

# 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 1<sup>st</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

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



**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.: \_\_\_\_\_

\_\_\_\_\_  
**Applicant Signature** **Date**

\_\_\_\_\_  
**Owner Signature *if different*** **Date**

**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
- \_\_\_\_\_ Economic Development
- \_\_\_\_\_ Emergency Services
- \_\_\_\_\_ General Services
- \_\_\_\_\_ Environmental Planner
- \_\_\_\_\_ Health Department
- \_\_\_\_\_ Transportation Manager
- \_\_\_\_\_ Commission of Revenue
- \_\_\_\_\_ Other \_\_\_\_\_

- \_\_\_\_\_ Inspections
- \_\_\_\_\_ Sheriff's Office
- \_\_\_\_\_ Town of Smithfield
- \_\_\_\_\_ Town of Windsor
- \_\_\_\_\_ VDOT
- \_\_\_\_\_ Schools
- \_\_\_\_\_ Budget & Finance
- \_\_\_\_\_ County Attorney

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





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

**\*\*Both checklist and application required upon submission to central permitting or application will not be accepted\*\***

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 an exception shall be certified as complete unless the following information is provided. **The required number of copies may be increased or reduced with permission of the Zoning Administrator, depending on the review needs.** Applicant(s) must have their signature(s) notarized on the disclosure of real estate holdings.

- Ten (10) copies of the following**
  - original, executed application
  - a statement of the reasons for seeking conditional or special use permit
  - narrative description of the property which shall include the tax parcel identification number
  - full size concept plan of the site to show all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the reviewing body that adequate provisions have been made for compliance with all standards for that particular use, the extent of the property to be used on a given parcel or parcels, and information defining the requested exceptions. The plan shall be prepared by the appropriate authorized design professional licensed to practice in Virginia. No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license. 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), 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)
- One (1) original executed application**
- One (1) digital copy of ALL application documents**
- One (1) reduced 11”x17” copy of concept plan**
- Application fee submitted with the application. Checks should be made payable to treasurer, Isle of Wight, County**
- A WQIA (Water Quality Impact Assessment) if located in the Chesapeake Bay Preservation Area.**
- Other information may be necessary to demonstrate compliance with all other applicable federal, state and County standards and regulations.
- 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.

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 appropriate reviewing body.

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 the processing of this application.

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Printed or Typed Name

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Signature

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Date