

CITY OF FREDERICKSBURG PROFFER CHECKLIST  
CODE OF VIRGINIA 15.2-2303  
CITY CODE 72-22.4

Preferred form and boilerplate language:

OWNER(S):

PROPERTY:

PROJECT NAME:

REZONING REQUEST:

CASE NUMBER:

DATE:

Introductory clause: "Pursuant to Code of Virginia 15.2-2303 and City Code 72-22.4, the Owner hereby voluntarily proffers the following conditions, which shall be applied to the Property if it is rezoned to the zoning district(s) identified above."

[Proffers]

Concluding clause: "The Owner acknowledges that the foregoing Proffers are reasonable. The signatory below, signing on behalf of the Owner, covenants and warrants that he is an authorized signatory of the Owner for this Proffer Statement."

Please keep signature (notarized) with Proffer Statement text (not on a stand-alone page) if possible.

<b>Basic Requirements – Legal Sufficiency Review</b>	
<b>Requirement</b>	<b>Comment</b>
In writing, prepared by the owner of the property or an attorney	
Signed by all of the owners of the property and contract purchasers if applicable. For all parties who are not individual persons, the signature shall be by an authorized signatory. The City Attorney may require supporting documentation to demonstrate the authority of the person signing the proffer.	
Clearly identify the property affected by reference to the plat submitted with the zoning map amendment application	
Clear identification of any referenced documents such as the general development plan (do not use the phrase “as last revised.” State the final revision date.)	
A simple statement that the conditions are proffered such as, “The Owner voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to _____ Conditional. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that they are reasonable.”	
In addition to zoning district regulations (not a “negative proffer” that essentially varies or reduces existing zoning regulations)	
Proffers do not impose an obligation on the locality.	
Proffers do not restate existing regulatory standards.	
<b>Clarity in Drafting</b>	
Proffers clearly state who (the owner or owner/applicant) will do what, when, where, and how. Each proffer should be a declaratory statement, using clear and concise language, as to what must be performed, when it must be performed, when it must be completed, and, if applicable, how it must be performed.	
Proffers, if accepted, become zoning regulations. Therefore, legislative drafting rules apply. Use the same terminology that is used in the UDO.	
Use “shall” when the meaning is “has a legal duty to”	
Consistently use the same word to refer to the same person, place or thing.	
Address reasonably foreseeable scenarios.	
Specify clearly identifiable “triggers” for performance. The issuance of the CO is usually not a good performance trigger, since the person who is harmed by delay is usually an innocent purchaser.	
Proffers should be well-organized, with like topics grouped together, for example, or by working from the general to specific, or using a chronological organization. Another option is to follow the structure of the UDO.	
Clearly identify referenced documents, using a title, prepared by, job #, and	

last revised date, when applicable. Use the actual last revised date, not the phrase "as last revised". Attach copies of referenced regulations, so that there is a record of the version in effect when the proffer is made.	
Avoid conditional proffers that arise only under certain circumstances and are speculative in nature (if/then scenarios).	
Identify and eliminate superfluous text.	
<b>Post - Acceptance</b>	
The Zoning Administrator may require that a proffer be guaranteed with a performance bond.	
Accepted proffers become zoning regulations for the property and are recorded in the Clerk's office showing the landowner as "grantor" and the City as "grantee." Use the Notice of Conditional Zoning form and the Clerk of Court's "other" cover sheet for recordation purposes. Record a certified copy of the zoning map amendment ordinance with the Notice of Conditional Zoning.	
The Zoning Administrator amends the official zoning map to show the property is in conditional zoning.	