

Article 64 – Land Use Permits

ARTICLE 64 - LAND USE PERMITS

Section 64.00 - Definition, Initiative, Type

A Land Use Permit means a permit issued pursuant to this Article and subject to the definition of “Ministerial Action (Type I)” in Article 1 of this Ordinance.

Section 64.05 - Required

Prior to the issuance of any building permit and prior to the commencement of any land use except for those listed in Section 64.30 and Section 55.60.A, a Land Use Permit shall be issued by the Planning Department.

Section 64.10 - Contents of Application for Land Use Permits

- A. Location of dwelling with dimensions to lot line, streets, etc.
- B. Location of other buildings both existing and proposed.
- C. Location of septic tanks, leech fields, test pits.
- D. Means of access, location, width, type (gravel road, county road).
- E. Source of water supply.
- F. Off street parking.
- G. Locations of rivers and streams, their bankfull stage (ordinary high water mark) locations and the boundaries of Stream Protection Overlay Zone(s).

Section 64.15 - Procedure for Land Use Permits

- A. The application including the data required by Section 64.10 shall be submitted to the Planning Department.
- B. The application shall be submitted to agencies or officials deemed necessary by the Planning Department.
- C. The application shall either be approved or denied.
- D. The application shall be approved is the following standards are met:
 - 1. The application meets the requirements of this Ordinance and the Comprehensive Plan.

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2. The method of sewerage disposal has been approved by the Department of Environmental Quality or approval has been made by a Sanitary Sewerage Agency.
 3. Potable water supply has been approved by the County Health Department or an approved public or community water supply agency or company.
 4. Approved access.
- E. Conditions of approval may be established providing the conditions are consistent with this Ordinance.
- F. If approved a Land Use Permit shall be issued. If a building permit is required, a copy of the permit shall be forwarded to the building official. If the application is denied the applicant shall be informed in writing of the denial, and the conditions, if any, necessary to make the application acceptable for approval shall be specified.

Section 64.20 Contents of Application for Commercial, Industrial and Multiple Family Land Use Permits

- A. Lot dimensions.
- B. All buildings and structures: location, height, size and proposed use.
- C. Walls and fences: location, height and materials.
- D. Off-street parking: location, tabulations of number of bays, dimensions of parking areas and spaces, internal circulation pattern. In compliance with this Ordinance.
- E. Access: pedestrian & vehicular service.
- F. Signs: location, size, height, type in compliance with this Ordinance.
- G. Lighting: location, hooding devices, and general nature.
- H. Landscaping: location, general nature, method of maintenance.
- I. Location, dimensions and method of improvements of all property to be dedicated to the public or to public utilities.
- J. Location, size and treatment of truck storage facilities.

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- K. Locations of rivers and streams, their bankfull (ordinary high water mark) stage locations and the boundaries of Stream Protection Overlay Zone(s).

Section 64.25 - Land Use Procedures for Commercial, Industrial and Multiple Family Uses

- A. The application including the data required by Section 64.20 shall be submitted to the Planning Department.
- B. The application shall be submitted to agencies or officials deemed necessary by the Planning Department.
- C. The application shall either be approved or denied.
- D. The application shall approved if the following standards are met:
 - 1. The application meets the requirements of this Ordinance and the Comprehensive Plan and the use is permitted in the zone.
 - 2. If the proposed use requires sewerage disposal, the method of sewerage disposal shall be approved by the Department of Environmental Quality or an approved sanitary sewerage agency.
 - 3. If potable water supply is required, approval by the County Health Department or an approved public or community water supply agency or company is required.
 - 4. Approved access.
 - 5. Approval or conditional approval from the fire protection agency servicing the site.
- E. Conditions of approval may be established providing the conditions are consistent with this Ordinance.
- F. If approved, a Land Use Permit shall be issued. If a building permit is required, a copy of the permit shall be shall forwarded to the building official. If the application is denied, the applicant shall be informed in writing of the denial, and the conditions necessary to make the application acceptable for approval shall be specified.

Section 64.30 - Land Uses Exempt from Permits

The uses specified below are exempt from the requirements of this Article. However, any land use, structure or building shall comply with the general provisions, special conditions, additional restrictions and exceptions set forth in this Ordinance (e.g., dimensional and site development standards, property line setbacks and off-street parking requirements).

- A. Fences and freestanding walls not exceeding eight-feet in height, including agricultural related fences, which are exempt regardless of their height. Although exempt from a Land

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Use Permit, certain fences over six-feet in height are subject to building permit requirements.

- B. Retaining walls that are 4-feet or less in height as measured from the bottom on the footing to the top of the wall. Although exempt from a Land Use Permit, certain retaining wall are subject to building permit requirements.
- C. Swimming Pools. Although exempt from a Land Use Permit, swimming pools are subject to building permit requirements.
- D. Alteration of a building that does not increase the lots coverage, or change the land use.
- E. Temporary use of a real estate sign.
- F. Replacement signs of the same size.
- G. Accepted Timber Practice.
- H. Uses requiring Conditional Use Permits, except those involving the construction of a new structure or an addition to an existing structure requiring a building permit.
- I. Accessory buildings or structures that are exempt from a building permit, except for agricultural buildings.
- J. Transportation improvements identified in Section 55.60(A) of Article 55 (“Supplementary Provisions”) of this Ordinance.