

CONDITIONAL USE PERMIT INFORMATION

What is a Conditional 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 “Conditional Uses.” To determine whether a use requires a Conditional 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 Conditional Use Permit?

The decision is made by the Buncombe County Board of Adjustment. No conditional 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 Conditional 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 Conditional Use Permit?

1. **Pre-Conference:** Complete a pre-submittal conference with the Zoning Administrator to review the information of the proposed development.
2. **Submit Application:** At least 30 days prior to the public hearing date.
3. **Public Notice:** Public notice procedures for the public hearing will be conducted by County staff. Staff must notify all property owners within 1,000 feet of the property in addition to online and newspaper legal advertisements of the public hearing.
4. **Public Hearing:** The Board of Adjustment will hear a summary of the application by Staff, information presented by the applicant, statements by the public, and will approve or deny the application. In some cases the application may be continued to the next meeting.
5. **Building Permit:** After approval of the CUP, apply for your regular building, zoning, and other required permits.
6. **Inspections:** Inspections may be made during construction and a final inspection after construction is complete will be made to ensure that the CUP has been constructed according to the approved plan.

Is the Board’s decision the final step?

No. Approval of a CUP application grants permission for Staff of the Planning Department to administratively review a proposed land use. 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. Conditional 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.



BUNCOMBE COUNTY
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Application for a CONDITIONAL USE

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

**DO NOT USE FOR
PUD APPLICATIONS**

A. Property Information

PIN(s): _____

Address(es): _____

Project Name: _____

Acreage: _____

B. Application for Conditional Use Permit

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

C. Applicant Contact Information

Company/Corporate Name *(if applicable)*

Applicant's Name

Mailing Address

City, State, and Zip Code

(_____) _____
Telephone

Email

D. Owner Contact Information *(If different)*

Owner's Name

Mailing Address

City, State, and Zip Code

(_____) _____
Telephone

Email

OFFICE USE ONLY:

Date received: _____

Pre-Submittal Conference with: _____

Scheduled BOA Hearing: _____

Case Number: ZPH _____ - _____

Application fee paid: ☐ Yes ☐ No

RECEIVED:

Digital copy of development plan

E. CONDITIONAL USE PERMIT APPLICATION CHECKLIST

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. Failure to submit a complete application will result in removal from the Board of Adjustment agenda):

☐ **Development Plans:**

- ☐ A digital version of the development plan in pdf format.
- ☐ A statement of present and proposed ownership.
- ☐ Development schedule indicating approximate beginning and completion dates of the development, including any proposed stages.
- ☐ Statement of the applicant's intentions regarding future sales and/or leasing of all or portions of the development.
- ☐ Quantitative data for the following: proposed total number and type of residential dwelling units, parcel size, gross residential densities, and the total amount of open space.
- ☐ Plan for maintenance of common areas, recreation areas, open spaces, streets and utilities.
- ☐ For commercial structures in PUDs, architectural renderings of all principal buildings, drawn to a known scale.
- ☐ Elevation renderings of the site, to scale, for any retaining wall system proposed to provide a cumulative vertical relief in excess of 10' in height showing landscaping, vegetative screening, and the top and bottom of the wall at grade.
- ☐ For developments of more than 75 residential units, a traffic impact study meeting the guidelines for traffic impact studies provided in the North Carolina Department of Transportation's "Policy on Street and Driveway Access to North Carolina Highways."

☐ **Site Conditions:**

- ☐ Existing site conditions including the following if applicable: contours, watercourses, identified flood hazard areas, and any unique natural or manmade features.
- ☐ Boundary lines of the proposed development, lot lines, and plot design.
- ☐ Proposed location and use of all existing and proposed structures, including the location of any proposed retaining walls. The maximum height of any retaining wall shall be shown on the proposed site plan.
- ☐ 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.
- ☐ Zoning district in which the project is located.

☐ **Infrastructure:**

- ☐ Existing and proposed street system, including the location and number of off-street parking spaces, service areas, loading areas, and major points of access to the public right-of-way.
- ☐ Notation of the proposed ownership of the street system (*public or private*).
- ☐ Documentation from the Buncombe County Fire Marshal indicating the adequacy of the development's facilities for emergency medical and fire services.
- ☐ Approximate location of proposed utility systems, including documentation of water and sewer availability.
- ☐ Documentation of pre-application conferences with the Sedimentation and Erosion Control and Stormwater Management offices (*where required*).

☐ **Perimeter and Adjacent Uses:**

- ☐ Proposed treatment of the development's perimeter including materials/techniques (*ex: screens, fences, walls*).
- ☐ Information on adjacent lands: land use, zoning classifications, public facilities, and any unique natural features.

F. 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 Conditional Use Permit as provided for in §78-677(g) *Procedures for obtaining a Conditional Use Permit, Conditions for granting approval*. The Board of Adjustment has limited discretion in deciding whether to grant a Conditional 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 and why. If this is a revision to a previously approved CUP 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 CUP will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed CUP:

APPLICANT NARRATIVE

STAFF REVIEW

2. Indicate how the proposed CUP will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood of the proposed CUP:

APPLICANT NARRATIVE

STAFF REVIEW

3. Indicate how the proposed CUP will not cause or have adverse effects on surrounding properties due to noise, vibration, odor, or glare effects:

APPLICANT NARRATIVE

STAFF REVIEW

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 CUP:

APPLICANT NARRATIVE

STAFF REVIEW

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 CUP:

APPLICANT NARRATIVE

STAFF REVIEW

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 CUP:

APPLICANT NARRATIVE

STAFF REVIEW

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

APPLICANT NARRATIVE

STAFF REVIEW

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 CUP:

APPLICANT NARRATIVE

STAFF REVIEW

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 CUP or how the items listed are not applicable to the proposed CUP:

APPLICANT NARRATIVE

STAFF REVIEW

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 CUP:

APPLICANT NARRATIVE

STAFF REVIEW

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 CUP:

APPLICANT NARRATIVE

STAFF REVIEW

G. ADDITIONAL CONDITIONAL USE STANDARDS

Before issuance of a conditional use permit for one of the specific uses listed in §78-678(b) *Conditional 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
- ☐ Manufactured Home Parks

- ☐ Planned Unit Development **(Please do not use this form for a PUD. There is a separate combined PUD Conditional Use Permit application)**

H. 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 conditional 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