

York County Planning Division

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The Rezoning/Special Use Permit Application Process

Step 1: Contact the Planning Division

The first step in the process of applying for a rezoning or a Special Use Permit is to contact the Planning Division either by phone or in person to speak with a planner about your proposed project and to schedule a pre-submittal meeting. The planner will advise you on what type of approval, if any, will be needed and how to proceed. When talking with the planner you will need to have specific information about the location of the subject property (e.g., the street address or parcel GPIN). The planner will discuss planning issues and potential concerns that will need to be addressed and give you information on what you need to submit with your application. In addition, the planner can provide you with information about the site, County development regulations, and other information that will help you in preparing your application.

Step 2: Pre-Submittal Meeting

The pre-submittal meeting is an opportunity for you to have your application materials – application form, plans or sketches, renderings, proffers, etc. – reviewed by a planner for accuracy and completeness before making your formal submission. The planner, with other County staff if necessary, will review your application materials and advise you if they are complete or if there are any deficiencies that need to be addressed. In many cases, the decision as to completeness of the application can be made at the pre-submittal meeting. Depending on the complexity of the application and the size and scale of the proposed development, more time may be required; in such cases, you will be notified no later than three working days after the pre-submittal meeting.

Pre-submittal meetings are not required, but they are strongly encouraged. A pre-submittal meeting allows issues to be addressed early enough to enable your application to move through the review process expeditiously.

If you have gone through the pre-submittal process and your application has been deemed complete, all you need to do is submit the application fee and your application will be accepted for review and scheduled for the next possible Planning Commission meeting.

If your application is incomplete it will not be accepted for review and will be returned to you with a list of items that need to be addressed.

Step 3: Submission of Application

The deadline for submitting a complete application, including the required application fee, is the **first business day of the month**. A complete application that is accepted for review on or before the first business day of the month will be scheduled for public hearing at the *following* month's Planning Commission meeting. For example, in order to be placed on the agenda for the March Planning Commission meeting, a complete application must be received and accepted no later than February 1 (or the following Monday if February 1 falls on a weekend). The exception is Planned Development applications, which, because of their

complexity, require an additional month of staff review time (i.e., submit by February 1; public hearing in April).

If you have not gone through the pre-submittal process, the planner will review your application in detail before scheduling your application for a Planning Commission public hearing. If it is deemed incomplete, the planner will (within three working days) notify you and send you a list of items required to complete your application. Once these items have been addressed you can resubmit your application for review. If the outstanding items are relatively minor in scope or significance, you may request a “grace period” of up to five (5) working days in which to submit the required materials.

Once an application is determined to be complete and officially accepted, the Planning Division will schedule the public hearing before the Planning Commission. Your application will be assigned to a planner who will coordinate the review of your application and be your primary point of contact throughout the application review process.

Step 5: Prepare for the Planning Commission Public Hearing

After your application has been accepted, it will be reviewed by the case manager and other County and state agencies for review as appropriate. The assigned planner will prepare a written staff report, including a recommendation of approval or denial, which will be sent to the Planning Commission. Notices of the public hearing will be mailed to you and to all adjacent property owners. In addition, a Zoning Notice sign will be posted on the property so that people can contact the County if they have questions about what is being proposed. When visiting the site to post the sign, the Planning staff also will also inspect the property and take pictures, which will be included in the staff presentation during the public hearing.

Before the staff report is finalized and sent to the Commission, you will receive a draft copy of any proposed conditions of approval. It is important that you contact your assigned planner if you have questions or concerns about any of the proposed conditions of approval. A copy of the final staff report will be sent to you prior to the Planning Commission meeting. Please read it carefully and contact your assigned planner if you have any questions or concerns.

Step 6: Planning Commission Public Hearing

The Planning Commission meets on the **second Wednesday of the month**. At the Planning Commission meeting, the assigned planner will make a presentation on your application, after which you will have an opportunity to address the Commission on your project. Members of the public will have a chance to address the Commission as well. As the applicant, you will have up to ten minutes to present your case; all other speakers are limited to three minutes each. Following the public hearing the Planning Commission will discuss your application and vote on whether to recommend approval or denial to the Board of Supervisors; in some cases an application may be tabled or continued to a future meeting.

Step 7: Board of Supervisors Public Hearing

After the Planning Commission has acted on an application, it is typically placed on the Board of Supervisors agenda for the third Tuesday of the following month. You will receive a notice of public hearing, as will all adjacent property owners. At the Board of Supervisors public hearing you will again have an opportunity, following the staff presentation, to present your case to the Board. Members of the public will have another chance to comment as well. In

most cases, the Board will vote to approve or deny the application following the public hearing, although sometimes an application is tabled or continued to a future meeting.

Final Steps

Notification and Recordation: You will notified of the official Board action regarding your application via letter. If your application is approved, the adopted resolution or ordinance (which will include any conditions of approval established by the Board) is typically signed and certified a week from the date of Board action. For a Special Use Permit or a conditional rezoning, a certified copy of the document must be recorded in the name of the property owner as grantor in the office of the Clerk of the York/Poquoson Circuit Court. The Planning Division has implemented a new policy to streamline this process for applicants, and staff will now record these documents at the Circuit Court. First, the planner assigned to your application will contact you to inform you that the certified document is ready to record and will inform you of the recordation fee, which can vary based on number of pages. You will then mail or deliver a check for the recordation fee to the Planning Division staff, who will, subsequent to receipt of the fee, record the document at the Circuit Court. After recordation, staff will mail the recorded document and recordation receipt you, the applicant, as well as providing digital copies of the recorded documents via email.

Period of Validity and Inspections: Please be aware that unless otherwise noted in the conditions of approval or otherwise indicated under state law, Special Use Permits automatically expire two years after approval if the approved use has not been established. If you need to apply for an extension, you should contact the Planning Division well in advance of the expiration date to find out about current regulations, filing deadlines, and fees.

Additionally, please be aware that approved specially permitted uses are subject to an annual inspection to ensure compliance with all conditions of the Special Use permit.

Appeals: Any decision of the Board to approve or deny a rezoning or Special Use Permit application can be appealed to the Circuit Court. Pursuant to §15.2-2285.F of the Code of Virginia, the appeal must be filed within thirty (30) days of the date of the Board's final action.

Helpful Hints to Follow When Preparing Your Application

Check the Comprehensive Plan

Before submitting an application you should first check the Comprehensive Plan to find out if your proposal is consistent with the land use and development policies spelled out in that plan. Titled *Charting the Course to 2040*, the Comprehensive Plan is the long-range plan for the physical development of the County. To be successful, an application for rezoning or a Special Use Permit should be consistent with the Comprehensive Plan, including not just the land use designation for your property but also the policies spelled out in the various elements of the plan. The Comprehensive Plan can be found on the County's web site at www.yorkcounty.gov/planning. Print copies of the plan are also available for purchase in the Planning Division for \$50

Consider Your Neighbors

Compatibility of your proposed use or development with surrounding development is another major factor that will help determine whether or not your application is approved. Does your proposed development or use fit in with the surrounding uses, or will it create objectionable traffic, noise, light, dust, etc.? Are there ways – such as extra landscaping, fencing, road improvements, etc. – to mitigate or reduce such adverse impacts? When preparing your proposal, it is important that you give some thought to the neighboring properties, whether residential or commercial, and how they will be affected. Remember, your neighbors will have an opportunity to speak about your application at the public hearings, so it will help your case if you are able to address any potential concerns that may arise. For a major development, it might be helpful to set up a community meeting for the neighbors so that they can have a chance to review your proposal in advance and give you their feedback. For a smaller-scale use, such as a short-term rental or a home occupation in a residential neighborhood, it is a good idea to discuss your proposal with the neighbors first. Also, if your property is part of a development with a homeowner's or property owners' association, you should check the association bylaws and restrictive covenants to see if your proposal is permitted. Although the County does not enforce or consider restrictive covenants when reviewing an application, there is no point in going through the application process for a use that would be inconsistent with such covenants or an HOA approval process.

Impacts on services and infrastructure

In preparing your application materials, you need to be able to demonstrate that the roads, sewer, water, and stormwater systems, schools, and other public services and infrastructure are able to handle your development. If not, you need to show what improvements you will make so that they can.

Deadlines

An application that is submitted to the Planning Division by the first business day of the month will be scheduled for a public hearing at the following month's Planning Commission meeting (second Wednesday) provided that the application is complete and has been accepted for review. **An application that is not complete will not be scheduled for a public hearing and will be returned to the applicant.** In order to make sure your application materials are complete, you should try to schedule a pre-submittal meeting by the 15th of the previous month to give yourself plenty of time to address any deficiencies identified by the Planning staff. The earlier you get started in the process, the better your chances of meeting the application deadline with a complete and acceptable application.

When the Planning Commission has taken action on an application and made its recommendation of approval or denial, the application is typically placed on the Board of Supervisors' public hearing agenda for the third Tuesday of the following month.

The sample timetable below outlines the sequence of steps in the process and the time frame for accomplishing them.

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| 1. Contact the Planning Division | February 1-14 |
| 2. Pre-Submittal Meeting | February 15 (approximate) |
| 3. Revise and finalize application materials | February 15-28 |
| 4. Submit Complete Application | No later than March 1 |

5. Planning Commission Public Hearing
6. Board of Supervisors Public Hearing

April (second Wednesday)
May (third Tuesday)

