



VACO Supervisor Forum

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Today's Presentation

- ▶ Dillon Rule
- ▶ Legislative V. Administrative
- ▶ What is a Board of Zoning Appeals?
- ▶ Working with the Planning Commission
- ▶ Environmental Regulations
- ▶ Questions



Dillon Rule

- ▶ Dillon Rule v. Home Rule
- ▶ Localities can only do what they have been specifically sanctioned to do by the state government
- ▶ If there is a question, localities are presumed NOT to have the authority



Legislative or Administrative

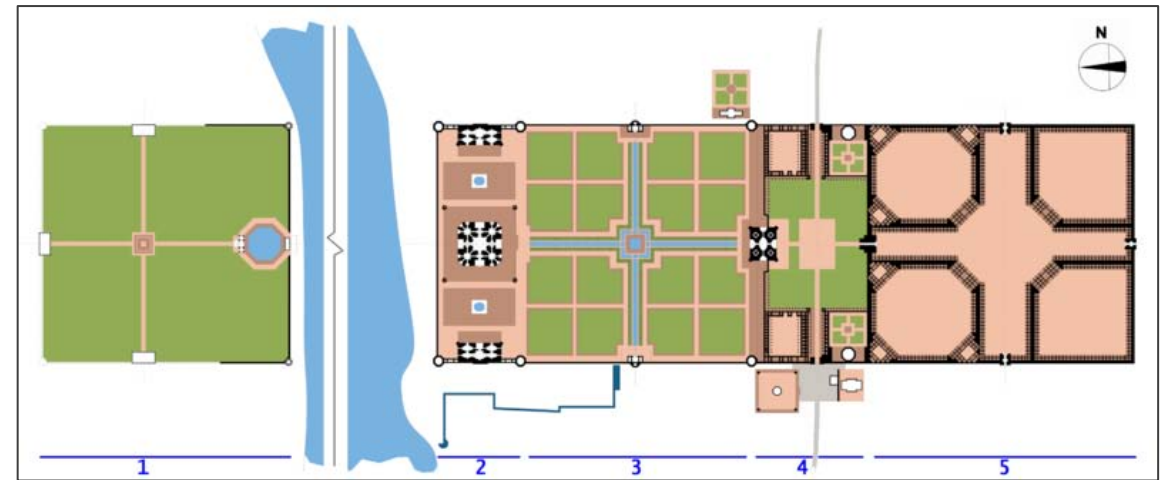
- ▶ Local ordinances (zoning, subdivision) adopted and amended by BOS through *legislative* process.
- ▶ Staff acts as the *administrative* function of the County to enforce those laws, ordinance, policies
- ▶ Comprehensive plan *policy* document adopted by the BOS to guide future of locality.
- ▶ Rezoning, Special Use Permits- applications reviewed by staff and Planning Commission but require approval through the *legislative* process by the Board

Administrative Items

- ▶ Authority given to the Zoning Administrator and Subdivision Agent by the Board of Supervisors
- ▶ Examples of administrative items:
 - ▶ Zoning permits
 - ▶ Building permits
 - ▶ Erosion & Sediment Control
 - ▶ Site Plan review and approval
 - ▶ Subdivision review and approval

Administrative: Site Plans

- ▶ Site plans are a requirement of the zoning ordinance as a method to ensure compliance with the standards outlined in a locality's zoning ordinance.
- ▶ Often prepared by a professional engineer and reviewed and approved by staff.
- ▶ No public hearing is required for the review and approval of the site plan. If meets requirements, must be approved by County.



Administrative: Subdivisions

- ▶ 15.2-2240- Each locality is required to have a subdivision ordinance.
 - ▶ Certain provisions are mandatory
 - ▶ BOS adopts the ordinance and amendments thereto but the staff is responsible for ensuring that the requirements are met.
- ▶ There is no public hearing process required for review and approval of subdivisions
- ▶ Subdivision plats are recorded in the Clerk's Office of Circuit Court after approved by the County to become part of the real estate records of the locality

Legislative Items

- ▶ Board adopts local ordinances through legislative process
- ▶ Amendments to these ordinances- which includes rezonings- are also legislative
- ▶ Determinations on Special Use Permit requests are also legislative acts
- ▶ 15.2-2204- Code of Virginia outlines requirements for public notification and public hearings on legislative items:
 - ▶ Notice mailed to adjacent property owners
 - ▶ Planning Commission and Board each required to hold public hearing.
 - ▶ Can be concurrent, most hold them separately
 - ▶ Must run notice for 2 consecutive weeks within 21 days of hearing date

Rezoning, SUP, SE, CUP

- ▶ When a property owner wants to perform a use that is not allowed in their current zoning district, they must petition the governing body to change the zoning of the property.
- ▶ A special use permit, conditional use permit or special exception allows an extra or special use in the zoning district but only after approval of governing body.
- ▶ Other than budget hearings, rezonings and SUPs will likely generate most public debate within your community
- ▶ Code of Virginia outlines notification requirements for public hearings. Also requires a mailing to each adjacent property owner. Code does not specify length of time citizens are allowed to speak on a matter. Governing body has discretion.

Board of Zoning Appeals

- ▶ Required for every locality that adopts a zoning ordinance
- ▶ Quasi-Judicial Body
 - ▶ 5-7 residents
 - ▶ appointed by Circuit Court
- ▶ Powers and duties (15.2-2309)
 - ▶ Variances to zoning requirements
 - ▶ Appeals of zoning administrator's decisions
 - ▶ Interpretations of official zoning map
 - ▶ Special Exceptions
- ▶ Decisions are final unless appealed to Circuit Court.

The Role of the Planning Commission

- ▶ Serves in an *advisory capacity* to the Board of Supervisors on land use
- ▶ 5-15 members that live in jurisdiction; often appointed by magisterial or election district- not required
 - ▶ One member may be from governing body and staff
- ▶ Required to submit an annual report to the Board
- ▶ Other main requirement is Comprehensive Plan



The Role of the Planning Commission

- ▶ Comprehensive Plan:
 - ▶ Required by State Code for all localities
 - ▶ Prepared by Planning Commission
 - ▶ Plan to be reviewed every five (5) years
- ▶ Capital Improvement Plan:
 - ▶ A local Planning Commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program (CIP) based on the **comprehensive plan** of the locality for a period not to exceed the ensuing five years.

The Role of the Planning Commission

“2232” Review:

15.2.2232: No street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted **comprehensive plan** or part thereof.

Environmental Regs/Transportation

- ▶ Erosion and Sediment Control
- ▶ Stormwater Management
- ▶ Floodplain Management
- ▶ Smart Scale, Revenue Sharing, TA, HSIP, 6-Year Plan



Questions