



## Community Development Division of Planning & Zoning

AMHERST COUNTY ADMINISTRATION BUILDING  
153 WASHINGTON STREET  
P. O. Box 390  
AMHERST, VIRGINIA 24521  
TELEPHONE (434) 946-9303

[www.countyofamherst.com](http://www.countyofamherst.com)

# Procedures

## Rezoning / Conditional Rezoning

### **WHAT IS A REZONING/CONDITIONAL ZONING?**

A rezoning is a legal change to the Official Zoning Map. Because a rezoning is a legal matter, we strongly recommend that you have an attorney represent you and assist with the preparation of a rezoning application. A rezoning may be initiated by the property owner, by a contract purchaser with the owner's consent, or by the owner's agent.

A conditional zoning is a type of rezoning where the owner voluntarily proffers certain conditions related to the development or use of the property.

A process similar to a rezoning is used for an amendment of proffered conditions. Once conditions are placed on a property as part of a conditional zoning, they remain in effect until they are amended or repealed.

### **HOW IS THE DECISION MADE?**

A rezoning/conditional zoning decision involves two public hearings. The Planning Commission considers the issue and makes a recommendation to the Board of Supervisors. The Board of Supervisors then makes a final decision.

### **HOW LONG DOES IT TAKE?**

The process takes approximately two (2) months once an application is filed. However, the Planning Commission and Board of Supervisors can delay the process if desired.

### **HOW MUCH WILL IT COST?**

A rezoning/conditional zoning requires a public hearing; all public hearings are subject to a \$300 fee.

### **WHAT IS THE PROCESS?**

The process for a special exception is as follows:

1. Pre-application conference with the Planning and Zoning Division;
2. Completing and filing the application;
3. Staff review and public notice; and
4. Planning Commission/Board of Supervisors public hearings.



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### PURPOSE

It is the purpose of conditional zoning to provide a method for permitting the reasonable and orderly development and use of land in those situations in which peculiar, specific circumstances indicate that the provisions herein are not adequate. In these cases more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize effects of change. In such instances reasonable conditions voluntarily proffered by the owner of the subject property to which such conditions are applicable for the protection of the community (which conditions are not generally applicable to other land similarly zoned) when considered with existing zoning ordinance district regulations should cause the requested rezoning to be compatible with existing zoning and uses in the area.

### PRE-APPLICATION CONFERENCE

Applicants must schedule a pre-application conference with the staff prior to submittal of a rezoning/conditional zoning package. *Staff may reject any application without a pre-application conference.* Please schedule a conference with staff by calling (434) 946-9303. Staff will review submitted applications to ensure all required materials and information are provided. If the application is not complete, the required information must be provided prior to formal staff review and acceptance of the application.

Applicants are strongly encouraged to discuss the proposed rezoning/conditional zoning with neighboring property owners prior to filing an application.

### APPLICATION REQUIREMENTS

A rezoning/conditional zoning application consists of three parts:

1. Application form;
  2. Site Plan;
  3. Written voluntary proffers;
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1. **Rezoning/Conditional Zoning Application Form:** The application is available in the Community Development Department and may also be found on the department's website at [www.countyofamherst.com](http://www.countyofamherst.com). It must be signed by all owners of the property. If a legal representative signs for a property owner, a copy of the executed power of attorney is required.
  2. **Site Plan:** An acceptable site plan is required per the requirements outlined in Article XI.



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3. **Written Voluntary Proffers:** All written proffers must be signed by the property owner and applicant. Written proffers shall be drafted in such a way so that they are clearly understood and enforceable and shall adhere to the following standards:
- The rezoning itself must give rise for the need for the conditions;
  - The conditions shall have a reasonable relation to the rezoning;
  - The conditions shall not include a cash contribution to the County;
  - 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 in Sec. 15.2-2241, Code of Virginia (1950) amended;
  - Such condition shall not include payment for or construction of off-site improvements except those sewage or drainage facilities otherwise authorized by law;
  - No condition shall be proffered that is not related to the physical development or physical operation of the property;
  - All such conditions shall be in conformity with the County's comprehensive plan.

Conditions that can be proffered: The conditions that can be voluntarily proffered cover just about every physical and operational element of a development process. They go far beyond the matters normally treated in a zoning review. They include:

- Uses and mixture of uses
- Densities (both people and of buildings)
- Height, setbacks, orientation of facilities
- Landscaping (internal) and screening (to the outside)
- Internal street systems and pedestrian pathways
- Exterior design and materials
- Lighting
- Method of handling and retaining storm drainage, effluent discharge, and solid waste
- Staging and timing of development
- Security provisions (both internal and in regard to adjacent areas)
- Restrictions on certain types of activities and/or uses
- Construction and maintenance by the developer of a landscaped berm between certain abutting properties and the facility
- Provision of recreation facilities within the development (type, number of each, location, etc.)
- Controls on noise emissions during the construction process



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### POST FILING INFORMATION

- 1. Staff Review and Public Notices:** Once staff has accepted the complete application and filing fees have been paid, adjoining property owners are notified that a rezoning/conditional zoning request has been filed and of the time and date of the public hearing. Notice of public hearing is published as a legal advertisement, and the subject property is posted with a notice for a zoning hearing. Staff prepares a staff report and recommendations for the Planning Commission and Board of Supervisors consideration, and staff reports are available to the applicant and interested citizen(s).
- 2. Public Hearing:** At the public hearing, the staff presents the report and recommendation, the applicant also presents the request. The Commission takes public comment and the Commission discusses the request and makes a recommendation to the Board of Supervisors.

The Board of Supervisors considers a request that has been heard by the Planning Commission. The Board of Supervisors approves, denies, continues or refers the matter back to the Commission.

### FILING/FEES/DEADLINES

Special exception applications, and accompanying fees, are filed with the:

Amherst County Community Development  
Planning & Zoning Division  
153 Washington Street  
P.O. Box 390  
Amherst, VA. 24521  
(434)946-9303

Public hearing fees are \$300 and shall be paid at the time the application is submitted.



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### APPLICATION FOR A REZONING/CONDITIONAL ZONING

The undersigned applicant wishes to petition Amherst County for an amendment, supplement, or change in the district boundaries or zoning classification on the Official Zoning Map. Please refer to Section 1004 of the zoning ordinance regarding changes to the Official Zoning Map. Please call the Division of Planning and Zoning at 434-946-9303 if you have any questions regarding Amherst County's rezoning/conditional zoning application process.

#### Applicant / Property Owner Information

Applicant Name

Applicant Address

City/Town

State

Zip Code

Applicant phone number

Applicant E-Mail

You are the ( ) property owner; ( ) agent for the property owner.

If you are the agent for the property owner, do you have the consent of the owner attached? Please circle one: Yes/No

Property Owner Name

Property Owner Mailing Address

City/Town

State

Zip Code

Property owner telephone number

Property owner E-Mail

#### Location of Property

Street Address

Tax Parcel ID No.

#### General Description of Property



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### Current Use(s) of Property

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### Proposed Use(s) of Property

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Total Acreage: \_\_\_\_\_

Check all categories that apply for the parcels requesting to be heard for special exception:

Public water \_\_\_\_\_ Private wells \_\_\_\_\_

Public sewer \_\_\_\_\_ On-site septic systems \_\_\_\_\_ Mass drainfield(s) \_\_\_\_\_

**Comprehensive Plan Land Use Designation:** \_\_\_\_\_

**Current Zoning:**  
(please circle one)

**P-1 A-1 R-1 R-2 R-3 V-1 B-2 M-1 MU/TND**

**Other** \_\_\_\_\_

**Proposed Zoning:**  
(please circle one)

**P-1 A-1 R-1 R-2 R-3 V-1 B-2 M-1 MU/TND**

**Other** \_\_\_\_\_

**VDOT Review:** Will the proposed development require Chapter 527 review?

**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**Petitioner Comments** (Continue on separate sheets if necessary.)

State the purpose of the rezoning request and its relationship to the comprehensive plan and adjacent properties.

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Anticipate the effect of the proposed changes on public services and facilities.

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Describe how the proposed change will further the purposes of the Zoning Ordinance and the general welfare of the community.

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Has the Planning Commission and/or Board of Supervisors heard a request for special exception of this property within twelve (12) months of the date of this application?

Yes \_\_\_\_\_ No \_\_\_\_\_

### Proffers and Conditions

List any conditions or proffers currently associated with this property.

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If this is an application for a **conditional zoning**, the following conditions are voluntarily proffered:

**\*See proffer form.**

### Application fee and other requirements

A \$300.00 application fee must be paid to the County of Amherst upon submission of this application for the cost of advertising and for expenses of notifying the adjacent property owners and incidental to reviewing, publishing, and processing the application.

### Signatures

The undersigned Applicant hereby affirms that all information contained herein is accurate to the best of his/her knowledge and confirms that he/she has read the Application and its Instructions and has paid all fees currently due and is aware of costs which may be assessed to Applicant related to this Application process. The undersigned Applicant (and Landowner, if applicable) also authorizes entry onto the subject property by the Zoning Administrator, Planning



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Director and/or Board of Zoning Appeals and/or Board of Supervisors during the normal discharge of their duties regarding the above Applicant.

Property Owner Signature	Date	Property Owner Signature	Date
Property Owner Signature	Date	Property Owner Signature	Date
Agent Signature	Date	Agent Signature	Date

\*\*\*\*\*DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY\*\*\*\*\*

For use by the County of Amherst Department of Community Development

Case No. \_\_\_\_\_

Actions Taken:

County Official Receiving Application	Date
Public Hearing fee received by	Date
Application returned for correction/additional information	Date
Amended application received by	Date
Public Hearing advertised in	Date(s)
Adjacent property owner(s) notified by mail	Date
Action by Planning Commission	Date
Action by Board of Supervisors	Date