

Idea's to Reduce the Delay in New Business Startups due to CUP Approval Process

Conditional Use Permits (CUP's) are defined in Town Code 154.017 & 154.018. Nothing in these sections of the code require a new CUP for a change in property ownership, proprietor or manager. Ownership change for CUP's for STR's may be treated differently.

In Zone B-1, a CUP is required for all uses listed in 154.086(B) and "and an additional conditional use permit is required in the event of expansion of or change to an existing permitted use."

We were tasked to see if we how we could revise the B-1 zoning ordinance to allow more timely approval of business uses listed in 154.086(B). Due to the requirement for a CUP, with normal PC/TC meeting schedules, it can take 2-3 months minimum to obtain the CUP for a new business.

One proposed solution is to eliminate the requirement for a CUP for certain of the 154.086(B) uses (see highlighted items in the attachment). This approach would give up any public & PC/TC input on use restrictions (such as size, parking, hours, etc).

Another possible solution is a policy change to allow property owners to file CUP's for one or more uses for their properties and for the Town to issue CUP's in advance of the property owners actually identifying the business proprietor. In this approach, the CUP limitations (size, product mix, parking, buffers, hours, etc) would apply to any future owner or business proprietor at this property. It need not be considered an "expansion or change to an existing permitted use" when the proprietor or owner changes.

A property owner would be allowed to include more than one use in their initial or amended CUP application (such as both "Wearing apparel stores" and "Office building"). If a property owner tries to apply for too many different uses, the CUP can be denied or the overall CUP restrictions imposed by the PC/TC may be made too restrictive for any one use. This should address the risk that property owners would try to apply for all uses at once.

This should be achievable via a simple policy decision by the TC, without a revision to the ordinance. As is current policy, the Code Enforcement Officer would determine whether activities occurring at a property is a "change to an existing permitted use" under the ordinance.

This policy would still require property owners to plan ahead for future uses, but that seems reasonable. This approach maintains the PC/TC review of proposed business uses and any PC/TC concerns can be made part of the CUP restrictions.

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“§154.086 USE REGULATIONS.

“(A) All uses allowed in R-1 and R-2 Districts are permitted.

“(B) Subject to (C) below, all of the following uses are allowed with an approved conditional use permit:

- (1) Retail food stores that sell gasoline;
- (2) Bakeries;
- (3) Dry cleaners;
- (4) Laundries;
- (5) Wearing apparel stores;
- (6) Drug stores;
- (7) Post offices, county offices, town offices, and other similar public uses;
- (8) Barber and beauty shops;
- (9) Theaters and assembly halls;
- (10) Hotels, motels, inns, rooming and boarding houses, tourist homes;
- (11) Hotel condominium units, as long as the specific additional following conditions are met:
 - i. The parcel of property on which the hotel condominium units are to be built must have a minimum acreage of 20 acres;
 - ii. The hotel business comprised, in part, of condominium hotel units shall be subject to an overall Floor Area Ratio (FAR) of .3, with reference to the entire real estate parcel upon which the condominium units are constructed. In measuring compliance with that FAR the floor area of all hotel buildings, including but not limited to the condominium hotel units, shall be aggregated,
 - iii. Home Owner Associations(s) shall include all hotel condominium units, whether attached or detached, and shall be established prior to occupancy of the property and maintained throughout the life of its permitted use,
 - iv. All applicable federal, state, county and local statutes, ordinances and regulations must be strictly complied with,
 - v. A central sewage/waste water system approved by the VDEQ and/or Virginia Department of Health, shall be established by the owner/operator prior to occupancy of the property and maintained throughout the life of its permitted use by the owner/operator,

- vi. All utility transmission lines shall be underground, and
- vii. A certificate of Occupancy (CO) shall be obtained from Lancaster County prior to the commencement of the intended use of specific buildings subject to a CO requirement. A copy of each CO shall be furnished to the Town's Zoning Administrator;

(12) Office buildings, newspaper office, bank;

(13) Church;

(14) Library;

(15) Marina, boat and yacht sales and service agencies;

(16) Service stations (with major repair under cover);

(17) Clubs and lodges;

(18) Plumbing and electrical supply (with storage under cover);

(19) Furniture stores; and

(20) Restaurants whether serving or not serving alcoholic beverages. Off-street parking as required by this chapter.

“(C) The following uses are not allowed , thus, a conditional use permit will not be approved.

- (1) Formula restaurants defined as: food service businesses required by contractual or other business arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior décor, signage, or exterior design or which adopts a name, appearance or food preparation format which causes it to be substantially identical to another restaurant regardless of ownership or location.
- (2) Formula retail businesses defined as: a single source high traffic retailer, operated directly by or under contract with a manufacturer or distributor of merchandise or services for sale within, and required to adopt standardized layout, décor, uniforms, or similar standardized features.
- (3) Manufacturer outlets defined as: retail businesses whose main purpose is the quick turnover of after-market, overstock, defective, or past season merchandise. This includes stores offering merchandise of a single or multiple manufacturers that is offered at discount pricing.
- (4) The foregoing definitions apply to §154.086 only; in the event of a conflict between the foregoing definitions and those elsewhere in this chapter 154, these definitions control §154.086.

“(D) The public purposes for prohibiting the uses stated in (C) include but are not limited to: (i) public demand, (ii) maintaining the unique community character