



APPLICATION FOR SPECIAL EXCEPTION

Prior to submitting a Special Exception application, please contact the Development Administrator (540) 372-1179 to schedule a meeting with the Technical Review Committee (TRC).

A Special Exception provides needed elasticity and usefulness of the zoning regulations, in extraordinary or special circumstances. The grant of a special exception for a use not otherwise permitted by zoning regulations may be appropriate for circumstances which are unique and unlikely of recurrence. The grant of a special exception from bulk regulations should only be considered in the context of a special use, special exception (use) or conditional rezoning application.

The City Council, after a recommendation from the Planning Commission, may decide upon conditions for approval but may also deny such uses as being incompatible with existing uses or the surrounding areas.

APPLICATION REQUIREMENTS

Special exception applications are filed with the office of the Zoning Administrator (540)372-1179. ***Applications must include the application fee of \$850.00 + \$175.00 per acre as well as the original application with original signatures. One complete copy of the application and supporting documentation must be uploaded to the City's FTP website. This must be accomplished in order for the application to be deemed complete. Please see the attached instructions on how to upload the application to the City's FTP website. In addition, 2 paper copies of the application and all supporting documentation must also be submitted and contain the information listed for Special Exception requests, and is attached to this application .***

The complete list of application requirements is contained in the UDO Procedures Manual and attached to this application for your convenience.

After the application is deemed complete and review comments have been provided (if applicable), additional paper copies will be required prior to Public Hearing.

Please be aware that you will not be contacted prior to the Planning Commission meeting unless the staff has questions concerning the application. A copy of the staff report will be e-mailed to the applicant if address is provided. Staff reports will be available the Friday prior to the Planning Commission meeting.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission will provide public notice and hold a public hearing concerning a Special Use before making a recommendation. Upon a recommendation by the Planning

Commission, the City Council will render a final decision on all applications within sixty (60) days after the Planning Commission has acted upon it.

SPECIAL EXCEPTION APPEAL

Appeals of City Council action on special use applications may be filed with the Clerk of the Circuit Court, within 30-days of City Council Action.

CONDITIONS

The City Council may grant the special exception conditioned upon suitable regulations and safeguards, reasonably related to the special exception application.



Application #SE: _____

Date: _____

Fee/Check#: _____

\$850.00 + \$175.00 Per Acre

APPLICATION SPECIAL EXCEPTION

APPLICANT NAME: _____

MAILING ADDRESS: _____

TELEPHONE: _____ E-MAIL: _____

THE UNDERSIGNED HEREBY APPLIES FOR AN EXCEPTION FOR: _____

THE SUBJECT PROPERTY IS DESCRIBED AS FOLLOWS:

Property

Location _____

Property Owned By _____

Owner's Mailing Address _____

Proposed Use of Property (*be specific*) _____

HOURS OF OPERATION _____ NUMBER OF EMPLOYEES _____

Anticipated Number of Patrons or Clients _____

Description of the development's impact on neighboring and adjacent properties, please be specific (attach additional sheet if necessary):

(Application Continued)

Criteria for a Special Exception: Use Separate Sheets for Explanations and be Specific and Thorough.

Whether the grant of the special exception is consistent with the City’s Comprehensive Plan;

1. Whether the special exception is consistent with the goals, purposes and objectives of the City’s zoning ordinance;
2. Whether there has been a sufficient period of time for investigation and community planning with respect to the application;
3. Whether the special exception is consistent with the principles of zoning and good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, the characteristics of the property involved, and the adverse impacts of the proposed use;
4. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual;
5. Whether the applicant has demonstrated that its application meets all these criteria;

I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true.

Signature of Applicant _____ Date

PRINT NAME OF APPLICANT _____

The above oath or affirmation was signed before me and witnessed by me this _____ day of _____, _____ in the County / City of _____ in the state of Virginia.

Notary Signature _____

Notary Registration # _____ Commission Expires _____

I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true.

Signature of Owner _____ Date

PRINT NAME OF OWNER _____

The above oath or affirmation was signed before me and witnessed by me this _____ day of _____, _____ in the County / City of _____ in the state of Virginia.

Notary Signature _____

Notary Registration # _____ Commission expires _____

OWNERSHIP

Applicant is (Circle One):

Property Owner Agent of Owner Lessee Property Purchaser Other

If 'Other', describe:

Source of Property Title / Instrument #:

If Property is owned by a Limited Liability Corporation (LLC):

1. Attach a "Certificate of Fact of Existence" from the State Corporation Commission; and
2. List the names and titles with authority to sign on behalf of the LLC (add additional sheets if needed):

OR

If Property is owned by a Corporation (Inc.):

1. Attach a "Certificate of Good Standing" from the State Corporation Commission; and
2. List the names and titles with authority to sign on behalf of the corporation (add additional sheets if needed):

PUBLIC NOTIFICATION REQUIREMENTS

Written Notice: Written notice of an application initiated by a property owner or contract purchaser shall be provided to adjacent property owners by certified return receipt mail by the applicant **at least 14 days prior** to the hearing (not counting the date of the hearing) and **not more than 21 days prior to the public hearing**. Applicants may use the notice form supplied with the application forms. In the event the application is deferred indefinitely, notification shall be given when the application is rescheduled.

Evidence of the receipt of such notice shall be provided to the Zoning Administrator prior to the public hearing. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

The following notice documents must be submitted to the office of the Zoning Administrator at least 5 days prior to the public hearing:

1. a copy of the notice letter sent
2. a list of the names and addresses of those persons to whom notice was sent
3. a copy of the post office receipts for the certified or return receipt mail
4. "Certification of Notice" form found at the back of this application

Posted Notice: The applicant shall post a sign provided by the Zoning Administrator on each parcel of land involved in an application for zoning map amendment (when 25 or fewer parcels are affected), **Posted notice shall be erected at least five days before the Planning Commission public hearing and/or before the City Council public hearing.**

Failure to send accurate or correct notices will result in deferral of the application to a later hearing date. Property ownership information is to be obtained from the City Real Estate Office, Room 107, City Hall, 715 Princess Anne Street or online at Fredericksburgva.gov

APPLICANT to mail this notice by certified return receipt mail to adjoining and abutting property owners between 15 and 5 days prior to the scheduled hearing.

Dear Property Owner:

You are hereby notified of the following public hearing to be held by the City of Fredericksburg Planning Commission on the issues described below.

PUBLIC MEETING DATE: _____

**AT
6:30 PM, CITY HALL
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS (LOWER LEVEL)
FREDERICKSBURG, VA 22401**

**ISSUE
DESCRIPTION:** _____

_____.

**PROPERTY
ADDRESS:** _____

GPIN NUMBER: _____

As a citizen and party of interest, you are invited to attend the meeting and express your views concerning the above issue. If you have questions regarding the request, you can reach me at
_____.

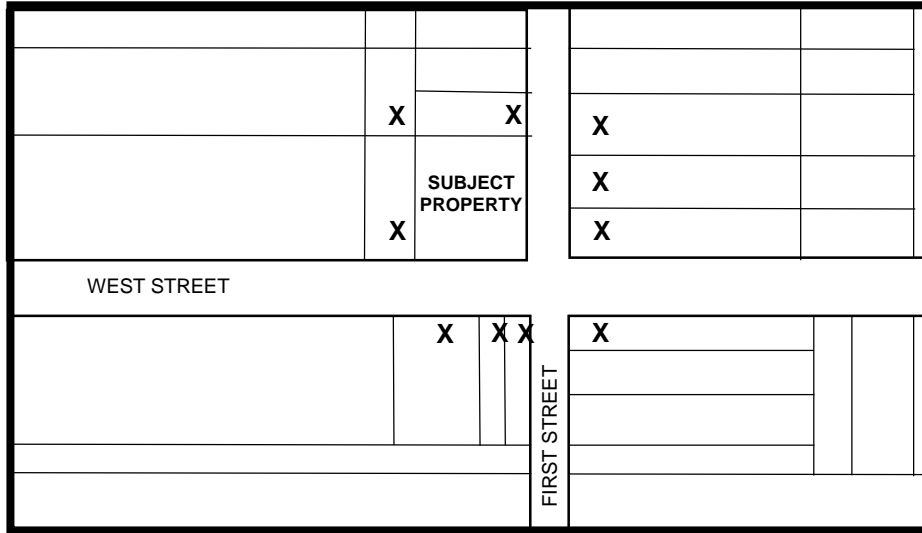
Sincerely,

Applicant signature

Applicant printed name

EXAMPLE DIAGRAM OF ADJOINING PROPERTY OWNERS

X = Property owners to be notified



PROPERTY OWNERS LIST

SUBJECT ADDRESS

GPIN #

Adjoining property owner names and addresses can be obtained by visiting the City website at www.fredericksburgva.gov and following the link to GIS, or by visiting the Office of Real Estate at City Hall, 715 Princess Anne Street, Room 107.

Adjoining Property Owner's Name and Mailing Address

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

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Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

ATTACH ADDITIONAL SHEETS IF NECESSARY

NOTE: Applicant to return all notice documents at least five days prior to the public hearing to: Office of the Zoning Administrator, 601 Caroline Street, Suite 400 Fredericksburg VA 22401



Special Exception # _____

CERTIFICATION OF NOTICE

**TO: Zoning Administrator
 601 Caroline Street, Suite 400
 Fredericksburg, VA 22401**

At least five days prior to the public hearing, the applicant shall supply the Zoning Administrator with the following notice documents:

- 1. A copy of the notice sent**
- 2. A list of the names of those persons to whom notice has been given**
- 3. Copies of the post office receipts for certified or registered mail.**
- 4. A certification statement that notice has been sent by certified or registered mail to those to whom notice is required to be given.**

The applicant shall use the records and maps maintained in the City’s office of real estate or GIS to determine the proper recipients of notice and reliance upon such records shall constitute compliance with the requirements of the UDO.

The undersigned hereby certifies that the notice to adjoining property owners (copy attached), as required, was sent to the attached list of property owners concerning the following issue on (DATE) _____.

PROPERTY ADDRESS: _____

ISSUE DESCRIPTION: _____

Applicant Signature

Applicant Printed Name

Telephone Number

Date

NOTE: Applicant to return all notice documents at least five days prior to the public hearing to: Office of the Zoning Administrator, 601 Caroline Street, Suite 400, Fredericksburg, VA 22401.

SIGN POSTING PROCEDURES

Instructions

It is the applicant's responsibility to ensure that the sign(s) remain on the project site for the required time and are maintained in good/legible condition until after the public hearing date.

Site Posting Procedure

Sign(s) shall be posted at least five (5) business days before the public hearing/meeting. The applicant shall complete a notarized affidavit stating the sign(s) shall be posted in accordance with these procedures. Within three (3) days of posting the sign the applicant shall provide a photograph of the posted sign to the Community Planning and Building Department. **Failure to submit a notarized affidavit and/or photograph of the posted sign may result in the removal of the application from the scheduled meeting agenda.**

Information required on the sign(s) shall be completed by a member of the planning staff and provided to the applicant for posting. Signs shall be removed within three (3) days of the public hearing/meeting. Sign(s) should **not** be returned to the Community Planning & Building Department.

A minimum of one sign shall be placed along any adjacent arterial street. Signs should be posted every 600 feet when a street frontage adjacent to a project exceeds that distance. Sign(s) shall be placed parallel to the roadway.

Sign(s) shall be placed on the property in the most visible location available in such a manner that landscaping or other obstructions do not impair the visibility of the sign(s) from the street. The sign(s) shall not be placed on the public street right-of-way. The sign(s) should not be placed more than 10 feet behind the property line adjacent to the street.

The Community Planning and Building Department may vary any of the above guidelines where there are special circumstances in order to ensure that the sign(s) will be visible to the general public.

The undersigned acknowledges that he/she has read this procedure and understands how and where to post the required sign(s).

Applicant Signature

Date



Special Use/Exception # _____

SIGN POSTING AFFIDAVIT

_____, being duly sworn, deposes and says as follows:
(Name of Affiant)

On the _____ day of _____, 20____, public hearing/notice sign(s), as supplied by the Office of the Zoning Administrator, Community Planning and Building Department. shall be posted in accordance with City sign posting procedures, on the property that is the subject of this application. The sign(s) shall be maintained in good condition on said property until after the public hearing/meeting.

Signature of Affiant

Date

____ Planning Commission meeting

____ City Council meeting

**Commonwealth of Virginia
City of Fredericksburg**

I, _____, a Notary Public in and for the State and City aforesaid, do hereby certify that _____ appeared before me and acknowledged the same.

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Signature _____

Notary Registration # _____

Commission expires _____

Checklist for Special Exception

1	Application, fee, and background materials loaded to the City's FTP website.	
2	Per §72-21.6.A.(5), the applicant shall provide satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid.	
3	<p>A notarized affidavit, signed by the applicant and containing the following:</p> <ul style="list-style-type: none"> a. A listing of the names and addresses of all applicants, title owners, contract purchasers, and lessees of the land described in the application, and, if any of such persons is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors and other agents who have acted or will act on behalf of any of such persons with respect to the application. If any of the applicants, title owners, contract purchasers, or beneficiaries is a corporation, then the application shall also contain a listing of all shareholders who own ten percent or more of any class of stock issued by the corporation and, where such corporation has ten or less shareholders, a listing of all shareholders. The application shall also contain a listing of all partners, both general and limited, in any partnership with an ownership interest in the property. b. A statement indicating whether or not any member of the City Council or the Planning Commission or any member of their immediate household or family owns or has any financial interest in such property or has any financial interest in the outcome of the decision. 	
4	For any application filed by an agent, contract purchaser or lessee of the property, a written statement signed by each title owner confirming the applicant's status as the owner's agent or contract purchaser and indicating his endorsement of the application.	
5	<p>Certified boundary survey of the property signed and sealed by a professional surveyor, engineer, and/or architect showing the following:</p> <ul style="list-style-type: none"> a. The metes and bounds of all boundary lines of the subject property, and the bearings and distances of each zoning district crossing or adjacent the property. b. The total area of the property, presented in either square feet or acres. c. A scale and north arrow. d. The location and dimensions of all existing buildings, and easements of record. e. The names and route numbers of all boundary roads or streets and the width of existing rights-of-way. f. The signature and seal of the person preparing the plat. g. The location, names of owners, and GPIN of adjacent properties. 	

6	<p>A General Development Plan providing the following items, unless waived (in whole or in part) by the Zoning Administrator:</p> <ul style="list-style-type: none"> a. A general narrative of planning objectives to be achieved. b. A schematic land use plan, at a scale of not less than one inch to 100 feet showing: proposed uses, structures, site improvements, facilities, parking and loading access points, utilities, lot layout, setback, height, lot coverage, floor area ratios, density, open space, landscaping, buffer areas and building restriction lines. c. An environmental analysis of the proposed site, including a graphic inventory and any proposed preservation of 100-year floodplain/floodway areas, slopes in excess of 25 percent, unbuildable soils, existing tree cover, topography at a maximum contour interval of 5 feet, cemeteries, watercourses, unique natural features, and all known historic sites and resources, as identified by the Virginia Department of Historic Resources and the Fredericksburg Planning Department. d. For sites located wholly or in part within the Chesapeake Bay Preservation Overlay District, an environmental site assessment prepared in accordance with UDO Section 72-34.5, and other relevant information requested by the Zoning Administrator. e. If applicable, a phasing plan delineating the proposed phases of the development, the approximate commencement date for construction and a proposed build-out timeframe. f. A transportation analysis which includes a circulation plan, including location of existing and proposed vehicular, pedestrian, bicycle and other circulation facilities; general information on the circulation facilities, including trip generation, ownership and maintenance; and proposed construction standards location and general design of parking and loading facilities. A full Traffic Impact analysis may be required by the Zoning Administrator. g. A public facilities assessment plan presenting the potential impact the proposed special exception could have, at the maximum density of development allowed in the proposed zoning district (i.e., build-out), on the following public facilities: <ul style="list-style-type: none"> (1) Water treatment storage and transmission facilities. (2) Sewage transmission and treatment facilities. (3) Streets and other public transportation systems. (4) Storm sewerage and drainage, including stormwater management facilities, both on-site and off-site. (5) Public schools, libraries and other educational institutions. (6) Public parks and recreational facilities. h. A statement certifying that the use and development of the property, and all improvements thereon, are subject to the final General Development Plan as well as to the generally applicable regulations set forth in UDO Section 72-33. i. Other pertinent information as requested by the Zoning Administrator. 	
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7	<p>A written statement that addresses the following:</p> <ul style="list-style-type: none"> a. The proposed use including, but not limited to, ownership, hours of operation, proposed number of employees, operator’s qualifications, b. How the request is consistent with the City’s Comprehensive Plan (cite specific section and page number). c. How the request is consistent with the goals, purposes, and standards of the City’s UDO. d. Description of the development’s impact on adjacent and neighboring properties. e. How the request is consistent with the principles of zoning and good zoning practice, including the purposes of the zoning district, the characteristics of the property involved, and whether there are adverse impacts of the proposed use. 	
8	<p>A list of all adjacent property owners, including those located across the street, to include the names, Geographic Parcel Identification Numbers, and mailing addresses.</p>	
9	<p>The Zoning Administrator may request additional information applicable to the specific nature of a given structure or use as deemed necessary to fully evaluate the Special Exception.</p>	