

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



OFFICE: (540) 672-4347
FAX: (540) 672-0164
orangecountyva.gov

SPECIAL EXCEPTION (SPE) APPLICATION PACKET

Overview

Certain regulations within the Orange County Zoning Ordinance allow for minor modifications, known as special exceptions, to be granted by the Board of Supervisors. A special exception is considered a narrow-application type of special use permit (SUP), and can only be granted where specifically allowed in the Zoning Ordinance. A property owner can seek a special exception from certain regulations, such as maximum building height limits, provided he/she can provide the adequate justification to warrant approval of the request. As with SUPs, SPEs may be approved by the Board with conditions in order to mitigate and/or limit impacts. The public review process for special exception applications is detailed below.

Application Process

- 1) The applicant will meet with Staff from the Department of Planning and Zoning to discuss the proposal and application requirements (this is known as the pre-application meeting). This meeting helps ensure all questions regarding the application requirements are answered, and allows Staff to identify any major issues that may arise during the public review process.
- 2) The applicant will complete and submit the SPE application (along with all supporting materials) to the Planning and Zoning office and pay the required fee.

Public Review Process

- 1) Planning Staff will review the application for completeness. If items are missing from the application, Staff will notify the applicant in writing within ten (10) business days of submission. The applicant will then have up to ninety (90) calendar days to submit the additional required materials. Depending on the nature and complexity of the proposal, the Zoning Administrator may require submittal materials unique to the proposal. The County will make every attempt to identify these during the pre-application meeting.
- 2) Once the application is deemed to be complete, the Zoning Administrator will determine if it is necessary to forward the application to the Application Review Committee (ARC) for their review and comments. The need for ARC review is dependent upon the complexity of the application and/or the potential for the proposal to cause adverse impacts. If ARC review is needed, the Zoning Administrator will advise the applicant of the process, which may take up to forty-five (45) days. If ARC review is not necessary, the matter will be put on the next available Board agenda for them to schedule a public hearing for the application. The Board may forward the application to the Planning Commission for their review and recommendation first. The County will notify the applicant if this is the case.
- 3) A public hearing will be held before the Board of Supervisors regarding the application. This will be advertised in the local paper; neighboring property owners will also be notified. Planning Staff will present the staff report and recommendation, and the applicant will subsequently be given the opportunity to present their application. Any members of the public will then be allowed to express their comments on the proposal. Following this

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the Board will vote to approve, approve conditionally, or deny the application, or they may defer action to a future meeting if additional consideration is needed. Attendance at this public hearing is not required for the applicant, but it is very strongly recommended.

If Approved:

If the special exception application is approved by the Board of Supervisors, the applicant may then proceed with obtaining all necessary permits and site plan approvals associated with the proposal. The applicant will be billed for all mailing and advertising fees associated with the application, pursuant to the County's adopted fee schedule. Unless otherwise provided for in the conditions of approval, an approved special exception shall expire/become void if the applicant does not obtain a building permit for the facility or otherwise commence the use within two (2) years of approval.

If Denied:

If the special exception is denied by the Board of Supervisors, no further special exception applications for the property will be accepted by the County within one (1) year from the date of denial. The applicant will be billed for all mailing and advertising fees associated with the application, pursuant to the County's adopted fee schedule. Any person aggrieved by a Board decision to approve, modify, deny, or revoke a special exception may file an appeal in the Orange County Circuit Court within thirty (30) days of the date of the Board action.

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APPLICATION FOR SPECIAL EXCEPTION (SPE)

Applicant Name: _____ Phone: _____

Mailing Address: _____

Email Address: _____

Application must be made by the Landowner or with his/her permission. If the Applicant is not the Landowner, please complete and attach: (1) a completed Authorized Agent Affidavit, OR (2) a letter of permission from the landowner.

Landowner Name: _____ Phone: _____

Mailing Address: _____

Property Location: _____

Tax Parcel #(s): _____ Current Zoning: _____

Description of the special exception request: _____

Justification of the request (attach additional pages as necessary): _____

**** Attach a general concept plan no smaller than 11"x17" and a comprehensive narrative for the proposed use. See the checklist for complete submittal requirements. ****

**** Incomplete applications will not be processed. ****

For minimum setback requirements and other zoning requirements, refer to the Orange County Zoning Ordinance (available online at <http://www.orangecode.us/>) or contact the Department of Planning & Zoning.

Signature of Applicant: _____ Date: _____

Application fee: \$200 (mailing and advertising fees are billed separately)

NOTE: Refunds will not be issued once an SPE application has proceeded to the ARC review period or the public hearing has been scheduled for the application, whichever occurs first.

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AUTHORIZED AGENT AFFIDAVIT

This _____ day of _____, _____,
(day) (month) (year)

I, _____,
(owner)

owner of _____, give my
(address and/or tax map number)

permission to: _____, to make
(applicant)

an application to the Orange County Department of Planning & Zoning
for a special exception:

(signature of owner)

COMMONWEALTH OF VIRGINIA

County / City of _____

Subscribed and sworn to me this _____ day of _____, _____

in my County / City aforesaid, by the aforementioned Owner.

(Notary Public)

Notary
Seal

My commission expires: _____

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**SPECIAL EXCEPTION (SPE)
GENERAL CONCEPT PLAN / PROJECT NARRATIVE
INFORMATION & CHECKLIST**

General concept plan information & checklist

A general concept plan must accompany a special exception application. A general concept plan may be shown via a current survey of the property, or depicted on the most-current plat/survey available for the property in the Orange County Circuit Court. These plans may be hand-drawn or prepared by a professional. The following elements must be shown on the concept plan unless they are not applicable to the project:

- Existing roads, driveways, utilities, and easements;
- Existing structures and/or uses and their distances to property lines;
- Proposed structures and/or uses and their orientation on the property;
- Proposed utilities;
- Proposed grading;
- General parking and landscaping areas;
- The location of wetlands, floodplains, streams, and other bodies of water;
- Any proposed subdivision of the property;
- Any proposed phasing of development;
- General signage types and locations; and
- Proposed roads and driveways.

Project narrative information & checklist

A written narrative describing the scope of the proposal must accompany a special exception application. The written narrative must include, at a minimum or as applicable, the following:

- A detailed project description and how it aligns with the goals and objectives of the Orange County Comprehensive Plan;
- Anticipated traffic volumes and related traffic impacts;
- A fiscal impact analysis including expected economic benefits and costs to the County;
- Impacts on the provision of public services;
- An environmental impact analysis;
- An analysis of impacts on historic and cultural resources; and
- Anticipated impacts to neighboring properties and how those impacts will be mitigated.

NOTE: In order to adequately and completely review the proposal, the Zoning Administrator may request additional materials based on the nature and complexity of the application.