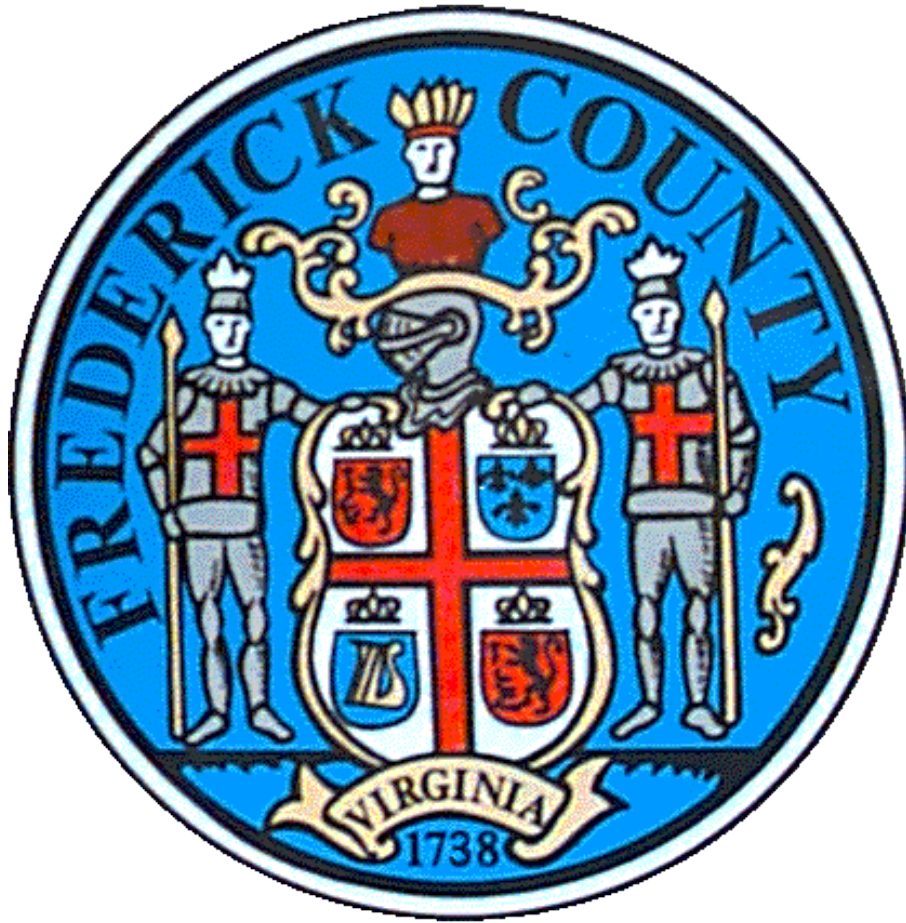


CONDITIONAL USE PERMIT APPLICATION PACKAGE



Frederick County, Virginia

Department of Planning and Development
107 North Kent Street
North Building, 2nd Floor
Winchester, Virginia 22601
Telephone: (540) 665-5651 - FAX: (540) 665-6395

Website: www.co.frederick.va.us/PlanningAndDevelopment/PlanningandDev.htm

(Revised 2/18/11)

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FREDERICK COUNTY, VIRGINIA

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CONDITIONAL USE PERMIT - APPLICATION INSTRUCTIONS

It is the responsibility of the applicant to complete this form in its entirety and as precisely as possible. In order to be heard by the Planning Commission on a particular date, all materials must be submitted prior to a cut-off date established during the previous month. The specific cut-off date is established each month in order to meet advertising requirements specified by the Code of Virginia. Check with the Planning Staff for cut-off date.

All property identification numbers (PIN) and deed book numbers and pages may be obtained from the Office of the Commissioner of the Revenue, 107 N. Kent Street, Winchester, Virginia (located next to the Judicial Center). Be prepared to supply that office with the owner's name and the date the property was purchased. Questions 4, 5 and 6 can be answered by referring to the deed to the property or the Commissioner of the Revenue's records. Zoning information should be obtained from the office of Planning and Development.

PLEASE ATTACH THE FOLLOWING IN SUPPORT OF THIS APPLICATION:

1. A sketch of the property showing proposed and/or existing structures on the property, including measurements to all property lines. A recorded plat is the best thing to use for this if available.
2. Completed comment sheets from pertinent review agencies. Blank comment sheets are attached. A copy of the completed application form and location map should also be submitted to the review agencies to assist them with their review. It is the responsibility of the applicant to contact these agencies, obtain their comments, and submit the completed comment sheets to the Department of Planning and Development, along with the application, by the cut-off date.
3. A statement verifying that taxes have been paid. This may be obtained from the Treasurer's Office at 107 North Kent, Winchester.

A Conditional Use Permit application is heard first by the Planning Commission at a public hearing. The Planning Commission will make a recommendation to the Board of Supervisors. The Board will take final action at a public hearing scheduled at a later date after the Planning Commission meeting. Check with the planning staff regarding dates for both hearings. Notice of public hearings for both the Planning Commission and Board of Supervisors will be mailed to you. **The applicant must be represented at the public hearings.** Planning Commission public hearings are held on the first and third Wednesdays of the month at 7:00 p.m. and the Board of Supervisors' public hearings for conditional use permits are generally held at 7:15 p.m. on the second and fourth Wednesdays of each month. Both meetings are held in the Board Room of the Frederick County Administration Building, 107 North Kent Street, Winchester, Virginia.

There is a set fee for this application (see attached fee schedule) and a \$50.⁰⁰ **refundable fee** is required for a sign. Upon submittal of your completed application, a sign will be issued to you. **At least seven days prior to the first public hearing, the sign must be placed at the front of the property line and be maintained so as to be visible from the road or right-of-way until after both public hearings. Failure to post the sign could result in your application being tabled.** After the public hearings, please return the sign and your \$50.⁰⁰ will be refunded by mail. Both the Conditional Use Permit application fee and the \$50.⁰⁰ refundable sign fee are due upon submittal of the completed application.

**Please make checks payable to "Treasurer of Frederick County".

PLEASE NOTE: THE APPLICATION FORM WILL NOT BE PROCESSED UNTIL ALL REQUIRED INFORMATION AND COMMENT SHEETS HAVE BEEN SUBMITTED.

If you have any general questions or need assistance in completing this application, please contact the Department of Planning and Development at (540) 665-5651.



Submittal Deadline	_____
P/C Meeting	_____
BOS Meeting	_____

**APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA**

1. Applicant (check one): Property Owner _____ Other _____

NAME: _____

ADDRESS: _____

TELEPHONE: _____

2. Please list all owners, occupants, or parties in interest of the property:

3. The property is located at: (please give exact directions and include the route number of your road or street)

4. The property has a road frontage of _____ feet and a depth of _____ feet and consists of _____ acres. (Please be exact)

5. The property is owned by _____ as evidenced by deed from _____ (previous owner) recorded in deed book no. _____ on page _____, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) _____
Magisterial District _____
Current Zoning _____

7. Adjoining Property:

	<u>USE</u>	<u>ZONING</u>
North	_____	_____
East	_____	_____
South	_____	_____
West	_____	_____

8. The type of use proposed is (consult with the Planning Dept. before completing):

9. It is proposed that the following buildings will be constructed:

10. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear and in front of (across street from) the property where the requested use will be conducted. (Continue on back if necessary.)
These people will be notified by mail of this application:

Name and Property Identification Number	Address
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	

Name and Property Identification Number	Address
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
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Property #	
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Property #	
Name	
Property #	

11. Please use this page for your sketch of the property. Show proposed and/or existing structures on the property, including measurements to all property lines.

12. Additional comments, if any: _____

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

Signature of Applicant _____

Signature of Owner _____

Owners' Mailing Address _____

Owners' Telephone No. _____

<p><u>TO BE COMPLETED BY THE ZONING ADMINISTRATOR:</u></p> <p>USE CODE: _____</p> <p>RENEWAL DATE: _____</p>

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Virginia Department of Transportation

Mail to:

Virginia Department of Transportation
Attn: Resident Engineer
14031 Old Valley Pike
Edinburg, Virginia 22824

Hand deliver to:

Virginia Department of Transportation
Attn: Resident Engineer
2275 Northwestern Pike
Winchester, Virginia 22603

The local office of the Transportation Department is located at 2275 Northwestern Pike in Winchester if you prefer to hand deliver this form.

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: _____ Telephone: _____

Mailing Address: _____

Name of development and/or description of the request:

Location of Property:

Virginia Department of Transportation Comments:

VDOT Signature & Date: _____

Notice to VDOT - Please Return Form to Applicant

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Frederick County Fire Marshal

Mail to:

Frederick County Fire Marshal
1800 Coverstone Drive
Winchester, Virginia 22602
(540) 665-6350

Hand deliver to:

Frederick County Fire & Rescue Dept.
Attn: Fire Marshal
Public Safety Building
1800 Coverstone Drive
Winchester, Virginia

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: _____ Telephone: _____

Mailing Address: _____

Name of development and/or description of the request:

Location of Property:

Fire Marshal's Comments:

Fire Marshal's Signature & Date: _____

Notice to Fire Marshal - Please Return This Form to the Applicant

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Frederick County Inspections Department

Mail to:

Frederick County Inspections Department
107 North Kent Street, 2nd Floor
Winchester, Virginia 22601
(540) 665-5650

Hand deliver to:

Frederick County Inspections Department
Attn: Building Official
107 North Kent Street, 2nd Floor
Winchester, Virginia

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: _____ Telephone: _____

Mailing Address: _____

Name of development and/or description of the request:

Location of Property:

Building Official's Comments:

Building Official's Signature & Date: _____

Notice to Inspections Department - Please Return This Form to the Applicant

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Winchester-Frederick County Health Department

Mail to:

Frederick-Winchester Health Department
Attn: Sanitation Engineer
107 North Kent Street
Winchester, Virginia 22601
(540) 722-3480

Hand deliver to:

Frederick-Winchester Health Department
Attn: Sanitation Engineer
107 North Kent Street, Suite 201
Winchester, Virginia

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: _____ Telephone: _____

Mailing Address: _____

Name of development and/or description of the request:

Location of Property:

Frederick-Winchester Health Department's Comments:

Health Dept. Signature & Date: _____

Notice to Health Department - Please Return This Form to the Applicant

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Frederick County Sanitation Authority

Mail to:

Frederick County Sanitation Authority
Attn: Engineer
P.O. Box 1877
Winchester, Virginia 22604
(540) 868-1061

Hand deliver to:

Frederick County Sanitation Authority
Attn: Engineer
315 Tasker Road
Stephens City, Virginia

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: _____ Telephone: _____

Mailing Address: _____

Name of development and/or description of the request:

Location of Property:

Sanitation Authority Comments:

Sanitation Authority Signature & Date: _____

Notice to Sanitation Authority - Please Return This Form to the Applicant

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



City of Winchester

Mail to:

Winchester City Planning Department
Attn: Planning Director
15 North Cameron Street
Winchester, Virginia 22601
(540) 667-1815

Hand deliver to:

Winchester City Planning Department
Attn: Planning Director
Rouss City Hall
15 North Cameron Street
Winchester, Virginia

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: _____ Telephone: _____

Mailing Address: _____

Name of development and/or description of the request:

Location of Property:

City of Winchester Comments:

City of Winchester - Signature & Date: _____

Notice to City of Winchester - Please Return This Form to the Applicant

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Winchester Regional Airport

Mail to:

Winchester Regional Airport
Attn: Executive Director
491 Airport Road
Winchester, Virginia 22602
(540) 662-2422

Hand deliver to:

Winchester Regional Airport
Attn: Executive Director
491 Airport Road
(Rt. 645, off of Rt. 522 South)
Winchester, Virginia

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: _____ Telephone: _____

Mailing Address: _____

Name of development and/or description of the request:

Location of Property:

Winchester Regional Airport Comments:

Winchester Regional Airport - Signature & Date: _____

Notice to Winchester Regional Airport - Please Return Form to Applicant



COUNTY of FREDERICK

Department of Planning and Development
540/665-5651
FAX: 540/665-6395

THE HISTORIC RESOURCE ADVISORY BOARD REVIEW APPLICATION & APPLICATION PROCEDURES

MEETING

The Historic Resources Advisory Board (HRAB) meets on the third Tuesday of every month, please refer to the HRAB meeting schedule. These meetings are held at 6:30 p.m. in the Executive Sessions Room in the Board of Supervisors Room on the first floor of the Frederick County Administration Building at 107 North Kent Street. The deadline for all HRAB meetings is approximately three weeks prior to the scheduled meeting date. To verify meeting dates and deadlines or for questions, please call 540-665-5651. Please submit all applications to the Department of Planning and Development, 107 North Kent Street, Suite 202, Winchester, Virginia 22601. **THE APPLICANT OR HIS/HER APPOINTED REPRESENTATIVE MUST BE PRESENT AT THE MEETING.**

SUBMISSION

The applicant must submit a completed Historic Resource Advisory Board Review application form and the accompanying materials listed below for reviews of rezonings, master development plans and conditional use permits:

- Copy of Rezoning, Master Development Plan, Conditional Use Permit application and supporting materials, including at a minimum:
- Completed land use application
- Impact analysis required by Section 165-102.05 of the Frederick County Zoning Ordinance, including the location of historic structures and sites in relation to the site and impacts on those historic structures and sites
- Any rezoning proffers proposed by the applicant to preserve historic and archaeological resources on the site pursuant to Section 165-102.06 of the Zoning Ordinance.
- Generalized Development Plan, Master Development Plan, Conditional Use Site Plan for the property, if available, showing the type and location of proposed new development and the treatment of any historic structures and features on the site;
- Description of proposed development or construction project, including proposed uses and general timeframe for development;
- Status of any identified historic or archaeological resources on the site or adjacent to the site (e.g., located in any identified historic area, survey area, or battlefield site or individually listed on a local, state or national historic register, relevant information on record with the Virginia Department of Historic Resources) and presence of other historic structures or significant landscape features or archaeological sites;
- Photographs (color) of all historic resources on the property, including interior views that identify the character and defining features of the site. These photographs need to show all existing buildings and the relationship of the proposed project to the surrounding streetscape and landscape.

**HISTORIC RESOURCE ADVISORY BOARD
REVIEW APPLICATION**



Frederick County
107 North Kent Street, Suite 202
Winchester, Virginia 22601
Telephone: (540) 665-5651
Fax: (540) 665-6395

MEETING DATE

DATE STAMP

ADDRESS OF PROJECT:	
PROPERTY OWNERS NAME:	TELEPHONE NUMBER:
PROPERTY OWNERS ADDRESS:	
ARCHITECT/DEISGNER:	TELEPHONE NUMBER:

Description of Application: Please describe briefly the request of the application: (rezoning, master development plan, conditional use permit). **Please be specific.**

This application is not complete until all of the following information has been provided to the Department of Planning and Development. Please check the materials that have been submitted.

- _____ Copy of required application as described in 1.1 (1.1.1-1.1.4)
- _____ Description of proposed development or construction project, including proposed uses and general timeframe for development (1.2)
- _____ Status of any identified historic or archaeological resources on the site or adjacent to the site (e.g., located in any identified historic area, survey area, or battlefield site or individually listed on a local, state or national historic register, relevant information on record with the Virginia Department of Historic Resources) and presence of other historic structures or significant landscape features or archaeological sites; (1.3)
- _____ Photographs (color) of all historic resources on the property (1.4)

PROPERTY IDENTIFICATION NUMBER (PIN):			
Name of Applicant:		Telephone Number ()	
Address: Street	City	State	Zip Code
Signature:	Print Name:	Date:	

Please note that the applicant or his/her appointed representative must be present at the meeting.



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.co.frederick.va.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395**

Know All Men By These Presents: That I (We)

(Name) _____ (Phone) _____

(Address) _____

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. _____ on Page _____, and is described as

Parcel: _____ Lot: _____ Block: _____ Section: _____ Subdivision: _____
do hereby make, constitute and appoint:

(Name) _____ (Phone) _____

(Address) _____

To act as my true and lawful attorney-in-fact for and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- _____ **Rezoning (including proffers)**
- _____ **Conditional Use Permit**
- _____ **Master Development Plan (Preliminary and Final)**
- _____ **Subdivision**
- _____ **Site Plan**
- _____ **Variance or Appeal**

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

_____ This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this _____ day of _____, 20____,

Signature(s) _____

State of Virginia, City/County of _____, To-wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this _____ day of _____, 20____.

_____ My Commission Expires: _____
Notary Public

**FREDERICK COUNTY
DEVELOPMENT REVIEW FEES**

Adopted April 23, 2008 – Effective May 1, 2008, Revised 2/24/2010, 4/28/2010, 1/25/2012

COMPREHENSIVE POLICY PLAN

\$ 3,000 non-refundable

REZONING

\$ 5,000 base + \$100/acre – 2 acres or less

\$ 10,000 base + \$100/acre
more than 2, less than 150

\$ 10,000 base + \$100/acre first 150
+ \$50/acre over 150 acres

SUBDIVISION

Non-Residential \$1,000 base

Design Plan \$ 200/lot

Plat \$ 100/lot

Residential (RP, R4, R5)

Design Plan \$ 2,500/base \$100/lot

Plat \$ 200/lot to 50 lots

\$ 100/lot over 50 lots

Rural Areas (RA)

Sketch (Design) \$ 2,500 base \$200/acre

Plat \$ 200/lot

Rural Areas (RA)

Minor – 3 lots or less \$ 200/lot

Lot Consolidation \$ 200/lot

Boundary Line Adj. \$ 200/lot

VARIANCE \$ 400

BZA APPEAL \$ 250

ZONING CERTIFICATION LETTER \$ 250

ZONING DETERMINATION LETTER \$ 100

SUBDIVISION ORDINANCE

EXCEPTION \$ 500

MASTER DEVELOPMENT PLAN

\$ 3,000 base + \$100/acre for first 150
+\$50/acre over 150 acres

CONDITIONAL USE PERMIT

Cottage Occupation \$ 75

Telecommunication Tower \$ 7,000

Other \$ 750

SITE PLAN

Non-residential \$ 2,500 base

\$ 200/acre to 5 acres

\$ 100/acre over 5 acres

Residential \$ 3,500 base

\$ 300/unit to 20 units

\$ 100/unit over 20 units

Minor Site Plan \$ 500 for revision that
increases existing structure area by 20% or less &
does not exceed 5,000sf.

POSTPONEMENT of any Public Hearing or
Public Meeting by Applicant after Advertisement,
to include Applicant requests to **TABLE** an
agenda item \$ 500/occurrence.

THIRD & SUBSEQUENT PLAN REVIEWS

(including County Attorney review) for a single
development application \$ 500/review.

BOND MANAGEMENT

Establishment of bond \$ 500

Reduction/Release \$ 300

Replacement \$ 500

TDR PROGRAM

TDR Application Review \$300

TDR Letter of Intent \$100

TDR Certificate \$200

Certificate Ownership Transfer \$50

Receiving Property Approval \$200

Recordation of Sending Property

Deed Covenant \$100

Recordation of Extinguishment Document \$100

CHAPTER 161 FEES

Installation License \$300

Septic Haulers Permit \$200

Residential Pump and Haul \$50

Commercial Pump and Haul \$500

Application Process Evaluation

We would like to learn how we might improve this process. Please complete this form and submit it to the Planning Department. You can submit it to us separately from the application if you wish. You may submit it anonymously.

1. Which type of application did you complete?

Rezoning _____	Site Plan _____
Master Development Plan _____	Subdivision _____
Conditional Use Permit _____	Variance _____

2. Which part, if any, of the application process did you find particularly difficult? (Check as many as you wish)

Completing the application form _____
Tax verification _____
Agency review comments _____
Adjoiner identification information _____
Other (Please Specify) _____

3. Did you have a discussion with a staff member before submitting the application?
Yes _____ No _____

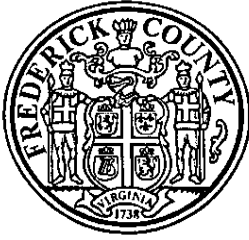
4. Were you able to receive the assistance or information that you needed from the staff?
Yes _____ No _____

5. What portion of this process took the longest for you?

Completing plans _____
Completing the application _____
Tax Verification _____
Agency review comments _____
Other (Please Specify) _____

6. What do you think could have been done differently to make this process quicker?

7. Do you have any suggestions about what we could do to make this process work better?



Request for Postponement or to Table a Development Application

County of Frederick, Virginia
Frederick Planning Web Site: www.co.frederick.va.us

Department of Planning & Development, County of Frederick, Virginia,
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Facsimile 540-665-6395 Phone 540-665-5651

Date: _____
Application Number: _____

In connection with the development application known as _____,
I hereby request a _____ month/day (*circle one*) postponement of the Planning Commission
/ Board of Supervisors' consideration of the application.

Please be advised that this is a voluntary request on my part, and I will not contest the fact that the Planning Commission may not make a recommendation to the Board of Supervisors within 100 days, as is otherwise required by Section 15.2-2285(B) of the Code of Virginia, to the extent that any delay is the result of the postponement/tabling per this request. If this is a rezoning matter, I also will not contest the fact that the Board of Supervisors may not act on my application within one year, as is otherwise provided by Section 15.2-2286(A)(7) of the Code of Virginia and Section 165-11 of the County Code, to the extent that any delay is the result of the postponement/tabling per this request.

I acknowledge that the Planning Commission / Board of Supervisors are not obligated to grant the postponement / tabling which I have requested. I also understand that if my request is granted and if the County has already incurred a financial obligation for advertising the matter for public hearing/meeting, a \$500.00 fee is due and shall be promptly paid to the Department of Planning and Development. This fee covers the County's additional costs incurred in publishing advertisements of the rescheduled public hearing/meeting date(s), which advertisements are required under state law.

Sincerely,

If applicant is other than Owner, the Special Limited Power of Attorney Form must be submitted with this application.