



Application for

# Rezoning

Community Development Department  
Planning Division

22 Lincoln Street, 5th Floor | Hampton, Virginia 23669  
Phone 757-727-6140 | Fax 757-728-2449 | [www.hampton.gov/planning](http://www.hampton.gov/planning)

## FILING PROCEDURES

### WHAT IS A REZONING?

A rezoning is an amendment to the zoning map which changes the zoning district applied to a site or area to another zoning district. A zoning district is an area or areas for which regulations and requirements governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform. A rezoning may or may not have proffers attached.

### WHAT IS A PROFFER?

The voluntary attachment of special conditions, known as "proffers," to a rezoning that addresses items which are not spelled out in the text of the zoning chapter or otherwise required by code.

City Council reviews each application and decides whether to deny, approve, or approve with proffered conditions. City Council's decision is based upon factors such as the recommendation by Planning Staff, the recommendation by Planning Commission, and consistency with the *Hampton Community Plan* (2006, as amended).

### SUBMITTAL PROCEDURE

It is recommended that the applicant discuss the proposed application with staff of the Community Development Department's Planning Division prior to submission of an application to review plans, ordinances, and other land use issues that may be involved. Submittal of the application occurs at the Planning Division's office listed below:

City of Hampton  
Community Development Department, Planning Division  
City Hall  
22 Lincoln Street, 5th Floor  
Hampton, VA 23669  
Phone 757-727-6140, Fax 757-728-2449

### SCHEDULING

The amount of time necessary to complete the staff review is variable depending on the complexity of the rezoning application and the accuracy of the submitted material. Once staff has reviewed submitted materials and the application has been deemed complete, it shall be scheduled for a public hearing with Planning Commission. If the application is not deemed complete by the Planning Division Manager it shall be returned to the applicant within 30 days of receipt of the application with a statement of the reasons for deficiency.

### DEFERRAL OF APPLICATIONS

Applicants may request deferral of an application in writing if more time is needed to prepare for the scheduled public hearing. If the deferral request is made prior to the publication of the notice of public hearing for Planning Commission the request may be granted administratively.

After advertisement in the *Daily Press*, conditional rezoning applications may be deferred by Planning Commission or City Council, with the concurrence of the applicant, solely for the purpose of revising proffers. Revised proffers must be submitted no less than thirty (30) days prior to the scheduled Planning Commission public hearing and no less than (10) days prior to the scheduled City Council public hearing. Instances where the written proffer statement provides for cash contribution, dedication of real property or payment for or construction of public improvements may be required to resubmit forty-five (45) days before the public hearing to allow for adequate staff review, as determined by the Planning Division Manager.

Applications deferred after advertisement for public hearing will be assessed an additional fee of three hundred dollars (\$300), paid by the applicant, for re-advertisement.

## WITHDRAWAL OF APPLICATIONS

Applicants may request withdrawal of an application in writing prior to the notice of public hearing for Planning Commission. If City Council finds that there is public benefit to be gained by modifying a rezoning application and that significant public inconvenience would not result from consideration within one (1) year of the modified application, it may allow withdrawal during the public hearing.

## REQUIRED MATERIALS

A Rezoning application consists of four parts:

### 1) Application form

- Included in this packet
- Must be signed by all current property owner(s)
- If signed by an authorized agent, written consent, signed by the owner(s) must be included with the application

### 2) Application fee

- Rezoning application fee of \$750 plus \$100 per acre or portion thereof
- Payable by check to the "City of Hampton"
- Fee is non-refundable

### 3) Narrative statement

- This written statement should include a detailed description of the proposal. At a minimum, it must include (if applicable):
  - Need for the rezoning
  - Proposed use of the site
  - Description of any new structures to be constructed
  - Anticipated impact to adjacent properties
  - Anticipated impact to city services
  - How the rezoning conforms to the *Hampton Community Plan* (2006, as amended)

### 4) A recent certified survey plat of the property

- Three (3) copies of the survey plat on no larger than 11" x 17" paper

Additional required documents for rezoning applications:

### 1) Rezoning without Proffers

- A written statement submitted and signed by the applicant stating that no conditions are to be proffered

### 2) Rezoning with Proffers (also known as a "Conditional Rezoning")

- A title certificate of not more than six (6) months old prepared and signed by an attorney licensed to practice law in the Commonwealth of Virginia
- A proffer statement in a legally recordable format as determined by the city attorney
- A check made payable to the Clerk of the Circuit Court of the City of Hampton in an amount required by the clerk to cover recording fees

Supplements to this application (depending on the type of request) and additional materials may be required at the discretion of the Planning Division Manager.

**Notes:** 1. *A boilerplate proffer statement form is available to applicants from the Planning Division*  
2. *It is important that the required application materials be as clear as possible in the description and presentation of the proposal, as the materials will be forwarded to Planning Commission and City Council for their review.*

## PROFFER STATEMENT

All proffers shall be in writing, prepared by the owner of the property or an attorney and must be signed by all property owners and contract purchasers, if applicable. The city attorney may require additional signatures if necessary and will determine whether or not the proffer statement is legally sufficient. Within thirty (30) days after receipt of the proffers the Planning Division Manager will notify the applicant of any deficiencies in the proffer statement or if any additional information is needed. The applicant may make changes to the written proffer statement provided it is submitted at least thirty (30) prior to Planning Commission public hearing or ten (10) days prior to City Council public hearing.

## **REVIEW PROCESS**

Following receipt of an application, an initial review is conducted to ensure that all required information has been submitted. If deemed complete, it is accepted as a formal application and internal review begins. Staff will work with the applicant on issues that arise during internal review and on proposed conditions to be included in the Planning Division's staff report to Planning Commission and City Council.

## **NOTICE & POSTING**

Notices of Planning Commission and City Council public hearings are advertised in the *Daily Press*. Notices are also mailed to nearby property owners. Additionally, a sign is posted on the site with information regarding Planning Commission's public hearing.

*Note: Applicants are strongly encouraged to organize a community meeting to discuss the proposal with area civic associations, property owners and residents prior to the Planning Commission's public hearing.*

## **PLANNING COMMISSION RECOMMENDATION**

Planning staff will make a presentation to Planning Commission summarizing the application and staff's recommendation. The applicant and any citizens interested in the application are given time to speak. Planning Commission will evaluate the application based on the merits of the rezoning, considering the need that gave rise to the rezoning request, consistency with the Land Use Plan, the potential impacts of the proposal on the neighboring properties, and any relevant recommendations or policies in the adopted Comprehensive and Master Plan. Planning Commission may recommend acceptance of all, acceptance of some and rejection of some, or rejection of all of the proffers. Planning Commission may defer action to a later date, with the concurrence of the applicant, for the purpose of revision to the proffer statement.

*Note: City Council shall not approve any request until all delinquent real estate taxes owed to the City of Hampton on the subject property are duly paid and up to date.*

## **CITY COUNCIL PUBLIC HEARING**

Following Planning Commission's hearing, the item will be forwarded to City Council for a public hearing, usually in the month following Planning Commission. Planning staff may make a presentation to City Council summarizing the application and the recommendations. The applicant and any citizens interested in the application are given time to speak. City Council may approve or deny the application and may accept all, accept some and reject some, or reject all of the proffers. City Council may also accept a modified proffer condition during the public hearing provided the proffer does not affect the use or density of the proposal. Approval requires an affirmative vote from the majority of members present and voting.

## **PUBLIC HEARING TIMES AND LOCATIONS**

### **Planning Commission**

- First Thursday of every month at 3:30 PM
- Held in City Hall, Council Chambers, 22 Lincoln Street, 8th Floor

### **City Council**

- Second Wednesday of every month at 7:00 PM
- Held in City Hall, Council Chambers, 22 Lincoln Street, 8th Floor

## **RECORDATION OF PROFFER**

If approved by City Council, the city attorney has ten (10) days to determine whether any change of interest has occurred on the property since the date of the title certificate. If not, the proffer will be submitted to the Clerk of the Circuit Court to be recorded. If the city attorney has determined a change of interest has occurred, the applicant will have sixty (60) days to appeal to City Council; otherwise the approval of the rezoning will be rescinded. After a rezoning has been approved by City Council and recorded by the Clerk of the Circuit Court, the proffers may not be amended except through a new rezoning application.



# Application for Rezoning

OFFICE USE ONLY  
Date Received: \_\_\_\_\_

Case Number: RZ \_\_\_\_\_ - \_\_\_\_\_

Complete this application in its entirety and submit pages 4 and 5 along with the required materials (including any required supplements) as listed on page 2 to the address below:

City of Hampton  
Community Development Department, Planning Division  
22 Lincoln Street, 5th Floor  
Hampton, Virginia 23669

### 1. PROPERTY INFORMATION

Address or Location \_\_\_\_\_

LRSN \_\_\_\_\_ Current Zoning District \_\_\_\_\_ Proposed Zoning District \_\_\_\_\_

Current Land Use \_\_\_\_\_

Proposed Land Use \_\_\_\_\_

The proposed use will be in:       an existing building       a new addition       a new building

### 2. PROPERTY OWNER INFORMATION (an individual or a legal entity may be listed as owner)

Owner's Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

### 3. APPLICANT INFORMATION (if different from owner)

Applicant's Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

### 4. APPLICANT AGENT INFORMATION (if different from applicant)

Agent's Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**5. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS**

Complete this section only if the property owner is **not** an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 2 above.

*"I hereby submit that I am legally authorized to execute this application on behalf of the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."*

Name(s), title(s), signature(s), and date(s) of authorized representative(s) of the legal entity (attach additional page if necessary):

Name of Legal Entity \_\_\_\_\_

Signed by:

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**6. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS**

Complete this section only if the property owner is an individual or individuals.

*"I hereby submit that I am the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."*

Name(s), signature(s), and date(s) of owner(s) (attach additional page if necessary):

Name (printed) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

<i>OFFICE USE ONLY</i>		
<input type="checkbox"/> Application Form	<input type="checkbox"/> Narrative Statement	<input type="checkbox"/> Proffer Statement
<input type="checkbox"/> Application Fee	<input type="checkbox"/> Survey Plat	<input type="checkbox"/> Additional materials (if required)