



Major Special Use Permit (MSUP) and Transportation Special Use Permit (TSUP) Application

City-County Planning Department

Planning

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Application Guide and Submittal Portal: <https://dsc.durhamnc.gov/264>

Application Questions: BOA@durhamnc.gov | 919-560-4137

PROJECT INFORMATION:

Application Type: <input type="checkbox"/> MSUP <input type="checkbox"/> TSUP <input type="checkbox"/> Both	
Site Address:	Total Site Area (in acres):
Zoning District(s):	Zoning Overlay(s):
Jurisdiction: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both	Development Tier(s):
PIN(s):	PID(s):
Current Use(s):	Proposed Use(s):
TIA prepared by:	Associated Site Plan Case Number:
Project Name:	

APPLICATION REQUIREMENTS (INCLUDE LIST NUMBER IN ATTACHMENT NAME WITH SUBMITTAL)

This application is a form of written testimony and is used to provide evidence that the required findings for approval can be made. The applicant has the burden of proof and must provide sufficient evidence in order for the required findings to be made.

NOTE: Attendance at the Governing Board hearing (City Council, if City jurisdiction, Board of County Commissioners, if County jurisdiction) is required. Applicants may represent themselves or may be represented by someone appropriate for quasi-judicial public hearings. Decisions can be appealed to Superior Court within 30 days.

1. Documentation of the Pre-submittal Meeting (Required)	4. Floor Plan, Elevations, and Site Plan, as applicable
2. Payment Receipts	(Additional supporting documents may be requested by the Case Planner and/or may be provided by the applicant)
3. For MSUPs: Responses to General Findings and Review Factors (UDO Section 3.9.8A and B), Additional Findings and/or Review Factors (if applicable), and Responses to Limited Use Standards (if applicable) For TSUPs: Responses to General Findings and Review Factors (UDO Section 3.3.8) and Traffic Impact Analysis (TIA)	

ACKNOWLEDGEMENTS AND PETITIONS

I, the undersigned, acknowledge that the application is complete and that all information included is accurate to the best of my knowledge. Applications are considered accepted only after they have been determined to be complete according to paragraph 3.2.4 of the Unified Development Ordinance, not upon submission.

	Owner	Applicant	Agent (if applicable)
Name:			
Firm:			
Phone:			
Email:			
Address:			
Digital Signature:			

Date Signed:			
<u>All applications:</u>	<p>In granting a Major Special Use Permit or Transportation Special Use Permit request, the Governing Body may prescribe reasonable and appropriate conditions provided that the conditions are reasonably related to the request. The conditions shall become part of the approval. Violations of any of the conditions shall be treated in the same manner as other violations of the Ordinance.</p> <p>Furthermore, Special Use Permits shall become null and void in any of the following cases (Section 3.9.14 of the UDO):</p> <p>A. If a site plan or architectural review, as applicable, is not approved within 12 months of the date of permit approval.</p> <p>B. If an approved site plan, architectural review application, or building permit expires.</p> <p>C. If a building permit is not issued within two years of the date of approval, in cases where a corresponding site plan or architectural review is not required.</p> <p>D. If a substantial violation of the conditions of the permit, as determined by the Planning Director or designee occurs. The addition of language to the special use permit regarding such voiding shall not be required.</p> <p>Digital Signature: _____ Date Signed: _____</p>		
<u>For MSUPs:</u>	<p>I, _____, hereby petition the City of Durham/County of Durham for a Major Special Use Permit to allow use of the property as described in material submitted with this request.</p> <p>Digital Signature _____ Date Signed: _____</p>		
<u>For TSUPs:</u>	<p>I, _____, hereby petition the City of Durham/County of Durham for a Transportation Special Use Permit to allow use of the property as described in material submitted with this request.</p> <p>Digital Signature: _____ Date Signed: _____</p>		

RESPONSES REQUIRED (PLACE RESPONSES IN A SEPARATE WORD DOCUMENT FOR SUBMITTAL)

Major Special Use Permit Responses:	<p>General Findings: Applications for minor or major special use permits shall be approved only if the Board of Adjustment finds that the use as proposed, or the use as proposed with conditions, is:</p> <ol style="list-style-type: none"> In harmony with the area and not substantially injurious to the value of properties in the general vicinity; In conformance with all special requirements applicable to the use; Will not adversely affect the health or safety of the public; and Will adequately address the review factors identified below <p>Review Factors: The applicant shall demonstrate that the review factors listed below have been adequately addressed:</p> <ol style="list-style-type: none"> Circulation: Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, bicycle, mass transit and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. Parking and Loading: Location of off-street parking and loading areas. Service Entrances and Areas: Locations of refuse and service areas with particular reference to ingress and egress of service vehicles. Lighting: Locations of exterior lighting with reference to glare, traffic safety, economic effect and compatibility with other property in the area. Signs: Appropriateness of signs considering location, color, height, size, and design within the context of other property in the area. Utilities: Location and availability of utilities. Open Spaces: Location of required yards and other open spaces and preservation of existing trees and other natural features Environmental Protection: Preservation of tree coverage, Durham Inventory Sites, floodplain, stream buffers, wetlands, steep slopes, open space, and other natural features, and protection of water quality. Screening, Buffering, and Landscaping: Installation of screening, buffering, fencing, and landscaping where necessary to protect adjacent property.
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	<p>10. Effect on Adjacent Property: Effects of the proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic.</p> <p>11. Compatibility: The level of general compatibility with nearby properties and impacted neighborhoods, including but not limited to the appropriateness of the scale, design, and use in relationship to other properties.</p> <p>12. Consistency with Policy: Consistency with the Comprehensive Plan and applicable development tier guidelines, overlay purposes, and zoning district intent statements in Article 4, Zoning Districts.</p> <p>13. Other Factors: Any other factors that the approving authority considers to be appropriate to the property in question.</p> <p>Also address Limited Use Standards, as applicable</p>
<p>Transportation Special Use Permit:</p>	<p>General Findings: <i>Before any Transportation Special Use Permit shall be granted, the Governing Body must find that satisfactory evidence has been provided for the following. The site plan, application, and testimony at the hearing must provide sufficient evidence for the Governing Body to determine that these general findings and review factors have been adequately and appropriately addressed.</i></p> <ol style="list-style-type: none"> 1. The traffic generated by the development and associated improvements to the street system will not have a significant adverse impact on the surrounding area. Significant adverse impact shall include: <ol style="list-style-type: none"> a. Substantial increases in traffic on local residential streets such that the majority of the traffic is not associated with the residential properties which front on the street; or b. The need to widen local residential streets which would detract significantly from the character or basic function of the nearby streets. 2. Adequate provisions have been made for safe and efficient vehicular circulation, parking and loading, and pedestrian access; 3. The traffic generated by the proposed development and any proposed improvements to the street system will not have a significant adverse impact on the environment. Significant adverse impacts shall include but not be limited to undue concentration of air pollutants, or excessive noise or vibrations; and 4. The traffic generated by the development can be accommodated by the existing or funded transportation system, or adequate traffic mitigation measures have been proposed as part of the development application. Proposed mitigation measures shall become conditions of the special use permit. The adopted level of service for the adjacent roadways may be considered in making this determination but shall not be the sole factor considered by the governing body.