

## **Special Use Permit Quasi-Judicial Hearing Process**

- The Mayor should call for a motion to open the required public hearing.
- After the hearing is opened, the mayor should ask who wishes to testify. Anyone that identifies themselves as wishing to testify should be sworn-in by the Town Clerk. Only those witnesses under oath may present evidence to the Board and they should have “standing”.
- The hearing should be conducted and evidence gathered by the Board. All evidence presented by the applicant and other parties should be substantial, competent, and material evidence. Hearsay and general opinions (not rendered by an expert) are typically not considered to meet the evidence “test” and, in general, should not be considered by the Board.
- The applicant and others with standing have the right to cross-examine any witness.
- The Board should move to close the hearing and deliberate the evidence and testimony presented during the hearing.
- The Board has the authority to impose or require any such additional restrictions and standards on the proposed special use and they are Conditions of Approval.
- The Board, in rendering its decision, needs to address the following general SUP criteria:
  1. That the proposed use will not materially endanger the public health or safety if located where proposed and if developed according to the plan as submitted and approved.
  2. That the use meets all conditions and specifications required by the UDO and other applicable Town, county, state and federal laws and regulations.
  3. That the proposed use will not substantially injure the value of abutting or adjoining property, or that the use is a public necessity.
  4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the land use plan as updated and amended for the Town.
- Each quasi-judicial case should be decided on its own merits.
- The decision of the Board is rendered with a final vote to grant or deny the application.