CHAPTER 14:

SPECIAL USE PERMITS

PART 1: [RESERVED]

PART 2: [RESERVED]

PART 3: CANCELLATION BY SURRENDER AND TERMINATION, MODIFICATION AND REVOCATION OF SPECIAL USE PERMITS

Section 14.301. Cancellation by surrender of a special use permit.

(1)   Any special use permit, which has been previously approved, may be offered for surrender by the property owner or his agent by submitting a written application to the Planning Director.

(2)   The Planning Director will accept the offer of surrender and cancel the special use permit if all the following conditions are met: (i) there are no existing zoning violations of the special use permit; and (ii) the property is undeveloped or the existing use is permitted in the underlying zoning district.

(3)   Approval of the application will result in the special use permit being cancelled and the property becoming subject to the existing underlying zoning district. Upon the cancellation of a special use permit, any expansion of an existing use or any new development must conform to all the requirements of the underlying zoning district.

(4)   Following the cancellation, the designation of the previously approved special use permit will be removed from the Official Zoning Map and the property will be shown to be in the appropriate underlying zoning district.

PART 3: CANCELLATION BY SURRENDER AND TERMINATION, MODIFICATION AND RENOVATION OF SPECIAL USE PERMIT

Section 14.302. **Termination of a special use permit.**

Any special use permit, which does not meet the conditions for cancellation established by Section 14.301, can be terminated by a reclassification of the property in accordance with the procedures set forth in Chapter 6. The granting of a zoning reclassification petition will terminate the previously approved special use permit.

Section 14.303. **Modification of an approved special use permit.**

In certain limited circumstances modifications of an approved special use permit may be allowed by the Planning Director. Changes of detail which do not affect the basic relationships of the special use to the standards and requirements of the ordinance under which the special use permit was approved, affect the conditions attached to the approval of the special use permit, or require a variance of the standards of the underlying zoning district may be authorized by the Planning Director. In the case of a major special use permit, the decision of the Planning Director may be appealed to the Planning Commission for review and decision as to whether a modification may be approved in this manner. In the case of a minor special use permit, the decision of the Planning Director as to whether the special use permit may be modified in this manner is final.

Section 14.304. **Revocation.**

    (1)   The Director of the Charlotte-Mecklenburg Planning Department, or his or her designee, will have the authority to issue a notice of violation of a special use permit. The notice of violation will provide 30 days to correct the violation. If the violation is not corrected to the satisfaction of the Planning Director, then the Planning Director, or his or her designee, has the authority to send a letter of revocation of the special use permit. The owner of the property will have 30 days from receipt of the letter of revocation of the special use permit to appeal the violation determination to the Zoning Board of Adjustment.
(Petition No. 2012-020, § 14.304, 05/14/2012)

            Subsequent to the completion of any appeals provided for in pertaining to the revocation of a special use permit, the special use for which the special use permit was granted must cease and the future use of the property must be in conformance with the standards of this ordinance for the district where the property is located. Any use or development of the property commenced pursuant to the special use permit must conform or be brought into conformance with the standards of the district where the property is located.
(Petition No. 2005-78, §14.304(1), 06/20/05)