

**FRANKLIN COUNTY
REQUIREMENTS FOR REZONING APPLICATIONS/PETITIONS**

Consultation with planning staff is strongly recommended prior to filing of a rezoning request to review the proposal, identify specific information that may need to be submitted, and discuss procedures. In addition to discussing the proposal with planning staff, it is recommended that the applicant contact neighboring property owners and other regulatory agencies (i.e. VDOT and Health Department) to review the proposal.

Filing Deadline: Applications must be received by 4:30 P.M. on the deadline date listed on the schedule at the back of this packet in order to be processed and considered for public hearing. Applications for Rezoning must contain specific information, as detailed below and all fees paid by 4:30 P.M. on the advertised deadline date.

Incomplete applications will not be accepted nor advertised.

APPLICANT MUST SUBMIT A COMPLETE APPLICATION CONSISTING OF ONE (1) ORIGINAL, AND 35 COPIES OF APPLICATION, LETTER OF APPLICATION, CONCEPT PLAN, AND ANY OTHER PERTINENT INFORMATION NEEDING TO GO BEFORE THE BOARDS.

Application Requirements:

1. **Completed application form**, typed or printed in ink and signed by applicant, including owner's consent and signature.
2. **Letter of application** stating in general terms:
 - (a) the proposed use of the property,
 - (b) the effect of the changes on the surrounding area,
 - (c) the reason for the request
3. **Concept Plan** for property showing existing site features and proposed development additions or improvements. See attached information for recommended contents of concept plans for residential business and industrial district requests and *required* contents for proposed planned unit developments.
4. **List of names, addresses, and tax map and parcel numbers of property owners** who abut the property or are directly across a public right-of-way. (Refer to county tax records in the Land Use Office.)
5. **Payment of Fees:**

Planned Developments	\$300.00 + \$10.00 per acre
Residential/Agricultural	\$250.00 + \$ 5.00 per acre
Commercial & Industrial	\$250.00 + \$ 5.00 per acre

Posting or the Subject Property prior to Public Hearings:

The applicant is responsible for posting a "Notice of Public Hearing" on the subject property prior to the scheduled public hearings before the Planning Commission and the Board of Supervisors.

The Department of Planning and Community Development will provide the applicant with the notice for posting.

As per Section 25-742 of the Franklin County Code, the notice shall be posted at least fourteen (14) days prior to the scheduled Planning Commission and the Board of Supervisors public hearings. In addition, the posted sign shall be erected within ten (10) feet of the whatever boundary line of such land abuts a public road and shall be placed to be clearly visible from the road with the bottom of the sign not less than 2.5 feet above the ground. If more than one road abuts the property, then a sign shall be erected on each road. If no public road abuts the property, then signs shall be erected on at least 2 boundaries of the property abutting land not owned by the applicant.

The applicant is responsible for maintenance of posted signs. **If a posted sign is blown down or destroyed, the applicant shall obtain a new sign from the planning office at a cost of \$8.00 per sign.**

Legal Advertisement Costs:

Each rezoning request must be legally advertised in accordance with established state and local regulations. A \$50.00 fee will be charged if a public hearing must be re-advertised because of incomplete information, inaccuracies, or because the applicant requests a deferment or withdraws the request.

For Further Information:

Development Services/Planning & Commun. Development
1255 Franklin St., St. 103
Rocky Mount, Virginia 24151
Phone: (540) 483-3027
FAX: (540) 483-3041

Office Hours: Monday thru Friday, 8:00 AM to 4:30 PM

FRANKLIN COUNTY REZONING PROCESS

STEP 1 – PRE-APPLICATION MEETING

- Applicant meets with planning staff to discuss request, obtain forms, review rezoning process, and identify required materials to appropriately process and review the request. An application for rezoning may be filed by the property owner, contract purchaser, or the owner's agent with written consent.

STEP 2 – APPLICATION

- **Application:** Applicant submits complete application packet to the Department of Planning and Community Development. Application and plans are available for public review.
- **Posting of Property:** Applicant is provided with sign(s) for posting the property when the application is received. The property must be posted by the applicant in a clearly visible location at least fourteen (14) days before the required public hearings.
- **Notification of Property Owners:** Planning staff notifies adjoining property owners of the rezoning request and the date of the public hearing.
- **Public Notice / Legal Advertisement:** Planning staff prepares required legal advertising and publishes in local newspaper. (Notification of requests and public hearing schedule must appear in a local newspaper two times in two consecutive weeks before each public hearing.)

Step 3 – STAFF REVIEW

- Staff visits site and coordinates application with other County departments and applicable public agencies (i.e. VDOT, AEP, Health). Staff prepares a written report for the Planning Commission and Board of Supervisors that considers the proposed district regulations, and Sections 25-2 through 25-4 of the Zoning Ordinance (Purpose and Intent; Relationship to Environment; and Relationship to Comprehensive Plan).

Step 4 – PLANNING COMMISSION REVIEW AND RECOMMENDATION

- Planning Commission visits each site prior to the scheduled public hearing.
- The applicant or a designated agent must attend the public hearing.
- Public comment is received at the hearing.
- Planning Commission makes a recommendation to the Board of Supervisors. The recommendation may include proffered conditions that the applicant has voluntarily offered to address any specific issues. **Any proffers that are proposed by the developer must be submitted to the Planning Office no later than 4:30 pm six (6) days prior to the Board of Supervisors Meeting.**
- After action is taken by the Planning Commission, the request is scheduled for public hearing before the Board of Supervisors. Planning staff immediately prepares legal advertisements and proceeds with newspaper publication after the Planning Commission hearing in order to coordinate public notice requirements. Any request to withdraw or postpone hearing before the Board of Supervisors must be made in writing within 2 days after the Planning Commission hearing.
- If a petition is withdrawn, it shall not be reconsidered within twelve (12) months unless the Commission or the Board of Supervisors specifies that the time limitation shall not apply.

STEP 5 – BOARD OF SUPERVISORS DECISION

- Planning Commission recommendation is forwarded in writing to the Board of Supervisors.
- Any proffered conditions must be submitted in writing and signed by the property owner prior to the public hearing by the Board of Supervisors.

- **All conditions proffered and accepted by the Board of Supervisors shall be deemed a part of the rezoning and shall remain in force until amended or varied by the Board.**
- **Applicant or their agent must attend the public hearing.**
- **Board of Supervisors can approve or deny the request, or refer it back to the Planning Commission for additional review.**
- **Rezoning is effective immediately after action by the Board of Supervisors.**

**FRANKLIN COUNTY
PETITION/APPLICATION FOR REZONING
(Type or Print)**

I/We, _____, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors to amend the Franklin County Zoning Maps as hereinafter described:

1. Petitioners Name: _____

2. Property Owner's Name: _____

Phone Number: _____

Address: _____

Zip: _____

3. Exact Directions to Property from Rocky Mount: _____

4. Tax Map and Parcel Number: _____

5. Magisterial District: _____

6. Property Information:

A. Size of Property: _____

B. Existing Land Use: _____

C. Existing Zoning: _____

D. Existing number of allowed dwelling units per acre or commercial/industrial development square feet per acre: _____

E. Is property located within any of the following overlay zoning districts:

___ Corridor District ___ Westlake Overlay District ___ Smith Mountain Lake Surface District

F. Is any land submerged under water or part of a lake? Yes No If yes, explain.

7. Proposed Development Information:

A. Proposed Land Use: _____

B. Proposed Zoning: _____

C. Size of Proposed Use: _____

D. Proposed dwelling units per acre or commercial/industrial development square feet per acre: _____

Checklist for completed items:

- _____ Application Form
- _____ Letter of Application
- _____ List of Adjoining Property Owners and Addresses
- _____ Concept Plan
- _____ Application Fee

I certify that this petition/application for rezoning and the information submitted herein is correct and accurate.

Petitioner's Name (Print): _____

Signature of Petitioner: _____

Date: _____

Mailing Address: _____

Telephone: _____

Owner's consent, if petitioner is not property owner:

Owner's Name (Print): _____

Signature of Owner: _____

Date: _____

Date Received by Planning Staff: _____

Time: _____

Clerk's Initials: _____

CHECK #: _____

RECPT. #: _____

AMOUNT: _____

ADJACENT PROPERTY OWNERS

Adjacent property owners are mailed a notice of the request. Please provide each owner's name and mailing address plus zip code for every property adjacent to the site and directly across from any public right-of-way adjoining the site. Names and addresses are available in the County Real Estate office in the Courthouse.

NAME: _____ ADDRESS: _____

TAX MAP NUMBER: _____

VOLUNTARY PROFFERED CONDITIONS
(Per Code of Virginia Section 15.2-2297)

In situations where more flexible and adaptable zoning methods are needed, amendments to the zoning map may be allowed subject to certain conditions that are not generally applicable to land similarly zoned.

Proposed amendments to the zoning map *may include the voluntary proffering of reasonable conditions*, in addition to the regulations provided for in the desired zoning district. Any proffers must be submitted in writing and signed by the property owner of record, and the petitioner if different from the property owner of record. Any such proffered conditions must be made prior to the public hearing held by the governing body and must meet the following criteria:

- (1) The rezoning itself must give rise to the need for the conditions.
- (2) Such conditions shall have a reasonable relation to the rezoning.
- (3) Such conditions shall not include a cash contribution to the County.
- (4) Such 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 for in Section 15.2-2241 of the Code of Virginia.
- (5) The conditions shall not include a requirement that the applicant create a property owners' association under Chapter 26 of Title 55 which require 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 15.2-2241; 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 Department of Transportation.
- (6) Such conditions shall not include payment for or construction of off-site improvements except those provided for in Section 15.2-2241.
- (7) No condition shall be proffered that is not related to the physical development or physical operation of the property.
- (8) All such conditions shall be in conformity with the comprehensive plan.

Important Notes:

A proffered condition is *voluntarily offered by the petitioner of his or her own free will*.

A proffered condition must be in *writing and signed by the owner of the property*.

A proffered condition related to *public facilities or improvements is subject to the applicable state and local regulations and approval by regulatory agencies*. Coordination with agencies is recommended prior to filing a rezoning request.

**CONCEPT PLANS
RESIDENTIAL, BUSINESS AND INDUSTRIAL DISTRICTS
NECESSARY CONTENTS
(See separate checklist for Planned Unit Development Districts)**

Purpose of a Concept Plan:

A concept plan is needed for all rezoning applications. The purpose of the concept plan is to provide applicable information on site conditions and a general understanding of the proposed development. Typically, a concept plan contains information on the property such as the property address, parcel boundaries, adjacent roads, natural features (including water courses) and neighboring properties. A concept plan also includes the locations of any proposed buildings, parking, streets, community facilities, buffering or screening, boat docks, signs, and lighting, as well as the proposed land use and densities of development.

Concept Plan versus Site Development Plan:

A concept plan is not the same as a site development plan, which is more detailed to ensure compliance with development regulations and obtain construction permits. A concept plan may be the first step in creating a site development plan. It is important to note that approval of a rezoning with a concept plan does not mean that a site development plan is or will be approved.

Proffered Concept Plans or Planned Unit Development Concept Plans:

If a concept plan is proffered as part of a rezoning application (or if it is associated with a Planned Unit Development), the plan may not be altered without having the matter reconsidered by the Planning Commission and the Board of Supervisors. Consequently, it is important that any proffered plan be carefully considered to ensure that the development sufficiently addresses the applicant's goals for development and that it meets site development requirements established by the County (i.e. zoning, subdivision, water and sewer facilities, etc.).

If a concept plan is not a proffered condition of an approved rezoning, the plan ultimately may be changed; however, any changes must be in compliance with applicable development regulations.

Concept Plan Necessary Contents:

- Project title, name of applicant, project engineer/architect/surveyor/planner
- Plan date
- North arrow and graphic scale
- Size of entire parcel and, if applicable, size of portion of parcel requested for rezoning, accompanied by meets and bounds description
- Adjacent streets, railroads, natural features, historic sites, streams or bodies of water, floodplains, and other information that may help describe site conditions.
- Locations, dimensions, and heights of all existing structures and those proposed.
- Location and dimensions of proposed pedestrian and vehicular access points, driveways, parking area/spaces and other facilities.
- Natural areas or historic sites to be preserved.
- Location and description of existing vegetation or any landscaping, screening or buffering proposed within the lot or along the perimeter of the development.
- Location of proposed signs, including type, size and height.

- Lighting information, if applicable.
- Building elevations or renderings of the proposed development, if available.
- Accessory use information such as the location of storage yards, recreation spaces, refuse collection areas, septic drain fields, wells or water tank locations, etc.
- Number, type and size of dwellings proposed, and the residential density per acre.
- Number and square footage of retail and office uses proposed.
- Location, size and type of recreational amenities, parking facilities, and utility information.
- Other items that may be recommended by staff.
- Recommended plan size: 8.5" x 11" minimum or 11" x 17" maximum. The plan must be legible. **The applicant must provide 35 copies for distribution to Planning Commission and Board of Supervisors.**

NOTE: IF YOU ARE PLANNING A PRESENTATION AT THE PUBLIC HEARINGS FOR THE PLANNING COMMISSION AND BOARD OF SUPERVISORS, EITHER BRING A 8 ½ X 11 SIZE PAGE OF YOUR PRESENTATION TO SHOW ON THE OVERHEAD PROJECTOR OR PUT ON A CD TO SHOW ON THE POWERPOINT SYSTEM.

**CONCEPT PLANS
PLANNED DEVELOPMENT DISTRICTS
(RPD AND CPD)
REQUIRED CONTENTS**

Important Note Regarding Concept Plan Requirements:

In addition to a rezoning application, each request for a Planned Development District shall be accompanied by a Concept Plan that contains the required information identified on the attached checklist for Residential Planned Unit Developments (RPD) and Planned Commercial Developments (PCD).

Early Consultation with Planning Staff Needed:

It is recommended that the applicant meet with planning staff in advance of any Planning Commission filing date to discuss the proposed development and identify information required to ensure that the appropriate materials are submitted.

Concept Plans for Planned Unit Developments are binding:

Once adopted by the Board of Supervisors, the approved concept plan for a planned development is binding upon the applicant and any successors. Any unapproved deviations from the plans or failures to comply with any requirement, condition, or safeguard shall constitute a violation of the Zoning Ordinance.

Deviations from District Requirements or Uses Must be Expressly Shown on Concept Plan:

Planned development districts may provide flexibility in development by adjustment of certain development requirements and use restrictions. Any deviations from the district requirements or use restrictions (i.e. special use permit requests) must be expressly shown on the Concept Plan and approved by the Board of Supervisors, after advertised public hearing(s).

See Specific Concept Plan Requirements for Residential Planned Unit Developments (RPD) and Planned Commercial Developments (PCD) on attached checklists.

***Residential Planned Unit Development
Required Contents for Concept Plan***

A Concept Plan for a proposed RPD rezoning request must accompany the rezoning application. The plan must contain the following information:

- Vicinity map
- Boundary survey
- Location of any streams or bodies of water and boundaries of any portion of the property that is located under water
- Existing zoning districts, including any overlay zoning districts (i.e. Westlake Overlay Design District, Corridor Overlay District, Smith Mountain Lake Overlay District)
- Attorney's Certificate showing the owner(s) of the subject property, the applicant's title or interest in the property, and the deed book, page number, and location of the last place of record for the subject tract
- Total area of the tract
- Abutting street names with route numbers
- Owners and uses of each adjoining tract
- Topographic map with contour intervals acceptable to the agent
- Statement in tabular form of anticipated residential density, total number of dwelling units, the percentage of the tract to be occupied by structures, percentage of open space, and the total floor area
- Water supply and sewage disposal information, including a proposed maintenance plan, as well as any documentation or coordination information from the local Department of Health
- Locations and dimensions of pedestrian access areas and plazas, as well as vehicular driveways, off-street parking areas, and unloading facilities
- Natural features to be conserved (i.e. slopes, ground cover, surface water, trees, vegetation, floodplains, historic areas, or other features)
- Signs, including type, area, height, and placement on the site
- Screening and buffering around commercial use areas or along the perimeter
- All deviations from the list of uses, area, height, setbacks, or design guidelines established in the RPD and rationale for any deviations
- Supplementary information, as deemed necessary by the agent or the Planning Commission (i.e. preliminary grading plan, storm water management plan, street and

access details, landscaping, open space, community facilities, lighting, boat dock information and locations, property maintenance and management plan, market value of completed project, etc.)

General Information regarding Residential Planned Unit Development Districts:

A copy of the Residential Planned Unit Development District may be requested from the Department of Planning and Community Development.

Applicants are encouraged to be familiar with the purpose of this district and to incorporate into the Concept Plan the design guidelines set forth in Section 25-309 and 25-310 of the Zoning Ordinance. These will be considered in the review of the zoning request.

Note also that all newly installed utilities, including television cable and electrical systems must be installed underground.

***Planned Commercial Development District
Required Content for Concept Plans***

A Concept Plan for a proposed PCD rezoning request must accompany the rezoning application. The plan must contain the following information:

- Vicinity map
- Owners and uses of each adjoining tract
- Abutting streets with names and route numbers
- Location of any streams or bodies of water and boundaries of any portion of the property that is located under water
- Existing zoning districts, including any overlay zoning districts (i.e. Westlake Overlay Design District, Corridor Overlay District, Smith Mountain Lake Overlay District)
- Topographic map with contour intervals acceptable to the agent
- Attorney's Certificate showing the owner(s) of the subject property, the applicant's title or interest in the property, and the deed book, page number, and location of the last place of record for the subject tract
- General statement of planning objectives to be achieved by the proposed planned development, including a description of the character of the development, the existing and proposed ownership, the proposed development market, and any specific physical or natural characteristics of the site
- Description and analysis of existing site conditions, including information on topography, historic resources, natural watercourses, floodplains, unique natural features, tree cover, and known archaeological resources
- Location, dimensions, and use of each structure within the proposed development
- Statement in tabular form that includes: floor area for each commercial structure and total floor area for all commercial uses, gross lot coverage of all commercial structures, floor area for residential uses, number of dwelling units, residential density per acre, percentage of land in open space, percentage of land occupied by structures, and gross square footage for each use type
- Proposed size, location and use of any other portions of the tract (not included in above table), including landscaping and parking
- Traffic circulation plan, including the location of access drives, parking, loading facilities, pedestrian walks, and relationship to existing and proposed external streets and traffic patterns. General information on trip generation, ownership, maintenance and proposed construction standards for facilities. A traffic impact study may be required by the Zoning Administrator or the Planning Commission.

- All deviations from the district requirements, including parking, and the justification for the variations
- Schedule of site development, including start date and project completion time frame
- Statements pertaining to the architectural design principles and guidelines for buildings, orientations, styles, lighting, signage, landscaping, etc.
- Water system and sewage disposal facilities, including a maintenance plan that has been reviewed by the County and the Department of Health
- Private street standards and specifications and maintenance plan (if applicable)
- Supplementary information that may be requested by the agent to the Planning Commission to assist in evaluation of the development request (i.e. preliminary grading plan, storm water management plan, landscaping, open space, community facilities, lighting, boat dock information and locations, property maintenance and management plan, market value of completed project, etc.)

General Information for Planned Commercial Development Districts:

A copy of the Planned Commercial Development District may be requested from the Department of Planning and Community Development.

Applicants are encouraged to be familiar with the purpose of this district and to incorporate into the Concept Plan the design guidelines set forth in Section 25-399 of the Zoning Ordinance. These will be considered in the review of the zoning request.

Note also that all newly installed utilities, including television cable and electrical systems must be installed underground.