



# MONTGOMERY COUNTY, VIRGINIA

Planning & GIS Services

## REZONING APPLICATION PROCESS AND PROCEDURES (Packet 1)

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# Montgomery County Planning & GIS Services

## Rezoning Process & Procedures

### **Step 1. Contact Planning & GIS Staff.**

It is recommended that all prospective applicants meet with County staff to discuss development trends, appropriate zoning in accordance with proposed use and the County's Comprehensive Plan. Meetings can be scheduled with planning staff by contacting Montgomery County Planning & GIS by phone: (540) 394-2148 or by email: [mcplan@montgomerycountyva.gov](mailto:mcplan@montgomerycountyva.gov)

### **Step 2. Community Meeting.**

The County encourages applicants to contact property owners, residents, business owners and relevant community groups within the vicinity of the proposed development early in the application process. Meeting with relevant community groups increases the applicant's understanding of community issues and concerns and their ability to address such issues in the design of the proposed development. It is suggested the applicant consider holding community meetings prior to submitting their application in order to allow the dates, locations, and attendee lists to be submitted with your application. However, community meetings should always be held prior to the staff analysis and application information being forward to the Planning Commission for their Public Hearing. For assistance with adjoining property owner information, you may contact Planning & GIS Services.

### **Step 3. Preliminary Review Meeting (Mandatory).**

A preliminary review meeting allows applicants to discuss his/her proposal with County staff to ascertain any additional information required to file a complete application. The Preliminary Review Meeting will provide applicants early input of whether a proposed development will require additional information relating to traffic such as: a traffic impact analysis/study, a scoping meeting, and/or a 527 TIA including a submission packet to the Virginia Department of Transportation (VDOT) in accordance with Code of Virginia §15.2-2222.2 and 24 VAC 30-155 effective July 1, 2007.

The Preliminary Review Meeting form (pg. 8) must be received no less than **2 weeks prior** to the requested meeting date. Please contact the Planning Department to schedule a Preliminary Review Meeting.

### **Step 4. Traffic Impact Analysis and Scope of Work Meeting.**

Development projects located within 3,000 feet of a state-controlled non-limited access highway or a connection to a state-controlled limited access highway may require the submission of a Traffic Impact Analysis to the Virginia Department of Transportation (VDOT) with your application. If the proposed rezoning generates the following number of vehicle trips, a Traffic Impact Analysis will be required:

Residential	More than 100 vehicle trips per peak hour
Commercial, Office, Industrial	More than 250 vehicle trips per peak hour or 2,500 vehicle trips per day
Mixed-Use	More than 100 vehicle trips per peak hour from only the residential portion OR more than 250 vehicle trips per peak hour or 2,500 vehicle trips per day from the entire proposal

Additionally, if the proposal would generate more than 1,000 vehicle trips per peak hour, VDOT will require a Scope of Work Meeting prior to submission of the Traffic Impact Analysis. The Traffic Impact Analysis, if required must be completed and submitted at the time of filing an application for rezoning or provisional use permit.

### **Step 5. Complete and Submit Application to Montgomery County Planning**

The Rezoning Application Form (see packet 2) is required for rezoning, conditional rezoning, and any amendment(s) to existing proffers. Please refer to and complete the Rezoning Checklist (see packet 2) to ensure all the materials are submitted. Incomplete applications will not be accepted or placed on the Planning Commission agenda.

### **Step 6. Review of Proposal (Application)**

The Planning Department will review the application for completeness in accordance with County ordinances. If the application is found to be incomplete, the Planning Department will return the application materials and filing fee to the applicant or agent, with a description of the manner and areas in which the application is incomplete.

Once an application is determined to be complete, the Planning Department distributes the application and exhibits to various County departments and outside agencies, when applicable, for review. Development review departments include Building and Inspections, Public Service Authority, Montgomery County Public Schools, Emergency Services, Zoning, Environmental Services, VDOT, and Planning. The departments will review the proposed development for conformity with the Comprehensive Plan, its effect on the area, its demand on services/infrastructure, and conformity with the County's development ordinances and standards.

Applicants and/or their agents will attend a meeting with the Development Review Committee at its next scheduled meeting. After receiving comments from the Committee, a revised application and/or site plan, if required, will be requested if necessary. Notwithstanding any initial determination of completeness, the Planning Director, the Planning Commission, or the Board of Supervisors may at any time during the review process find that essential information is lacking and may deem the application incomplete.

**APPLICATIONS THAT DO NOT MEET APPLICATION REQUIREMENTS OR HAVE OUTSTANDING ISSUES THAT NEED TO BE ADDRESSED WILL NOT BE CERTIFIED FOR PUBLIC HEARING.**

### **Step 7. Staff Reports.**

The Department of Planning drafts and distributes a staff report including all application materials to the Planning Commission. Staff reports are available to the public after receipt by the Planning Commissioners, approximately one (1) week prior to the Planning Commission meeting date. .

### **Step 8. Revisions.**

Changes to a proposal can be made prior to the scheduled Planning Commission hearing provided:

- The zoning classification remains unchanged
- The revisions are submitted ten (10) business days prior to the scheduled Planning Commission hearing. This will allow staff time to review the changes and incorporate pertinent information within the staff presentation at the public hearing. If revisions are requested after this time, the applicant must request a minimum one month deferral, unless otherwise waived by the Planning Commission. Minor proffer revisions may be accepted up until noon on the day of the meeting.
- Revised proffers must be submitted on the voluntary proffer statement (see packet 2) and include the property owner's or agent's signature, date of revisions, and case reference number. In addition, a separate set of *blacklined* proffers must accompany the revised proffers. Blacklines shows all changes to the proffer language from the previous set.

Example of revised blacklined proffer: Original proffer:

Proffer 1: A minimum two acres of open space will be provided in a centralized location. A club house will be provided on the property.

Blackline for revised proffer:

Proffer 1: A minimum two acres of open space will be provided in a centralized location. A 1,200 square foot club house will be provided ~~on the property~~ within the designated open space.

### **Step 9. Planning Commission Public Hearing.**

Planning Commission public hearings are generally held the second Wednesday of each month at 7:00 p.m. Two notices of the scheduled hearing and agenda are published in the local newspaper two (2) weeks prior to the Planning Commission hearing. Individual notices are also sent to the adjacent property owners of the subject property by the Planning Department. The Planning Commission schedule is included in this package and can also be found on the Montgomery County website.

At the Public Hearing, County staff provides a brief review of the development being proposed and makes a recommendation to the Commission. The applicant or authorized representative is required to attend and is usually expected to make a presentation. A time limit of three minutes is allotted to those who wish to speak regarding the request. The Planning Commission may waive the time limits based on the merits of the situation.

The Planning Commission will take one of the following actions for each agenda item:

- Vote to approve a request for deferral (deferrals may be requested by a Planning Commissioner or by the applicant);
- Vote to deny a request for deferral (in which case one of the two actions below will occur);
- Vote to recommend approval to the Board of Supervisors; or
- Vote to recommend denial to the Board of Supervisors.

### **Step 10. Board of Supervisors Public Hearing.**

Once the Planning Commission makes a recommendation regarding the application, the proposal is placed on the agenda for the Board of Supervisors. Advertising, notification, staff reports, and presentations follow the same procedures as for the Planning Commission. After the public hearing, the Board of Supervisors will schedule the meeting to vote on the application. The Board has one (1) year from the submission date to make their decision. The vote of the Board of Supervisors is final.

If the Board of Supervisors denies a request, the request or a substantially similar request cannot be heard for one year.



## Additional Information Conditional Zoning Applications

Conditional zoning applications are governed by Section 10-54 (h) of the Montgomery County Zoning Ordinance. It is suggested that this section be read carefully to ensure that all terms are met. Below are a few of the key requirements:

1. The owner(s) of record of all the property involved in the application and applicant(s) duly authorized by the owners must sign the proffer statement as provided by the Planning Department. While the property may be under contract for sale to a developer, with sale being contingent upon the proposed rezoning being approved, only the owner(s) of record can subject the land to the proffered conditions, and therefore, the owner(s) of record must sign the proffer statement.
2. Written Preliminary Proffers shall be submitted to the Planning Department no less than 10 business days prior to the Planning Commission hearing. Where proffers are made for the first time after this deadline, the applicant shall request that the application be continued by the Planning Commission for review by the Planning Department and other reviewing departments. Minor changes made to clarify the language in previously submitted proffers may be made in writing up to noon of the day of the public hearing.
3. An applicant/owner shall not proffer conditions required by Montgomery County as part of the subsequent subdivision or site plan review process.
4. Any modifications to the proffer statement during the application process may cause a delay to the application schedule, require additional review by staff or agencies, and require additional advertisement. The applicant shall be responsible for all costs associated with advertisement.
5. A Final Proffer Statement shall be submitted to the Planning Department in written format on the form entitled "Proffer Statement" and in electronic format via e-mail within three (3) business days after the Planning Commission hearing. The final proffer statement shall be initialed, signed and notarized by the applicant(s) and owner(s). If the proffer statement varies from the proffers approved by the Planning Commission, a cover letter describing the changes shall be submitted with the proffer statement. The final proffer statement shall also note any changes by underlining new language and striking through deleted language.

If the submitted proffer statement varies from the proffers approved by the Planning Commission, review and approval of the proffer statement must be completed by the County Attorney before its submission to the Board of Supervisors. This applies for all revised final proffer statement submissions.

6. If the final proffer statement is not submitted to the Planning Department within three (3) business days of the Planning Commission hearing and does not comply in all respects with the terms of the Zoning Ordinance, consideration of the application by Board of Supervisors could be delayed for at least a month.
7. If the conditional rezoning application is approved, the Proffer Statement will be recorded by County Staff in the Montgomery County Circuit Court Clerk's Office. It is the responsibility of the owner/applicant to pay any fees associated with recordation. No development of the property may occur until such time as recordation has been completed and payment of recordation fees have been received by the County.

## APPLICATION PROCESS

		<b>Preliminary Review Meeting</b>
<b>Month 1</b>	1 <sup>st</sup> Business Day of each month	<b>Monthly Deadline for Application Submittal</b>
	By 6 <sup>th</sup> Business Day of each month	<b>Departmental Determination of Completeness:</b> Either application is deemed complete and accepted for review process or application deemed incomplete and applicant is notified of deficiencies.
	7 <sup>th</sup> -10 <sup>th</sup> Business Day	<b>Accepted application distributed to other departments and agencies for comment-</b> Review comments are due to Planning within 30 days and distributed to applicant/owner
<b>Month 2</b>	1 <sup>st</sup> meeting held in Month	<b>Development Review Meeting.</b> Planning staff meets with applicant and other departments/ agencies to review application. Meetings occur every other Tuesday.
	30 days from Department Completion notice	<b>Department and Agency review comments are received-</b> Review comments will be distributed to applicant/owner. Revised applications may be submitted by given date for application to remain on schedule.
	2 <sup>nd</sup> Wednesday of Month	<b>Planning Commission</b> visits site, conducts work session, and schedules public hearing.
<b>Month 3</b>	3 <sup>rd</sup> Wednesday of Month	<b>Planning Commission Public Hearing</b>
<b>Month 4</b>	2 <sup>nd</sup> Monday of Month	<b>Board of Supervisors Public Hearing</b>
	4 <sup>th</sup> Monday of Month	<b>Board of Supervisors Consideration for Approval/Denial</b>

\* This schedule may be adjusted based on the need for additional information or if the Planning Commission and/or Board of Supervisors fails to take action on a specified date.



## Preliminary Review Meeting

### Rezoning, Conditional Zoning, Proffer Amendment

#### Montgomery County, Virginia

755 Roanoke St. Suite 2A, Christiansburg, VA 24073  
540-394-2148 | [mcplan@montgomerycountyva.gov](mailto:mcplan@montgomerycountyva.gov)

**Contact Person:**  Owner  Contract Purchaser  Other \_\_\_\_\_

Name:	Address:
Telephone:	Email:

**Subject Property Description:**

Address/Location: (Describe in relation to nearest intersection)		
Parcel ID Number(s):	Existing Zoning:	Acreage:
Property Owner(s):		Existing Use:

**Amendment to Proffers**

Existing Proffers: (Please attach applicable proffers and rezoning case number)
Proposed Proffer Amendment: (Please attach proposed amendments)

**Description of Proposed Development and Uses: *The requested information below MUST be submitted***

A. Proposed Zoning Districts (Please list proposed zoning districts and acreage of each District below):	
B. Proposed Uses (check all that applies): For Rezoning applications that are not conditional, uses permitted within the proposed district with the highest traffic trip generation will be assumed	
<input type="checkbox"/> Residential Total Single Family # of Units: _____ Total Multi-Family # of Units: _____  <input type="checkbox"/> Commercial Use _____ S.F. _____ Use _____ S.F. _____ Use _____ S.F. _____	<input type="checkbox"/> Mixed Use (Residential and Commercial) Total # of Residential Units: _____ Commercial uses Use _____ S.F. _____ Use _____ S.F. _____ Use _____ S.F. _____

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## FOR INTERNAL STAFF USE ONLY

### VDOT Requirements

In accordance with the Code of Virginia §15.2-2222.2 and 24 VAC 30-155, the project:

- Will require a Traffic Impact Analysis (TIA) submission and review by VDOT. TIA must be submitted with rezoning application.
- Applicant will be required to coordinate a Scope of Work Meeting with VDOT (Project will generate 1,000 or more vehicle trips per peak hour.)

***This determination is based upon the information provided by the applicant on the submitted Preliminary Review Request Form. Determination is subject to change based upon changes to the request.***

Information and VDOT forms regarding the VDOT's Traffic Impact Analysis Regulations Administrative Guidelines can be obtained online at [www.virginiadot.org/projects/chapter527](http://www.virginiadot.org/projects/chapter527).

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- Documentation of Community Meeting.** Community meetings can be held after submitting application. County staff should be notified a least a week in advance of meeting date.
- Survey Plat.** No larger than 11"x17"
- Traffic Impact Analysis (TIA) - County:** Based upon the proposed use and location, the project may substantially affect roadways and the County may require a traffic impact analysis.
- Elevations:** 8 1/2" x 11" copies of proposed buildings must be submitted in addition to an electronic copy in ".pdf" format.
- Other:**

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**Applicant's Signature**

**Printed Name**

**Date**

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**Staff Signature (Planning)**

**Date**

**This form is to verify completion of the required Preliminary Review Meeting and must be submitted at the time of filing of applications. Based upon the proposed development, County staff has determined the information checked on this form must be submitted in addition to regular submission requirements for Rezoning, Provisional Use Permit, or Amendment to Proffer Application**



# **MONTGOMERY COUNTY, VIRGINIA**

**Planning & GIS Services**

## **REZONING APPLICATION** (Packet 2)



## Rezoning Application Checklist

The applicant shall submit ten (10) copies of all required materials listed below for Rezoning, Conditional Rezoning, and Amendment to Proffers. Applications will **NOT** be accepted without the following attachments:

- **Application Form.** The application form must be signed by all of the property owners. If ownership is in the name of any type of legal entity or organization including, but not limited to, a name of a corporation, partnership, or association, or in the name of a trust, or in a fictitious name, a document acceptable to the County must be submitted certifying that the person signing the application has the authority to do so. If the application is submitted by an agent of the owner, the agent shall sign the application as well.
- **Comprehensive Plan Justification.** References should be made to the Comprehensive Plan Policy sections in the text portion of the plan. The Comprehensive Plan map provides an overview of the future land use policy areas, but does not provide a guide to the specific land use policies adopted by Montgomery County.

Land use policies are articulated in the Planning and Land Use portion of [Montgomery County, 2025](#) (chapter 2). available at the Planning & GIS Services Department or on the web. If the proposed development, rezoning, or special use permit is located in a village or village expansion area not covered by an adopted village plan, then the proposal needs to be consistent with the overall Comprehensive Plan.

**Villages and Village Expansion Areas.** If the proposed development, rezoning, or special use permit is located in a village or village expansion area covered by an adopted Village Plan, the proposal needs to be consistent with both the overall county Comprehensive Plan and with the village plan.

Information that must be addressed concerning the County Comprehensive Plan when submitting rezoning applications includes:

- a) Compliance with required lot minimums, district minimums, and availability of water and sewer
- b) Specific criteria for evaluating rezoning applications included in PLU 2.1, including location, public utilities, road access, public facilities and amenities, inter-parcel access, and buffers.
- c) Describe, in specific detail, how the rezoning request fits with the land use policies included under the appropriate land use policy area. There are seven land use policy areas: Resource Stewardship (PLU 1.2), Rural (PLU 1.3), Rural Communities (PLU 1.4), Residential Transition (PLU 1.5), Villages (PLU 1.7), Village Expansion Areas (PLU 1.6), and Urban Expansion Areas (PLU 1.8). Each area has specific policies covering land uses, community design, and community facilities and utilities.
- d) If the proposed rezoning requires the addition of a road, the proposal needs to address how the new transportation facilities fit with the transportation policies (specifically interconnectivity and subdivisions) included in the transportation chapter. (TRN 1.3, TRN 1.4)
- e) If the proposed rezoning requires an E and S permit (land disturbance of more than 10,000 square feet) or with large areas of impervious surface (paved parking areas, etc.), the proposal will need to address groundwater, surface water, and stormwater runoff concerns included in the Environmental Resources Chapter. (ENV6.5, ENV5.6)
- f) If the proposed rezoning is part of a subdivision request, the cover letter needs to address how the proposed subdivision will meet the policies outlined in the Housing Resources chapter. (HSG 1.1, HSG 1.3)
- g) Current & future educational facility and program needs in County resulting from proposed rezoning.

- **Concept Development Plan. Required for all rezoning requests (excluding A-1 and C-1 districts).** A concept plan is an initial plan, which shows the general nature of the land use change or development, which is intended. It differs from the final site plan, or, plot plan, which is required prior to the issuance of zoning approval and a building permit.

A professional site planner or engineer should prepare concept plans. The level of needed detail may vary depending on the nature, size and complexity of the proposed project. The following items shall be addressed with a concept plan submittal:

**Existing Site Features:**

- a) Name of all landowners, applicant (if different), developer, engineer/ party preparing the plans.
- b) Date, revision date(s), scale and north point of plan.
- c) Lot size in acres and/or square feet, property lines and dimensions and any easements.
- d) Vicinity sketch.
- e) Zoning and existing use of property and all adjoining properties.
- f) All existing buildings, and streets and/or other adjacent improved or unimproved rights-of-way.
- g) All existing physical features such as tree cover, natural watercourses, recorded drainage easements, and 100-year floodplain limits.
- h) Industrial/ commercial and large-scale residential developments must include contour intervals (maximum 20' intervals).

**Proposed Site Features:**

- i) Location of proposed access areas, loading zones, SWM facilities and streets or other rights-of-way.
- j) Structures: dimensions, use and the general types of exterior materials. Outside lighting: general location, height and type, and shielding.
- k) General landscaping plan. Existing trees and shrubs are recommended to be maintained wherever possible.
- l) General location and type of screening (fences, walls, vegetation), signs and trash enclosures.
- n) If project is to be phased, please show proposed phase(s).

- **Voluntary Proffer Statement (if Conditional Rezoning is requested).** Refer to “Rezoning Process and Procedures (Packet 1)” for details regarding proffer statements. Proffer statements shall be submitted on the form provided with this application.

- **Filing Fee.** The application fee shall be paid when the application is submitted. Fees are determined by the current fee schedule. Contact Planning & GIS staff for assistance calculating fees. Checks should be payable to “ Treasurer of Montgomery County”.

Please note: In addition to the application fee, an invoice will be sent to the applicant/owner for fees associated with legal advertisements as required by the Commonwealth of Virginia.

- **Completed Preliminary Review Meeting Application, Preliminary Review Meeting- Application Checklist, and Items determined necessary in Preliminary Review Meeting.** Preliminary Review meetings are required Forms are included in “Rezoning Process and Procedures (Packet 1)”.

- **Digital Submission of Application and all exhibits.** Applications will not be considered complete until digital items are received. An Adobe PDF document format is preferred for compatibility.

- **Ensure all applicable items identified in “Rezoning Requirements” (pg 4) are addressed in the application package (concept plan, justification statement, etc).** It may be necessary to attach additional documentation.

## Additional Rezoning Requirements

The applicant for rezoning shall provide a statement of justification to address the following items in the application materials to demonstrate what impact the proposed request will have on the County's resources and how the request complies with Montgomery County's Comprehensive Plan.

### **Section 10-54(1)(k)(4), Montgomery County Zoning Ordinance**

4. Zoning Map Amendments. If the application is for a reclassification of property to a different zoning district classification on the Zoning Map, the applicant shall address all the following in its statement of justification or plat unless not applicable. The Planning Commission shall give reasonable consideration to the following matters:

- a) Whether the proposed zoning district classification is consistent with the Comprehensive Plan.
- b) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.
- c) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.
- d) Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.
- e) The effect of the proposed rezoning on the County's ground water supply.
- f) The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.
- g) The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.
- h) Whether a reasonably viable economic use of the subject property exists under the current zoning.
- i) The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality.
- j) Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.
- k) Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.
- l) Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.
- m) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.
- n) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county.
- o) The effect of the proposed rezoning on the provision of moderate housing by enhancing opportunities for all qualified residents of Montgomery County.
- p) The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.

