

This brochure provides an overview for those wishing to rezone property to one of the County's Residential or Planned Development zoning districts.

Thursday of each month. Typically a case acted upon by the PC goes to the BOS the next month. Prior to the meeting date, notices are again sent and posting is required just as it was with the PC meeting. Staff will prepare an updated report for the BOS. After the public hearing, the BOS can approve the application, deny the application, or defer the item for further consideration. After the BOS takes its final action, if approved, the applicant will receive an approval letter from staff regarding the Rezoning. Site plans and building permits are required for any new construction.

How long does it take to get a Rezoning?

Typically, from the initial filing, the approval process takes six to eight months but can take longer. The BOS must render a decision on the applicant's request not later than one year after the date the application for amendment was filed and accepted. However, with the applicant's consent, the timeline can be extended.

How long is a Rezoning valid?

Rezonings, once approved, have no expiration date. A Rezoning runs with the land, thus remains valid even after changes in property ownership.

FAUQUIER COUNTY

**Department of
Community Development**

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Residential and Mixed-Use Rezoning



FAUQUIER COUNTY

**Department of Community
Development**

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What is a Rezoning?

A Rezoning changes the zoning district for a property. The Rezoning process allows any owner or contract purchaser of land in Fauquier County to apply to the County Board of Supervisors (BOS) to change the zoning district designation of the property to another zoning district. This brochure provides an overview for those wishing to rezone property to one of the County's Residential or Planned Development zoning districts. It also applies to any rezoning which would include residential uses or units.

When do I need a Rezoning?

In a community such as Fauquier County, changes in patterns of development and land use occur over time. For example, vacant land is developed as a residential subdivision, a master planned community is developed, or mixed-use retail center is built.

To accomplish such proposed changes, it is sometimes necessary to change the zoning of the land before development can occur. The Rezoning process consists of a detailed review and analysis of the proposal by staff, the Fauquier County Planning Commission (PC) and the BOS.

How do I apply for a Rezoning?

Applicants for Residential or Mixed-Use Rezoning applications shall directly submit a formal application along with the appropriate fee; a pre-application meeting is not required and will not be held. Staff is available to meet with a potential applicant to discuss the process and/or submission requirements. However, specifics regarding an application can only be discussed after an application is filed that contains clear acknowledgment language regarding the rezoning process and its limitations, and the required fee has been paid. The application and the Rezoning checklist are both available online (<http://www.fauquiercounty.gov/government/departments-a-g/community-development/applicationscenter-forms>). The application can be prepared by the applicant without the help of

consultants or an attorney, although many applicants choose to hire a representative.

The applicant may submit specific commitments in writing known as "proffers" in order to address the development's impacts. The County may only accept reasonable proffers, and the applicant is required to submit a detailed analysis addressing how proposed proffers are directly attributable to mitigating the impacts of the project. Final proffers must be signed by all owners and contract purchasers of the property subject to the Rezoning application and must be submitted prior to the BOS public hearing. Once a Rezoning is approved, the proffers become part of the zoning on the property and remain in effect unless or until a subsequent amendment to the zoning is approved.

Is there an application fee?

Yes. The fees for a Rezoning vary, depending on the size of the parcel and the requested zoning district. The fees to rezone to any Residential district are \$1,250 plus \$150 per acre. The Planned Development districts have fees of \$2,150 plus \$150 per acre. Should the Rezoning request trigger the requirement for a Traffic Impact Analysis (TIA), there is a \$1,000 fee in addition to any required Virginia Department of Transportation (VDOT) fees. Please check with Planning Staff about a specific application and questions related to fees.

Is there a deadline for filing an application?

Rezoning requests that include a residential component may only be filed on December 1st and June 1st. Sequential processing for Comprehensive Plan Amendment applications, Rezoning applications, and Special Exception applications related to a residential rezoning is required. Meaning, if a Comprehensive Plan Amendment is required as a part of the proposal, it must be approved by the Board of Supervisors prior to the acceptance and processing of the rezoning application. Similarly, if the proposal requires Special Exception approvals those

applications will only be accepted and processed after the Board of Supervisors approves the related Rezoning application. Filing deadlines for Rezonings can be found at: <http://www.fauquiercounty.gov/home/showdocument?id=7083>.

After an application has been accepted, it will be reviewed by various County and State agencies. As comments are received, staff will contact the applicant to resolve any identified issues. Once an application is ready and major issues have been resolved staff will schedule the application for the next the PC meeting. Staff will also prepare the required notices. This includes sending letters to adjoining property owners notifying them of the PC meeting (and the applicant posting notice signs prepared by staff) on the property at least 15 days prior to the PC hearing date. The applicant will be required to provide an affidavit to staff showing that the posting was done at the required time.

Staff will prepare a report on the application, which will be provided to the PC and applicant in advance of the meeting. Copies of the report will also be available to the public and online at <http://agenda.fauquiercounty.gov>. The day of the PC meeting, a work session is typically held, and applicants are encouraged to attend. The work session is an opportunity for staff and the PC to review the requests in an informal setting. The PC holds its public hearing in the evening, starting at 6:30 p.m. The applicant and general public will have the opportunity to speak at the hearing. After the public hearing is held, the PC can recommend approval, recommend denial, or defer the item for further consideration. If the PC defers the item, it will be brought back at a future meeting date for action.

What happens after the PC makes a recommendation?

Once the PC makes its recommendation, the application moves forward for Board of Supervisors' (BOS) consideration. The BOS meets the 2nd