15.10 Special Use Permits

G. **Purpose:** Upon application, The Town Council (with recommendation from the Planning Board) may grant in particular cases and subject to appropriate conditions and safeguards, permits for special uses as authorized by this ordinance and set forth as special uses under the various use districts.

B. **General Requirements:** A special use permit may be granted by the Fletcher Town Council only after making the following findings:

1. An application for the special use has been submitted as prescribed by this Code.

2. Approval may be granted if the Town Council finds that, in the particular case in question, the use for which the special use permit is sought 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 or injurious to property or public improvements in the neighborhood. In granting such approval, the Town Council may designate such conditions in connection therewith as will, in its opinion, assure that the proposed use will conform to the requirements and spirit of the Code.

3. Before any special use permit is issued, the Town Council shall make written findings certifying compliance with the specific rules governing the individual special use (Article 3), and that satisfactory provision and arrangement has been made for at least the following where applicable:

   a. Satisfactory ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control.
   b. Provision of off-street parking and loading areas where required, with particular attention to the items listed above, and the economic, noise, glare and odor effects of the special use on adjoining properties in the area.
   c. Adequate and proper utilities, with reference to locations, availability, and compatibility.
   d. Buffering, with reference to type, location, and dimensions.
   e. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmonies with properties in the district.
   f. Playgrounds, open spaces, yards, landscaping, access ways, pedestrian ways, with reference to location, size, and suitability.
   g. Buildings and structures, with reference to location, size, and use.
   h. Hours of operation, with particular reference to protecting and maintaining the character of the neighborhood.
   i. A site plan/preliminary plat has been submitted, as required in Article 16.3.

4. The applicant/land owner shall submit written consent to conditions related to the Special Use Permit to ensure enforceability. A pre-construction meeting with the Administrator (or designee) and the Town's Consulting Engineer shall be

required prior to the start of construction. The Administrator shall make periodic inspections during construction as well as final inspection after construction is complete to determine whether the conditions imposed and agreements made in the issuance of the permit have been met as well as whether all other requirements of this Code have been met. If at any time a special use permit has been issued and the Town Council determines that the conditions imposed and agreements have not been or are not being fulfilled by the holder of a special use permit, the permit shall be terminated and the operation of such use discontinued. If a special use permit is terminated for any reason, it may be reinstated only after reapplying for a special use permit.

C. Procedures

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Special Use Permit Application with Sketch Plan (16.2)	Administrator (& TRC for projects involving potential public infrastructure)	Review submittal procedures and requirements Review for completeness & code compliance. Issue Staff Report	n/a
	Planning Board	Review and recommendation of Special Use Permit application *(with notification to affected and abutting property owners)*	n/a
	Town Council	Public hearing	n/a
	Town Council	Grant Special Use Permit – or - Denial and Request for Rehearing	Superior Court
Site Plan/Preliminary Plat (16.3)	Administrator (& TRC for projects involving potential public infrastructure)	Review for Completeness & Code Compliance	n/a

D. Public Notification

The Administrator shall give notice of all public hearings. Public notice shall become a part of the record of the proceedings of the Fletcher Town Council. Notice shall be given in the following manner:

a. Notice shall be sent by the Town by first class mail to the applicant at least ten (10) days prior to the public hearing.

b. Notice shall also be posted by the Administrator in a conspicuous location in the Town Hall at least ten (10) days prior to the public hearing. Both notices shall indicate the nature of the public hearing and the date, time and place at which it is to occur.

c. A notice shall be posted by the Administrator in a conspicuous location on the property at least ten (10) days prior to the public hearing. This

watercourses; delineated flood plains, wetlands, steep slopes, and previously documented endangered species habitats. The use of digital geographic data obtained from the Town of Fletcher or Henderson County is deemed to be sufficient for the Sketch Plan phase of submittal requirements.

C. The size and number of completed applications shall be set by the Administrator.

16.3 Site Plan/Preliminary Plat Requirements

A. All applications for ~~Site Plans~~ Conditional ~~Districts~~ Zoning requests, Vested Rights, Special Use Permits, Planned Residential Developments and Major Subdivisions shall be submitted in accordance with the specifications of this Section by a North Carolina Professional Engineer except where specifically noted or as determined by the Administrator.

B. No processing or review of an application will proceed without submission of plans depicting all of the following information, as appropriate:

1. The proposed names of the Development and streets, the owner's name and address, signature of the owner or owner's duly authorized agent, the surveyor's name, the names of existing and proposed adjoining subdivisions or property owners, the names of the township, county, and state in which the development is located, the date of preparation, and the zoning classification of the tract to be developed and of adjoining properties.

2. Boundaries of tract shown with bearings, distances, and closures and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, wetlands, easements, bridges, or other significant features of the tract.

3. Scale in feet denoted both graphically and numerically with north arrow and declination.

4. A sketch vicinity map at a scale no smaller than 1 inch equals 1,200 feet showing the relationship between the proposed subdivision and surrounding area.

5. Existing topography and finish grading with contours drawn at two (2) foot intervals. This requirement may be waived for developments smaller than one acre or where insufficient topographic changes warrant such information. Detailed grading shall be provided with adequate spot elevations to properly demonstrate ADA compliance for proposed sidewalks, handicap ramps, accessible routes, as well as proper slopes for proposed streets.

6. Corporate limits and extra-territorial jurisdiction boundaries (where applicable).

7. The location of proposed buildings, parking and loading areas, streets, alleys, lots, parks or other open spaces, reservations (i.e. school sites), property lines and building setback lines with street dimensions, tentative lot dimensions, and the location of any building restriction areas (i.e. flood hazard areas, watershed protection districts, and/or jurisdictional wetlands.