

## 21.0 AMENDMENTS

The Town Council may amend, supplement, or change the regulations in the zoning ordinance, or the zoning boundaries or classifications of property on the zoning map, in conformity with the provisions of Title 15.2, Article 7, Chapter 22 of the Code of Virginia and the provisions and purposes of this section.

### 21.1 STATEMENT OF PURPOSE AND INTENT

The Town Council finds that a portion of the police power of the Commonwealth has been delegated to each municipality to be exercised reasonably in determining the manner of its development. The Virginia Legislature has left much discretion to the Town in making such determinations, relying on the local governing body's knowledge of local conditions and the needs of its individual communities. Public necessity, health, safety, convenience, general welfare, good zoning practice and the aesthetic values and priorities of the local citizenry provide guiding factors for the Town Council in its quest to exercise its legislative mandate in formulating a reasonable policy of county planning for the general good and welfare.

### 21.2 INITIATION OF AMENDMENTS

The Town Council may amend this ordinance by amending the text thereof, or by changing any district boundary shown on the adopted zoning map, provided that proceedings for any amendment shall be initiated only in the following manner.

#### 21.2.1 PROPERTY OWNER PETITION

By the filing with the Town Council of a petition of any owner or owners of land proposed to be rezoned, which petition shall be addressed to the Town Council and submitted to the Town Clerk's Office and shall be on a standard form and accompanied by a fee as set forth in section 25, *Fees*, of this ordinance.

#### 21.2.2 TOWN COUNCIL RESOLUTION

By the adoption by the Town Council of a resolution of intention to amend, which resolution, upon adoption, shall be referred to the Planning Commission for consideration pursuant to section 15.2-2285 of the Code of Virginia.

#### 21.2.3 PLANNING COMMISSION RESOLUTION

By the adoption by the Planning Commission of a resolution of intention to propose an amendment.

### 21.3 USE PLAN REQUIRED

If the initiation of an amendment to this ordinance is by property owner petition, then such property owner shall submit to the Planning Commission, at least forty-five (45) working days prior to the public hearing of the Planning Commission, a plan, including narrative statements and map, of proposed development and use for the property and adjacent properties (if appropriate). The use plan shall be at such scale, and in such form, and contain such information, as determined by the Planning Commission to be necessary to serve as sufficient information for an evaluation as specified in section 24, *Site Development Plan*.

### 21.4 PROFFER OF CONDITIONS

Prior to any public hearing before the Town Council any applicant for rezoning may voluntarily proffer, in writing, reasonable conditions to be applied to such rezoning as part thereof. Such conditions shall comply

with the provisions of section 15.2-1298 of the Code of Virginia; provided that the proffering thereof by the applicant shall be deemed *prima facie* evidence of such compliance.

#### 21.4.1 CONDITIONS

In the processing of requests for amendments to this zoning ordinance, the Planning Commission may recommend, and the Town Council may impose, such special conditions as it may deem desirable when it finds the following conditions to prevail:

- a. The special conditions recommended by the Planning Commission do not restrict the use of the property any more than do conditions imposed by this ordinance for the zoning classification sought in the petition.
- b. The special conditions imposed are for the protection of other properties in the area.
- c. The inclusion of special conditions in the rezoning action is not arbitrary, but is with due regard to public health, safety, welfare, and is in accordance with the comprehensive plan for the Town.

#### 21.4.2 EFFECT OF CONDITIONS

Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by such conditions; however, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance. All such conditions shall be in addition to the regulations provided for the district by the ordinance.

#### 21.4.3 ZONING MAP NOTATION

Each such rezoning shall be designated on the zoning map by an appropriate symbol designed by the Zoning Administrator. In addition, the Zoning Administrator shall keep and maintain the conditional zoning index which shall provide ready access to the ordinance creating such conditions.

#### 21.4.4 AUTHORITY OF ZONING ADMINISTRATOR

The Zoning Administrator shall be vested with necessary authority on behalf of the Town Council to administer and enforce conditions attached to a rezoning including the ordering in writing of the remedy of any noncompliance with such conditions and the bringing of legal action for injunction, abatement or other appropriate action or proceeding. However, the Zoning Administrator is required to consult with the Mayor and obtain his/her approval before initiating any action affecting anyone within the Town's jurisdiction.

#### 21.5 PUBLIC HEARING – NOTICE

The Planning Commission shall hold a public hearing on any such petition or resolution as provided by section 15.2-2285 of the Virginia Code, after notice as required by section 15.2-2204 of said Code.

#### 21.6 REPORT BY PLANNING COMMISSION TO TOWN COUNCIL AFTER HEARING

After the conclusion of the hearing provided for in this section, unless the proceedings are terminated as provided herein, the Planning Commission shall report to the Town Council its recommendation with respect to the proposed amendment. Failure of the Planning Commission to report to the Town Council within ninety (90) days after the first meeting of the Commission following the date the proposed amendment has been referred to the Commission shall be deemed approval by the Commission. 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 or enlarge 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 and section; provided that before recommending an enlargement of the extent of land or a rezoning to a less restricted classification than was set forth in the petition, the Commission shall hold a further hearing on the matter, pursuant to the requirements of section 15.2-2204 of the Virginia Code. 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 this section and section 21.3; provided, however, that an amendment may be approved for only a portion of the area proposed for rezoning if the portion rezoned is accurately and sufficiently delimited in the approval action, or if a portion is reclassified pursuant to section 21.3.

#### 21.7 LIMITATION ON FILING NEW PETITION AFTER ORIGINAL DENIAL

Upon the denial by the Town Council of any petition filed pursuant to section 21.2.1 above, substantially the same petition shall not be reconsidered within twelve (12) months of the date of denial.

#### 21.8 WITHDRAWAL OF PETITIONS

Any petition filed pursuant to section 21.2.1 above, 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 the publication of the notice of hearing, such withdrawal shall be only with the consent of either the Planning Commission or the Town Council, whichever body has advertised the hearing, and substantially the same petition shall not be reconsidered within twelve (12) months of the date of action, unless the respective body approving withdrawal specifies that the time limitation shall not apply.

#### 21.9 POSTING OF PROPERTY

Additional notice of public hearings involving zoning map amendments initiated pursuant to section 21.2.1 above shall be provided by means of signs posted on the property proposed for rezoning, in the manner prescribed in this section and by means of written notice to the owner or owners or their agent, the occupants of all abutting properties and property or properties immediately across a street or road from the property affected, and all property owners within two hundred (200) feet of the subject property. Said written notice shall be given at least five (5) days before the hearing. The applicant shall certify in writing that notice was given pursuant to this section before a public hearing may be held on the application, and such certification shall set forth the persons receiving said notice.

##### 21.9.1 POSTING OF PROPERTY – PLANNING COMMISSION HEARING

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 Town Clerk 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 (2½) 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 such 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 not owned by the applicant.

#### 21.9.1.1 POSTING OF PROPERTY – TOWN COUNCIL HEARING

Upon receipt of written notice that a public hearing has been scheduled before the Town Council for his or her zoning map amendment, the applicant shall erect, at least fifteen (15) days preceding such hearing a sign or signs furnished by the Town Clerk indicating the change proposed and the date, time, and place of the public hearing. Such sign or signs shall be erected in the same manner as prescribed in section 21.9.1 above.

#### 21.9.1.2 MAINTENANCE AND REMOVAL OF SIGNS

Any sign erected in compliance with this article shall be maintained at all times by the applicant up to the time of the hearing and it shall be the duty of the applicant at the hearing to prove by affidavit that he has fully complied with the requirements of this section and has continuously maintained the sign or signs up to the time of hearing. It shall be unlawful for any person, except the applicant or the Town Clerk or an authorized agent of either, to remove or tamper with any sign furnished during the period it is required to be maintained under this section. All signs erected under this article shall be removed by the applicant within fifteen (15) days following the public hearing for which it was erected.

#### 21.9.2 ADDITIONAL PROCEDURES

The Town Clerk may authorize the preparation of required legal notices of the Town Council public hearing after he has received the Planning Commission report required in section 20.3.2, *Building Permits*, and containing the signature of the secretary to the Planning Commission. At least seven (7) working days prior to the Town Council public hearing, the applicant shall submit to the Town Attorney the proposed Final Order which shall require the signature of the Town Attorney verifying the accuracy of form and substance.

#### 21.9.3 MATTERS TO BE CONSIDERED IN REVIEWING PROPOSED AMENDMENTS

Proposed amendments shall be reviewed in regard to sections 1.4, *Purpose and Intent*; 1.5, *Relationship to the Town of Scottsville Comprehensive Plan and Compatibility with the Zoning Ordinance of Albemarle County, Virginia*; and 1.6, *Relationship to Comprehensive Plan* of this ordinance. In addition, proposed amendments shall be reviewed with reasonable consideration for the existing use and character of the property, the suitability of the property for various uses, the trends of growth or change, the current and future requirements of the Town as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, and the requirements for schools, parks, playgrounds, recreation areas, and other public services; for the conservation of properties and their value and the encouragement of the most appropriate use of land throughout the Town. These considerations shall include, but shall not be limited to, timing of development, relation of development to major roads, relation of development to utilities and public facilities, and the net public costs of the development.

#### 21.9.4 COORDINATION WITH COUNTIES

In matters affecting land use or impacting the comprehensive plans or zoning ordinances of Albemarle or Fluvanna Counties, consideration should be given to coordinating Town zoning issues with the affected County's officials. Harmonious, cooperative, and constructive relations should be promoted and practiced for the mutual benefit of the residents of Scottsville and citizens within to greater Scottsville community.

#### 21.9.5 TIMING OF DEVELOPMENT

The Town Council, in promoting the general welfare and good zoning practice and the purposes of this article and ordinance, as part of an amending action, may specify a certain date for future consideration of possible changes to the zoning classification of the particular parcel of land which is a subject of an amending action. Said future consideration shall be for the purpose of determining whether subdivision or site development

plans have been submitted, whether development has in fact begun on the affected parcel, and whether there have been changes in the matters considered by the Town Council under this section or any other section, which may necessitate changes in the zoning classification. In no case shall the date set be less than two (2) years from the date of the original amending action.

#### 21.9.6 CHANGE IN COMPREHENSIVE PLAN – ADOPTED

At such time as the comprehensive plan may be amended and officially adopted, either as part of the five (5) year review period or during interim periods, the Planning Commission shall prepare recommendations for corresponding amendments to the zoning ordinance, if such amendments are made necessary by the character of amendments or changes in the comprehensive plan.

#### 21.10 SCHEDULE OF REVIEW

For the purposes of providing for orderly growth and reasoned consideration of the potential impact of proposed rezonings, zoning text amendments and special use permits upon the comprehensive plan, the Town Council may establish timing procedures for consideration of rezoning applications.