

REZONING APPLICATIONS

What is a rezoning?

A rezoning is a change in a property's zoning district classification, which regulates allowable land uses. The rezoning process exists to allow people to apply to the Middlesex County Board of Supervisors to change the zoning district classification of their property to another zoning district classification. Any property owner, contract purchaser with the owner's written consent or owners' agent in Middlesex County may request to rezone their property.

What is a proffer?

The owner of a property that is the subject of a rezoning request may voluntarily proffer (or offer) in writing such conditions as he deems appropriate at the time of filing an application to rezone the property. If the owner is interested in submitting a voluntary proffer, such conditions must be submitted in writing at the time of filing an application to rezone the property.

Proffers are similar to covenants, in that they "run" with the land. Once the Board of Supervisors has accepted proffered conditions, changing proffers requires submission of a new rezoning application and a public hearing before the Board of Supervisors.

What type conditions can be proffered?

The Board of Supervisors may approve reasonable conditions provided that the following criteria are met:

- The rezoning itself must give rise the need for the conditions;
- All conditions shall have a reasonable relation to the rezoning; and
- All such conditions shall be in conformity to the Middlesex County Comprehensive Plan.

What documents does a person have to submit to request a rezoning?

The following information should be submitted for a rezoning request:

- A completed "Rezoning / Ordinance Amendment Application" signed and dated by the property owner.
- If proffers are being submitted, a written proffer statement signed and dated by the property owner.
- A copy of a survey of the property.
- The application fee in accordance with the Middlesex County Fee Ordinance.

What is the fee for a rezoning?

A fee of \$250 plus \$5 per acre being rezoned is required with the application for a rezoning. This fee is applied to the cost of advertising, notification of adjacent property owners and other expenses incidental to reviewing and processing the application. Such fee is not returned whether the application is granted, denied or withdrawn.

What is the process for a rezoning?

1. A pre-submission conference between the applicant and the Department of Planning and Community Development is recommended to discuss the proposal.
2. The applicant must submit a Rezoning / Ordinance Amendment Application and all associated materials/fees by the established deadline (the 10th of every month).
3. The Department advertises the request and the applicable public hearing once a week for two (2) consecutive weeks in the Southside Sentinel. Such notice specifies the time and place of hearing at which persons affected may appear and present their views. In addition, the Department notifies the property owner(s) and the owners of adjacent properties for which the rezoning is being requested.
4. The Department reviews the application as submitted and prepares a staff report on the request.
5. The Department forwards the rezoning application to the Planning Commission for their review. The Planning Commission considers the rezoning on the second Thursday of the month at 7:30 PM at the Circuit Courtroom of the County Courthouse Complex, or in such other place as the Commission deems necessary. The Planning Commission holds a public hearing on the request and will make a recommendation to the Board of Supervisors regarding the approval or denial of the application.
6. The Planning Commission forwards the rezoning application, including their

recommendations, to the Board of Supervisors for their review. The Board of Supervisors considers the rezoning on the third Tuesday of the month at 7:30 PM in the Woodward Building Boardroom of the County Courthouse Complex, or in such other place as the Board deems necessary. The Board of Supervisors holds a public hearing on the request and will grant final approval or denial of the application.

7. When the Board of Supervisors has officially acted upon a petition for a rezoning, no other petition for substantially the same request may be considered until after twelve (12) months from the date of such official action.

How long is a rezoning valid?

Once the Board of Supervisors approves the rezoning, it is valid until the next time it is changed by the Board of Supervisors. A rezoning, including all approved proffers, runs with the property instead of the owner, thus remains valid even after changes in property ownership.

How long does a typical rezoning process take?

The typical process takes two (2) months from submission to Board of Supervisors action.

**For further information on rezonings,
contact the Middlesex County
Planning Department at
(804) 758-3382.**

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NOTICE

This guide is for information only. Please refer to the applicable laws and regulations for specific technical and procedural requirements. In some cases, you will need professional help in such areas as land survey, engineering and law.

Although every effort has been made to ensure accuracy and completeness, the procedures contained in this guide are not guaranteed to be inclusive. Permitting procedures, fees and times are subject to periodic review and change.

Any errors and omissions in this guide will not relieve any applicant or property owner of the responsibility, obligation or liability in fulfilling all of these legal requirements. Fees quoted in this document are accurate as of August 2005 and are subject to change. Please check with the Department of Planning and Community Development to confirm all fees.

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