

## **CHAPTER 25. ZONING**

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## **CHAPTER 25. ZONING**

### **DIVISION I. PERMITS AND AMENDMENTS**

#### **Article LVIII. Special Use Permit procedures**

##### **§ 25-581. Purpose.**

The purpose of this article is to provide procedures for the granting by the Board of Zoning Appeals or the Board of Supervisors of special exceptions, herein called Special Use Permits, under suitable regulations and safeguards.

State law reference--Virginia Code § 15.2-2286.

##### **§ 25-582. Authority granted.**

The Board of Zoning Appeals shall hear and decide applications for such Special Use Permits as may be authorized in this chapter, unless the Board of Supervisors has reserved the authority to grant such Special Use Permits for special uses as detailed in the ordinance. They may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

State law reference--Virginia Code § 15.2-2309.

##### **§ 25-583. Applications.**

Applications for Special Use Permits shall be made on forms provided by the Department of Community Development and shall be signed by the owner of the property for which the Permit is sought. If the applicant is not the owner, the application shall be accompanied by the written consent of the owner.

##### **§ 25-584. Requirements of Special Use Permits.**

A. A Special Use Permit shall not be issued until all pre-conditions, if any, imposed by the Board of Zoning Appeals or the Board of Supervisors have been met. Commencement of a special use prior to the issuance of the permit shall be a violation of this chapter. Whenever the Board of Zoning Appeals or the Board of Supervisors has required pre-conditions, the pre-conditions shall be established, constructed or diligently pursued within a reasonable time as determined by the Board of Zoning Appeals or the Board of Supervisors. If, in the opinion of the Zoning Administrator, compliance with the pre-conditions is not diligently pursued within one year or other time as specified by the Board of Zoning Appeals or the Board of Supervisors, the approval of such Special Use Permit shall automatically expire without notice and the Special Use Permit will not be issued.

B. Any BZA or Board of Supervisors review plan submitted to and approved by the Board of Zoning Appeals or Board of Supervisors shall be followed.

C. Unless otherwise provided by the Board of Zoning Appeals or the Board of Supervisors, the Special Use Permit shall be issued to the applicant and shall be non-transferable.

D. All Special Use Permits are subject to and conditioned upon compliance with any applicable federal, state, or local licensing or regulatory requirements, and may be revoked upon failure to so comply.

E. In cases where a minimum acreage is required, the minimum acreage shall mean the total acreage of the contiguous tracts that are wholly owned by the same person, firm, or corporation. However, the minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. In cases where a setback is required from a lot line, it shall be from a lot not wholly owned by the same person, firm, or corporation.

**§ 25-585. BZA or BOS review plans.**

A. Any application for a Special Use Permit shall be accompanied by a BZA or BOS review plan.

B. Each BZA or BOS review plan shall be drawn on 8½" by 11", 8½" by 14", or 11" by 17" paper.

C. For all new structures, each BZA or BOS review plan shall be drawn to scale. The scale shall be one inch (1") equals a stated number of feet. The number of feet shall be a multiple of ten (10). For example, the scale may be one inch (1") equals fifty feet (50') or one inch (1") equals one hundred feet (100').

D. Each BZA or BOS review plan shall contain or be accompanied by the following:

1. Reference to the tax map and parcel number, and when the tax map is inaccurate, an "insert map" showing the location of the tract or lot.

2. A scaled drawing of the tract or lot with dimensions indicated or, if available, a boundary survey of the tract or lot.

3. Names of owners of all adjoining property.

4. Location of all zoning districts, buildings, structures, boundary lines and other features from which minimum setbacks are required by this chapter.

5. Type of surfacing, size, design and dimension of all off-street parking spaces.

6. Location, design and dimensions of all vehicular entrances and exits to the site.

7. Location and dimensions, including height in feet, and the proposed general use of each building.

8. Any information required by the reviewing agencies referenced in §25-586 below.

**§ 25-586. Review of BZA or BOS review plans.**

A. The Zoning Administrator shall review the BZA or BOS review plan to ensure compliance with the requirements of this chapter and other applicable ordinances.

B. The Zoning Administrator may forward the BZA or BOS review plan to such other public officials or agencies as he may deem appropriate for further review.

**§ 25-587. Reserved.**

**§ 25-588. Reconsideration.**

The Board of Zoning Appeals or Board of Supervisors shall not consider an application for a Special Use Permit within one year following the date of final action by the board on a prior application if such application seeks substantially the same Special Use Permit sought in the previous application for the same parcel of land.

**§ 25-589. Abandonment of Special Use Permits.**

A. The holder of a Special Use Permit may voluntarily abandon the permit by notifying the Zoning Administrator. Upon receipt of such notice of voluntary abandonment, the Zoning Administrator shall cancel the permit.

B. Unless otherwise provided by the Board of Zoning Appeals or the Board of Supervisors, when the Zoning Administrator has determined that the use authorized by a Special Use Permit has ceased for two years or more, the Zoning Administrator shall endeavor to obtain the owner's consent to the cancellation of the Permit, and, if consent is obtained, shall cancel the Permit. If the Zoning Administrator is unable to obtain such consent, the Zoning Administrator shall seek revocation of the permit by the Board of Zoning Appeals or the Board of Supervisors and, for that purpose, shall give notice and schedule a hearing as required by the Code of Virginia.

**§ 25-590. Revocation of Special Use Permits.**

If, in the opinion of the Zoning Administrator, the holder of a Special Use Permit has been unwilling or unable to comply with the operating conditions, if any, imposed by the

Board of Zoning Appeals or the Board of Supervisors in conjunction with said Special Use Permit, the Zoning Administrator shall seek revocation of the permit by the Board of Zoning Appeals or the Board of Supervisors, whichever is applicable under the ordinance and, for that purpose, shall give notice and schedule a hearing as required by the Code of Virginia.

**§ 25-590.1. Withdrawal of application.**

An application for a Special Use Permit may be withdrawn by the applicant at any time; provided, however, that there shall be no refund of any fee paid if the county has contracted for any advertising or notification as required by law. In no case shall more than one-half of the fee paid be refunded.

(Ord. 8/22/18)