



REZONING

WHAT IS REZONING?

Isle of Wight first adopted zoning laws in 1970 as part of the County's authority to promote and protect health, safety, and general welfare of the present, as well as future, residents and businesses of the County.

These laws, as outlined in the Zoning Ordinance, designate all land to one of the zoning districts. The permitted uses and rules pertaining to each district designate the use of a parcel of land in a desired fashion. A change, or rezoning, is made at the owner's request or at the direction of the Board of Supervisors and in accordance with the land use designations of the Comprehensive Land Use Plan.

WHAT MUST I FILE TO REZONE MY PROPERTY?

1. Prior to submitting an application, it is recommended to schedule a pre-application meeting with Economic Development to review the application and discuss any questions the applicant may have. Please call 757-365-6249 for meeting information. If the property is in the Land Use Assessment Program, the applicant should also contact the Commissioner of the Revenue's Office at (757) 365-6222.
2. Submit a completed application form, completed application checklist with all required documents (See Submittal Checklist for additional items that may be required), completed disclosure of real estate holdings, owners affidavit and the filing fee of \$1,200.

WHEN IS A REZONING APPLICATION CONSIDERED BY THE PLANNING COMMISSION?

Once a completed application has been submitted to the County, the application is distributed for comment and review to all appropriate County and State Agencies/Departments. Once all comments are received and the application is deemed acceptable by all appropriate County and State

Agencies/Departments, the application is scheduled for public hearing by the Planning Commission. The Planning Commission meetings are normally held at 6:00 p.m. on the fourth Tuesday of each month in the Robert C. Claude, Sr. Board Room, at the County Courthouse Complex. The advertising deadline for an upcoming Planning Commission public hearing is the first Thursday of the month. An application must be deemed acceptable by all appropriate County and State Agencies/Departments prior to this deadline in order to be placed on the next agenda.

WHAT IS THE PUBLIC HEARING PROCEDURE FOR REZONING?

1. Once the application is scheduled for a public hearing by the Planning Commission, the applicant is required to the required number of copies of the concept plan and all other supplementary documentation deemed necessary by the Planning and Zoning Department for distribution to the Planning Commission. All required items must be submitted to the Planning and Zoning Department no fewer than ten calendar days prior to the scheduled public hearing.
2. The applicant will be given at least one sign to post on the property at least fourteen days prior to the Planning Commission public hearing, indicating an application has been filed. Additional signs may be required based on linear road frontage. These signs are provided by the County and may be picked up at the Planning and Zoning Department front desk.
3. The application is advertised for public hearing in the local newspapers twice – no more than twenty-one (21) days and no less than six (6) days prior to the public hearing.
4. Notices are sent by the Planning and Zoning Department to all adjoining property owners

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If you have any questions, please call the Central Permitting office at 757-365-6211 or email at planreview@iwus.net

at least fourteen days prior to the public hearing.

5. Staff will prepare a report on the application and the applicant will be sent a copy of the report and other comments made by County and State Agencies/Departments prior to the meeting date.
6. The applicant and/or a representative are/is required to attend the Planning Commission meeting to present the application and answer any questions from Commission members.
7. Following the Planning Commission's recommendation of approval or denial, the application will be placed on the Board of Supervisors' agenda for a public hearing. Board of Supervisors meetings are typically held on the third Thursday of each month and the meetings begin at 5:00 pm in the Robert C. Claude, Sr. Board Room, at the County Courthouse Complex. The same notification procedure as outlined above will be followed, and additional copies of the concept plan and all other supplementary documentation will be required to be submitted by the applicant for distribution to the Board of Supervisors. All required items must be submitted to the Planning and Zoning Department no fewer than ten calendar days prior to the scheduled public hearing.
8. The Board of Supervisors will hold the public hearing as scheduled, and make a determination to approve or deny the application. The applicant and/or a representative are/is required to attend the Board of Supervisors meeting to present the application and answer any questions from Board of Supervisors members.
9. The applicant will be notified in writing of the Board of Supervisors' discussion. If denied, a period of at least one (1) year must elapse in order to resubmit the application, unless significant changes are made. Also, the applicant may appeal the Board's decision to the Circuit Court

10. If approved, and the request does not include the rezoning of an entire parcel, a zoning boundary plat will need to be prepared by a licensed surveyor and submitted for approval within twelve months of the Boards approval of the rezoning application.

WHAT OTHER PERMITS OR APPROVALS MAY BE REQUIRED PRIOR TO CONSTRUCTION?

- Zoning Permit
- Stormwater
- Building Permit
- Health Department Permit
- Site Plan Approval
- Subdivision Plat Approval
- Landscaping Surety
- Erosion and Sediment Control Surety



**SUBMITTAL CHECKLIST FOR REZONING/CONDITIONAL
ZONING AMENDMENT APPLICATIONS**

In conjunction with Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended, the following information shall be submitted for a Rezoning/Conditional Zoning Amendment Application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for a rezoning shall be certified as complete unless the following information is provided; unless the required number of copies has been reduced by the Zoning Administrator.

- 1. Fifteen (15) copies of the original, executed application and one (1) original executed application. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page No. 2 of the application.
- 2. The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.
- 3. Fifteen (15) copies of a statement of the reasons for seeking such amendment, and if applicable, a statement of proffered conditions.
 - Any applicant proposing a conditional rezoning under the provisions of Section 1-1016, *Conditional Zoning*, of the Isle of Wight County Zoning Ordinance shall submit fifteen (15) copies of the signed proffer statement and one (1) original signed proffer statement. Proffered conditions shall be signed by the owner(s) of the property.
- 4. Fifteen (15) copies of a narrative description of the property which shall include the Tax Parcel Identification Number.
- 5. One (1) copy of the most recent deed of the property to be rezoned.
- 6. For residential subdivisions of five (5) or more lots, planned development, commercial, industrial, or miscellaneous rezoning/conditional zoning amendment applications, a concept plan of the property to be rezoned shall be submitted by the applicant. Such document shall be drawn to scale and shall include the following information:
 - A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
 - Title of drawing
 - Date of drawing
 - Existing wood line
 - North arrow
 - Scale bar
 - Current zoning of parcel(s) to be rezoned, including tax map number(s) and owner(s)
 - Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
 - Street names including route number and width(s) of the right-of-way(s)
 - Fifteen (15) full size copies, with one (1) reduced 11-inch X 17 inch copy shall be submitted
 - Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process in order to more effectively review the application and prepare the staff reports for the Planning Commission and Board of Supervisors.

- 7. Fifteen (15) copies of such supplemental material as may be necessitated by the proposal itself or the district in which located or proposed to be located, and in accordance with Section 5-5000, *Supplementary Use Regulations*, of the Isle of Wight County Zoning Ordinance.
- 8. For residential subdivisions of five (5) or more lots, planned development, commercial, industrial, or miscellaneous rezoning/conditional zoning amendment applications, a Community Impact Statement is required in accordance with Section 1-1015.F, *Community Impact Statement*, of the Isle of Wight County Zoning Ordinance as amended on January 6, 2011. Please refer to Section 1-1015.F for detailed requirements of the Community Impact Statement. Fifteen (15) copies of the Community Impact Statement are required and shall include the following:
 - Adequacy of Existing Public Facilities and Services
 - Additional On-site and Off-site Public Facilities and Services
 - Traffic Impact Analysis for projects exceeding 200 ADT, or when requested by the Zoning Administrator
 - Fiscal Impact Analysis, if the project includes residential dwellings (optional for projects without a residential component)
- 9. Fifteen (15) copies of a Water Quality Impact Assessment shall be required for any rezoning in the Chesapeake Bay Preservation Area which:
 - will disturb any portion of the 100-foot buffer area of a Resource Protection Area (RPA), or any component identified in Section 3000.B.1 of the Chesapeake Bay Preservation Area Ordinance;
 - contains ten (10) acres or more for any use, other than a development of single family detached residential lots;
 - contains twenty-five (25) acres or more for the development of single family detached residential lots; or,
 - any other development that may warrant such assessment due to the unique characteristics of the site or intensity of the proposed use or development, as may be required by the Zoning Administrator.
- 10. For Planned Development, fifteen (15) copies of the required supplemental information shall be submitted in accordance with Section 4-14005, *Submission Requirements*, of the Isle of Wight County Zoning Ordinance. Please refer to Section 4-14005 for a detailed list of the submission requirements.
- 11. All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.
- 12. Voluntary Proffer Statement
- 13. Estoppel Certifications

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that any section not completed in its entirety may delay processing of this application and the date of the Planning Commission public hearing and that the submittal of a complete application does not guarantee the application will be placed on the next available Planning Commission agenda.

Signature

Date



APPLICATION FOR REZONING/CONDITIONAL ZONING AMENDMENT

This application should be used to petition for a change to the Official Zoning Map or for an amendment of zoning conditions. The following application requirements are consistent with the procedures set forth in Section 1-1015, *Amendments*, of the Isle of Wight County Zoning Ordinance, as amended.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

Rezoning

Conditional Rezoning (Are voluntary proffered conditions attached?): ____ Yes ____ No

Request to change the subject property(s) from the _____ to the _____ zoning district.

Proposed Use or Activity: _____

Amendment to Conditional Zoning

Request to change conditional zoning as follows (Attach current and proposed conditions): _____

B. PROJECT DESCRIPTION:

Project Name: _____

Property Address (if any): _____

Election District: _____

Comprehensive Plan Designation: _____

The rezoning will apply to _____ acres out of _____ total acres

Tax Parcel Identification # _____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

Tax Parcel Identification # _____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

Tax Parcel Identification # _____ Number of Acres to be Rezoned: _____

Requesting Zoning District Change from: _____ to _____

Proposed Utilities (check all that apply): Public Water ____ Private Well ____

Public Sewer ____ Private Septic ____

C. APPLICATION INFORMATION:

Applicant(s) Name(s): _____

Address: _____

City, State, Zip Code: _____

Phone No.: _____ Email: _____ Fax No.: _____

Property Owner(s) Name(s): _____

Address: _____

City, State, Zip Code: _____

Phone No.: _____ Email: _____ Fax No.: _____

Applicants/Owners Affidavit (including compliance with all deed restrictions and covenants)

This application must be signed by the owner(s) of the subject property or must have attached written evidence of the owner's consent, which may be in the form of a binding contract of sale with the owner's signature or a letter signed by the owner(s), containing written authorization to act with full authority on the owner(s) behalf in filing this rezoning application. Signing this application shall certify the owner's compliance with all deed restrictions and covenants, and shall constitute the granting of authority of the County to enter onto the property for the purpose of conducting site analyses and compliance with Federal, State and County regulations.

Applicant: _____
Printed or Typed Name

Applicant: _____ Date: _____
Signature

County of Isle of Wight, Commonwealth of Virginia

Subscribed and sworn to before me _____,
A Notary Public in and for the County of Isle of Wight,
Commonwealth of Virginia, this ___ day of _____, 20__

Notary Public

My Commission Expires _____

Owner: _____
Printed or Typed Name

Owner: _____ Date: _____
Signature

County of Isle of Wight, Commonwealth of Virginia

Subscribed and sworn to before me _____,
A Notary Public in and for the County of Isle of Wight,
Commonwealth of Virginia, this ___ day of _____, 20__

Notary Public

My Commission Expires _____

Owner: _____
Printed or Typed Name

Owner: _____ Date: _____
Signature

County of Isle of Wight, Commonwealth of Virginia

Subscribed and sworn to before me _____,
A Notary Public in and for the County of Isle of Wight,
Commonwealth of Virginia, this ___ day of _____, 20__

Notary Public

My Commission Expires _____

Owner: _____
Printed or Typed Name

Owner: _____ Date: _____
Signature

County of Isle of Wight, Commonwealth of Virginia

Subscribed and sworn to before me _____,
A Notary Public in and for the County of Isle of Wight,
Commonwealth of Virginia, this ___ day of _____, 20__

Notary Public

My Commission Expires _____

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100
P. O. Box 80, Isle of Wight, Virginia 23397

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: _____
Tax Query: [] Current [] Delinquent Distribution Date: _____
Posted/Date to Post: _____

AGENCIES REFERRALS:

- | | |
|--|---|
| <input type="checkbox"/> Department of Conservation & Recreation | <input type="checkbox"/> Inspections |
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Sheriff's Office |
| <input type="checkbox"/> Emergency Services | <input type="checkbox"/> Town of Smithfield |
| <input type="checkbox"/> General Services | <input type="checkbox"/> Town of Windsor |
| <input type="checkbox"/> Environmental Planner | <input type="checkbox"/> VDOT |
| <input type="checkbox"/> Health Department | <input type="checkbox"/> Schools |
| <input type="checkbox"/> Transportation Manager | <input type="checkbox"/> Budget & Finance |
| <input type="checkbox"/> Commission of Revenue | <input type="checkbox"/> County Attorney |
| <input type="checkbox"/> Other _____ | |

Verified By: _____ Date: _____



WAIVER AND RELEASE OF CLAIMS

I, _____, owner, developer or duly authorized representative for owner or developer, of Tax Map Parcel # _____, on behalf of myself, my descendants, ancestors, dependents, heirs, executors, administrators, assigns, and successors, hereby covenant not to sue and fully release, acquit, and discharge Isle of Wight County, as well as its officers, employees, agents, servants, representatives, assigns, and successors (collectively referred to as "County Releasees") with respect to and from any and all claims, wages, rights, agreements, contracts, covenants, actions, suits, causes of action, obligations, debts, expenses, attorney fees, damages, judgments, orders, and liabilities of whatever kind or nature in law, equity, or otherwise, whether known or unknown, and suspected or unsuspected, which I, or any party for whom I am acting as authorized representative, may have against County Releasees arising out of, or in any way connected with, my payment of a/the voluntary cash proffer amount for said parcel/lot, in the amount of _____ Dollars (\$ _____), as memorialized in that Deed of Trust, recorded in the Isle of Wight County Circuit Court Clerk's Office as Instrument Number _____, notwithstanding the provisions of Section 15.2-2303.1:1 of the Code of Virginia (1950, as amended).

I acknowledge that I have read the foregoing, understand its contents, and accept and agree to the provisions it contains and hereby execute it voluntarily and knowingly and with full understanding of its consequences.

PLEASE READ CAREFULLY. THIS AGREEMENT INCLUDES A RELEASE OF KNOWN AND UNKNOWN CLAIMS.

Printed Name

Date

STATE OF _____

CITY/COUNTY OF _____, TO-WIT:

I, _____, a Notary Public for the State of _____ at _____ Large, do hereby certify that _____, whose name appears on the writing above bearing the date of the _____ day of _____, 20____, has acknowledged the same before me in my City/County and State aforesaid.

Given under my hand this _____ day of _____, 20____.

My Commission Expires: _____.

Notary Public

**COUNTY OF ISLE OF WIGHT
MODEL PROFFER STATEMENT**

Applicant's name(s): _____

Owner's name(s): _____

Project name: _____

Date: _____

Parcel-Tax Map Numbers and deed book reference: _____

These proffers are made as of the (Day) of (Month), (Year) by (Names of the property owner(s)) (collectively "Owner"), of Tax Map Number XX-XX-XXX, containing approximately (XX) acres of land which is referred to herein as the "Property". Owner has filed a rezoning application with the Isle of Wight County Planning and Zoning Department requesting a change in the zoning of the Property from (Name of Zoning District), to Conditional (Name of Zoning District). Owner voluntarily proffers that the development of the Property proposed for rezoning under this application shall be in strict accordance with the conditions set forth below.

These proffered conditions ("Proffers") are the only conditions offered on this rezoning, and any prior proffered conditions on the Property are hereby superseded by these proffers and any and all previous proffers on the Property are hereby void and of no further force and effect.

All improvements, land, easements, dedications, gifts, proffers and other conveyances to the County shall be in fee simple, without cloud of title or encumbrance of any kind.

I. Development of the Property

1. Development of the Property associated with this rezoning application shall be generally consistent as determined by the reviewing authority with the Conceptual Master Plan prepared by (name of engineering firm) dated (month day, year), as determined during preliminary and final site plan approval and/or preliminary and final subdivision construction plan approval.
2. All buildings shall be in accordance with the design criteria attached as "Design Criteria for (Name of Development)," dated (Month Day, Year), which is part of this proffer statement.
3. The maximum number of residential units shall not exceed (number) single family units, (number) townhomes, (number) condominium units, and (number) multifamily units, including a maximum of (number) of Workforce Housing Units hereinafter defined. No more than 17% of the owner-occupied units shall be sold at "workforce housing price" with the remaining units to be sold at market price.
4. The maximum amount of commercial development shall not exceed (number) square feet.

5. Applicant shall cause to be constructed the following recreational areas and facilities for residents of the development: (List of facilities)

II. Land Use

1. The Property shall be used as permitted under the (Name of the Zoning District) and more specifically for the following uses: (List Permitted Uses being requested)
2. The following uses shall be expressly prohibited on the Property: (List the Prohibited Uses)

III. Cash Proffers

1. Residential Units

- A. Single Family Units- The Owner agrees to make cash proffers to the County in the amount of \$13,358.00 for the (number) of single family units (which includes townhouses, duplexes, single-family detached units and live/work units), except as provided below with respect to the Workforce Housing Units as hereinafter defined.
- B. Multifamily Units - The Owner agrees to make cash proffers of \$10,079.00 for the (number) multifamily (which includes rental apartments and condominium units), except as provided below with respect to Workforce Housing Units as hereinafter defined.
- C. At the time of the recordation of the subdivision plat for a phase of development, the total agreed amount of Residential Cash Proffer for said phase shall be evidenced by a Demand Note of Applicant to County, without interest. The Note shall be secured by a deed of trust ("Cash Proffer Deed of Trust") on all residential units in such phase and this Cash Proffer Deed of Trust will be secondary to all acquisition, development and construction loans obtained by Owner and the County shall execute such subordination or other agreements as may be necessary.
- D. Releases by County under the Cash Proffer Deed of Trust shall be made upon payment of the applicable cash contribution for the released lots. Payment for releases shall be made on or before the time of the issuance of a Final Certificate of Occupancy.
- E. Workforce Housing For Sale Units
 - a. Owner shall cause to be built (number) units which shall be designated as "Workforce Housing Units". Sales prices shall be structured to make the units affordable for purchase by households whose income is less than one-hundred twenty percent (120%) of the of the County's median income and shall be made available for a range of households so that the average income shall be less than one-hundred percent (100%) of the County's median income as reported from time to time by the U. S. Department of Labor.

- b. The Residential Cash Proffer, or if applicable, increased in accordance with Proffer (number) above (the “Effective Residential Cash Proffer”), and County fees levied on a per unit basis, including but not limited to, water and sewer fees, building and zoning permits and plat fees (collectively “Other County Fees”), due for each residential unit shall be further adjusted to account for any reduction in the total number of residential units to be constructed in each of the development phases and any credits applicable as set forth in these Proffers.
- c. At the time of the closing to a first-time Buyer of a Workforce Housing Unit (“Workforce Buyer”) there shall be recorded a deed to the Workforce Buyer referencing the provisions contained herein (the form of which shall be approved by the County Attorney) and the Cash Proffer Deed of Trust shall be released and replaced at the Workforce Housing Unit closing with a Workforce Housing Deed of Trust securing the Effective Residential Cash Proffer and all Other County Fees applicable to any such Workforce Housing Unit. The Workforce Housing Deed of Trust in favor of the County shall be recorded against the Workforce Housing Unit in the amount of the Effective Residential Cash Proffer and all Other County Fees that would otherwise be payable for such residential unit and the amount of any financial assistance provided to a first-time qualified purchaser by the developer or builder of such Workforce Housing Unit. The County agrees to subordinate such Workforce Housing Deed of Trust to permit the Workforce Buyer to obtain construction and/or permanent loans to finance the acquisition or purchase of such homes. The payment of the Effective Residential Cash Proffer and all Other County Fees shall be governed by the following:
 - i. In the event the Workforce Buyer sells the Workforce Housing Unit to a qualified applicant of a Workforce Housing Unit as described in Proffer (number) (“Subsequent Workforce Buyer”), a Workforce Housing Deed of Trust securing the Effective Residential Cash Proffer and all Other County Fees applicable to any such Workforce Housing Unit will be recorded in favor of County against the Workforce Housing Unit sold to the Subsequent Buyer.
 - ii. In the event that within twenty (20) years of the initial closing date the Workforce Buyer or Subsequent Workforce Buyer sells the applicable Workforce Housing Unit to a party or parties who do not qualify pursuant to Proffer (number) at the time of the sale, the selling party shall pay to the County an amount equal to the Workforce Housing Deed of Trust.

E. Workforce Housing For Rent Units

- a. After payment of the water and sewer connection fees for the first Workforce Housing rental unit, the Owner agrees to make a cash proffer to the County of \$5,790.00 for each Workforce Housing rental unit constructed. The Owner shall not be required to pay any other Workforce Housing rental unit water and sewer connection fees. Payment of this

proffer shall be made to the County at the time of the issuance of each individual building permit.

- b. The Workforce Rental Housing acreage shall be secured by a Workforce Rental Housing Deed of Trust in favor of the County. The Workforce Rental Housing Deed of Trust shall be subordinate to all construction and permanent financing for the rental units. The Workforce Rental Housing Deed of Trust shall be a lien against the land developed as Workforce Rental Housing, payable only if any of the Workforce units are rented above the amounts set forth in (section of proffer) below. The lien amount shall be based upon the value of the acreage (amount per acre) as stated in the Fiscal Impact Statement dated (month day, year), multiplied by the affected acreage, which includes areas of right of ways, vehicular access and parking areas, common areas and amenities. The Workforce Rental Housing Deed of Trust shall be recorded in phases consistent with the number of units and the manner of development, and shall terminate 20 years after the initial date of occupancy of the first rental unit in each phase.
- c. The Workforce Housing rental units shall be affordable for rental by households whose maximum income is 105% of the Area Median Income and shall be made available for a range of households so that the average income shall not be less than 90% of the Area Median Income. "Affordability" for Workforce Housing rental units shall be defined as monthly rents allocated toward any units, which are less than or equal to a maximum of 32% of the specified percentage of Area Median Income. The owners of any rental units shall confirm that the rents are within this range by letter to the Zoning Administrator within 30 days of each published revision to the Area Median Income. This report shall include, but not be limited to, Area Median Income, calculations to show 105% of Area Median Income, and 32% of 105% of monthly Area Median Income by household size and the actual rent schedule for the current year and the previous year. These proffers shall remain in place for the Workforce Housing rental units for a minimum of 20 years from the initial date of occupancy of these units.
- d. The Owner shall submit a rent schedule to the Planning Commission and Board of Supervisors for their approval prior to or concurrent with site plan approval.
- e. The owners of the Workforce Housing rental units shall maintain sufficient financial reserves for repair and/or replacement.

IV. Environmental Protection

The Property shall be served by one or more Low Impact Development measures, such as infiltration trenches, rain gardens, bio-retention filters and/or rainwater harvesting in accordance with County specifications, or as approved by the Zoning Administrator. These features will provide for enhanced stormwater management techniques appropriate for increasing opportunity throughout the development for

groundwater recharge to the degree feasible as agreed upon by the Owners and Isle of Wight County.

V. Archaeology

A Phase I Archaeological Study for the Property shall be submitted to the Zoning Administrator for their review and approval prior to final site plan approval. A treatment plan shall be submitted to, and approved by, the Zoning Administrator for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Zoning Administrator and a treatment plan for said sites shall be submitted to, and approved by, the Zoning Administrator for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Zoning Administrator prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and shall be adhered to during the clearing, grading and construction activities thereon.

VI. Transportation

The Owner, at its sole cost and expense, shall cause to be constructed the following transportation improvements in accordance with the recommended improvements contained in the Traffic Impact Analysis for (Project Name) dated (month, day, year): (list of improvements)

VII. Water and Sewer Improvements

All parcels within the development shall be served by public water and sewer. All public water and sewer systems shall be constructed in conformance with the Isle of Wight County Master Water and Sewer Plan or as directed by the Board of Supervisors. The size of water and sewer lines interior to the development shall be determined as part of the final engineering approval. The Owner, at its sole cost and expense, shall cause to be constructed the following offsite improvements: (list of improvements)

VIII. Easements, Rights-of-Way and Buffers

1. The Owner, at its sole cost and expense, shall dedicate a twelve (12) foot easement to the County for public access for recreational purposes to the multipurpose trail to be located (describe location).

2. The Owner, at its sole cost and expense, shall cause to be constructed in accordance with County specifications a ten (10) foot wide asphalt multipurpose trail. The trail shall be located (describe location) and shall be connected to sidewalks which shall be constructed adjacent to all internal roads, and within the road right-of-way when possible, and along building frontages within the development to provide internal access between uses.
3. The Owner shall provide a right-of-way reservation of sufficient width for the County to construct a future connecting roadway from the internal streets of the Project to (name of road or roads). The Owner shall deed the right-of-way to the County for the connecting roadway at no charge to the County prior to final site plan or final plat approval.
4. In order to provide connectivity between adjacent parcels and minimize the need for traffic entering and exiting (name of road or roads), the Owner shall grant cross access to provide unobstructed passage of vehicles and pedestrians between the Property and (tax map parcel number). The Owner shall construct a drive aisle on their property to the adjacent property line. No barriers, fences or other obstructions shall be erected or maintained on the Property that prevents or obstructs vehicular or pedestrian traffic thereon, except for temporary barriers of obstruction reasonably required in connection with the construction, replacement or repair of improvements located on the Property.

IX. Property Owners' Association and Restrictive Covenants

1. The Owner shall form a Property Owners' Association, which may also include sub-associations, in accordance with Virginia law, with the preparation and execution of a Declaration of Covenants, Conditions and Restrictions (the "Declaration") with the owners thereof being the residential owners or commercial owners of property within (name of subdivision). The Declaration shall provide for the conveyance from the Applicant of all of the common areas, open spaces, green areas, recreation areas and facilities and the stormwater management system of the subject property to the Association. Every property owner shall be a voting member of the Association and be subject to assessments as set forth in the Declaration. The Declaration shall be subject to the approval of the County Attorney and upon approval shall be duly recorded in the Clerk's Office for the Circuit Court of Isle of Wight County. The Declaration shall be recorded prior to recordation of the first final subdivision plat.
2. The Owner agrees that it shall retain sole responsibility for the maintenance of the stormwater management system and all of the amenities, including but not limited to improvements and open space of the Property until such time as 80% of the lots shown on the final subdivision plat or overall subdivision, if phased, have building permits issued to individual lot owners for the construction of units thereon, at which time the obligation shall be assigned to the property owners' association.

X. General

1. Successors and Assigns - This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligation(s) of Owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.
2. Severability - In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section or provision hereof.
3. Void if Application is not approved - In the event that the Application is not approved by the County, these Proffers shall be null and void.

SIGNATURE PAGE

Applicant: _____
Printed or Typed Name

Applicant: _____ Date: _____
Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me _____,
A Notary Public in and for the County of Isle of Wight, Commonwealth
of Virginia, this _____ day of _____, 20 _____.

Notary Public
My Commission Expires _____

Owner: _____
Printed or Typed Name

Owner: _____ Date: _____
Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me _____,
A Notary Public in and for the County of Isle of Wight, Commonwealth
of Virginia, this _____ day of _____, 20 _____.

Notary Public
My Commission Expires _____

Owner: _____

Printed or Typed Name

Owner: _____ Date: _____
Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me _____,
A Notary Public in and for the County of Isle of Wight, Commonwealth
of Virginia, this _____ day of _____, 20 _____.

Notary Public
My Commission Expires _____

ACKNOWLEDGEMENT OF RESIDENTIAL REZONING PROFFERS

APPLICATION NUMBER: _____

PROPOSED PROJECT: _____

APPLICANT: _____

OWNER (if different from applicant): _____

PROJECT NAME: _____

LOCATION: _____

TAX MAP NUMBER(S): _____

ELECTION DISTRICT: _____

As of the date set forth below, the undersigned party or parties hereby acknowledge and understand as follows with respect to the proposed project identified above:

1. The undersigned is either the current Owner of the property which is the subject of the abovenamed proposed project and/or the Applicant for the proposed project.
2. The proposed project is for a new residentially zoned property, and/or includes a residential component of a mixed-use development, that results in either one or more additional residential dwelling units or, otherwise, fewer residential dwelling units, beyond what may be permitted by right under the current Isle of Wight County Zoning Ordinance for the property and such proposed project requires a rezoning which includes the application of voluntary of proffered conditions or an amendment thereto.
3. The undersigned hereby acknowledges and understands the contents of Section 15.2-2303.4 of the Code of Virginia (1950, as amended) which is applicable to the above referenced proposed project.

In Witness Whereof, the undersigned has caused this Acknowledgement to be executed and delivered as of the _____ day of _____, 20_____.

APPLICANT(S):

OWNER(S):

Signature

Signature

Printed Name

Printed Name

APPLICANT(S):

Signature

Printed Name

OWNER(S):

Signature

Printed Name

Received by: _____

Isle of Wight County Zoning Administrator

Date: _____

RESIDENTIAL REZONING CERTIFICATE

APPLICATION NUMBER: _____

PROJECT: _____

APPLICANT: _____

OWNER (if different from applicant): _____

PROJECT NAME: _____

PROPOSED COMP PLAN DENSITY: _____

EXISTING COMP PLAN DENSITY: _____

LOCATION: _____

TAX MAP NUMBER(S): _____

ELECTION DISTRICT: _____

As of the date set forth below, the undersigned party or parties hereby certify, warrant, represent and agree as follows with respect to the new residential development or new residential use application (the "Application") identified above:

1. The undersigned is either the current Owner of the property which is the subject of the Application and/or is the Applicant for said Application.
2. The Application is for a new residential development and/or includes a residential component of a mixed-use development, that results in either one or more additional residential dwelling units or, otherwise, fewer residential dwelling units, beyond what may be permitted by right under the current Isle of Wight County Zoning Ordinance for the property and such proposed project requires a rezoning which includes voluntary proffered conditions or an amendment thereto.
3. All onsite proffers offered in the Application are voluntary, reasonable, specifically attributable to the new residential development or new residential use and are offered in accordance with all requirements of state law.
4. All offsite proffers, including cash proffers, offered in the Application are voluntary, reasonable, specifically attributable to the new residential development or new residential use, address an impact to an offsite public facility such that the new residential development or residential use creates a need, or identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment and each new residential development or new residential use receives a direct and material benefit from the proffer made with respect to any public facility improvement, and are offered in accordance with all requirements of state law.
5. All onsite and offsite proffers included in the Application represent all of the proffers that were contemplated by the Applicant and Owner.

6. The undersigned hereby agrees that the County, including its officers, employees and agents, have not suggested, requested, required or accepted any unreasonable proffers for the rezoning or proffer condition amendment.
7. The undersigned state that they are duly authorized to sign and deliver this Certificate without the necessity of joinder of any other person or party.

In Witness Whereof, the undersigned has caused this Acknowledgement to be executed and delivered as of the _____ day of _____, 20____.

APPLICANT(S):

OWNER(S):

Signature

Signature

Printed Name

Printed Name

Signature

Signature

Printed Name

Printed Name

Signature

Signature

Printed Name

Printed Name

Received by: _____ Date: _____
Isle of Wight County Zoning Administrator