

# Application and Procedures for REZONING



King William County  
Est. 1702

King William County  
Department of Planning  
180 Horse Landing Road  
King William, VA 23086  
804-769-4980

Effective July 1, 2023

## WHAT IS REZONING?

*Rezoning* means a reclassification of land from one zoning district to another by the Board of Supervisors after review by the Planning Commission, notices, and public hearings as prescribed by law. A rezoning is a change to the County zoning map. If a desired use is not allowed under the current zoning of the site, a rezoning application may be filed. A request for rezoning should be consistent with the Comprehensive Plan's long-range land use designation. This designation can be viewed on the County's website, [www.kwc.gov](http://www.kwc.gov).

It is recommended that prior to submitting a rezoning application, a prospective applicant call the Planning Office at (804) 769-4980 to schedule a pre-application meeting. This allows for the early identification of possible issues regarding the property and the potential application. It also introduces the applicant to the review process.

Rezoning applications are submitted to the Planning Office for staff review. Staff will prepare an analysis and recommendation for consideration by the Planning Commission at a public hearing. The Planning Commission is a standing committee appointed by the Board of Supervisors to advise the Board on land-use issues. At a subsequent public hearing, the Board will consider the case and the Commissioners' recommendation, and either approve or deny the application. The Board action is final.

As part of the rezoning process in King William County, the applicant may voluntarily proffer conditions to mitigate impacts resulting from the proposed use of the land. These proffer statements are reviewed as part of the rezoning application and are accepted by the Board of County Supervisors with its approval of rezoning applications.

### Approval Process for Re-Zoning Applications

- **Pre-Application Meeting** – Meeting with Planning Department staff is recommended prior to submittal of a rezoning application. Please bring a plat to the meeting with a sketch of your proposal.
- **Application Deadline** – The application deadline is the first Monday of each month. If the first Monday falls on a holiday, the application deadline will be the following business day. The public hearing will be scheduled for the following month.
- **Application Submittal** – Be sure to include a complete application, a preliminary site plan which meets the criteria set forth in Article XVII, metes and bounds and any supplementary information to support the request. Following acceptance of the application, the applicant will be notified to submit the appropriate fee. Please note that incomplete applications will not be accepted and will be returned to the applicant.
- **Submittal of Fees** – The current fee is \$2,500.00.
- **Agency Review Meeting** – Complete applications are reviewed and discussed at the staff meeting. Written comments will be provided to the applicant. Staff may contact the applicant to schedule a meeting to discuss comments, to request additional information or plan revisions. At this time, it may also be recommended that the applicant schedule a community meeting.

- **Planning Commission** – Preliminary plans and any draft proffers must be submitted 21 days prior to the Planning Commission meeting. A staff report and recommendations are mailed to the Planning Commission at least 1 week prior to the Planning Commission meeting. The Planning Commission meets the first Tuesday of each month at 7:00 p.m. unless otherwise noted. Following the public hearing on the rezoning case, the Planning Commission may recommend approval, approval with revisions, denial, or deferral of the application.
- Signed and notarized final proffers must be submitted 14 days prior to the Board of Supervisors meeting. A staff report containing the recommendation of the Planning Commission and staff is sent to the Board of Supervisors.
- **Board of Supervisors** hears rezoning cases on the 4<sup>th</sup> Monday of every month at 7:00 p.m. unless otherwise noted. Typically, cases are heard by the Board the month following the Planning Commission.

#### **Approval**

- The applicant will receive notification of approval along with any approved proffers.
- Typically, the next step is to submit an application for site plan or subdivision approval.

#### **Denial**

- A letter of denial is sent to the applicant, which includes the reasons for denial.
- The applicant may not submit a substantially similar application until one year following the previous denial.

**REZONING APPLICATION**  
King William County  
Department of Planning and Zoning  
180 Horse Landing Rd. #4 King William, VA 23086  
**Phone (804) 769-4980**

1. Owner:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_
  
2. Applicant: (if different from Owner):  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_
  
3. Property identification:
  - (a) Size (acres): \_\_\_\_\_ Road frontage (feet): \_\_\_\_\_
  - (b) Describe exact location in detail:  
\_\_\_\_\_
  - (c) Tax Map: \_\_\_\_\_
  - (d) Deed recorded in Deed Book \_\_\_\_\_ at Page \_\_\_\_\_  
Plat recorded in Plat Book \_\_\_\_\_ at Page \_\_\_\_\_
  - (e) If property is in a recorded subdivision, give:  
Name of Subdivision: \_\_\_\_\_  
Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_
  - (f) If property is not in a recorded subdivision, attach a typed or printed copy of the legal description (i.e., metes and bounds) of the boundaries of the property.
  - (g) Present zoning district: \_\_\_\_\_
  - (h) Present use of property: \_\_\_\_\_
  
4. Proposed change to existing zoning of property:

- (a) Proposed zoning district: \_\_\_\_\_
- (b) Proposed use if rezoned: \_\_\_\_\_
- (c) If only a portion of a parcel is to be rezoned, or if more than one new zoning district is requested on a parcel, please attach additional page(s) with the written legal description (metes and bound or bearings and distances) of boundaries of proposed zoning district(s).

5. Zoning History:

- (a) Has the property been the subject of a rezoning request any time during the last year? \_\_\_\_\_ (There is a minimum one-year period during which the Board of Supervisors cannot act on an identical or substantially similar rezoning request on the same property.)

6. Adjacent Property Owners List:

- (a) Please list below the names and mailing addresses of all owners of property adjoining or directly across the road from the property proposed to be rezoned. (Planning Office staff can assist with completing this list if needed)

**NAME**

**MAILING ADDRESS**

---



---



---



---



---



---



---



---



---



---



---



---



---



---



---

7. Owner/Applicant's signature and certification: (Note: a power of attorney must be granted by the owner to the applicant if signed by someone other than the owner)

I hereby certify that the information provided in this application is complete and accurate to the best of my knowledge. I hereby authorize members of the Planning Commission and County staff or their representatives to enter upon the property identified in this application in order to perform inspection and research in regard to this application.

\_\_\_\_\_  
Owner

**CERTIFICATE OF NOTARY PUBLIC**

**STATE OF:** \_\_\_\_\_ **COUNTY OF:** \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

**FOR OFFICE USE ONLY**

Zoning Map Amendment Case # \_\_\_\_\_

Date Application Filed: \_\_\_\_\_

Date(s) reviewed by Planning Commission: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

Action by Planning Commission: \_\_\_\_\_

\_\_\_\_\_  
Action by Board of Supervisors: \_\_\_\_\_

**NOTIFICATION OF ADJOINING PROPERTY OWNERS, BOARD OF SUPERVISORS, AND PLANNING COMMISSION MEMBERS:**

Applicant's Statement:

I hereby certify that I have notified all adjacent property owners to the property, which is the subject of this request as well as the members of the Board of Supervisors and Planning Commission for King William County and the district in which the property is located. Adjacent property includes all property across roadways, watercourses, railroads, and/or municipal boundaries. I further certify that the names and addresses below are those of the adjacent property owners as listed in the tax records of the King William County Commissioner of Revenue.



**It is incumbent on you, the applicant, to ensure that the sign is in the proper location and remains there until an action has taken place. Consequently, the procedure for posting is as follows:**

1. The Planning and Zoning staff will post the sign on your property.
2. You should check the location of the sign to make certain that it is in the right location on your property. If it is not, please notify the Planning Department as soon as possible.
3. You should check periodically to insure the safety of the sign. If it is stolen or otherwise harmed, please notify the Planning Department as soon as possible.
4. On the day of the final public hearing on your case, you may bring the sign with you and leave it with planning staff.
5. All presentations from applicants/citizens must be emailed in advance of the Planning Commission and Board of Supervisors meetings.

Should you have any questions regarding this policy, please contact a member of the planning staff. **804-769-4980**

## ***ARTICLE XVII. SITE PLAN REQUIREMENTS***

### **Sec. 86-400. Purpose of article.**

The purpose of this article is to promote the orderly development of land within the county by ensuring that:

- (1) Land development activities are planned in a manner consistent with the comprehensive plan and development policies of the county;
- (2) Specific development projects are planned to achieve harmony with the immediately surrounding environment;
- (3) Each project contains proper internal and external traffic circulation and other infrastructure consistent with the objectives of the county for the area in which a proposed use is located; and
- (4) The use of land occurs in such a manner as to preserve the community's valuable natural resources.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-401. Applicability.**

- (a) Pursuant to Code of Virginia, § 15.2-2286.A.8, no building permit or zoning permit shall be issued involving construction or exterior modifications to a structure until a site plan has been issued in accordance with the procedures established herein. Site plans are required and shall be submitted for all new structures, all renovated structures, and all additions to existing structures, with the following exceptions:
  - (1) Individual single-family dwellings.
  - (2) Individual two-family dwellings.
  - (3) Accessory uses where the area of land disturbance is less than 2,500 square feet.
  - (4) Bona fide agricultural operations and the customary accessory uses and structures associated with bona fide agricultural operations.

- 
- (5) Filling and grading operations where the area of land disturbance is less than 2,500 square feet where no impervious structures, surfaces or improvements will be installed and no clearing undertaken.
  - (b) Where a change of use of an existing structure requires additional parking or other requirements applicable to a new use, a site plan shall be submitted for review to ensure that the change of use can be accomplished within the purpose and intent of this chapter.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

**Sec. 86-402. Reviews.**

- (a) Site plan submission. Unless otherwise provided in another article of this chapter, every site plan required by this article shall be submitted to the zoning administrator who shall take the following actions:
  - (1) Review the plans for conformity with the comprehensive plan and applicable development regulations.
  - (2) Determine whether the site plan requires review by the planning commission and board of supervisors, as outlined below.
  - (3) If a review is required by the planning commission and board of supervisors then place the plan on the agenda of the planning commission and the board of supervisors and arrange for public notices as required by law.
- (b) Plans requiring actions of the planning commission and board of supervisors are as follows:
  - (1) Applications for conditional use permits.
- (c) For projects which are required to be referred to the planning commission and the board of supervisors, the zoning administrator shall prepare an analysis of the plan and a brief report stating whether the site plan is in conformity with applicable plans, regulations and policies of the county. This report shall be submitted to the planning commission, through the director of planning who may make additional analysis and recommendations concerning whether the proposed site plan is consistent with the county's comprehensive plan and general development policies. Either the zoning administrator's or the director of planning's report may recommend actions that would enable the plan to meet county requirements, should it not meet such requirements as submitted.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

**Sec. 86-403. Requirements; content and form.**

- (a) *Preliminary site plans.* Applications for approval of any use requiring a site plan shall be accompanied by preliminary site plans. The preliminary site plans shall be clearly drawn to scale as specified in this subsection and shall show the following:
  - (1) The proposed title of the project, owner or owners of the land, and name of the engineer, architect, designer or landscape architect and the developer;
  - (2) The north point, scale and date;
  - (3) Location of the project by an insert map at a scale of not less than one inch equals 2,000 feet, indicating the scale, the north arrow and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns and magisterial districts or other landmarks sufficient to clearly identify the location of the property;
  - (4) Existing zoning and zoning district boundaries and proposed changes in zoning, if any;

---

(Supp. No. 23)

Created: 2022-05-26 10:02:40 [EST]

- 
- (5) The boundaries of the property involved, county or municipal boundaries, the general location of all existing property lines, existing streets, buildings or waterways, major tree masses and other existing physical features in or adjoining the project;
  - (6) Identification of the property including name of the subdivision, tax map parcel number, and name or route number where property is located;
  - (7) Location of all building restriction lines, setbacks, easements, covenant restrictions and rights-of-way;
  - (8) Uses of adjoining properties and names of owners; topography of the project area with contour intervals of two feet or less, unless waived by the zoning administrator as clearly unnecessary to review of the project or proposal;
  - (9) The approximate location and sizes of sanitary and storm sewers, water mains, culverts and other underground structures, existing and planned, in or near the project;
  - (10) The location of all existing and proposed structures, including marine and temporary structures. In the case of temporary structures, the date when the structure will be removed must be indicated;
  - (11) The location and extent of all wooded areas before development; the proposed area of clearing, with indication of post-development cover;
  - (12) The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas (including numbers of parking and loading spaces) outdoor lighting systems, storm drainage and sanitary facilities;
  - (13) The general location of proposed lots, setback lines, and easements and proposed reservations for parks, parkways, playgrounds, school sites and open spaces;
  - (14) Proposed changes in zoning classifications, including proposed revisions to district boundaries;
  - (15) Location with respect to each other and to lot lines, number of floors, number of dwelling units and approximate height and location of all proposed buildings and structures with respect to each other and to lot lines, accessory and main, or major excavations;
  - (16) Preliminary plans and elevations of the several dwelling types and other buildings, as may be necessary;
  - (17) General location, height and material of all fences, walls, screen planting and landscaping;
  - (18) General location, character, size, height and orientation of proposed signs;
  - (19) A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net as required by district regulations. Computations shall include the total site area in acres, the approximate amount and percentage of the site to be covered by open space and the amount and percentage to be covered by impervious surface after development;
  - (20) The locations of all existing and proposed septic tanks and drainfield sites including reserve sites; the location of all existing and proposed wells;
  - (21) The location of all proposed easements for roads, overhead and underground utilities, drainage, or other easements which may exist or are proposed on the property;
  - (22) The location of all curb cuts as approved by the state department of transportation;
  - (23) The location and layout of any driveways or parking areas, or any other paved or graveled areas;
  - (24) The shortest distances from all property lines to all proposed structures;
  - (25) The approximate limit of all resource protection area features and any additional required buffer areas if an environmental assessment is not submitted;

- 
- (26) The approximate limit of the 100-year floodplain, any drainage district, mapped dam break inundation zone;
  - (27) The location of any grave, object or structure marking a place of burial; and
  - (28) Included with the preliminary site plan shall be documentation of all existing permits and applications relevant to the parcel including, but not limited to: health department permits for all wells and septic drainfields; all existing zoning permits and zoning applications; applications for rezoning, special use and/or conditional use permits and zoning variances.
- (b) *Additional requirements or adjustments by zoning administrator.* The zoning administrator may establish additional requirements for preliminary site plans and, in special cases, may waive a particular requirement if, in the zoning administrator's opinion, the inclusion of that requirement is not essential to a proper decision on the project.
  - (c) *Format of preliminary site plan.* Preliminary site plans may be prepared on one or more sheets to show clearly the information required by this article and to facilitate the review and approval of the plan. If prepared in more than one sheet, match lines shall indicate where the several sheets join. Each plan sheet shall reserve a blank space three inches wide, and five inches high for the use of the approving authority. Site plans shall be prepared to a scale of one inch equals 50 feet, or such other scale as may be approved by the zoning administrator as appropriate to a particular case.
  - (d) *Final site plans.* The final site plan, or final plat where a subdivision is involved, shall comply with all laws, regulations and ordinances governing the approval of subdivisions and in addition shall show the following:
    - (1) All of the features required on the preliminary site plan with sufficiently accurate locations, dimensions, materials, construction specifications and computations to support the issuance of construction permits.
    - (2) All existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connection is to be made to the county or other utility system.
    - (3) Provisions for the adequate disposition of natural and stormwater in accordance with the duly adopted design criteria and standards of the county indicating the location sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system; and provision for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measure which will be implemented during all phases of clearing, grading and construction.
    - (4) Existing topography with two-foot contour intervals or such intervals as approved by the zoning administrator; where existing ground is on a slope of less than two percent, either one-foot contours or spot elevations where necessary but not more than 50 feet apart in both directions.
    - (5) Proposed finished grading by contours supplemented where necessary by spot elevations; and
    - (6) Proposed phasing and sequence of development.
    - (7) All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to the nearest 1/100 of a foot; and all bearings in degrees, minutes and seconds to the nearest ten seconds.
  - (e) *Status of an approved final site plan.* In cases where the final site plan is for a planned unit development, cluster development or other development which includes the subdivision of land, then such final site plan, when approved under this article, shall have the same status as an approved preliminary subdivision plat under article XVIII, subdivisions.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

---

**Sec. 86-404. Procedure for approval.**

- (a) *Preliminary site plan submission.* Five copies of a preliminary site plan shall be filed with the board of supervisors through the zoning administrator. The preliminary site plan shall comply with the requirements for preliminary site plans set in this article and be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the board and the planning commission. The zoning administrator shall forthwith forward the plans and a copy of the application to the planning commission.
- (b) *Review of preliminary site plan by planning commission.* The planning commission shall review the preliminary site plan for compliance with the requirements of this article. Before recommending approval of a preliminary site plan, the planning commission may make reasonable additional requirements especially requirements as to utilities, drainage, landscaping and maintenance thereof, lighting, signs and advertising devices, screening, accessways, curb cuts, traffic control, height of buildings and setback of buildings, to protect adjoining residentially zoned lots or residential uses. The site plan shall be amended in accord with the requirements of the planning commission before being submitted to the board of supervisors with a recommendation for approval. The planning commission shall review the plans and prepare its report within a reasonable time, but in no case longer than 60 days after the first public hearing and 45 days after the applicant resubmits. The board of supervisors shall not advertise its public hearings until the reports and plans shall have been received from the planning commission. Once received, the board shall hold the public hearing and provide notice pursuant to the Code of Virginia, § 15.2-2204.
- (c) *Approval by board of supervisors.* Approval by the board of supervisors of a preliminary site plan for a conditional use shall be valid for a period of one year.
- (d) *Approval by zoning administrator.* Following preliminary approval by the board, a final site plan may be approved by the zoning administrator which shall comply with the specifications of the board and the requirements of this article and applicable laws, regulations and ordinances governing the subdivision of land. Permits shall be issued in accord with the approved and filed site plan or plat.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

**Sec. 86-405. Amendments, additions and vacation to plans approved by the Board of Supervisors.**

- (a) The procedure for amendment of the boundaries of or the nature or extent of land use for an approved conditional use or proffered condition shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved conditional use, or other site plan approved by the board of supervisors, may be approved by the planning commission at a regular meeting after written reports by the zoning administrator and without a public hearing, provided that such change or amendment does not:
  - (1) Alter a recorded plat;
  - (2) Conflict with the specific requirements of this chapter;
  - (3) Change the general character or content of an approved development plan or use;
  - (4) Have an appreciable effect on adjoining or surrounding property;
  - (5) Result in any substantial change of major external access points;
  - (6) Increase the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces; and
  - (7) Decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

- 
- (b) Any interest in streets, alleys, easements for public rites of passage, easements for drainage, and easements for a public utility granted to a locality as a condition of the approval of a site plan may be vacated according to either of two methods described in Code of Virginia, § 15.2-2270.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-406. Revocation of permits.**

No permit shall be issued for any structure in any area covered by a site plan that is required under the provision of this article except in conformity to such plan which has been duly approved. Permits issued under an approved site plan may be revoked by the zoning administrator for failure to comply with the approved plan, the conditions attached thereto, or other applicable regulations.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-407. Agreement and fees.**

Prior to approval of a building permit there shall be executed by the owner or developer an agreement to construct such required physical improvements as are located within public rights-of-way or easements, or as are connected to any public facility in form and substance as approved by the county. The planning commission may require a bond with surety or conditions acceptable to the county attorney in the amount of the estimated cost of the required physical improvements as determined by the departments, divisions or agencies responsible for such improvements. Such agreement, bond or conditions shall be provided for completion of all work covered thereby or for subsequent defects therein, within the time to be determined by the planning commission, which time may be extended by the planning commission upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement. The adequacy, conditions and acceptability of any bond under this article shall be determined by the county attorney.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-408. Expiration and extension.**

- (a) Pursuant to Code of Virginia, § 15.2-2261, final approval of a site plan submitted under the provisions of this article shall expire five years after the date of such approval or, if the building permits, or renewals thereof, have been issued for a valid and unexpired site plan, then upon the expiration of those permits. The issuance, and diligent pursuit of work thereunder, of permits authorizing construction of stormwater facilities, site grading or other infrastructure shall also be sufficient to extend the term of validity of a site plan approval for a period concurrent with the completion date for such improvements as specified by such permits. The application for and approval of minor modifications to an approved site plan shall not extend the period of validity of such plan and the original approval date shall remain the controlling date for purposes of determining validity. Notwithstanding the five-year term of validity, nothing shall preclude the application, to the greatest extent possible of the terms of any local ordinance adopted pursuant to the Chesapeake Bay Preservation Act, or the application of the provisions of any local ordinance adopted to comply with the requirements of the federal Clean Water Act, Section 402(p) of the stormwater program and regulations promulgated thereunder by the Environmental Protection Agency.
- (b) Upon application filed prior to expiration of a final site plan, the zoning administrator may grant one or more extensions of such approval for such additional periods as the zoning administrator may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development and the laws, ordinances and regulations in effect at the time of the request for an extension.

---

(Supp. No. 23)

Created: 2022-05-26 10:02:40 [EST]

---

**Sec. 86-409. Right of developer to continue project.**

Subject to the time limits and conditions specified in this article, the rights of an owner or developer to continue a project for which a site plan has been approved shall not be abridged, as stated in Code of Virginia, § 15.2-2261.1, so long as the developer proceeds toward completion with reasonable care and diligence in accordance with the terms of the approval.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

**Secs. 86-410—86-419. Reserved.**

---

## **ARTICLE XI. LANDSCAPING, SCREENING, AND FENCING**

### **Sec. 86-290. Purpose and intent.**

The purpose of this section is to establish standards for landscape architecture, site design, site buffering, and landscape screening. With the intent of preserving and promoting the health, safety, and general welfare of the county, these regulations are based on the following goals:

- (1) Preserve and enhance the aesthetic character of the county;
- (2) Protect the quality of the county's natural rivers, streams, and wetlands;
- (3) Enhance erosion control;
- (4) Improve the relationship between adjacent properties through screening and buffering;
- (5) Promote economic development in the county's neighborhoods, historic districts, and entrance corridors.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-291. Application of landscape standards.**

- (a) These landscape requirements shall apply to:
  - (1) All new developments, or redevelopments, requiring an approved site plan as specified by this chapter.
  - (2) All properties seeking rezoning or conditional use permit under the requirements of this chapter.
- (b) These requirements shall not apply to parcels containing single-family detached dwellings or two-family dwellings.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-292. Landscape plan requirements.**

The landscape plan shall include:

1. Location, type, size, height, and number of proposed plantings.
2. Planting specifications and installation details.
3. Location and size of all existing plants and trees to be retained during construction, as well as protection measures to be implemented during construction.
4. Location, size and other related design details for all hardscape improvements, signage, recreational improvements and open space areas, fences, walls, barriers and other related elements.
5. Designation of required setbacks, yards and screening areas.
6. Location of other man-made site features, parking lots, hardscape improvements, overhead structures and underground utilities to ensure that landscape materials will not be in conflict with the placement and operation of these improvements.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

---

**Sec. 86-293. General standards.**

- (a) Required landscaping shall be installed prior to the issuance of a certificate of occupancy. When the planting of landscaping conflicts with the planting season, a certificate of occupancy may be issued subject to the owner or developer providing surety in an amount approved by the zoning administrator for any remaining plantings. The owner or developer shall provide a development agreement which sets a deadline by which the plantings will be installed to be approved by the zoning administrator. The surety and agreement must both be in a form approved by the county attorney.
- (b) Existing healthy trees and shrubs shall be credited toward any minimum landscaping required by this section, provided they meet minimum size standards and are protected before and during construction and maintained thereafter in a healthy growing condition.
- (c) The owner of the property upon which the required landscaping or buffering is installed shall be responsible for maintenance and replacement. If any required tree, shrub, or other landscaping element shall die or be removed after issuance of the certificate of occupancy, the developer, his or her successors or assigns, shall replace each by the end of the next planting season with trees or shrubs of the same or similar species, type, color, or character.
- (d) Landscaping shall not obstruct the view of motorists using any street, private driveway, parking isles, or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety.
- (e) All required landscape materials shall conform to the following minimum size or height standards at the time of planting:
  - (1) Deciduous shade trees: 2-inch caliper
  - (2) Ornamental and understory trees: 4-foot height
  - (3) Coniferous trees: 6-foot height
  - (4) Shrubs: 12-inch spread or height

(Ord. No. 09-21R2, Att. A, 9-27-2021)

**Sec. 86-294. Buffering.**

Landscape buffering is intended to provide a year-round visual screen between two or more properties in order to minimize visual and other adverse impacts. Buffering may consist of fencing, evergreens, boulders, mounds, or a combination of materials.

- (1) A landscape buffer area shall be required where a commercially or industrially zoned development abuts an agricultural or residential zoning district, or where multi-family residential development abuts any property zoned A-C or R-R. Landscape buffers shall be approved by the zoning administrator during the site plan process.
- (2) In the above conditions, a continuous six-foot high buffer with a minimum width of 25 feet shall be required. Buffers shall be comprised of:
  - a. A combination of solid masonry wall or opaque fence at least six feet in height and landscaping consisting of six deciduous trees per 100 linear feet of buffer; or,
  - b. Landscaping consisting of:
    - 1. One evergreen tree per seven linear feet of buffer, which shall be placed in two staggered rows six feet apart;
    - 2. One understory tree per 25 linear feet of buffer;
    - 3. One deciduous tree per 50 linear feet of buffer.

- 
4. One shrub per three linear feet of buffer; and,
  - (3) Plants should be sufficiently large and planted in such a fashion that a year-round screen at least six feet in height shall be produced within one growing season.
  - (4) No buildings, structures, storage of materials, or parking shall be permitted within a buffer area.
  - (5) Buffer plantings shall be maintained in perpetuity in such a way as to ensure that the buffering requirements of this chapter continue to be met. Any dead or dying plants shall be removed within 30 days of notification by the zoning administrator and shall be replaced by the property owner during the next viable planting season.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-295. Screening.**

- (a) Screening shall be required to conceal specific areas from both on-site and off-site views. Such areas shall be screened at all times, regardless of adjacent uses, adjacent districts, or other proximate landscaping material. Specific areas to be screened include:
  - (1) Trash, recycling, and grease containers (including dumpsters and cardboard recycling containers).
  - (2) Loading and service areas.
  - (3) Outdoor storage areas (including storage tanks).
  - (4) Ground-based utility equipment with size in excess of 12 cubic feet.
  - (5) Ground level electrical and mechanical units, including heating, ventilation, and air conditioning units.
- (b) The above-mentioned areas shall be screened using an appropriate combination of landscape plants, fencing, or masonry walls to adequately screen them from views both on and off the subject property.
- (c) Access to all grease containers, recycling and trash containers, and other outside storage shall be through gates capable of closure when not in use. All gates shall be closed when not in use.
- (d) Screening plantings shall be maintained in perpetuity in such a way as to ensure that the buffering requirements of this chapter continue to be met. Any dead or dying plants shall be removed within 30 days of notification by the zoning administrator and shall be replaced by the property owner during the next viable planting season.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-296. Parking lot landscaping.**

All vehicle parking areas shall include landscaping, both within the interior of the parking area and around its perimeter, to provide shade, screen views, mitigate runoff, and provide aesthetic appeal. However, the landscape provisions of this section shall not apply to off-street parking for individual single or two-family residential dwellings, or for parking structures or vehicle display areas.

- (1) *Parking lots adjacent to lot lines.* For parking lots immediately adjacent to lot lines, the following landscape regulations shall apply:
  - a. Where a parking lot (or a private driveway providing access to a parking lot or building entry) abuts a property line not common with the right-of-way of a street, a landscaping strip of two and one-half feet in width shall be located between the parking lot and the abutting property line.
  - b. A minimum of one tree for each 40 feet of contiguous property line shall be planted in the landscape strip.

- 
- (2) *Parking lots adjacent to public streets.* For parking lots and private access adjacent to public streets which are subject to site plan approval, the following landscape regulations shall apply:
    - a. Where a parking lot (or a private driveway providing access to a parking lot or building entry) abuts a public right-of-way for a County street, a landscaping strip of five feet in width (not including the pedestrian path) shall be located between the parking lot or private driveway and the right-of-way line.
    - b. A minimum of one tree for each 40 feet of property line common with the public right-of-way shall be planted in the landscaping strip.
  - (3) All parking lots of 30 or more spaces shall contain within the interior of the parking lot not less than one tree for every 12 continuous parking spaces or fraction thereof. Such trees shall be dispersed throughout the interior of the parking lot. In the case of redevelopment proposals, this parking lot tree requirement is only applicable to those proposals that necessitate additional parking spaces over those that are currently provided.
  - (4) Landscaped planting islands (located such that parking spaces are on opposing sides of the planting island) shall be developed in parking lots meeting the following criteria:
    - a. The total size of the parking lot exceeds 150 total parking spaces.
    - b. Parking lot layout incorporates three or more double-loaded or single-loaded parking bays which are contiguous and parallel to each other.
    - c. Planting islands which are designed to be perpendicular to the parking bay shall be constructed for every other parking bay.
    - d. Planting islands shall have a minimum width of six feet to allow for bumper overhang and shall otherwise provide adequate width for the growth and maintenance of the intended landscape materials to be planted therein.
  - (5) The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubs and other live planting material may be used to complement the primary, tree landscaping.
  - (6) The landscaping shall be dispersed throughout the parking lot, with interior dimensions of any planting area (i.e. interior parking median) sufficient to protect and maintain all landscaping materials planted therein.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-297. Walls and fences.**

Fences and walls may be used within landscaped areas to provide buffering, privacy, separation, security, or for aesthetic reasons, but may not create an unsightly or unsafe condition on or off of the public or private property on which the fence or wall is proposed.

- (1) The provisions of this section shall apply to all construction, reconstruction, or replacement of fences or walls except:
  - a. Those required for support of a principal or accessory structure;
  - b. Engineered retaining walls necessary to the development of a site;
  - c. Temporary fences for construction activities, trees protection, and erosion and sediment control.
- (2) Fences or walls shall not be located within the public right-of-way.
- (3) Fences and walls may be located within any required yard or setback.

- 
- (4) Fences located within an easement shall receive written authorization from the easement holder or the county (as appropriate). The county shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements or facilities.
  - (5) No fence or wall shall be installed in a manner or in a location so as to block or divert a natural drainage flow on to or off of any other land, unless the fence or wall has specifically been approved as part of an approved stormwater management plan.
  - (6) A fence or wall in any residential zoning district shall not exceed seven feet in height above the existing grade without approval of a conditional use permit.
  - (7) A fence or wall in any commercial zoning district shall not exceed eight feet in height above the existing grade without approval of a conditional use permit.
  - (8) No fence or wall shall be constructed in a manner or in a location that impairs safety or sightlines for pedestrians and vehicles traveling on public rights-of-way.
  - (9) All fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition. The owner of the property on which a fence or wall is located shall be responsible for maintenance, including but not limited to, the replacement of missing, decayed, or broken structural and decorative elements.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

#### **Sec. 86-298. Recommended plants.**

Landscaping plans and plantings installed within the county should generally be sustainable and biologically diverse with emphasis on trees and plants native to Virginia and the King William region.

- (1) Landscape designers shall make every effort to use healthy and locally sourced, trees, shrubs, and other plants, and to create landscapes that minimize the need for maintenance and irrigation. Invasive species are not recommended.
- (2) Final plant selections should be made by property owners in consultation with qualified landscape professionals, and should consider specific site conditions, disease resistance, and other qualities to ensure healthy and beautiful landscapes.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

#### **Sec. 86-299. Compliance.**

The landscaping standards shall be enforced by the King William County Zoning Administrator.

- (1) The zoning administrator may reduce full buffering and screening to partial buffering and screening as deemed appropriate when commercial uses are in-kind with adjacent uses.
- (2) An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the zoning administrator in enforcement of this section as outlined in article IV, division 7 of this chapter.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

#### **Secs. 86-300—86-309. Reserved.**

## **ARTICLE V. CONDITIONAL ZONING**

### **Sec. 86-70. Purpose of article.**

Traditional zoning methods and procedures are sometimes inadequate when competing and incompatible uses conflict. In such cases, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize effects of change. It is the purpose of this article to provide a zoning method as authorized under Code of Virginia, §§ 15.2-2296 and 15.2-2303, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community even though such conditions may not be generally applicable to land similarly zoned. While the conditions may vary from property to property by reason of the nature of the use and different circumstances at a particular location, it is not the intention of this section to authorize conditions limited to a particular individual or group, owner or operator, and the provisions of this article shall not be used for the purpose of discrimination in housing.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-71. Proffer of conditions.**

- (a) As a part of an application for amendment to the zoning map, the owner of the property which is the subject of the proposed zoning map amendment may proffer, in writing, reasonable conditions provided that:
- (1) The rezoning itself must give rise for the need for the conditions;
  - (2) The conditions shall have a reasonable relation to the rezoning;
  - (3) The conditions shall not include a cash contribution to the locality;
  - (4) The conditions shall not include a requirement that the applicant create a property owners' association under chapter 26 (§ 55-508 et seq.) of title 55 which includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments and other public facilities not otherwise provided for in Code of Virginia, § 15.2-2241; however, such facilities shall not include pedestrian paths, special street signs or markers, or special street lighting in public rights-of-way not maintained by the department of transportation;
  - (5) The conditions shall not include payment for or construction of off-site improvements except those provided for in Code of Virginia, §§ 15.2-2241 and 15.2-2303.4;
  - (6) No condition shall be proffered that is not related to a need created by the physical development or operation of the property; and
  - (7) All such conditions shall be in conformity with the comprehensive plan as defined in Code of Virginia, § 15.2-2223.
  - (8) At the time each proffer is submitted to the county, it shall be accompanied by a statement signed by the applicant and the owner or their agents which states either:
    - a. "Each proffer made in connection with this application for rezoning was made voluntarily and complies with applicable law. Each proffer is reasonably related both in nature and extent to the impacts of the proposed development. No agent of the county has suggested or demanded a proffer that is unreasonable under applicable law." or
    - b. That the applicant or the owner or both disagree with the statement in subsection (a)(8)a. above and all the facts and reasons which led to that disagreement.

- 
- (b) Such conditions shall be proffered in advance of the public hearing before the board of supervisors that is required by law. The board of supervisors may also accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal.
  - (c) Once proffered and accepted as part of an amendment to the zoning chapter, such conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by such conditions. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning chapter.
  - (d) If proffered conditions that are duly accepted include a requirement for the dedication of real property of substantial value, or substantial cash payments for, or construction of, substantial public improvements, the need for which is not generated solely by the rezoning itself, then no amendment to the zoning map for the property subject to such conditions, nor the conditions themselves, nor any amendments to the text of the zoning chapter with respect to the zoning district applicable thereto initiated by the board of supervisors, which eliminate, or materially restrict, reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to such property, shall be effective with respect to such property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.
  - (e) When the county has had population growth of five percent or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census, it may also accept voluntary proffering as allowed in the Code of Virginia, § 15.2-2298.
  - (f) The county may accept certain conditional rezoning proffers for residential projects as long as it is not deemed unreasonable as outlined in the Code of Virginia, § 15.2-2303.4. No agent of the county is authorized to suggest, demand, or accept a condition that is unreasonable under applicable law.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2297.

### **Sec. 86-72. Interpretation of proffered conditions.**

- (a) For the purpose of this chapter, proffered conditions shall be interpreted to include written statements, development plans, profiles, elevations, and/or demonstrative materials. Materials of whatever nature and intended as conditions shall be referenced and incorporated in a written statement meeting the requirements for recording in the land records of the County and approved as to form by the county attorney.
- (b) Once accepted such conditions shall become a part of the zoning regulations applicable to the property in question, regardless of changes in ownership or operation, unless subsequently changed by an amendment to the zoning district map, and such conditions shall be in addition to the specific regulations set forth in this chapter for the zoning district in question.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-73. Enforcement of conditions.**

In accordance with Code of Virginia, § 15.2-2299, the zoning administrator shall be vested with all necessary authority on behalf of the board of supervisors to administer and enforce conditions attached to such rezoning or amendment to the zoning district map, including the ordering in writing of the remedy of any noncompliance with such conditions; the bringing of legal action to ensure compliance with such conditions, including injunction, abatement or other appropriate action or proceeding; and requiring a guarantee, satisfactory to the county, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount

---

and so conditioned, which guarantee shall be reduced or released by the board of supervisors, or agent thereof, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-74. Conformity with development plans.**

Upon approval, any site plan, subdivision plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformity with all proffered statements, plans, profiles, elevations, or other demonstrative materials, and no development shall be approved by any county official in the absence of such substantial conformity. For the purpose of this article, the term "substantial conformity" shall mean that conformity which leaves a reasonable margin for adjustment to final engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-75. Change of approved conditions.**

In accordance with Code of Virginia, § 15.2-2302, once proffered conditions have been approved, and there is cause for an amendment which would not be in substantial conformity with the proffered conditions, then an application shall be filed for an amendment. Such amendment shall be the subject of public hearing in accordance with the requirements for a new application except that when an amendment is requested which does not affect conditions of use or density, the board of supervisors may, in its discretion, waive the required public hearing. Once approved, such proffered conditions, as amended, shall apply to the property and be enforced in the same manner as the original proffered conditions.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

### **Sec. 86-76. Review of zoning administrator's decision.**

Any zoning applicant or any other person who is aggrieved by a decision of the zoning administrator made pursuant to the provisions of enforcement may petition the board of supervisors for review of the decision of the zoning administrator. All petitions for review shall be filed with the zoning administrator and with the clerk of the board of supervisors within 30 days from the date of the decision for which review is sought and shall specify the grounds upon which the petitioner is aggrieved. A decision by the board of supervisors on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided written notice of the zoning violation, written determination, or other appealable decision.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2301.

### **Sec. 86-77. Records for conditional zoning.**

The zoning map shall show by an appropriate symbol on the map the existence of conditions attached to the zoning on the map. The zoning administrator shall keep in their office and make available for public inspection, a conditional zoning index. The index shall provide ready access to the chapter creating conditions in addition to the regulations provided for in a particular zoning district or zone. The index shall also provide ready access to all proffered cash payments and expenditures disclosure reports prepared by the local governing body pursuant to

---

Code of Virginia, § 15.2-2303.2. The zoning administrator shall update the index annually and no later than November 30 of each year.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

State law reference(s)—Same; records, Code of Virginia, § 15.2-2300.

**Secs. 86-78—86-89. Reserved.**