

## Key Terms – Public Hearings and Community Meetings

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**ADJACENT OWNER** – A person holding legal interest in real property bordering or next to property that is the subject of a pending application.

**ADOPT** – The term adopt refers to the Board/Council’s acceptance of or agreement to a proposed ordinance, resolution, amendment or motion.

**AGENDA** – The term “agenda” refers either to the list of ordinances, resolutions or similar items that the Board/Council will consider in a meeting or more generally to the order of business at a meeting.

**AMENDMENT** – An amendment is a change to the language of an ordinance or resolution that have been introduced but not acted on by the Council/Board. An amendment to an ordinance or resolution that either has been introduced but not acted on is made by a member through a “motion to amend.”

**AS-OF-RIGHT DEVELOPMENT** – An as-of-right development complies with all applicable zoning regulations and does not require any discretionary action by the Planning Commission or Board of Supervisors.

**AWARDS AND PRESENTATION PERIOD** – The Awards and Presentation Period usually immediately precedes the Citizen Comment Period during the public recognition portion of a regular Board/Council meeting.

**BOARD OF SUPERVISORS** – Is the governing body of a county and is similar to a city council, which is the governing body used in the City of Richmond. The Code of Virginia state that the Board of Supervisors shall have the power to: prepare and approve the county budget; levy taxes and appropriate funds; audit claims against the county; issue warrants in settlement of all claims and accounts; construct and maintain county buildings; approve and enforce the county’s comprehensive plan and land use control ordinances (e.g., rezoning requests, comprehensive plan amendments, conditional use permits...); make and enforce ordinances for police, sanitation, health, and environmental government as authorized by law; and provide for the care and treatment of indigent and physically handicapped county citizens.

The agenda for Board of Supervisors/City Council/Town Council meetings will generally include the following items:

- ❖ Invocation
- ❖ Pledge of allegiance
- ❖ Roll call
- ❖ Approval of minutes
- ❖ Consideration of agenda items
- ❖ Citizens' time(s)
- ❖ Consent agenda
- ❖ Administrative items
- ❖ Closed Session
- ❖ Presentations
- ❖ Public hearings
- ❖ Additional administrative items
- ❖ Announcements and comments
- ❖ Adjournment

Each county has rules and regulations the Board of Supervisors/City Council abides by. Examples of procedural documents for the Richmond Metropolitan Area are the Rules of Procedure for the City of Richmond located here:

[http://www.richmondgov.com/CityClerk/documents/RulesofProcedure\\_01022013.pdf](http://www.richmondgov.com/CityClerk/documents/RulesofProcedure_01022013.pdf) and the Hanover County Board of Supervisors Standing Rules and Procedures located here:  
<http://www.co.hanover.va.us/board/BOS-Rules-Procedures.pdf>

Each county allots a certain amount of time for citizens to speak during the comment periods, public hearings and meetings as a whole. For more information, visit the county/city website or call your local planning department.

**BOARD OF ZONING APPEALS (BZA)** – In Virginia, the Board of Zoning Appeals is responsible for hearing appeals from orders, requirements, decisions or determinations by the local zoning administrator. In addition, the BZA is responsible for granting variances from local zoning regulations, as well as issuing special exceptions under the local zoning ordinance.

The agenda for Board of Zoning Appeals will generally include the following items:

- ❖ Call to order
- ❖ Roll Call
- ❖ Approval of minutes
- ❖ Hearing of cases on the agenda (variances, appeals and special exceptions)
- ❖ New business
- ❖ Unfinished business
- ❖ Adjournment

Each county has rules and regulations by which the Board of Zoning Appeals abides. An example of a procedural document for the Richmond Metropolitan Area is the Rules of Procedure for Henrico County, Virginia located here:

<http://www.co.henrico.va.us/planning/board-of-zoning-appeals/rules-of-procedure/>

**CITIZEN COMMENT PERIOD** – This is part of the public recognition portion of a Board/Council/Commission meeting. It serves as a forum for citizens to address the Council on any topic that is not on the Board/Council’s agenda for that meeting. The amount of time dedicated to the citizen comment period varies by county and may range from 15 – 30 minutes with individuals being limited to 3 – 5 minutes to speak. Some meetings have two citizen comment periods. In some cases, like with the City of Richmond Town Council, citizens are required to schedule their appearance before meetings. Check county/city websites for more information. Each county/city has different rules, but before addressing the Commission/Board/Council always state your name. Sometimes it is required of the speaker to also state an address or the district they reside in district.

**COMPREHENSIVE PLAN** – Required under §15.2 2223 of the Code of Virginia, the Comprehensive Plan sets forth the general policies for long term growth in the County/city and depicts planned development by the type and intensity of use. The Plan must be reviewed by the Planning Commission and the Board of Supervisors at least once every five years. The Comprehensive Plan serves as a guide to development and is advisory.

**CONDITIONAL USE** – May be permitted subject to conditional approval provided it will not be detrimental to public health and welfare and not impair the integrity and character of the district. Such uses are conditioned so they will not be unsuitable to the surrounding area or the community at large. Conditional uses are discretionary and there is always the possibility an application will be denied.

**CONDITIONS** – Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**CONSENT AGENDA** -- The consent agenda is a method for the expeditious handling of several items at one time that do not require in-depth discussion by the Board/Council. Items on the consent agenda are generally routine and non-controversial and are normally adopted as a group by a single unanimous roll call vote of the Board/Council. Any member may cause an item to be removed from the consent agenda to the regular agenda for more individualized consideration. The public may address any item on the consent agenda during the single public hearing held on the consent agenda.

**CONTINUE** – By a motion adopted by a majority of the members, the Board/Council may "continue," or postpone, any ordinance or resolution on the agenda to a future meeting.

**DEDICATION** – The transfer of property rights from private to public ownership. Land so conveyed to the local government may be used for streets, schools, parks, utilities, etc. The governing body must formally accept the dedication for the transaction to be complete.

**DENSITY** – Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac).

**DOCKET** – The docket is that part of the agenda comprised of the list of ordinances, resolutions, or similar items the Board/Council will consider in a meeting.

**MIXED USE** – A designation that permits a combination of uses within a single development or district. The development may contain a mix of office buildings, retail establishments, hotels, housing, and related uses.

**NON CONFORMING USE** – A building or use, lawfully existing on the effective date of the Zoning Ordinance, which does not conform to the regulations of the zoning district in which it is located.

**OVERLAY ZONING DISTRICTS** – A zoning tool used to impose additional regulations or restrictions on uses within a specific overlay district. Types of Overlay Districts include Historic District, Airport Noise Impact Overlay District, Sign Control Overlay District, Highway Corridor, Natural Resource, Commercial Revitalization District, and Water Supply Protection Overlay District.

**PLANNING COMMISSION** – A citizen advisory board authorized by the Virginia State Code to promote the orderly development of the locality and its environs by advising the Board of Supervisors on planning and related land use matters.

The agenda for Planning Commission meetings will generally include the following items:

- ❖ Call to order
- ❖ Roll call
- ❖ Approval of minutes
- ❖ Citizen's comment period
- ❖ Public hearings
- ❖ Unfinished business
- ❖ New business
- ❖ Adjournment

Each county has rules and regulations the Planning Commission abides by. Examples of procedural documents for the Richmond Metropolitan Area are the Rules and Regulations of the County Planning Commission of Henrico County, Virginia located here:

<http://www.co.henrico.va.us/planning/planning-commission-rezoning/rules-regulations/#6procedure> and the Hanover County Planning Commission Rules of the

Commission located here: <http://www.co.hanover.va.us/planning/pcrule.pdf>

Each county allots a certain amount of time for citizens to speak during the comment periods, public hearings and the meetings as a whole. For more information, visit the county/city website or call the local planning department.

**PUBLIC HEARING** – A public hearing is the general public's opportunity to comment in favor of or against or even to voice questions concerning an item on the agenda. Any person may speak on an ordinance or resolution within the time constraints imposed by the Board/Council's rules and regulations. Time allotted for proponents and opponents to speak vary by city/county from 15 – 30 minutes for both the opposing and supporting groups. Individuals may speak on average no more than five minutes. Each county/city has different rules, but before addressing the Commission/Board/Council always state your name. Sometimes it is required of the speaker to also state an address or the district they reside in district.

**REGULAR AGENDA** – The regular agenda consists of those items on the agenda that the Board/Council will hold a public hearing on and then discuss, consider and vote on individually.

**REZONING** – Necessary when a person, partnership, or private company (“the applicant”) wants to change the zoning of a particular piece of land. The applicant must either own the land or be specifically authorized by the owner to request the change in zoning.

**REJECT** – The words "reject" or "rejection" indicate the Board/Council's disapproval of an ordinance, resolution, amendment or motion after its public hearing and consideration by the Board/Council.

**RESOLUTION** – A resolution is an action by the Board/Council that generally does not have the effect of law. A resolution generally expresses the Board/Council's will, intent or policy on a particular matter. Also, the Board/Council generally appoints individuals to serve on authorities, boards and commissions by the adoption of a resolution.

**SPECIAL EXCEPTION** – Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings and depending on the jurisdiction maybe approved by either the Board of Zoning Appeals (BZA) or the Board of Supervisors (BOS). Unlike proffers which are voluntary, the BOS or BZA may impose reasonable conditions to assure, for example, compatibility and safety.

**STRIKE** – The words "strike" or "stricken" refer to the Board/Council's action on an ordinance or resolution that removes that ordinance or resolution from the meeting's agenda and from further consideration by the Board/Council at that meeting. However, an ordinance or resolution that is stricken may be reintroduced and considered by the Board/Council at a future meeting.

**VARIANCE** – As defined in the Code of Virginia, is a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provide such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done. It shall not include a change in use which chance shall be accomplished by a rezoning or by a conditional zoning.

**ZONING** – An implementation tool of the Comprehensive Plan that establishes legal restrictions on land use; governs uses by district and development standards by various regulations (e.g. setback, height limits, etc.); and protects public health, safety, and welfare. Land is zoned differently across localities, but an example of zoning in the Richmond Metropolitan Area is Henrico County where all land is zoned for industrial, business, office, residential, agricultural, institutional, or conservation use.

**ZONING ORDINANCE** – The zoning text that indicates what the zoning regulations comprise of including: site layout requirements (dimensional requirements), structural characteristics (e.g., floor area ratio), use requirements (permitted uses by zoning districts), and procedural matters (Appeals, public hearing and zoning enforcement).

*Definitions were acquired from the Fairfax County webpage, Chesterfield County webpage, City of Richmond webpage, Henrico County webpage, Hanover County webpage and the Code of Virginia.*