



Application for Special Use Permit

Name of Applicant _____ Phone _____

Applicant's Mailing Address _____

Owner of Property _____ Phone _____

Location of Property _____ PIN # _____

Size of Property _____ Zoning District _____ Watershed District _____

Town of Highlands Unified Development Ordinance

Section 4.6.2, Special Use Permit Application Procedure

- A.** All applications for a Special Use Permit shall be addressed and submitted to the Zoning Board of Adjustment and shall be delivered to the office of the Planning and Development Director. An application for Special Use Permit shall be made per the requirements of Section 4.2.3, Application Requirements, and shall at a minimum contain the information listed below. See also Item B, Multi-Family Buildings, Item C, Private Social Clubs and Item D, Nonprofit Visual Art Centers for additional Special Use Permit Requirements.
- 1.** A Site Plan and twenty (20) copies, drawn to an appropriate scale and supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined Ordinance requirements, will govern the development and use of the property. The following information must be provided on the Site Plan, if applicable:
 - a.** A boundary survey and vicinity map showing the property's total acreage;
 - b.** The identity of neighboring properties;
 - c.** Its zoning and Watershed classification(s), and the zoning setback lines;
 - d.** All adjacent streets, designated as public or private;
 - e.** The location of stands of old growth trees, streams, marshes, wetlands, bogs, rivers, impoundments, large rock outcroppings or other significant geological features on the subject property;
 - f.** All existing easements, reservations, and rights of way;

- g.** All existing or proposed structures, showing setbacks to rights-of-way and property lines;
 - h.** Areas in which proposed structures will be located;
 - i.** Proposed use of all land and structures, including the number of residential units, the number of commercial buildings and the total square footage of any nonresidential development;
 - j.** All yards, buffers, screening, and landscaping required by these regulations per Sec. 4.13, Landscape Plan Permits, or proposed by the petitioner(s);
 - k.** All existing and proposed points of access to public streets;
 - l.** The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;
 - m.** Parking areas showing the number and arrangement of parking spaces and driveway entrances and circulation;
 - n.** Proposed phasing, if any; including a complete Phased Development Plan and Phasing Schedule, including the date upon which construction is expected to begin and the date within which it is expected to be completed. Any Phasing schedule extending beyond the maximum five (5) year vested rights per Sec. 4.21.2, Establishment of a Vested Right for Special Use Permits, will require a Site Specific Development Plan and a development agreement with the Town; and
 - o.** The site plan shall be neatly drawn, with a north arrow, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
- 1.** Elevations and a floor plan, indicating dimensions of the building, gross floor space, number of seats, or any other applicable information;
 - 2.** A complete and detailed description of the use proposed, together with any other pertinent information which the applicant feels would be helpful to the Zoning Board of Adjustment in considering the application;
 - 3.** A plan showing the size, type, and location of any signs proposed to be erected in conjunction with the use; and
 - 4.** The Zoning Board of Adjustment may, in its sole discretion, waive the foregoing requirements where, for example, only minor construction, minor changes to parking areas, or changes only to the use of existing buildings is contemplated. See also Sec. 4.2.3, Application Requirements, Item E. Staff Consultation after Application Submitted.
- B.** Upon receipt of an application for a Special Use Permit, the Zoning Board of Adjustment shall call a public hearing and shall give notice, as outlined in Sec. 4.2.4, Notice and Public Hearings. At the hearing, the applicant or designated representative thereof shall appear for the purposes of offering testimony and

- recommendations as to the application, and the Board shall also allot reasonable time for the expression of views by any member of the public attending the meeting in person or represented by an attorney.
- C. The Zoning Board of Adjustment may, at its discretion, submit to the Planning Board for its recommendation any Special Use Permit applications received.
 - D. The Zoning Board of Adjustment shall grant and issue the Special Use Permit if and only if it finds all of the following:
 - 1. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
 - 2. The use meets all required conditions and specifications;
 - 3. The use will not substantially injure the value of adjoining or abutting property or, in the alternative, the use is a public necessity; and
 - 4. The location and character of the use, as developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town and its environs.
 - E. Within seven (7) days after making the decision required of it, the Zoning Board of Adjustment shall issue its written ruling, either granting or denying the Special Use Permit, and deliver copies thereof to the Planning and Development Director. The Planning and Development Director shall mail, by first class mail, to the address shown on the application, a copy of the written ruling to the applicant or his representative, but the failure to do so shall not affect the ruling.
 - F. All construction approved pursuant to a Special Use Permit shall be completed in accordance with the construction schedule submitted in Sec. 4.6.2, Procedure, Item A.5, as approved by the Zoning Board of Adjustment. In the event that a significant departure from the construction schedule occurs during a project, the applicant may appear before the Board and request an amendment of the Special Use Permit. The Board may extend the construction schedule only upon a finding that delays in construction have been caused by, or are expected to be caused by, circumstances beyond the control of the applicant. Unless the construction scheduled is extended by amendment of the Special Use Permit, failure to complete construction within the approved time shall be considered a violation of the Special Use Permit, and subject to the sanctions provided in Article 15, Inspections, Violations and Enforcement.

4.6.3 Additional Application Requirements

A. Multi-Family Buildings

An application for Special Use Permit for the Construction or Conversion of Multi-Family Buildings shall be made per the requirements of Section 4.2.3, Application Requirements, and shall at a minimum contain the information listed above in Item A, this Section as well as the following additional requirements:

- 1. A current survey of the parcel as prepared by a professional land surveyor or professional engineer licensed and authorized to survey real property in North

Carolina. The survey shall indicate the metes and bounds of the parcel, the total area of the parcel and expressed in square feet, the location of all public and private roads, the location of all public utility easements within the parcel or located less than fifty (50) feet from it, the location of all streams and watercourses, and the names of all adjacent property owners;

2. A complete set of the construction plans and specifications for each building to be erected upon the parcel, the plans to include a certification of an architect or professional engineer, duly licensed by the appropriate North Carolina authority, that the plans and specifications are in accordance with all existing building, electrical, plumbing, fire, and safety codes of North Carolina and any other authority having jurisdiction over the construction of buildings. The construction plans and specifications shall clearly state the total horizontal surface area of land occupied by the multi-family building and the measurements of building height;
3. A complete site and landscape plan showing the perimeter of the parcel, the location of all proposed improvements thereon, the location of all existing improvements thereon that shall remain upon the parcel at the time construction is completed, and the location and description of all proposed landscaping improvements and all dimensions and measurements; and
4. A copy of the permit from the appropriate authority to construct or expand any water distribution or sewerage disposal system or, if applicable, a permit from the appropriate authority to connect to and use any existing public water supply or water treatment and disposal system.

B. Private Social Clubs

An application for Special Use Permit for the Private Social Clubs shall be made per the requirements of Section 4.2.3, Application Requirements, and shall at a minimum contain the information listed above in Item A, this Section as well as the following additional requirements:

1. Each application shall contain a current survey of the property showing the location on the site of all buildings or facilities;
2. A complete description of all of the regular activities to be held at the club;
3. A complete set of construction plans (if a new building) or floor plans (if an existing building converted to this use); and
4. The maximum number of members who will be permitted to join the club. If the club desires to increase the membership over the number allowed in the original permit, then the club must re-apply, and both the minimum parcel size and the amount of parking provided under Article 9, Parking and Landing, must be large enough to accommodate the increase in membership.

C. Nonprofit Visual Art Centers

An application for Special Use Permit for the Nonprofit Visual Art Centers shall be made per the requirements of Section 4.2.3, Application Requirements, and shall at a minimum contain the information listed above in Item A, this Section as well as the following additional requirements:

1. A current survey of the parcel as prepared by a professional land surveyor or professional engineer licensed and authorized to survey real property in North Carolina. The survey shall indicate the metes and bounds of the parcel, the total area of the parcel, and expressed in square feet, the location of all public and private roads, the location of all public utility easements within the parcel or located less than fifty (50) feet from it, the location of all perennial streams and watercourses, and the names of all adjacent property owners;
2. A complete set of the construction plans and specifications for each building to be erected upon the parcel, the plans to include a certification of an architect or professional engineer, duly licensed by the appropriate North Carolina authority, that the plans and specifications are in accordance with all existing building, electrical, plumbing, fire, and safety codes of North Carolina and any other authority having jurisdiction over the construction of buildings. The construction plans and specifications shall clearly state the total horizontal surface area of land occupied by the visual art center building and the measurements of building height; and
3. A complete site and landscape plan showing the perimeter of the parcel, the location of all proposed improvements thereon, the location of all existing improvements thereon that shall remain upon the parcel at the time construction is completed, and the location and description of all proposed landscaping improvements and all dimensions and measurements.

D. Electronic Gaming Operations

An application for Special Use Permit for the Electronic Gaming Operation shall be made per the requirements of Section 4.2.3, Application Requirements, and shall at a minimum contain the information listed above in Item A, this Section as well as the following additional requirements:

All applicable permits, including those for signage, must be issued to the applicant prior to the issuance of the Special Use Permit and the opening of business.

4.6.4 Additional Conditions as to Use

In addition to any other requirements provided by this Ordinance, the Zoning Board of Adjustment may, in issuing a Special Use Permit, designate additional conditions and requirements in connection with the application as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All additional conditions shall be entered in the minutes of the meeting at which the permit is granted and also on the certificate of the Special Use Permit (or on the plans submitted therewith). All conditions so imposed shall run with the land and shall be binding upon the original applicant, as well as the applicant's heirs, successors, or assigns, during the continuation of the use conditionally permitted or any similar use.

4.6.5 Sanctions

In the event of failure to comply strictly with the plans, documents, and other assurances submitted and approved with the application, or in the event of failure to comply with any conditions imposed upon the Special Use Permit as provided in subsection Sec. 4.6.3, Additional Conditions as to Use, the permit shall thereupon immediately become void. No Zoning Certificate for further construction or Certificate of Compliance under the Special Use Permit shall be issued, and all improvements to the land which were the

subject of the application shall thereupon be regarded as non-conforming and shall be subject to the sanctions provided in Article 15, Inspections, Violations and Enforcement, hereof.

4.6.6 Expiration of Special Use Permits

Unless a vested right is established for a Special Use Permit as outlined in Sec. 4.21.2, Establishment of a Vested Rights for Special Use Permits, a Special Use Permit issued in accordance with this Section shall expire if a Zoning Certificate or Certificate of Compliance for such use is not obtained by the applicant within six (6) months from the date of the decision. If, after commencing work under a Special Use Permit and prior to completion of the entire project, work is discontinued for a period of twelve (12) months, the Special Use Permit shall become void, and no work may be performed until a new Special Use Permit has been issued. If, after issuance of a Certificate of Compliance for a Special Use Permit, that use is discontinued for a period of twelve (12) consecutive months, the Special Use Permit shall become void, and the use may not be re-established until a new Special Use Permit has been issued. When a Special Use Permit expires, the Zoning Board shall treat re-application for a new Special Use Permit in the same manner as any other application, and the provisions of this Ordinance currently in effect shall be applicable.

I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief; and I hereby request that a duly advertised public hearing be held at the Highlands Community Building at 71 Poplar Street, Highlands, NC, by the Zoning Board of Adjustment, on the following date and time, for the purpose of presenting evidence and arguments in support of this application.

If required, the Planning Board will review this application prior to the Zoning Board of Adjustment meeting at the location above on the following date and time for the purpose of providing recommendations to the Zoning Board of Adjustment.

Planning Board Review (if required)

Date _____ Time _____

Zoning Board of Adjustment Hearing

Date _____ Time _____

Signature of Applicant

Date

PLEASE ATTACH APPLICATION FEE OF **\$250.00**