



**REZONING PETITION**  
 Please Return To: City of Charlottesville  
 Department of Neighborhood Development Services  
 PO Box 911, City Hall  
 Charlottesville, Virginia 22902  
 Telephone (434) 970-3182 Fax (434) 970-3359

**For a PUD please include \$1500 application fee. For any other type of project, please include \$1200 application fee. All petitioners must pay \$1.00 per required mail notice to property owners, plus the cost of the required newspaper notice. Petitioners will receive an invoice for these notices and approval is not final until the invoice has been paid.**

I (we) the undersigned property owner(s), contract purchaser(s) or owner's agent(s) do hereby petition the Charlottesville City Council to amend the City Zoning District Map for the property described below from \_\_\_\_\_ (Current Zoning Classification) to \_\_\_\_\_ (Proposed Zoning Classification).

Reasons for Seeking This Change \_\_\_\_\_  
 \_\_\_\_\_

**Information on Property Applied for Rezoning** – Please note any applicable deed restrictions

1. \_\_\_\_\_ feet of frontage on \_\_\_\_\_ (name of street)
2. Approximate property dimensions: \_\_\_\_\_ feet by \_\_\_\_\_ feet.
3. Property size: \_\_\_\_\_ (square feet or acres)
4. Present Owner: \_\_\_\_\_ (Name) as evidenced by deed recorded in Deed Book Number \_\_\_\_\_ Page \_\_\_\_\_, with the Clerk of the Circuit Court.
5. Mailing Address of Present Owner: \_\_\_\_\_
6. City Real Property Tax Map Number \_\_\_\_\_, Parcel(s) \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_; Lot(s): \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

**A. PETITIONER INFORMATION**

Petitioner Name (Print or Type) \_\_\_\_\_  
 Petitioner Mailing Address: \_\_\_\_\_  
 Work Phone: \_\_\_\_\_ Fax \_\_\_\_\_  
 Home Phone: \_\_\_\_\_ Email \_\_\_\_\_  
 Does Petitioner currently own the property where the rezoning is requested? \_\_\_\_\_  
 If no, please explain \_\_\_\_\_

**B. ADJACENT PROPERTY OWNERS ADDRESSES** (use additional paper if necessary)

Property Owner Name	Mailing Address	City Tax Map and Parcel #
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**C. ATTACHMENTS TO BE SUBMITTED BY THE PETITIONER**

1. A sketch plan filed with this petition showing property lines of the property to be rezoned, adjoining property, buildings, land uses, zoning classifications and streets.
2. Other attachments as required by Section 34-41 or Section 34-516 of the City Code (office use: Submitted \_\_\_\_\_)
3. A rezoning petition filing fee of \$1,500 for a PUD, OR \$1,200 for all others, made payable to the City of Charlottesville; (Signature also denotes commitment to pay the invoice for the required mail and newspaper notices).

\_\_\_\_\_  
 Signature of Petitioner(s)

**For Office Use Only** (Sign Posting)  
 I certify that the sign(s) as required by Section 31-44 of the City Code as amended has been posted on the following date: \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Date Paid: \_\_\_\_\_ Amt. Paid: \_\_\_\_\_ Cash/Check #: \_\_\_\_\_ Recorded by: \_\_\_\_\_

## **Suggested Language of Proffered Conditions** (Part of a Conditional Petition to Rezone)

### **Proffered conditions:**

- Are not appropriate or necessary for all rezonings.
- Must be voluntary on the part of the applicant.
- Must be tailored to suit the land and the proposed development.
- Are in addition to the regulations that apply in the zoning district.
- Must be necessary as a direct result of the rezoning itself.
- Must be on-site and related to the physical development or operation of the property.

**Be aware of what you proffer.** When conditions are approved as part of a rezoning, those conditions are legally binding. Only City Council has the power to amend or vary approved conditions. Petitioners are cautioned to proffer only those conditions to which they can adhere.

**Commonly proffered conditions** include providing buffers above and beyond the applicable zoning district regulations and/or restrictions on the regulations of the zoning district in respect to such areas as outdoor storage, signs, access, lighting, or use of the property. **As a guide to petitioners seeking a conditional rezoning, the following language for commonly proffer conditions is suggested.** Any or all of the following categories and the language itself may not be appropriate for all rezonings. **This language is provided for guidance only. Additional guidance can be found in the Comprehensive Plan or in the appropriate neighborhood plan.**

### **1. Agreement to be bound by proffers:**

The applicant agrees that if the property is rezoned, the property will be subject to the following proffered conditions:

### **2. Use Limitations:**

- a. The property shall be used for only the following permitted uses: [list permitted uses for the zoning district].
- b. There shall be no outdoor storage of \_\_\_\_\_ (or display of merchandise).
- c. The hours of operation for any use of the property shall be limited to \_\_\_\_\_.
- d. The property, or any part of it, shall not be used as a [list permitted uses for the zoning district].

### **3. Density Limitations:**

- a. Only \_\_\_\_\_ building(s) will be erected on the property, and all structures, including buildings, will cover no more than \_\_\_\_% [or \_\_\_\_\_ square feet] of the property.
- b. No more than \_\_\_\_\_ dwelling units may be constructed on the property.

#### **4. Landscaping:**

- a. The rezoned property shall be landscaped in accordance with the attached plans prepared by [name of firm], dated \_\_\_\_\_. All plantings shall be planted prior to the issuance of a certificate of occupancy for the structure to be erected on the rezoned property (or e.g., all plants shall be planted in accordance with the schedule of planting shown on the landscaping plans).
- b. All landscaping and plantings shall be maintained and replaced on an annual basis as necessary.
- c. The area designated on the attached plat as "open space" shall remain in a maintained natural state shall remain in a maintained natural state.

#### **5. Physical Improvements:**

- a. A fence made of [materials], \_\_\_\_\_ high from grade, shall be erected as shown on the attached concept plan (Exhibit\_\_\_\_\_).
- b. The applicant shall construct a sidewalk in conformance with City standards in the location shown on the attached concept plan (Exhibit\_\_\_\_\_).
- c. A retention basin or other low impact development methods for the control of storm drainage shall be constructed on the property in accordance with specifications approved by the City Engineer for the City of Charlottesville and plans approved by the City Engineer for the City of Charlottesville.

#### **6. Access:**

- a. Ingress to, and egress from, the property shall be from \_\_\_\_\_ only.
- b. There shall be no more than \_\_\_\_\_ point(s) of vehicular ingress to, or egress from, the property.
- c. There shall be no vehicular ingress to, or egress from, the property from \_\_\_\_\_.

#### **7. Lighting:**

- a. No on-site lighting shall illuminate any off-site property.

**8. Trails:**

- a. Trails and bikeways constructed to ASHTO standards shall be provided as shown on the attached concept plan (Exhibit \_\_\_\_).
- b. Trails constructed to Appalachian Trail Standards shall be provided as shown on the attached concept plan (Exhibit \_\_\_\_\_).

**9. Design Review:**

- a. Concurrent with site plan review, architectural drawings will be submitted to the Planning Commission for design approval following the process outlined in the Zoning Ordinance for Entrance Corridor Review.

**10. Public Facilities:**

- a. Park land of \_\_\_\_\_ acres will be provided as shown on the attached concept plan. Amenities provided will include:  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. Funding for improvements to the park located at \_\_\_\_\_ will be provided in the amount of \$\_\_\_\_\_ within \_\_\_\_\_ months after site plan approval.
- c. Bus enclosures and/or bus benches will be provided as shown on the attached concept plan.

**11. Sidewalk Connectivity**

- a. Sidewalks will be provided on the following off-site streets in order to improve pedestrian safety and connectivity.

Street: \_\_\_\_\_ from: \_\_\_\_\_ to: \_\_\_\_\_

Street: \_\_\_\_\_ from: \_\_\_\_\_ to: \_\_\_\_\_

Street: \_\_\_\_\_ from: \_\_\_\_\_ to: \_\_\_\_\_

**12. Traffic Control/Improvements**

- a. Interior traffic control will be provided as shown on the attached concept plan.

- b. Traffic improvements/control will be provided as described below to mitigate the impacts of the proposed rezoning/

---

- c. Funding for traffic improvements described below will be provided in the amount of \$\_\_\_\_\_ within \_\_\_\_\_ months of site plan approval.

# SAMPLE

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
IN RE: PETITION FOR REZONING (City Application No. \_\_\_\_\_)  
STATEMENT OF PRELIMINARY PROFFER CONDITIONS  
For the \_\_\_\_\_ [insert name] PUD

Dated as of \_\_\_\_\_, 2004

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned individual is the owner of land subject to the above-referenced rezoning petition ("Subject Property"). The Owner/Applicant seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan dated \_\_\_\_\_.

The Owner/Applicant hereby proffers and agrees that if the Subject Property is rezoned as requested, the rezoning will be subject to, and the Owner will abide by, the approved PUD Development Plan as well as the following conditions:

- 1.
- 2.
- 3.
- 4.
- 5.

**WHEREFORE**, the undersigned Owner(s) stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

# SAMPLE

By: \_\_\_\_\_  
Owner

By: \_\_\_\_\_  
Applicant

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

## Instructions for Preparing Proffer Statements:

1. The term “proffer” refers to reasonable written conditions voluntarily offered by an applicant for a rezoning or map amendment. In order for the City to approve/accept any proffer(s), several conditions must be satisfied: (i) the rezoning itself must give rise to the need for the conditions; (ii) the conditions must have a reasonable relation to the rezoning; (iii) all conditions must be in conformity with the comprehensive plan; and (iv) the conditions must not include a requirement that a property owners’ association be required to pay an assessment for maintenance of public facilities owned in fee by a public entity (other than sidewalks, special street signs or markers, or special street lighting in public rights of way). In drafting a proffer statement, each applicant should carefully review the Neighborhood Plan for his development site.
2. *Conditional zoning proffers must be made in writing and submitted to NDS no fewer than ten (10) days prior to a scheduled public hearing. City Code §34-64. Proffers may not be made verbally by an applicant.*
3. Proffers must be signed by each Owner of the Subject Property and by the Applicant(s) (if different than the Owner(s)).
4. Proffers may not be submitted and accepted for the first time during a public hearing on a rezoning application; however, an application may be continued for an additional or reconvened public hearing at which proffers (once properly reduced to writing and duly advertised) may be considered and accepted.
5. *The applicant must reduce all proffers to a Final Proffer Statement, within 7 days following the meeting at which the application was considered and acted upon by the planning commission. City Code § 34-64(c). Modifications of proffers acted upon by the planning commission may be made only in accordance with §34-65 of the City Code.*
6. Proffers must clearly articulate the obligations being undertaken by an applicant, and any limitations or timing restrictions attached to those obligations.
7. Proffers may contain provisions relating to the overall density, site characteristics, uses and other aspects of the use and development of the property; however, a PUD applicant may also address these issues within his PUD Development Plan and the narrative associated with that document.
8. If any proffered conditions include the dedication of real property to the City, or the payment of cash to the City (“cash proffers”) for facilities that are of a type normally included in a CIP, then the property shall not transfer, nor shall the payment of cash be made, until the facilities for which the property is dedicated or the cash is tendered have been included in the City’s CIP.
9. If any proffered conditions include the dedication of real property to the City, or cash proffers, the proffered conditions must provide for the disposition of the property or cash payment in the event the property or cash is not used for the purpose for which proffered.
10. The City may accept proffered conditions that include provisions for timing or phasing of dedications, payments and/or improvements.
11. A proffer should not impose any obligations on the City with respect to the expenditure of public funds or the provision of services or improvements.
12. Once proffers are accepted by the City Council as part of the approval of a rezoning application, those proffers become part of the zoning of a property, which may be changed or amended only by subsequent affirmative action of City Council.