve, approve with conditions, or deny the application within twenty-one (21) working days from the date the application is received. If the application is denied, the Zoning Administrator shall state in writing the reasons for the denial. Failure to take action within the twenty-one (21) working days shall not constitute approval of the permit.

#### **Section 6 - Time Limitation for Zoning Permits**

A zoning permit shall terminate if the authorized work is not commenced within six (6) months of the date of issuance of the permit, or is suspended or abandoned for a period of six (6) months.

#### **Section 7 - Structures in Violation**

No zoning permit shall be issued where it appears that the proposed structure or use would be in violation of this Ordinance or any other applicable law, ordinance or regulation. However, the issuance of a zoning permit is not a certificate of compliance with this Ordinance or any other applicable law, ordinance or regulation.

#### **Section 8 - Issuance of Building Permits**

- A. No building permit shall be issued unless a zoning permit has been issued by the Zoning Administrator. However, no zoning permit shall be required for any of the following uses of land:
1. Silviculture provided it is in compliance with the Chesapeake Bay Preservation Act and Erosion and Sediment Control regulations.
  2. Crop farms or non-intensive agricultural uses (excluding building construction).

3. A Storage structure not exceeding 150 square feet in floor area and where the value or type of construction does not require a building permit.
  - a. When there is more than one storage structure and the sum of the floor areas exceed 150 square feet, a building and/or zoning permit shall be required.
4. Interior alterations which do not involve a change in use, or an expansion of a use within an existing structure.

**Section 9 - Certificate of Occupancy and Certificate of Zoning Compliance Required**

Except as expressly permitted herein, no permitted use, accessory use, temporary use, or special use shall be occupied nor shall any building erected, altered, used or changed in use until a Certificate of Occupancy and Certificate of Zoning Compliance has been issued. These certificates may be shown on a one (1) form. The certificates shall state that the building or proposed use complies with the zoning and building laws and the provisions of the Code of Caroline County.

**Section 10 - Application for Certificate of Occupancy and Zoning Compliance**

- A. Certificates of occupancy and zoning compliance shall be applied for within ten (10) days after the completion of, erection of or alteration of structure(s).
- B. Upon receipt of an application for a Certificate of Zoning Compliance, the Zoning Administrator shall review the application for completeness, including a review of all plans and conducting a site inspection (if necessary) to insure all required public improvements have been installed. If the application is incomplete, the Zoning Administrator shall notify the applicant in writing of the deficiencies. If the application is complete, the Zoning Administrator shall either issue the certificate or deny the application. If the provisions of this Article and all other applicable laws and ordinances are met, as certified to the Zoning Administrator by the officers, bodies, or agencies responsible for the administration thereof, the Zoning Administrator shall, within five (5) working days, issue the certificate of Zoning Compliance. If the application is denied, the Zoning Administrator shall state in writing the reasons for the denial, and the corrective actions necessary.
- C. As provided in Section 110 of the 2003 International Building Code as adopted by the Commonwealth of Virginia.

**Section 11 – Zoning Amendments**

A. General Provisions

1. Whenever public necessity, convenience, general welfare or good zoning practice requires, the Board of Supervisors may amend, supplement or change the regulations, restrictions, district boundaries or classification of property established in this Ordinance by majority vote in accordance with the requirements of Section 15.2-2204 of the Code of Virginia and this Article.
2. Changes in the restrictions on or classifications of a parcel of land may be affected as follows:
  - a. rezoning; including modification of proffers;
  - b. special exception (SPEX), special use permit (SUP), and conditional use permit (CUP);
  - c. zoning text amendments (see Section 13 of this Article).
3. Whenever the boundaries of the County are changed to incorporate land formerly subject to zoning by another political jurisdiction, such land shall be classified RP, Rural Preservation until rezoned in accordance with the provisions of this Article.

B. Initiation of Amendments

Zoning amendments may be initiated as follows:

1. By filing with the Department of Planning and Community Development a petition of the owners of land proposed to be rezoned.
2. By the adoption, by the Board of Supervisors, of a resolution of intention to amend, which shall be referred to the Planning Commission for consideration pursuant to Section 15.2-2285 of the Code of Virginia, 1950 as amended.
3. By the adoption, by the Planning Commission, of a resolution of intention to propose an amendment.

## **Section 12 – Rezoning**

### **A. General Provisions**

Whenever public necessity, convenience, general welfare or good zoning practice requires, the Board of Supervisors may amend, supplement or change the restrictions, district boundaries or classification of property established in this Ordinance by majority vote in accordance with the requirements of Section 15.2-2204 of the Code of Virginia and this Article.

### **B. Submission Requirements**

Requests for rezonings shall be filed with the Director on standard forms supplied for that purpose. A rezoning application for a parcel of land intended for non-residential use which is less than 5-acres in size and proposes to create 2 or fewer lots shall have supply a plat which meets these requirements;

1. One (1) copy of the latest deed for the property which is the subject parcel of the application This deed shall identify the fee simple owner(s) of the subject parcel.
2. One (1) copy of a written metes and bounds description of property which is the subject of the application, which shall conform to the plat information.
3. The applicant shall produce satisfactory evidence that any delinquent real estate taxes owed to the locality which have been properly assessed against the subject property have been paid in accordance with Section 15.2-2286 of the Code of Virginia
4. Plat requirements

A rezoning for a parcel of land intended for non-residential use which is less than 5-acres in size and proposes to create 3 or fewer lots shall have supply a plat which meets these requirements:

- a. A copy of an accurate plat of the property (no larger than 11 by 17 inches) prepared by a certified land surveyor, which shall show:
  - b. Bearings and distances of a scale of 1" = 100' or less for all property lines and existing and proposed zoning district lines;
  - c. Area of land proposed for consideration, in square feet or acres;
  - d. Scale and north point;
  - e. Names of boundary roads or streets and widths of existing rights of way;
  - f. The area and acreage of each requested rezoning outlined in red.
  - g. Vicinity map at a scale of one inch equals two thousand feet (1" = 2000') or other appropriate size for a maximum plat of no more than 11 by 17 inches.

In addition to the above requirements requests for all other rezonings shall be filed with the Director on standard forms supplied for that purpose such an application shall include following items:

5. Twenty-one (21) copies of a color keyed general development plan (GDP), which shall contain one or more sheets not to exceed 30" X 42" inches in size and folded to a size not to exceed 11" X 17". The GDP shall show;
  - a. A title block denoting the type of application, name of project, tax map reference and street address;
  - b. The name, address, email, and telephone and fax number of the applicant;
  - c. The name, address, email, telephone and fax number, signature and registration number of the plan preparer, and the preparation date of the plan;
  - d. Vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000');
  - e. The identification of and approximate distance to all major intersections within one-half mile of the proposed development;
  - f. The present zoning and principle use of subject parcel and all adjoining parcels;
  - g. The boundaries of any lakes, rivers, and/or streams;
  - h. The location and dimensions of all access points from the state road and inter-parcel connections and on-site pedestrian walkways or bicycle paths and connections to adjacent property;
  - i. Any know historic buildings, sites, and/or cemetery(s);
  - j. The boundaries of any overlay districts;
  - k. The general locations, dimensions, height, number of floors, and setbacks of all existing and proposed buildings, structures and other improvements;
  - l. The general location, size, and design of all sign(s);
  - m. The estimated daily vehicular trips generated by the proposed use;
  - n. If public water and sewer are to be used, the location of water and sewer mains along with proposed points of connection;
  - o. If private wells and septic systems are to be used, the location of the well and septic field along with the required reserve area are to be shown;
  - p. The approximate limits of any 100-year floodplains, wetlands and Chesapeake Bay Preservation Areas;
  - q. The location and functional relationship of all land uses including the types, density, and number of units for each phase within the development;
  - r. The location of roads, streets and travel ways to provide vehicular traffic circulation, and proposed classification of streets and right-of-way requirements;
  - s. The general location of proposed open space and the type of ownership proposed;
  - t. The type and general location of all required active recreational areas and the location of passive recreational areas to include trails, lakes and parks;
  - u. The proposed phasing and sequence of the development plan for each phase, the residential density, approximate type and number of dwelling units the percentage of

each land bay to be occupied by structures and the types, floor area ratio and general design standards for all commercial or industrial uses;

- v. Topographic information with maximum contour intervals of two (2) feet at a scale to be approved by the Director;
  - w. The approximate limits of clearing and grading for each separate tract or development sub area;
  - x. A general landscaping plan including plans for landscaping, buffering and screening from adjacent properties if there are use or visual conflicts;
  - y. All plans shall be folded to a size not to exceed 11 X 17 inches in size;
  - z. The approximate locations and identification of all significant natural or noteworthy features including but not limited to historical, archaeological sites, cemeteries, and existing trees with a trunk diameter greater than six (6) inches dbh.
6. A copy of architectural renderings. A narrative addressing compatibility of the request with the adopted Comprehensive Plan and its goals, objectives and action strategies.
  7. The applicant must demonstrate that the rezoning request promotes the public health, safety, convenience and general welfare of the citizens of Caroline County in accordance with Sections 15.2-2200 and 2283 (Code of Virginia, 1950, as amended), and the goals and objectives and action strategies of the adopted Comprehensive Plan of Caroline County. Such demonstration shall be accomplished by providing a narrative which addresses each of these issues.
  8. Where an application contains conditions proffered in accordance with Section 15.2-2298 of the Code of Virginia, the application shall contain the conditions and be in a form acceptable to the County Attorney.
  9. The Director may waive or modify the requirements above based upon the complexity, intensity, scope and/or impact of a proposed rezoning.
  10. A filing fee, in the amount established by the Board of Supervisors by separate ordinance.

In addition to the submission requirements above, the Director may require all or part of the following information to be provided by the applicant, based upon size, intensity, scope and impact of a proposed rezoning.

11. An inventory of historic resources on the property and a written narrative describing how the resources will be affected or protected.
12. A traffic study that identifies on-site traffic generation and distribution and off-site impacts. At a minimum, the study shall indicate projected automobile and truck traffic generation; percent of vehicular traffic by type; internal and access point turning movements; general alignments of internal roads; rights-of-way widths and roadway typical sections; recommended improvements to the existing transportation network; percentage estimate of traffic distribution to and from the site and external roads. The phasing of improvements shall be indicated in the study. All improvements shall be designed and constructed to provide a level of service C for 10 years from the end of the build out of the project. The current edition of the Trip Generation Manual published by the Institute of Transportation Engineers shall be used.
13. A fiscal impact analysis of the revenues and costs of the development to the County.
14. Any other materials deemed necessary by the Department of Planning & Community Development, the Planning Commission or Board of Supervisors for the review of the application.

C. Pre-application Conference

1. A pre-application conference with the Director is required prior to filing an application for rezoning.
2. The purpose of the pre-application conference is to provide an opportunity for the exchange information between the planning staff and the applicant about the proposed application and the applicable submission requirements.

D. Staff Review and Referral

1. Within ten (10) business days after receiving an application for rezoning, the Director shall determine whether the application is complete, if possible. If the Director determines that the application is not complete, he shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies.
2. If the application appears to be complete the Director shall cause the rezoning to be reviewed by such staff, departments, offices, agencies or other personnel as may be appropriate.
3. The review shall include an examination of the applicant's proffer statement, if any.
4. When referring an application to the Planning Commission, the Director shall prepare a report for the Planning Commission's review, which shall include a recommendation on the application.

E. Consideration of Rezoning by the Planning Commission

1. Following the referral of the application, the Planning Commission shall hold at least one public hearing on the rezoning. The Director shall present the report of the Department of Planning and Community Development (DPCD) to the Planning Commission at the first public hearing.
2. The Planning Commission shall have one-hundred (100) days following the date of the first public hearing to consider any rezoning. Failure of the Planning Commission to make a recommendation within the one-hundred (100) day time period shall be deemed a recommendation of approval.
3. An applicant for a rezoning may request that consideration of (and the recommendation on) an application be deferred past the one-hundred (100) day time period. The request shall be submitted, in writing, to the Director. The request, and the deferral by the Planning Commission, shall contain a date certain for holding or resuming consideration of the application.
4. The Planning Commission may recommend approval or denial of a rezoning, as the public necessity, convenience, general welfare or good zoning practice may require. The Planning Commission may also recommend modifications to a rezoning provided that any recommendations that increases the area or intensity of the proposed rezoning provided at least one additional public hearing must be held with notice given in accordance Section 15.2-2204 of the Code of Virginia, 1950, as amended.

F. Consideration of Rezoning by the Board of Supervisors

1. Following the Planning Commission's recommendation, the Board of Supervisors shall hold at least one public hearing on any rezoning. The Director shall present the report and recommendation of the Planning Commission to the Board of Supervisors at the public hearing.
2. The Board of Supervisors shall have twelve (12) months from the date a completed application for a rezoning is filed to act on the rezoning , unless the applicant requests or consents to

action beyond such period. This time period shall not include any length of time an application for a rezoning was deferred at the request of the applicant.

#### G. Notice

1. No rezoning shall be adopted until after notice has been provided and a public hearing held before the Planning Commission and the Board of Supervisors as required by Section 15.2-2204, Code of Virginia, 1950, as amended.
2. At least fifteen (15) days prior to a public hearing for a rezoning before the Planning Commission, the applicant shall erect on the subject property a sign or signs furnished by the Department of Planning and Community Development indicating the change proposed, and the date, time, and place of the hearing. The sign shall be erected along any boundary line of the property abutting a public road, and shall be clearly visible from the road. If more than one public road abuts the property, then a sign shall be erected for each road. If no public road abuts the property proposed for rezoning, then signs shall be erected in the same manner on at least two (2) boundaries of the property abutting land owned by the applicant. Signs shall also be erected at the intersection of the public road and any private road serving the subject property.
3. When a proposed rezoning affects property within 500 feet of a county boundary, written notice of the proposed change and date, time, and place of the public hearing shall be forwarded to the Planning Commission, or the governing body of the adjacent county or municipality in order to give such jurisdiction an opportunity to appear at the hearing or express its opinion on the effect of the zoning change.

#### H. Evaluation Criteria

In evaluating a request for a rezoning, the following criteria shall be considered as well as any other criteria deemed necessary by the Department of Planning & Community Development, Planning Commission or Board of Supervisors:

1. Compliance of the application with the stated requirements of the district or districts involved;
2. The existing use and character of the property and the surrounding property;
3. The suitability of the property for various uses;
4. Growth and development trends and patterns in the surrounding area;
5. The current and future requirements of the County for land;
6. The transportation requirements of the project and the County, and the impact of the proposed land use on the County transportation network;
7. The requirements for schools, parks, recreational lands and facilities, and other public facilities and services, potentially generated by the proposed classification;
8. The conservation of property values in the surrounding area;
9. The preservation of natural resources and the impact of the proposed uses on the natural environment;
10. The most appropriate use of the land;
11. The timing of the development of utilities and public facilities and the overall public costs of the development; and
12. The consistency of the proposed rezoning with the Caroline County Comprehensive Plan in effect at that time of consideration of the amendment.

I. Limitation on Filing After Denial of a Request

Following the denial of a rezoning, no application for reclassification of the same land use district shall be allowed for a period of twelve (12) months.

J. General Development Plan

Any application for rezoning shall be accompanied by a General Development Plan (GDP) in accordance with this section. The GDP shall become a part of the application.

K. Preparation of Concept Plans

When a concept plan involves engineering, architecture, urban land use planning or design, landscape architecture, or surveying, or other such professional services, such work shall be performed by persons qualified and authorized to perform such professional work, in accordance with applicable provisions of the Code of Virginia.

L. Waivers

The Director may waive the requirement for the submission of a GDP provided that the application for the zoning amendment meets one of the following standards:

1. There will be less than two thousand five hundred (2,500) square feet of total land disturbance.
2. The application is for the purpose of a minor subdivision for an immediate family member, for single-family dwellings intended for the occupancy of the applicant and where there will be less than five thousand (5,000) square feet of land disturbance.
3. In addition, the Director may waive or modify the specific items of information contained in an application or GDP when, in his opinion, the application of the item(s) to the subject property does not serve the purpose and intent of this Article.

M. Proffers (Amended 11/13/08)

Frequently where competing and incompatible uses conflict, traditional zoning methods and procedures are not adequate to address the issues arising from such conflicts. In these cases more flexible and adaptable zoning methods are needed to permit differing land uses and same time to recognize the effects of change. Therefore, where a rezoning may result in the development of land or uses that are competing and/or incompatible with existing or authorized uses on adjoining or nearby land, or there is a need because of unusual situations or to ease the transition from one district to another or for buildings, structures or uses having special requirements, as permitted by the Code of Virginia § 15.2-2303, the owner or contract owner of the property subject to the rezoning may voluntarily proffer in writing certain reasonable conditions, subject to the following conditions:

1. All proffered conditions must be in conformity with the Caroline County Comprehensive Plan.
2. Once proffered and accepted as part of the rezoning, the conditions shall continue in effect until a subsequent rezoning of the property; however, such conditions shall continue if the subsequent rezoning is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

N. Administration of Proffers

The proffered conditions, acceptance and imposition of conditions shall be made as follows:

1. The proffer of conditions shall be submitted, in writing, to the Director at the time the rezoning application is filed.

2. Voluntary amendments to or modifications of proffers shall be submitted to the Director, at least 15-days prior to any public hearing. This does not prevent additional proffers being offered by the applicant at or during any public hearing provided that if the proffers are substantially amended during the public hearing an additional public hearing must be held.
3. The Board of Supervisors shall, prior to accepting proffered conditions, find (1) that the rezoning is proper and appropriate, and (2) that the conditions proffered are in compliance Section 15.2-2296 through 2300, Code of Virginia, 1950, as amended.
4. Enforcement of conditions accepted and imposed by the rezoning shall be the responsibility of the Zoning Administrator subject to provisions of Section 15.2-2299 through 15.2-2301 of the Code of Virginia, as amended.

O. Enforcement

The Zoning Administrator shall be vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce conditions attached to a rezoning, by proffer. The Zoning Administrator may, in the exercise of his discretion:

1. Issue notices of violation and written orders to comply with the conditions;
2. Initiate legal action to ensure compliance with this ordinance;
3. Deny issuance of any permits issued under this ordinance;
4. Deny any site plan approval or subdivision as set forth in this ordinance and/or Chapter 98 of the Code of Caroline County;
5. Require a performance guarantee sufficient to cover the cost of required construction of physical improvements;
6. Any combination of the above deemed necessary to ensure compliance.

P. Interpretation of Proffers

The Zoning Administrator shall be vested with all necessary authority on behalf of the Board of Supervisors to administer the interpretation of proffered conditions associated with any approved rezoning in accordance with Section 15.2-2299 of the Code of Virginia, 1950, as amended.

**Section 13 – USE PERMITS**

A. Caroline County has several types of use permits. These permits are as follows;

1. Special Exception (SPEX)
2. Special Use (SUP)
3. Conditional Use (CUP)

B. Purpose and Intent

There are certain uses which, due to the nature of the use, can have an undue impact upon or be incompatible with other land uses within a zoning district or within an area of the County. These uses may be allowed to locate within certain designated districts under the controls, limitations and regulations of a special exception.

C. General Provisions

1. The Board of Supervisors retains the power to decide upon the issuance of use permits. Such permits may be authorized in appropriate zoning districts upon a finding by the Board of Supervisors that the use will not be detrimental to the character and development of adjacent properties and will be consistent with the purpose and intent of the provisions of this Ordinance and the Comprehensive Plan.
2. The Board of Supervisors shall designate, where appropriate, conditions and restrictions in the granting of use permits to assure the use will be compatible with the neighborhood in which it is to be located and will meet the standards contained herein; or where that cannot be accomplished, to deny the use as not in accordance with adopted plans and policies or as being incompatible with existing uses or development allowed by right in the area.
3. The burden of proof lies with the applicant to demonstrate that the proposed use is consistent with the purpose and intent of the applicable zoning district and satisfies the general standards in Article XVII, Section 12-C and specific conditions contained in Article XVII, Section 12-D.

D. General Standards

All use permits shall satisfy the following general standards:

1. The use shall not adversely affect the character and established pattern of development of the area in which it wishes to locate.
2. The use shall be in harmony with the uses permitted by right under a zoning permit in the zoning districts and shall not affect adversely the use of neighboring properties.
3. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and buildings or impair the value thereof.
4. The use shall not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.
5. The use shall not be detrimental to the public health, safety or welfare or injurious to property or improvements in the neighborhood.
6. The use shall be in accordance with the purposes of the zoning regulations contained in this Ordinance and the Comprehensive Plan of Caroline County.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.
8. The use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.
9. The use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on roads serving the site.

E. Conditions

The Board of Supervisors may specify conditions in granting use permits as it deems necessary in the public interest to assure compliance with the general and specific standards and that it will continue to do so. Conditions may include, but are not limited to the following:

1. The hours of operations.

2. Provisions for adequate parking and ingress and egress to public streets and roads.
3. The protection of surface and groundwater.
4. Limitations on site lighting including intensity and shielding, so as not to adversely affect adjacent or nearby property owners.
5. The provision of adequate sewer and water facilities.
6. Noise abatement measures.
7. The location, size, height, design of buildings, walls, fences, landscaping and buffers.
8. Underground utilities.
9. Abatement measures for smoke, dust, odor, noise or other elements.
10. Performance bonding to ensure standards are met and plans are implemented.
11. Setbacks and yard requirements necessary for orderly expansion and to prevent traffic congestion.

F. Submission Requirements

Applications for use permits shall be filed with the Director on standard forms available in the Department of Planning and Community Development. A use permit for a parcel of land intended for non-residential use which is less than 5-acres in size and proposes to create 2 or fewer lots shall have supply a plat which meets these requirements;

1. One (1) copy of the latest deed for the property which is the subject parcel of the application. This deed shall identify the fee simple owner(s) of the subject parcel.
2. One (1) copy of a written metes and bounds description of property which is the subject of the application, which shall conform to the plat information.
3. The applicant shall produce satisfactory evidence that any delinquent real estate taxes owed to the locality which have been properly assessed against the subject property have been paid in accordance with Section 15.2-2286 of the Code of Virginia
4. Plat requirements
  - a. A copy of an accurate plat of the property (no larger than 11 by 17 inches) prepared by a certified land surveyor, which shall show:
    - (a) Bearings and distances of a scale of 1" = 100' or less for all property lines and existing and proposed zoning district lines;
    - (b) Area of land proposed for consideration, in square feet or acres;
    - (c) Scale and north point;
    - (d) Names of boundary roads or streets and widths of existing rights of way;
    - (e) The area and acreage of each requested rezoning outlined in red.
 Vicinity map at a scale of one inch equals two thousand feet (1" = 2000') or other appropriate size for a maximum plat of no more than 11 by 17 inches.

In addition to the above requirements requests for all other use permits shall be filed with the Director on standard forms supplied for that purpose such an application shall include following items:

5. Twenty-one (21) copies of a color keyed general development plan (GDP), which shall contain one or more sheets not to exceed 30" X 42" inches in size and folded to a size not to exceed 11" X 17". The GDP shall show;

- a. A title block denoting the type of application, name of project, tax map reference and street address;
- b. The name, address, email, and telephone and fax number of the applicant;
- c. The name, address, email, telephone and fax number, signature and registration number of the plan preparer, and the preparation date of the plan;
- d. Vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000');
- e. The identification of and approximate distance to all major intersections within one-half mile of the proposed development;
- f. The present zoning and principle use of subject parcel and all adjoining parcels;
- g. The boundaries of any lakes, rivers, and/or streams;
- h. The location and dimensions of all access points from the state road and inter-parcel connections and on-site pedestrian walkways or bicycle paths and connections to adjacent property;
- i. Any know historic buildings, sites, and/or cemetery(s);
- j. The boundaries of any overlay districts;
- k. The general locations, dimensions, height, number of floors, and setbacks of all existing and proposed buildings, structures and other improvements;
- l. The general location, size, and design of all sign(s);
- m. The estimated daily vehicular trips generated by the proposed use;
- n. If public water and sewer are to be used, the location of water and sewer mains along with proposed points of connection;
- o. If private wells and septic systems are to be used, the location of the well and septic field along with the required reserve area are to be shown;
- p. The approximate limits of any 100-year floodplains, wetlands and Chesapeake Bay Preservation Areas;
- q. The location and functional relationship of all land uses including the types, density, and number of units for each phase within the development;
- r. The location of roads, streets and travel ways to provide vehicular traffic circulation, and proposed classification of streets and right-of-way requirements;
- s. The general location of proposed open space and the type of ownership proposed;
- t. The type and general location of all required active recreational areas and the location of passive recreational areas to include trails, lakes and parks;
- u. The proposed phasing and sequence of the development plan for each phase, the residential density, approximate type and number of dwelling units the percentage of each land bay to be occupied by structures and the types, floor area ratio and general design standards for all commercial or industrial uses;
- v. Topographic information with maximum contour intervals of two (2) feet at a scale to be approved by the Director;

- w. The approximate limits of clearing and grading for each separate tract or development sub area;
  - x. A general landscaping plan including plans for landscaping, buffering and screening from adjacent properties if there are use or visual conflicts;
  - y. All plans shall be folded to a size not to exceed 11 X 17 inches in size;
  - z. The approximate locations and identification of all significant natural or noteworthy features including but not limited to historical, archaeological sites, cemeteries, and existing trees with a trunk diameter greater than six (6) inches dbh.
6. A copy of architectural renderings. A narrative addressing compatibility of the request with the adopted Comprehensive Plan and its goals, objectives and action strategies.
  7. The applicant must demonstrate that the use permit request promotes the public health, safety, convenience and general welfare of the citizens of Caroline County in accordance with Sections 15.2-2200 and 2283 (Code of Virginia, 1950, as amended), and the goals and objectives and action strategies of the adopted Comprehensive Plan of Caroline County. Such demonstration shall be accomplished by providing a narrative which addresses each of these issues.
  8. The Director may waive or modify the requirements above based upon the complexity, intensity, scope and/or impact of a proposed rezoning.
  9. A filing fee, in the amount established by the Board of Supervisors by separate ordinance.

In addition to the submission requirements above, the Director may require all or part of the following information to be provided by the applicant, based upon size, intensity, scope and impact of a proposed use permit application.

10. An inventory of historic resources on the property and a written narrative describing how the resources will be affected or protected.
11. A traffic study that identifies on-site traffic generation and distribution and off-site impacts. At a minimum, the study shall indicate projected automobile and truck traffic generation; percent of vehicular traffic by type; internal and access point turning movements; general alignments of internal roads; rights-of-way widths and roadway typical sections; recommended improvements to the existing transportation network; percentage estimate of traffic distribution to and from the site and external roads. The phasing of improvements shall be indicated in the study. All improvements shall be designed and constructed to provide a level of service C for 10 years from the end of the build out of the project. The current edition of the Trip Generation Manual published by the Institute of Transportation Engineers shall be used.
12. A fiscal impact analysis of the revenues and costs of the development to the County.
13. Any other materials deemed necessary by the Department of Planning & Community Development, the Planning Commission or Board of Supervisors for the review of the application.

#### G. Pre-application Conference

1. A pre-application conference with the Director is required prior to filing an application for a use permit.
2. The purpose of the pre-application conference is to provide an opportunity for the exchange of information between the planning staff and the applicant about the proposed application and the applicable submission requirements.

#### H. Staff Review and Referral

1. Within ten (10) business days after receiving an application for a use permit, the Director shall determine whether the application is complete if possible. If the Director determines that the application is not complete, he shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies.
2. If the application appears to be complete the Director shall cause the use permit to be reviewed by such staff, departments, offices, agencies or other personnel as may be appropriate.
3. When referring an application to the Planning Commission, the Director shall prepare a report for the Planning Commission's review, which shall include a recommendation on the application.

#### I. Consideration of Use Permits by the Planning Commission

1. Following the referral of the application, the Planning Commission shall hold at least one public hearing on the use permit application. The Director shall present the report and recommendation of the Department of Planning and Community Development to the Planning Commission at the first public hearing.
2. The Planning Commission shall have one-hundred (100) days following the date of the first public meeting of the Planning Commission to consider a completed or official filed request. Failure of the Planning Commission to make a recommendation within the one-hundred (100) day time period shall be deemed a recommendation of approval.
3. An applicant for a use permit may request that consideration of (and the recommendation on) his application be deferred past the ninety (90) day time period. The request shall be submitted in writing to Director. The request, and the Planning Commission's deferral, shall contain date certain for holding or resuming consideration of the application.
4. The Planning Commission may recommend approval, approval with conditions or denial of a Use permit, or any part thereof as the public necessity, convenience, general welfare or good zoning practice may require. The Planning Commission may also recommend modifications to a use permit.

#### J. Consideration of Use Permit by the Board of Supervisors

1. Following the recommendation of the Planning Commission, the Board of Supervisors shall hold at least one public hearing on any use permit application. The Director shall present to the Board of Supervisors the report and recommendation of the Planning Commission at the public hearing.
2. The Board of Supervisors shall have twelve (12) months from the date a use permit application is officially filed to act on the request, unless the applicant requests or consents to action beyond such period. This time period shall not include any length of time an application for a use permit was deferred at the request of the applicant.

#### K. Notice

1. No use permit shall be approved until after notice has been provided and a public hearing held before the Planning Commission and the Board of Supervisors as required by Section 15.2-2285 and 15.2-2204 of the Code of Virginia, 1950, as amended.
2. The Planning Commission shall not recommend, nor shall the Board of Supervisors approve a use permit until notice of intent to do so has been published at least once a week for two consecutive weeks in a newspaper of general circulation in the County.
3. When a proposed use permit affects property within 500 feet of a county boundary, written notice of the proposed change and date, time, and place of the public hearing shall be forwarded to the Planning Commission, or the governing body of the adjacent county or municipality in order to

give such jurisdiction an opportunity to appear at the hearing or express its opinion on the effect of the proposed permit.

L. Limitation on Filing After Denial of a Request

No application for essentially the same or similar use on the same parcel shall be allowed for a period of twelve (12) months following the denial of a request for a use permit.

M. Withdrawal of Application

Any application for a use permit may be withdrawn upon the written request of the applicant any time prior to submission of the public hearing notice for advertisement. If the request for withdrawal is made after publication of the notice of the public hearing, the withdrawal shall only be with the consent of either the Planning Commission or the Board of Supervisors, whichever body has advertised the public hearing.

N. Revocation of Permits

Any use permit issued may be revoked by the Board of Supervisors, after notice and hearing pursuant to Section 15.2-2204 of the Code of Virginia, for noncompliance with this ordinance or any conditions imposed under the authority of this article or noncompliance with any other applicable law, ordinance or regulation.

O. Permit to Become Null and Void

Any special use that ceases to exist or be used for twenty-four (24) consecutive months shall be void.

**SECTION 14 – ZONING TEXT AMENDMENTS**

A. General Provisions

Whenever public necessity, convenience, general welfare or good zoning practice requires, the Board of Supervisors may amend, supplement or change the regulations established in this Ordinance by majority vote in accordance with the requirements of Section 15.2-2204, of the Code of Virginia and this Article. These changes shall be referred to as zoning text amendments.

B. Initiation of Amendments

Amendments to the zoning ordinance may be initiated as provided in Article XIX, Section 2.

C. Staff Preparation and Referral

1. Zoning text amendments shall be prepared by the Department of Planning and Community Development. The Director shall cause the amendment to be reviewed by such staff, departments, offices, agencies or other personnel as appropriate.
2. When referring an application to the Planning Commission, the Director shall prepare a report for the Planning Commission's review, which shall include a recommendation on the application.

D. Consideration of Zoning Text Amendments by the Planning Commission

1. Following the referral of the zoning text amendment, the Planning Commission shall hold at least one public hearing on the zoning text amendment. The Director shall present the report of the Department of Planning and Community Development to the Planning Commission at the first public hearing.
2. The Planning Commission shall have ninety (90) days following the date of the first public hearing to consider any amendment. Failure of the Planning Commission to make a recommendation within the ninety (90) day time period shall be deemed a recommendation of approval. However, if at any time after the date of the public hearing an applicant modifies the application, the Planning

Commission shall have ninety (90) days from the date the modification is received by the Planning Commission in which to consider and make a recommendation on the amendment.

3. The Planning Commission may recommend approval or denial of a zoning text amendment, or any part thereof as the public necessity, convenience, general welfare or good zoning practice may require. The Planning Commission may also recommend modifications to an amendment.

E. Consideration of Zoning Text Amendments by the Board of Supervisors

1. Following the Planning Commission's recommendation, the Board of Supervisors shall hold at least one public hearing on any zoning text amendment. The Director shall present the report and recommendation of the Planning Commission to the Board of Supervisors at the public hearing.
2. The Board of Supervisors shall have twelve (12) months from the date a completed application for a zoning text amendment is filed to act on the amendment, unless the applicant requests or consents to action beyond such period. This time period shall not include any length of time an application for a zoning text amendment was deferred at the request of the applicant. In addition, whenever an applicant makes a change in an application, the twelve (12) month time period shall run from the date the change is received by the Director.

F. Notice

No zoning text amendment shall be adopted until after notice has been provided and a public hearing held before the Planning Commission and the Board of Supervisors as required by Section 15.2-2204 of the Code of Virginia.

**Section 15 - COMPREHENSIVE PLAN AMENDMENTS**

A. General Policy Statement

It is the policy of the Caroline County Board of Supervisors that these regulations are intended to promote and enhance the public health, safety and welfare of its citizens by providing comprehensive regulations and requirements for considering applications for concept zoning plan approval and amendment of the County's Comprehensive Plan. The Board of Supervisors will accept applications from property owners or contact property owners once a year subject to the objectives, procedures, regulations, and restrictions contained in this Section.

B. General Standards for Comprehensive Plan Amendments

In general, a comprehensive plan amendment is required if the request meets one of the following criteria:

1. For commercial and Industrial Uses
  - a. When the request is for a classification other than that shown in the Comprehensive Plan and contains more than five (5) acres of land.
  - b. When the request, or a portion thereof, extends beyond a defined boundary of the comprehensive plan, such as a road or stream.
2. For Residential Uses
  - a. When the request is for a classification other than that shown in the Comprehensive Plan and:
    - (1) Contains more than ten (10) acres of land, or
    - (2) increases the density by fifty (50) percent or more over the density shown in the Comprehensive Plan.

### C. Objectives

In addition to the goals and objectives of the Comprehensive Plan and the purposes of the Zoning Ordinance, a comprehensive plan amendment necessitated by an application for a rezoning shall address the following objectives:

1. To promote a harmonious mixture of land uses and housing types and housing cost which will allow people to work and shop in the neighborhood in which they live.
2. To encourage creative and innovative design to complement and enhance the County's visual character.
3. To ensure adequate provisions and efficient use of open space and recreational facilities.
4. To provide for the enhancement and preservation of property with unique features such as historic significance, sensitive environmental resources and scenic qualities.
5. To promote good transportation design to minimize new traffic generation and separate pedestrian, bicycle, local residential and through motor vehicle traffic.
6. To reduce public utility maintenance costs by encouraging efficient land use pattern.
7. To promote energy-conserving buildings and site designs and land use patterns.
8. To ensure adequate provision of public facilities, such as but not limited to: schools, libraries, water, sewer, and stormwater management.

### D. General Provisions

1. All petitions, applications and supporting documents for a comprehensive plan amendment shall be filed with the Director by January 15<sup>th</sup> of any calendar year. The Director shall maintain and make available for public inspection permanent records of all applications and related actions.
2. Fees to be paid to the County for consideration of a comprehensive plan amendment shall be paid at the time the petition, application and supporting documents are filed with the Director.

### E. Review and Approval Procedures

1. The Director shall refer the application to the Planning Commission, which shall initiate the comprehensive plan amendment process and set the date for and advertise a public hearing by the Planning Commission on the proposed comprehensive plan amendment to be held at a scheduled meeting of the Planning Commission in accordance with Section 15.2-2204 of the Code of Virginia, as amended.
2. The Director shall review the application and provide the Planning Commission with referrals, comments, and recommendations before its public hearing.
3. The Planning Commission shall review the application and make a recommendation to the Board of Supervisors to approve, approve with modifications or disapprove the application within 90 days of the public hearing.
4. After the Planning Commission has made its recommendation, the Director shall forward the application and any recommendation to the Board of Supervisors.
5. Following the Board's public hearing, the Board of Supervisors shall approve, approve with modifications, or disapprove the application for approval and amendment to the County's Comprehensive Plan.

#### F. Frequency of Applications

No application for a comprehensive plan amendment shall be considered within two (2) years from the date of the disapproval of a similar application for all or part of the tract of land.

#### G. Permits, Applications, and Supporting Documents

1. Application for a comprehensive plan amendment shall be filed in 21 copies on standard forms provided by the Department of Planning and Community Development and accompanied by the appropriate fee. The application shall include a map of the property and land area within two hundred feet showing:
  - a. The general location and arrangement of proposed uses, including open space and recreational uses;
  - b. The general alignment of major arterials or primary thoroughfares; minor arterials or major thoroughfares; through collector roads; and general alignment of pedestrian ways;
  - c. The location of sensitive and critical environmental features such as but not limited to: wetlands, floodplains, steep slopes, problem soils, etc.;
  - d. The location of sensitive and critical historic resources, including cemeteries;
  - e. The approximate number of dwellings by type and the approximate floor area of nonresidential uses; and
  - f. Any other information as is necessary and appropriate to show compliance with the goals and objectives of the County's Comprehensive Plan and Section 15.2-2224 of the Code of Virginia, as amended.
2. If any portion of the application is inconsistent with the policies of the Comprehensive Plan or future land use map, the applicant shall submit proposed amendments to those policies with information showing how the revised policies would better achieve the goals and objectives of the Comprehensive Plan.
3. A fiscal impact analysis of the application shall be prepared and filed prior to the Planning Commission public hearing. The County retains the right to select the consultant who will perform the analysis with the cost to be born by the applicant.
4. A traffic impact analysis.
5. An application for a comprehensive plan amendment and an application for rezoning may be submitted and considered simultaneously, provided the submission requirements for each are met by the respective applications.

#### **Section 16 – Development Standards Waiver Requirements in the Residential District subject to Special Exception Approval**

The Board of Supervisors may approve a development standards waiver of the requirements set forth in Article XII, in the Residential Zoning Districts if the Board of Supervisors determines that a reduction in or waiver of such requirements would result in a development that better promotes the health, safety, and general welfare of the public than a conventional development permitted under the existing regulations.

- A. There shall be no increase in the density over that permitted in a conventional development under the district regulations.
- B. The applicant shall demonstrate that all remaining regulations shall be satisfied.
- C. The granting of the waiver shall promote the purposes, goals and objectives of the comprehensive plan.

- D. A General Development Plan (GDP) shall be submitted and approved as a condition of the development standard waiver.
- E. The resulting lot layout shall demonstrate that it better promotes the purposes of the Zoning Ordinance than conventional development under the existing regulations and shall be consistent with the provisions as set forth in Section 10 of Article XVII.
- F. The resulting lot layout shall promote pedestrian access.
- G. The minimum contiguous acreage or parcels shall not be less than ten (10) acres of land.
- H. The development standard waiver shall promote the conservation of open space and environmentally sensitive lands beyond the general standards as set forth in the Zoning Ordinance and Chapter 45 of the Code of Caroline County, as amended.
- I. In granting the waiver request, the Board of Supervisors may impose conditions regarding the location, character and other features of proposed buildings, structures, or uses as it may deem necessary to promote and protect the public interest; and it may require a performance guarantee or surety to remain in effect until compliance with such conditions has occurred.
- J. Pre-existing platted subdivisions shall have to comply with Section 15.2-2270 of the Code of Virginia, 1950, as amended.

#### **SECTION 17 – TIME LIMITS**

- A. Any special use permit, conditional use permit, or special exception permit (hence forth referenced as “permit”) granted by the Board of Supervisors shall be void twelve (12) months from the date of approval by the Board if the use or development authorized by the permit is not commenced. For the purposes of this section “commenced” means a building and zoning permit has been issued. Additionally;
  - 1. Such permits shall be void if the authorized use, activity, and structure or the site for which the permit was granted has ceased being utilized as such use for a period of twelve (12) consecutive months.
  - 2. Such permits may be revoked by the Board if the board determines that there has not been compliance with the terms or conditions of the permit, including, but not limited to, the presence of other uses or activities not in place at the time of the issuance of the permit and not otherwise allowed by law. The Board of Supervisors may amend the time limits referenced above based upon specific issues related to the application and based upon a finding by the Board of Supervisors that such modification is warranted and necessary for the granting of the permit.