

ALBEMARLE COUNTY CODE

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, is hereby amended and reordained as follows:

**By Amending:**

Sec. 33.32 Application for a special use permit.

Sec. 33.34 Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.

**Chapter 18. Zoning**

**Article II. Basic Regulations**

**Section 33 Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions**

**Sec. 33.32. Application for a special use permit.**

Each application for a special use permit shall be filed as follows:

- A. *Who may file an application.* An owner, a contract purchaser with the owner's consent, the owner's authorized agent (collectively in this division, the "owner" or the "applicant), ~~or an eligible easement holder, or an electric cooperative~~ may file an application for a special use permit. An "eligible easement holder" is a holder of an easement for which the special use permit is sought for a use allowed by the deed of easement or equivalent instrument. For the purposes of this article "Electric Cooperative" means (a) a utility consumer services cooperative formed under or subject to the Utility Consumer Services Cooperatives Act (Virginia Code § 56-231.15 et seq.) or (b) a distribution cooperative formed under the former Distribution Cooperatives Act (Virginia Code § 56-209 et seq.).
- B. *Who must sign an application.* The application shall be signed by the owner or the eligible easement holder of each parcel that is the subject of the special use permit, or by any duly authorized agent of an electric cooperative.
- C. *Documentation regarding the authority to apply.* The Director of Planning may require the applicant to submit documentation establishing ownership of, or the easement interest in, any parcel that is the subject of the application, the applicant's position in an electric cooperative, and the authority of each signatory to sign the application on behalf of an eligible applicant. ~~the owner, the eligible easement holder.~~
- D. *Application forms.* The Director of Planning may establish appropriate application forms for special use permits.
- E. *Information required to be submitted with an application.* Each application shall include the information identified in Section 33.33 required by the Director of Planning to be submitted. In determining what information the applicant must submit, the Director shall consider the proposed use and other relevant considerations applying sound zoning principles.

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**Sec. 33.34. Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.**

Each application for a special use permit shall be filed as follows:

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- A. *Mailed notice to the owner that an application for a special use permit has been filed by an easement holder or an electric cooperative.* The Department of Community Development shall provide written notice to the owner of the parcel for which a special use permit is sought when an application is filed by an eligible easement holder or an electric cooperative. The notice shall be provided within 10 days after the application for the special use permit is determined to be complete. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.
- B. *Mailed notice to certain easement holders that an application for a special use permit has been filed.* For special use permit applications pertaining to a parcel subject to an open-space easement or a conservation easement, the Director of Planning shall provide written notice within 10 days after the application is determined to be complete to each holder of the open-space easement, other than the County, or the conservation easement. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.