



Orange County Planning & Inspections Department

131 W. Margaret Lane, Suite 200, Hillsborough, NC 27278

919-245-2575 or planningapps@orangecountync.gov

Special Use Permit Application

Please check all applicable boxes and complete the required documentation. Additional information and submittal requirements are contained in Section 2.7 of the Unified Development Ordinance (UDO).

If completing by hand, please use black or blue ink.

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.

Date: _____

Contact Information

Property Owner(s): _____

Mailing Address: _____

Phone: _____

Email: _____

Applicant (if different than property owner): _____

Mailing Address: _____

Phone: _____

Email: _____

Property Information

Parcel ID Number (PIN): _____

Address: _____

Zoning: _____

Watershed: _____

Certification and Signatures

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

Owner Signature(s)

Applicant Signature (if different from owner)

Date

Date

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.

Property Owner Information

Name: _____

Address: _____

Home Phone: _____

Cell Phone: _____

Email: _____

Applicant Information Same as owner

Name: _____

Address: _____

Home Phone: _____

Cell Phone: _____

Email: _____

Agent Information

Name: _____

Address: _____

Home Phone: _____

Cell Phone: _____

Email: _____

Law Firm Name: _____ Bar Number: _____

Note: Only attorneys may serve as agents during quasi-judicial hearings. 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 Unified Development Ordinance (UDO) Sections: _____

It demonstrates that: _____

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: _____

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	2.7.3(B)(4)		
7.	List of parcels within 1,000 feet	2.7.3(B)(5)		
8.	Elevations of all structures	2.7.3(B)(6)		
9.	Environmental Assessment (or EIS)	2.7.3(B)(7)		
10.	Method of Debris Disposal	2.7.3(B)(8)		
11.	Development Schedule	2.7.3(B)(9)		
12.	Extended Vesting Request	2.7.3(B)(10)		
Notification Requirements:				
13.	Public Notice <ul style="list-style-type: none"> ▪ Date ▪ Time ▪ Place 	2.7.6(A)		
14.	Sign Posting on Property (at least 10 days prior)	2.7.6(A)(2)		
15.	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(A)(1)		
Specific Standards:				
16.	Waste Disposal Method and adequacy of provision for sewage disposal facilities, solid waste and water service.	5.3.2(B)(1)		
17.	Safety Method and adequacy of police, fire and rescue squad protection.	5.3.2(B)(2)		

18.	Vehicle Access Method and adequacy of vehicle access to the site and traffic conditions around the site.	5.3.2(B)(3)		
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Specific Development Standards for Proposed Land Use (Article 5)*:				
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*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 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) of the UDO, 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 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, Land Disturbance Permit (LDP), Solid Waste Management Permit, and Zoning Compliance Permit.
3. In accordance with the provisions of Section 2.7.11 (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 2.7.11 (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 ADJUSTMENT
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 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 Adjustment 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 an evidentiary hearing, and accepting into the record of competent, material evidence and sworn testimony concerning the application, the Orange County Board Adjustment (BOA) 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:				
Notification Requirements:				
Specific Standards:				
Specific Development Standards for Proposed Land Use (Article 5)*				

Based on the competent material evidence and sworn testimony in the record the BOA 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 BOA hereby approves the Special Use Permit subject to compliance with the following conditions:

(CONDITIONS HERE)