

## **Petition for Change of Zoning/Conditional Use Permit**

An application for a change of zoning or conditional use permit may be made by returning the application form and required application submission information to the **City of Newport News, Department of Planning, 2nd Floor, City Hall, 2400 Washington Avenue, Newport News, Virginia 23607 (Telephone: 757-926-8761)**.

Prior to filing an application, the applicant is required to contact the Department of Planning to arrange for a preliminary review of his or her proposal. The purpose of the preliminary review is to establish what supporting information may be required with the application.

**NOTE: APPLICATIONS WILL NOT BE PROCESSED IF THERE ARE DELINQUENT REAL ESTATE TAXES OWED TO THE CITY AGAINST THE SUBJECT PROPERTY AND UNTIL ALL REQUIRED SUBMISSIONS ARE RECEIVED.**

### **APPLICATION DEADLINE**

Completed application forms (TOGETHER WITH ALL REQUIRED SUBMISSIONS) must be returned to the Department of Planning by the submission deadline indicated in the City Planning Commission Meeting/Deadline Schedule for the current calendar year.

### **CONDITIONAL USE PERMIT**

All property in the City is within one of many zoning districts. Each district allows an individual to make use of his or her property in a manner permitted by the zoning district. Should a property owner desire to develop or redevelop land with a use only permitted by a conditional use permit, the property owner must obtain approval from the City Council.

If the permit is approved, the individual will be limited to the requested use (and the uses allowed by the property's existing zoning). In granting a conditional use permit, the City Council may impose reasonable conditions and safeguards on the particular use to protect the surrounding area. Conditional Use Permits must be exercised within two years of City Council approval, or they expire. Time extensions for permits may be granted by the City Council.

### **CHANGE OF ZONING**

Whenever the public necessity or convenience, or general welfare, and good zoning practice requires, the city council may, by ordinance, amend, supplement or change the regulations, zoning district boundaries or classifications of property. Any such amendment may be initiated by resolution by City Council; by motion of the Planning Commission; or by petition submitted to the Director of Planning by the property owners or their agents.

A petition for a change of zoning may include and provide for the voluntary proffering in writing, by the owner, of reasonable conditions that are in conformity with the comprehensive plan. The conditions will be in addition to those regulations provided for the zoning district.

If no voluntary proffering is provided, please provide a signed unconditional proffer statement.

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### **REVIEW PROCEDURES**

After advertising and notifying adjacent property owners, the City Planning Commission will conduct a public hearing on your application. The City Planning Commission will make a recommendation on your application to the City Council. A staff report on the application will be sent to Commission members one week before the City Planning Commission public hearing. A copy of the staff report on your application will be available to you one week before the City Planning Commission public hearing.

The City Council will conduct its own public hearing and make a final determination on your application.

### **WITHDRAWAL OR POSTPONEMENT**

You may request a withdrawal or postponement in writing no later than three days before the City Planning Commission's public hearing. After the City Planning Commission has recommended to the City Council, a withdrawal or postponement must be requested in writing no later than three days before the City Council's public hearing.

If postponed by the applicant, an additional filing fee of \$200.00 is required to be paid.

**NOTE: ALL FILING FEES ARE NONREFUNDABLE (See Sec. 45-2704 and 45-3404. City Zoning Ordinance).**

### **REHEARINGS**

If an application for a conditional use permit or change of zoning is denied by City Council, substantially the same application shall not be reconsidered within one year of denial.

## Petition for Change of Zoning/ Conditional Use Permit Application

Tax Verification: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Application#: \_\_\_\_\_  
 Fee: \_\_\_\_\_

This application must be accompanied by a **\$800.00** fee for a conditional use permit or a **\$650.00** fee plus **\$150.00** per acre (**\$800.00** minimum charge) to a maximum of 100 acres for a change of zoning.

Address: \_\_\_\_\_  
 Acreage: \_\_\_\_\_  
 Tax ID Account No.: \_\_\_\_\_  
 Present Use of the Property: \_\_\_\_\_

I, \_\_\_\_\_ the undersigned owner of the application indicated, do hereby petition the city of Newport News, Virginia to:



CHECK BOX

**Change the zoning classification of said property:**

from the \_\_\_\_\_ District to the \_\_\_\_\_ District.

Proffer Statement:

- CONDITIONAL
- UNCONDITIONAL

Reasons for Change: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



CHECK BOX

**Grant conditional use permit:**

for this intended use: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Contact/Person Presenting Application:**

Name: \_\_\_\_\_  
 Street: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

**Signature Property Owner(s):**

Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Street: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

## Submission Requirement Checklist

- Signed Application by property owner (or person having power of attorney with proper documentation). Provide Signature Certification stating authorization of signatory.
- Ownership Disclosure. If property owner (and if applicant is different from owner) is an LLC or other type of corporate owner, the following must be provided:
  - a. List of all stock holders, officers and directors and in any case the names and addresses of all real parties of interest (Does not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders)
  - b. In the case of a condominium provide the name and address of the title owner, contract purchaser, or lessee if they own 10% or more of the units in the condominium
- Appropriate fee for advertising and processing the application (check payable to the City of Newport News)
- Written, legal, metes and bounds description of the property for which application is being made
- Ten (10) copies of a to scale conceptual site plan of the proposed conditional use drawn to scale (and one 8 1/2" x 11" or 11" x 17" reduction of the site plan that is readable and suitable for reproduction) to show clearly the following information:
  - (a) The actual dimensions and shape of the property;
  - (b) The size and location on the property of existing and proposed structures;
  - (c) The existing and proposed uses of all structures and open areas;
  - (d) The name of the owner, as well as the name of any other person preparing the plan, together with the north arrow, scale and number of sheets of the plan; and
  - (e) Such additional supporting information as may be deemed necessary, including but not limited to: topography, ingress and egress, vegetation, surrounding land use, proposed connections to existing or proposed water, sewer and drainage facilities
- Conceptual landscape plan
- Conceptual elevation drawings of new structures proposed for development on the property
- Conceptual freestanding sign rendering, if a freestanding sign is proposed
- Traffic impact study/analysis or assessment if required (Consult with Department of Engineering)
- An ALTA survey of the property may be required
- A business plan stating proposed hours of operation and estimated employees
- Copy of a fully signed and executed Conditional Zoning Agreement or Proffer Statement
- Other documentation as required for specific site characteristics, such as wetlands delineation and environmental site assessment

# **Conditioned Proffer Statement for Change of Zoning**

To: The Honorable Newport News City Council

Date: \_\_\_\_\_

Application Number: \_\_\_\_\_

In reference to the above request for a change of zoning:

Conditioned: "I hereby proffer that the development of the subject property shall be in accordance with conditions set forth in this submission."

\_\_\_\_\_  
Owner or bona fide representative

# **Unconditioned Proffer Statement for Change of Zoning**

To: The Honorable Newport News City Council

Date: \_\_\_\_\_

Application Number: \_\_\_\_\_

In reference to the above request for a change of zoning:

Conditioned: "I hereby proffer that the development of the subject property shall not be subject to any additional conditions not otherwise provided for the requested zoning district by ordinance."

\_\_\_\_\_  
Owner or bona fide representative