

THE CONDITIONAL USE PERMIT

An application for a Conditional Use Permit may be submitted to the Perquimans County Planning Board and Board of County Commissioners by filing a copy of the attached application accompanied by a fee in the Perquimans County Planning Department in the Perquimans County Courthouse located at 128 North Church Street in Hertford, North Carolina.

It is recommended that the applicant discuss the application process with the Planning and Zoning Administrator to ensure the submission of a complete application. Upon submission, the Planning and Zoning Administrator will review the application for completeness, schedule a public meeting for review by the Planning Board, and schedule a public hearing for review by the Board of County Commissioners.

THE APPLICANT:

- The applicant or his representative must be present at both the Planning Board meeting and the Board of Commissioners meeting or the application will be tabled.
- The applicant has the burden of proving at all times that the proposed use would not violate the requisites of Section 903 of the Perquimans County Zoning Ordinance:
 - (1) The proposed use would not materially endanger the public health or safety, of located according to the plan submitted and approved;
 - (2) The proposed use meets all required conditions and specifications;
 - (3) The proposed use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - (4) The proposed location of the use, if developed according to the plan as submitted and approved, will be in harmony with the are in which it is to be located and in general conformity with the Perquimans County Land Use Plan.
- The applicant is responsible for presenting competent material and substantial evidence to support each of the requisites above. Failure to present competent material and substantial evidence to each requisite would leave the Planning Board with no alternative except to recommend that the Board of Commissioners deny the permit. Furthermore, this failure would leave the Board of Commissioners with no alternative except to deny the requested permit.

Note: The Planning Board and Board of Commissioners may only consider that information presented at the public hearing respectively and may not rely on any information gained outside the hearing. **Hearsay evidence is considered incompetent evidence.** “Hearsay” is a statement repeated by a second party to prove the truth in the matter in question. For example, if a person making a statement at a hearing attempts to prove the truth of any one of the four points in Section 903 by repeating the Sheriff’s comment about public safety, the repeated statement would be considered hearsay and be judged incompetent. The Sheriff would have to be present at the meeting to verify the statement, in which case the Sheriff’s sworn testimony would then be competent. Similarly, any writing (letters, reports), whether notarized or not, are considered incompetent unless the writer is present to be questioned.

At the Planning Board public meeting, the Board will consider the application for a Conditional Use Permit. The Board will choose to recommend, recommend with conditions, recommend for denial, or table the application for further research at this meeting. Should the meeting be tabled, the Board of County Commissioners may choose to postpone the scheduled meeting in order to give ample time to the Planning Board for inquiry, or proceed with the scheduled meeting without the benefit of a recommendation from the Planning Board.

At the Board of County Commissioners public hearing, the Board will consider the application and the Planning Board’s recommendation or lack thereof, and then vote to issue the conditional permit, issue the conditional permit with conditions, or deny the conditional use permit.

Any questions regarding the application itself or procedure should be directed to the Planning and Zoning Administrator in the Perquimans County Planning Department.