

Town of Wachapreague -- Zoning Ordinance

Article VIII - Special Use Permits

VIII-1 Statement of Intent

It is recognized in this ordinance that certain uses are not necessarily incompatible with the uses traditionally associated with standard zoning districts, if the proper mitigating conditions are enacted along with the proposed use. Therefore, such uses have been designated as special exceptions, and have been included in Article III. Such uses are allowed in the associated districts upon the issuance of a Special Use Permit by the Wachapreague Town Council.

VIII-2 Procedure

An application for a special use permit may be submitted by the property owner, contract owner, or optionee of the property affected. Procedures for application and review shall be as follows:

A. The applicant shall submit an application to the Zoning Administrator. Such application shall be accompanied by evidence that the specific criteria set forth in the ordinance for the special use requested will be met. Accompanying maps showing the siting of the proposed use may be required.

B. The Zoning Administrator shall review the application, visit the sit, request additional information or review by other agencies, and formulate a recommendation to the Town Planning Commission.

C. The Zoning Administrator will transmit the collected information and his recommendation to the Planning Commission. The Planning Commission shall hold a public hearing in accordance with Section 15.1-431 of the Code of Virginia, as amended, within thirty days of receipt of the Zoning Administrator's report. The Zoning Administrator's report, a summary of the Planning Commission public hearing, and a recommendation from the Planning Commission, shall be transmitted to the Town Council within two (2) weeks after the public hearing.

D. The Town Council shall hold a public hearing in accordance with Section 15.1-431 of the Code of Virginia, in order to receive public comment and to decide upon the Special Use Permit application. Such public hearing shall be scheduled to coincide with the regularly scheduled Town Council meeting that most closely follows the Council's receipt of the Special Use Permit application, if the requirement for proper notice for a public hearing makes such regularly scheduled Town Council meeting impractical, the public hearing shall be scheduled for the Town Council meeting one meeting hence from the meeting most closely following receipt of the application by the Town Council.

E. The Secretary of the Planning Commission will be responsible for notifying property owners contiguous to and across the street from the subject property of the request for a Special Use Permit.

VIII-3 Conditions and Bonds

The Town Council may impose conditions, limitations, or other special requirements as it deems necessary to protect the public health, safety, and general welfare, such as, but not limited to, the following:

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- A. Abatement or restriction of noise, smoke, dust, vibration, odors, wastes, or other elements that may affect surrounding properties.
- B. Establishment of setback, side, front, and rear are requirements necessary for orderly expansion and for preventing traffic congestion.
- C. Provisions for adequate parking and ingress and egress to public streets and roads necessary preventing traffic congestion.
- D. Provision for adjoining property with a buffer or shield from view of the proposed use and/or structure.
- E. Establishment of a time limit for expiration after which the permit shall no longer be valid or shall require renewal.
- F. The Town Council may require a bond, in a reasonable amount determined by the Council, to be payable to the Zoning Administrator to insure compliance with the terms and conditions of any special use permit.
- G. After due consideration, the Town Council shall make a decision and promptly notify the applicant of its decision in writing, along with a justification for denial or special conditions.

VIII-4 Review Standards

The Zoning Administrator, Planning Commission, and Town Council shall consider the following in reviewing a special use application:

- A. The proposed use and/or structure appears on the official schedule of district regulations or elsewhere in this ordinance.
- B. The proposed use and/or structure complies with the regulations governing individual special uses.
- C. The proposed use and/or structure is consistent with the Town Plan.
- D. The proposed use and/or structure will not tend to change the character and established pattern of development of the district in which it will be located.
- E. The proposed use and/or structure, and accompanying parcel development, are in harmony with the uses permitted by right in the zoning district and with the intent of the zoning district regulations and will not adversely affect the use of neighboring property or impair the value thereof.

VIII-5 Effect of Approval

The issuance of a special use permit shall authorize the applicant to construct only such structure or conduct only such uses as are specifically made part of the special use permit. No deviations, expansion, or other changes whatsoever shall be made from the term of the special use permit without the express written consent of the Town Council.