



**APPLICATION FOR
SPECIAL USE PERMIT**

The Orange County Board of Adjustment shall approve or deny Special Use Permit applications as provided for within the Unified Development Ordinance (UDO) with a majority vote. The applicant must provide material, competent and substantial evidence for each standard required by the UDO.

Please check all applicable boxes and complete the required documentation.

SUBJECT PARCEL:

Address: _____

Parcel Identification Number (PIN): _____

I, _____ have standing as described in **Exhibit A** and hereby request the Board of Adjustment to conduct an evidentiary hearing on my permit application, a use described and limited as described in **Exhibit B**.

I anticipate the presentation of evidence to be:

Thirty (30) minutes or less, and understand Exhibits C, D, E and F are optional.

More than thirty (30) minutes and have included the following: a listing of intended evidence (Exhibit C), proposed Findings of Fact (Exhibit D), proposed Conditions (Exhibit E), and proposed Order (Exhibit F).

STATEMENT BY APPELLANT:

I certify that the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

Signature of applicant: _____

Date: _____

Official Use Only:

Date Application Filed: _____ Fee Collected: _____

Accepted by: _____ Permit Case Number: _____

Zoning: _____ Watershed Overlay: _____ Other: _____

Staff Assigned to Review: _____

Date Scheduled for Public Hearing: _____

EXHIBIT A - STATEMENT OF STANDING:

- I am the sole owner of the property subject to this application.

- I have attached notarized letters authorizing this submittal from all entities or individuals with ownership rights to the property.

Owner Information:

Name: _____ Home Phone: _____
Address: _____ Cell Phone: _____
_____ E-mail: _____

Applicant Information: (same as owner)

Name: _____ Home Phone: _____
Address: _____ Cell Phone: _____
_____ E-mail: _____

Agent Information:

Name: _____ Home Phone: _____
Address: _____ Cell Phone: _____
_____ E-mail: _____
Law Firm Name: _____ Bar Number: _____

** Only attorneys may serve as agents within quasi-judicial hearings such as this appeal. Realtors, surveyors and other professionals may not apply or make arguments on behalf of owners. **

EXHIBIT B - NARRATIVE OF PROPOSED LAND USE:

*** Insert and label as “Exhibit B” a narrative description of the proposed land use. Include a detailed description of the proposed use of property including an outline of the proposed operational characteristics of the proposed development. Also include descriptions of structural components such as the basic size, form, and character of the buildings shown on the site plan. ***

EXHIBIT C - INTENDED EVIDENCE:

I intend to introduce the following document and have attached it follows:

Exhibit #1 entitled: “ _____ ”

This is relevant to standards from UDO Sections _____.

It demonstrates that:

_____.

I intend to call the following as a lay witness:

Lay Witness #1, _____. Their intended testimony has been included in an affidavit attached as Exhibit _____. This witness has personal knowledge of and will testify about:

_____.

This testimony is relevant to standards from UDO Sections _____. The testimony will demonstrate that _____

_____.

I intend to call the following as an expert witness:

Expert Witness #1, _____, is being offered as an expert in

_____.

They possess specialized knowledge in this field through the following training and/or experience:

_____.

They reviewed or examined the following data: _____

They used the following method of analysis when reviewing that data: _____

This expert opinion is relevant the standard at UDO Section _____. It demonstrates that

Their intended testimony has been included in an affidavit attached as Exhibit _____.

(attach additional sheets as necessary)

EXHIBIT D – PROPOSED FINDINGS OF FACT:

The Applicant shall be required to provide the proposed findings of fact for the project based on the specific development standards for a proposed land use as detailed in Article 5 of the UDO as well as the general findings as contained in Section 5.3.2 of the UDO:

#	REQUIREMENT	UDO Section	SUPPORTING EVIDENCE (Finding of Fact)	Condition #
Application Components and Required Submittal Information:				
1.	Proper forms	2.2		
2.	Fees paid	2.2.4(D)		
3.	Full description of use <ul style="list-style-type: none"> • Location • Appearance • Operational characteristics 	2.7.3(B)(1)		
4.	Owner Information	2.7.3(B)(2)		
5.	Information needed for Use Standards	2.7.3(B)(3)		
6.	Site Plans (10 copies for Class B; 26 for Class A)	2.7.3(B)(4)		
7.	Preliminary Subdivision Plat (if necessary)	2.7.3(B)(5)		
8.	List of parcels within 1,000 feet	2.7.3(B)(6)		
9.	Elevations of all structures	2.7.3(B)(7)		
10.	Environmental Assessment (or EIS) <ul style="list-style-type: none"> • Topography • Drainage issues • Natural or Cultural resources • Mining • Hazardous Wastes • Wastewater treatment • Water usage 	2.7.3(B)(8)		
11.	Method of Debris Disposal	2.7.3(B)(9)		
12.	Development Schedule	2.7.3(B)(10)		
13.	Extended Vesting Request	2.7.3(B)(11)		

#	REQUIREMENT	UDO Section	SUPPORTING EVIDENCE (Finding of Fact)	Condition #
Notification Requirements:				
14.	Public Notice <ul style="list-style-type: none"> • Date • Time • Place 	2.7.6(a)		
15.	Published in Newspaper <ul style="list-style-type: none"> • Two successive weeks • First notice at least ten days prior but no more than twenty-five days prior 	2.7.6(b)		
16.	Sign Posting on Property (at least 10 days prior)	2.7.6(c)		
17.	Mailed Notice <ul style="list-style-type: none"> • Certified mail • All adjacent property owners (within 1,000 feet) • Not less than fifteen days prior 	2.7.6(d)		
Specific Standards:				
18.	Waste Disposal Method and adequacy of provision for sewage disposal facilities, solid waste and water service.	5.3.2(B)(1)		
19.	Safety Method and adequacy of police, fire and rescue squad protection.	5.3.2(B)(2)		
20.	Vehicle Access Method and adequacy of vehicle access to the site and traffic conditions around the site.	5.3.2(B)(3)		

#	REQUIREMENT	UDO Section	SUPPORTING EVIDENCE (Finding of Fact)	Condition #
Specific Development Standards for Proposed Land Use (Article 5) **				

*** The applicant is responsible for completing this section, identifying all development requirements/standards a proposed land use is required to abide by and provide sufficient detail documenting what evidence has been submitted documenting compliance. An application shall be considered incomplete without the proposed Findings of Fact completed by the applicant. ***

General Standards	UDO Section	SUPPORTING EVIDENCE (Finding of Fact)	Condition #
The use will maintain or promote the public health, safety and general welfare	5.3.2(A)(2)(a)		
The use will maintain or enhance the value of contiguous property (unless the use is a public necessity)	5.3.2(A)(2)(b)		
The use will be in harmony with the area and is in compliance with the Comprehensive Plan.	5.3.2(A)(2)(c)		

Exhibit E - Proposed Conditions:

**** The BOCC **must deny** the permit if any standard cannot be met either by a showing of evidence or by a condition placed upon the permit. Staff has included the general conditions as required for all Special Use Permits as detailed within the UDO.*

*Please list any proposed conditions which may be necessary for the BOCC to find that all standards will be met. ****

1. For public safety as required in 5.3.2(B)(2), final assignment of a street address shall be completed by Orange County Land Records prior to the issuance of any permit authorizing land disturbing activity on the property in accordance with the Orange County Addressing Ordinance.
2. Per Section Section 2.5 of the UDO the applicant shall obtain all necessary development permits from the County prior to the initiation of any land disturbing activity associated with the construction of the proposed use including, but not limited to: Building Permit, Erosion Control Management Permit, Solid Waste Management Permit, and Zoning Compliance Permit.
3. In accordance with the provisions of Section 2.7.12 (C) of the UDO, if any condition of this Special Use Permit shall be held invalid or void, then this Special Use Permit shall be void in its entirety and of no effect.
4. In accordance with the provisions of Section 2.7.12 (D) of the UDO, the Special Use Permit will automatically expire within 12 months from the date of approval if the use has not commenced or construction has not commenced or proceeded unless a timely application for extension of this time limit is approved by the Board of Adjustment.

Exhibit F – Proposed Order:

**FINDINGS OF THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
PERTAINING TO A REQUEST SUBMITTED BY**

**_____ (APPLICANT)
PROPOSING _____ (PROPOSED LAND USE)
ON _____ (ROAD NAME AND PINS OF PROPERTY
INVOLVED WITH APPLICATION)**

As required under Section 5.2 *Table of Permitted Uses* of the Orange County Unified Development Ordinance (UDO), a Class A Special Use Permit is required for the development/operation of a _____ (Proposed Land Use), in accordance with the provisions of Section 2.7 of the UDO.

Such permits shall comply with general and specific standards as set forth in Section(s) 5.3.2 and _____ (Section of Article 5 establishing development standards for proposed land use) of the UDO.

Section 5.3.2 (A) (2) of the UDO requires written findings certifying compliance with the following:

- (1) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;
- (2) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and
- (3) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners;

In addition, the Board of County Commissioners shall make findings certifying that the application is compliant with the following specific standards:

- (1) Specific standards for the submission of Special Use Permit applications as outlined within Section(s) 2.2 and 2.7 of the UDO.
- (2) Specific regulations governing the development of a _____ (Proposed land use) as set forth in Section _____ (Section of Article 5 establishing development standards for proposed land use) of the UDO.
- (3) Section 5.3.2 (B) relating to the method and adequacy of the provision of:
 - a. Sewage disposal facilities,
 - b. The adequacy of police, fire, and rescue squad protection, and
 - c. The adequacy of vehicular access to the site and traffic conditions around the site.
- (4) The general findings outlined within Section 5.3.2 (A) (2).

Upon holding of a duly advertised public hearing, and accepting into the record of competent material evidence and sworn testimony concerning the application, the Orange County Board of Commissioners (BOCC) hereby makes the following findings of fact and conclusions of law:

#	REQUIREMENT	UDO Section	SUPPORTING EVIDENCE (Finding of Fact)	Condition #
Application Components and Required Submittal Information:				

#	REQUIREMENT	UDO Section	SUPPORTING EVIDENCE (Finding of Fact)	Condition #
Notification Requirements:				

#	REQUIREMENT	UDO Section	SUPPORTING EVIDENCE (Finding of Fact)	Condition #
Specific Standards:				

#	REQUIREMENT	UDO Section	SUPPORTING EVIDENCE (Finding of Fact)	Condition #
Specific Development Standards for Proposed Land Use (Article 5) **				

General Standards	UDO Section	SUPPORTING EVIDENCE (Finding of Fact)	Condition #
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Based on the competent material evidence and sworn testimony in the record the BOCC hereby make(s) an affirmative finding on the specific standards of evaluation and general standards as detailed herein, further finding no evidence has been entered into the record demonstrating the applicant has:

- a. Failed to meet their burden of proof that the project complies with the specific development standards for a telecommunication facility, or
- b. Failed to comply with the general standards detailed within Section 5.3.2 (A) (2) of the UDO.

The BOCC hereby approved the Special Use Permit subject to compliance with the following conditions:

(CONDITIONS HERE)

- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required
- (F) Certification Exemptions
- The following structures, if located within Zone AE, are exempt from the elevation/flood proofing certification requirements specified in items (A) and (B) above:
- (1) Recreational vehicles meeting requirements of Section 6.21(B)(5);
 - (2) Temporary structures meeting requirements of Section 6.21(B)(7); and
 - (3) Accessory Structures with any dimension that is 12 feet or greater in height, width, or depth, meeting requirements of Section 6.21(B)(8).

SECTION 2.7: SPECIAL USE PERMITS

2.7.1 Generally

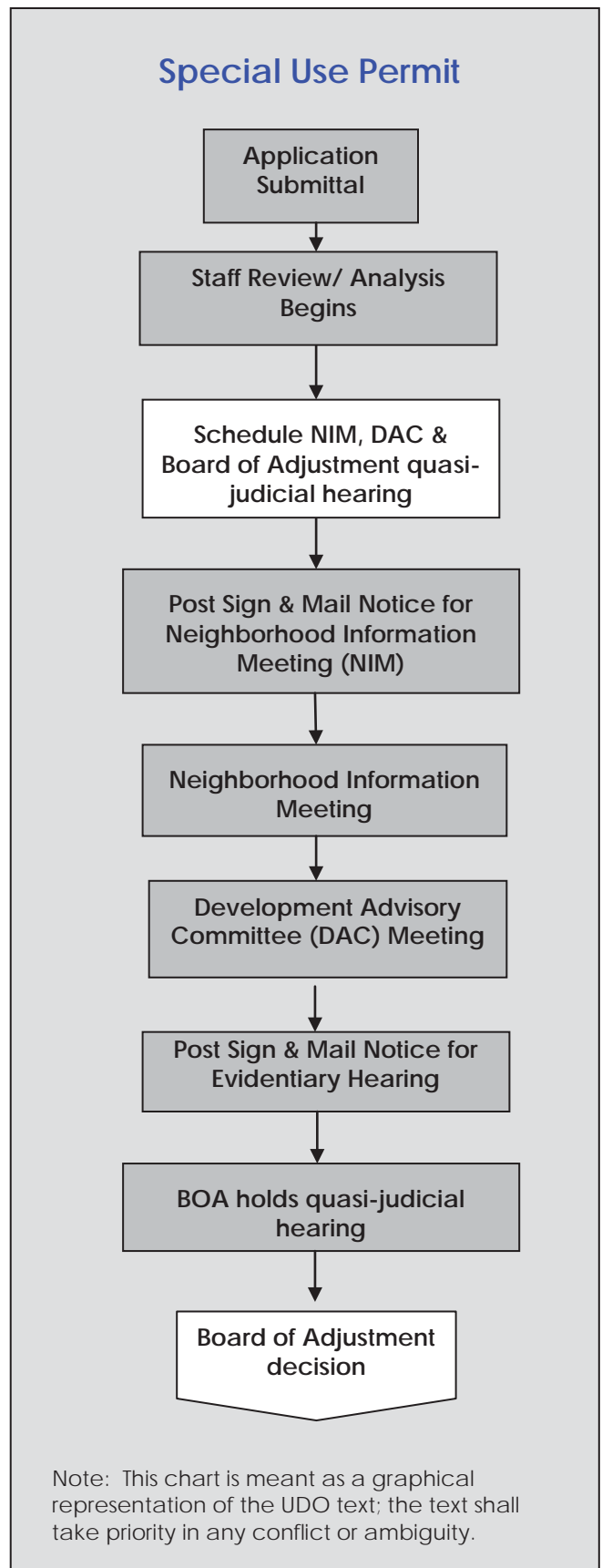
- (A) Any use or development designated by applicable zoning district regulations contained within Article 5 as a special use, or as allowed only pursuant to a special use permit, may be established in that district only after the use or development is authorized by a validly issued and recorded special use permit.
- (B) This section sets forth required review and approval procedures for submittal, review, and approval of applications for a special use permit.
- (C) A special use permit authorizes its holder to use or develop a particular parcel of land in a particular way, as specified by the terms and conditions of the special use permit.
- (D) A special use permit imposes on its holder the responsibility of ensuring that the authorized use or development continues to comply with the terms and conditions of approval.
- (E) Issuance of a special use permit does not relieve the holder of the special use permit of the additional responsibility of obtaining a building permit or any other permit or approval required by any other applicable law.

2.7.2 Review and Approval Flow Chart

The review and approval process for Special Use Permits is shown in the procedure's flowchart.

2.7.3 Application Requirements

- (A) Applications for a Special Use shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.
- (B) Applications shall include:
 - (1) A full and accurate description of the proposed use, including its location, appearance, and operational characteristics.
 - (2) The name(s) and address(es) of the owner(s) of the property involved.
 - (3) Relevant information needed to show compliance with the general and specific standards governing the Special Use (See Articles 5 and 6).
 - (4) Ten copies of the site plan, prepared by a registered North Carolina land surveyor, landscape architect, architect, or engineer, which shall contain the information listed in Section 2.5.
 - (5) A list of all parcels located within 1,000 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records.
 - (6) Elevations of all structures proposed to be used in the development.
 - (7) Ten copies of the Environmental Assessment and/or Environmental Impact Statement, if required by Section 6.16.
 - (8) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.
 - (9) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.



- (10) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum or up to seven years for multi-phase developments, as defined in Article 10).

2.7.4 Staff Review

- (A) The Planning Director shall cause an analysis to be made of the application by qualified representatives of the County and other agencies or officials as appropriate.
- (1) Applications for agricultural support enterprise uses located within the Rural Buffer land use classification, as depicted on the Future Land Use Map of the adopted Comprehensive Plan, shall be forwarded to the County's Agricultural Preservation Board for review and comment.
- (a) The Agricultural Preservation Board shall have 30 calendar days to provide comments. If comments are not received within this timeframe, the application review process shall not be delayed.
- (b) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-CD zoning district, as detailed within Section 5.2 of this Ordinance.
- (B) The Planning Director shall submit the analysis to the Board of Adjustment.
- (C) The Board of Adjustment shall receive and enter the analysis into evidence during the evidentiary hearing. The analysis shall be subject to examination by all interested parties and the Planning Director shall be subject to cross-examination regarding the analysis.

2.7.5 Neighborhood Information Meeting

- (A) Before an Evidentiary Hearing may be held for a Special Use the applicant is required to schedule a minimum of one neighborhood information meeting. The purpose of the meeting is to obtain surrounding property owner input and comments on the proposed development project and allow staff an opportunity to explain the review process associated with the request.
- (B) The applicant shall obtain property owner mailing address information from the Orange County Planning Department, which shall utilize Orange County Land Records data, and shall mail notices of the meeting date and time via first class mail to each property owner within one thousand feet of the property for which a Special Use has been requested.
- (C) The applicant shall mail notice of the Neighborhood Information Meeting a minimum of 14 days prior to the date of the meeting.
- (D) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of 10 days prior to the date of the meeting.
- (E) The meeting shall be held a minimum of 45 days prior to the date of the Evidentiary Hearing.
- (F) Neighborhood information meetings for telecommunication facilities shall be held in accordance with the provisions of Section 5.10.8 (B) (2).

2.7.6 Notice Requirements for Special Use Permits

- (A) The Planning Director shall give notice of the date, time and place of the Evidentiary Hearing to be held to receive evidence in the form of testimony and exhibits pertaining to the application for a Special Use.

- (1) Written notice shall be sent by first class mail to all adjacent property owners at least ten days but not more than 25 days before the hearing date. Adjacent property owners are those whose property lies within one thousand feet of the affected property and whose names and addresses are currently listed in the Orange County tax records. The outside of the envelope or postcard shall be marked "Notice of Evidentiary Hearing."
- (2) The Planning Director shall post on the affected property a notice of the Evidentiary Hearing at least ten days but not more than 25 days prior to the date of said hearing.

2.7.7 Nature of Proceedings

- (A) The review of Special Use Permit applications shall be conducted during an Evidentiary Hearing.
- (B) The review of a Special Use Permit application is a quasi-judicial process, where the Board of Adjustment acts much like a panel of judges. The Board hears factual evidence and sworn testimony presented at an evidentiary hearing, and then makes findings of fact supported by competent, substantial, and material evidence.
- (C) The applicant, Orange County staff, and any person who would have standing to appeal the decision under NCGS 160D-1402 shall have the right to participate as a party at the Evidentiary Hearing.
- (D) The chair or presiding officer of the hearing shall swear all parties intending to present evidence or testimony during the Evidentiary Hearing.
- (E) The chair or presiding officer may take whatever action is necessary to limit testimony to the presentation of new factual evidence that is material to the application, to ensure fair and orderly proceedings, and to otherwise promote the efficient and effective gathering of evidence. Such actions may include:
 - (1) Barring the presentation of obvious hearsay evidence,
 - (2) Barring the presentation of non-expert opinion,
 - (3) Interrupting digressions into immaterial testimony,
 - (4) Interrupting repetitive testimony,
 - (5) Reasonably limiting the time allotted each witness or cross-examination,
 - (6) Providing for the selection of spokespersons to represent groups of persons with common interests,
 - (7) Interrupting personal attacks, and/or
 - (8) Ordering an end to disorderly conduct.
- (F) Where the Board finds compliance with the general standards, specific rules governing the specific use, and that the use complies with all required regulations and standards, the application must be approved unless the Board shall also find, in some specific manner, that:
 - (1) the use will not maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.
- (G) Those opposing approval of the application on the grounds that the use will not promote the public health, safety and general welfare shall have the burden of establishing, by competent material and substantial evidence, the specific manner in which the proposed use does not satisfy the requirements for approval of the application for a Special Use.

2.7.8 Review and Decision

The following shall apply to all Special Use Permit applications:

- (A) The Board of Adjustment shall review the application during a regularly scheduled Evidentiary Hearing.
- (B) The Board of Adjustment shall conduct the Evidentiary Hearing in accordance within the provisions detailed in this Section as well as those contained within Section 2.12.
- (C) After closing the Evidentiary Hearing, the Board of Adjustment shall take action upon the application. This action shall include making appropriate findings of fact pursuant to Section 2.7.10, stating whether the board concludes each of the applicable standards have been met and one of the following:
 - (1) Approval;
 - (2) Approval but with specified conditions as provided in Section 2.7.11; or
 - (3) Denial.

2.7.9 Standards of Evaluation

The following specific standards shall be used in deciding on an application:

- (A) The project meets all applicable design standards and other requirements of this Ordinance.
- (B) The development can reasonably be completed within the vesting period requested, if any.
- (C) Where vesting in excess of two years is requested, the project is located in an area where current issues under study do not involve potential amendments to the Comprehensive Plan and/or this Ordinance.

2.7.10 Required Findings

- (A) A resolution or motion to approve the application must include the findings of fact and conclusions of law that support the decision. Any proposed conditions of approval must also be included in the resolution or motion to approve the application.
- (B) A resolution or motion to deny the application must state findings of fact and conclusions of law that support the decision.
- (C) If a resolution or motion to approve the application fails, the application is deemed denied. Those members voting against the resolution or motion must state which of the conclusions of law they could not reach as well as findings of fact on which their inability to reach the conclusions is based.

2.7.11 Conditions of Approval

- (A) The Board of Adjustment may impose such reasonable conditions upon approval of a Special Use as will afford protection of the public health, safety and general welfare, ensure that substantial justice is done, and equitable treatment provided.
- (B) Conditions shall run with the land and use, and shall be binding on the original applicant(s) as well as all successors, assigns and heirs.
- (C) The Special Use Permit shall include a statement that if any condition of a Special Use Permit shall be held invalid or void, then the permit itself shall be void and of no effect.
- (D) It shall be stated in the Special Use Permit that the Permit shall automatically expire 12 months from the date of approval if the use has not commenced or construction has not commenced or proceeded, unless a timely application for extension of this time limit is approved by the Board of Adjustment as provided in Section 2.7.13.

2.7.12 Notification of Board Action

- (A) The Planning Director shall send a notice of the Board's action on the application within a reasonable time by personal delivery, electronic mail and/or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective.
- (B) The Planning Director, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the Board's action.
- (C) The Planning Director, but not a designee, shall certify that the Special Use Permit with any imposed conditions is as approved by the Board of Adjustment with a report provided to the County Manager.
- (D) Once the Special Use Permit has been certified, the applicant shall record the permit with the Orange County Register of Deeds in a format prepared by the Planning Director. Failure to do so within 90 days from certification shall invalidate the Special Use Permit.

2.7.13 Time Limits and Extensions

- (A) If a request is received before the Special Use permit expires, the Board of Adjustment, for good cause shown, may extend the expiration deadline six months.
- (B) The application for an extension request shall be submitted a minimum of three months prior to the expiration of the Special Use Permit.
- (C) No changes shall be made to the terms and/or conditions of approval.
- (D) Only one approval of a time extension is permitted, and it shall be based on evidence presented by the applicant showing that permits have been pursued in a timely manner, and that delays have resulted from factors beyond the control of the applicant.
- (E) The applicant may request that the Special Use Permit be vested as a Site Specific Vesting Plan in accordance with the requirements of Section 2.5.5.
 - (1) The required legislative hearing by the Board of County Commissioners to establish vested rights shall be held after approval of the Special Use Permit by the Board of Adjustment.

2.7.14 Modifications to Approved Plans

- (A) After a Special Use Permit has been issued, no deviations from the terms of the approved permit shall be made until written approval of proposed changes or deviations has been obtained.
- (B) The Planning Director shall approve minor modifications in the approved permit if requested by the applicant except where the Special Use Permit includes a condition explicitly prohibiting such a modification. Minor modifications are as follows:
 - (1) A change (increase or decrease) of no more than 5% in the amount of open space, recreation facilities, or landscape screening.
 - (2) A change of 100-feet or less in the location of open space, recreation facilities, or landscape screening.
 - (3) A change (increase or decrease) of no more than of 5% in the number of parking spaces approved.
 - (4) A change in pedestrian and/or vehicular access or circulation that moves such facilities less than 25-feet.
 - (5) For telecommunication facilities, a minor modification shall also include the following:
 - (a) An increase in the existing vertical height of the structure by less than:

- (i) 10% of the height of the tower, or
 - (ii) The height of 1 additional antenna with separation from the nearest existing antenna not to exceed 20 feet
 - (b) The addition of an appurtenance to the body of the telecommunication facility that protrudes horizontally from the edge of the wireless support structure the lesser of:
 - (i) 20 feet, or
 - (ii) Less than the width of the wireless support structure at the level of the appurtenance.
 - (c) Increasing the square footage of the existing equipment compound by less than 2,500 square feet
- (C) For minor modifications, the applicant shall file an amended site plan, or written statement, outlining in detail the minor modification(s) proposed. The Planning Director shall state the findings in writing to the applicant and file the amended site plan or written statement with the approved site plan.
- (D) A modification that is not listed as a minor modification in (B) above is considered a major modification and shall require approval of the Board of Adjustment.
- (E) For major modifications, the applicant shall adhere to the following procedures:
- (1) The applicant shall provide an amended site plan and written narrative outlining the specific changes requested.
 - (2) The Planning Director shall submit the request to the Board of Adjustment.
 - (3) The Board shall set an Evidentiary Hearing to receive testimony concerning the modification request. Any Evidentiary Hearing called pursuant to a modification of an approved special use permit shall be held in conformity with the relevant public notification requirements contained in this Article.
 - (4) The Board may approve, approve with conditions, or deny the application for a modification.
 - (5) The Planning Director shall file the Board's action in the Planning Department as an amendment request to the original application and shall notify the applicant in writing of the Board's action.

SECTION 2.8: ZONING ATLAS AND UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS

2.8.1 Review and Approval Flow Chart

The review and approval process for a Zoning Atlas and Unified Development Ordinance Amendment is shown in the procedure's flowchart.

2.8.2 Amendment Initiation

- (A) An amendment to this Ordinance or the Zoning Atlas may be initiated by:
- (1) The Board of County Commissioners on its own motion;
 - (2) The Planning Board;
 - (3) Application, by any person or agency authorized by Ordinance, downzonings applied for by a third party require the written consent of the property owner; or
 - (4) The Planning Director.