
Application and Procedures for

CONDITIONAL USE PERMIT



King William County
Department of Planning
180 Horse Landing Road
King William, VA 23086
804-769-4980

Effective July 1, 2023



CUP APPLICATION INFORMATION:

King William County
Department of Planning
180 Horse Landing Road #4
King William, VA 23086
804-769-4980

WHAT IS A CONDITIONAL USE? A conditional use is a use listed as such in the Zoning Ordinance and which may be permitted in a specified zoning district under certain conditions, such conditions to be determined in each case by the terms of the Zoning Ordinance and by the Board of Supervisors after public hearing and a report by the Planning Commission.

APPLICATION FOR A CONDITIONAL USE PERMIT: The applicant applying for a conditional use permit must submit the following to the Planning Department:

1. Completed application form
2. Preliminary site plan in accordance with Article XVII
3. Building elevations and floor plans of any proposed buildings or structures.
4. Any special information needed by the Director of Planning to evaluate the impact of the proposed use including approval from VDOT, Health Department, HRSD, or other agencies having an interest in the impact of the proposed use.
5. Submittal of a Traffic Impact Analysis
6. The application fee
7. Attend all meetings and public hearings of the Planning Commission and Board of Supervisors at which the application is discussed

FEE: A non-refundable application fee of **\$2,500.00 Residential/\$3,500.00 Commercial**, payable to King William County, must accompany the application.

ADDITIONAL INFORMATION: The applicant is advised to read Section 86-44 of the Zoning Ordinance concerning conditional uses. Questions should be referred to the Director of Planning.

NOTE: An incomplete application will be returned to the applicant. An application is not complete until all supporting documents have been submitted.

Pre-application Meeting (Optional)

The applicant should consider scheduling a meeting with Planning staff prior to submitting an application. It is helpful to bring a plat along with a sketch plan of your proposal to this meeting. Staff can then make suggestions concerning your request that may help make the application process easier.

Application Submittal

The application deadline is the first Monday of each month. If the first Monday falls on a holiday, the application deadline will be the following business day. The public hearing will be scheduled for the following month. The Application submittal shall include a completed application form, a certified survey plat showing all existing and proposed changes on the property including all of the dimensions of the lot, any resources protection area, resources management area, flood zones, Hampton Roads Sanitation District or approval from the Health Department, if applicable. Following acceptance of the application, the applicant will be notified to submit the appropriate fee.

Staff Review of Application

Planning staff will review the application to verify its completeness and will notify the applicant if any items have been omitted. Any missing information can delay the processing of an application. Staff will visit the subject property as part of their review process. Staff will then prepare a report that will include recommendations. This report will be sent to the Planning Commission for review and consideration prior to the public hearing.

Community Meetings

Community meetings are required for all conditional use permits relating to solar farms and communication towers.

Planning Commission Public Hearing

The Planning Commission meets the first Tuesday of each month at 7:00 p.m. All conditional use requests are advertised in the Tidewater Review two weeks prior to the Public Hearing.

Information is also on the County's website.

The applicant is notified by letter of the Planning Commission meeting date.

The applicant shall appear at the public hearing before the Planning Commission. Staff will present their findings and report to the Planning Commission. The members may ask questions to clarify any concerns. They will also accept testimony from both proponents and opponents of the proposal. The Planning Commission may then vote to recommend approval, approval with conditions, denial, to table the request, or defer the application.

Planning Commission Action

A report containing the recommendations of the Planning Commission and staff are given to the Board of Supervisors the week prior to their meeting. The Board of Supervisors holds a public hearing and hears the conditional use permit during their regular monthly meeting, which is typically, the fourth Monday at 7:00 p.m. Following the public hearing, the Board of Supervisors may vote to approve, deny, defer the application, or remand the application back to the Planning Commission for further consideration.

Approval

- The applicant will receive notification of approval along with any approved conditions.

Denial

- A letter of denial is sent to the applicant, which includes the reasons for denial.
- The applicant may not submit a substantially similar application until one year following the previous denial.

Traffic Impact Analysis Certification – In compliance with VDOT’s Traffic Impact Analysis Regulations 24VAC 30-155 et seq., commonly known as “Chapter 527”), Conditional Use Permits that meet certain thresholds require a Traffic Impact Analyses (TIAs). Copies of the TIAs are required as part of your application submittal.



Conditional Use Permit Application
King William County
Department of Planning and Zoning
180 Horse Landing Rd. #4 King William, VA 23086
Phone (804) 769-4980 Fax (804) 769-2235

1. Owner: _____
Name: _____
Address: _____
Phone Number: _____

2. Applicant:

Name: _____
Address: _____
Phone Number: _____

3. Property description:
(a) Size (acres): _____ Road frontage: _____

(b) Deed recorded in Deed Book ____ at Page _____

Plat recorded in Plat Book ____ at Page _____

Tax Map: _____ Section _____, Parcel _____

(c) Zoning District: _____

4. Hours of operation of the planned facility: _____

5. Describe water supply plans: _____

6. Describe sewage disposal plans: _____

7. Attach a statement describing how specific conditions stated in the Zoning Ordinance for the type of project planned will be met.

I hereby certify that the information presented in this application and on the accompanying site plan is complete and accurate to the best of my knowledge. County officials and employees are authorized to enter upon the property described herein during regular working hours for the purpose of performing assigned duties in connection with this application.

Signature of Applicant:

Signature of Property Owner: _____
(If different from Applicant)

STATE OF: _____ COUNTY OF: _____ to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____.

Notary Public

My Commission Expires

TO THE APPLICANT:

It is the policy of King William County Planning Department to require a property to be posted when a zoning action is being considered. Such a posting notifies the general public of an impending action and the location being considered.

It is incumbent on you, the applicant, to ensure that the sign is in the proper location and remains there until an action has taken place. Consequently, the procedure for posting is as follows:

1. The Planning and Zoning staff will post the sign on your property.
2. You should check the location of the sign to make certain that it is in the right location on your property. If it is not, please notify the Planning Department as soon as possible.
3. You should check periodically to insure the safety of the sign. If it is stolen or otherwise harmed, please notify the Planning Department as soon as possible.
4. On the day of the final public hearing on your case, you may bring the sign with you and leave it with planning staff.
5. All presentations from applicants/citizens must be emailed in advance of the Planning Commission and Board of Supervisors meetings.

Should you have any questions regarding this policy, please contact a member of the planning staff. **804-769-4980**

Referenced Ordinances:

Sec. 86-44. Conditional uses.

- (a) *Generally.* A conditional use may be approved by the Board of Supervisors for any use specifically identified as a permitted conditional use in the use matrix in article VII of this chapter. In approving these conditional uses, the Board of Supervisors may, in addition to the general regulations applicable to the zoning district in which the conditional use is located, impose any additional reasonable conditions in connection therewith that it deems necessary to ensure that the conditional use will be consistent with the overall intent and spirit of this chapter. The Board of Supervisors may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- (b) *Minimal requirement.* A conditional use permit shall not be issued unless the Board of Supervisors shall find that:
 - (1) The proposed use will not adversely affect the health, safety, or welfare of persons residing or working in the general proximity, of the proposed use. Nor will the proposed use be detrimental to public welfare or injurious to the property or improvements in the neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibrations, with due regard for timing of operation, screening, and other matters which might be regulated to mitigate adverse impact.
 - (2) The proposed use will conform to the Comprehensive Plan, or to specific elements of such plan, and the official policies adopted in relation thereto, including the purposes and the expressed intent of this chapter.
- (c) *Procedures.* The procedures governing and the documentation required for an application to the Board of Supervisors requesting approval of a conditional use, where required by this chapter, shall be the same as the procedures, public notice, and documentation required for amending this chapter, as described under **Section 86-19 (Reserved)**, except that the application shall also include the following:
 - (1) A preliminary site plan in accordance with **Article XVII** of this chapter.
 - (2) The front, side, and rear elevations and floor plans of any proposed buildings or structures.
 - (3) Any special information requested by the zoning administrator which is necessary to evaluate the impact of the proposed use by the planning commission, board of supervisors, state department of transportation, health department, or other public agencies having an interest in the impact of the proposed use.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

ARTICLE XVII. SITE PLAN REQUIREMENTS

Sec. 86-400. Purpose of article.

The purpose of this article is to promote the orderly development of land within the county by ensuring that:

- (1) Land development activities are planned in a manner consistent with the comprehensive plan and development policies of the County;
- (2) Specific development projects are planned to achieve harmony with the immediately surrounding environment;
- (3) Each project contains proper internal and external traffic circulation and other infrastructure consistent with the objectives of the county for the area in which a proposed use is located; and
- (4) The use of land occurs in such a manner as to preserve the community's valuable natural resources.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

Sec. 86-401. Applicability.

- (a) Pursuant to Code of Virginia, § 15.2-2286.A.8, no building permit or zoning permit shall be issued involving construction or exterior modifications to a structure until a site plan has been issued in accordance with the procedures established herein. Site plans are required and shall be submitted for all new structures, all renovated structures, and all additions to existing structures, with the following exceptions:
 - (1) Individual single-family dwellings.
 - (2) Individual two-family dwellings.
 - (3) Accessory uses where the area of land disturbance is less than 2,500 square feet.
 - (4) Bona fide agricultural operations and the customary accessory uses and structures associated with bona fide agricultural operations.
 - (5) Filling and grading operations where the area of land disturbance is less than 2,500 square feet where no impervious structures, surfaces or improvements will be installed and no clearing undertaken.
- (b) Where a change of use of an existing structure requires additional parking or other requirements applicable to a new use, a site plan shall be submitted for review to ensure that the change of use can be accomplished within the purpose and intent of this chapter.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

Sec. 86-402. Reviews.

- (a) Site plan submission. Unless otherwise provided in another article of this chapter, every site plan required by this article shall be submitted to the zoning administrator who shall take the following actions:
 - (1) Review the plans for conformity with the comprehensive plan and applicable development regulations.
 - (2) Determine whether the site plan requires review by the planning commission and board of supervisors, as outlined below.
 - (3) If a review is required by the planning commission and board of supervisors then place the plan on the agenda of the planning commission and the board of supervisors and arrange for public notices as required by law.
- (b) Plans requiring actions of the planning commission and board of supervisors are as follows:
 - (1) Applications for conditional use permits.
- (c) For projects which are required to be referred to the planning commission and the board of supervisors, the zoning administrator shall prepare an analysis of the plan and a brief report stating whether the site plan is in conformity with applicable plans, regulations and policies of the county. This report shall be submitted to the planning commission, through the director of planning who may make additional analysis and recommendations concerning whether the proposed site plan is consistent with the county's comprehensive plan and general development policies. Either the zoning administrator's or the director of planning's report may recommend actions that would enable the plan to meet county requirements, should it not meet such requirements as submitted.

(Ord. No. 09-21R2, Att. A, 9-27-2021)

Sec. 86-403. Requirements; content and form.

- (a) *Preliminary site plans.* Applications for approval of any use requiring a site plan shall be accompanied by preliminary site plans. The preliminary site plans shall be clearly drawn to scale as specified in this subsection and shall show the following:
- (1) The proposed title of the project, owner or owners of the land, and name of the engineer, architect, designer or landscape architect and the developer;
 - (2) The northpoint, scale and date;
 - (3) Location of the project by an insert map at a scale of not less than one inch equals 2,000 feet, indicating the scale, the north arrow and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns and magisterial districts or other landmarks sufficient to clearly identify the location of the property;
 - (4) Existing zoning and zoning district boundaries and proposed changes in zoning, if any;
 - (5) The boundaries of the property involved, county or municipal boundaries, the general location of all existing property lines, existing streets, buildings or waterways, major tree masses and other existing physical features in or adjoining the project;
 - (6) Identification of the property including name of the subdivision, tax map parcel number, and name or route number where property is located;
 - (7) Location of all building restriction lines, setbacks, easements, covenant restrictions and rights-of-way;
 - (8) Uses of adjoining properties and names of owners; topography of the project area with contour intervals of two feet or less, unless waived by the zoning administrator as clearly unnecessary to review of the project or proposal;
 - (9) The approximate location and sizes of sanitary and storm sewers, water mains, culverts and other underground structures, existing and planned, in or near the project;
 - (10) The location of all existing and proposed structures, including marine and temporary structures. In the case of temporary structures, the date when the structure will be removed must be indicated;

King William County Checklist for Preliminary Site Plans

Project Name:

Contact Person:

Review:

Date:

Accepted: _____ **Not Accepted:** _____

If any department identifies missing information and does not recommend routing of the site plan, the Planning Department shall immediately notify the consultant to provide the missing information. Missing information must be provided within 5 business days of being notified.

- Title of Project
- Owner(s) of land
- Engineer, Architect, designer, or landscape architect
- Developer
- Northpoint, scale (1" – 50 feet), and date
- Location of project by insert map at a scale of not less than one inch – 2,000 ft.
- Names and numbers of adjacent roads, streams and bodies of water, railroads, subdivisions, and landmarks, major tree masses.
- Existing zoning and proposed changes in zoning.
- Boundary lines of property.
- Identification of property, include name of subdivision, and tax map parcel.
- Location of building restriction lines, setbacks, easements, right-of-ways.
- Covenant restrictions.
- Uses of adjacent properties and names of owners.
- Topography of the project area with contour intervals of two feet or less, unless waived by the Zoning Administrator.
- Approximate location and sizes of sanitary and storm sewers, water mains, culverts and other underground structures, existing and proposed.

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- Location of all existing and proposed structures, including marine and temporary structures.
 - Date when any temporary structures will be removed must be indicated.
 - Location of all wooded areas before development, proposed area of clearing and indication of post-development cover.
 - General location and character of construction of proposed streets, alleys driveways, curb cuts, entrances and exits, loading areas. (include number of parking and loading spaces) outdoor lighting system (detail), storm drainage, and sanitary facilities.
 - General location of proposed lots, setback lines, easements and proposed reservation for parks, parkways, playgrounds, school sites, and open spaces.
 - Location with respect to each other and to lot lines, number of floors, number of dwelling units, approx. height, and location of all proposed buildings and structures with respect to each other and to lot lines. (accessory and main, or main excavations)
 - Preliminary plans and elevations of several dwelling types and other buildings.
 - Location, height, and material of all fences, walls, screen planting and landscaping.
 - General location, character, size, height, and orientation of proposed signs.
 - Total number of dwelling units and various types in the project and over project density in dwelling units per acre.
 - Location of septic tanks, drainfield sites include reserve sites, location of wells.
 - Location of proposed easements for roads, overhead and underground utilities, drainage, or other easements which may exist or are proposed.
 - Curb cuts as approved by VDOT.
 - Location and layout of driveways or parking areas or any other paved or graveled areas.
 - Shortest distances from all property lines to all proposed structures.
 - Resources Protection Area features and any required buffer areas.
 - 100-year floodplain, any drainage district, mapped dam break inundation zone.
 - Location of any cemeteries or graves, object or structure marking a place of burial.
 - Documentation of all existing permits and applications relevant to the parcel including, but not limited to Health Department permits, zoning permits, rezoning, conditional use and variance.
 - Additional information and requirements as requested.