

Special Exception (SPEX)

Prior to Official Submission

PRE-APPLICATION CONFERENCE

Loudoun County Zoning Ordinance Section 6-1304 Prior to filing an application, an Applicant shall meet with the Planning Staff to discuss the Applicant's proposal and the procedures or substantive requirements of this Ordinance. The pre-application conference may be waived by the Director of Planning in cases where such waiver is not anticipated to affect the submission or review of the proposed application.

A request for a pre-application conference, or to waive the pre-application conference, shall be made in writing to the Director of Planning using the Pre-Application Conference Application Form. No matters discussed at said meeting shall be binding on either the Applicant or the County.

WAIVER OF SUBMISSION REQUIREMENTS

The requirement for specific checklist information may be waived by the Director of Planning if requested by the Applicant. A copy of the Director's waiver needs to be included in the submission package. Waiving a checklist requirement does not preclude staff from requesting the same material should the need arise during their review.

Application Submission

DATE OF SUBMISSION

For applications received after 12:00 PM on Thursday, the checklist review schedule timeline shall not start until the following Monday, or if Monday is a holiday, the next regular business day.

COMPLETE APPLICATION REQUIRED AT SUBMISSION

Checklist review shall not commence unless a complete application is submitted. A complete application includes all minimum submission materials, studies and documents on this Checklist of Minimum Submission Requirements.

The Applicant shall provide an original signed copy and 3 paper copies of all submitted materials to begin checklist review. All plats or plans shall be folded to a size of approximately 8 ½" x 11" with the title block visible.

APPLICATION RESUBMISSION

Any resubmission will require that all materials be included in the resubmission package unless otherwise instructed.

Fee Information

Only when notified that the application is ready to accept, shall the Applicant submit the current application fee. (See www.loudoun.gov/planning, Legislative Application Information and Forms / Fee Schedule.)

Checklist of Minimum Submission Requirements Special Exception (SPEX)

	Provided	Waived ¹
A. <u>LAND DEVELOPMENT APPLICATION FORM</u> Provide standard County form.	[]	
B. <u>DISCLOSURE OF REAL PARTIES IN INTEREST</u> Provide completed disclosure form(s). To be provided prior to posting the property for Planning Commission Public Hearing.	[]	
C. <u>MAILING LABELS</u> The applicant must submit one (1) set of pre-printed address/mailling labels with addresses and MCPI numbers and owners' names of all abutting property and all property immediately and diagonally across the street or road from the property, including those parcels which lie in other localities of the Commonwealth. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, the mailing labels shall include the address of the incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property.	[]	
D. <u>STATEMENT OF JUSTIFICATION:</u> Provide a written Statement of Justification with date and/or revision date describing the project and detailing the reason(s) why the granting of a special exception is appropriate. The statement must at a minimum address the issues for consideration in Section 6-1309 of the Zoning Ordinance. The statement should describe the nature and intensity of the proposed use, any activities or characteristics that could impact adjacent properties and how such impacts are to be addressed. The Statement shall also include all approved proffers and conditions applicable to the property.	[]	[]
E. <u>TRAFFIC STUDY:</u> Provide a traffic analysis, the scope of which is approved by the Loudoun County Office of Transportation and Capital Infrastructure prior to submission, indicating the relationship of the proposed use or modification to projected traffic generation, road and transit use, and plans according to FSM Section 4-200B.	[]	
F. <u>SPECIAL EXCEPTION PLAT.</u> Submit a plan at a scale sufficient to evaluate zoning compliance. To facilitate review of issues for consideration in Section 6-1310 of the Zoning Ordinance, the special exception plat shall include at a minimum, the following information. <i>Note that for purposes of clarity, features may be depicted on separate sheets.</i>	[]	[]
1) Base Information: North arrow and basis, scale, state plane grid or grid tics, vicinity map, owner's name, applicant's name, application name and number, and date the Plat was produced or revised.	[]	[]

1. Checklist Items A, B, C and E cannot be waived.

	Provided	Waived
2) Property Information: Provide a metes and bounds description of the property area and area of the proposed special exception, if different. Information from the deeds or a recent survey may suffice where the special exception lines follow existing property lines.		
3) Adjoining Properties: Identification of adjoining properties (N/F Owner & PIN) and subdivision with approximate location of boundaries departing subject property, identification as to whether subject to open space, conservation easement, or agricultural district.		
4) Existing Conditions: As the base data for the special exception plat, show existing conditions listed below if found on the subject site. Available information from County databases, notably the County geographic information system (GIS) shall be adequate for these purposes, though the applicant may elect to provide more detailed or current information. For purposes of clarity, features may be depicted on different sheets.		
a) Easements: Location and easement limits for major cross-county high-voltage power, transmission, fuel/gas mains (36" +), sewer and water main (36" +) or critical communication cables and other major easements that may impact the location or use of buildings, parking, open space or buffers on the property.		
b) Streets: Location, width of right-of-way or easement, and width of pavement for all existing streets on or adjoining the subject property.		
c) Water Courses & Drainage Ways: Location and extent of rivers, streams, ponds, major and minor floodplains and drainage ways.		
d) Tree Cover: Wooded and forested areas, as depicted on County GIS maps.		
e) Topography: Contours not more than four (4) feet.		
f) Physical Features: Location of existing buildings, walls, fences and other structures.		
g) Wells, Drainfields and Pollution Sources: General location (per County GIS) of existing wells, drainfields and pollution sources. Location of proposed well and septic system and evidence that application has been made to the County Health Department for proposed project's sewer and water systems if Loudoun Water is not providing service.		
h) Zoning Districts and Other Zoning Regulatory Areas: Location and extent of Zoning Districts on and as they depart the subject tract, including overlay districts (HCC, AI, FOD, MDOD, QN, LOD, Historic, TI) and regulatory performance districts (such as 5-900 Setbacks from Roads, 5-1000 Scenic Creek Buffer, 5-1508 Steep Slopes). Any additional information requirements of the Zoning Ordinance shall be provided in addition to the requirements of this checklist.		

	Provided	Waived
5) A SPEX with no land disturbance, show the location and extent, maximum gross floor area of the proposed use or modification and associated parking. If existing buildings or structures are to be used, include photos of all facades of the buildings and structures.		
6) A SPEX that includes land disturbance shall show limits of the maximum proposed building envelope ¹ , height and gross floor area of all buildings and structures; limits of land disturbance, associated parking; required setbacks, yards and buffers; and areas not to be disturbed. Dimensions must be drawn to scale.		
G. <u>TABULATIONS AND DATA:</u> Identification of proposed and required development and zoning information.		
1) A notation or depiction of the applicable lot and building standards including setbacks, height, and bulk restrictions for the project.		
2) Any applicable performance standards that are imposed and restrictions regarding the location and nature of proposed uses.		
3) Proposed uses: The maximum floor area ratio or ratios, or the applicable density measurement for the project.		
4) The maximum gross floor area for the project and for each use.		
H. <u>TRANSPORTATION/ACCESS.</u> The approved location and general design of transportation improvements and ingress and egress to the project, along with such access restrictions imposed to promote and ensure the integrity and function of the County's thoroughfare system, the safe and efficient circulation of vehicles and pedestrians within the project, and consistency with the Countywide Transportation Plan.		
I. <u>MODIFICATIONS.</u> The location and clear depiction or description (in the form of separate reports or notes on the plans) of any approved and/or proposed modifications to provisions of this Ordinance, the Land Subdivision and Development Ordinance, or any other applicable County ordinance, which would otherwise be applicable to the development.		
J. <u>TREE SURVEY:</u> The location and general description of existing vegetation and tree cover within the areas proposed to be disturbed and within 50 feet of the disturbed area, as follows:		
1) A description of type and extent of tree cover including canopy, understory growth and other flora including species composition, dominant size class and diameter breast height (d.b.h.) range including location, common name, scientific name and ISA condition rating of all trees with a diameter breast height of thirty (30) inches or more.		

¹ Building envelope is the imaginary shape of a building indicating its maximum volume and shall be used to check the plan and setback (and similar restrictions) with respect to zoning regulations. The envelope may include sufficient additional area to accommodate minor changes to the design or orientation of the building but shall not include associated parking, sidewalks, open space, or buffer areas.

	Provided	Waived
2) A SPEX that proposes to disturb in excess of 10,000 square feet shall also show stocking/density, structure, age, regeneration, flora, form and quality characteristics, aspect, soils, presence of insect/disease and stand history (fire, cattle, harvest, etc.). For pine-hardwood forest type, specify the percentage of over-story stems that are Virginia pine. Data is to be collected by a Certified Arborist, Professional Forester or Landscape Architect.		
K. ARCHAEOLOGICAL SURVEY: A SPEX application that proposes an area of disturbance in excess of 10,000 square feet shall include an archaeological survey covering the areas proposed to be disturbed, in accordance with Section 7.810 of the Facilities Standards Manual.		
L. ENVIRONMENTAL FEATURES: A SPEX proposing land disturbance shall identify the following features as they apply to the special exception area. Information available from current state and local agencies may be used. Documentation may be in the form of reports, notes on the plans, or a separate letter. Include delineation of known features as appropriate as an existing condition on the Special Exception Plat:		
1) Graves & Cemeteries: Identification of known or readily visible graves or cemeteries or structures marking a place of burial.		
2) Endangered Species Habitat: Identification of plants, animals, natural communities, and other features that are exemplary, rare, or endangered on a global or statewide basis. (Database research by the Virginia Department of Conservation and Recreation (DCR), Division of Natural Heritage Resources.)		
3) Archaeological Features: Identification of the presence of previously identified cultural resources within a project area. (Archives Research performed by the Virginia Department of Historical Resources.)		
4) Hazardous or Toxic Substances: A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations parts 116.4, 302.4 and 355; all hazardous waste as set forth in Commonwealth of Virginia Department of Waste Management.		
5) Federal & State Regulations: Identify any known extraordinary federal or state regulations that would impose limitations on the development of subject property.		

Checklist Completion / Application Acceptance

ACCEPTANCE

Upon acceptance of the application for review the Applicant will be required to provide electronic versions, in .pdf format, of all submission materials.

Upon acceptance the Applicant will be asked to submit additional paper copies of the accepted documents and plats. The number of copies will be determined by staff.

FEE

Only when notified that the application is ready to accept, shall the Applicant submit the current application fee.

Approval of use with no land disturbance	\$5,955.00
Approval of use with 1-10,000 SF disturbance, no environmentally sensitive areas	\$6,570.00
Approval of use with disturbance > 10,000 SF or environmentally sensitive areas	\$15,750.00
Zoning Ordinance modifications specified to be processed as special exceptions	\$10,805.00

Project Name: _____

MCPI #(s): _____

Signature of Applicant/Authorized Agent: _____ Telephone No: _____

By signing this form the Applicant agrees to abide by the scheduling, procedures and requirements of the checklist review process outlined on this form and within Article 6 of the Revised 1993 Zoning Ordinance, as amended.