

**TOWN OF OCEAN ISLE BEACH**



**SPECIAL USE PERMIT  
APPLICATION PACKET**

## **SPECIAL USE PERMIT PROCESS**

**COMPLETE APPLICATION:** The applicant must submit the following items by 4:00 P.M. on the submittal date listed on the Special Use Application Schedule:

1. Complete Special Use Permit Application
2. Complete Site Plan Application
3. A signed affidavit with a certified list of property owners with their address and PIN# of the land subject to the application and all property owners within 150 feet of the land subject to the application. The addresses for property owners may be obtained from the current Brunswick County Tax Office, 75 Stamp Act Drive, Bolivia, North Carolina, (910-253-2829 / Toll-free: 800-527-9001).
4. Application Fee (\$300.00)

Each application shall be accompanied by a sufficient legal description map, site plan (drawn to scale), and any other information necessary to completely describe the special use and all existing conditions. Any existing structures, utilities, and/or easements shall be shown on the site plan.

**REVIEW FOR SUFFICIENCY:** Planning staff checks application for sufficiency. Incomplete applications will be returned to the applicant (typically within the week the application is submitted). Sufficiently complete applications are forwarded to the Planning Director, or his/her designee.

**REVIEW BY STAFF:** The planning staff reviews the application to determine compliance with the Ocean Isle Beach Zoning Ordinance. If the application is determined not to be compliant with the Zoning Ordinances comments will be sent to the applicant. The applicant must address all staff comments before any public hearings are scheduled. Applications in compliance with the Zoning Ordinances will be forwarded to the Board of Adjustment for a public hearing according to the Procedure for Special Use Permits.

**NOTIFICATION REQUIREMENTS SUBMITTED BY APPLICANT:** The applicant must submit a signed affidavit with a certified list of owners of land subject to the application and owners of land within 150 feet of the land subject to the application. The addresses for property owners may be obtained from the current Brunswick County Tax Office, 75 Stamp Act Drive, Bolivia, North Carolina, (910-253-2829 / Toll-free: 800-527-9001).

**PUBLIC HEARING NOTIFICATION:** Notification of the public hearing will take place by three different methods. A written notice will be sent to nearby property owners as required by the Zoning Ordinance, two notices will be published in the newspaper. The Planning Department will prepare written notifications for all property owners of the land subject to the application and all property owners within 150 feet of the land subject to the application. These notices will be postmarked at least 10 days prior to the Board of Adjustment Hearing. A notice of the public hearing will be published in the newspaper once a week for two successive weeks prior to the public hearing. The first publication will be no less than 10 days and no more than 25 days prior to the public hearing.

## SPECIAL USE PERMIT PROCESS

**PUBLIC HEARING/BOARD OF ADJUSTMENT HEARING:** The Board of Adjustment will consider the application, relevant support materials, the Staff Report and public testimony given at the public hearing. After the public hearing the Board of Adjustment will make a recommendation to the Board of Commissioners. The Board of Adjustment may recommend approval, approval with conditions or disapproval. Prior to the granting of any special use permit, the Board of Adjustment may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special/conditional use as it deems necessary for the protection of the public and to secure compliance with the standards and requirements specified in this chapter. The Board of Adjustment meets at 9:00 A.M. in the Betty S. Williamson Meeting Hall on the date indicated on the Special Use Application Schedule (typically the fourth Tuesday of each month).

**PERMIT CONDITIONS:** A special use permit shall expire if it has not been exercised within six months from the date of approval. Special use permits are non-transferable and any expansion or alteration of the special use will require approval by the Board of Adjustment and the Board of Commissioners.



## **SPECIAL USE PERMIT APPLICATION**

**Attach a plot plan or site plan to illustrate this request.**

**SPECIAL USE PERMIT APPLICATION**

Date Submitted: \_\_\_\_\_

Fee: \$ 300.00

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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Name of Project: \_\_\_\_\_

Location/Address: \_\_\_\_\_

Property PIN #: \_\_\_\_\_

Type of Special Use Permit Requested: \_\_\_\_\_

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Existing Zoning Classification: \_\_\_\_\_

Proposed hours of Operation:

Monday – Friday \_\_\_\_\_ to \_\_\_\_\_

Saturday \_\_\_\_\_ to \_\_\_\_\_

Sunday \_\_\_\_\_ to \_\_\_\_\_

Proposed number of employees: \_\_\_\_\_

Description of Activity:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SPECIAL USE PERMIT APPLICATION**

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Estimated number of daily clients/customers: \_\_\_\_\_

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

\_\_\_\_\_  
Signature of Petitioner or Designated Representative

\_\_\_\_\_  
Date

If the title to the above mentioned property is not in the name of the petitioner, attach a notarized letter from the owner signifying his approval.

Application must be accompanied by a map drawn to scale not exceeding 11" x 17", showing the exact location of property with respect to existing streets, number and size lots, type building on such lots, and other important features within and contiguous to the property.

**SPECIAL USE PERMIT APPLICATION**

Certified list of property owners subject to the special use permit application and all property owners within 150' of the land subject to this special use permit application.

Owners Names	Owners Address
1. _____ _____	_____ _____
2. _____ _____	_____ _____
3. _____ _____	_____ _____
4. _____ _____	_____ _____
5. _____ _____	_____ _____
6. _____ _____	_____ _____
7. _____ _____	_____ _____
8. _____ _____	_____ _____
9. _____ _____	_____ _____
10. _____ _____	_____ _____
11. _____ _____	_____ _____
12. _____ _____	_____ _____
13. _____ _____	_____ _____
14. _____ _____	_____ _____
15. _____ _____	_____ _____

**SPECIAL USE PERMIT APPLICATION**

- 16. \_\_\_\_\_
- \_\_\_\_\_
- 17. \_\_\_\_\_
- \_\_\_\_\_
- 18. \_\_\_\_\_
- \_\_\_\_\_
- 19. \_\_\_\_\_
- \_\_\_\_\_
- 20. \_\_\_\_\_
- \_\_\_\_\_

I, \_\_\_\_\_ certify that this is an accurate listing of all property owners and owners within 150' of the land subject to this special use permit application.

\_\_\_\_\_ Date By: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF BRUNSWICK

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ Notary Public

SEAL

My Commission Expires: \_\_\_\_\_

## SPECIAL USE PERMIT REQUIREMENTS

In reviewing a request for a special use permit, the Board of Adjustment, with due consideration of adjacent properties and uses in the affected district, shall make the findings of fact that the following requirements are fulfilled:

1. \_\_\_\_\_ The use requested is listed among the special uses in the district for which application is made; or is similar in character to those listed in that district; and
2. \_\_\_\_\_ The special use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals or welfare of the community or of the immediate neighbors of the property; and
3. \_\_\_\_\_ The special use is essential or desirable to the public welfare; and
4. \_\_\_\_\_ The requested special use will be in conformity with the approved land use plan; and
5. \_\_\_\_\_ Adequate utilities, roads, driveways, parking, stormwater control, sanitation, and other necessary facilities have been or are being provided; and
6. \_\_\_\_\_ Ingress and egress to the proposed special use is designed to minimize traffic congestion along public thoroughfares; and
7. \_\_\_\_\_ That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
8. \_\_\_\_\_ Complies with any other special regulations that may be established for a particular special use.

## SPECIAL USE APPLICATION SCHEDULE

Submittal Date	Review for completeness	Staff reviews application and comments if needed	Board of Adjustment Meeting
January 25, 2016	Jan. 25 – 27, 2016	Jan. 25 – 27, 2016	<b>February 23, 2016</b>
February 22, 2016	Feb. 22 – 24, 2016	Feb. 22 – 24, 2016	<b>March 22, 2016</b>
March 28, 2016	March 28 – 30, 2016	March 28 – 30, 2016	<b>April 26, 2016</b>
April 25, 2016	April 25 – 27, 2016	April 25 – 27, 2016	<b>May 24, 2016</b>
May 23, 2016	May 23 – 25, 2016	May 23 – 25, 2016	<b>June 28, 2016</b>
June 27, 2016	June 27 – 29, 2016	June 27 – 29, 2016	<b>July 26, 2016</b>
July 25, 2016	July 25 – 27, 2016	July 25 – 27, 2016	<b>August 23, 2016</b>
August 22, 2016	Aug. 22 – 24, 2016	Aug. 22 – 24, 2016	<b>September 27, 2016</b>
September 26, 2016	Sept. 26 – 28, 2016	Sept. 26 – 28, 2016	<b>October 25, 2016</b>
October 24, 2016	Oct. 24 – 26, 2016	Oct. 24 – 26, 2016	<b>November 22, 2016</b>
November 28, 2016	Nov. 28 – 30, 2016	Nov. 28 – 30, 2016	<b>December 19, 2016*</b>
December 26, 2016	Dec. 26 – 28, 2016	Dec. 26 – 28, 2016	<b>January 24, 2017</b>

**\*Date adjustment due to Town Holiday**

# SPECIAL USE PERMIT ORDINANCE

## CHAPTER 66

### ARTICLE XI. BOARD OF ADJUSTMENT

#### Section 66-410. Procedure for Special Use Permits

The purpose of this section is to establish a procedure for the review of requests for special use permits.

- 1) A completed, signed application shall be submitted to the Board of Adjustment at least three weeks prior to the regularly scheduled meeting date for the Board of Adjustment. A fee for such application shall be paid at the time of application according to the approved schedule of fees. The applicant must comply with the special use permit criteria checklist, said checklist attached hereto and incorporated herein by reference as if set out in full and made available to each applicant.
- 2) Each application shall be accompanied by a sufficient legal description map, site plan (drawn to scale), and any other information necessary to completely describe the special use and all existing conditions. Any existing structures, utilities, and/or easements shall be shown on the site plan.
- 3) Adjacent property owners as listed with the tax office within 150' of the affected property shall be notified by regular U.S. mail of the requested special use at least 10 days prior to the meeting date.
- 4) The Board of Adjustment shall hold a public hearing on the application for a special use within 60 days after the application is submitted. The Board of Adjustment shall cause notice of the hearing to be published at least twice in a newspaper of general circulation in the county. The notice shall state the time, date, and location of said hearing and the nature and location of the proposed special use. This notice shall appear in the newspaper for two successive weeks, with the first notice appearing not less than ten days nor more than 25 days before the date set for the public hearing. In computing the notice period the day of publication is not to be included, but the day of the hearing is to be included.
- 5) The Board of Adjustment shall approve, approve with conditions, or deny the request for a special use permit. In reviewing a request for a special use permit, the Board of Adjustment, with due consideration of adjacent properties and uses in the affected district, shall make findings of fact that the following requirements are fulfilled:
  - a) The use requested is listed among the special uses in the district for which application is made; or is similar in character to those listed in that district; and

## SPECIAL USE PERMIT ORDINANCE

- b) The special use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals or welfare of the community or of the immediate neighbors of the property; and
  - c) The special use is essential or desirable to the public welfare; and
  - d) The requested special use will be in conformity with the approved land use plan; and
  - e) Adequate utilities, roads, driveways, parking, stormwater control, sanitation, and other necessary facilities have been or are being provided; and
  - f) Ingress and egress to the proposed special use is designed to minimize traffic congestion along public thoroughfares; and
  - g) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
  - h) That the use will not endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
  - i) That the use will not substantially injure the value of adjoining or abutting property;
  - j) That the location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located;
  - k) Whether additional limitations or restrictions are necessary in order to protect properties. Said restrictions may include: setback limitations, fencing and screening of structures, height restrictions, continued maintenance of the structure, restrictions on signage, aesthetic considerations; [and]
  - l) The presentation of a detailed site plan must accompany a special use request.
- 6) Reserved.
- 7) Approval of special use requests does not exempt the applicant from complying with all other federal, state, and local regulations.
- 8) Special use permits may be revoked by the Board of Adjustment or the Board of Commissioners if it is found that the conditions of approval are not being complied with. Notice of the intent to revoke shall be provided to the permittee at least ten days prior to public review. The Board of

## SPECIAL USE PERMIT ORDINANCE

Adjustment or the Board of Commissioners may revoke the special use permit after the public review if it determines that the conditions of approval have not been complied with.

- 9) A special use permit shall expire if it has not been exercised within six months from the date of approval. Special use permits are non-transferable and any expansion or alteration of the special use will require approval by the Board of Adjustment.

Prior to the granting of any special use permit, the Board of Adjustment may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as it deems necessary for the protection of the public and to secure compliance with the standards and requirements specified in this chapter.