From: Matt Stone
To: Jon Creighton
Subject: FW: [ncpermits] Court Case: Allow if not prohibited
Date: Tuesday, February 7, 2017 10:44:00 AM

You've probably already seen this but it was on a list serve is follow.

From: Andrew Gahagan [mailto:andrew.gahagan@montgomerycountync.com]
Sent: Tuesday, February 07, 2017 8:45 AM
To: North Carolina Permitting Personnel Association <ncpermits@listserv.unc.edu>
Subject: RE: [ncpermits] Court Case: Allow if not prohibited

Gerard,

The case was Byrd v. Franklin County. We amended our ordinance in response to the Supreme Court decision to simply state that all unlisted uses shall be deemed as conditional uses and must follow all standard CU procedures. A few other links for you below:

The News and Observer
.PDF from NC School of Government
Town of Duck Staff Report

That should give you a pretty good start.

Hope this helps,

Andrew M. Gahagan

Montgomery County Planning Director
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-----Original Message-----
From: Gerard E. Seibert [mailto:gerard_seibert@outlook.com]
Sent: Tuesday, February 07, 2017 5:51 AM
To: North Carolina Permitting Personnel Association
Subject: [ncpermits] Court Case: Allow if not prohibited

There was a court case, last year I believe, that basically stated that if a use was not specifically prohibited, it would have to be allowed. I don't remember the case or the particulars of it, nor have I been able to find it. I was hoping that someone might have a link to the case or tell me where I can gather further info on it.

Thanks!

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Gerard E. Seibert, CZO
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