

Article XIX Amendments

Section 1 - Intent

The Board of Supervisors may from time to time, amend, supplement, change, modify or repeal the regulations, restrictions, and boundaries in the zoning ordinance or the official zoning maps by majority vote.

Section 2 - Initiation of Amendments

Amendments to this ordinance shall be initiated in the following manners:

1. By adoption by the Board of Supervisors of a resolution to amend, which resolution, upon adoption, shall be referred to the Planning Commission for consideration as provided for in this ordinance;
2. by adoption by the Planning Commission of a motion to amend, or;
3. in instances where land is to be classified, by petition of any property owner or contract owner of land proposed to be rezoned, such petition being filed with the Zoning Administrator.

Section 2.1 - Uses Not Provided For

(Adopted 10/11/05)

1. If in any district established under this ordinance, a use is not specifically a listed use, then that particular use is not permitted within the respective zoning district.
2. A property owner may petition the Board of Supervisors for the additional a use that is not specifically listed by submitting an application to the administrator. The administrator shall refer the application to the Planning Commission which shall make its recommendation to the Board of Supervisors. If the application is approved by the Board of Supervisors the ordinance shall be amended to add the specific use and its definition in the respective section(s) of the ordinance.

Section 3 - Application Procedures and Fees

(Amended 10/28/97)

Request for rezoning of land or ordinance changes shall be filed with the Zoning Administrator on standard forms provided for this purpose. Such applications shall be accompanied by a check, payable to the Caroline County Treasurer in the amount set forth in the fee schedule adopted separately by the Caroline County Board of Supervisors.

No fee paid pursuant to this section shall be refunded unless a written request for withdrawal is received by the Zoning Administrator within five (5) working days after the date of application.

Section 4 - Public Hearing and Notice

The Planning Commission and Board of Supervisors shall each hold a public hearing on any such proposed amendment. Notice shall be given of the time and place of such hearings as provided in Section 15.1-431 of the Code of Virginia, as amended.

At least fifteen (15) days preceding the Planning Commission's public hearing on a zoning map amendment, the applicant shall erect on the property proposed to be rezoned, a sign or signs furnished by

the Zoning Administrator indicating the change proposed and the date, time and place of the public hearing. The sign shall be erected by the applicant within ten (10) feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half (2-1/2) feet above the ground. If more than one (1) such road abuts the property, then a sign shall be erected in the same manner as above for each abutting roads. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two (2) boundaries of the property abutting land now owned by the applicant.

Section 5 - Notice to Adjacent Jurisdictions

When any proposed change of a zoning district boundary affects property within 500 feet of a county boundary, written notice of such, together with the date, time and place of the public hearing thereon, if such hearing has been scheduled, shall be forwarded to the Planning Commission, if such exists, 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 said boundary change.

Section 6 - Referral to Planning Commission

Changes shall be made by the governing body in the provisions of this ordinance or the official zoning maps only after such changes have been referred to the Planning Commission for a report. Action shall be taken by the governing body only after said report has been received from the Planning Commission. If no recommendation is made by the Planning Commission within 90 days after the first meeting of the commission following the date the proposed amendment was referred to the commission, the governing body may assume that the commission has approved the change.

After the conclusion of the hearing provided for in this article, the commission shall report to the Board of Supervisors its recommendation with respect to the proposed amendment. In acting favorably with respect to a proposed amendment, initiated by the petition of a property owner or owners, the Planning Commission need not confine its recommendation to the proposed amendment as set forth in the petition, but may reduce the extent of land that it recommends be rezoned or may recommend that land be rezoned to a different zoning classification than that petitioned for, if the Commission is of the opinion that such revision is in accord with public necessity, convenience, general welfare and good zoning practice and is in furtherance of the purposes of this ordinance.

No amendment to the zoning map shall be approved for a change in zoning classification different from that applied for and contained in the public notice of hearing nor for any land not included therein without referring said change to the Planning Commission for its review and recommendations and proceedings pursuant to the Article.

Section 7 - Establishment of Conditions at the Time of Zoning Map Amendments (Conditional Rezoning)

(Amended 7/27/89)

In situations where a zoning map amendment (rezoning) might 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, the owner or contract owner of the property subject to the zoning map amendment may proffer in writing certain reasonable conditions, subject to the following limitations:

- A. The rezoning itself must give rise to the need for the conditions and such conditions shall have a reasonable relation to the rezoning.
- B. All conditions are in conformity with the Caroline County Comprehensive Plan.
- C. Once proffered and accepted as part of the rezoning, such 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.

- D. No proffer shall be accepted by the county unless there is an adopted Capital Improvement Program.
- E. In the event the proffered conditions include dedication of real property or payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which such property is dedicated or cash is tendered are included in the County's Capital Improvement Program.
- F. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall 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.

7.1 Administration, Filing and Acceptance of Conditions at the Time of Zoning Map Amendments
(Amended 9/21/10)

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

- A. The proffer of conditions shall be submitted in writing to the Planning Department at the time the rezoning application is filed.
- B. No amendment or modification to such proffered condition(s) may be made unless such amendment is made voluntarily and in writing prior to the deadline for preparation of the advertisement of the public hearing by the Board of Supervisors on the rezoning request. The amendment or modification shall be submitted to the Planning Department. *The Board of Supervisors may accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal.*
- C. The Board of Supervisors shall, prior to accepting and imposing proffered conditions, find (1) that the zoning amendment is proper and appropriate, notwithstanding the proffer of conditions, and (2) that the conditions proffered are in compliance with the limitations set in Section 7 above.
- D. 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 15.2-2303.3 of the Code of Virginia, as amended.
- E. No fee for a proffer amendment shall be charged for any amendment initiated by or at the request of the Board of Supervisors.

Section 8 - Withdrawal of Request

Any request for rezoning may be withdrawn upon written request by the applicant any time prior to the submission of any public hearing notice for advertisement; provided, that if the request for withdrawal is made after publication of the notice of hearing such withdrawal shall be only with the consent of either the Planning Commission or the Board of Supervisors, whichever body had advertised the hearing, and no new request concerning any or all of the same shall be filed within six months of the date of action, unless the respective body approving withdrawal specifies that the time limitation shall not apply.

Section 9 - Limitations on Filing After Denial

Whenever a petition requesting the rezoning of land has been denied by the Board of Supervisors, at least one year shall elapse before reconsideration of the same petition, or one substantially similar.

Section 10 - Concept Zoning Plan/County Plan Amendment

(Adopted 10/01/89)

10.1 Purpose

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 petitions for concept zoning plan approval and amendment of the County's Comprehensive Plan. The Board will accept petitions from property owners or contract property owners once a year subject to the following objectives, procedures, regulations, and restrictions:

10.2 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 provision 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.

10.3 General Procedures

(Amended 10/28/97)

Administration: All petitions, applications and supporting documents for a concept zoning plan and amendment to the County Plan shall be filed with the Planning Director by January 15th of any calendar year. The Planning Director shall maintain and make available for public inspection permanent records of all applications and related actions.

Fees: Fees to be paid to the County for consideration of a concept zoning plan and amendment to the County Plan shall be paid at the time the petition, applications and supporting documents are filed with the Planning Director. Such applications shall be accompanied by a check, payable to the Caroline County Treasurer, in the amount set forth in the fee schedule adopted separately by the Caroline County Board of Supervisors.

10.4 Approval Procedure

1. The Planning Director shall refer the petition to the Planning Commission, which shall set the date for and advertise a public hearing by the Planning Commission on the proposed concept zoning plan and amendment to the County's plan, to be held at a scheduled meeting of the Planning Commission in accordance with Section 15.1-431 of the Code of Virginia, as amended.
2. The Planning Director shall review the petition and provide the Planning Commission with referrals, comments, and recommendations before its public hearing.
3. The Planning Commission shall review the petition and make a recommendation to the Board of Supervisors to approve, approve with modifications or disapprove the petition within 90 days of the public hearing.
4. After the Planning Commission has made its recommendation, the Planning Director shall forward the petition and any recommendation to the Board of Supervisors. The County Administrator shall set the date for and advertise the public hearing on the petition to be held at a scheduled meeting of the Board of Supervisors in accordance with Section 15.1-431 of the Code of Virginia, as amended.
5. The County Administrator shall review the petition and recommendation of the Planning Commission and shall provide the Board of Supervisors with comments and recommendations before its public hearing.
6. Following the public hearing, the Board of Supervisors shall move as expeditiously as possible to approve, approve with modifications, or disapprove the petition for approval and amendment to the County's Comprehensive Plan.

10.5 Rezoning

1. A petition for rezoning approval and establishment of the planned development district may be filed concurrently with, but not later than six (6) months after the approval of the concept zoning plan and amendment of the County plan. Failure to file for the rezoning shall nullify approval of the amendment to the county plan. (Amended 12/10/91).
2. The petition for rezoning shall be made in accordance with Article XI of the County's Zoning Ordinance.

10.6 Frequency of Applications

No petition for concept zoning plan and amendment of the county plan shall be considered within one year from the date of the disapproval of a similar petition for all or part of the tract of land.

10.7 Petitions, Applications, and Supporting Documents

A. A petition for a concept zoning plan and amendment to the county plan shall be filed in 15 copies on standard forms provided by the Planning Department and accompanied by the appropriate fee. The petition shall include a map of the property and land area within two hundred feet showing:

1. The general location and arrangement of proposed uses, including open space and recreational uses;
2. The general alignment of major arterials or primary thoroughfares; minor arterials or major thoroughfares; through collector roads; and general alignment of pedestrian ways;
3. The location of sensitive and critical environmental features such as but not limited to: wetlands, floodplains, steep slopes, problem soils, etc.;
4. The location of sensitive and critical historic resources, including cemeteries;

5. The approximate number of dwellings by type and the approximate floor area of nonresidential uses; and,
6. Such other information as is necessary and appropriate to show compliance with the goals and objectives of the County's Comprehensive Plan and Section 15.1-447 of the Code of Virginia, as amended.

B. If any portion of the petition is inconsistent with the policies of the county 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 county plan.

C. A fiscal impact analysis of the petition 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; however, the cost is to be born by the applicant.

D. A petition for a concept zoning plan, amendment to the county plan and a petition for rezoning may be submitted and considered simultaneously, provided the submission requirements for each are met by the respective petitions.

10.8 Definitions

As used herein, the following terms or words shall have the meanings given below:

Concept Zoning Plan: The plans, maps, writings and other documents required by the county for purposes of approving said plan and amending the county plan.

County Plan: The most recent comprehensive plan for the county adopted pursuant to Article 4, Chapter 11, Title 15.1 of the Code of Virginia, as amended.