



# GUILFORD COUNTY PLANNING AND DEVELOPMENT

## Special Use Permit Procedures and Application

### OVERVIEW

The Guilford County Development Ordinance contains public hearing procedures whereby anyone may request to rezone or conditionally rezone property, and contains quasi-judicial procedures whereby a property owner may request a special use permit.

### SPECIAL USE PERMITS

Some uses allowed in the Development Ordinance may be permitted subject to the approval of a Special Use Permit by the Planning Board. A TRC-approved or conditionally approved site plan must accompany a Special Use Permit request. The hearing is a quasi-judicial procedure requiring specific findings of facts for approval or denial. The Planning Board must make the following findings to approve a Special Use Permit:

- The use will not materially endanger the public health or safety if located as proposed and developed according to the plan submitted;
- The use meets all required conditions and standards;
- The use will not substantially injure the value of adjoining or abutting property;
- The use is a public necessity and
- The location and character of the use, if developed according to the plan submitted, will be in harmony with the area and in general conformity with the plan for the Community and its environs.

### CONSIDERATION OF REQUESTS

The decision to approve or deny a request rests with the Guilford County Planning Board. Actions of the Planning Board are final, unless appealed. Appeals are heard by the Guilford County Board of Commissioners.

The administration, amendment and enforcement of the Development Ordinance and Official Zoning Map are accomplished within the framework of the Guilford County Comprehensive Plan and its supporting documents:

- The County Land Use Plan
- Thoroughfare Plans
- Area Plans
- Parks, Recreation and Open Space Plans
- Capital Improvement Plans
- Watershed Management Plans

These documents and the policies they represent are essential in the evaluation of the impact and appropriateness of each request.

### PROCEDURES

#### Pre-Filing Conference

A pre-filing conference is recommended for anyone planning to file an application. This informal meeting allows staff to provide guidance in identifying the most appropriate zoning district for the proposed use, share applicable land use plans, and indicate a likely recommendation to the Planning Board. This should be scheduled in the weeks prior to the submission deadline.

#### Filing

Filing for a special use permit requires:

- A completed and signed Application Form;
- Application fee;
- A Zoning Sketch Plan, Special Use Permit Site Plan or legal description of the property, if required; and
- Public water and sewer approval letter, if required.

These items must be submitted by noon on the submittal deadline date listed below. Failure to submit the required items on time may delay the processing of the application and scheduling of the public hearing. It is recommended that applications be hand-delivered to the Planning and Development Department.

### 2010 Planning Board Meeting Schedule

Application Submittal Deadline 12:00 pm	Planning Board Meeting 7:00 pm	Decision Appeal Deadline 5:00 pm
December 16, 2009	January 13, 2010	January 28, 2010
January 13, 2010	February 10	February 25
February 10	March 10	March 25
March 17	April 14	April 29
April 14	May 12	May 27
May 12	June 9	June 24
June 16	July 14	July 29
July 14	August 11	August 26
August 11	September 8	September 23
September 15	October 13	October 28
October 13	November 10	November 25
November 10	December 8	December 23

Notice

Notification of a public hearing is required under state law. This consists of:

- Notice by posting of a sign on the subject property approximately twelve (12) days prior to the public hearing.
- Notice by newspaper advertisement in the Legal Section of the Greensboro *News and Record* and the *High Point Enterprise*. The ad is published twice - approximately twelve (12) days and seven (7) days prior to the meeting.
- Notice by first class mail, to all adjoining and contiguous property owners approximately twelve (12) days before the meeting.

Public inquiries often result from the notification process. The applicant may contact staff to inquire about citizen comments prior to the public hearing.

**BEFORE THE MEETING**

Discussion with interested parties

It is recommended that the applicant discuss his/her plans with adjoining property owners, neighborhood associations and other interested parties prior to the public hearing.

Staff Report

Staff prepares a report for each case, which includes the staff recommendation. The report is available three or four days prior to the public hearing and anyone may request a copy. No recommendation is made on Special Use Permits, because the Planning Board will use specific findings of fact in their decision.

Withdrawals

A request to withdraw must be made in writing, signed by the applicant and submitted to planning staff. If the withdrawal request is submitted prior to any public notification (usually four days after the submission deadline), a refund can be made and attendance at the meeting is not required.

If public notification has already been made, a withdrawal may only be granted by the Planning Board. Attendance at the meeting is required, and the applicant is not eligible for a refund.

Continuances

A continuance of a request may only be granted by the Planning Board. Attendance at the meeting is required. If granted, the Planning Board will set a new date for the public hearing. The Planning Board may only continue a request for a total of sixty (60) days.

**THE MEETING**

The applicant, or his/her representative **must** be present for the public hearing. Planning Board meetings are held on the second floor of the Old County Courthouse, 301 West Market Street, Greensboro. The Planning Board typically consists of seven (7) seated members.

Meeting Format

At the beginning of each meeting, the Chair of the Planning Board review the meeting and voting procedures. Following an approval of minutes, the Chair calls a case, the staff report is presented, and the public hearing is opened.

In a special use permit public hearing, anyone wishing to provide testimony is sworn-n prior to speaking. No time limits apply to these proceedings. Testimony should pertain to the material facts of the request.

Maps, photographs, diagrams and other presentation materials may be incorporated into public hearing presentations. Any materials presented to the Planning Board remain with the case file, so duplicates should be provided. This includes written petitions, which should list the address for each signatory.

Outcomes

A favorable 5/7ths vote on a request constitutes final approval, unless appealed. A majority favorable vote of less than 5/7ths constitutes a favorable recommendation of the request, which is automatically forwarded for a public hearing before the Board of County Commissioners. Requests receiving less than a majority favorable vote, an unfavorable vote to deny, or a tie constitute a denial unless appealed.

Appeals

A decision of the Planning Board may be appealed to the Board of County Commissioners by any interested party, including the applicant. The appeal form, available from the Planning Department and appeal fee must be submitted to the Clerk to the Board of Commissioners within 15 days of the Planning Board decision. Decisions of the Board of Commissioners may be appealed to State Superior Court within two months of the Board's decision.

**YOUR REQUEST TIMELINE**

Date Submitted: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

End of Appeal Period: \_\_\_\_\_

*This document is intended for public information purposes only. It summarizes and omits some provisions. It is not to be construed or used as an official interpretation of the Guilford County Development Ordinance in any legal proceeding.*



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Special Use Permit  
Application, Part I**

Date Submitted: \_\_\_\_\_ Fee/Receipt #: \$500.00/ Case Number: \_\_\_\_\_

**Provide the required information as indicated below.** Pursuant to the Guilford County Development Ordinance, this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Enforcement Officer. Additional sheets for tax references, signature blocks and conditions are available upon request.

Pursuant to Section 3-12 of the Guilford County Development Ordinance, the undersigned hereby requests Guilford County to authorize a Special Use Permit for the property described below. The proposed use(s) of land is \_\_\_\_\_

Said property is located \_\_\_\_\_

in \_\_\_\_\_ Township; Being a total of: \_\_\_\_\_ acres.

Further referenced on the Guilford County Tax Maps as (attach additional sheets if necessary):

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

**Check One:**

- The property requiring a special use permit is an entire parcel or parcels as shown on the Guilford County Tax Map.
- The property requiring a special use permit is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and a map are attached.

**Check One:**

- Public services (i.e. water and sewer) are not requested or required.
- Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

**Additional Requirements**

- Approved Site Plan.** A site plan approved or conditionally approved by the Technical Review Committee, illustrating conditions related to the request and applicable development standards must be attached for all special use permit requests. Refer to Appendix 2, Map Standards of the Guilford County Development Ordinance.
- Special Use Conditions.** Development conditions may be provided. Complete Part Two of the application. Refer to uses as listed in Table 4-3-1 of the Guilford County Development Ordinance. If conditions are not proposed, indicate 'not applicable'.



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Special Use Permit  
Application, Part II**

**Development Conditions**

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Guilford County Development Ordinance:

- 1) \_\_\_\_\_  
\_\_\_\_\_
- 2) \_\_\_\_\_  
\_\_\_\_\_
- 3) \_\_\_\_\_  
\_\_\_\_\_
- 4) \_\_\_\_\_  
\_\_\_\_\_
- 5) \_\_\_\_\_  
\_\_\_\_\_
- 6) \_\_\_\_\_  
\_\_\_\_\_
- 7) \_\_\_\_\_  
\_\_\_\_\_
- 8) \_\_\_\_\_  
\_\_\_\_\_

A Special Use permit Application must be signed by current property owner(s).

*I herby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.*

(YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING.)

Respectfully Submitted,

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Representative Signature (if applicable)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Phone Number



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Additional Tax References and Signatures**

Case #: \_\_\_\_\_

**Additional Tax Map References**

Further referenced on the Guilford County Tax Maps as:

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

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Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

**Additional Signatures**

*I herby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.*

**(YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING.)**

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
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\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

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City, State and Zip Code

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Phone Number