

ARTICLE 8. SPECIAL USE PERMITS AND COMMISSION PERMITS

Section 1. Special use permit.

1.1 Purpose of special use permit.

Special use permits are authorized by this ordinance, pursuant to the Code of Virginia § 15.2-2286, as amended. The purpose of the special use permit procedure is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses either have unusual characteristics, or have characteristics which are different from those of their immediate surroundings and are essential and desirable for the general convenience and welfare, but because of the nature of the use, and possible impact, not only on neighboring properties, but on a large section of the town, require the exercise of planning judgment on location and site plan.

1.2 General guides and standards.

A special use permit should be approved only if it is listed as allowed by special use permit in the district regulations and only if it is found that the location is appropriate and not in conflict with the comprehensive plan, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate utilities and off-street parking facilities, if applicable, will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this article are complied with.

In approving a special use permit the town council may impose such reasonable conditions as it believes necessary to accomplish the objectives of this ordinance. Unless otherwise specified in this article or specified as a condition of approval, the height limits, yard spaces, lot area, and sign requirements shall be the same as for other uses in the district in which the proposed special use permit is located.

1.3 Specific guides and standards.

Approval of a special use permit shall comply with the specific guides and standards for particular uses contained in this ordinance unless the town council approves a waiver of such standard based on a specific recommendation by the planning commission that compliance with the standard is clearly unnecessary to the purposes of this ordinance.

1.4 Procedures for approval of special use permits which require approval by the town council.

The procedures for approval of a special use permit are generally the same as those prescribed in Article 10: Changes and Amendments, including the public hearing and recommendation by the planning commission, and, in addition the procedures and requirements for approval of a special use permit application as set forth below.

- D. Issues for consideration. A special use permit application shall be accompanied by a statement of justification which addresses the following issues for consideration. These issues for consideration shall be used by the planning commission and town council when evaluating the special use permit application. The following factors shall be given reasonable consideration and shall be addressed by the applicant in the statement of justification:
1. Whether the proposed application is consistent with the comprehensive plan.
 2. Whether the proposed special use at the specified location will contribute to or promote the welfare and convenience of the public.
 3. Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.

4. Whether the level and impact of any noise or odor emanating from the site, including that generated by the proposed special use, negatively impacts the uses in the immediate area.
5. Whether the proposed special use will result in the preservation or damage of any existing habitats, vegetation, topographic or physical, natural, scenic, archeological, or historic feature of significant importance.
6. Whether the proposed special use will impact existing water quality or air quality.
7. Whether the traffic generated by the proposed use will be adequately and safely served by roads, pedestrian connections, and other transportation services.
8. Whether the proposed use will negatively impact orderly and safe road development and transportation in accordance with the comprehensive plan and all relevant transportation and corridor plans.
9. Whether the proposed use will be served adequately by essential public facilities and services
10. Whether, in the case of existing structures to be converted to uses requiring a special use permit, the existing structures can be converted in such a way that retains the character of the neighborhood in which the existing structures are located, especially when an application seeks to convert a building of historic significance.
11. Whether the proposed special use contributes to the economic development needs of the town.
12. Whether adequate on and off site infrastructure is available.
13. Whether the proposed special use illustrates sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and schools.

ARTICLE 9. BOARD OF ZONING APPEALS

Section 5. Special exceptions.

In order to provide for adjustments in the relative locations of uses and buildings of the same or different classifications, to promote the usefulness of these regulations as instruments for fact finding, interpretation, application and adjustment, and to supply the necessary elasticity to their efficient operation, special exceptions and, limited as to location and especially in locations described in the district regulations and in this article, special use and yard exceptions are permitted by the terms of these regulations. In considering an application for a special exception, the board shall give due regard to the specific guides and standards of this section and those listed elsewhere in this ordinance, and in general to the nature and condition of adjacent uses and structures, and the probable effect upon them of the proposed exception.

The board shall also take into account the special characteristics, design, location, construction, method of operation, effect on traffic conditions, or any other aspects of the particular use or structure, that may be proposed by the applicant. If it should find, after the hearing, that the proposed establishment or use will not adversely affect the health, safety or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor increase public danger from fire or otherwise unreasonably affect public safety, nor impair the character of the district or adjacent districts, nor be incompatible with the general plans and objectives of the town's comprehensive plan, nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such establishment or use will be in substantial accordance with the general purpose and objectives of this ordinance, the board shall grant the exception and authorize the issuance, of a special exception permit.

In those instances where the board finds that the proposed use may be likely to have an adverse effect as above, the board shall determine whether such effect can be avoided by the imposition of any special requirements or conditions with respect to location, design, construction, equipment, maintenance or operation, in addition to those e