

ARTICLE I – GENERAL PROVISIONS

SEC. 30-19. SPECIAL USE PERMITS; APPLICABILITY AND PURPOSE.

- (A) The procedures and standards contained in this section shall apply to all uses specifically permitted as special uses in the district regulations found elsewhere in this ordinance.
- (B) This category of uses known as special uses is established in recognition that in addition to uses permitted by right, certain uses may, depending upon their scale, design, location, and conditions imposed by the board, be compatible with existing and future uses in a district. **The board reserves unto itself the right to issue special use permits.**
- (C) The review and subsequent approval, **conditional approval**, or disapproval of a special use permit by the board ~~shall be considered~~ **is** a legislative act, and shall be governed by the procedures thereof.

Sec. 30-19-1. General Standards.

- (A) ~~The administrator shall not accept a special use permit application for a lot or parcel that does not comply with the minimum requirements contained in article IV, use and design standards, for that use. In such situations, the applicant shall first seek a variance from the board of zoning appeals. If a variance is granted, the administrator shall thereafter accept the special use permit application for the consideration of the commission and board.~~ In considering their recommendations and in making the final decision of whether to grant, deny, or impose conditions on a special use permit, the administrator, planning commission, and the board shall give the following factors reasonable consideration. The applicant should address all of the following in its statement of justification or concept plan if applicable, in addition to any other standards imposed by this ordinance:
 - 1. Whether the proposed use is consistent with the comprehensive plan.
 - 2. The compatibility of the proposed use with other existing or proposed uses in the neighborhood or on adjacent parcels.
 - 3. The location, area, footprint, nature, and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.
 - 4. The timing and phasing of the proposed development and the duration of the proposed use.
 - 5. Whether the proposed use will contribute to or promote the welfare or convenience of the public.
 - 6. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (both on-site and off-

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site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety, efficient traffic movement, and access for public safety.

7. Whether the proposed use will be served adequately by essential public facilities and services, including public and private utility facilities.
8. Whether the proposed use will provide desirable employment and enlarge the tax base encouraging economic development activities consistent with the comprehensive plan.
9. Whether the proposed use considers the needs of agriculture, industry, and businesses in future growth.
10. For residential uses, the impact on the affordability of housing in accordance with state law.
11. The proposed days or hours of the operation.
12. The impact of the proposed use on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality, and air quality.
13. The impact of the proposed use on any topographic or physical, natural, scenic, archaeological, or historic feature of significant importance.
14. Any other matter reasonably related to the public health, safety, and general welfare.

In granting a special use permit, the administrator and planning commission may recommend and the board may attach any conditions necessary to ensure that the proposal meets the specific and general standards for the proposed use, as well as the general purpose and intent of this chapter.

- (B) Where warranted, for the purpose of compliance with the general standards for special uses, such conditions may exceed the specific standards for the use found elsewhere in this ordinance. ~~No special use permit shall be issued except upon a finding of the board that in addition to conformity with any standards set forth in article IV, use and design standards, the proposed special use conforms with the following general standards. These standards shall be met either by the proposal made in the original special use permit application, or by the proposal as modified or amended as part of the review of the application by the commission and the board:~~

- ~~1. The proposal as submitted or modified shall conform to the comprehensive plan of the county, or to specific elements of the plan, and to official county policies adopted in relation thereto, including the purposes of the zoning ordinance.~~

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~~2. The proposal as submitted or modified shall have a minimum adverse impact on the surrounding neighborhood or community. Adverse impact shall be evaluated with consideration to items such as, but not limited to, traffic congestion, noise, lights, dust, drainage, water quality, air quality, odor, fumes and vibrations. In considering impacts, due regard shall be given to the timing of the operation, site design, access, screening, or other matters which might be regulated to mitigate adverse impact.~~

- (C) The issuance of a special use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals which may be required by law, including, but not limited to, a building permit, a certificate of occupancy, site plan and subdivision approval, and a zoning permit, as appropriate.

Sec. 30-19-2. Application Requirements.

- (A) An application for a special use permit may be initiated by:
1. Resolution of the board, or;
 2. Motion of the commission, or;
 3. Petition of the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property for which a special use permit is requested.
- (B) The applicant for a special use permit shall provide ~~at the time of application,~~ information ~~and~~ and/or data to demonstrate that the proposed use will be ~~in harmony~~ consistent with the purposes of the specific zoning district in which it will be located. Further, the applicant shall have the responsibility to demonstrate that the proposed use will ~~not~~ have ~~minimum~~ an adverse impact on ~~adjoining~~ neighboring properties and the ~~surrounding neighborhood~~ public that exceeds an impact which would be caused by those uses permitted by right in terms of the public health, safety, or general welfare.
- (C) All applications submitted for special use permits shall ~~include a concept plan showing the nature and extent of the proposed use and development. If the proposed development is to be constructed in phases, all phases shall be shown at the time of the original application on the concept plan as approved by the board. The applicant shall have the responsibility to show that the proposal meets all of the applicable specific and general standards for the use.~~
- (D) The administrator shall establish and maintain the special use permit application materials. At a minimum these materials shall require the submittal of a concept plan. ~~Standards for concept plans are found in a document entitled *Land Development Procedures*, available in the department of community development.~~

Sec. 30-19-3. Review and Action.

- (A) ~~The department of community development shall review all special use permit applications submitted. This review shall evaluate the proposal against the comprehensive plan and the specific and general standards for the requested use. The department shall make a report of its findings to the commission. This report shall contain all information pertinent to the evaluation of the request.~~ Upon submission of an application for a special use permit to the administrator, including any application fee, the administrator shall, within ten (10) days, determine whether it is substantially complete. If the application is not substantially complete, then the administrator shall notify the applicant in writing of the materials that must be submitted to complete the application. Nothing herein shall be construed to prohibit the administrator, planning commission, or board from requesting, or the applicant from submitting, such other and further information as may be necessary to analyze the application fully.
- (B) ~~The commission shall review and make recommendations to the board concerning the approval or disapproval of any special use permit. No such recommendation shall be made until after a public hearing is held in accordance with section 15.2-2204 of the Code of Virginia, as amended. Posting of the property shall be in accord with section 30-14-3 of this ordinance. The commission shall base its recommendation upon the review of the submitted application materials, the specific and general criteria for the special use, public comment received at the hearing, and the information and evaluation of the department of community development. In making a recommendation to the board, the commission may recommend any conditions necessary to insure that the proposal meets the specific and general standards for the proposed use. Any such conditions shall be related to the design, scale, use, or operation of the proposed special use. Where warranted, for the purpose of compliance with the general standards for special uses, such conditions may exceed the specific standards for the use found elsewhere in this ordinance.~~ The administrator shall transmit the application to the planning commission, along with a staff report analyzing and making a recommendation on the application. The planning commission shall hold a public hearing and make a recommendation on the application, including recommendations of such changes and conditions as it might deem appropriate, not later than one hundred (100) days following its next meeting following submission of a complete application to the administrator, unless such time period is extended by written agreement between the applicant and the planning commission.
- (C) ~~The board may grant or deny any applicant a special use permit after notice is given and a public hearing is held in accordance with section 15.2-2204 of the Code of Virginia, as amended. No action on any special use permit shall be taken until the board has received the recommendation of the planning commission.~~ The planning commission shall transmit its recommendation to the board of supervisors. The administrator may revise any staff report previously submitted to the planning commission and make a recommendation to the board. The board shall hold a public hearing and make a final decision on the application, including making appropriate changes to the application and imposition of conditions thereon, not later than twelve (12) months following submission of a complete application to the administrator, unless such time period is extended by

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~~written agreement of the applicant. In granting a special use permit, the board may attach any conditions necessary to insure that the proposal meets the specific and general standards for the proposed use. Any such conditions shall be related to the:~~

- ~~(1) Design,~~
- ~~(2) Scale,~~
- ~~(3) Use, or~~
- ~~(4) Operation of the proposed special use.~~

~~Where warranted, for the purpose of compliance with the general standards for special uses, such conditions may exceed the specific standards for the use found elsewhere in this ordinance.~~

Sec. 30-19-4. Time Limitations.

~~(A) Within ninety (90) days from the date that the proposed special use permit application is referred to the commission, unless a longer period shall have been established by mutual agreement between the board and the commission in a particular case, the commission shall review the proposed application and report its findings and recommendation to the board along with any appropriate explanatory materials. Failure of the commission to report to the board within ninety (90) days shall be deemed a recommendation of approval. If the commission does not report within ninety (90) days, the board may act on the application without the recommendation of the commission.~~

~~(B) The board shall hold a public hearing and approve or deny any special use permit application within twelve (12) months after receiving the commission's recommendation. Failure to act on any permit within this twelve month period shall be deemed denial of the permit.~~

(EA) A special use permit application may be put on hold upon written request of the applicant at any time. This hold shall not exceed six (6) months. The applicant shall make a written request to the zoning administrator to reactivate the special use permit application. Should the application not be reactivated, it shall be considered withdrawn and subject to the requirements of (F) below.

(EB) Any special use permit granted shall be null and void two (2) years after approval by the board if the use or development authorized by the permit is not commenced to a degree that, in the opinion of the administrator, clearly establishes the intent to utilize the granted special use permit in a period of time deemed reasonable for the type and scope of improvements involved.

(EC) Special uses which are approved by the board shall run with the land, except that

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1. Activities or uses approved by a special use permit which are discontinued for a period of more than two (2) consecutive years shall not be reestablished on the same property unless a new special use permit is issued in accord with this ordinance.
 2. A special use permit shall be void, if at the time of the commencement of the authorized use, activity, or structure, the site for which the permit has been granted contains other uses or activities not in place at the time of the issuance of the special use permit.
- (~~D~~) If any special use permit application is withdrawn at the request of the applicant subsequent to the commission's recommendation on the permit, or if the board denies any application submitted for its review, the county shall not consider any application for the same special use, on the same property, within one year of the permit withdrawal or the board's action.

ARTICLE III – DISTRICT REGULATIONS

SEC. 30-32. AG-3 AGRICULTURAL/RURAL PRESERVE DISTRICT.

Sec. 30-32-2. Permitted Uses.

- (A) The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

4. *Commercial Uses*

*Bed and Breakfast **

*kennel, Commercial **

SEC. 30-34. AR AGRICULTURAL/RESIDENTIAL DISTRICT.

Sec. 30-34-2. Permitted Uses.

- (B) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

3. *Commercial Uses*

*Special Events Facility **

ARTICLE IV – USE AND DESIGN STANDARDS

SEC. 30-83. CIVIC USES.

Sec. 30-83-0.5. Camps.

(A) General standards:

5. One year-round residence, including a manufactured home **or recreational vehicle**, may be constructed/**installed** as a caretaker's home **or residence** in addition to other facilities on the property.

Sec. 30-83-8. Public Parks and Recreational Areas.

(A) General standards:

2. **Year-round residence(s), including a manufactured home or recreational vehicle, may be constructed/installed as a caretaker's home or residence in addition to other facilities on the property.**

SEC. 30-85. COMMERCIAL USES.

Sec. 30-85-9. Campground.

(A) General standards in the AG-3 and AG-1 districts:

6. One **year-round residence, including a** manufactured home **or recreational vehicle**, ~~established pursuant to this ordinance~~, may be ~~located~~ constructed/installed in a campground as a caretaker's **home or residence**.

Sec. 30-85-24.6. Special Events Facility.

(B) **Additional standards in the AR District:**

1. **The minimum acreage for a special events facility shall be 10 acres.**

ARTICLE V – DEVELOPMENT STANDARDS

SEC. 30-92. SCREENING, LANDSCAPING, AND BUFFER YARDS.

Sec. 30-92-6. Applicability of Regulations and Requirements.

(A) Screening, landscaping and buffer yards.

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1. Requirements of screening, landscaping and buffer yards between zoning districts shall be determined by using the following charts. See the buffer yard illustrations in the Roanoke County Design Handbook for more detail.
2. The zoning administrator shall have final review of all buffer yards and will determine whether more screening is necessary based on site specific information such as terrain.
3. If the buffer yard area is smaller than the typical buffer yard section denoted in the following illustrations, the landscaping required shall equal a proportion of the typical buffer yard landscaping. Where a fraction is calculated, the number shall be rounded up to the next whole number.

Adjoining Zoning	Site Zoning					
	R-3	R-4	C-1	C-2	I-1	I-2
AG-3	D	D	D	D	D	E
AG-1	D	D	D	D	D	E
AR	B	B	B or C	B or C	D	E
AV	A	A	A	A	D	E
R-1	A	A	B	C	D	E
R-2	A	A	B	C	D	E
R-3		B	B	B	D	E
R-4			A	B	D	E
PRD					D	E
NC					B	C
C-1					B	C
C-2					B	B