

**Planning and Zoning 101**  
**Albemarle County Community Development Department**

**What is a Comprehensive Plan?**

A Comprehensive Plan ...

is required by State Code.

is the plan for the physical development of an area -- City, County, or Town.

is a legally adopted guide.

is for the orderly development of an area to best promote the health, safety, morals, order, convenience, prosperity and general welfare of all of the inhabitants.

is general in nature, with accompanying maps, charts, and descriptive information.

usually contains information on existing conditions and recommendations on agricultural and forestal land, natural resources, infrastructure, and new development.

**What is Zoning?**

Zoning ...

is the regulation of land use through laws which apply to specifically designated geographic areas.

is a police power of a local government enabled by the state -- in Virginia, by the Code of Virginia.

is the law establishing zoning as an "ordinance" -- a governmental regulation. The zoning ordinance consists of text and a map.

ordinances typically regulate by district; the different districts are depicted on the map.

**What is a Subdivision?**

A Subdivision ...

is the division of land into 2 or more lots for the purpose of future land development.

ordinances contain the rules for creating and adjusting lots, streets, utility service, and stormwater management.

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**By-right Development VS. Special Use Permits and Rezonings**

**By-right development** -- uses that can be approved administratively by the staff because the zoning ordinance allows it. It is regulated in 2 ways:

1. By the Zoning Ordinance -- for Site Development Plans -- such as a new restaurant building with parking.
2. By the Subdivision Ordinance -- such as a new lot for an apartment complex.

**Special Uses** are uses that are allowed in zoning districts with special permission of the Board of Supervisors. They are legislative and discretionary.

**Rezoning** is an action to change the district boundaries on the zoning map from one designated district to a different one. They are also legislative and discretionary.

**What is Government's purpose in rezonings?**

Government's purpose in rezonings ...

is to protect the health, safety, and welfare of the community.

to be a tool to implement the locality's land use plan.

**How do rezonings begin?**

Rezonings in Virginia can happen in one of three ways:

1. Initiation by a property owner, a contract purchaser with the owner's consent, or the owner's agent.
2. Initiation by the Planning Commission after adoption of a resolution of intent
3. Initiation by the Board of Supervisors after adoption of a resolution of intent.

Usually, the rezoning is by an owner; however, the Board or Commission may initiate a zoning map change, especially in a map amendment that is area or locality-wide.

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**What are Proffers?**

Proffers...

establish the conditions of a rezoning.

are voluntary offers to perform an act or donate money, a product, or services to deal with impacts of a proposed rezoning.

must be legitimate, thus they must...

1. be voluntary, in writing, and submitted before the Board of Supervisor's public hearing by the owner of property

2. be reasonably related to the rezoning and in conformity with the comprehensive plan

may impose additional, not alternative zoning regulations and the rezoning must give rise to the need for the proffer.

may take the form of:

1. cash for a public improvement whose need is substantially generated by the proposed use or development

2. land (same disclaimer)

3. an improvement

**How does the Comprehensive Plan relate to a Rezoning?**

A rezoning is assessed for conformity with the Comprehensive Plan.

The Comprehensive Plan is a **STRONG** guide to decision making.

Conformity to the plan weighs heavily in challenges in the courts as to the legitimacy of a rezoning.

Conformity is not mandatory, but, the integrity of a plan can be compromised as rezonings are made which are not in conformity with the Comprehensive Plan.