

# SPECIAL USE PERMIT PROCEDURES

Planning



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## WHAT IS A SPECIAL USE PERMIT AND WHY DO I NEED ONE?

The James City County Zoning Ordinance allows certain land uses in each zoning district. Some uses are generally permitted and do not require any permits regulating the use of the land.

However, some land uses require the issuance of a special use permit (SUP) from the Board of Supervisors (BOS). The process of issuing a special use permit helps the Planning Division, Planning Commission (PC), and BOS take a closer look at a proposed use. This includes the proposed use's compatibility with existing uses and surrounding development. A use may or may not be suitable for a specific location due to its intensity, land disturbance, or appearance, among other impacts.



## WHAT DO I NEED TO OBTAIN A SPECIAL USE PERMIT?

It is strongly recommended that you submit a conceptual plan or set up a pre-application meeting with staff to review the SUP process and answer questions.

You must submit an application package which includes the following:

1. A signed, completed application and review fee.
2. An explanation of why you are requesting the permit, and what purpose you propose for the property.
3. A SUP submittal checklist that may require you to provide the following documents:
  - Traffic study
  - Adequate public facilities report
  - Archaeological assessment
  - Master plan
  - Stormwater management plan
  - Fiscal impact study
  - Water and sewer impact study
  - Environmental inventory

Applications must be submitted at least six weeks prior to the PC meeting. The PC usually meets on the first Wednesday of each month.

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## **WHAT HAPPENS AFTER I SUBMIT MY APPLICATION?**

Staff will review your application, make a site inspection and verify the information on your application for compliance with County codes and ordinances and adopted BOS' policies. Staff will consider the impact of the proposed use on surrounding land uses and the public welfare. Staff will also consider the application's compatibility with the County's Comprehensive Plan. Additional County and State agencies will review and comment on your proposal. All comments and actions regarding your case can be viewed using the CaseTrak system found on the County website.

When all comments are received, staff will incorporate them into a report for the PC. Please note that staff may recommend placing conditions on your application that attempt to lessen any potential impacts caused by your proposal. Staff will notify you in advance of the meeting of any recommended conditions. You will receive a copy of the staff report, including any recommendations, in advance of the PC meeting.

Before the PC meeting the Planning Division will:

1. Post a sign on the property indicating that a special use permit application has been filed for the property. This sign will be posted two weeks before the PC public hearing, and will remain in place until after the case has been presented to the BOS.
  2. Place advertisements in a local newspaper two weeks and one week before the PC public hearing.
  3. Send written notice to all adjacent property owners at least one week prior to the PC public hearing.
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## **WHAT HAPPENS AT THE PC MEETING?**

Staff will present your request and give their recommendation, including any conditions. After Staff's presentation, you or your representative will have an opportunity to speak for 15 minutes. The PC will then hold a public hearing where representatives of groups may speak for 15 minutes and individuals may speak for five minutes regarding your request. After the public hearing is closed, the PC will discuss the application and make their determination. The PC will recommend approval, denial or defer your request, and identify issues you should address before it moves forward to the BOS.



## **WHAT HAPPENS AFTER THE PC MEETING?**

Staff will notify in writing of the PC's decision. Your request will be scheduled for a BOS meeting. The staff report may be changed to address any questions raised by the PC. At this meeting you will have an opportunity to speak and a public hearing will be held. After the public hearing is closed, the BOS will discuss the application and vote to approve, deny, or defer your request. If your application is approved, staff will notify you in writing of the BOS's decision, including any conditions on the permit, and send you a copy of the resolution. If your application is denied, you will be notified in writing.



## **HOW LONG WILL IT TAKE TO PROCESS MY APPLICATION?**

An application will take a minimum of 12 weeks to review, depending on the time of your submittal and the PC meeting schedule. Processing will take additional time if the PC and/or BOS defer action on your case.



## **WILL I NEED ANY OTHER PERMITS AFTER MY SUP IS APPROVED?**

Depending on the nature of the proposal, additional permits may be required. You may need to submit a site plan, which is also handled by the Planning Division. A building permit may be required from the Building Safety and Permits Division, and if any clearing, grading and/or installing utilities will be involved, a land disturbing permit may be required from the Engineering and Resource Protection Division.

A State Health Department (HD) permit is required for plans proposing septic tanks and/or wells. Developments with sewage pumping stations or well facilities also require approval from the HD.

While your SUP application is under review, all reviewing agencies will advise and offer guidance regarding any additional permits required.

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## **WHAT HAPPENS IF MY APPLICATION IS DENIED?**

You can choose to appeal to the Circuit Court or reapply in one year. Call the Clerk of the Circuit court at 757-564-2242 for information on appeals. If your application contains significant changes, you can reapply sooner.

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## **HOW LONG IS A SUP VALID?**

Time limits vary and will be noted in the mailed notice.

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## **CAN A SUP BE PROCESSED AT THE SAME TIME AS A REZONING APPLICATION?**

Yes. Planning staff can process a SUP application and a rezoning for the same project concurrently.

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## INFORMATION

For more information, or to receive an application and fee schedule, please contact Planning at...

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