



OVERVIEW

The Unified Development Ordinance (UDO) contains quasi-judicial procedures (evidentiary hearings) whereby a property owner may request a Special Use Permit (SUP).

SPECIAL USE PERMITS

Some uses allowed in the Unified Development Ordinance (UDO) may be permitted subject to the approval of a Special Use Permit by the Planning Board. A Technical Review Committee (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
- 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 Guilford County Superior Court.

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

- The County Comprehensive Plan

- Area Plans
- Transportation 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-Application Conference

A pre-application conference is required 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 and share applicable land use plans. This should be scheduled several weeks prior to the submission deadline. The applicant may request a non-binding advisory review of the sketch site plan by Guilford County staff.

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 submitting an application. A neighborhood meeting is strongly encouraged prior to application submittal.

Filing for a special use permit requires:

- A completed and signed Application Form
- Application fee, see Special Use Permit Application
- Legal description or map of the property, if applicable
- Public water and sewer approval letter, if applicable
- Proposed Special Use Conditions, if applicable
- A sketch site plan illustrating conditions related to the request. Sketch site plan

These items must be submitted by the submittal deadline date. Failure to submit the required items on time may delay the processing of the application and scheduling of



the evidentiary hearing. It is recommended that applications be hand-delivered to the Planning and Development Department. **Refer to the Planning Board Meeting Schedule which can be found on the GC P&D website.**

Notice

Notification of an evidentiary hearing is required under state law. This consists of:

- Notice published on County website at least ten (10) days before the hearing.
- Notice by mail to adjoining and contiguous property owners at least ten (10) days before the hearing.
- Notice by posting of a sign on the subject property at least ten (10) days before the hearing.

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

BEFORE THE MEETING

Staff Report

Staff prepares a report for each case, which includes the staff comments. The draft report is available three or four days prior to the evidentiary hearing, and anyone may request a copy. No staff 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 evidentiary 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 hearing. Planning Board meetings are generally held on the second Wednesday of each month, in the Guilford County Agricultural Center located at 3309 Burlington Road, Greensboro, NC. A Hearing Notice is mailed to the applicant and adjacent property owners within ten (10) to twenty-five (25) days prior to the hearing notifying them of the exact date, time and place.

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 evidentiary hearing is opened.

During the evidentiary hearing, the applicant, his/her legal representative, or anyone in favor of the request will have an opportunity to address the Planning Board. Next, anyone in opposition to the request will be given an opportunity to speak.

Maps, photographs, diagrams and other presentation materials may be incorporated into evidentiary 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 simple majority vote on a request constitutes final approval, unless appealed. Requests receiving less than a majority favorable vote, a unfavorable vote to deny, or a tie constitute a denial unless appealed.



GUILFORD COUNTY PLANNING AND DEVELOPMENT

Planning Board Special Use Permit Bulletin

Appeals

A decision of the Planning Board may be appealed to the Superior Court by any interested party, including the applicant. The appeal form, available from the Planning Department and appeal fee must be submitted to the Planning Department within 30 days of the Planning Board decision.

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 Unified Development Ordinance (UDO) in any legal proceeding.