



COUNTY OF RANDOLPH DEPARTMENT OF PLANNING & ZONING

SPECIAL USE PERMIT INFORMATION

Overview

The *Randolph County Unified Development Ordinance* contains provisions where citizens can request a Special Use Permit on their property. It also contains information about the rezoning process.

Special Use Permits

Special Use Permits, as the name implies, are for a stated specific use. Some uses of property may be allowed with the approval of a Special Use Permit by the Randolph County Planning Board.

Special procedures are required for Special Use Permits. It is important to note that the public hearing is a quasi-judicial procedure that requires witnesses to be sworn in before giving testimony and for the Planning Board to make specific findings of fact for approving or denying the request for a Special Use Request. The applicant for a Special Use Permit is required to meet the following four tests:

- 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;
- The use meets all required conditions and specifications;
- The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- That the location and character of the use if 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 *Growth Management Plan* for Randolph County.

Public Hearing

The decision to approve or deny a rezoning request rests with the Randolph County Planning Board. Decisions of the Planning Board regarding Special Use Permits are final. The only avenue for appeal is through the Superior Court of North Carolina and such request must be made within 30 days.

The administration, amendment, and enforcement of the *Unified Development Ordinance* and the Official Zoning Maps are assisted with the use of the *Randolph County Growth Management Plan* and maps. These documents contain vital information to ensure the consistency and reasonableness of each request.

Procedures

It is always advisable, but not required, for a citizen seeking a Special Use Permit to contact the Randolph County Planning and Zoning Office before making an application. The office is located at 204 E Academy St, Asheboro. The phone number is (336) 318-6555. Speaking with a member of the County Planning Staff allows the citizen to learn more about the Special Use Permit process as well as the requirements for a site plan, fees, and the public hearing process.

Filing

Filing for a Special Use Permit requires the following:

- A completed and signed Special Use Permit application form;
- The applicable fee for the application;
- Site plan; and
- Letter from property owner if the applicant does not own the property.

These items **must be submitted** by noon on the application deadline. Failure to submit any of the required information may delay your request and public hearing. The application deadline can be found by visiting the County Planning Department website page.

Notifications

After the application has been received, County Planning Staff further reviews the request, prepares reports and fulfills the legal notification process as established by State law. The notification process includes mailing first-class notifications to all adjoining property owners, a legal advertisement in the local newspaper, and posting a public hearing sign on the property. The County will also place the Planning Board Agenda on the County website, <http://www.randolphcountync.gov>, and will try to post more details regarding the case on the County Public Hearing page. Often these notifications will cause public inquiries. The Staff tries to pass the information along to the Planning Board.

Discussion with Interested Parties

The County Planning Staff also encourages applicants for Special Use Permits to discuss the request with any other interested parties such as adjoining property owners and residences. Many times this will aid in the Special Use Permit process by allowing the interested parties to hear from the applicant before the public hearing and better understand the request.

Withdrawals

A request to withdraw a Special Use Permit application must be made in writing, signed by the applicant, and submitted to the County Planning Staff as soon as possible. If the request to withdraw is submitted before any public notifications, a refund may be possible. If public notifications have already been sent, a refund will not be possible. The decision to withdraw the request from the agenda after the notifications have been sent is made by the Planning Director.

Public Hearing

The applicant for the Special Use Permit request or their representative must be present for the Planning Board Public Hearing. The Planning Board meetings are usually held on the Tuesday following the first Monday of each month in the Commissioner's Meeting Room in the 1909 Historic Courthouse located at 145-C Worth St, Asheboro. The meeting begins at 6:30 p.m. The meeting date may change due to other events (ex. elections, weather, etc.) or a meeting may be canceled if there are no requests for the Planning Board to consider. Always consult the County website for details of upcoming meetings.

Meeting Process

After the meeting is called to order, the Planning Board will do a roll call to ensure that a quorum is present and the Planning Board can conduct business. The Planning Board will then approve the minutes from their previous meeting. After that, the Planning Director will call the first case for consideration.

The Chair of the Planning Board will open the public hearing. During the public hearing, the applicant or their representative will be allowed to present their request. Planning Board members may ask questions about the application for clarification. Anyone else present in support of the request will be allowed time to address the Planning Board. Those present in opposition to the request will also be allowed time to address the Planning Board. After all citizens have had an opportunity to address the Planning Board, the Chair of the Planning Board will close the public hearing.

The Planning Board will then hold discussions and entertain motions to approve or deny the request based upon the four tests as outlined on page one of this document. Once that decision has been made, the Planning Board must find that the request is consistent and reasonable with the *Unified Development Ordinance*. A simple majority is required to approve or deny a request.

*The information contained in this document is for informational purposes only.
It is a summary of the Special Use Permit process and does not include all steps in this process.
It is not a legal interpretation of the Randolph County Unified Development Ordinance.*