

ARTICLE 17

Amendments

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Council may amend, supplement, or change the regulations in the Zoning Ordinance, or the zoning boundaries or classification of property on the Zoning Map, in conformity with the provisions of Title 15.1, Article 8, Chapter 11 of the 1950 Code of Virginia, as amended, and the provisions and purposes of this Article.

17.1. Statement of Purpose and Intent

The Council finds that a portion of the police power of the Commonwealth has been delegated to each incorporated town to be exercised reasonably in determining the manner of its development. The Virginia Legislature has left much discretion to the Town in making such-determinations, relying on the local governing body's knowledge of local conditions and the needs of its individual communities.

17.2. Initiation of Amendments

Amendments of the Zoning Ordinance shall be initiated only in the following manner:

1. Property Owner Petition. Amendments, to the zoning boundaries or classification of property shown on the Zoning Map may be initiated by property owners of the land proposed to be rezoned, by the filing with the Council of a Zoning Map amendment petition, which petition shall be addressed to the Council and shall be on a standard form provided by the Zoning Administrator and accompanied by a reasonable fee to be determined in accordance with a fee schedule separately adopted by the Council. Application fees are hereby waived for the following applicants:
 - a. Applications for a requested amendment from any district to an Historic Area district;
 - b. Applications for amendment, special exception or commission permit sought by the following governmental agencies:
 1. Loudoun County School Board
 2. Loudoun County Sanitation Authority
 3. Any agency, board or division acting in the name of the Town Council of Round Hill.

Any such owner or owners of land may voluntarily proffer any reasonable conditions not prohibited by law, in addition to the regulations provided for by this Ordinance for the zoning district for which said owner or owners has made application, provided that such proffer shall be made in writing and presented to the Zoning Administrator or Town Clerk prior to any public hearing on said application by the Council that is held pursuant to Section 15.1493, Code of Virginia (1950), as amended.

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17.2. Council or Planning Commission Resolution

Amendments to the text of the Ordinance and/or changes in the zoning boundaries or classification of properties shown on the Zoning Map may be initiated by the Council or the Planning Commission in accordance with the provisions of Section 15.1-493, 1950 Code of Virginia, as amended.

17.3. Public Hearing by Planning Commission: Notice

Upon receipt of a properly filed amendment request or petition, the Zoning Administrator shall set a time and place for a public hearing by the Planning Commission on said amendment and direct that the public notice be given as required by Section 15.1-431, 1950 Code of Virginia, as amended.

17.4. Report by Planning Commission to Council after Hearing

Following the public hearing provided for in this Article, unless the proceedings are terminated as provided herein, the Planning Commission shall forward the proposed amendment to the Council, together with its recommendation and a statement fully setting forth its reasons for such recommendations. Failure of the Commission to make a report to the Council within ninety (90) days after the first meeting of the Commission following the date the proposed amendment has been referred to the Commission shall be deemed approval by the Commission of such amendment. In acting favorably with respect to a proposed amendment initiated by the petition of a property owner or owners, the Planning Commission need not confine its recommendation to the proposed amendment as set forth in the petition, but may reduce or enlarge the extent of land that it recommends be rezoned or may recommend that land be rezoned to a different zoning classification than that petitioned for, if the Commission is of the opinion that such revision is in accord with public necessity, convenience, general welfare and good zoning practice and is in furtherance of the purposes of this Ordinance and Article; provided that before recommending an enlargement of the extent of land or a rezoning to a less restricted classification than was set forth in the petition, the Commission shall hold further hearing on the matter, pursuant to requirements of Section 15.1-431 of the 1950 Code of Virginia, as amended.

17.5. Action by Council on Amendment Petition

Before approving and adopting any zoning ordinance or amendment thereof, the Council shall hold at least one public hearing, pursuant to public notice as required by Section 15.1-431, after which the governing body may make appropriate changes or corrections in the Ordinance or proposed amendment; provided, however, that no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by Section 15.1-431. Such ordinances shall be adopted in the same manner as all other ordinances. However, the Council may approve an amendment for only a portion of the area proposed for a rezoning in the original petition, provided the area proposed for rezoning is accurately and sufficiently delineated in the approved action.

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17.6. Hearing Advertisement

Public hearings shall be advertised and held for all amendments to this Ordinance as required by Article I, Chapter II, Title 15.1 of the 1950 Code of Virginia, as amended.

17.7. Limitation on Filing New Petition after Original Denied

Upon the denial by the Council of any petition filed pursuant to Section 17.2.2 above, no new petition concerning any or all of the same property shall be filed within twelve (12) months of the date of denial.

17.8. Withdrawal of Petitions

Any petition filed pursuant to Section 16.2.2 above may be withdrawn upon written request by the applicant any time prior to the submission of any public hearing notice for advertisement; provided, that if the request for withdrawal is made after publication of the notice of hearing such withdrawal shall be only with the consent of either the Planning Commission or the Council; whichever body has advertised the hearing, and no new petition concerning any or all of the same property shall be filed within twelve (12) months of the date of action by the respective body approving such withdrawal unless such body in its action approving withdrawal specifies that the time limitation shall not apply and permits the petition to be withdrawn "without prejudice".

17.9. Posting of Property

Additional notice of public hearing involving zoning map amendments initiated pursuant to Section 16.2.2 above, shall be provided by means of signs posted on the property proposed for rezoning, in the manner prescribed in this Article and by means of written notice to the owner or owners or their agent, the occupants of all abutting properties and property or properties immediately across a street or road from the property affected. Said written notice shall be given at least five (5) days before the hearing. The applicant shall certify in writing that notice was given pursuant to this section before a public hearing may be held on the application, and such certification shall set forth the persons receiving said notice.

1. Posting of Property - Planning Commission Hearing. At least fifteen (15) days preceding the Planning Commission's public hearing on a Zoning Map amendment, the applicant shall post on the property proposed to be rezoned, a sign or signs furnished by the Zoning Administrator indicating the change proposed and the date, time and place of the public hearing. The sign shall be erected by the applicant within ten (10) feet of whatever boundary line as such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half feet above the ground. If more than one such road abuts the property, then a sign shall be erected in the same manner as above for each such abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two boundaries of the property abutting land not owned by the applicant.

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Posting of Property - Council Hearing. Upon receipt of written notice that a public hearing has been scheduled before the Council for his Zoning Map amendment, the applicant shall erect, at least fifteen (15) days preceding such hearing, a sign or signs furnished by the Zoning Administrator indicating the change proposed and the date, time and place of the public hearing. Any sign erected in compliance with this Article shall be maintained at all times by the applicant up to the time of the hearing and it shall be the duty of the applicant at the hearing to prove by affidavit that he has fully complied with the requirements of this Article and has continuously maintained the sign or signs up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator or an authorized agent of either, to remove or tamper with any sign furnished during the period it is required to be maintained under this Article. All signs erected under this Article shall be removed by the applicant within fifteen (15) days following the public hearing for which it was erected.

17.10. Proffers

Those proffer provisions provided for in Section 15.1-491 (a) and Sections 15.1-491-3 through 15.1-491.6 of the 1950 Code of Virginia, as amended are incorporated as part of this Zoning Ordinance as if set out fully herein. Proposed proffers shall be presented to the Council and Planning Commission at any time prior to the Planning Commission's recommendation on the proposed map amendment to the Council.