



ALBEMARLE

NORTH CAROLINA
Water. Air. Land. Opportunity.

Tracking Information (Staff Only)	
Application Number:	Date of Application:

Special Use Permit Application
ONLY COMPLETE APPLICATIONS SHALL BE ACCEPTED
<p>Special use permit applications are heard by City Council as a quasi-judicial public hearing per §21.72 of city code. Per §92.141(B) of city code it is highly recommended that the applicant meet with pertinent City staff in a pre-application conference prior to the submittal of an application.</p> <p>The application is a form of written testimony, and used both to show how ordinance considerations are addressed and to provide evidence that the required findings for approval can be made. In addition to the application materials, the applicant may provide any written, drawn, or photographed material to support a request and as permitted by City Council as applicable. Any such additional material submitted will become part of the application, and as such cannot be returned.</p> <p>Attendance at the hearing is required. Applicants may represent themselves or may be represented by an individual familiar with their project and quasi-judicial public hearings. If someone other than the applicant is selected to attend the hearing, contact information of said person must be given on this application. The applicant has the burden of proof and must provide sufficient evidence in order for the required findings to be made. The public hearing will allow the applicant and individuals with standing the opportunity to testify in regards to the request. Per §92.141(D)(5) an application may be approved, approved with conditions, continued, or denied. Per §92.141(H) an appeal from the decision of City Council by an aggrieved party shall be made to Stanly County Superior Court in the nature of certiorari no later than 30 days after a written copy of the decision is received by the applicant.</p> <p>Contact Information: If you have any questions, please contact the City of Albemarle Planning and Development Services Department between 8:00 a.m. and 5:00 p.m. on business days (704) 984-9424.</p>

Applicant Requirements	Applicant Initial	Staff Initial
Pre-application conference		
Completed application and responses with signatures		
Fee		
Submitted SITE PLAN(full size or 11 x 17, and soft-copy) or PLOT PLAN, as determined by city staff, as applicable		
Responses to findings per §92.141(E)(1)		
Responses to considerations per §92.141(E)(2)		
Responses to additional findings and/or review factors, as applicable		
Floor plan, as applicable		
Elevations, as applicable		

Per §92.141(D)(1) Of city code, an application for a special use permit shall be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. Documentation shall include an official letter from the property owner acknowledging the proposed use that is being sought and ensuring that per §92.141(I)(1) an approved permit shall be recorded in the chain of title so that future purchasers of a property will be fully aware of all special use permit stipulations. Each application for a special use permit shall contain all required information. Incomplete applications shall not be accepted.

Applicant Information	
Name:	
Contact Person:	
Address:	
City/State/ZIP:	
Telephone:	
Email:	

Signature: _____

Property Owner Information (if different)	
Name:	
Contact Person:	
Address:	
City/State/ZIP:	
Telephone:	
Email:	

Signature: _____

Agent (if different than applicant)	
Name:	
Contact Person:	
Address:	
City/State/ZIP:	
Telephone:	
Email:	

Signature(if applicable): _____

Property Information	
Site Address:	
Tax Record Number:	PIN:
Deed Book:	Deed Page:
Zoning District(s):	
Current Use:	
Proposed Use:	

Complete and respond to the following with an attachment (suggested), or in the space provided:

Applicant's Name: I, _____, do hereby petition the City of Albemarle for a Special Use Permit to allow the following:

Section 92.141(E) Standards for Decision:

(1) Before a request for a special use permit is granted, City Council must show that all of the following are met:

(a) The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and provided.

(b) The use meets all required conditions and specifications.

(c) The use will not substantially injure the value of adjoining or abutting property, or, alternatively, that the use be a public necessity.

A large, empty rectangular box with a thin black border, intended for providing a response to criterion (c).

(d) The proposed use is in harmony with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.

A large, empty rectangular box with a thin black border, intended for providing a response to criterion (d).

(e) Be in general conformance with adopted plans.

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(2) City Council may approve special use applications with additional conditions or requirements based upon the following, so as to assure that the aforementioned criteria have been addressed:

(a) Placement. Specific placement of primary and/or accessory structures and/or uses.

(b) Parking spaces with ingress and egress. Location of on-site parking, designated loading area, and means of ingress/egress for all vehicles including service vehicles.

(c) Environmental impact. Compliance with laws including, but not limited to, floodplain and watershed regulations.

(d) Screening, buffering, and landscaping. Installation of screening, buffering, fencing, and landscaping where necessary to protect adjacent property.

(e) Effect on nearby properties. Effects of proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic.

- (f) Compatibility. The level of general compatibility with nearby properties and impacted neighborhoods, including but not limited to, the appropriateness of scale, design, and use in relationship to other properties.

- (g) Consistency with policy. Consistency with the City of Albemarle Land Use Plan and applicable area plans, overlay purposes, and zoning district intent in Chapter 92 Zoning Regulations.

- (h) Other factors. Any other review factors which the City Council considers to be appropriate to the property in question.

Read and sign below:

In granting a special use permit, conditions may be placed to assure that adequate mitigation measures are associated with the use. The conditions shall become part of the special use permit approval. Violations of any of the conditions shall be treated in the same matter as other violations of the city code. Furthermore, special use permits shall become null and void in any of the following cases per §92.141(F)

- (a) If a building permit and/or commencement of approved use has not been secured within one year after the date of approval by City Council.
- (b) When the special use is changed to another use for more than 30 days, other than that for which the special use permit was issued or the special use is discontinued or ceased for a continuous period of 90 days or more without the re-approval of City Council. Without the re-approval of City Council, the special use permit is null and void and continuation of the special use is a violation of this Ordinance.
- (c) If there is an expansion of use without the re-approval of City Council.
- (d) If a substantial violation of the conditions of the permit, as determined by the Planning Director or designee occurs. The addition of language to the special use permit regarding such voiding shall not be required.

Applicant Signature: _____ Date: _____