

**PENDING AMENDMENT**

**P08-26**

County Zoning Ordinance

Article XVI, Board of Adjustment

Section 1606 Special Use Permits, sub-section E. Expiration of Permits  
and Section 1607 Hearings

**CURRENT MEETING INFORMATION:**

June 17, 2008, 7:00 pm, Historic Courthouse, 130 Gillespie Street, Fayetteville,  
2<sup>nd</sup> floor hearing room

**CASE HEADING:**

P08-26. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI. BOARD OF ADJUSTMENT, SECTION 1606 SPECIAL USE PERMITS SUB-SECTION E. EXPIRATION OF PERMITS AND SECTION 1607 HEARINGS.

**ADDITIONAL INFORMATION:**

This amendment is being proposed to clearly address when an approved Special Use Permit may have to go back to the County Board of Adjustment. Also, to clarify the type of hearings to be conducted when a case is presented to the County Board of Adjustment and clearly state that the parties to a variance or special use case have a right to question.

**P08-26**  
**COUNTY ZONING ORDINANCE AMENDMENT**

**AMENDMENT**

**P08-26.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI. BOARD OF ADJUSTMENT, SECTION 1606 SPECIAL USE PERMITS SUB-SECTION E. EXPIRATION OF PERMITS AND SECTION 1607 HEARINGS.

**AMEND Article XVI Board of Adjustment, Section 1606 Special Use Permits, Sub-section E Expiration of Permits, as indicated:**

**SECTION 1606 SPECIAL USE PERMITS**

E. Expiration of Permits. Any Special Use granted becomes null and void if not exercised within the time specified in such approval, or if no date is specified, within one calendar year from the date of such approval. Furthermore, once the Certificate of Occupancy has been issued for a Special Use and then the Special Use ceases to exist for a time period of one calendar year or more, a resubmittal of the Special Use application for the same use may be required if there has been a material change in the ordinance standards ~~the Special Use Permit shall become void.~~

**AMEND Article XVI Board of Adjustment, Section 1607 Special Use Permits, as indicated:**

**SECTION 1607 HEARINGS**

Any variance or Special Use Permit application ~~case~~ considered by the Board of Adjustment requires a quasi-judicial ~~public~~ hearing. The Board shall fix a reasonable time for hearing and give public notice as well as due notice to the parties in interest. The hearing shall follow quasi-judicial requirements including sworn testimony, the reliance on competent evidence, avoiding ex parte contact and bias and matching up evidence to findings of fact. At the hearing, any person or party may appear in person or by agent or attorney. Parties to a quasi-judicial hearing have a right to question witnesses; if opponents to a variance or a Special Use Permit present a witness, the applicant can also ask questions of that witness to probe the strengths and weaknesses of the testimony. All other applications considered by the Board shall be considered in the manner in which the governing regulation establishes. The Board shall take action on all matters within a reasonable time after the termination of the proceedings.