



Department of Community Development
777 Lynn Street
Herndon, Virginia 20170-4602

APPLICATION FOR A ZONING MAP AMENDMENT

Submittal of this form with original signatures is required. PLEASE PRINT OR TYPE (Unless otherwise indicated.)

Address or location of the subject property:

Current zoning of subject property: Proposed zoning of subject property:

Is the purpose of this application to amend only land uses listed in previously approved proffered conditions? No Yes

Summary Description of Proposal (attach additional sheets as necessary):

Name and role of principal contact for this application: (property owner, agent authorized to act on behalf of property owner, or contract purchaser):

Mailing Address:

E-mail address Telephone # FAX #

The undersigned hereby applies for a Zoning Map Amendment under the provisions of § 78-202.1 of the Herndon Town Code.

I hereby affirm and certify that:

- The information provided on this form is true and correct to the best of my knowledge.
The requirements associated with this application have been read and are understood.
The use and occupancy of buildings and/or the use of land noted above is proposed in conformance with all provisions of the Town of Herndon, Virginia Zoning Ordinance regulations to the best of my knowledge.

Signature of Applicant (Property Owner, Contract Purchaser, or Authorized Agent) Date

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TO BE SUBMITTED WITH THIS APPLICATION (per Zoning Ordinance § 78-202.1)

- Name and title of all Co-Applicants (Property Owner(s), Contract Purchasers, and Agents Authorized to Act on Behalf of the Property Owner) with respective mailing addresses, telephone numbers, fax numbers, and e-mail addresses;
- Copy of an affidavit stating whether or not any member or any member of the immediate household of any member of the Planning Commission or the Town Council has any interest in the subject property, either individually, by ownership of stock in a corporation or partnership;
- A statement indicating whether or not statements, plans, profiles, elevations and other demonstrative materials submitted with the application are proffered as conditions of the application;
- Statement of Justification for the proposed Zoning Map Amendment;
- Ten copies of a Generalized Development Plan and all other materials meeting the requirements of § 78-201.3 and § 78-202.1;
- Ten copies of a Traffic Impact Study meeting the requirements of § 78-501.2.
- Completion of VDOT Chapter 527 Review Process Applicability Certification (notarized).

REQUIREMENTS FOR ALL APPLICATIONS (Zoning Ordinance § 78-201.3)

- A statement from the landowner(s) authorizing the agent to act on their behalf (if applicable);
- If a pre-application conference took place, a statement indicating the date and time a pre-application conference was held with the Town, as well as a list of participants in the conference;
- If a neighborhood meeting was held prior to application submittal, a statement indicating the date, time, location, invitation list, number of attendees, and outcome of the meeting;
- A receipt or other documentation indicating that taxes have been paid on lands subject to the application (may be obtained when application is filed);
- Application Fee and Review Fees.

Certification, in a form prescribed by the Zoning Administrator, that public notification regarding a public hearing has been given in accordance with § 78-201.9, Public Notification, shall be submitted upon completion of proper notification by the applicant.

For Office Use Only

Application Received by:	Case No.:
Tax Map Reference:	Status of Taxes: <input type="checkbox"/> Paid <input type="checkbox"/> Delinquent
Fee paid:	Date:

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VDOT Chapter 527 Review Process Applicability Certification

Certification

The following certification must be completed and submitted at the time of, or prior to, the initial submission of a land development application to the Department of Community Development (check the appropriate box below):

I, the undersigned, do hereby certify that the VDOT Chapter 527 review process as referenced in § 15.2-2222.1 of the Code of Virginia and 24 VAC 30-155 of the VDOT regulations

is not applicable

is applicable

to the attached land development application listed below. If applicable, I do further agree to present a receipt from VDOT certifying that the required materials and fees specified in 24 VAC 30-155 of the VDOT regulations have been submitted. I understand that I will not receive a response to the land development application before the verification is presented.

Applicant Name (Print or Type)

Applicant Signature

Name of Land Development Application

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, in the Town/City/County of _____, in the Commonwealth of _____.

Notary Public
My Commission expires: _____

VDOT Northern Virginia District Contact Information:

14685 Avion Parkway
Chantilly, VA 20151-1104
Paul Kraucunas, Project Manager
(703) 383-VDOT
E-mail: NOVAinfo@vdot.virginia.gov

<http://www.virginiadot.org/projects/chapter527/>

VDOT Certification of Receipt

All materials and fees required for the Traffic Impact Analysis have been received by this office.

Signed _____

Name (print) _____

Date _____

Chapter 527 Traffic Impact Analysis Requirements

Process		Threshold	Review Process*	Fee**
Comprehensive Plan and Plan Amendments		5,000 Vehicles Per Day on state-controlled highways, or Major change to infrastructure / transportation facilities	Application submitted to VDOT for review and comment VDOT may request a meeting with the locality within 30 days Review to be completed in 90 days or later if mutually agreed	\$1000 covers first and second review (No fee if initiated by locality or other public agency)
Rezoning	Residential	100 Vehicles Per Hour on state-controlled highways, or 100 VPH on locality maintained streets AND within 3000 feet of a state maintained highway, or 200 VPD AND more than doubles current traffic volume on a state controlled highway	TIA and Application submitted to VDOT for review and comment VDOT may request a meeting with the locality and applicant within 45 days Review to be completed in 45 days if no meeting is scheduled or within 120 days otherwise NOTES: 1. When a related comprehensive plan revision and rezoning proposal are being considered concurrently for the same geographical area, then only a rezoning TIA package is required.	For first and Second review: \$500 - 100 VPH or less \$1000 - more than 100 VPH (No fee if initiated by locality or other public agency)
	All Other Land Uses ***	250 VPH or 2500 VPD on state-controlled highways, or 250 VPH or 2500 VPD on locality maintained streets AND within 3000 feet of a state maintained highway		
Subdivision Plat, Site Plan, or Plan of Development	Residential	100 VPH on state-controlled highways, or 100 VPH on locality maintained streets AND within 3000 feet of a state maintained highway, or 200 VPD AND more than doubles current traffic volume on a state controlled highway	TIA and Application and Plans submitted to VDOT for review and comment. VDOT may request a meeting with the locality and applicant within 30 days Review to be completed in 30 days if no meeting is scheduled or within 90 days otherwise NOTES: 1. Not required IF assumptions and conclusions remain valid in the Rezoning TIA submitted to VDOT in accordance with Chapter 527 (must include copy of previous TIS if rezoning approval is more than 2 years old) 2. Required IF a Rezoning TIA was NOT submitted to VDOT in accordance with Chapter 527 3. Required IF conditions analyzed in Rezoning TIA submitted to VDOT in accordance with Chapter 527 have materially changed such that adverse impacts to state-controlled highways have increased	For first and Second review: \$500 - 100 VPH or less \$1000 - more than 100 VPH (No fee if initiated by locality or other public agency)
	All Other ***	250 VPH or 2500 VPD on state-controlled highways, or 250 VPH or 2500 VPD on locality maintained streets AND within 3000 feet of a state maintained highway		

* For proposals generating less than 1000 VPH the locality and/or applicant may request a Scope of Work Meeting with VDOT. For proposals generating 1000 VPH or more the locality and/or the applicant shall hold a Scope of Work Meeting with VDOT.

** Third or subsequent submissions require additional fee as though they were an initial submission.

*** For mixed use developments, a proposal is deemed to have significant impact if the trips associated with the residential component exceed 100 VPH, or if the total trips generated exceed either 250 VPH, or 2500 VPD.

Rezoning Package Checklist

Traffic Impact Analysis Regulations: 24 VAC 30-155-40

- A COVER SHEET** containing:
 - Contact Information** for the
 - Locality,
 - Developer (or owner), if applicable;
 - Site Information**
 - Rezoning location,
 - Highways adjacent to the site,
 - Parcel number or numbers;
 - Proposal Summary** with the
 - Development's name,
 - Size (acreage),
 - Proposed zoning;
 - Proposed types of land uses, including maximum number of lots or maximum business square feet, and
 - A Statement** regarding the proposal's compliance with the comprehensive plan.
- A TRAFFIC IMPACT ANALYSIS** prepared in accordance with 24-VAC-30-155-60.
- A CONCEPT PLAN** of the proposed development.
- ANY PROFFERED CONDITIONS** submitted by the applicant.
- FEES** -
 - For the initial or second review** of a rezoning proposal, a single fee for both reviews will be determined by the number of vehicle trips generated per peak hour of the generator, as follows:
 - 100 or fewer vehicles per peak hour - \$500
 - More than 100 vehicles per peak hour - \$1,000
 - For a third or subsequent submission** of a rezoning proposal that is requested by VDOT on the basis of the failure of the applicant to address deficiencies previously identified by VDOT, the fee is equal to the initial fee paid.

Regulations for Implementation of Traffic Impact Analysis

REGULATIONS

24 VAC 30-155-20. Authority.

Section 15.2-2222.1 of the Code of Virginia requires localities to submit comprehensive plans and amendments to comprehensive plans that will substantially affect transportation on state-controlled highways to VDOT in order for the agency to review and provide comments on the impact of the item submitted. This section also requires localities to submit traffic impact statements along with proposed rezonings, site plans, subdivision plats, and subdivision development plans that will substantially affect transportation on state-controlled highways to VDOT for comment by the agency. Chapter 527 of the 2006 Acts of Assembly directs VDOT to promulgate regulations for the implementation of these requirements.

§ 15.2-2222.1 (Effective July 1, 2007) Coordination of state and local transportation planning

- A. Prior to adoption of any comprehensive plan pursuant to § [15.2-2223](#), any part of a comprehensive plan pursuant to § [15.2-2228](#), or any amendment to any comprehensive plan as described in § [15.2-2229](#), the locality shall submit such plan or amendment to the Department of Transportation for review and comment if the plan or amendment will substantially affect transportation on state controlled highways as defined by regulations promulgated by the Department. The Department's comments on the proposed plan or amendment shall relate to plans and capacities for construction of transportation facilities affected by the proposal. Within 30 days of receipt of such proposed plan or amendment, the Department may request, and the locality shall agree to, a meeting between the Department and the local planning commission or other agent to discuss the plan or amendment, which discussions shall continue as long as the participants may deem them useful. The Department shall make written comments within 90 days after receipt of the plan or amendment, or by such later deadline as may be agreed to by the parties in the discussions.
- B. Upon submission to, or initiation by, a locality of a proposed rezoning under § [15.2-2286](#), [15.2-2297](#), [15.2-2298](#), or [15.2-2303](#), the locality shall submit the proposal to the Department of Transportation within 10 business days of receipt thereof if the proposal will substantially affect transportation on state-controlled highways. Such application shall include a traffic impact statement if required by local ordinance or pursuant to regulations promulgated by the Department. Within 45 days of its receipt of such traffic impact statement, the Department shall either (i) provide written comment on the proposed rezoning to the locality, or (ii) schedule a meeting, to be held within 60 days of its receipt of the proposal, with the local planning commission or other agent and the rezoning applicant to discuss potential modifications to the proposal to address any concerns or deficiencies. The Department's comments on the proposed rezoning shall be based upon the comprehensive plan, regulations and guidelines of the Department, engineering and design considerations, any adopted regional or statewide plans and short and long term traffic impacts on and off site. The Department shall complete its initial review of the rezoning proposal within 45 days, and its final review within 120 days, after it receives the rezoning proposal from the locality.
- C. When a locality receives a subdivision plat pursuant to § [15.2-2258](#) or [15.2-2260](#), or a site plan or plan of development pursuant to subdivision A 8 of § [15.2-2286](#), the locality shall submit such plat or plan to the Department of Transportation in accordance with § [15.2-2260](#) within 10 business days if the plat or plan substantially affects transportation on state-controlled highways as defined by regulations promulgated by the Department. Such plat or plan shall include supplemental traffic analysis if required by local ordinance or resolution or pursuant to regulations promulgated by the Department. Within 30 days of its receipt of such plat or plan, the Department shall either (i) provide written comment on the plat or plan, or (ii) schedule a meeting, to be held within 60

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days of the Department's receipt of the plat or plan, with members of the local planning commission or other agent of the locality to discuss potential modifications to the plat or plan to address any concerns or deficiencies. The Department's comments on the plat or plan shall be based upon the comprehensive plan, regulations or guidelines of the Department, engineering and design considerations, any adopted statewide or regional plans and short and long term traffic impacts on and off site. The Department shall complete its final review within 90 days after it receives such plat or plan from the locality. The submission of the application to the Department shall toll all times for local review set out in this chapter until the locality has received the Department's final comments.

- D. If a locality has not received written comments within the timeframes specified in subsections B or C, the locality may assume that the Department has no comments.
- E. The review requirements set forth in this section shall be supplemental to, and shall not affect, any requirement for review by the Department of Transportation or the locality under any other provision of law. Nothing in this section shall be deemed to prohibit any additional consultations concerning land development or transportation facilities that may occur between the Department and localities as a result of existing or future administrative practice or procedure, or by mutual agreement.
- F. The Department shall impose fees and charges for the review of applications, plans and plats pursuant to paragraphs A, B, and C, and such fees and charges shall not exceed \$1,000 for each review.
- G. Until July 1, 2008, the Department shall not be subject to the requirements of the Administrative Process Act (§ [2.2-4000](#) et seq.) in promulgating regulations pursuant to this section, and the Commonwealth Transportation Commissioner may phase the implementation of regulations promulgated pursuant to this section as he may deem appropriate.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+15.2-2222.1>