

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

NEXT MEETING: August 18, 2008, County Board of Commissioners (see
below)

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.

UPDATE

At their June 17, 2008 meeting, the Joint Planning Board voted unanimously to
recommend approval of the recommended amendments and to forward this case
on to the County Board of Commissioners for public hearing.

This case is scheduled for public hearing at the August 18, 2008 County Board of
Commissioners' meeting to be held at the Commissioners' Hearing Room, 1st
floor of the Main Courthouse on Dick Street at 6:45 pm.

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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.