

DRAFT

At a meeting of the Spotsylvania County Board of Supervisors held on _____ on a motion by _____, seconded by _____ and passed _____, the Board adopts the following ordinance:

AN ORDINANCE No. 23-172

CA17-_____ : Development Review Procedures

To amend Chapter 23- Zoning, Article 4- Development Review Procedures, as part of an ongoing effort to review and update the Spotsylvania County Zoning ordinance. Proposed amendments include: Section 23-4.1. Required Permits and Approvals; Section 23-4.4. Permitted Uses; Section 23-4.5. Special Uses; Section 23-4.7. Text Amendments; Section 23-4.8. Variances; Section 23-4.9. Appeals of Administrative Decisions; Section 23-4.12. Building Permit; Section 23-4.13. Occupancy Permit and Zoning Certification. The following amendments are meant to: update and clarify County review procedures for accuracy; update outdated references or terms; remove most use-specific “one size fits all” standards established within the Special Use section of the County Code in favor of location specific considerations consistent with the purpose and intent of Section 23-4.7; enhance Generalized Development Plan details requirements for Special Use Permit applications to assure a more uniform and thorough application review.

PUBLIC HEARING: NOT YET SCHEDULED

WHEREAS, staff has reviewed the Code Amendments and recommends approval as stated in the Executive Summary dated _____ and attached hereto; and

WHEREAS, the Planning Commission held a public hearing on this item on _____ and a motion was made and seconded to recommend _____ of the Zoning Ordinance Amendments, with a vote of _____; and

WHEREAS, the Spotsylvania Board of Supervisors’ public hearing, duly advertised in a local newspaper for a period of two weeks, was held on _____, and interested citizens were offered the opportunity to be heard; and

WHEREAS, good zoning practice and general welfare are served by approval of the Code Amendment.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY

ORDAINS:

§ 1. That Chapter 23, Article 4, Division 1, be and is hereby **amended** and reordained as

follows:

DIVISION 1. - REQUIRED PERMITS AND APPROVALS; FEES

Sec. 23-4.1.1. - Required permits and approvals.

The following approvals may be required by the ~~county~~ County prior to development:

- (a) Site ~~plan~~ Plan approval. If required, ~~site~~ Site plan Plan approval shall be obtained in accordance with the procedures set out in ~~d~~ Division 11 of this ~~article~~ Article before the ~~county~~ County may consider any application for an Certificate of Occupancy ~~occupancy permit~~.
- (b) Special ~~use~~ Use approval. Special ~~use~~ Use approval shall be obtained for ~~special~~ Special uses Uses in accordance with the procedures set out in ~~d~~ Division 5 of this ~~article~~ Article before the ~~county~~ County may consider any application for ~~site~~ Site plan Plan approval.
- (c) Zoning ~~map~~ Map amendment Amendment. A ~~zoning~~ Zoning map Map amendment Amendment shall be required from the ~~county~~ County in accordance with the procedures set out in ~~d~~ Division 6 of this ~~article~~ Article whenever the particular use which is proposed by the applicant is not allowed in the applicable zoning district or any overlay zoning district.
- (d) Certificate of ~~a~~ Appropriateness for activities in ~~h~~ Historic ~~e~~ Overlay ~~d~~ Districts. A ~~e~~ Certificate of Appropriateness shall be obtained in ~~h~~ Historic ~~e~~ Overlay ~~d~~ Districts in accordance with the procedures in ~~d~~ Division 3 of this ~~article~~ Article, except for those exempt activities described in ~~division~~ Division 3, before the ~~county~~ County may consider an application for ~~site~~ Site plan Plan, ~~e~~ Erosion and ~~s~~ Sediment ~~e~~ Control ~~p~~ Plan, Certificate of e Occupancy, or ~~building~~ Building permit Permit approval. An application for a ~~e~~ Certificate of Appropriateness may be filed and reviewed simultaneously with an application for ~~site~~ Site plan Plan, ~~e~~ Erosion and ~~s~~ Sediment ~~e~~ Control ~~p~~ Plan, Certificate of e Occupancy, or ~~building~~ Building permit Permit approval.
- (e) Erosion and ~~s~~ Sediment ~~e~~ Control ~~p~~ Plan approval. Erosion and ~~sediment~~ Sediment control Control plan Plan approval shall be obtained in accordance with the procedures set out in ~~e~~ Chapter 8 of the County Code before any land-disturbing activity may be conducted.
- (f) Building ~~permit~~ Permit. Building ~~permit~~ Permit approval shall be obtained in accordance with the procedures set out in ~~d~~ Division 12 of this ~~chapter~~ Chapter and in ~~e~~ Chapter 5 of the County Code before any building, system, structure or equipment may be constructed, altered, repaired, removed, or demolished.
- (g) ~~Occupancy permit~~ Certificate of Occupancy. Zoning ~~certification~~ approval shall be obtained prior to issuance of a ~~n~~ Certificate of e Occupancy ~~permit~~. The ~~occupancy permit~~ Certificate of Occupancy shall be obtained in accordance with the procedures set out in ~~d~~ Division 13 of this ~~article~~ Article and in ~~e~~ Chapter 5 of the County Code before any building or structure may be used or occupied by any person, animal or object.
- (h) Temporary ~~use~~ Use permit Permit. A ~~temporary~~ Temporary use Use permit Permit shall be obtained from the ~~county~~ County in accordance with the procedures set out in ~~d~~ Division 10 of this ~~article~~ Article before any temporary use or structure may be conducted or erected.
- (i) Agreement in ~~lieu~~ Lieu of ~~plan~~ Plan approval. An ~~agreement~~ Agreement in ~~lieu~~ Lieu of ~~plan~~ Plan approval may be substituted for ~~site~~ Site plan Plan approval for:
 - (i) A single-family detached dwelling, or
 - (ii) An accessory structure, where the land disturbance is less than two thousand five hundred (2,500) square feet; except in cases where the ~~z~~ Zoning ~~a~~ Administrator has determined that

the location of the proposed structure may encroach into a ~~fResource~~ ~~pProtection~~ ~~aArea~~ (RPA), as defined in ~~eChapter~~ 6A.

- (j) Coop ~~certificate~~Certificate. A ~~coop-Coop certificate-Certificate~~ shall be obtained from the ~~county~~ County and in accordance with the procedures set out in ~~dDivision~~ 14 of this ~~chapter-Chapter~~ before domestic laying hens may be kept as permitted in the R-1, R-2, R-3, R-R, VR, PD-H, and ~~A-1, A-2, A-3, Ru, R-A, PRR~~ lots under five (5) acres.

Sec. 23-4.1.2. - Simultaneous applications.

Application for approvals described in ~~sSection~~ 23-4.1.1, above, and approvals under other ~~chapters~~ Chapters of the County Code may be filed and reviewed simultaneously, at the option of the applicant, including but not limited to:

- (a) Simultaneous application for ~~special-Special use-Use~~ and ~~rezoning-Rezoning~~ approval. If an application for ~~special-Special use-Use~~ approval is contingent upon the approval of an amendment to the ~~zoning-Zoning map-Map~~ or an amendment to the text of this ~~chapter-Chapter~~ by the ~~bBoard~~ of ~~sSupervisors~~, applications for both the ~~special-Special use-Use~~ and the required amendment may be considered simultaneously. However, if the ~~bBoard~~ of ~~sSupervisors~~ denies the application for the required amendment, such denial shall be considered a denial of the ~~special-Special use-Use~~ application and no further proceedings concerning the ~~special-Special use-Use application-Application~~ shall be required.
- (b) Simultaneous application for ~~site-Site plan-Plan~~ and ~~preliminary-Preliminary subdivision-Subdivision plat-Plat~~ approval. If an application for ~~site-Site plan-Plan~~ approval is contingent upon the approval of a ~~preliminary-Preliminary subdivision-Subdivision plat-Plat~~ under the provisions of Chapter 20 [Subdivisions] of the County Code, applications for both ~~site-Site plan-Plan~~ approval and the required ~~preliminary-Preliminary plat-Plat~~ approval may be considered simultaneously.
- (c) Simultaneous application for ~~site-Site plan-Plan~~ approval or ~~sediment-Sediment control-Control plan-Plan~~ approval and ~~historic-Historic overlay-Overlay district-District~~ approvals. If an application for ~~site-Site plan-Plan~~ or ~~erosion-Erosion~~ and ~~sediment-Sediment control-Control plan-Plan~~, approval is contingent upon receipt of a ~~certificate-Certificate~~ of ~~appropriateness-Appropriateness~~, applications for both the approval and the required ~~certificate-Certificate~~ of ~~appropriateness-Appropriateness~~ may be considered simultaneously.
- (d) Simultaneous application for ~~site-Site plan-Plan~~ approval and ~~erosion-Erosion~~ and ~~sediment-Sediment control-Control plan-Plan~~ approval. If an application for ~~site-Site plan-Plan~~ approval is contingent upon the approval of an ~~erosion-Erosion~~ and ~~sediment-Sediment control-Control plan-Plan~~ under the provisions of ~~eChapter~~ 8 of the County Code, applications for both ~~site-Site plan-Plan~~ approval and ~~erosion-Erosion~~ and ~~sediment-Sediment control-Control plan-Plan~~ approval may be considered simultaneously.
- (e) Simultaneous application for ~~site-Site plan-Plan~~ approval and ~~building-Building permit-Permit~~ approval. If an application for ~~building-Building permit-Permit~~ approval is contingent upon the approval of a ~~site-Site plan-Plan~~, applications for both ~~building-Building permit-Permit~~ approval and ~~site-Site plan-Plan~~ approval may be considered simultaneously.

Sec. 23-4.1.3. - Processing and review fees.

- (a) All applications for development approval shall be accompanied by the payment of a fee, to cover the cost of processing and review of applications. Such fees shall be included in a Unified Fee Schedule to be entitled "Fee Schedule (Land Use and Building)", adopted by the Board of Supervisors, and thereafter amended from time to time by ordinance, in accordance with Section 1-6 (7), of the Code of Spotsylvania County.

~~(b) Such fees shall be included in a unified fee schedule to be entitled "Fee Schedule (Land Use and Building)", adopted by the board of supervisors, and thereafter amended from time to time by ordinance, in accordance with section 1-6(7), of the Code of Spotsylvania County.~~

State Law reference— Authority for above fee, Code of Virginia, § 15.1-491(f).

Sec. 23-4.1.4. - Waiver of submission requirements.

County staff may waive or modify any of the submission requirements for an application for development approval, except processing and review fees, where some of the information is unnecessary due to the scope and nature of the proposed development or the information has been previously submitted and approved.

§ 2. That Chapter 23, Article 4, Division 4, be and is hereby **amended** and reordained as

follows:

DIVISION 4. - PERMITTED USES

Sec. 23-4.4.1. - Purpose and applicability.

Uses that are designated as "permitted uses" are considered appropriate within a given zoning district. Only those uses which are expressly listed as permitted uses under ~~a~~Articles 6 or 7 of this ~~chapter~~ Chapter shall be treated as such.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.4.2. - Required approvals.

(a) No permitted use shall be established until the person proposing such use has first applied for and obtained:

(1) ~~Site plan approval~~ An approved Site Plan, in accordance with ~~d~~Division 11 of this ~~article~~Article, except for:

(i) Single-family detached dwellings; ~~and~~

(ii) Accessory structures where the land disturbance is less than two thousand five hundred (2,500) square feet, in which case ~~agreement~~ Agreement in ~~lieu~~ Lieu of a ~~plan~~ Plan approval may be accepted as set forth in ~~s~~Section 23-4.1.1;

(2) A ~~building~~ Building permit Permit, in accordance with ~~d~~Division 12 of this ~~article~~Article;

(3) ~~An occupancy permit~~ Certificate of Occupancy, in accordance with ~~d~~Division 13 of this ~~article~~Article; and

(b) Depending on the nature and location of the use, the following special approvals may also be required:

(1) A ~~e~~Certificate of ~~a~~Appropriateness for certain types of development proposed within a ~~h~~Historic ~~o~~Overlay ~~d~~District ~~or an historic landmark~~, in accordance with ~~d~~Division 3 of this ~~article~~Article; or

(2) A ~~land~~ Land-disturbing ~~Disturbing permit~~ Permit for land-disturbing activities, in accordance with ~~e~~Chapter 8 of the County Code.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-131, 3-10-09)

§ 3. That Chapter 23, Article 4, Division 5, be and is hereby **amended** and reordained as

follows:

DIVISION 5. - SPECIAL USES

Sec. 23-4.5.1. - Purpose and applicability.

Uses that are designated as "~~special~~ Special uses~~Uses~~" are generally compatible with other land uses permitted in a ~~zoning~~ Zoning district~~District~~ but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the ~~county~~ County as a whole, require individual consideration of their design, configuration, and/or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location. Only those uses which are expressly listed as ~~special~~ Special uses~~Uses~~ under ~~a~~ Articles 6 or 7 of this ~~chapter~~ Chapter are ~~permitted~~ Permitted.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.5.2. - Required approvals.

- (a) No ~~special~~ Special use~~Use~~ shall be established until the ~~person~~ applicant proposing such use has first applied for and obtained:
 - (1) ~~Special use approval~~ An approved Special Use in accordance with the requirements of this ~~division~~ Division;
 - (2) ~~Site plan approval~~ An approved Site Plan in accordance with ~~d~~ Division 11 of this ~~article~~ Article;
 - (3) A ~~building~~ Building permit~~Permit~~ in accordance with ~~d~~ Division 12 of this ~~article~~ Article and Chapter 5 of the County Code;
 - (4) ~~An occupancy permit~~ Certificate of Occupancy in accordance with ~~d~~ Division 13 of this ~~article~~ Article.
- (b) Depending on the nature and location of the use, the following special approvals may also be required:
 - (1) A ~~e~~ Certificate of ~~a~~ Appropriateness for certain types of development proposed within a ~~h~~ Historic ~~e~~ Overlay ~~d~~ District ~~or an historic landmark~~ in accordance with ~~d~~ Division 3 of this ~~article~~ Article; or
 - (2) A ~~land~~ Land-disturbing~~Disturbing permit~~ Permit for land-disturbing activities in accordance with ~~e~~ Chapter 8 of the County Code.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.5.3. - Application requirements; determination of completeness.

- (a) Application for approval of a ~~special~~ Special use~~Use~~ may be filed by any property owner, ~~person~~, or by any person acting under a valid Power of Attorney from the owner. ~~government official specifically authorized to file such application in writing by the owner of the lot on which the use is to be located.~~
- (b) Before filing the application, the applicant ~~is strongly encouraged to~~ shall schedule a pre-application meeting with the ~~county~~ County to discuss the proposed use and to become more familiar with the applicable requirements and approval procedures of the ~~county~~ County.

- (c) An application for approval of a ~~special~~ Special use-Use shall be filed with the ~~county~~ County on a form to be provided by the Planning Department and shall contain or be accompanied by such information and plans as required on the form or as determined necessary by the Director of Planning at the pre-application meeting. The ~~d~~Director of Planning may waive or modify any of the submission requirements due to the scope and nature of the proposed use. ~~At a minimum, t~~The application shall be accompanied by a ~~generalized~~ Generalized development-Development plan-Plan (GDP) drawn to the size and scale and a GDP narrative describing the proposal as specified on the application form. Preparation of the ~~plan~~ GDP by a licensed architect, engineer, landscape architect or surveyor is required. The ~~generalized-development-plan~~ GDP shall include the following information unless the submission requirements have been waived or modified by the ~~director~~ Director of Planning due to the scope and nature of the proposed development:

(1) GDP Title Sheet(s) to include:

~~(1)~~(a) A title block denoting the type of application, name of project, tax map reference, voting district, and street address;

(b) An approval block located along the right side of the title sheet and each subsequent sheet of the GDP;

~~(2)~~(c) The name, address and phone number of the owner and applicant;

~~(3)~~(d) The name, address, phone number, signature and registration number of the ~~plan~~ GDP preparer, and the preparation date of the ~~plan~~ GDP;

~~(4)~~(e) Vicinity map, 1" = 2,000', a north arrow, scale, and scale graphic;

(f) GDP index;

(g) A Site data summary table (with computations) providing at minimum:

(1) tax map reference;

(2) project area size including total, and disturbed acreage;

(3) zoning designation;

(4) identification of any overlay districts within project limits;

(5) existing use and types of proposed uses;

(6) number of residential dwelling units by type, and densities, and/ or the gross and net floor areas of nonresidential structures;

(7) building height, number of floors, and setbacks of all existing and proposed buildings, structures and other improvements;

(8) trip generation with land use code reference;

(9) acknowledgement of any known historic building or features locations;

(10) acknowledgement of any known places of burial;

(11) acknowledgement of any onsite floodplains, resource protection areas, wetlands, steep slopes, dam break inundation zones;

(12) parking, including tabulation of required parking and spaces proposed.

(h) A table (with computations) estimating the lot coverage ratio and impervious surface ratio;

~~(5)~~2 The identification of and distance to all major intersections within one-half mile of the proposed development;

~~(6)~~3 The boundary of the entire parcel with courses and distances;

~~(7)~~4 Any existing and proposed parcel lines, easements or rights-of-way within the subject parcel;

~~(8)~~5 The present zoning and principal use of the subject parcel and all contiguous properties;

- (96) Graphic depiction of ~~T~~the boundaries of any overlay zoning districts described in ~~a~~Article 6 of this chapter;
- ~~(10) A table (with computations) stating the types of proposed uses, the number of residential dwelling units and densities, and the gross and net floor areas of nonresidential structures;~~
- ~~(117) The general locations, dimensions, height, number of floors, and setbacks of all existing and proposed buildings, structures and other improvements;~~ Graphic depiction of the general locations, approximate dimensions, setbacks of all existing and proposed buildings, structures, accessory structures (including outdoor lighting, fences, bike racks, walls or hedges, trash receptacles), signs, landscaping and buffers, and other improvements;
- ~~(12) A table (with computations) estimating the lot coverage ratio and impervious surface ratio;~~
- ~~(138) Graphic depiction of~~ Tthe boundaries of any ~~lakes, rivers, streams, ponds, or wetlands; water bodies, USGS perennial streams, floodplain, resource protection areas, watershed, wetlands, dam break inundation areas (if any);~~
- ~~(149) _____~~ A generalized landscape plan showing existing vegetation, proposed clearing limits, and indicating the location, and types of vegetation to be installed under the landscaping and bufferyard requirements of ~~a~~Article 5, ~~d~~Division 5, of this ~~chapter~~Chapter, and the general location and material descriptions of any other proposed screens, bufferyards or landscaping;
- ~~(15) The general location, and material descriptions of all other existing and proposed screens, bufferyards or landscaping;~~
- ~~(1610) The location and dimensions of existing and proposed parking and loading areas and any other impervious surfaces, such as driveways, streets (and names), cement sidewalks,~~ bicycle or multi-use path, and playing surfaces;
- ~~(1711) The location and description of all points of access including all proposed interparcel connections;~~
- ~~(1812) The estimated daily vehicular trips generated by the proposed development on each road segment shown on the plan;~~
- ~~(19) The location and dimensions of on-site pedestrian walkways or bicycle paths and any connection to adjacent property;~~
- ~~(2013) The location and dimensions of existing water and sewer mains serving the site of the proposed development, points of connection to public water and sewer and/or location of wells and septic systems and reserve drainfields;~~
- ~~(2114) Topographic contour lines at~~ ten-two (2) foot intervals ~~using United States Geologic Survey 7.5 minute quadrangles~~ for the existing site;
- ~~(2215) The location and dimensions of on-site and off-site facilities for the retention or detention of stormwater;~~
- ~~(2316) The size, location and boundaries of any common open spaces, recreation areas and recreation facilities, including a~~ statement of whether such open areas are to be dedicated to the public; tabulation of usable open space in accordance with the open space definition in Sect. 23-2.1.4. Definitions;
- ~~(2417) For large-scale, phased developments, identification of the location and timing of each phase of the development;~~
- ~~(2518) Graphic depiction of~~ aAny known historic buildings or features locations;
- ~~(2619) _____~~ Graphic depiction of aAny known places of burial and easements for cemetery access in accordance with the Code of Virginia 57-27.1. access to cemeteries located on private property; cause of action for injunctive relief; applicability;
- ~~(27) Floodplains and resource protection areas;~~

(20) A description of the methods proposed to control erosion, sedimentation and stormwater runoff; and

(21) A description of the persons to be responsible for future maintenance of all roads, easements, parks, playgrounds, stormwater and drainage facilities and other common areas.

(2822) Signature and seal of professional person certifying the plan.

- (d) Determination of completeness. Within ten (10) working days after receiving an application for special use approval, the ~~county~~ County shall determine whether the application is complete. If the ~~county~~ County determines that the application is not complete, it shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-73, 8-12-97)

Sec. 23-4.5.4. - Staff review and report.

- (a) Once an application for ~~special~~ Special use approval is determined to be complete, ~~county~~ County staff shall ~~schedule the application for a public hearing before the planning commission and shall~~ review the application and development plan for compliance with the requirements of this ~~chapter~~ Chapter and other applicable County codes and policies.
- (b) The ~~d~~ Director of ~~p~~ Planning shall transmit the application and other information to any state, county or other government agencies for review and comment as appropriate.
- (c) After the application is determined to be complete in accordance with ~~s~~ Section 23-4.5.3(d) and all agency comments have been received in accordance with ~~s~~ Section 23-4.5.4(b), ~~county~~ County staff shall ~~submit a written staff report to the planning commission on the proposed special use. provide~~ the comments in writing to the applicant so that they may make revisions.
- (d) County staff shall schedule the application for a public hearing before the Planning Commission and submit a written staff report to the Planning Commission on the proposed Special Use.

If an application for a Map Amendment is filed in conjunction with an application for approval of a Special Use, the County shall coordinate the review of the proposed Map Amendment with the review of the application for the Special Use.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.5.5. - ~~Review~~ Public hearing and recommendation by the ~~p~~ Planning ~~e~~ Commission.

The ~~p~~ Planning ~~e~~ Commission shall initiate and conduct a public hearing, after giving notice in accordance with ~~s~~ Section 23-4.2.1 of this ~~chapter~~ Chapter, and shall submit a written report and recommendation on the proposed ~~special~~ Special use to the ~~b~~ Board of ~~s~~ Supervisors no later than sixty (60) days after the public hearing. ~~unless requested sooner by the board of supervisors.~~

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.5.6. - ~~Review~~ Public hearing and decision by the ~~b~~ Board of ~~s~~ Supervisors.

- (a) Upon receipt of the report and recommendation of the ~~p~~ Planning ~~e~~ Commission and the staff ~~report~~, the ~~b~~ Board of ~~s~~ Supervisors shall conduct a public hearing, after giving notice ~~in accordance with section 23-4.2.1 of this chapter.~~ as provided in Division 2 of this Article.

- (b) After conducting a public hearing, the bBoard of sSupervisors shall make a decision upon the application within a reasonable time not to exceed twelve (12) months from the date that the application is determined to be complete, unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his application. The bBoard of sSupervisors may:
- (1) Approve the ~~special-Special use-Use~~, with or without reasonable conditions, if the bBoard of Supervisors finds that the proposed use complies with the standards set out in sSection 23-4.5.7 of this divisionDivision; or
 - (2) Deny the ~~special-Special use-Use~~, (i) if the bBoard of Supervisors finds that the proposed use does not comply with the standards set out in sSection 23-4.5.7 of this division Division; or (ii) if ~~permitted-Permitted uses-Uses~~ alone allow reasonable use of the property; or
 - (3) Continue the public hearing and/ or vote to a future meeting; or
 - ~~(34)~~ Refer the application back to the pPlanning eCommission for further study and review.
- (c) The bBoard of sSupervisors may attach such conditions to the approval as it deems necessary to have the proposed use meet the standards set forth in sSection 23-4.5.7 below and/ or to prevent or minimize adverse impacts on other property in the neighborhood. Such conditions may include, but are not limited to:
- (1) Limitations on size, bulk and location of buildings, structures, and required improvements;
 - (2) Requirements for side, front and rear building setbacks necessary for orderly expansion and to prevent traffic congestion;
 - (3) Requirements for landscaping, signage and outdoor lighting;
 - (4) Provision of screening or buffering between the proposed use and uses on adjoining properties;
 - (5) Provision for adequate parking and ingress and egress to public streets and roads;
 - (6) Limitations on the duration of the approval;
 - (7) Limitation on hours and method of operation; and
 - (8) The mitigation of environmental impacts, including noise, smoke, dust, or other elements that may affect surrounding properties.
- Such conditions may be stricter than any requirement or limitation stated elsewhere in this ~~chapter~~ Chapter for the proposed use. No minimum standards are waived.
- (d) The bBoard of sSupervisors shall give the applicant written notice of its decision and any conditions to which its decision is subject.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.5.7. - Standards of review.

The pPlanning eCommission shall not recommend, nor shall the bBoard of sSupervisors approve, the proposed ~~special-Special use-Use~~ unless it satisfies the following standards:

(a) General standards:

- (1) ~~That the-The~~ proposed use is in accord with the ~~comprehensive-Comprehensive plan-Plan~~ and other official plans adopted by the ~~countyCounty~~;
- (2) ~~That the-The~~ proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;
- (3) ~~That the-The~~ proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;

- (4) ~~That the~~ The proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
- (5) ~~That the~~ The proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood;
- (6) ~~That the~~ The proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities;
- (7) ~~That the~~ The proposed use will not cause undue traffic congestion or create a traffic hazard;
- (8) ~~That the~~ The proposed use will have no unduly adverse impact on environmental or natural resources.

~~(b) Use specific standards in the A-1, A-2, A-3 and Ru districts:~~

~~(1) Automobile, tractor and trailer repair shops in the A-1, A-2, A-3 and Ru districts:~~

- ~~a. The floor area of the use shall not exceed one thousand (1,000) square feet;~~
- ~~b. The use shall be located within two hundred fifty (250) feet of an intersection where at least one (1) of the intersecting roads is a state numbered road;~~
- ~~c. The use shall not involve the outside storage of any vehicle, equipment or parts within two hundred (200) feet of any public road, unless such storage area is screened from all public roads with an opaque fence or wall of at least six (6) feet in height and with Transitional Screening 3;~~
- ~~d. The design of the structure within which the use is located shall reflect the rural character of the county, including but not limited to:~~
 - ~~i. all structures, shall be designed to reflect the traditional building style of rural Spotsylvania County;~~
 - ~~ii. all structures shall be constructed of materials that reflect the traditional building materials of rural Spotsylvania County, including but not limited to red brick, stucco, white frame and other colonial period materials;~~
 - ~~iii. roofs of all structures shall be pitched; and~~
 - ~~iv. colors and finishes shall be traditional and reflect the traditional and historical character of rural Spotsylvania County;~~
- ~~e. No more that one (1) sign shall be located on the premises which shall be a ground sign not exceeding six (6) feet in height or twenty four (24) square feet for each surface area and which shall be landscaped with shrubs;~~
- ~~f. The permitted sign shall not provide for changeable copy.~~

~~(2) Places of worship in the A-1, A-2, A-3 and Ru districts:~~

- ~~a. The design of the structure within which the use is located shall reflect the rural character of the county, including but not limited to:~~
 - ~~i. all structures, shall be designed to reflect the traditional building style of rural Spotsylvania County;~~
 - ~~ii. all structures shall be constructed of materials that reflect the traditional building materials of rural Spotsylvania County, including but not limited to red brick, stucco, white frame and other colonial period materials;~~
 - ~~iii. roofs of all structures shall be pitched; and~~

- ~~iv. colors and finishes shall be traditional and reflect the traditional and historical character of rural Spotsylvania County;~~

~~(3) Private schools in the A-1, A-2, A-3 and Ru districts:~~

- ~~a. The design of the structure within which the use is located shall reflect the rural character of the county, including but not limited to:
 - ~~i. all structures shall be designed to reflect the traditional building style of rural Spotsylvania County;~~
 - ~~ii. all structures shall be constructed of materials that reflect the traditional building materials of rural Spotsylvania County, including but not limited to red brick, stucco, white frame and other colonial period materials;~~
 - ~~iii. roofs of all structures shall be pitched; and~~
 - ~~iv. colors and finishes shall be traditional and reflect the traditional and historical character of rural Spotsylvania County;~~~~
- ~~b. No more that one (1) sign shall be located on the premises which shall be a ground sign which does not exceed six (6) feet in height or twenty four (24) square feet for each surface area and shall be landscaped with shrubs.~~

~~(4) Wineries in the A-1, A-2, A-3 and Ru districts:~~

- ~~a. Public access shall be controlled and screened from land which is used or permitted to be used for residential purposes;~~
- ~~b. Food service to the public shall be incidental to the primary winery production use;~~
- ~~c. The design of the structure within which the use is located shall reflect the rural character of the county, including but not limited to:
 - ~~i. all structures, shall be designed to reflect the traditional building style of rural Spotsylvania County;~~
 - ~~ii. all structures shall be constructed of materials that reflect the traditional building materials of rural Spotsylvania County, including but not limited to red brick, stucco, white frame and other colonial period materials;~~
 - ~~iii. roofs of all structures shall be pitched; and~~
 - ~~iv. colors and finishes shall be traditional and reflect the traditional and historical character of rural Spotsylvania County;~~~~
- ~~d. No more that one (1) sign shall be located on the premises which shall be a ground sign not exceeding six (6) feet in height or twenty four (24) square feet for each surface area and which shall be landscaped with shrubs; and~~
- ~~e. The permitted sign shall not provide for changeable copy.~~

~~(eb)~~ Use specific standards in the I-1 and I-2 district:

(1) *Adult-oriented businesses* in the I-1 and I-2 district:

- (a) No permit shall be authorized for such use or structure less than a distance of one thousand (1,000) feet from any:
 - i. residential district boundary or residential use boundary;
 - ii. child day care center;
 - iii. school, public or private, and their adjunct play areas and school board property, college or university;
 - iv. public park, playground, or swimming pool;

- v. public library, museum, or cultural center;
 - vi. historic district;
 - vii. church or other place of worship;
 - viii. any other adult-oriented business;
 - ix. any building ~~used by~~ in which a Federal, State or County agency or department is located;
 - x. nursing homes;
 - xi. hotel, motel, or inn, and
 - xii. lodging house.
- (2) Spacing distances.
- (a) For the purpose of subsection (c), spacing distances shall be measured, as follows:
 - 1. From all property lines of any "regulated use".
 - 2. From the outward line or boundary of any residentially zoned district.
 - 3. From all property lines of any residential use or the property lines of any use set forth in ~~subsection~~ Subsection (c)(1)(a).
- (3) Hours of operation. The adult-oriented business shall not operate between the hours of 11:00 p.m. and 9:00 a.m. on any particular day.
- (4) Other requirements.
- (a) Adult merchandise shall be located in a separate room or other area inaccessible to persons under eighteen (18) years of age.
 - (b) All owners, managers, and employees shall be at least eighteen (18) years of age.
 - (c) The owner or operator shall provide adequate lighting for all entrances, exits and parking areas serving the adult-oriented business, and all areas of the establishment where the adult-oriented business is conducted. "Adequate lighting" means sufficient lighting for clear visual surveillance.
 - (d) Obstruction of viewing area: no person(s), curtain(s), door(s), wall(s), display rack(s) or any other item(s) or material(s), either permanent or temporary in nature, nor any permanent or temporary enclosure(s) shall obstruct the direct line of sight of any viewing area on the premises of an adult-oriented business.
 - (e) Employee required to be on premises. At least one (1) employee, in addition to any persons providing live exhibitions or performances, must be on duty on the premises of a sexually-oriented business at all times ~~that~~ any patron, customer or member of the audience is inside the business, and such employee must have a direct line of sight of any viewing area.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-72, 4-22-97; Ord. No. 23-120, 10-9-07)

Sec. 23-4.5.8. - Effect of decision.

Once a ~~special~~ Special use ~~Use~~ is approved, the applicant is then eligible to apply for ~~site~~ Site plan Plan approval under the provisions of ~~d~~ Division 11 of this ~~article~~ Article.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.5.9. - Changes to approved special uses.

After a ~~special~~ Special use-Use has been approved, any significant changes to the terms or conditions of approval of the ~~special~~ Special use-Use shall require separate review and approval by the ~~b~~Board of ~~s~~Supervisors. Any application for approval of such a change shall be filed, processed, reviewed, and approved or denied in the manner set forth in this ~~division~~ Division for an original application for ~~special~~ Special use-Use approval. An application for approval of modifications to the approved ~~site~~ Site plan-Plan for the ~~special~~ Special use-Use shall be filed separately under the provisions of ~~d~~Division 11 of this ~~article~~ Article.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.5.10. - Expiration or revocation of ~~special~~ Special use-Use approval.

- (a) Special ~~use~~ Use approval shall lapse, and become null and void, where the applicant or a successor-in-interest has failed to establish the use authorized thereby or to commence and diligently pursue the construction authorized thereby within eighteen (18) months after the date of approval of the ~~special~~ Special use-Use unless otherwise indicated in the ~~special~~ Special use-Use ~~permit~~ Permit. The ~~b~~Board of ~~s~~Supervisors may grant a one year extension of this time limit, for good cause shown, upon receiving a written request from the applicant at least thirty (30) days before the expiration of the original time limit.
- (b) If at any time after a ~~special~~ Special use-Use is approved, and the applicant is found to be in violation of any of the conditions to the approval, the standards of this ~~division~~ Division, or other standards or requirements of this ~~chapter~~ Chapter, the recipient of the ~~special~~ Special use-Use approval shall be subject to the penalties described in Article 9 [Enforcement] of this ~~chapter~~ Chapter, including revocation of the ~~special~~ Special use-Use approval.
- (c) Special ~~use~~ Use approval may be revoked by the ~~b~~Board of ~~s~~Supervisors for un-remedied or repeated violations of ~~special~~ Special use-Use conditions or failure to satisfy the requirements of this ~~chapter~~ Chapter only after conducting a public hearing and giving written notice in accordance with ~~d~~Division 2 of this ~~chapter~~ Chapter.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.5.11. - Waiting period for subsequent applications.

If a ~~special~~ Special use-Use is denied, re-filing of substantially the same application shall not be permitted until one (1) year after the date of the disapproval.

(Ord. No. 23-66, 10-24-95)

§ 4. That Chapter 23, Article 4, Division 7, be and is hereby **amended** and reordained as follows:

DIVISION 7. - TEXT AMENDMENTS^[6]

Footnotes:

--- (6) ---

State Law reference— Zoning amendments generally, Code of Virginia, §§ 15.1-491(g), 15.1-493.

Sec. 23-4.7.1. - Purpose and applicability.

This ~~division~~Division is intended to set out the steps for review and approval of proposed amendments to the text of this ~~chapter~~Chapter. (Amendments to the zoning maps are governed by ~~d~~Division 6.)

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.7.2. - Initiation of amendments.

Amendments to the text of this ~~chapter~~Chapter may be initiated only upon motion by the Planning Commission or upon adoption of a resolution by the Board of Supervisors. ~~by resolution of the board of supervisors or by motion of the planning commission.~~

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.7.3. - Staff review and report.

- (a) ~~Upon adoption of a resolution or motion by the planning commission or board of supervisors~~ Upon motion by the Planning Commission or upon adoption of a resolution by the Board of Supervisors to amend the text of this ~~chapter~~Chapter, the ~~p~~Planning ~~d~~Department shall prepare the ~~text~~Text ~~amendment~~Amendment and shall schedule the amendment for consideration at a public hearing before the ~~p~~Planning ~~e~~Commission.
- (b) The ~~d~~Director of ~~p~~Planning may transmit the proposed amendment and other relevant information to any state, county or other government agencies for review and comment as appropriate.
- (c) The ~~d~~Director of ~~p~~Planning shall prepare and submit a written staff report to the ~~p~~Planning ~~e~~Commission on the proposed ~~text~~Text ~~amendment~~Amendment.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.7.4. - Review and recommendation by the ~~p~~Planning ~~e~~Commission.

The ~~p~~Planning ~~e~~Commission shall conduct a public hearing, after giving notice in accordance with ~~d~~Division 2 of this ~~chapter~~Chapter, and shall submit a written report and recommendation on the proposed ~~text~~Text ~~amendment~~Amendment to the ~~b~~Board of ~~s~~Supervisors no later than sixty (60) days from the public hearing, unless required sooner by the ~~b~~Board of ~~s~~Supervisors.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.7.5. - Review and decision by the ~~b~~Board of ~~s~~Supervisors.

- (a) Upon receipt of the report and recommendation of the ~~p~~Planning ~~e~~Commission and staff, the ~~b~~Board of ~~s~~Supervisors shall conduct a public hearing, after giving notice as provided in ~~d~~Division 2 of this article.
- (b) After conducting a public hearing, the ~~b~~Board of ~~s~~Supervisors may:

- (1) Approve the ~~text-Text amendment~~Amendment; or
- (2) Modify the ~~text-Text amendment~~Amendment; or
- (3) Deny the ~~text-Text amendment~~Amendment; or
- (4) Refer the application back to the ~~p~~Planning ~~e~~CCommission for further study and review.

Sec. 23-4.7.6. – Review and recommendation by Historic Preservation Commission to establish or amend a Historic Overlay District or designate a historic landmark.

- (a) Preliminary report and recommendation of Historic Preservation Commission. Before the establishment of a Historic Overlay District or the designation of an historic landmark, the Historic Preservation Commission shall conduct studies and research and prepare a report on the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings of the area or proposed landmark. The Historic Preservation Commission's report shall contain recommendations concerning the areas to be included in the proposed Historic Overlay District or the proposed landmark.
- (b) Public hearing. A public hearing may be held by the Historic Preservation Commission to receive comments from the public on any proposed Historic Overlay District or historic landmark prior to forming its recommendation.
- (c) Final report and recommendation of Historic Preservation Commission; submittal to Planning Commission. After the public hearing, if any, the Historic Preservation Commission shall submit a final report with its recommendations and a draft of a proposed amendment for the Planning Commission's and Board of Supervisors' consideration.

(Ord. No. 23-66, 10-24-95)

§ 5. That Chapter 23, Article 4, Division 8, be and is hereby **amended** and reordained as follows:

DIVISION 8. - VARIANCES

Sec. 23-4.8.7. - Appeal to the ~~e~~Circuit ~~e~~Court.

Any person or persons jointly or severally aggrieved by any decision of the ~~b~~Board of ~~z~~Zoning ~~a~~Appeals, or any taxpayer or any officer or department of the ~~county~~-County may present to the ~~e~~Circuit ~~e~~Court of the ~~county~~-County a petition specifying the grounds on which he or she is aggrieved within thirty (30) days after the filing of the decision in the office of the ~~b~~Board of ~~z~~Zoning ~~a~~Appeals, in accordance with ~~s~~Section ~~15.1-497~~-15.2-2314 of the Code of Virginia.

(Ord. No. 23-66, 10-24-95)

§ 6. That Chapter 23, Article 4, Division 9, be and is hereby **amended** and reordained as follows:

DIVISION 9. - APPEALS OF ADMINISTRATIVE DECISIONS

Sec. 23-4.9.1. - Application requirements; effect of filing.

- (a) An appeal to the ~~b~~Board of ~~z~~Zoning ~~a~~Appeals may be taken by any person aggrieved or by any officer or department of the ~~county~~County affected by any order, requirement, decision or determination made by the ~~z~~Zoning ~~a~~Administrator or by any other administrative officer in the administration or enforcement of this ~~chapter~~Chapter.
- (b) Any written notice of a zoning violation or a written order of the ~~z~~Zoning ~~a~~Administrator shall include a statement informing the recipient that he/she may have a right to appeal the notice of a zoning violation or a written order within thirty (30) days from the date of the decision in accordance with this ~~section~~Section, inclusive of the cost of appeal, the location forms, hours and place of filing such appeal, and that the decision shall be final and unappealable if not appealed within thirty (30) days. The appeal period shall not commence until such statement is given.
- (c) Such appeal shall be taken within thirty (30) days after the decision ~~appealed from~~ by filing an application with the ~~z~~Zoning ~~a~~Administrator on a form provided by the ~~county~~County. The application shall state the grounds of the appeal and shall include such copies, information and plans as required on the application.
- (d) Within ten (10) working days after receiving an appeal application, the ~~county~~County shall determine whether the application is complete. If the ~~county~~County determines that the application is not complete, it shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies.
- (e) A complete appeal application shall stay all proceedings in furtherance of the action appealed from unless the ~~z~~Zoning ~~a~~Administrator certifies to the ~~b~~Board of ~~z~~Zoning ~~a~~Appeals that by reason of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the ~~b~~Board of ~~z~~Zoning ~~a~~Appeals or by a court of record, on application and on notice to the ~~z~~Zoning ~~a~~Administrator and for good cause shown.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.9.2. - Staff review and report.

After the application is determined to be complete, the ~~z~~Zoning ~~a~~Administrator shall submit the application and a written staff report to the ~~b~~Board of ~~z~~Zoning ~~a~~Appeals and the ~~p~~Planning ~~d~~Director, together with all the papers constituting the record upon which the action appealed from was taken.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.9.3. - Review and decision by the ~~b~~Board of ~~z~~Zoning ~~a~~Appeals.

- (a) Upon receiving the application and staff report, the ~~b~~Board of ~~z~~Zoning ~~a~~Appeals shall conduct a public hearing, after giving notice in accordance with the provisions of ~~s~~Section 23-4.2.1 of this ~~chapter~~Chapter and giving due notice to the parties in interest. The ~~b~~Board of ~~z~~Zoning ~~a~~Appeals shall decide the appeal within ninety (90) days of the filing of the application.
- (b) The ~~b~~Board of ~~z~~Zoning ~~a~~Appeals may:
 - (1) Affirm, in whole or in part;
 - (2) Modify; or
 - (3) Reverse the order, requirement, decision or determination appealed from.

- (c) The ~~b~~Board of ~~z~~Zoning ~~a~~Appeals shall transmit a copy of its decision to the ~~b~~Board of ~~s~~Supervisors and ~~p~~Planning ~~d~~Director. The reversal of the Zoning Administrator's decision shall require four (4) concurring votes of the Board of Zoning Appeals.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.9.4. - Effect of decision.

The reversal or modification of any decision made by any administrative officer shall require the ~~county~~-~~County~~ staff to administer the zoning ordinance in accordance with the decision of the ~~b~~Board of ~~z~~Zoning ~~a~~Appeals.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.9.5. - Appeal to the ~~e~~Circuit ~~e~~Court.

Any person aggrieved by any decision of the ~~b~~Board of ~~z~~Zoning ~~a~~Appeals, or any taxpayer or any officer or department of the ~~county~~-~~County~~ or the ~~b~~Board of ~~s~~Supervisors may present to the ~~e~~Circuit ~~e~~Court of the ~~county~~-~~County~~ a petition specifying the grounds on which he is aggrieved within thirty (30) days after the filing of the decision in the office of the ~~b~~Board of ~~z~~Zoning ~~a~~Appeals, in accordance with ~~s~~Section ~~15.1-497~~ 15.2-2314 of the Code of Virginia.

(Ord. No. 23-66, 10-24-95)

§ 7. That Chapter 23, Article 4, Division 12, be and is hereby **amended** and reordained as follows:

DIVISION 12. - BUILDING PERMIT

No ~~building~~-~~Building~~ ~~permit~~-~~Permit~~ may be issued by the Building Official for any building or structure which does not comply with the terms of ~~e~~Chapter 5 of the County Code and ~~with the terms of this chapter, as demonstrated by an approved site plan.~~ the Virginia Uniform Statewide Building Code.

(Ord. No. 23-66, 10-24-95)

§ 8. That Chapter 23, Article 4, Division 13, be and is hereby **amended** and reordained as follows:

DIVISION 13. - ~~OCCUPANCY PERMIT AND ZONING CERTIFICATION~~ CERTIFICATE OF OCCUPANCY AND ZONING APPROVAL

Sec. 23-4.13.1. - Purpose and applicability.

- (a) ~~An~~ Certificate of ~~e~~Occupancy ~~permit~~ certifies that a building or structure is safe for occupancy and the building or structure has been completed in accordance with the terms and conditions of an approved ~~site~~-~~Site~~ ~~plan~~-~~Plan~~ and ~~building~~-~~Building~~ ~~permit~~-~~Permit~~. No Certificate of ~~e~~Occupancy ~~permit~~ shall be issued until zoning ~~certification~~ approval is obtained.

~~(b) No building or structure shall be occupied for any use unless an occupancy permit has been issued for the premises. An occupancy permit shall also be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use.~~

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.13.2. - Application requirements.

- (a) An application for ~~an occupancy~~ a Zoning permit-Permit may be filed only by the owner of the lot on which the use is to be located, or by an agent, lessee, or contract purchaser specifically authorized in writing by the owner to file such application.
- (b) An application for ~~an occupancy~~ a Zoning permit-Permit shall be filed with the ~~d~~Department of ~~e~~Code ~~e~~Compliance on a form prescribed by the ~~department~~Department. The application shall be accompanied by such information as required on the application form.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.13.3. - Review and inspection.

- (a) Upon submission of ~~an a Zoning application~~ Application it will be reviewed for completeness.
- (b) Prior to issuance of the ~~zoning permit and occupancy permit~~ Certificate of Occupancy, the ~~code~~ Code ~~compliance~~ Compliance ~~department~~ Department shall conduct an on-site inspection of the premises to determine if the uses and structure and occupation of the site comply with all the requirements of this ~~chapter~~ Chapter and any specifications, plans and conditions of ~~site~~ Site plan Plan approval.

(Ord. No. 23-66, 10-24-95)

Sec. 23-4.13.4. - Issuance of a ~~permit~~ Certificate of Occupancy.

~~Based on the on-site inspection and the building standards contained in Chapter 5 of the County Code, the code compliance official shall either:~~

- (a) ~~Issue an occupancy permit if the premise conform to all applicable provisions of the zoning ordinance and the Spotsylvania County Building Code; or~~ A Certificate of Occupancy shall not be issued until the results of the final zoning inspection has been approved.
- ~~(b) Deny an occupancy permit if all uses and structures are not in compliance with all applicable provisions of the zoning ordinance and the Spotsylvania County Building Code.~~

-(Ord. No. 23-66, 10-24-95)

Sec. 23-4.13.5. - Temporary ~~occupancy permit~~ Zoning Approval.

- (a) Upon the request of the holder of a ~~building~~ Building permit-Permit the ~~code~~ Code ~~compliance~~ Compliance ~~department~~ Department may issue a ~~temporary~~ Temporary occupancy permit-Zoning Approval for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided such failure to complete shall have been caused by weather or casualty beyond the holder's control, and such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare.
- (b) The ~~e~~Code ~~e~~Compliance ~~d~~Department shall not issue a temporary ~~occupancy permit~~ Zoning Approval until the applicant has guaranteed the completion of public improvements, including, but

not limited to, public roads, public water and public sewer facilities, or the completion of required landscape areas and plantings shown on the approved site plan or other approved plan by providing either a letter of credit, certified check, cash escrow or cash payment approved by the ~~e~~CCounty ~~a~~Attorney.

- (c) The ~~maximum~~ duration of a ~~temporary~~ Temporary occupancy permit ~~Zoning Approval~~ shall be one hundred twenty (120) days. At his/her discretion, the Zoning Administrator may authorize one or more extensions of time following the initial one hundred twenty (120) days.

(Ord. No. 23-66, 10-24-95)

§ 9. This ordinance shall be in force and effect upon adoption.