



Application for **CONDITIONAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- conditional use permit, new
- conditional use permit, amendment

Project Name/Location

Project Name: _____ Date: _____

Property Address: _____ Tax Map #: _____

Fee: _____ Total area of affected site in acres: _____
(See page 4 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: _____

Existing Use: _____

Is this property subject to any previous land use cases? _____

Yes No

If Yes, please list the Ordinance Number: _____

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Applicant/Contact Person: _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _(_____) _____ Fax: _(_____) _____

Email: _____

Property Owner: _____

If Business Entity, name and title of authorized signee: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _(_____) _____ Fax: _(_____) _____

Email: _____

Property Owner Signature: _____

(The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**)



Review & Approval Process: **CONDITIONAL USE PERMIT**

Conditional use permits are intended as a means for the City Council, after review and recommendation by the Planning Commission, to authorize certain uses which, although generally appropriate in the district in which they are permitted, have potentially greater impacts on neighboring properties than uses which are permitted as a matter of right. Such uses may or may not be appropriate at a particular location in the district depending on surrounding land uses, other site-specific factors, and determination in each case of potential local impacts from the use and the measures proposed by the applicant to mitigate any adverse impacts. The conditional use permit procedure provides the opportunity for the city council to review each proposed conditional use and to approve or disapprove the use or impose such conditions as reasonably necessary to ensure the use will be compatible with the surrounding area.

Conditional use permits can only be applied for those uses enumerated in the zoning ordinance as being eligible to be authorized by a conditional use permit. These listed uses vary according to the zoning district in which a property is located. The listing of a use as being permitted in a particular zoning district by conditional use permit does not constitute assurance or presumption that a conditional use permit for such use will be approved. Approval of a conditional use permit for a particular use at a specific location within a district is subject to evaluation by the City Council and a determination in each case based on the standards and conditions set forth in the City's Zoning Ordinance.

*Applicants **must** schedule a pre-application conference with the Division of Land Use Administration staff to review the standards for approval of conditional use permits, the specific conditions applicable to particular uses, the City's Master Plan, and other issues that may be involved prior to making application. Please call (804) 646-6304 to schedule an appointment with the staff. Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.*

Applicants should also discuss the proposed conditional use permit with area civic associations, property owners, residents, and the area Council Representative prior to submitting an application. Letters from the associations and property owners stating their position in regards to the request should be submitted with the application.

The Division of Land Use Administration circulates the application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, and Fire and Emergency Services. The Division of Land Use Administration will coordinate responses by City agencies. Written comments will be provided generally within 30 days of the application submittal date.

After review by these agencies and by the Division of Land Use Administration, the staff will confer with the applicant regarding suggested conditions to be included in the ordinance and any suggested changes to the application. If the property is located in a City Old and Historic District and the request involves exterior alterations, additions or new construction, the plans should also be reviewed by the Commission of Architectural Review prior to an ordinance being introduced in City Council. Once the application is in final form, an ordinance is drafted and the plans are attached to and are made a part of the ordinance. The staff will forward a copy of the ordinance to the applicant for review and approval.

The ordinance is then reviewed by the City Attorney's office and the City Administration. Once their review is complete, the ordinance is introduced to City Council and a public hearing is scheduled, usually thirty days after introduction. During this thirty-day period, public notice of the hearing is posted on the site and in a daily newspaper. Notices are also mailed to the owners of all properties within 150 feet of the subject property. One week prior to the City Council public hearing, the Planning Commission, after receiving a report from the Department of Planning and Development Review, considers the proposed special use permit and forwards a



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recommendation to City Council. The Planning Commission welcomes information submitted prior to the meeting and may ask questions of proponents and opponents during the course of its deliberation on the ordinance.

A conditional use permit shall be approved by the City Council only if it finds, after consideration of the recommendation of the Planning Commission, that the proposed use and related plans are appropriate at the location proposed based upon its consideration of the following standards and the specific conditions, where applicable, for the particular use in the district in which it is proposed to be located. No conditional use permit shall be approved by the city council unless it finds the proposed use and development:

1. Will not be contrary to the general purposes of this chapter as stated in section 114-100;
2. Will not be in conflict with the objectives and policies of the master plan for the city;
3. Will conform with all applicable sections of this article and other applicable requirements of the district in which it is proposed to be located;
4. Will not substantially diminish or impair the established property values in the neighborhood in which it is proposed to be located;
5. Will not have an undue adverse effect on the public health, safety or general welfare;
6. Will not adversely affect the character of the surrounding area or the continued use and development of surrounding property in a manner consistent with applicable zoning regulations or master plan objectives;
7. Will not cause undue traffic congestion on public streets or significantly increase traffic volumes on minor residential streets;
8. Will be adequately served by essential public services and facilities and will not cause an undue burden on such services and facilities;
9. Will not cause the destruction, loss or damage of significant natural, scenic or historic features to any greater degree than development of the property for uses permitted by right in the district;
10. Will ensure compatibility with surrounding property through existing and proposed landscaping, screening and buffering and the location, arrangement and character of existing and proposed buildings, structures, open spaces, parking areas, vehicular circulation, driveways, signage and lighting; and
11. Will not cause or result in any significant increase in negative cumulative impact when considered in conjunction with other conditional uses in the neighborhood in which it is proposed to be located.

In general, the approval process for conditional use permits takes between 120 to 180 days. However, depending on the complexity of the proposed conditional use permit, more or less time may be required. ***Incomplete submissions or major modifications to the plan during the review process may cause delays in the schedule.***



Filing Procedures: CONDITIONAL USE PERMIT

FILING

Conditional use permit applications are filed with the:

Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street, Richmond, Virginia 23219
Telephone (804) 646-6304

APPLICATION REQUIREMENTS

The application for a conditional use permit must include the following, each part of which is explained below. ***Application must be submitted in both hard copy and electronic format (PDF).***

- 1) **Application form;**
- 2) **Application fee;**
- 3) **Applicant's report;**
- 4) **Management program or operations plan, if applicable;**
- 5) **Folded and Electronic Plans; and**
- 6) **Survey plat.**

- 1) **Application Form:** All the owners of the property must sign the application form. If a legal representative signs for a property owner, a copy of an executed power of attorney is required. Faxed or photocopied signatures will not be accepted.
- 2) **Application Fee:** The appropriate fee must accompany the application. Checks should be made payable to the "City of Richmond". The fees are determined from the following schedule:

Application Type	Fee Required
Initial Application	\$1,100.00 + \$110 per acre*
Amendment	\$550.00 + \$110 per acre*

*\$110 for each acre or fraction thereof over the first acre (fee is not prorated by acreage)

- 3) **Applicant's Report:** A written report must be submitted describing the proposed conditional use and explaining the manner in which it complies with the requirements and standards of the zoning ordinance. The zoning ordinance has set forth specific conditions for each particular use permitted under a conditional use permit (§ 114-1045.6). The report should address how the requested use meets the specific conditions for that use. The report should also address how the proposed use and development will meet the standards for approval found on page 3. **Please note that the above materials will be forwarded to the City Planning Commission and City Council along with the conditional use permit ordinance.**
- 4) **Management Program or Operations Plan, if applicable:** A management program is required with an application for conditional use permit for adult care residences, group homes, lodgings, shelters, and social service delivery uses. An operations plan is required for non-dwelling uses occupying the ground floor of existing buildings in the R-8 zoning district.

If a management program is required it shall include the items listed below. If a particular element listed below is not applicable to a specific type of use because of the characteristics of that use, the manage-



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ment program shall include a statement of why the element is not applicable:

1. Detailed description of the managing entity, including the organizational structure, names of the board of directors, mission statement, and any bylaws;
2. Detailed descriptions of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a long term strategy for meeting the residents' or clients' needs;
3. Detailed description of off-site programs offered, and/or description of linkages to programs operated by others;
4. Detailed description of the number and type of residents or clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs;
5. Operational details for on-site programs including: hours of operation, number and type of staff, staff qualifications, and typical hours worked by staff; method of resident or client supervision; operating procedures including procedures for orienting a new resident or client to the facility's programs; expectations for residents or clients; prerequisites for continued client enrollment such as a requirement that the resident or client participate in programs; rules of behavior for residents or clients; the location and nature of any security features and arrangements; and names and telephone numbers of persons to contact in emergencies and any emergency procedures; and
6. Annual operating budget, including sources of funding,

If an operations plan is required it shall include the items listed below. If a particular element listed below is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:

1. Operational characteristics and features of the use;
 2. Staffing levels;
 3. Hours of operation;
 4. Type of ABC license and related restrictions;
 5. Floor plan showing the general arrangement of the use and seating capacity of tables and other facilities for patrons;
 6. Description of intended use of the upper floor(s) of the building, including floor plans and plans for ingress and egress;
 7. Provisions for containing trash and refuse generated by the use, including screening of containers, and means of preventing trash from blowing onto adjacent properties or streets;
 8. Provisions for off-street parking;
 9. Provision for security, including procedures, features, arrangements and staffing levels for both the interior and exterior of the premises; and
 10. A plan and procedures for mitigating potential impacts on nearby dwelling uses.
- 5) **Plans:** Initially, nine (9) sets of the following plans are required to provide sufficient detail to permit the staff to make a determination of the compatibility of the proposed project with surrounding development. Each set of plans should be bound, **folded** and include a title page with index to all of the included sheets. Preferred size of plans is six (6) full size sets (24"x36") and three (3) 11"x17" sets.



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Plans must be properly scaled and include a scale bar.

1. Site Plan
2. Elevation Plans
3. Floor Plans
4. Landscape Plans
5. Signage Plan & Details
6. Lighting Plan & Details

Electronic Plans (PDF and/or JPG) are also required with the initial application and any subsequent resubmissions. Electronic plans may be submitted on a disk or via email at: DCDLanduseadmin@richmondgov.com.

An additional fourteen (14) 11"x17" sets of plans will be required at a later date for distribution to City Planning Commission members.

In the case of special use applications for the conversion of existing buildings where there are no alterations or changes in exterior appearance, the typical elevation drawings will not be required.

For items required on the submitted plans, please see the attached "Checklist of Plan Requirements".

- 5) **Survey Plat:** A copy of a survey plat showing the property and including metes and bounds is required. The plat should show existing physical features of the property, including:
1. North arrow, scale, property address, the distance to nearest public street, preparer of plat, date, revision dates, area of site;
 2. Existing structures, buildings, paved areas, fences, streets, alleys, easements, and limits of the 100 year flood plain, Chesapeake Bay Preservation Area limits, wetlands, and streams.



Sign Posting Requirement

It shall be the responsibility of the applicant to post on the property that is the subject of the proposal, a sign(s) notifying interested parties of the application and pending public hearings. Such sign(s) shall comply with the following requirements:

- **TIMING:** The sign(s) shall be posted at least 15 days prior to the scheduled planning Commission public hearing on the application, shall remain on the property until final disposition of the application by City Council, and shall be removed from the property within ten days after final action by City Council.
- **CONTENT:** The sign(s) shall contain the words "Zoning Application Pending" together with the words "For Planning Commission and City Council Public Hearings Information Call (804) 646-6304."
- **LOCATION:** The sign(s) shall be posted within five feet of the right-of-way of the street along each street frontage of the property, and shall be located at approximately the mid-point of the street frontage in such manner as to be readable from the street.
 - In the case of street frontages greater than 1000 feet in length, in addition to the foregoing requirement, signs shall be posted at approximately 500-foot intervals. The required number and/or location of signs may be adjusted by the Secretary of the Planning Commission in case where the applicant can present sufficient justification to warrant such adjustment, provided that the spirit and intent of the notice requirements are met.
- **SIZE AND MATERIAL:** The sign(s) shall be of wood or metal material, 36" by 48" in size, with black lettering at least three inches in height on a white background. The top edge of such sign(s) shall not be greater than six feet in height as measured from the adjacent ground level.
- **SUPPORT:** The support element for such sign(s) shall be a four-inch by four-inch wood post fastened securely in the ground.
- **ILLUMINATED:** The sign(s) shall not be illuminated.
- **MAINTENANCE:** The applicant shall be responsible for maintaining the sign(s) in a sound and legible condition. Any sign which is the subject of theft or damage shall immediately be replaced or repaired.
- **AFFIDAVIT AND PHOTO:** The applicant shall submit the following affidavit to the secretary of the Planning Commission not less than ten days prior to the scheduled Planning Commission public hearing attesting to the fact that the sign(s) is posted on the property as required. The applicant shall also submit a photo of the sign(s) verifying that the sign(s) is posted as required.



Affidavit for Sign Posting

I, _____, _____ do hereby certify that
 Name Title
notice of Ordinance No. _____, was posted on the subject
property(ies) on this _____ day of _____, 20 ____, in
conformance with the notice requirements of City of Richmond Code .

Signature

Witness Name

Witness Signature

Secretary of the City Planning Commission

Date Received