

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

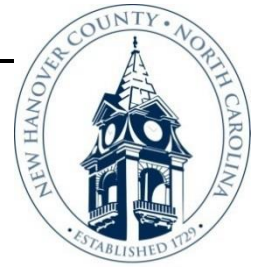
230 Government Center Drive, Suite 110

Wilmington, North Carolina

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planningdevelopment.nhcgov.com



CONDITIONAL ZONING DISTRICT Application

REVIEW PROCESS

Step 1: Pre-Application Conference (Optional)

In order to assist applicants through the conditional rezoning process, applicants are highly encouraged to contact staff to schedule a pre-application conference prior to application submittal. Applicants are requested to review the sections of the Zoning Ordinance specific to zoning amendments and conditional zoning districts prior to submission, and advised to contact Planning Staff with any questions. The following sections of the Zoning Ordinance pertain specifically to zoning amendments, and conditional zoning districts:

- Section 55.3: *Conditional Zoning District*
- Section 110: *Amending the Ordinance*
- Section 111: *Petition*
- Section 112: *Approval Process*

Step 2: Community Meeting

Prior to application, at least one community information meeting must be held, and a report summarizing the community information meeting is required as part of the application. The primary purpose of the community meeting is to explain the upcoming proposal and field questions from people in the surrounding area. The meeting should focus on information exchange between an applicant and the specific invitees but should be open to the general public as well.

The community meeting shall comply with the following procedures:

- **Notification**

- Mailed Notice

- The applicant must provide written notice by mail or other agreed upon measure at least ten days prior to the date of the community meeting. Notice shall be provided to each owner of record of land and any current tenants within 500 feet of and on the property for which development approvals are sought.

- E-Mailed Notice

- The applicant must provide the Department of Planning & Land Use with a completed community notice template in a digital format at least twelve days prior to the date of the community meeting. The notice will be provided to organizations entitled to notice based on a standing written request on file with the Clerk to the Planning Board ("Sunshine List").

- **Written Summary**

The written summary of the community meeting included in the application must include, at a minimum the following:

1. A list of those that were not able to be contacted and reason(s) why contact was not successful;
2. Date, time and location of the meeting;
3. Roster of the persons in attendance at the meeting;
4. Summary of issues discussed at the meeting; and
5. Description of any changes or adjustments to the application made by the petitioner as a result of the community meeting.

Step 3: Application Submittal

Applications must be received by the Department of Planning & Land Use by 5:00 PM on the application deadline date. A complete application consists of the items detailed in the submittal checklist provided in this application. A schedule of application deadlines is available at planningdevelopment.nhcgov.com or in the Department of Planning & Land Use office.

Step 4: Staff Review and Recommendation

Upon receiving a completed application, staff may distribute it to certain departments and agencies for review. County Planning staff will review the application, prepare a staff report, and provide a recommendation on the application. Staff may propose additional conditions and requirements beyond those listed in the petition/application.

Step 5: Planning Board Review and Recommendation

The New Hanover County Planning Board will consider the application at a public hearing. The Department of Planning & Land Use will notify the public of this hearing in accordance with standards of the Zoning Ordinance. This includes sending mailed notice to nearby residents, posting a sign on the subject property, and advertising the hearing in a local newspaper.

The public hearing will allow staff, the applicant, proponents and opponents to testify in regards to the request. The Planning Board will make a recommendation to the County Commissioners. A recommendation for denial ends consideration of the proposed zoning amendment unless the recommendation is appealed. A recommendation for approval is automatically forwarded to the County Commissioners for action. The Planning Board may propose additional conditions and requirements beyond those listed in the petition/application.

Step 6: Board of Commissioners Review and Action

The New Hanover County Board of Commissioners will consider the application at a public hearing. The Department of Planning & Land Use will notify the public of this hearing in accordance with standards of the Zoning Ordinance. This includes sending mailed notice to nearby residents, posting a sign on the subject property, and advertising the hearing in a local newspaper.

At the public hearing, the New Hanover County Board of Commissioners will consider the application along with the Planning Board's and staff's recommendation. Prior to adopting or rejecting any zoning amendment, the Commissioners shall adopt a statement describing whether or not the amendment is consistent with the County's Policies for Growth and Development and explaining why the Commissioners consider the action taken as reasonable and in the public interest. The Commissioners may propose additional conditions or requirements beyond those contained in the petition/application.

- *The applicant should keep this section of the application for reference. It is not required to be included in the completed application that is submitted to the County.*

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CONDITIONAL ZONING DISTRICT Application

Applicant/Agent Information	Property Owner(s) <i>If different than Applicant/Agent</i>	
Name	Owner Name	
Company	Owner Name 2	
Address	Address	
City, State, Zip	City, State, Zip	
Phone	Phone	
Email	Email	
Subject Property Information		
Address/Location		
Parcel Identification Number(s)		
Total Parcel(s) Acreage		
Existing Zoning and Use(s)		
Future Land Use Classification		
Application Tracking Information (Staff Only)		
Case Number	Date/Time received:	Received by:

Proposed Zoning, Use(s), & Narrative

Proposed Conditional Zoning District: _____ **Total Acreage of Proposed District:** _____

Only uses allowed by right in the corresponding General Use District are eligible for consideration within a Conditional Zoning District. Please list the uses that will be allowed within the proposed Conditional Zoning District, the purpose of the district, and a project narrative (please provide additional pages if needed).

Proposed Condition(s)

Within a Conditional Zoning District, additional conditions and requirements which represent greater restrictions on the development and use of the property than the corresponding General Use District regulations may be added. These conditions may assist in mitigating the impacts the proposed development may have on the surrounding community. Please list any conditions proposed to be placed on the Conditional Zoning District below. Staff, the Planning Board, and Board of Commissioners may propose additional conditions during the review process.

Traffic Impact

Please provide the estimated number of trips generated for the proposed use(s) based off the most recent version of the Institute of Transportation Engineers (ITE) Trip Generation Manual. A Traffic Impact Analysis (TIA) must be completed for all proposed developments that generate more than 100 peak hour trips, and the TIA must be included with this application.

ITE Land Use: _____

Trip Generation Use and Variable (gross floor area, dwelling units, etc.): _____

AM Peak Hour Trips: _____ PM Peak Hour Trips: _____

CONSIDERATION OF A CONDITIONAL ZONING DISTRICT

The Conditional Zoning District procedure is established to address situations where a particular land use would be consistent with the New Hanover County Land Use Plan and the Zoning Ordinance objective and where only a specific use or uses is proposed. The procedure is intended primarily for use with transitions between zoning districts of very dissimilar character where a particular use or uses, with restrictive conditions to safeguard adjacent land uses, can create a more orderly transition benefiting all affected parties and the community-at-large. The applicant must explain, with reference to attached plans (where applicable), how the proposed Conditional Use Zoning District meets the following criteria.

1. How would the requested change be consistent with the County's policies for growth and development? (For example: the Comprehensive Plan and applicable small area plans)

2. How would the requested Conditional Zoning District be consistent with the property's classification on the Future Land Use Map located within the Comprehensive Plan?

3. What significant neighborhood changes have occurred to make the original zoning inappropriate, or how is the land involved unsuitable for the uses permitted under the existing zoning?

APPLICATION REQUIREMENTS

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". If an item is not applicable, mark as "N/A". Applications must be complete in order to process for further review.

Required Information		Applicant Initial	Staff Initial
1	Complete Conditional Zoning District application.		
2	Application fee – (\$600 for 5 acres or less, \$700 for more than 5 acres. An additional \$300 fee must be provided for applications requiring TRC review).		
3	Community meeting written summary.		
4	Traffic impact analysis (for uses that generate more than 100 peak hour trips).		
5	Legal description (by metes and bounds) or recorded survey Map Book and Page reference of the property requested for rezoning.		
6	<p><u>Site Plan including the following elements:</u></p> <ul style="list-style-type: none"> • Tract boundaries and total area, location of adjoining parcels and roads. • Proposed use of land, structures and other improvements. For residential uses, this shall include number, height and type of units and area to be occupied by each structure and/or subdivided boundaries. For non-residential uses, this shall include approximate square footage and height of each structure, an outline of the area it will occupy and the specific purpose for which it will be used. • Development schedule including proposed phasing. • Traffic and Parking Plan to include a statement of impact concerning local traffic near the tract, proposed right-of-way dedication, plans for access to and from the tract, location, width and right-of-way for internal streets and location, arrangement and access provision for parking areas. • All existing and proposed easements, reservations, required setbacks, rights-of-way, buffering and signage. • The one hundred (100) year floodplain line, if applicable. • Location and sizing of trees required to be protected under Section 62 of the Zoning Ordinance. • Any additional conditions and requirements, which represent greater restrictions on development and use of the tract than the corresponding General Use District regulations or other limitations on land which may be regulated by State law or Local Ordinance. • Any other information that will facilitate review of the proposed change (Ref. Article VII, as applicable). 		
7	1 hard copy of ALL documents AND 8 hard copies of the site plan. Additional hard copies may be required by staff depending on the size of the document/site plan.		
8	1 PDF digital copy of ALL documents AND plans.		

ACKNOWLEDGEMENT AND SIGNATURES

By my signature below, I understand and accept all of the conditions, limitations and obligations of the Conditional Zoning District zoning for which is being applied. I understand that the existing official zoning map is presumed to be correct. I understand that I have the burden of proving why this requested change is in the public interest. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

If applicable, I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and commitments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

Signature of Property Owner(s)

Print Name(s)

Signature of Applicant/Agent

Print Name

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper (approximately 2-3 weeks before the hearing), the item will be calendared for the next meeting and no fee will be required. If delay is requested after notice has been sent to the newspaper, the Board will act on the request at the scheduled meeting and are under no obligation to grant the continuance. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the New Hanover County Planning website will be required.

