

Special Use Permit

Land uses listed in the Zoning Ordinance Table of Uses as subject to the issuance of a Special Use Permit are assumed to be generally compatible with other land uses permitted within the same zoning district but due to their unique characteristics or potential impacts on the surrounding areas or the county as a whole, individual consideration of their location, design, configuration and/or operation at the proposed location is required. Specific conditions may be attached to a special use permit application in order to ensure conformance with the zoning district, other county ordinances or to address the project's impacts to the surrounding area. Petitioners have two (2) years to obtain all necessary permits for the project unless a vested right is approved by the Board of Commissioners (BOC) in accordance with section 21-11(c) of the Zoning Ordinance.

Prior to submitting a Special Use Permit request, applicants are encouraged to meet with a member of the Planning Department to discuss the request. The following information must be presented for consideration by the department:

1. Submit completed application;
2. Submit site plan in accordance with Sec. 21-52;
3. Provide response to Evaluation Criteria from Sec. 21-59;
4. Provide information for specific uses listed in Sec. 21-60 (if applicable);
5. Other information deemed necessary to determine the development proposal's impacts; and
6. Submit \$200 fee payable to Rowan County.

Staff Review:

The Planning Department will review the application package and prepare a report to the BOC. In general, requests are evaluated based on the following criteria:

1. Any specific requirements listed in Sec. 21-60;
2. Adequate transportation access to the site exists;
3. The use will not significantly detract from the character of the surrounding area;
4. Hazardous safety conditions will not result;
5. The use will not generate significant noise, odor, glare, or dust;
6. Excessive traffic or parking problems will not result; and
7. Use will not create significant visual impacts for adjoining properties or passersby.

Board of Commissioners Meeting:

Planning Staff will coordinate with the Clerk to the BOC and the applicant to schedule an appropriate quasi-judicial hearing date to consider the application. Although the BOC typically meets on the 1st and 3rd Monday of each month, hearing dates will be selected based on a number of factors including complexity and perceived public interest. Once a meeting date has been established, the Planning Department will provide notice to property

owners within one hundred (100) feet of the property in question, and post signs on the property.

The BOC will hold a quasi-judicial public hearing to receive sworn testimony regarding the requested change and render one of the following decisions:

1. Approve the issuance of the permit as requested;
2. Approve the issuance of the permit, with additional conditions;
3. Continue the request; or
4. Deny the permit request.

In addition to the above information, the BOC will also consider the following findings of fact necessary to approve the permit:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety;
2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity; and
3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

If conditionally approved, the applicant may submit a revised application within 45 days of receiving the decision in accordance with section 21-63(a).

Minor changes may be considered by the Planning Director subject to section 21-58(f)(1) while other amendments to an approved permit may be considered by the BOC subject to section 21-58(f)(2). If denied, a new petition may not be accepted within one (1) year from the date of the hearing except under special circumstances as specified in Sec. 21-63 (b).

Notification will be provided within five (5) days from the date of the decision.