

Land Use and Zoning From Start to Finish

Land Use and Zoning Fundamentals, Case Law, Legal Update

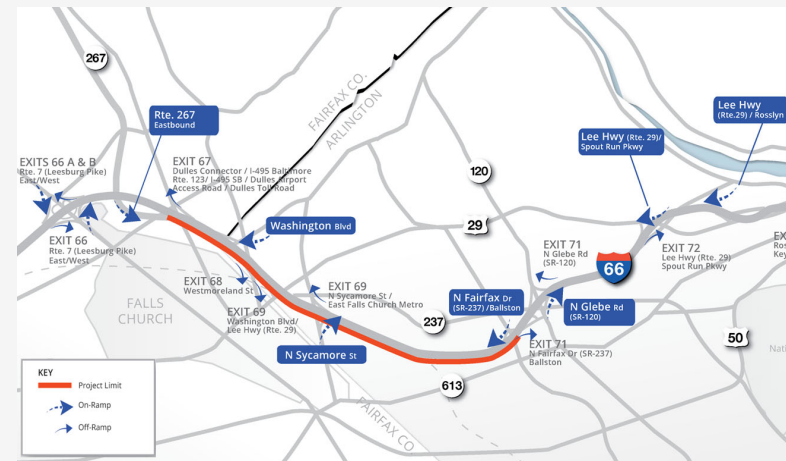
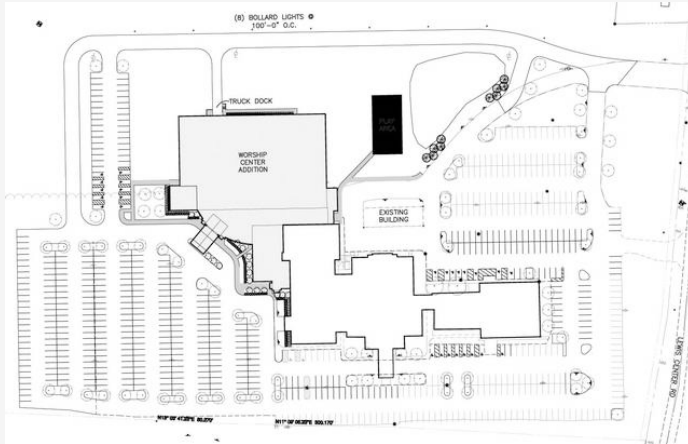
September 10, 2019
Fairfax, Virginia



Karen L. Cohen

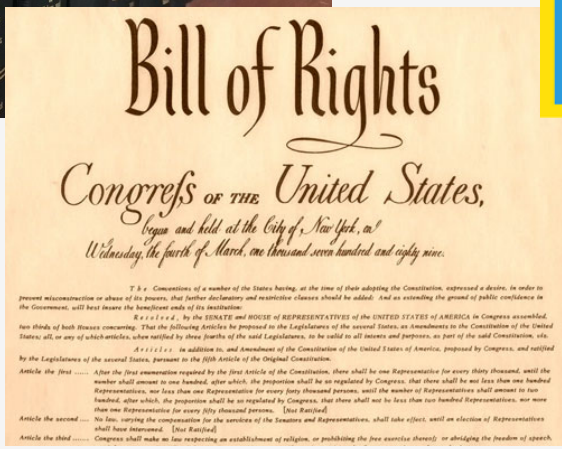
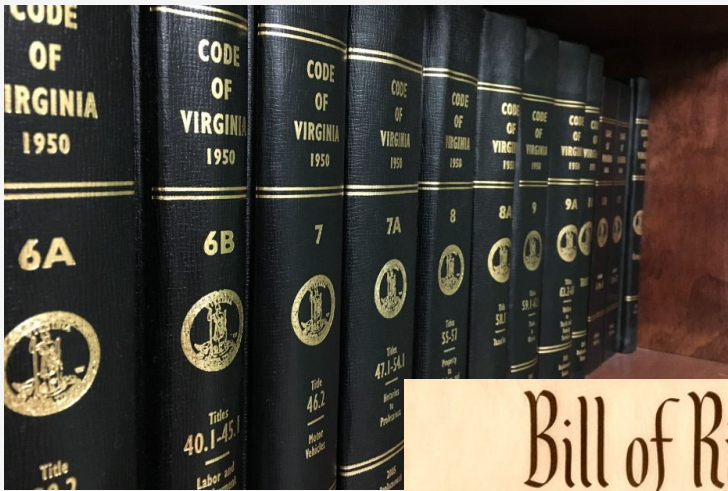


What is Land Use Law?

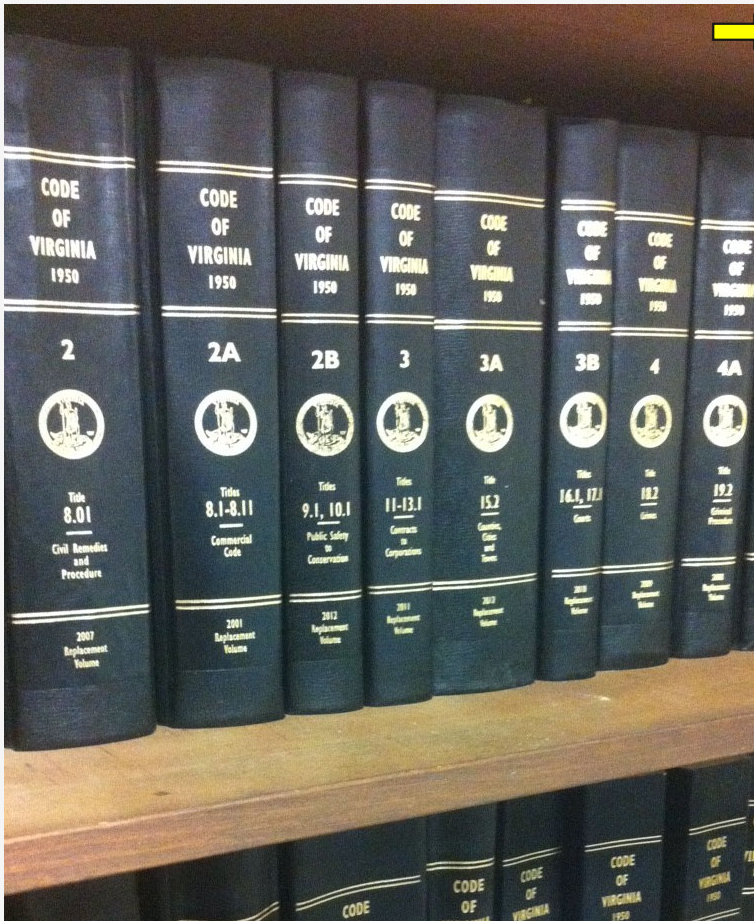


Federal, State & Local Laws & Regulations

PROTORÆ LAW



The Enabling Laws



Title 15.2. Counties, Cities and Towns [Read Title >](#)

Subtitle I. General Provisions; Charters; Other Forms and Organization of Counties [Read all >](#)

- [Chapter 1](#) General Provisions (§§ 15.2-100 through 15.2-110)
- [Chapter 2](#) Local Government Charters (§§ 15.2-200 through 15.2-209)
- [Chapter 3](#) Optional Forms of County Government; General Provisions (§§ 15.2-300 through 15.2-307)
- [Chapter 4](#) County Board Form of Government (§§ 15.2-400 through 15.2-418)
- [Chapter 5](#) County Executive Form of Government (§§ 15.2-500 through 15.2-542)
- [Chapter 6](#) County Manager Form of Government (§§ 15.2-600 through 15.2-642)
- [Chapter 7](#) County Manager Plan of Government (§§ 15.2-700 through 15.2-750)
- [Chapter 8](#) Urban County Executive Form of Government (§§ 15.2-800 through 15.2-858)

Subtitle II. Powers of Local Government [Read all >](#)

- [Chapter 9](#) General Powers of Local Governments (§§ 15.2-900 through 15.2-983)
- [Chapter 11](#) Powers of Cities and Towns (§§ 15.2-1100 through 15.2-1133)
- [Chapter 12](#) General Powers and Procedures of Counties (§§ 15.2-1200 through 15.2-1249)
- [Chapter 13](#) Joint Actions by Localities (§§ 15.2-1300 through 15.2-1310)
- [Chapter 14](#) Governing Bodies of Localities (§§ 15.2-1400 through 15.2-1433)
- [Chapter 15](#) Local Government Personnel, Qualification for Office, Bonds, Dual Office Holding and Certain Local Government Officers (§§ 15.2-1500 through 15.2-1549)
- [Chapter 16](#) Local Constitutional Officers, Courthouses and Supplies (§§ 15.2-1600 through 15.2-1656)
- [Chapter 17](#) Police and Public Order (§§ 15.2-1700 through 15.2-1753)
- [Chapter 18](#) Buildings, Monuments and Lands Generally (§§ 15.2-1800 through 15.2-1814)
- [Chapter 18.1](#) Local Government Facilities Private Capital Lending (§§ 15.2-1815 through 15.2-1817)
- [Chapter 19](#) Condemnation (§§ 15.2-1900 through 15.2-1907.1)
- [Chapter 19.1](#) Acquisition of Waterworks Systems (§§ 15.2-1908 through 15.2-1916)
- [Chapter 20](#) Streets and Alleys (§§ 15.2-2000 through 15.2-2030)
- [Chapter 21](#) Franchises; Sale and Lease of Certain Municipal Public Property; Public Utilities (§§ 15.2-2100 through 15.2-2160)
- [Chapter 22](#) Planning, Subdivision of Land and Zoning (§§ 15.2-2200 through 15.2-2329)

Public Notice



Citizen Engagement



Home › Government › About Loudoun County › Communities & Homeowners Associations

Communities & Homeowners Associations

Residential Communities Interactive Map

The [Residential Communities of Loudoun County Map](#) provides the public with information about the existing and planned subdivisions of Loudoun County.

Selected Local Communities & Homeowners Associations

Some developments have a homeowners association (HOA). An HOA is an affiliation of homeowners in a development that oversees the enforcement of private covenants - deed restrictions that apply to a group of homes or lots.

The Planning Commission



UPCOMING PUBLIC HEARINGS, WORK SESSIONS & EVENTS

SEPTEMBER 11, 2019

6:00 P.M. - 8:30 P.M. Work Sessions only:

Parks, Recreation & Tourism Plan

TLC Mixed-Use Zoning District

Board Chambers, James J. McCoart Administration Building
1 County Complex Court, Prince William, VA 22192

SEPTEMBER 18, 2019

7:00 P.M. Public Hearing

Board Chambers, James J. McCoart Administration Building
1 County Complex Court, Prince William, VA 22192

AGENDA

SEPTEMBER 24, 2019

5:30 P.M. Work Session: Rural Area Preservation
Hylton Performing Arts Center - Gregory Family Theatre
10960 George Mason Circle, Manassas, VA

OCTOBER 2, 2019

7:00 P.M. Public Hearing
Board Chambers, James J. McCoart Administration Building
1 County Complex Court, Prince William, VA 22192

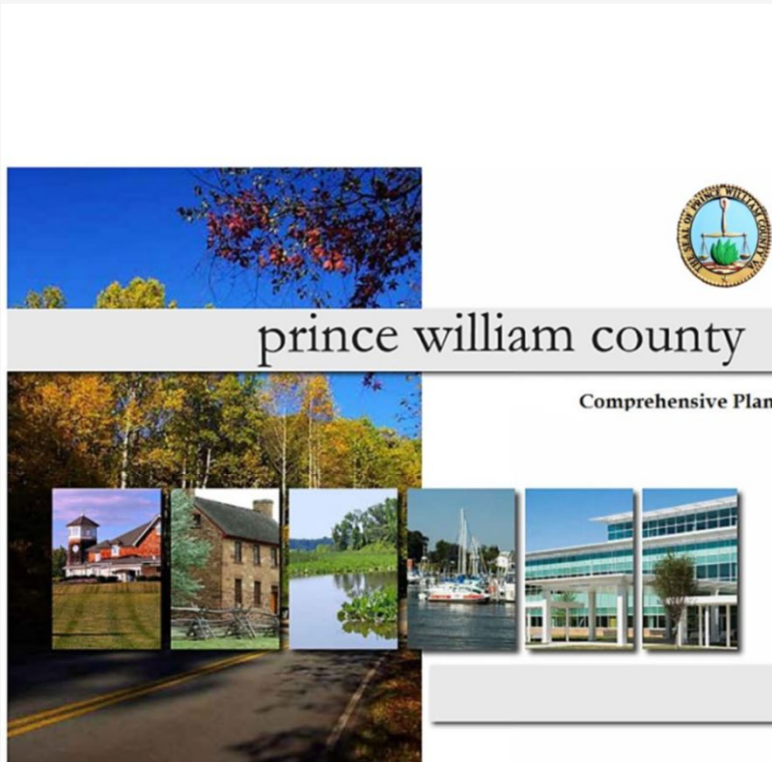


Prince William County Planning Office
Development Services Building
5 County Complex Court
Prince William, Virginia 22192

PLANNING COMMISSION 2019

William J. Milne, Chairman	Ocoquan Magisterial District
Rene M. Fry, Vice Chairman	Potomac Magisterial District
Don Taylor	At-Large
Richard R. Berry	Gainesville Magisterial District
Austin B. Haynes, Jr.	Coles Magisterial District
Edgar Bruce Holley	Neabsco Magisterial District
Patti McKay	Brentsville Magisterial District
Cynthia Moses-Nedd	Woodbridge Magisterial District

The Comprehensive Plan



Questions or Comments? [f](#) [t](#) [l](#)

Comprehensive Plan

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LONG-RANGE LAND USE PLAN*

- [MCB Quantico Special Study Area](#)

DEVELOPMENT

- [Community Design Plan](#)
- [Economic Development Plan*](#)
- [Housing Plan](#)

EDUCATION

- [Schools Plan*](#)
- [Libraries Plan*](#)

PARKS, RECREATION, & TOURISM

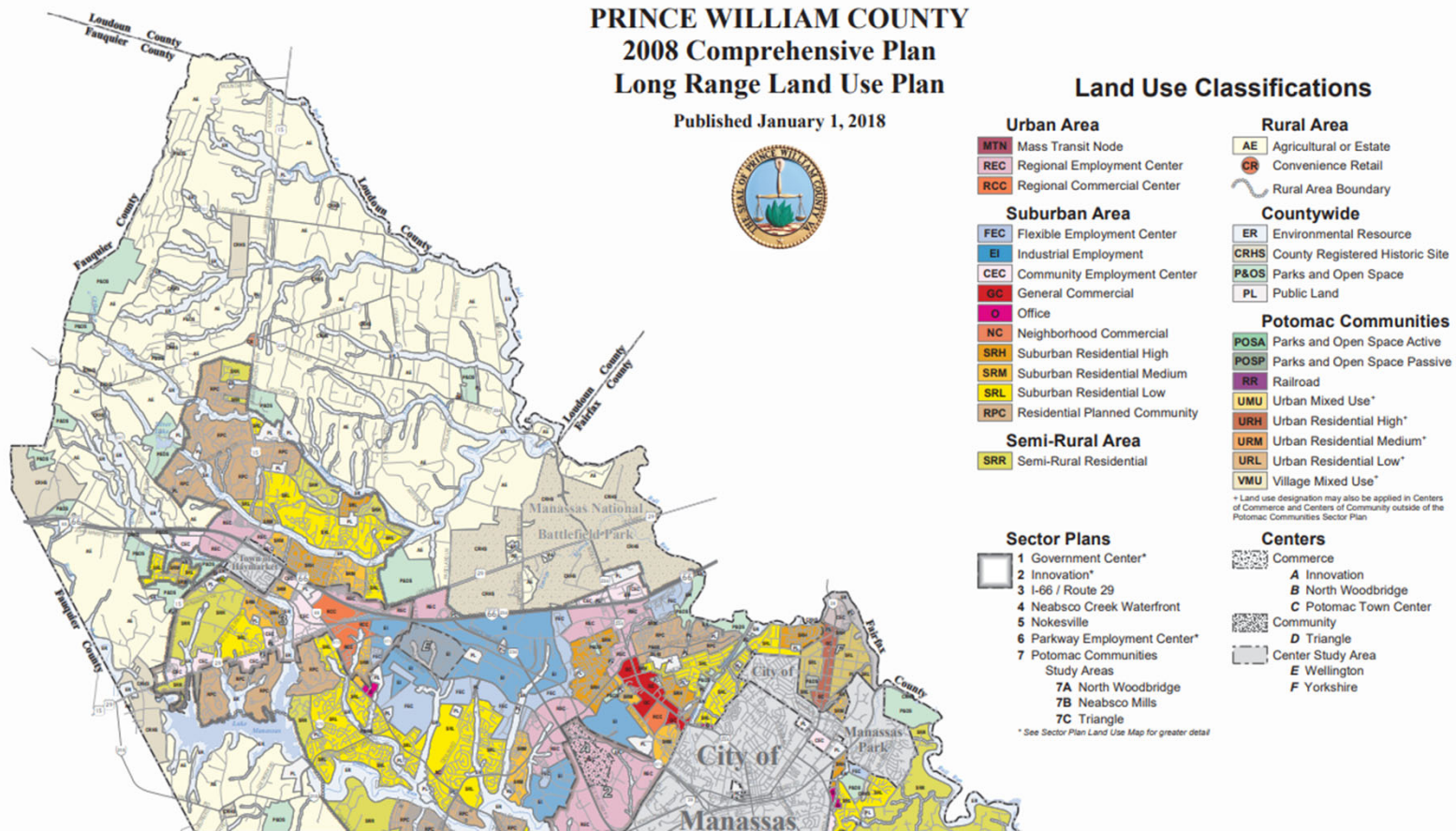
SAFE AND SECURE COMMUNITY

MOBILITY

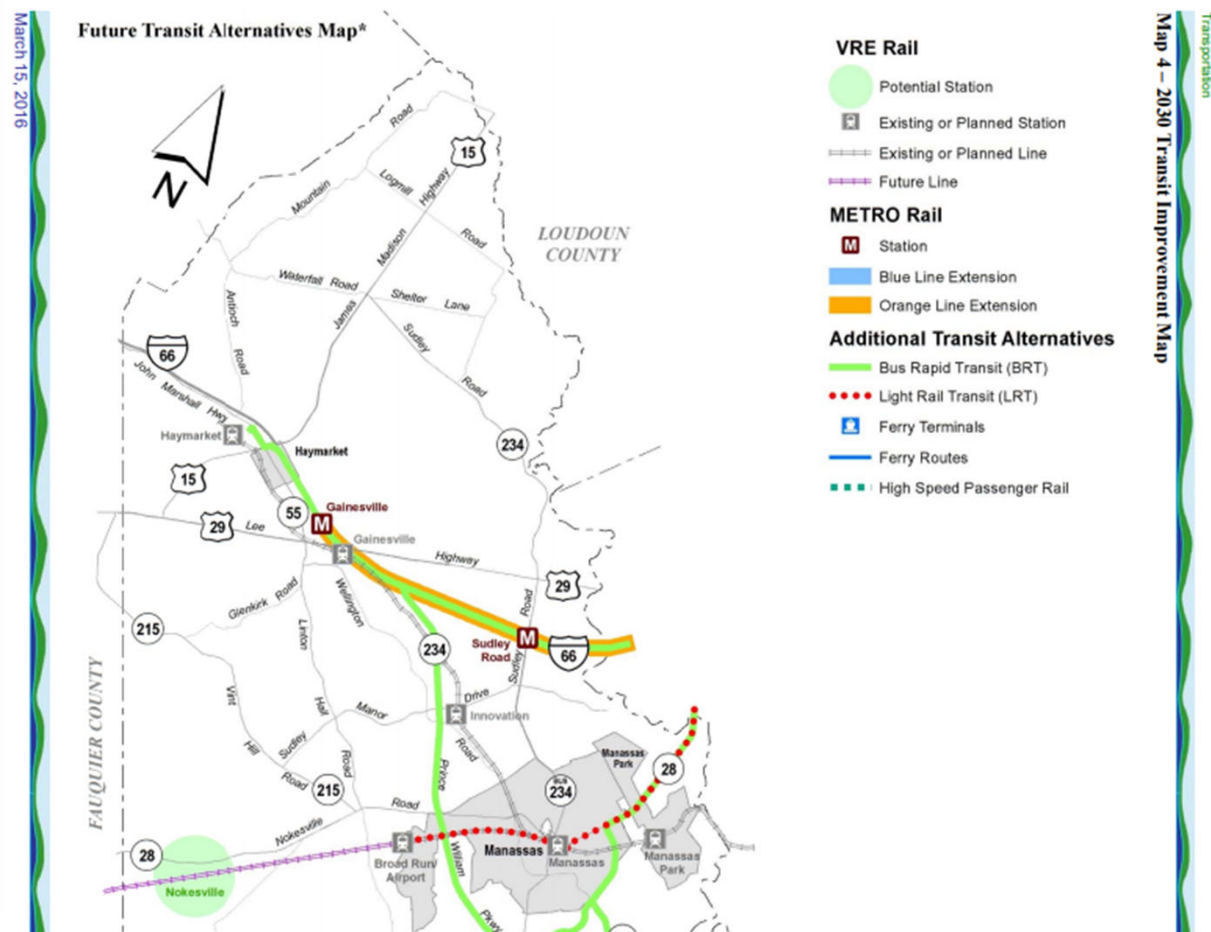
- [Transportation Plan*](#)

Comprehensive Plan

The Comprehensive Plan – Long Range Land Use



The Comprehensive Plan – Transit



Overview of Capital Improvement Plan (CIP)

- Current CIP (FY 2018 – FY 2022)
 - Public Safety Projects
 - 20+ Fire Station Projects
 - 10+ Police Stations Projects
 - Police Heliport
 - Public Safety Headquarters
 - Police Tactical Operations
 - Criminal Justice Academy
 - Public Schools Projects
 - 15+ Elementary School Projects
 - 6+ Middle School Projects
 - 7+ High School Projects





LAND DEVELOPMENT DIVISION

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SUBDIVISION ORDINANCE

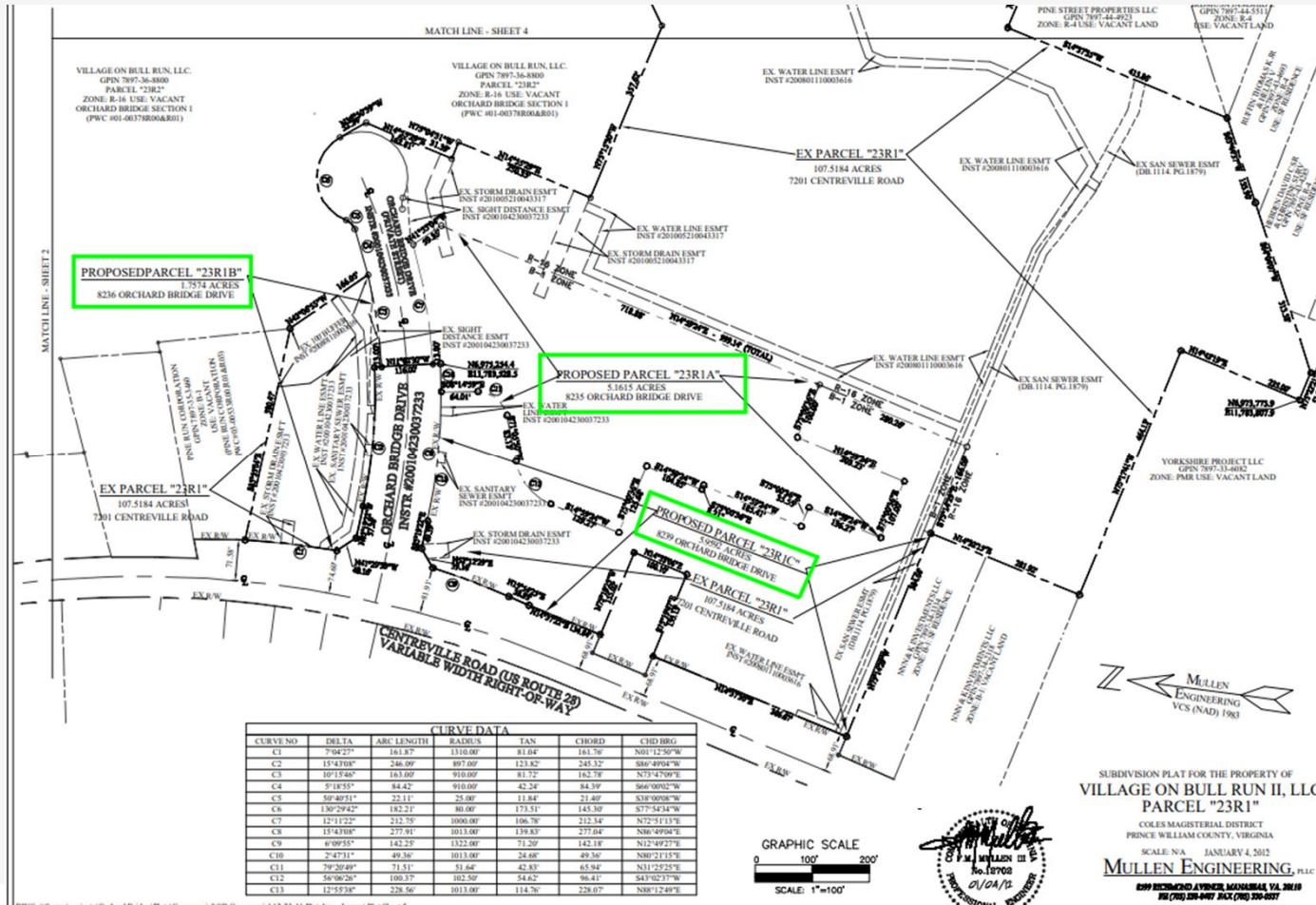
The subdivision of land in the County according to a reasonable set of requirements and guidelines confers benefits upon the individual landowner and upon the community. When a landowner seeks to acquire the advantages of lot subdivision, he or she must comply with the reasonable conditions laid down by the Board of County Supervisors for design, dedication, improvement, and restrictive use of land to conform to the adopted comprehensive plan for the physical and economic development of the County and for the safety and general welfare of the future lot owners in the subdivision and of the community at large.

The Board of County Supervisors pursuant to the recommendation of the Planning Commission and a public hearing held in accordance with § 15.2-2204 of the Code of Virginia does, by the adoption of the subdivision ordinance, exercise the police power given by §§ 15.2-2240 through 15.2-2276 of the Code of Virginia to assure the orderly subdivision of land and the police power conferred by § 15.2-2224 of the Code of Virginia to implement the comprehensive plan of the County and the general police power as given by § 15.2-1200 of the Code of Virginia.

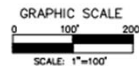
Wherever any subdivision of land is proposed, the subdivider shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth in the subdivision ordinance in the [Design and Construction Standards Manual](#) and in the [Administrative Procedures Manual](#). In most cases, a [Final Subdivision Plan](#) is required.

The Subdivision Ordinance has been amended by the Board of County Supervisors. The amendments became effective on Aug. 5, 2006. [View the Amended Subdivision Ordinance.](#)

Subdivision Plat



CURVE DATA					
CURVE NO	DELTA	ARC LENGTH	RADIUS	TAN	CHORD
C1	7°04'27"	161.87	1310.00'	81.04'	181.50'
C2	15°47'08"	246.99	897.00'	123.82'	245.32'
C3	10°13'46"	163.60	910.00'	81.72'	162.78'
C4	9°18'55"	84.42	910.00'	42.24'	84.30'
C5	50°49'51"	22.11	25.00'	11.84'	21.40'
C6	130°29'42"	182.21	80.00'	173.51'	145.30'
C7	12°11'22"	212.79	1080.00'	106.70'	212.24'
C8	13°41'08"	277.91	1011.00'	170.83'	277.68'
C9	6°09'55"	142.25	1322.00'	71.20'	142.18'
C10	2°47'31"	49.36	1013.00'	24.68'	49.30'
C11	79°20'49"	71.51	51.64'	42.83'	65.94'
C12	6°08'28"	100.32	1012.50'	50.24'	100.23'
C13	12°53'38"	228.50	1013.00'	114.70'	228.07'



SUBDIVISION PLAT FOR THE PROPERTY OF
VILLAGE ON BULL RUN II, LLC
PARCEL "23R1"
 COLES MAGISTERIAL DISTRICT
 PRINCE WILLIAM COUNTY, VIRGINIA
 SCALE: N/A JANUARY 4, 2012
MULLEN ENGINEERING, PLLC
 6399 RECREATION AVENUE, MANASSAS, VA 20108
 TEL (703) 520-6407 FAX (703) 520-0107

Zoning Ordinances



Chapter 32 - ZONING

- ARTICLE I. - TERMS DEFINED
- ARTICLE II. - ADMINISTRATION, PUBLIC USES AND USES OF A PUBLIC NATURE, GENERAL STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS
- ARTICLE III. - AGRICULTURAL AND RESIDENTIAL DISTRICTS
- ARTICLE IV. - COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS
- ARTICLE V. - OVERLAY DISTRICTS
- ARTICLE VI. - NONCONFORMING USES; RIGHTS
- ARTICLE VII. - AMENDMENTS TO THE ZONING ORDINANCE AND MAP; SPECIAL USE PERMITS
- ARTICLE VIII. - SITE PLANS
- ARTICLE IX. - BOARD OF ZONING APPEALS
- ARTICLE X. - VIOLATIONS, INFRACTIONS, AND PENALTIES

Zoning Home

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Zoning Ordinance

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ZONING ORDINANCE

The Prince William County Zoning Ordinance consists of text and a map that classifies all land into various zoning districts. The Zoning Ordinance is subject to periodic revisions upon action by the Board of County Supervisors. See the links below for the Zoning Ordinance Text and Map in the Municode section for Prince William County, Chapter 32 Zoning.

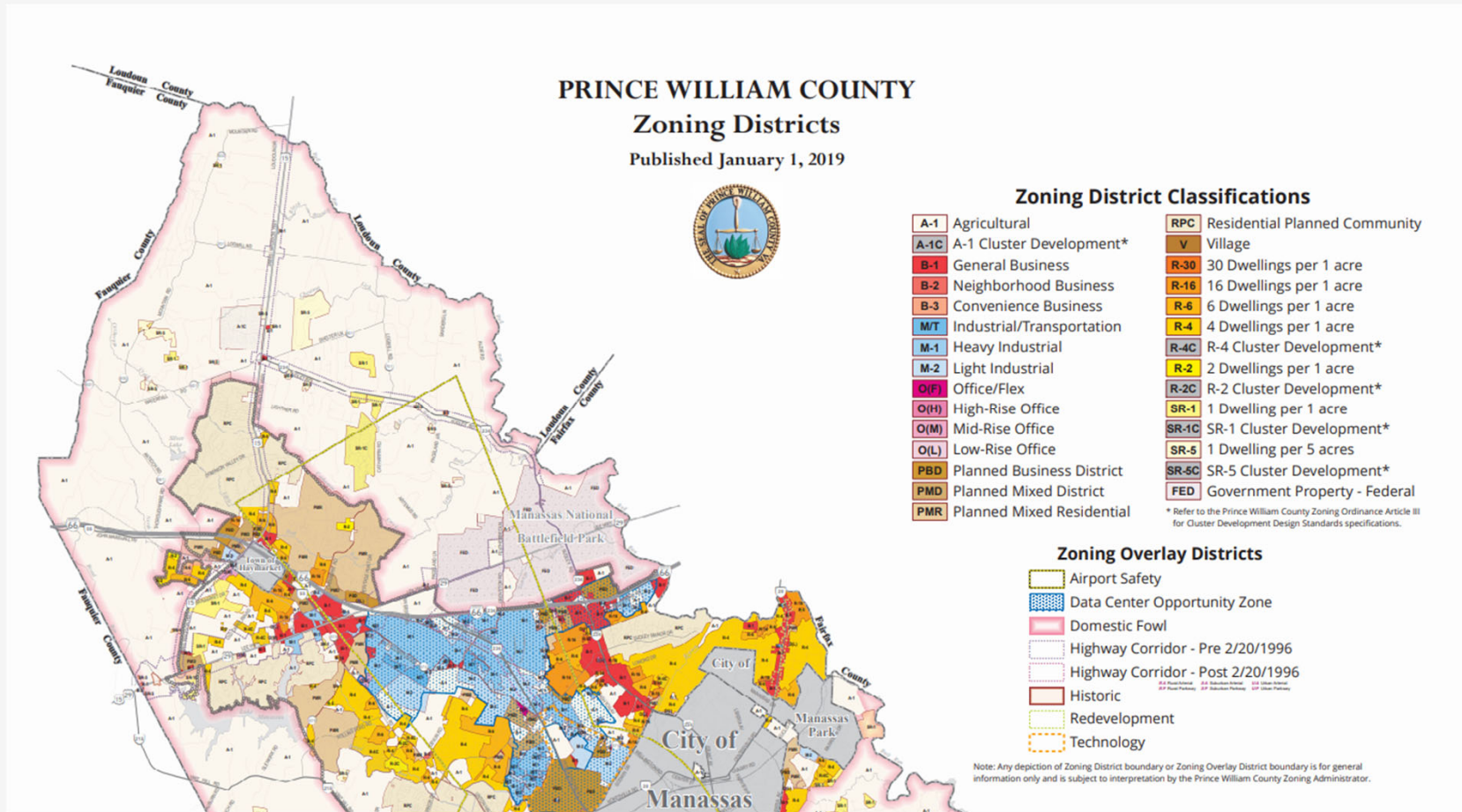
- [Zoning Ordinance Text*](#) (Municode)
- [Zoning Maps](#)
 - 1" = 5280'
 - 1" = 3000' (includes parcels)

***Important Please Note:** The Zoning Ordinance is **Chapter 32** of the Code of Prince William County in Municode. Changes to Municode from recently adopted Ordinances approved by the Board take approximately **four (4) months**. Recent amendments are available to view by going to the [Zoning Text Amendments](#) web page.

WHAT IS ZONING?

Zoning is a power, granted by the state, that allows Prince William County to regulate land use; the size and coverage of lots; the height, bulk, and siting of buildings; and the density of development. The Prince William County Zoning Ordinance, as adopted and amended, is for the general purpose of promoting the health, safety, and general welfare of the public; providing for development of new community centers with adequate highway, utility, health, educational and recreational facilities; recognizing and providing for the needs of agriculture, industry and business; providing that the growth of the community be consonant with the efficient and economical use of public funds; and implementing the intent, goals, policies and action strategies of the adopted [Comprehensive Plan](#).

Zoning Districts



Planning vs. Zoning

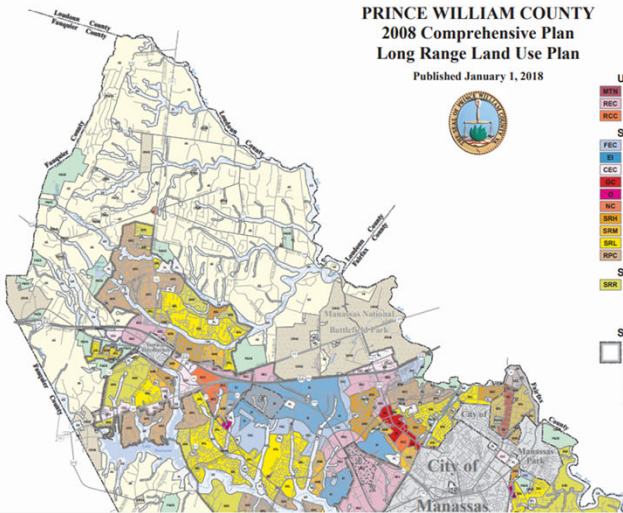
PRINCE WILLIAM COUNTY 2008 Comprehensive Plan Long Range Land Use Plan

Published January 1, 2018



Land Use Classifications

- | | |
|-----------------------------------|--------------------------------------|
| Urban Area | Rural Area |
| MN Mass Transit Node | AE Agricultural or Estate |
| REC Regional Employment Center | CR Convenience Retail |
| RCC Regional Commercial Center | RA Rural Area Boundary |
| Suburban Area | Countywide |
| FEC Flexible Employment Center | ER Environmental Resource |
| IE Industrial Employment | CRHS County Registered Historic Site |
| CEC Community Employment Center | P&OS Parks and Open Space |
| GC General Commercial | PL Public Land |
| OF Office | Potomac Communities |
| NC Neighborhood Commercial | POSA Parks and Open Space Active |
| SRH Suburban Residential High | POSP Parks and Open Space Passive |
| SRM Suburban Residential Medium | R Railroad |
| SRL Suburban Residential Low | UMU Urban Mixed Use* |
| RPC Residential Planned Community | URH Urban Residential High* |
| Semi-Rural Area | URM Urban Residential Medium* |
| SRR Semi-Rural Residential | URL Urban Residential Low* |
| | VMU Village Mixed Use* |
- *Land use designations may also be applied to Centers of Commerce and Centers of Community outside of the Potomac Communities Study Area
- | | |
|----------------------------------|-----------------------|
| Sector Plans | Centers |
| 1 Government Center* | A Innovation |
| 2 Innovation* | B North Woodbridge |
| 3 I-495 / Route 28 | C Potomac Town Center |
| 4 Neabsco Creek Waterfront | Community |
| 5 Nokesville | D Triangle |
| 6 Parkway Employment Center* | E Center Study Area |
| 7 Potomac Communities Study Area | F Wallingford |
| 7A North Woodbridge | F Yorkshire |
| 7B Neabsco Mills | |
| 7C Triangle | |
- *See Sector Plan Land Use Map for greater detail



PRINCE WILLIAM COUNTY Zoning Districts

Published January 1, 2019



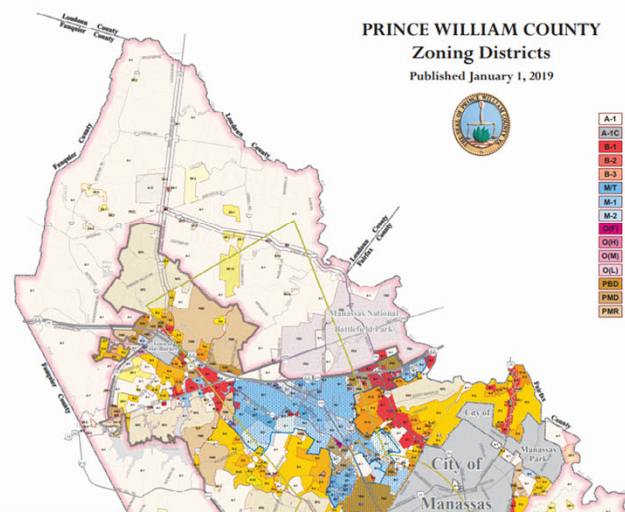
Zoning District Classifications

- | | |
|-------------------------------|-----------------------------------|
| A-1 Agricultural | RPC Residential Planned Community |
| A-1C A-1 Cluster Development* | V Village |
| B-1 General Business | R-30 30 Dwellings per 1 acre |
| B-2 Neighborhood Business | R-16 16 Dwellings per 1 acre |
| B-3 Convenience Business | R-6 6 Dwellings per 1 acre |
| MT Industrial/Transportation | R-4 4 Dwellings per 1 acre |
| M-1 Heavy Industrial | R-4C R-4 Cluster Development* |
| M-2 Light Industrial | R-2 2 Dwellings per 1 acre |
| OF Office/Flex | R-2C R-2 Cluster Development* |
| OH High-Rise Office | SR-1 1 Dwelling per 1 acre |
| OM Mid-Rise Office | SR-1C SR-1 Cluster Development* |
| OL Low-Rise Office | SR-5 1 Dwelling per 5 acres |
| PBD Planned Business District | SR-5C SR-5 Cluster Development* |
| PMO Planned Mixed District | FED Government Property - Federal |
| PMR Planned Mixed Residential | |
- *Refer to the Prince William County Zoning Ordinance Article 16 for Cluster Development Design Standards Specifications.

Zoning Overlay Districts

- AS Airport Safety
- DCO Data Center Opportunity Zone
- DFW Domestic Fowl
- HCC Highway Corridor - Pre 2/20/1996
- HCC Highway Corridor - Post 2/20/1996
- H Historic
- R Redevelopment
- T Technology

Note: Any depiction of Zoning District boundary or Zoning Overlay District boundary is for general information only and is subject to interpretation by the Prince William County Zoning Administrator.



Consistency With The Comprehensive Plan

**COMPATIBILITY MATRIX
ZONING AND COMPREHENSIVE PLAN DESIGNATIONS
NON-RESIDENTIAL**

		COMPREHENSIVE PLAN DESIGNATIONS											
		CEC	REC	RCC	MTN	O	FEC	EI	GC	NC	CR	UMU	VMU
ZONING DISTRICTS	B-1			●					●			● ⁴	
	B-2									●			
	B-3										●		
	O(L)	●				●			●				
	O(M)	●	●		●	●	●					● ⁴	
	O(H)		●		●	●						● ⁴	
	O(F)		● ¹			● ¹	●	●					
	M-1							●					
	M-2						●	● ²					
	M/T							●					
	PBD	●	●		●	●	●					●	
	PMD ³	●	●		●							●	
	V												●

¹ Only as part of a PBD/mixed-use zoning/development. Proffers would be requested to limit O(F) uses in these designations to office and office-like/office-compatible uses.

² Only as transition area and transition uses within EI planned area.

³ Town centers may only be established in Centers of Commerce or Centers of Community unless specifically identified in a sector plan.

⁴ B-1 only if other required components are included.



FAUQUIER COUNTY
Department of Community Development
Division of Zoning, Permitting and Inspections
29 Ashby Street, Suite 310
Warrenton, VA 20186

FAX: (540) 422-8231

TELEPHONE: (540) 422-8220

OFFICIAL NOTICE OF ZONING VIOLATION AND CORRECTIVE ORDER

Notice Date: May 29, 2013

Property: PIN 6044-67-8620, 10082 Gazebo Lane, Blackthorne Inn

Zoning: RA/Rural Agriculture & RC/Rural Conservation

Property Owner: StoneCreek Group LLC
5306 Inverchapel Road
Springfield VA 22151

Registered Agent: David Maurice Strong
6106 Greenlawn Court
Springfield VA 22152

DESCRIPTION OF VIOLATION

You are hereby notified that Fauquier County staff has inspected and researched the above referenced property and found a violation of the following provisions of the Fauquier County Zoning Ordinance:

Code Section	Description of Violation
3-309.5, 12-201	Operation of resort without required Special Exception approval (expired)
3-307, 12-201	Operation and expansion of restaurant without Special Exception approval (expired) and site plan.
3-309.14-16, 12-201	Events without Special Exception and site plan approval
13-501	Building structures without a Zoning Permit

CORRECTIVE ACTION REQUIRED

Please be advised that you have thirty (30) days to remedy the above violations by applying for all required special exceptions (resort, adaptive reuse for restaurant and events) and thereafter diligently pursuing the special exceptions and site plan approvals and then the required zoning and building permits. To proceed with the application for the special exception, please contact Holly Meade of the Planning Staff at 422-8210, she will assist you through the process.

If you do not comply within 30 days of the date of this letter, these violations will either be forwarded to the County Attorney's Office for appropriate legal action, or the County may begin imposing civil fines, **with a maximum fine of up to \$5,000.00 per violation authorized pursuant to Section 13-603.2 of the Fauquier County Zoning Ordinance.**

The determination by the Zoning Administrator that you are in violation of the Zoning Ordinance is a final decision. If you wish to contest this final decision, you must file an appeal with the Board of Zoning Appeals by submitting a land development application, a filing fee of \$500.00, and the basis for your appeal within thirty (30) days of the date on this notice to the Department of Community Development. Failure to appeal within thirty (30) days will result in your loss of the right to appeal in this matter.

If you have questions about the violation or the required corrective action, please contact our office at (540) 422-8220. Thank you for your prompt attention to this matter.

Notice By: _____
Kimberley Johnson, Zoning Administrator

cc: Peter Schwartz, Marshal District Supervisor
Marianne Primeau, Assistant County Attorney
Holly Meade, Assistant Chief of Planning

Zoning Changes

PROTORÆ LAW

SP-R

BOs

BZA

SE

C-2

CPA

SPA

CUP

SUP

B-3

M-1

BOCS

SEA

PC

I-5

REZ

The Review Process

WATERSHED MANAGEMENT COMMENTS

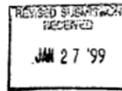
PROJECT: Park Valley Church Expansion
PROJECT#: SUP2019-00043
FROM: Benjamin Eib, Assistant Chief of Watershed Management Branch
REVIEWERS: Julia Flanagan (Arborist), Clay Morris (Environmental Engineer)
DATE: May 1, 2019
REQUEST: Amend conditions with SUP PLN2013-00332 to allow additional accessory parking, right-out egress onto Route 15 and to allow seven temporary modular classrooms.

Staff Report

VIRGINIA DEPARTMENT OF TRANSPORTATION PRINCE WILLIAM LAND USE PROJECT REVIEW COMMENT AND RESOLUTION SHEET				TIA - ACCEPTED	COMMENT CATEGORIES: 1. REQUIREMENT 2. RECOMMENDATION
COUNTY PROJECT NUMBER: SUP 2019-00009		DEVELOPER/ENGINEER: KIMLEY HORN		REVIEWER(S): HREN C JOSHI; P.E./MOHSIN ZAIDI, P.E.	DATE: 11/29/2018
PROJECT NAME: McDONALD'S-JEFFERSON PLAZA		REVIEW PHASE & TYPE: 2 ND SUBMISSION		DISCIPLINE: PW LAND USE	
ITEM No.	Dwg. No. ⁽¹⁾	COMMENTS	COMMENT CATEGORY	RESPONSE ⁽²⁾ DATE:	FINAL DISPOSITION ⁽³⁾
2.01	GDP	Trip generation should be provided on the site entrances resulting from the redevelopment of the restaurant/fast food business.	1		
2.02	GDP	For the substandard crossover spacing of the site entrance from the intersection along Rte.1, Access Management Exception needs to be submitted for VDOT approval.	1		
2.03	GDP	For substandard lengths of taper and turn lanes along Rte.1 for site access, design waiver needs to be submitted for VDOT approval. Please note that such an exception will be reviewed by NOVA-Location and Design Section as it pertains to NHS.	1		

Conditional Zoning: Proffer System

Rev. 05/22/97
11/03/97
01/08/98
02/03/98
11/04/98
12/29/98
01/22/99



PROFFER STATEMENT

RE: REZ #99-0005, Heritage Hunt Residential
Applicant/Record Owner: U.S. Home Corporation; Mitchell R. and Emily C. Shell;
Thomas and Annette Peirce
Property: 782.3036 acres, Gainesville Magisterial District
Rezoning and Proffer Amendment
(1) 713.887 acres PMR
(2) 39.808 acres R-20
(3) 28.6086 acres PMR Addition

Date: January 22, 1999

The undersigned hereby proffers that the use and development of the subject Property shall be in strict conformance with the following conditions and shall supersede all other proffers made prior hereto, including REZ #98-0013. In the event the above-referenced rezoning is not granted as applied for by Applicant, these proffers shall be withdrawn and are null and void and all existing applicable proffers associated with REZ #98-0013 shall govern.

"Final Rezoning", as the term is used herein, shall be defined as that zoning which is in effect on the day following the last day upon which the Prince William Board of County Supervisors' decision granting the rezoning may be contested in the appropriate court or, if contested, the day following entry of a final court order affirming the decision of the Board of Supervisors which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. Any improvements proffered herein shall be provided at the time of development of that portion of the site adjacent to the improvement, unless otherwise specified. The term "Applicant" as referenced herein shall include within its meaning all future owners and successors in interest.

APPROVED
PROFFER/DEVELOPMENT PLAN
Robert C. Bainbridge
February 17, 1999
Date
OFFICE OF PLANNING

12. The Applicant shall made a monetary contribution to the Prince William Board of County Supervisors in the amount of \$1,035.00 per residential unit constructed on the PMR Addition Property (Land Bay H) to be used for transportation improvements in the area, including transit improvements. Said contribution shall be made at the time a building permit is issued for each unit on said PMR Addition Property (Land Bay H).

PMR USE AND SITE DEVELOPMENT

13. For purposes of applying the development parameters as set forth herein and on the Master Plan, reference is hereby made to the land bays of the Property identified on the Master Plan as Land Bays A through H. Development of the land bays shall take place in substantial accordance with the Land Bays as depicted on the Master Plan. The exact boundaries and acreage of each Land Bay may be increased or decreased at the site plan or subdivision stage, not to exceed ten percent (10%) of the gross land area of the larger land bay impacted by each such change. Access points to the individual Land Bays may vary in location and number based on final engineering and planning but shall be in accordance with approved standards, or as otherwise approved by the County at the time of site/subdivision plan.
14. A maximum of 2,034 residential units shall be developed on the Property and occupancy of said units shall be age restricted in accordance with the following parameters:
- a. At least eighty percent (80%) of the occupied residential units shall be occupied by at least one person fifty five (55) years of age or older and within such units the following conditions shall apply.
- (1) All other residents must reside with a person who is 55 years of age or older, and be a spouse, a cohabitant, an occupant's child eighteen (18) years of age or older, or provide primary physical or economic support to the person who is 55 years of age or older. Notwithstanding this limitation, a person hired to provide live-in, long term or terminal health care to a person who is 55 years of age or older for compensation may also occupy a dwelling during any time such person is actually providing such care.

9

APPROVED
PROFFER/DEVELOPMENT PLAN
Robert C. Bainbridge
February 17, 1999
Date

Koontz v. St. Johns River Water Mgmt. Dist., 570 U.S. __ (2013)

Opinions

Audio & Media

Syllabus

Opinion (Alito)

Dissent (Kagan)

[are] not readily applicable to,” a claim based on the mere “denial of [a] development” permit). Before applying Nollan and Dolan, a court must find that the permit denial occurred because the government made a demand of the landowner, which he rebuffed.

And unless Nollan and Dolan are to wreck land-use permitting throughout the country—to the detriment of both communities and property owners—that demand must be unequivocal. If a local government risked a lawsuit every time it made a suggestion to an applicant about how to meet permitting criteria, it would cease to do so; indeed, the government might desist altogether from communicating with applicants. That hazard is to some extent baked into Nollan and Dolan; observers have wondered whether those decisions have inclined some local governments to deny permit applications outright, rather than negotiate agreements that could work to both sides’ advantage. See W. Fischel, *Regulatory Takings* 346 (1995). But that danger would rise exponentially if something less than a clear condition—if each idea or proposal offered in the back-and-forth of reconciling diverse interests—triggered Nollan-Dolan scrutiny. At that point, **no local government official with a decent lawyer would have a conversation with a developer.** Hence the need to reserve Nollan and Dolan, as we always have, for reviewing only what an official demands, not all he says in negotiations.

The Washington Post
Democracy Dies in Darkness

Virginia Politics

Va. bills seek to weaken land-use tool behind new roads, parks and schools

“We feel that proffers have gotten out of control,” said Snell, whose group helped craft the legislation. “They’ve grown out of proportion to where now localities have already predetermined proffers, which become demands, which is exactly the opposite of the word ‘proffer.’ ”

SB1373



HB2342



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2015

Virginia Existing Building Code
Part II of the Virginia Uniform Statewide Building Code



Effective September 4, 2018

Land Development Research Tools



Loudoun Online Land Application System (LOLA)

The screenshot displays the 'Development Services ePortal' for Prince William County, Virginia. At the top, the title 'Development Services ePortal' is centered. Below it is a horizontal navigation menu with buttons for 'Home', 'Permits', 'Inspections', 'Plans', 'Requests', 'Code Enforcement', 'I Want to...', and 'Help'. A banner image below the menu features four panels: a yellow excavator, a road construction site, hands reviewing blueprints, and a map. To the right of the banner is the Prince William County seal. Below the banner, the text 'PRINCE WILLIAM COUNTY, VIRGINIA' is displayed. A login/register bar contains the links '[Log On] / [Register]'. The main content area begins with the heading 'Welcome to the Development Services ePortal'. A paragraph states: 'The ePortal System offers 24-hour access to the following services: Permits, Inspections, Plans, Requests, and Code Enforcement.' Below this, it says: 'ePortal will allow you access to the following services without a registered ePortal account:'. A bulleted list follows:

- [Search Construction and Land Permits](#) by address, permit number or project name.
- [Search for a Plan](#) by address or plan case type.
- To search for rezonings, special use permits, proffer amendments, comprehensive plan amendments and public facility reviews you may also search using the [Pending Cases Map](#). For a report of these pending cases, see the [Development Application Processing Schedule \(DAPS\)](#).
- [View Today's Inspections](#)
- [View the Hearings and Meetings Calendar](#)

Vested Rights, Zoning Letters (pg. 17)

- Vesting protects specific approved use against change in zoning
- Lawfully nonconforming (was allowed but isn't anymore)
 - Lot
 - Structure
 - Use ("NCU")
- Statutory Vesting
 - SAGA (15.2-2307)
 - Remedial vesting (15.2-2311)
- Zoning Letters
 - Zoning Compliance Letter
 - Zoning Interpretation, Determination, Decision

Case Law & Legislative Update

PROTORÆ LAW

Recent Cases – pp. 26 - 33

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Questions?

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