



"Good Things Are Happening in Sussex County!"
Sussex County, Virginia
Planning and Zoning Department

REZONING

WHAT IS REZONING?

Sussex first adopted zoning laws in 1988 as part of the County's authority to promote and protect health, safety, and general welfare of the present, as well as future, residents and businesses of the County.

These laws, as outlined in the Zoning Ordinance, designate all land to one of the zoning districts. The permitted uses and rules pertaining to each district designate the use of a parcel of land in a desired fashion. A change, or rezoning, is made at the owner's request or at the direction of the Board of Supervisors and in accordance with the land use designations of the Comprehensive Land Use Plan.

WHAT MUST I FILE TO REZONE MY PROPERTY?

1. Prior to submitting an application, it is recommended to schedule a pre-application meeting with the Planning and Zoning Department to review the application and discuss any questions the applicant may have. Please call 434-246-1043 for meeting information. If the property is in the Land Use Assessment Program, the applicant should also contact the Commissioner of the Revenue's Office at (434) 246-1022.
2. Submit a completed application form, completed application checklist with all required documents (See Submittal Checklist for additional items that may be required), completed disclosure of real estate holdings, and owners affidavit.
3. Rezoning Fee:
\$500 + additional per acreage charge as follows:
 - To: A-1 No additional charge
 - To: R-R, R-E \$20 per acre
 - To: R-1 \$30 per acre
 - To: B-1, B-2, B-3 \$40 per acre
 - To: I-1, I-2 \$50 per acre
 - To: Planned Unit Development or any Manufactured Home Park District \$60 per acre

WHEN IS A REZONING APPLICATION CONSIDERED BY THE PLANNING COMMISSION?

Once a completed application has been submitted to the County, the application is distributed for comment and review to all appropriate County and State Agencies/Departments. Once all comments are received and the application is deemed acceptable by all appropriate County and State Agencies/Departments, the applicant is scheduled for public hearing by the Planning Commission. The Planning Commission meetings are normally held at 6:00 p.m. on the first Monday of each month in the General District Courtroom at the Sussex Judicial Center. The advertising deadline for an upcoming Planning Commission public hearing is the first Friday of the month. An application must be deemed acceptable by all appropriate County and State Agencies/Departments prior to this deadline in order to be placed on the next agenda.

WHAT IS THE PUBLIC HEARING PROCEDURE FOR REZONING?

1. Once the application is scheduled for a public hearing by the Planning Commission, the applicant is required to submit the required number of copies of the concept plan and all other supplementary documentation deemed necessary by the Planning and Zoning Department for distribution to the Planning Commission. All required items must be submitted to the Planning and Zoning Department no fewer than ten calendar days prior to the scheduled public hearing.
2. The applicant will be given at least one sign to post on the property at least ten (10) days prior to the Planning Commission public hearing, indicating an application has been filed. Additional signs may be required based on linear road frontage. These signs are provided by the County and may be picked up at the Planning and Zoning Department front desk.
3. The application is advertised for public hearing in the local newspapers twice – no more than twenty-one (21) days and no less than five (5) days prior to the public hearing.



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4. Notices are sent by the Planning and Zoning Department to all adjoining property owners at least five (5) days prior to the public hearing.
5. Staff will prepare a report on the application and the applicant will be sent a copy of the report and other comments made by County and State Agencies/Departments prior to the meeting date.
6. The applicant and/or a representative are/is required to attend the Planning Commission meeting to present the application and answer any questions from Commission members.
7. Following the Planning Commission's recommendation of approval or denial, the application will be placed on the Board of Supervisors' agenda for a public hearing. Board of Supervisors meetings are typically held on the third Thursday of each month and the meetings begin at 6:00 pm in the Sussex County General District Courtroom, 15098 Courthouse Road, Sussex, VA 23884. The same notification procedure as outlined above will be followed, and additional copies of the concept plan and all other supplementary documentation will be required to be submitted by the applicant for distribution to the Board of Supervisors. All required items must be submitted to the Planning and Zoning Department no fewer than ten calendar days prior to the scheduled public hearing.
8. The Board of Supervisors will hold the public hearing as scheduled, and make a determination to approve or deny the application. The applicant and/or a representative are/is required to attend the Board of Supervisors meeting to present the application and answer any questions from Board of Supervisors members.
9. The applicant will be notified in writing of the Board of Supervisors' discussion. If denied, a period of at least one (1) year must elapse in order to resubmit the application, unless significant changes are made. Also, the applicant may appeal to the Board's decision to the Circuit Court.
10. If approved, and the request does not include the rezoning of an entire parcel, a zoning boundary plat will need to be prepared by a licensed surveyor and submitted for approval within twelve months of the Board's approval of the rezoning application.

WHAT OTHER PERMITS OR APPROVALS MAY BE REQUIRED PRIOR TO CONSTRUCTION?

- Zoning Permit
- Stormwater
- Building Permit
- Health Department Permit
- Site Plan Approval
- Subdivision Plat Approval
- Construction Plan Approval
- Landscaping Surety
- Erosion and Sediment Control Surety



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**SUBMITTAL CHECKLIST FOR REZONING/CONDITIONAL
ZONING AMENDMENT APPLICATIONS**

In conjunction with Section 34-36, *Amendments*, of the Sussex County Zoning Ordinance, as amended, the following information shall be submitted for a Rezoning/Conditional Zoning Amendment Application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for a rezoning shall be certified as complete unless the following information is provided; unless the required number of copies has been reduced by the Zoning Administrator.

- 1. Fifteen (15) copies of the original, executed application and one (1) original executed application. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page No.2 of the application.
- 2. The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Sussex County.
- 3. Fifteen (15) copies of a statement of the reasons for seeking such amendment, and if applicable, a statement of proffered conditions.
 - Any applicant proposing a conditional rezoning under the provisions of Section 34-164, *Conditional Zoning*, of the Sussex County Zoning Ordinance shall submit fifteen (15) copies of the signed proffer statement and one (1) original signed proffer statement. Proffered conditions shall be signed by the owner(s) of the property.
- 4. Fifteen (15) copies) of a narrative description of the property which shall include the Tax Parcel Identification Number.
- 5. One (1) copy of the most recent deed of the property to be rezoned.
- 6. For residential subdivisions of five (5) or more lots, planned development, commercial, industrial, or miscellaneous rezoning/conditional zoning amendment applications, a concept plan of the property to be rezoned shall be submitted by the applicant. Such document shall be drawn to scale and shall include the following information:
 - A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
 - Title of drawing
 - Date of drawing
 - Existing wood line
 - North arrow
 - Scale bar
 - Current zoning of parcel(s) to be rezoned, including tax map number(s) and owner(s)
 - Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
 - Street names including route number and width(s) of the right-of-way(s)
 - Fifteen (15) full size copies, with one (1) reduced 11-inch X 17 inch copy shall be submitted
 - Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process in order to more effectively review the application and prepare the staff reports for the Planning Commission and Board of Supervisors.



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Planning and Zoning Department

- 7. Fifteen (15) copies of such supplemental material as may be necessitated by the proposal itself or the district in which located or proposed to be located, and in accordance with Article XXI, *Supplementary District Regulations*, of the Sussex County County Zoning Ordinance
- 8. For Planned Development, fifteen (15) copies of the required supplemental information shall be submitted in accordance with Article IV, *Planned Unit Developments*, of the Sussex County Zoning Ordinance.
- 9. All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.
- 10. Voluntary Proffer Statement

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that any section not completed in its entirety may delay processing of this application and the date of the Planning Commission public hearing and that the submittal of a complete application does not guarantee the application will be placed on the next available Planning Commission agenda.

Signature

Date



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Planning and Zoning Department

APPLICATION FOR REZONING/CONDITIONAL ZONING AMENDMENT

This application should be used to petition for a change to the Official Zoning Map or for an amendment of zoning conditions. The following application requirements are consistent with the procedures set forth in Section 34-36, *Amendments*, of the Sussex County Zoning Ordinance, as amended.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

Rezoning

Conditional Rezoning (Are voluntary proffered conditions attached?): _____ Yes _____ No

Request to change the subject property(s) from the _____ to the _____ zoning district.

Proposed Use or Activity: _____

Amendment to Conditional Zoning

Request to change conditional zoning as follows (Attach current and proposed conditions): _____

B. PROJECT DESCRIPTION:

Project Name: _____

Property Address (if any): _____

Election District: _____

Comprehensive Plan Designation: _____

The rezoning will apply to _____ acres out of _____ total acres

Tax Parcel Identification # _____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

Tax Parcel Identification # _____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

Tax Parcel Identification # _____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

Proposed Utilities (check all that apply): Public Water _____ Private Well _____

Public Sewer _____ Private Septic _____



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Planning and Zoning Department

C. APPLICATION INFORMATION:

Applicant(s) Name(s): _____

Address: _____

City, State, Zip Code: _____

Phone No.: _____ Email: _____ Fax No.: _____

Property Owner(s) Name(s): _____

Address: _____

City, State, Zip Code: _____

Phone No.: _____ Email: _____ Fax No.: _____

Applicants/Owners Affidavit (including compliance with all deed restrictions and covenants)

This application must be signed by the owner(s) of the subject property or must have attached written evidence of the owner's consent, which may be in the form of a binding contract of sale with the owner's signature or a letter signed by the owner(s), containing written authorization to act with full authority on the owner(s) behalf in filing this rezoning application. Signing this application shall certify the owner's compliance with all deed restrictions and covenants, and shall constitute the granting of authority of the County to enter onto the property for the purpose of conducting site analyses and compliance with Federal, State and County regulations.

Applicant: _____
Printed or Typed Name

Owner: _____
Printed or Typed Name

Applicant: _____ Date: _____
Signature

Owner: _____ Date: _____
Signature

County of Sussex, Commonwealth of Virginia

County of Sussex, Commonwealth of Virginia

Subscribed and sworn to before me _____
_____, A Notary Public in and for
the County of Sussex, Commonwealth of Virginia,
this _____ day of _____, 20_____

Subscribed and sworn to before me _____
_____, A Notary Public in and for
the County of Sussex, Commonwealth of Virginia,
this _____ day of _____, 20_____

Notary Public

Notary Public

My Commission Expires _____

My Commission Expires _____



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Planning and Zoning Department

Applicant: _____
Printed or Typed Name

Owner: _____
Printed or Typed Name

Applicant: _____ Date: _____
Signature

Owner: _____ Date: _____
Signature

County of Sussex, Commonwealth of Virginia

County of Sussex, Commonwealth of Virginia

Subscribed and sworn to before me _____
_____, A Notary Public in and for
the County of Sussex, Commonwealth of Virginia,
this ____ day of _____, 20 ____

Subscribed and sworn to before me _____
_____, A Notary Public in and for
the County of Sussex, Commonwealth of Virginia,
this ____ day of _____, 20 ____

Notary Public

Notary Public

My Commission Expires _____

My Commission Expires _____



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NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Sussex County Planning Department, 20135 Princeton Road, PO Box 1397,
Sussex, Virginia 23884

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: _____
Tax Query: [] Current [] Delinquent Distribution Date: _____
Posted/Date to Post: _____

AGENCIES REFERRALS:

_____ Department of Environmental Quality	_____ Building Inspections
_____ Finance	_____ Sheriff's Office
_____ Industrial Development Authority	_____ Town of Jarratt
_____ County Administration	_____ Town of Waverly
_____ Public Safety	_____ Town of Stony Creek
_____ Health Department	_____ Town of Wakefield
_____ VDOT	_____ Schools
_____ Commissioner of the Revenue	_____ County Attorney
_____ Sussex Service Authority	_____ Other _____

Verified By: _____ Date: _____



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 Planning and Zoning Department

**COUNTY OF SUSSEX
 DISCLOSURE OF REAL ESTATE HOLDINGS**

Applicant _____

Address _____
 Street

City _____ State _____ Zip _____

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Sussex County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? _____ Yes _____ No

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct and true.

Applicant: _____ Applicant: _____ Date: _____
 Printed or Typed Name Signature

Commonwealth of Virginia
 County of Sussex

Subscribed and sworn to before me _____,

A Notary Public in and for the County of Sussex, Commonwealth of
 Virginia, this _____ day of _____, 20_____.

 Notary Public
 My Commission Expires _____



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Planning and Zoning Department

COUNTY OF SUSSEX

MODEL PROFFER STATEMENT

Applicant's name(s): _____

Owner's name(s): _____

Project name: _____

Date: _____

Parcel-Tax Map Numbers and deed book reference: _____

These proffers are made as of the (Day) of (Month), (Year) by (Names of the property owner(s)) (collectively "Owner"), of Tax Map Number XX-XX-XXX, containing approximately (XX) acres of land which is referred to herein as the "Property". Owner has filed a rezoning application with the Isle of Wight County Planning and Zoning Department requesting a change in the zoning of the Property from (Name of Zoning District), to Conditional (Name of Zoning District). Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below.

These proffered conditions ("Proffers") are the only conditions offered on this rezoning, and any prior proffered conditions on the Property are hereby superseded by these proffers and any and all previous proffers on the Property are hereby void and of no further force and effect.

All improvements, land, easements, dedications, gifts, proffers and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind.

I. Development of the Property

1. Development of the Property associated with this rezoning application shall be generally consistent as determined by the reviewing authority with the Conceptual Master Plan prepared by (name of engineering firm) dated (month day, year), as determined during preliminary and final site plan approval and/or preliminary and final subdivision construction plan approval.
2. All buildings shall be in accordance with the design criteria attached as "Design Criteria for (Name of Development)," dated (Month Day, Year), which is part of this proffer statement.
3. The maximum number of residential units shall not exceed (number) singlefamily units, (number) townhomes, (number) condominium units, and (number) multifamily units.
4. The maximum amount of commercial development shall not exceed (number) square feet.
5. Applicant shall cause to be constructed the following recreational areas and facilities for residents of the development: (List of facilities)



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II. Land Use

1. The Property shall be used as permitted under the (Name of the Zoning District) and more specifically for the following uses: (List Permitted Uses being requested)
2. The following uses shall be expressly prohibited on the Property: (List the Prohibited Uses)

III. Cash Proffers

1. Residential Units

- A. Single Family Units- The Owner agrees to make cash proffers to the County in the amount of \$_____ for the (number) of single family units (which includes townhouses, duplexes, single-family detached units and live/work units).
- B. Multifamily Units - The Owner agrees to make cash proffers in the amount of \$_____ for the (number) multifamily (which includes rental apartments and condominium units).
- C. At the time of the recordation of the subdivision plat for a phase of development, the total agreed amount of Residential Cash Proffer for said phase shall be evidenced by a Demand Note of Applicant to County, without interest. The Note shall be secured by a deed of trust ("Cash Proffer Deed of Trust") on all residential units in such phase and this Cash Proffer Deed of Trust will be secondary to all acquisition, development and construction loans obtained by Owner and the County shall execute such subordination or other agreements as may be necessary.
- D. Releases by County under the Cash Proffer Deed of Trust shall be made upon payment of the applicable cash contribution for the released lots. Payment for releases shall be made on or before the time of the issuance of a Final Certificate of Occupancy.

IV. Environmental Protection

The Property shall be served by one or more Low Impact Development measures, such as infiltration trenches, rain gardens, bio-retention filters and/or rainwater harvesting in accordance with County specifications, or as approved by the Zoning Administrator. These features will provide for enhanced stormwater management techniques appropriate for increasing opportunity throughout the development for groundwater recharge to the degree feasible as agreed upon by the Owners and Sussex County.

V. Archaeology

A Phase I Archaeological Study for the Property shall be submitted to the Zoning Administrator for their review and approval prior to final site plan approval. A treatment plan shall be submitted to, and approved by, the Zoning Administrator for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is



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Sussex County, Virginia

Planning and Zoning Department

undertaken, such a study shall be approved by the Zoning Administrator and a treatment plan for said sites shall be submitted to, and approved by, the Zoning Administrator for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Zoning Administrator prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and shall be adhered to during the clearing, grading and construction activities thereon.

VI. Transportation

The Owner, at its sole cost and expense, shall cause to be constructed the following transportation improvements in accordance with the recommended improvements contained in the Traffic Impact Analysis for (Project Name) dated (month, day, year): (list of improvements)

VII. Water and Sewer Improvements

All parcels within the development shall be served by public water and sewer. All public water and sewer systems shall be constructed in conformance with the Sussex Service Authority or as directed by the Board of Supervisors. The size of water and sewer lines interior to the development shall be determined as part of the final engineering approval. The Owner, at its sole cost and expense, shall cause to be constructed the following offsite improvements: (list of improvements).

VIII. Property Owners' Association and Restrictive Covenants

1. The Owner shall form a Property Owners' Association, which may also include sub-associations, in accordance with Virginia law, with the preparation and execution of a Declaration of Covenants, Conditions and Restrictions (the "Declaration") with the owners thereof being the residential owners or commercial owners of property within (name of subdivision). The Declaration shall provide for the conveyance from the Applicant of all of the common areas, open spaces, green areas, recreation areas and facilities and the stormwater management system of the subject property to the Association. Every property owner shall be a voting member of the Association and be subject to assessments as set forth in the Declaration. The Declaration shall be subject to the approval of the County Attorney and upon approval shall be duly recorded in the Clerk's Office for the Circuit Court of Sussex County. The Declaration shall be recorded prior to recordation of the first final subdivision plat.



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Sussex County, Virginia

Planning and Zoning Department

2. The Owner agrees that it shall retain sole responsibility for the maintenance of the stormwater management system and all of the amenities, including but not limited to improvements and open space of the Property until such time as 80% of the lots shown on the final subdivision plat or overall subdivision, if phased, have building permits issued to individual lot owners for the construction of units thereon, at which time the obligation shall be assigned to the property owners' association.

IX. General

1. Successors and Assigns - This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.
2. Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.
3. Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.



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Applicant: _____
Printed or Type Name

Owner: _____
Printed or Typed Name

Applicant: _____
Signature

Owner: _____
Signature

County of Sussex, Commonwealth of Virginia

County of Sussex, Commonwealth of Virginia

Subscribed and sworn to before me _____
_____, A Notary Public in and for
the County of Sussex, Commonwealth of Virginia,
this ____ day of _____, 20____

Subscribed and sworn to before me _____
_____, A Notary Public in and for
the County of Sussex, Commonwealth of Virginia,
this ____ day of _____, 20____

Notary Public

Notary Public

My Commission Expires _____

My Commission Expires _____

SIGNATURE PAGE