

CHAPTER 12

CONDITIONAL USE PERMITS

12.1 Applicability

There are some land uses which are basically in keeping with the intent and purpose of the district but which may have an impact on the area around them. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects. The uses for which conditional use permits are required are listed in the Table of Uses.

12.2 Application Process

- A. Submittal. Conditional use permit applications shall be submitted by the owner or an agent with permission granted by the owner. Following a required pre-application conference with the Administrator, the completed application shall be submitted at least 30 days prior to the Planning Board meeting at which it is to be heard and shall include a site specific development plan prepared in accordance with Section 4.2(C) and proposed phasing, if any, and approximate completion time for the project. Upon completion of the technical review, the Administrator shall prepare and forward the staff report, site plan, and any related application materials to the Planning Board.
- B. Planning Board. The Planning Board shall hold a legislative public hearing and shall review and make a recommendation based on the conclusions required for approval as listed in Section 12.2(C) and other matters as deemed appropriate by the Planning Board. In their review, they may suggest fair and reasonable conditions.
- C. Board of Commissioners. The Board of Commissioners shall hold a quasi-judicial public hearing and may not approve a conditional use permit request unless it first reaches each of the following findings based on competent, substantial, and material evidence presented at the hearing.
 - 1. The use will not materially endanger the public health or safety;
 - 2. The use meets all required conditions and specifications;
 - 3. The use will not substantially injure the value of adjoining property unless the use is a public necessity;
 - 4. The use will be in harmony with the surrounding area and compatible with the surrounding neighborhood; and
 - 5. The use will be in general conformity with the approved Moore County Land Use Plan.
- D. Additional Conditions. In accordance with NCGS 160A-388(c), in approving an application, the Board of Commissioners may attach fair and reasonable conditions to

the approval which assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication, recreation or open space, buffer provisions, limitation in scale, intensity, hours of operation, and other reasonable restrictions.

- E. Notification of Decision. Pursuant to NCGS 160A-388(e2), a quasi-judicial decision is effective upon filing the Board Order with the Clerk to the Board and shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, within 5 working days of the signed and filed Board Order.
- F. Minor Changes. Should the Administrator, Building Inspector, Department of Environmental Health, Public Safety, or Public Works, or NCDOT identify minor changes the Administrator shall be authorized to accept such minor modifications to site plan, as necessary. Such minor changes may include, but not be limited to, small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity.
- G. Denial. There may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial.
- H. Expiration. The approved site specific development plan shall expire 2 years, or as otherwise vested per Section 14.3, from the date of approval.
- I. Revocation. In the event of failure to comply with the plans or any other conditions imposed upon the Conditional Use Permit, the Administrator shall give the permit holder 10 days written notice of intent to revoke the permit and request the permit holder to contact staff to set a reasonable time for the violation to be corrected. If the permit is revoked and the conditional use has not ceased, the use is considered a violation of this Ordinance and subject to enforcement and penalties.
- J. Appeals to Court. Quasi-judicial decisions shall be appealed to Superior Court pursuant to Section 2.1(B).

12.3 Notice of Public Hearings

- A. Mailed Notice. The Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s), the owner of the parcel(s) of land as shown on the County tax records, and all property owners of abutting properties (as the last addresses listed in the County tax records) at least 10 but not more than 25 days prior to the date of each public hearing.
- B. Published Notice. Notice of the public hearings shall be published in a newspaper of general circulation once a week for 2 consecutive weeks prior to each public hearing.
- C. Posted Notice. A sign shall be posted not less than 10 days prior to each public hearing. The sign shall be posted on the property or at a point visible from the nearest road(s).