

# CONDITIONAL AND SPECIAL USE PERMITS

## WHY DO I NEED A CONDITIONAL USE PERMIT?

Isle of Wight County's Zoning Ordinance permits certain "by right" land uses in a district, and other uses, which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right. Such other uses, under the right set of circumstances and conditions, may be acceptable in certain specific locations only after review and recommendation of a Conditional Use Permit by the Planning Commission and approval by the Board of Supervisors.

## WHY DO I NEED A SPECIAL USE PERMIT?

If, in any district established under the Zoning Ordinance, a use is not specifically permitted, the property owner or other person with an enforceable legal interest in the property may file an application to the Zoning Administrator for such use, which will be referred to the Planning Commission and Board of Supervisors as a Special Use Permit.

## WHAT IS THE PROCEDURE FOR OBTAINING A CONDITIONAL OR SPECIAL USE PERMIT?

1. Prior to submitting an application, we recommend scheduling a pre-application meeting to review the application and discuss any questions the applicant may have. Pre-application meetings are scheduled for the 2<sup>nd</sup> Wednesday of every month at 9:00 am. Please call Economic Development at 757-365-6249 for meeting information.
2. Submit a completed application form, completed application checklist with all required documents (See Submittal Checklist for additional items that may be required), completed disclosure of real estate holdings, owners affidavit and the filing fee of:

### Conditional Use Permit

- Resource Extraction - \$1,250 plus \$100 per acre
- All other uses - \$1,200

### Special Use Permit

- \$1,200
- If there is a continuance of a public hearing at the applicant's request for either a conditional use or special use permit application, a fee in the amount of \$600 will be assessed for each occurrence.

## WHEN IS A CONDITIONAL OR SPECIAL USE PERMIT APPLICATION CONSIDERED BY THE PLANNING COMMISSION?

Once a completed application has been submitted to the County, the application is distributed for comment and review to all appropriate County and State agencies and departments. Once all comments are received and the application is deemed acceptable by all appropriate County and State agencies and departments, the application is scheduled for public hearing at the next Planning Commission meeting. Planning Commission meetings are held at 6:00 p.m. on the fourth Tuesday of each month in the Robert C. Claude Sr. Board Room at the County Courthouse Complex. The advertising deadline for an upcoming Planning Commission public hearing is the first Thursday of the month; therefore, an application must be deemed acceptable by all appropriate County and State agencies and departments prior to this deadline in order to be placed on the next agenda.

## WHAT IS THE PUBLIC HEARING PROCEDURE FOR A CONDITIONAL OR SPECIAL USE PERMIT?

1. Once the application is scheduled for a public hearing by the Planning Commission, the applicant is required to submit the required number of copies of the concept plan and all other supplementary documentation deemed necessary by the Planning and Zoning Department for distribution to the Planning Commission. All required items must be submitted to the Planning and Zoning Department no fewer than ten calendar days prior to the scheduled public hearing.
2. The applicant will be given at least one sign to post on the property at least fourteen days prior to the Planning

*Revised February 25, 2019*

If you have any questions, please call the Central Permitting office at 757-365-6211 or email at [planreview@iwus.net](mailto:planreview@iwus.net)

Commission public hearing, indicating an application has been filed. Additional signs may be required based on linear road frontage. These signs are provided by the County and may be picked up in the Planning and Zoning Department.

3. The application is advertised for public hearing in the local newspaper(s) twice – no more than twenty-one days and no less than six days prior to the public hearing.
4. Notices are sent by the Planning and Zoning Department to all property owners within a 200-foot radius of the property associated with the application at least fourteen days prior to the public hearing.
5. Staff will prepare a report on the application and the applicant will be sent a copy of the report and other comments made by County and State agencies and departments prior to the meeting date.
6. The applicant and/or a representative are/is required to attend the Planning Commission meeting to present the application and answer any questions from Commission members.
7. Following the Planning Commission's recommendation of approval or denial, the application will be placed on the Board of Supervisors' agenda for a public hearing. Board of Supervisors meetings are held on the third Thursday of each month and begin at 6:00 pm in the Robert C. Claude, Sr. Board Room at the County Courthouse Complex. The same notification procedure as outlined above will be followed, and nine (9) additional copies of all supporting documents will be required to be submitted by the applicant for distribution to the Board of Supervisors. Electronic copies of all documents will need to be produced prior to the Board meeting, either by the applicant, or in conjunction with Planning and Zoning staff members. All required items must be submitted to the Planning and Zoning Department no fewer than ten calendar days prior to the scheduled public hearing.
8. The Board of Supervisors will hold the public hearing as scheduled, and make a determination to approve or deny the application. The applicant and/or a representative are/is required to attend the Board of Supervisors meeting to present the application and answer any questions from Board of Supervisors members.

9. The applicant will be notified in writing of the Board of Supervisors' discussion. If denied, a period of at least one (1) year must elapse in order to resubmit the application, unless significant changes are made. Also, the applicant may appeal the Board's decision to the Circuit Court

#### **HOW LONG IS A CONDITIONAL OR SPECIAL USE PERMIT VALID?**

Indefinitely, unless the Board of Supervisors places a time limit condition on the use permit.

#### **CAN A CONDITIONAL OR SPECIAL USE PERMIT BECOME VOID OR BE REVOKED?**

Yes, unless otherwise specified by the conditions of the use permit, failure to establish the use within two (2) years from the date of approval shall cause the use permit to become void. When a use is discontinued for any reason for a continuous period of two (2) years or more, the use permit shall become void. The Board of Supervisors may revoke a use permit due to a change in conditions affecting the public, repeated violations of the Zoning Ordinance and/or the conditions of the use permit, or providing false information in order to obtain the use permit.

#### **WHAT OTHER PERMITS OR APPROVALS MAY BE REQUIRED PRIOR TO CONSTRUCTION?**

- Zoning Permit
- Stormwater Permit
- Building Permit
- Health Department Permit
- Site Plan Approval
- Subdivision Plat Approval
- Landscaping Surety
- BMP Maintenance Agreement



### **SUBMITTAL CHECKLIST FOR CONDITIONAL / SPECIAL USE PERMIT APPLICATIONS**

In conjunction with Section 1-1017, *Conditional Uses*, and Section 1-1018, *Special Uses Permits for Uses Not Provided For*, of the Isle of Wight County Zoning Ordinance, as amended, the following information shall be submitted for a Conditional / Special Use Permit Application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for a Conditional / Special Use shall be certified as complete unless the following information is provided, unless the Zoning Administrator reduces the number of required copies.

- 1. Fifteen (15) copies of the original, executed application and one (1) original executed application. Both the applicant(s) and the property owner(s) must have their signature(s) notarized on page No. 2 of the application.
- 2. The appropriate fees have been submitted with the application. Checks should be made payable to: Treasurer, Isle of Wight County.
- 3. Fifteen (15) copies of a statement of the reasons for seeking such permit, and if applicable, a statement of conditions.
- 4. Fifteen (15) copies of a narrative description of the property which shall include the Tax Parcel Identification Number.
- 5. One (1) copy of the most recent deed(s) for the property(s) associated with the application.
- 6. A concept plan of the property showing all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the Planning Commission and Board of Supervisors that adequate provisions shall be made for compliance with all standards for that particular use and the extent of the property to be so used on a given parcel or parcels. Such document shall be drawn to scale and shall include the following information:
  - A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
  - Title of drawing
  - Date of drawing
  - Existing wood line
  - North arrow
  - Scale bar
  - Current zoning of parcel(s) to be rezoned, including tax map number(s) and owner(s)
  - Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
  - Street names including route number and width(s) of the right-of-way(s)
  - Fifteen (15) full size copies, with one (1) reduced 11 inch X 17 inch copy shall be submitted
  - Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process in order to more effectively review the application and prepare the staff reports for the Planning Commission and Board of Supervisors.

- 7. Fifteen (15) copies of such supplemental material as may be necessitated by the proposal itself or the district in which located or proposed to be located, and in accordance with Section 5-5000, *Supplementary Use Regulations*, of the Isle of Wight County Zoning Ordinance.
- 8. All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that any section not completed in its entirety may delay processing of this application and the date of the Planning Commission public hearing and that the submittal of a complete application does not guarantee the application will be placed on the next available Planning Commission agenda.

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Printed or Typed Name

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Signature

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Date



## APPLICATION FOR CONDITIONAL / SPECIAL USE PERMIT

This application should be used to petition for a permit for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. The following application requirements are consistent with the procedures set forth in Section 1-1017, *Conditional Uses*, and Section 1-1018, *Special Use Permits for Uses Not Provided For*, of the Isle of Wight County Zoning Ordinance, as amended.

### A. APPLICATION FOR (CHECK ALL THAT APPLY):

Conditional Use Permit (Are applicant proposed conditions attached?): \_\_\_\_\_ Yes \_\_\_\_\_ No

The proposed use or activity is listed as a conditional use in the \_\_\_\_\_ zoning district as per Section \_\_\_\_\_ in Article IV of the Isle of Wight County Zoning Ordinance.

Special Use Permit (Are applicant proposed conditions attached?): \_\_\_\_\_ Yes \_\_\_\_\_ No

Proposed Use or Activity: \_\_\_\_\_

\_\_\_\_\_

### B. PROJECT DESCRIPTION:

Project Name: \_\_\_\_\_

Property Address (if any): \_\_\_\_\_

Election District: \_\_\_\_\_

Comprehensive Plan Designation: \_\_\_\_\_

The use permit will apply to \_\_\_\_\_ acres out of \_\_\_\_\_ total acres

Tax Parcel Identification # \_\_\_\_\_ Number of acres to be effected: \_\_\_\_\_

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Proposed Utilities (check all that apply): Public Water \_\_\_\_\_ Private Well \_\_\_\_\_

Public Sewer \_\_\_\_\_ Private Septic \_\_\_\_\_

**C. APPLICATION INFORMATION:**

Applicant(s) Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Property Owner(s) Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_ Fax No.: \_\_\_\_\_

**Applicants/Owners Affidavit (including compliance with all deed restrictions and covenants)**

**This application must be signed by the owner(s) of the subject property or must have attached written evidence of the owner's consent, which may be in the form of a binding contract of sale with the owner's signature or a letter signed by the owner(s), containing written authorization to act with full authority on the owner(s) behalf in filing this use permit application. Signing this application shall certify the owner's compliance with all deed restrictions and covenants, and shall constitute the granting of authority of the County to enter onto the property for the purpose of conducting site analyses and compliance with Federal, State and County regulations.**

Applicant: \_\_\_\_\_  
Printed or Typed Name

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

County of Isle of Wight, Commonwealth of Virginia

Subscribed and sworn to before me \_\_\_\_\_,  
A Notary Public in and for the County of Isle of Wight,  
Commonwealth of Virginia, this \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

Owner: \_\_\_\_\_  
Printed or Typed Name

Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

County of Isle of Wight, Commonwealth of Virginia

Subscribed and sworn to before me \_\_\_\_\_,  
A Notary Public in and for the County of Isle of Wight,  
Commonwealth of Virginia, this \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

Owner: \_\_\_\_\_  
Printed or Typed Name

Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

County of Isle of Wight, Commonwealth of Virginia

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A Notary Public in and for the County of Isle of Wight,  
Commonwealth of Virginia, this \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

Owner: \_\_\_\_\_  
Printed or Typed Name

Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

County of Isle of Wight, Commonwealth of Virginia

Subscribed and sworn to before me \_\_\_\_\_,  
A Notary Public in and for the County of Isle of Wight,  
Commonwealth of Virginia, this \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

**NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.**

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100  
P. O. Box 80, Isle of Wight, Virginia 23397

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**FOR OFFICE USE ONLY:**

Complete Application Received On: \_\_\_\_\_ Fees Paid: \_\_\_\_\_  
Tax Query: [ ] Current [ ] Delinquent Distribution Date: \_\_\_\_\_  
Posted/Date to Post: \_\_\_\_\_

**AGENCIES REFERRALS:**

- |   |                          |
|---|--------------------------|
| _____ Department of Conservation & Recreation | _____ Inspections        |
| _____ Economic Development                    | _____ Sheriff's Office   |
| _____ Emergency Services                      | _____ Town of Smithfield |
| _____ General Services                        | _____ Town of Windsor    |
| _____ Environmental Planner                   | _____ VDOT               |
| _____ Health Department                       | _____ Schools            |
| _____ Transportation Manager                  | _____ Budget & Finance   |
| _____ Commission of Revenue                   | _____ County Attorney    |
| _____ Other _____                             |                          |

Verified By: \_\_\_\_\_ Date: \_\_\_\_\_

## COUNTY OF ISLE OF WIGHT DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant \_\_\_\_\_

Address \_\_\_\_\_

Street

City

State

Zip

### REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description

### OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest?                      Yes                      No

If yes, names of members:

\_\_\_\_\_

\_\_\_\_\_

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct and true.

Applicant: \_\_\_\_\_                      Applicant: \_\_\_\_\_                      Date: \_\_\_\_\_  
Printed or Typed Name                      Signature

Commonwealth of Virginia  
County of Isle of Wight

Subscribed and sworn to before me \_\_\_\_\_,  
A Notary Public in and for the County of Isle of Wight, Commonwealth  
of Virginia, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_