

GENERAL GUIDELINES FOR THE SUBMITTAL OF APPLICATIONS TO THE TOWN OF WYTHEVILLE FOR SPECIAL EXCEPTION PERMITS IN THE TOWN OF WYTHEVILLE

These guidelines are presented to assist the property owners and developers in understanding the procedures required for approval of special exception permits in the Town of Wytheville.

Background

Special exceptions provide a useful tool for the Planning Commission and the Town Council to permit uses which are not permitted by the Zoning Ordinance but which have no impact or which may have a positive impact on the particular zone.

Special exception permits (sometimes referred to as special use permits) allow a use not permitted in a zoning district. Because of this fact, special exception permits require that the Planning Commission and Town Council carefully weigh the impact of the use on the zoning district and each of the properties and uses adjacent to the proposed special exception.

In the matter concerning special exception permits, the Planning Commission is advisory to the Town Council. The ultimate acceptance or denial of special exception permits is a responsibility of the Town Council; however, the recommendation of the Planning Commission weighs heavily in the Town Council's decision. The Planning Commission and Town Council can accept the special exception permit with any limitations or restrictions the Town Council feels are necessary.

Special exception permit requests are sent to the Planning Commission to hear the request, set a date for a public hearing on the matter, and make a recommendation to the Town Council. The Town Council then holds a public hearing and makes the ultimate decision on the special exception permit. The time frame for this process is approximately 60 to 90 days and is determined by the schedule of the Town Council and Planning Commission meetings and the advertising requirements.

In order to assure that special exception permits are in the best public interest, special exception permits must be appropriately advertised. Each public hearing must be advertised in two consecutive local newspaper publications seven (7) days apart, and the last publication must be seven (7) days prior to the hearing. Persons requesting special exception permits should be aware that the process may be slightly shorter or slightly longer depending upon the sequence of regular meetings following the request. In addition to publicized public hearings, other legal obligations must be satisfied. All adjacent property owners are notified of the special exception permit request by certified mail.

The Town's Planning and Engineering staff are required to review all aspects of the special

exception permit request prior to the public hearing so that they may adequately research the request, its impact, and its legality. All applications for special exception permits must be received by the Office of the Director of Administrative Services/Clerk of Council at least thirty (30) work days prior to the Planning Commission meeting in which the request is to be heard. This is to allow the request to be incorporated into the Planning Commission=s meeting agenda package.

The Town Council meets on the second and fourth Monday of each month, and the Planning Commission meets on the second Thursday of each month.

Requests submitted will normally not be heard by the Planning Commission until the Planning Commission meeting of the following month. The date of the public hearing will be set by the Planning Commission for the following Planning Commission meeting. Upon the completion of the public hearing by the Planning Commission, the Planning Commission will make a recommendation which will be forwarded to the Town Council for the next regularly scheduled Town Council meeting. At this meeting, the Town Council will set a public hearing for the next regularly scheduled Town Council meeting which allows the advertising requirements for the public hearing to take place. Upon completion of Town Council's public hearing, Council will then make a decision on the special exception permit.

Special Exception Permit Considerations

The Planning Commission and Town Council will consider the special exception permit relative to the impact of the use on the zoning district in which it is requested. However, the Planning Commission may recommend, and the Town Council may adopt at its discretion, suitable regulations, safeguards, requirements, or physical conditions or improvements which must be completed within a set time frame of the granting of the special exception permit; and, if the regulations, safeguards, requirements, or physical conditions or improvements are not met within the set time period, the special exception permit will be considered to be revoked and the use in violation of the Zoning Ordinance. The Planning Commission and Town Council may consider the following standards in the issuance of the special exception permit: (a) length of time for the special exception permit; (b) the limitation of the special exception permit to a specific ownership; (c) a periodic review of the special exception with provisions for termination of the special exception permit; (d) physical improvements required for the granting of the special exception permit; (e) specific restrictions on the special excepted use for granting of the permit.

Applicant's Responsibilities

All applications must be received by the Director of Administrative Services/Clerk of Council thirty (30) work days prior to the Planning Commission meeting at which the special exception is requested. Applicants are asked to clearly delineate the location for which the special exception permit is made through the use of maps, plats, drawings, and other data, and to fully describe reasons for the special exception permit. The applicants should be

prepared to provide multiple copies of the information (up to 15 copies for each meeting) when requested to do so. Applicant should attend all public hearings and meetings to answer questions relative to the special exception permit. There is an application fee of \$300 plus the expenses of advertising and certified notices.

Town Staff Assistance

Town staff will endeavor to review any requests by the applicants and to suggest alternative means for achieving the same result when it appears feasible to do so.

TIME TABLE FOR SPECIAL EXCEPTION PERMIT REQUEST

Special Exception Permit Request Received

(Referred to next regularly scheduled Planning Commission meeting.)

9

Planning Commission Meeting

(Planning Commission sets a public hearing, advertisements are issued for next regularly scheduled Planning Commission meeting.)

9

Planning Commission Public Hearing

(Following the hearing, Planning Commission makes recommendation to Town Council. Referred to next regularly scheduled Council meeting.)

9

Town Council Meeting

(Town Council sets public hearing usually at the next regularly scheduled Council meeting. The date of the hearing must meet advertisement requirements.)

9

Town Council Public Hearing

(Town Council decides the matter of the special exception permit after the public hearing.)