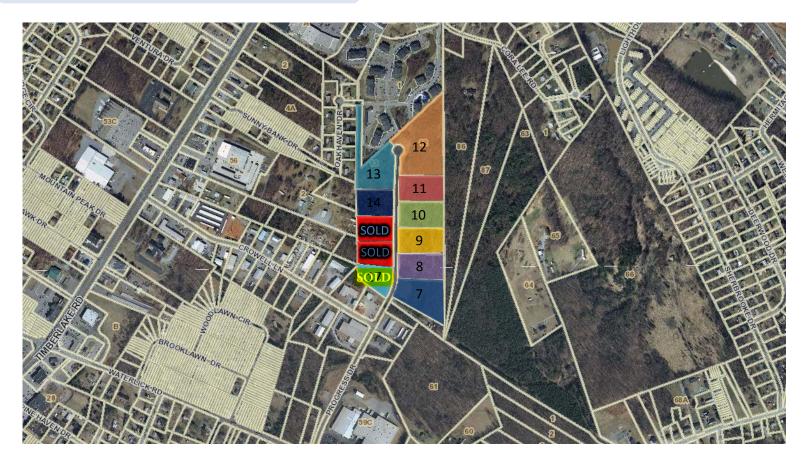
Progress Park Commercial & Industrial Sites / FOR SALE



# Progress Dr. | Campbell County, VA



# **PROPERTY OVERVIEW**

8 Lots varying in size from 2.2 -6.41 Acres. Lots are located just outside Lynchburg City Limits in Campbell County on a new public street. Properties are available separately or in combinations. Lots lay well along a new public street. Minutes away from Lynchburg Regional Airport. A wide variety of Commercial Industrial uses are permitted. This location is one of the few private Parks left in the area. Prices start at \$36,661 per acre.

DETAILS	
ACRES:	2.2 ± acres and up (Combinations Available)
ACCESS:	From Timberlake Rd. via Crowell Ln. (Signalized) From Waterlick Rd. via Progress Dr.
WATER:	8" Water Line (Campbell County PSA)
SEWER:	8" & 10" Sewer Line (Campbell County PSA)
ZONING:	Industrial General Conditional (Copy of Ordinance Attached)

# FOR MORE DETAILS CONTACT:

Ricky Read, CCIM | ricky@realestatelynchburg.com Rick Read | rread@realestatelynchburg.com

Main	434-455-2285 ext. 101	Cell	434-841-3659	101 Annjo Court
Main	434-455-3618			Forest, VA 24551

# www.CBCREAD.com

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# PRICE LIST PROGRESS PARK

<u>LOT #</u>	ACRES	PRICE	PER ACRE
7	3.39 acres	\$195,000.00	\$57,522.00
8	2.64 acres	\$159,000.00	\$60,227.00
9	2.56 acres	\$153,900.00	\$60,117.00
10	2.60 acres	\$147,900.00	\$56,885.00
11	2.60 acres	\$147,900.00	\$56,885.00
12	6.41 acres	\$235,000.00	\$36,661.00
13	3.80 acres	\$180,000.00	\$47,368.00
14	2.20 acres	\$135,900.00	\$61,364.00
15	2.03 acres	\$135,900.00 (SOLD	\$66,945.00
<del>16</del>	1.86 acres	\$129,900.00 (SOLD	\$67,204.00
17	1.66 acres	<b>\$125,900.00</b> (SOLD	\$75,843.00

[THE AUGUST 15, 2005 AMENDMENT, in the introductory paragraph, rearranged language and substituted "Business-General Commercial (B-GC) or Business-Heavy Commercial (B-HC) or Industrial-General (I-G)" for "B-1"; and, in subsection B.1., deleted former subparagraphs a. and b. which had specified screening by construction of walls of specified height and materials, and rewrote screening provisions in B.1.]

# ARTICLE VI. INDUSTRIAL ZONING DISTRICTS.

#### Sec. 22-14. Industrial-General Zoning District (I-G).

#### **LEGISLATIVE INTENT**

This zoning district is intended to establish areas by which their accessibility to utilities and transportation routes are well suited for industrial/manufacturing development which would not be in significant conflict with neighboring activities. This district is intended to be a suitable transition between heavy industrial zoning and other less-sensitive commercial zoning districts.

A. <u>Principal uses permitted:</u> The principal uses permitted in districts zoned I-G shall include the following:

1. Any principal use permitted by right in any Business (B) district.

2. Assembly, manufacturing, compounding, processing, packaging or treatment of non-objectionable products from raw materials or component parts if done within enclosed buildings.

3. Solid waste collection drop-off sites if open to the public for typical household refuse, but excluding permanent disposal or processing of the waste on site.

4. Accessory buildings and structures customarily incidental to permitted uses, including public utility structures not otherwise prohibited or requiring a special use permit.

#### (Permitted uses <u>REQUIRING SPECIAL USE PERMIT:</u>)

5. Any use permitted by special use permit in any Business-Heavy Commercial (B-HC) district if not otherwise permitted by right.

B. <u>Minimum lot requirements</u>. The minimum lot requirements for buildings and structures in districts zoned I-G shall be the following:

- 1. Lot area. There is no minimum acreage requirement for this district.
- 2. Lot width. The minimum lot width shall be seventy-five (75) feet.

3. <u>Road frontage requirements</u>. All lots within an I-G district shall abut a street for a distance equal to the minimum lot width for the district. Where a lot abuts more than one street, the minimum road frontage requirement must be met as to the lot frontage along only one of such streets.

4. <u>Yard requirements</u>. The minimum front setback shall be fifty (50) feet. Within any Business District or Industrial District, individual buildings or structures may be attached on the side lot line and/or at the rear lot line, but shall be set back at least ten (10) feet from any street. However, where an I-G district adjoins a Residential district or an Agricultural district without an intervening street, the adjacent side yard setback for the I-G use shall be fifty (50) feet, and the adjacent rear yard setback for the I-G use shall be fifty (50) feet.

5. <u>Height limitation</u>. There is no maximum height limitation in this district, except where airport district height limitations may apply.

C. <u>Setbacks for Accessory Buildings</u>. Detached accessory buildings which are customarily incidental to use in an I-G district shall comply with the setback lines of the district.

D. <u>Requirements for Accessory Structures</u>. Detached accessory structures which are customarily incidental to use in an I-G district shall comply with the setback lines of the district, excluding ornamental, horticultural, identification, ingress/egress, illumination sources, postal service and similar structures which shall not be subject to setback or yard requirement set forth herein.

E. <u>Landscaping Requirements</u>. New construction, including additions to existing buildings, structures, or other facilities in an I-G District shall also include suitable landscaping. The area to be landscaped shall be not less than five percent (5%) of the square footage of the parking lot as determined by the Zoning Administrator. The area to be landscaped shall be clearly marked on the site plan, and shall include a detailed list of the materials to be used, plant species and height or size at time of planting. The Zoning Administrator shall approve or deny the landscaping plan as a part of the site plan review. The landowner and business owner may both be held responsible for ensuring the proper installation and maintenance of approved landscaping material.

F. **Buffering and Screening Requirements.** Where a lot in an I-G district adjoins a Residential district or an Agricultural district, the buildings, structures, and parking lots on such lot shall be screened along the boundary line(s) with the Residential and/or Agricultural districts. Buffering and screening may be accomplished by any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties. Locations of buffering and screening measures shall be clearly marked on the site plan, and an attached description shall include a detailed list of the materials to be used, plant species and height or size at time of planting. Such buffering and screening shall be designed and executed in a manner suited to the particular site, as determined by the Zoning Administrator. The Zoning Administrator shall approve or deny the buffering/screening plan as a part of the site plan review. The landowner and business owner may both be held responsible for ensuring the proper installation and maintenance of approved buffering and screening devices/measures so as to provide permanent buffering/screening from adjacent properties in Residential or Agricultural districts.

G. <u>Sidewalk Requirements</u>. New construction, including additions to existing buildings, structures, or other facilities in an I-G District shall also include the installation of sidewalks, constructed to VDOT standards, along the public right-of-way abutting the lot(s). Proposed sidewalks shall be clearly marked on the site plan, such plan being approved by VDOT and Campbell County as evidenced by the appropriate signatures. The Zoning Administrator may

waive this requirement after consultation with VDOT, for areas where sidewalks do not presently exist, and are not likely to be constructed.

For state law authority generally, see <u>VA. CODE</u> <u>ANN.</u> \$15.2-2283 (Repl. Vol. 2008). See also <u>VA.</u> <u>CODE</u> <u>ANN.</u> \$15.2-903 (Repl. Vol. 2008), \$15.2-917(Repl. Vol. 2008).

<u>Editor's note</u>: The August 15, 2005 amendment completely revised this section, utilizing provisions in the new industrial zoning districts set out in this section and in new §22-15 (formerly a reserved section). The uses formerly permitted either by right or with a special use permit in former §22-14 have been revised and reenacted or have been incorporated generally into other use categories in this section or in new §22-15. Where existing amendment notes to former §22-14 relate to the provisions of revised §22-14, they have been retained.

<u>Cross-references</u>.—For standards applicable to telecommunication antennas and towers, see §22-17.10 <u>et seq</u>. of this Code. For County noise ordinance, see §16-10 <u>et seq</u>. of this Code, with attention to §16-10.6:2.

[THE 1986 AMENDMENT added D and E [now present C. and D].]

[THE JULY 2, 2001 AMENDMENT added new F. and G [now present E. and G.].]

[THE OCTOBER 7, 2002 AMENDMENT added H.[now subsection H. in new §22-15.]]

[THE AUGUST 15, 2005 AMENDMENT completely revised this section, utilizing some provisions from the former Industrial (M-1) district in the present Industrial-General (I-G) and Industrial-Heavy (I-H) zoning districts and revising some of the uses permitted therein; other changes in the provisions include: revising B. to specify that there is no minimum acreage requirement and there is no maximum height limitation (except airport district height limitations), and changing requirements for lot width, road frontage, and yard requirements, redesignating former F. and G. as present E. and G, deleting former H. which is now set out as subsection H. in §22-15, and adding present F., and changing internal references from "M-1" to I-G." Other provisions of former §22-14 have been revised and are now found in the new industrial zoning district at §22-15 (Industrial-Heavy).]

# Sec. 22-15. Industrial-Heavy Zoning District (I-H).

#### **LEGISLATIVE INTENT**

This zoning district is intended to establish areas by which their accessibility to utilities and transportation routes are well suited for industrial/manufacturing development.

A. <u>Principal uses permitted</u>: The principal uses permitted in districts zoned I-H shall include the following:

# **ARTICLE XI. CONDITIONAL ZONING**

#### Sec. 22-19. Conditional zoning; declaration of policy and findings; purpose.

It is the general policy of this County to provide for the orderly development of land, for all purposes, through zoning and other land development enactments. Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are necessary to permit differing land uses and at the same time to recognize effects of change. It is the purpose of this section and Sections 22-20 through 22-24 of this Code, in accordance with the provisions of §22-35 of this Code, to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned. The provisions of this section and the following five (5) sections shall not be used for the purpose of discrimination in housing.

For state law authority, see <u>VA. CODE ANN.</u> §15.2-2296 (Repl. Vol. 2008) and <u>VA. CODE ANN.</u> §15.2-2297 (Repl. Vol. 2008).

<u>Editor's note</u>.--Chapter 587 of the 1997 Virginia Acts of Assembly inserted a new next-to-last sentence in <u>VA. CODE ANN.</u> §15.2-2296 which is <u>not</u> set out in this section, but which provides as follows:

"The exercise of authority granted pursuant to §§15.2-2296 through 15.2-2302 shall not be construed to limit or restrict powers otherwise granted to any locality, nor to affect the validity of any ordinance adopted by any such locality which would be valid without regard to this section."

Note that <u>VA. CODE</u> <u>ANN.</u> §§15.2-2296, 15.2-2297, 15.2-2299, 15.2-2300, 15.2-2301, and 15.2-2302 correspond to the provisions of §§22-19 through 22-24 of this Code. Ordinances pursuant to <u>VA. CODE</u> <u>ANN.</u> §15.2-2298 have not been adopted by Campbell County at this time.

[THE 1988 AMENDMENT inserted "of this Code" in the fourth sentence.]

[THE 1989 AMENDMENT inserted "in accordance with the provisions of §22-35 of this Code" in the fourth sentence.]

[THE MAY 17, 1999 AMENDMENT inserted "this section and" in fourth sentence.]

#### Sec. 22-20. Conditions as part of rezoning or amendment to zoning map.

(a) An applicant for a conditional zoning permit may voluntarily proffer in writing, provided that the applicant is the owner of the property, reasonable conditions, prior to a public hearing before the Board of Supervisors, in addition to the regulations provided for the zoning district or zone by this chapter, as a part of a rezoning or amendment to a zoning map; provided that (i) the rezoning itself must give rise to the need for the conditions; (ii) the conditions shall have a

reasonable relation to the rezoning; (iii) the conditions shall not include a cash contribution to the County: (iv) the conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in the Subdivision Ordinance; (v) the conditions shall not include a requirement that the applicant create a property owners' association under VA. CODE ANN. §55-508 et seq. (Repl. Vol. 2007 and Cum. Supp. 2008) which includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments and other public facilities not otherwise provided for in the Subdivision Ordinance; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the Virginia Department of Transportation; (vi) the conditions shall not include payment for or construction of offsite improvements except those provided for in the Subdivision Ordinance; (vii) no condition shall be proffered that is not related to the physical development or physical operation of the property; and (viii) all such conditions shall be in conformity with the comprehensive plan. The Board of Supervisors may also accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal. Once proffered and accepted as part of an amendment to the zoning ordinance, the conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by conditions. However, the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(b) In the event proffered conditions include a requirement for the dedication of real property of substantial value or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, then no amendments to the zoning map for the property subject to such conditions, nor the conditions themselves, nor any amendments to the text of the zoning ordinance with respect to the zoning district applicable thereto initiated by the Board of Supervisors, which eliminate, or materially restrict, reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to such property, shall be effective with respect to such property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.

(c) Any landowner who has prior to July 1, 1990, proffered the dedication of real property of substantial value or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, but who has not substantially implemented such proffers prior to July 1, 1990, shall advise the Board of Supervisors by certified mail prior to July 1, 1991, that he intends to proceed with the implementation of such proffers. The notice shall identify the property to be developed, the zoning district and the proffers applicable thereto. Thereafter, any landowner giving such notice shall have until July 1, 1995, substantially to implement the proffers or such later time as the Board of Supervisors may allow. Thereafter, the landowner in good faith shall diligently pursue the completion of the development of the property.

Any landowner who complies with the requirements of this subsection shall be entitled to the protection against action initiated by the Board of Supervisors affecting use, floor area ratio, and density set out in subsection (b) of this section, unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare, but any landowner failing to comply with the requirements of this subsection shall acquire no rights pursuant to this section.

(d) The provisions of subsections (b) and (c) of this section shall be effective prospectively only, and not retroactively, and shall not apply to any zoning ordinance text amendments which may have been enacted prior to March 10, 1990. Nothing contained herein shall

be construed to affect any litigation pending prior to July 1, 1990, or any such litigation nonsuited and thereafter refiled.

Nothing in this section shall be construed or affect or impair the authority of the Board of Supervisors to:

1. Accept proffered conditions which include provisions for timing or phasing of dedications, payments, or improvements; or

2. Accept or impose valid conditions pursuant to the granting of special exceptions under suitable regulations and safeguards as authorized by provision 3 of <u>VA.</u> <u>CODE</u> <u>ANN.</u> §15.2-2286 A. (Cum. Supp. 2009) or other provision of law. (12/2/85)

(e) A zoning permit fee of three hundred dollars (\$300.00) and additional fees related to the costs of publicizing and conducting the public hearing as required by the Board of Supervisors shall be paid when the application for conditional zoning permit is filed.

For state law authority, see <u>VA. CODE</u> <u>ANN.</u> §15.2-2297 (Repl. Vol. 2008).

[THE 12/85 AMENDMENT substituted "zoning" for "use" in the first sentence.]

[THE 1988 AMENDMENT inserted "or zone by this chapter" following "zoning district" preceding the proviso in the first sentence, substituted "include" for "constitute" in clause (iii) in first sentence and "mandatory" for "mandated" in clause (iv).]

[THE 1991 AMENDMENT, in the introductory language, substituted "in effect" for "in full force and effect" and "however, such" for "provided, however, that such."]

[THE 1992 AMENDMENT added the designation (a) and added new (b), (c) and (d).]

[THE MAY 17, 1999 AMENDMENT substituted "provision 3 of <u>VA. CODE</u> <u>ANN.</u> §15.2-2286 A. (Cum. Supp. 1998)" for "subsection (c) of <u>VA. CODE</u> <u>ANN.</u> §15.1-491 (Interim Supp.1997)" in item 2. following last undesignated paragraph.]

[THE DECEMBER 3, 2001 AMENDMENT, in the first sentence in (a), redesignated clauses and inserted a new clause (v).]

[THE JUNE 17, 2002 AMENDMENT added subsection (e).]

[THE DECEMBER 4, 2006 AMENDMENT inserted the third-to-last sentence in (a), which sentence begins "The Board of Supervisors may also accept amended proffers . . . "]

# Sec. 22-21. Enforcement and guarantees.

(a) Pursuant to the authority of <u>VA. CODE ANN.</u> 15.2-2286 A.4. (Cum. Supp. 2009), the Zoning Administrator shall have all necessary authority on behalf of the Board of Supervisors to administer and enforce this zoning ordinance. His authority shall include:

(i) ordering in writing the remedying of any condition found in violation of the zoning ordinance;

(ii) insuring compliance with the zoning ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to <u>VA. CODE ANN.</u> §15.2-2311 (Repl. Vol. 2008); and

(iii) in specific cases, making findings of fact and, with concurrence of the County Attorney, conclusions of law regarding determinations of rights accruing under <u>VA. CODE</u> <u>ANN.</u> §15.2-2307 (Cum. Supp. 2009), or subsection C of <u>VA. CODE</u> <u>ANN.</u> §15.2-2311 (Repl. Vol. 2008).

(b) Pursuant to the authority of <u>VA.</u> <u>CODE</u> <u>ANN.</u> §15.2-2299 (Repl. Vol. 2008), the Zoning Administrator is vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including:

(i) the ordering in writing of the remedy of any noncompliance with the conditions;

(ii) the bringing of legal action to insure compliance with the conditions, including injunction, abatement, or other appropriate action or proceeding; and

(iii) requiring a guarantee, satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the Board of Supervisors, or agent thereof, upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.

> For state law authority, see <u>VA. CODE ANN.</u> §15.2-2299 (Repl. Vol. 2008), <u>VA. CODE ANN.</u> §15.2-2286 A. at provision 4. (Cum. Supp. 2009), and <u>VA. CODE ANN.</u> §15.2-2208 (Repl. Vol. 2008).

Editor's note.--Subsections (a) and (b) above are identical to subsections (a) and (b) of §22-6.

For provision requiring Zoning Administrator to respond within ninety (90) days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period, see 15.2-2286 A. at provision 4 and also 22-6(e) of this Code.

[THE 1988 AMENDMENT substituted "improvements" for "improvement" following "physical," "contractor's" for "contractors," and "guarantee" for "guarantees" preceding "shall be reduced," in clause (iii) in the first sentence.]

[THE 1993 AMENDMENT, in the first sentence, inserted the clause "including the authority to make conclusions of law . . ." and ending "and further" preceding clause (i)

and added "subject to appeal pursuant to <u>VA. CODE</u> <u>ANN.</u> §15.1-496.1 (Cum. Supp. 1993)" at the end of clause (ii).]

[THE MARCH 17, 1997 AMENDMENT rewrote the section without substantive change.]

[THE MAY 17, 1999 AMENDMENT substituted references to Title 15.2 for references to former Title 15.1; substituted "insuring" for "to insure" in (a)(ii) and "is vested" for "shall be vested" in the introductory paragraph of (b).]

[THE JULY 20, 2009 AMENDMENT added the last clause of subsection (a)(iii).]

#### Sec. 22-22. Records.

The zoning map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The Zoning Administrator shall keep in his office and make available for public inspection a Conditional Zoning Index. The Index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district or zone. The Zoning Administrator shall update the Index annually and no later than November 30 of each year.

For state law authority, see <u>VA. CODE ANN.</u> §15.2-2300 (Repl. Vol. 2008).

<u>Editor's note:</u> <u>VA. CODE ANN.§15.2-2300</u> (Repl. Vol. 2008) also requires that the Conditional Zoning Index shall provide ready access to all proffered cash payments and expenditures disclosure reports prepared by the local governing body pursuant to <u>VA. CODE ANN.</u> §15.2-2303.2 (Repl. Vol. 2008) in affected localities.

[THE 1988 AMENDMENT added "or zone" at the end of the third sentence.]

[THE DECEMBER 6, 2004 AMENDMENT added the last sentence.]

# Sec. 22-23. Petition for review of decision.

Any zoning applicant or any other person who is aggrieved by a decision of the Zoning Administrator made pursuant to the provisions of Section 22-21 of this Code may petition the Board of Supervisors for review of the decision of the Zoning Administrator. All petitions for review shall be filed with the Zoning Administrator and with the Clerk of the Board of Supervisors within thirty (30) days from the date of the decision for which review is sought and shall specify the grounds upon which the petitioner is aggrieved.

For state law authority, see <u>VA. CODE ANN.</u> §15.2-2301 (Repl. Vol. 2008).

[THE 1988 AMENDMENT inserted "or any other person" and "made pursuant to the provisions of Section 22-21 of this Code" in the first sentence, and deleted "pursuant to the provisions of Section 22-21 hereof" following "Zoning Administrator" at end of first sentence, and added second sentence.]

[THE MAY 17, 1999 AMENDMENT, in the second sentence, deleted "such" following "All" and "such petitions" preceding "shall specify."]

#### Sec. 22-24. Amendments and variations of conditions.

There shall be no amendment or variation of conditions created pursuant to the provisions of this Article until after a public hearing before the Board of Supervisors pursuant to the provisions of <u>VA. CODE ANN.</u> §15.2-2204 (Repl. Vol. 2008). However, where an amendment to proffered conditions is requested by the proferror, and where such amendment does not affect conditions of use or density, the Board of Supervisors may waive the requirement for a public hearing (i) under this section and (ii) under any other statute, ordinance, or proffer requiring a public hearing prior to amendment of conditions created pursuant to <u>VA. CODE ANN.</u> § 15.2-2303. Once so amended, the proffered conditions shall continue to be an amendment to the zoning ordinance and may be enforced by the Zoning Administrator pursuant to the applicable provisions of this Chapter.

For state law authority, see <u>VA. CODE ANN.</u> §15.2-2302 (Cum. Supp. 2009) and §15.2-2204 (Repl. Vol. 2008). See also <u>VA. CODE ANN.</u> §15.2-2205 (Repl. Vol. 2008).

[THE MAY 17, 1999 AMENDMENT substituted §§15.2-2204 "(Repl. Vol. 1997)" for §§15.1-431 "(Cum. Supp. 1996)."]

[THE JULY 20, 2009 AMENDMENT added the second and third sentences.]

#### Sec. 22-24.01. Recorded plat or final site plan; conflicting zoning conditions.

If the provisions of a recorded plat or final site plan, which was specifically determined by the Board of Supervisors and not its designee to be in accordance with the zoning conditions previously approved pursuant to §22-19 through §22-24 of this Code, conflict with any underlying zoning conditions of such previous rezoning approval, the provisions of the recorded plat or final site plan shall control, and the zoning amendment notice requirements of §22-4.1 of this Code and VA. CODE ANN. §15.2-2204 (Repl. Vol. 2008) shall be deemed to have been satisfied.

For state law authority, see <u>VA. CODE</u> <u>ANN.</u> §15.2-2261.1 (Repl. Vol. 2008).

[THE DECEMBER 2, 2002 ACT adopted this section.]

