

## SPECIAL USE PERMIT INFORMATION

### What is a Special Use?

The Buncombe County Zoning Ordinance provides a list of land use types that may be permitted in each Zoning District within the County. Most allowable land uses can be approved administratively, by Planning Department Staff. However, the Buncombe County Board of Commissioners has determined that, due to potential impacts on the surrounding neighborhood, certain land uses must undergo a higher level of permitting review; these are “Special Uses.” To determine whether a use requires a Special Use Permit, please reference *Section 78-641(a) - Permitted Uses* table of the Zoning Ordinance for a complete list.

### Who decides if I will get a Special Use Permit?

The decision is made by the Buncombe County Board of Adjustment. No Special use shall be granted by the Board of Adjustment unless all standards for specific uses are followed according to the requirements in the Zoning Ordinance. Standards have been established to ensure that the use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be detrimental to the public welfare. The full list of conditions for granting approval can be found in *Sections 78-678(b)*.

### When will my Special Use Permit be decided?

The Board of Adjustment meets the second Wednesday of every month at 12 noon. Staff will confirm your meeting date upon submittal of your application. The applicant or their chosen representative **should be present** at the meeting in order to receive a review by the Board. Applications must be received by the Planning Department 30 days prior to the scheduled Board of Adjustment meeting.

### What is the process for obtaining a Special Use Permit?

1. **Pre-Conference:** Complete a pre-submittal conference with the Planning & Development Department to review the information of the proposed development. This is an informal meeting to go over questions.
2. **TRC Review:** Your conceptual site plan will be reviewed by the County’s Technical Review Committee to provide you with comments and revision requests prior to your official application.
3. **Submit Application:** At least 30 days prior to the public hearing date.
4. **Public Notice:** Public notice for the public hearing will be completed by County staff. Staff will notify all property owners within 1,000 feet of the property in addition to online and newspaper legal advertisements.
5. **Public Hearing:** The Board of Adjustment will hear a summary of the application by Staff, information presented by the applicant, information presented by anyone with legal standing, and will approve or deny, or continue the application to a future meeting date.
6. **Permits to Construct:** After approval of the SUP, apply for your Site Plan Review (SPR) permit, which starts the process for obtaining zoning approval and beginning the building permit application process.
7. **Inspections:** Inspections may be made during construction and a final inspection after construction is complete will be made to ensure that the SUP has been constructed according to the approved plan.

### Is the Board’s decision the final step?

No. Approval of a SUP application grants permission for staff to administratively review a proposed development. Board approval does not waive applicable building, zoning, and other ordinance standards.

### What else should I know?

Sometimes an application is continued to another meeting due to a lack of a quorum, insufficient information, or for other reasons. If this occurs, you will be notified of the new meeting date. Special Use Permit proposals which have been denied by the Board of Adjustment may not be resubmitted for additional review, unless the proposal is substantially different from that which was previously denied.



**PLEASE NOTE: A PRE-SUBMITTAL CONFERENCE IS REQUIRED PRIOR TO SUBMITTING THIS APPLICATION.**

**A. Property Information**

PIN(s): \_\_\_\_\_

Address(es): \_\_\_\_\_

Project Name: \_\_\_\_\_ Acreage: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Average Natural Slope: \_\_\_\_\_% Elevation: \_\_\_\_\_ FT above sea level

Current Land Use(s): \_\_\_\_\_ Utilities: \_\_\_\_\_

Floodplain     Steep Slope/High Elevation     Protected Ridge     Watershed     BR Pkwy

**B. Application for Special Use Permit**

1. Application is hereby made to the Board of Adjustment to issue a Special Use Permit for use of the property described above as a *(please provide a brief description of the use)*:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Provide information about any structures:

# units: \_\_\_\_\_ Combined size of all structures: \_\_\_\_\_ SF

# structures: \_\_\_\_\_ Size of largest individual building: \_\_\_\_\_ SF

3. Community Meeting: Date: \_\_\_\_\_ Location: \_\_\_\_\_ or  No meeting held

**C. Land Development Standards**

Plan to subdivide lots? If so, how many lots: \_\_\_\_\_ Smallest lot size proposed: \_\_\_\_\_ SF

Smallest distance between buildings: \_\_\_\_\_ FT Height of tallest retaining wall: \_\_\_\_\_ FT

Height of tallest structure on its shortest side after anticipated grading (grade to roof peak): \_\_\_\_\_ FT

OFFICE USE ONLY: Date received:

Case: ZPH20

Approval of a PUD is conceptual and does not exempt the applicant from meeting all required Ordinance standards, except for those standards specifically listed on this application to be deviated from, and agreed to by the Board. PUD's which intend to subdivide must submit a subdivision application.

**Applicant Contact Information (Developer of this project)**

\_\_\_\_\_  
**Company/Corporate Name (if applicable)**

\_\_\_\_\_  
**Applicant's Name**

\_\_\_\_\_  
**Mailing Address (Street number, Street name, City, State, Zip Code)**

(\_\_\_\_\_) \_\_\_\_\_

**Telephone**

\_\_\_\_\_  
**Email**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

Additional emails, not listed elsewhere on this page, to receive correspondence about the application/meeting:

\_\_\_\_\_

**D. Authorized Representative (If different)**

**E. Owner (If different)**

\_\_\_\_\_  
**Company/Corporate Name (if applicable)**

\_\_\_\_\_  
**Applicant's Name**

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

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

(\_\_\_\_\_) \_\_\_\_\_

**Telephone**

\_\_\_\_\_  
**Email**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Owner's Name**

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

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

(\_\_\_\_\_) \_\_\_\_\_

**Telephone**

\_\_\_\_\_  
**Email**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

## F. SPECIAL USE PERMIT APPLICATION CHECKLIST

*The Zoning Administrator reserves the right to waive checklist requirements which are not applicable for the project.*

**I, the petitioner, submit a site-specific development plan containing the following information** (Please mark 'NA' by any requirement that is not applicable and provide a brief statement as to why it is not applicable.):

**Site Plan: Digitally submitted PDF plan with the following items printed on the plan:**

- PIN number(s) and address(es) of all associated parcels
- Total number and type of residential/commercial units, buildings, parcel size, and gross residential densities.
- Existing conditions including contours, watercourses, flood hazard areas, and any unique natural or manmade features.
- Building footprints, and use of all existing and proposed structures.
- Location of any retaining walls. Maximum height shall be shown on the site plan for each wall.
- Location and size of all areas to be conveyed, dedicated, or reserved as common open space, parks, recreational areas, school sites, and similar public and semipublic uses.
- Locations and/or notation of existing and proposed easements and rights-of-way.
- Location of cluster mailbox unit for mail delivery. Coordinate review and approval with servicing USPS post office.
- Zoning district in which the project is located.
- Approximate location of proposed utility systems.
- Indicate whether street lights, or other exterior lighting is proposed on the site.
- Approximate location and types of stormwater treatment areas.

**Stormwater & Erosion Control:**

- Designated trout streams on site: Show a 25 foot undisturbed buffer from top of stream banks.
- Other streams on site: Show 30 foot vegetated setback from top of stream banks.
- Approximate location and type of stormwater control measures (SCMs).
- Approximate location of proposed concentrated stormwater discharges from project property and SCMs.
- Statements from Design Professional indicating the following: Drainage basins to discharge points will not change (or demonstrate on plans); Indicate whether site will meet low-density or high-density water quality regulations; If High Density, indicate if runoff volume match or treatment method will be used; If Runoff Treatment method, include plans showing runoff from net added impervious areas can be captured via stormwater systems, conveyance, and grading.

**Roads and Parking:**

- Existing and proposed street system, including the major points of access to the public right-of-way.
- Location and number of off-street parking spaces, service areas, and loading areas.
- Show approved road names on plan. Contact the Addressing Coordinator for approval.
- Notation of the proposed ownership of the street system (*public or private*).

**Perimeter and Adjacent Uses:**

- Boundary lines of the proposed development, lot lines, and plot design.
- Proposed location and type of any screening buffers, privacy fences, landscaped berms, or other perimeter treatments.
- Information on adjacent lands: land use, zoning classifications, public facilities, and any unique natural features.

**Additional Application Documents:**

- Renderings:* For commercial structures, architectural renderings of all principal buildings, drawn to a known scale.
- Fire Marshal Approval:* Documentation from the Buncombe County Fire Marshal indicating the adequacy of the development's facilities for emergency medical and fire services.
- Utility Availability:* Public systems: Water and Sewer Availability/Allocation Letters; Private systems: Soil investigation report, septic test, or other documentation showing the site can support the proposed development.
- Retaining Walls:* Elevation renderings showing the anticipated scale of any walls which exceed 10 feet in height after grading, including proposed landscaping, vegetative screening, and top and bottom of the wall at grade.
- Business Plans:* One page letter containing the following information:
  - Statement of present and proposed ownership.
  - Development schedule indicating approximate beginning and completion dates, including any proposed stages.
  - Statement of the applicant's intentions regarding future sales and/or leasing of all or portions of the development.
  - Plan for maintenance of common areas, recreation areas, open spaces, streets and utilities.

## G. BURDEN OF PROOF

In the spaces provided below, indicate **the facts you intend to demonstrate** and **the arguments that you intend to make** to demonstrate to the Board that it can properly grant the Special Use Permit as provided for in §78-677(g) *Procedures for obtaining a Special Use Permit, Conditions for granting approval*. The Board of Adjustment has limited discretion in deciding whether to grant a Special Use Permit.

*Answers must be provided in the spaces below, not as an attachment. Applicants may submit additional documentation, or expand on questions through an attachment, however the majority of your answer must be contained on this application. Where applicable, indicate if a requirement does not apply. If this is a revision to a previously approved SUP and the answers to the statements below have not changed, indicate 'no change from previous approval' in the space provided.*

1. Indicate how the proposed SUP will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed SUP:
APPLICANT NARRATIVE
2. Indicate how the proposed SUP will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood of the proposed SUP:
APPLICANT NARRATIVE
3. Indicate how the proposed SUP will not cause or have adverse effects on surrounding properties due to noise, vibration, odor, or glare effects:
APPLICANT NARRATIVE

4. Indicate how satisfactory ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control have been provided or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

5. Indicate how off-street parking and loading areas are proposed to be provided, with particular attention to the items in §78-658 of the Buncombe County Zoning Ordinance or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

6. Indicate how adequate and proper utilities, with reference to locations, availability, and compatibility are to be provided or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

7. Indicate how buffering, with reference to type, locations, and dimensions will be provided or how it is not applicable to the proposed SUP:

APPLICANT NARRATIVE

8. Indicate how signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic effect will be compatible and harmonious with properties in the area or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

9. Indicate what playgrounds, open spaces, yards, landscaping, access ways, and pedestrian ways are proposed, with reference to location, size, and suitability in relation to the proposed SUP or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

10. Describe building(s) and structure(s) with reference to location, size, and use and how the proposed buildings would be compatible with the surrounding neighborhood or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

11. Describe the hours of operation of the proposed use and how those hours will protect and maintain the character of the surrounding neighborhood or how the hours of operation are not applicable to the proposed SUP:

APPLICANT NARRATIVE

*Continued to next page...*



## H. ADDITIONAL SPECIAL USE STANDARDS

Before issuance of a Special use permit for one of the specific uses listed in §78-678(b) *Special Use Standards* of the Buncombe County Zoning Ordinance, additional standards must be met. **The petitioner shall be required to submit an additional form** specific to the use, in order to assure these conditions are met. An application for a use listed in §78-678(b) shall not be deemed complete without the additional form.

If you are applying for one of the uses listed below, you must submit an additional form:

- Bed and Breakfast
- Day Nursery and Private Kindergarten
- Junkyard
- Kennels
- Travel Trailer Parks
- Utilities and Towers
- Vacation Rental Complex/Rooming Board (*See note at bottom of page*)
- Manufactured Home Parks
  
- Planned Unit Development of 5+ structures, or buildings 50,000+ sf in size (**Please do not use this form for a PUD. There is a separate combined PUD/Special Use Permit application**)

## I. CERTIFICATION

- I hereby certify that I am the owner, contractor, or authorized agent of the owner, and the above information is correct to the best of my knowledge and hereby make application for a Special use permit. Any information given that is incorrect will cause this application to become null and void.
- I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Month                      Day                      Year

### **\*NOTE: Vacation Rental Complex:**

If you will have 5 or more structures on your property, please do not use this Special Use Permit application. Submit the Special Use Permit – Planned Unit Development application, in addition to the Vacation Rental Complex additional form.