



Application for **REZONING/CONDITIONAL REZONING**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Project Name/Location

Project Name: _____ Date: _____

Property Address: _____ Tax Map #: _____

Fee: _____ Total area of affected site in acres: _____

(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: _____

Existing Use: _____

Is this property subject to any previous land use cases? _____

Yes No

If Yes, please list the Ordinance Number: _____

Proposed Zoning/Conditional Zoning

(Please include a detailed description of the proposed use and proffers in the required applicant's report)

Applicant/Contact Person: _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _(_____) _____ Fax: _(_____) _____

Email: _____

Property Owner: _____

If Business Entity, name and title of authorized signee: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _(_____) _____ Fax: _(_____) _____

Email: _____

Property Owner Signature: _____

(The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**)



Review & Approval Process: REZONING/CONDITIONAL REZONING

It is the policy of the City of Richmond to encourage the voluntary proffering of conditions by the applicant in cases where the use of conventional rezoning methods are inadequate to achieve certain desired goals. With conditional rezoning, the applicant voluntarily proffers written conditions designed to offset identified problems and render an otherwise unacceptable rezoning acceptable. Off-site impacts on public infrastructure may be mitigated by the inclusion of proffers that address circumstances directly related to the rezoning proposal. Conditional rezoning should not be used if proffered conditions will not sufficiently offset or are unrelated to the identified problems.

*Applicants **must** schedule a pre-application conference with the Division of Land Use Administration staff to review related Master Plan, land use and other issues that may be involved prior to making application. Please call (804) 646-6304 to schedule an appointment with the staff. **Staff may reject any application without a pre-application conference.** Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.*

Applicants should also discuss the proposed rezoning/conditional rezoning with area civic associations, property owners, residents, and the area Council Representative prior to submitting an application. Letters from the associations and property owners stating their position in regards to the request should be submitted with the application.

The Division of Land Use Administration circulates the application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, and Fire and Emergency Services. The Division of Land Use Administration will coordinate responses by City agencies. Written comments will be provided generally within 30 days of the application submittal date.

After review by these agencies and by the Division of Land Use Administration, the staff will confer with the applicant regarding suggested zoning districts and proffers to be included with the application. Once the application is in final form, an ordinance is drafted and the proffers are attached to and are made a part of the ordinance. The staff will forward a copy of the ordinance to the applicant for review and approval.

The ordinance is then reviewed by the City Attorney's office and the City Administration. Once their review is complete, the ordinance is introduced to City Council and a public hearing is scheduled, usually thirty days after introduction. During this thirty-day period, public notice of the hearing is posted on the site and in a daily newspaper. Notices are also mailed to the owners of all properties within 150 feet of the subject property. One week prior to the City Council public hearing, the Planning Commission, after receiving a report from the Department of Planning and Development Review, considers the proposed rezoning/conditional rezoning and forwards a recommendation to City Council. The Planning Commission welcomes information submitted prior to the meeting and may ask questions of proponents and opponents during the course of its deliberation on the ordinance.

In the event that additions, deletions or other modifications to proffered conditions are desired, they shall be made in writing to the Planning Commission before the Commission makes its recommendation to City Council. City Council may consider additional conditions, deletions or modifications to conditions after the Planning Commission makes its recommendation, provided that such are voluntarily proffered in writing prior to the public hearing at which City Council is to consider the request. City Council may refer the request back to the Planning Commission for further review and action if additions, deletions or modifications to conditions are proposed after the Planning Commission makes its recommendation.



Filing Procedures: REZONING/CONDITIONAL REZONING

FILING

Rezoning/conditional rezoning applications are filed with the:

Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street, Richmond, Virginia 23219
Telephone (804) 646-6304

APPLICATION REQUIREMENTS

The application for a rezoning/conditional rezoning must include the following, each part of which is explained below. ***Application must be submitted in both hard copy and electronic format (PDF).***

- 1) **Application form;**
- 2) **Application fee;**
- 3) **Applicant's report;**
- 4) **Survey Plat; and**
- 5) **Applicable Proffers signed by the property owner(s).**

- 1) **Application Form:** All the owners of the property must sign the application form and any proffers. In the event that the applicant for a conditional rezoning is a contract purchaser, such purchaser must also be made a part to the proffer and must sign their name. Faxed or photocopied signatures will not be accepted.
- 2) **Application Fee:** The appropriate fee of \$1,200 plus \$100 for each acre or fraction thereof over the first acre (fee is not prorated by acreage) must accompany the application. Checks should be made payable to the "**City of Richmond**".
- 3) **Applicant's Report:** A written report **must** be submitted explaining the reasons for the rezoning/conditional rezoning request, and the intended use of the property. Information contained in the report will assist the staff in the preparation of its recommendation to the Planning Commission. The report and any supporting materials (i.e. plans) will also be used by staff to determine which zoning district would best accommodate the proposed development.
- 4) **Survey Plat:** A copy of a survey plat showing the property and including metes and bounds is required. The plat should show existing physical features of the property, including:
 1. North arrow, scale, property address, the distance to nearest public street, preparer of plat, date, revision dates, area of site;
 2. Existing structures, buildings, paved areas, fences, streets, alleys, easements, and limits of the 100 year flood plain, Chesapeake Bay Preservation Area limits, wetlands, and streams.
- 5) **Written Proffers:** The written proffers (the original must be signed and executed by the property owner(s) and the contract purchaser, if applicable) shall only be accepted as conditions attached to the rezoning if they meet the following criteria:
 1. The rezoning itself must give rise to the need for the conditions;
 2. The conditions shall have a reasonable relation to the rezoning;
 3. The conditions shall be in conformity with the City Master Plan;
 4. The conditions shall be drafted in such manner as to be clearly understandable and enforceable;



Filing Procedures: REZONING/CONDITIONAL REZONING

5. The conditions cannot impose upon the applicant the requirement to create a property owners' association nor a 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 Section 15.2-2241 of the Code of Virginia (1850) as amended; 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 City;
6. **The conditions can not be less restrictive than the provisions of the requested zoning district, and shall not require or permit a standard that is less than required by any applicable law;** and
7. Where proffered conditions include the dedication of real property or payment of cash, such property may not transfer and such payment of cash may not be made until the facilities for which such property is dedicated or cash is tendered are included in the Capital Improvement Program (CIP). However, the City may accept proffered conditions which are not normally included in the CIP. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions must provide for the disposition of such property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.



Sign Posting Requirements

It shall be the responsibility of the applicant to post on the property that is the subject of the proposal, a sign(s) notifying interested parties of the application and pending public hearings. Such sign(s) shall comply with the following requirements:

- **TIMING:** The sign(s) shall be posted at least 15 days prior to the scheduled planning Commission public hearing on the application, shall remain on the property until final disposition of the application by City Council, and shall be removed from the property within ten days after final action by City Council.
- **CONTENT:** The sign(s) shall contain the words "Zoning Application Pending" together with the words "For Planning Commission and City Council Public Hearings Information Call (804) 646-6304."
- **LOCATION:** The sign(s) shall be posted within five feet of the right-of-way of the street along each street frontage of the property, and shall be located at approximately the mid-point of the street frontage in such manner as to be readable from the street.
 - Y In the case of street frontages greater than 1000 feet in length, in addition to the foregoing requirement, signs shall be posted at approximately 500-foot intervals. The required number and/or location of signs may be adjusted by the Secretary of the Planning Commission in case where the applicant can present sufficient justification to warrant such adjustment, provided that the spirit and intent of the notice requirements are met.
- **SIZE AND MATERIAL:** The sign(s) shall be of wood or metal material, 36" by 48" in size, with black lettering at least three inches in height on a white background. The top edge of such sign(s) shall not be greater than six feet in height as measured from the adjacent ground level.
- **SUPPORT:** The support element for such sign(s) shall be a four-inch by four-inch wood post fastened securely in the ground.
- **ILLUMINATED:** The sign(s) shall not be illuminated.
- **MAINTENANCE:** The applicant shall be responsible for maintaining the sign(s) in a sound and legible condition. Any sign which is the subject of theft or damage shall immediately be replaced or repaired.
- **AFFIDAVIT AND PHOTO:** The applicant shall submit the following affidavit to the secretary of the Planning Commission not less than ten days prior to the scheduled Planning Commission public hearing attesting to the fact that the sign(s) is posted on the property as required. The applicant shall also submit a photo of the sign(s) verifying that the sign(s) is posted as required.



Affidavit for Sign Posting

I, _____, _____ do hereby certify that
Name Title
notice of Ordinance No. _____, was posted on the subject
property(ies) on this _____ day of _____, 20 ____, in
conformance with the notice requirements of City of Richmond Code .

Signature

Witness Name

Witness Signature

Secretary of the City Planning Commission

Date Received