

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

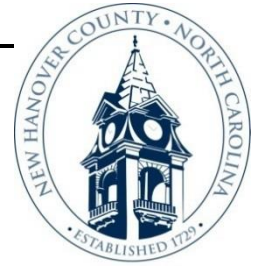
230 Government Center Drive, Suite 110

Wilmington, North Carolina

Telephone (910) 798-7165

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planningdevelopment.nhcgov.com



CONDITIONAL USE ZONING DISTRICT Application

REVIEW PROCESS

Step 1: Pre-Application Conference (Optional)

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

- Section 55.2: *Conditional Use District*
- Section 70: *General Information, Applications, Process, Public Notice, Public Hearings, Review and Decision, and Conclusions Required for Approval*
- Section 71: *Validity, Extensions, and Changes for Approved Special Use Permits; Resubmittals of Denied Applications*
- Section 72: *Additional Restrictions Imposed on Certain Special Uses*
- 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. Staff will confirm if an application is complete within five business days of submittal. A schedule of application deadlines is available at planningdevelopment.nhcgov.com or in the Department of Planning and 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, and prepare a staff report. 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.

Conditional Use Zoning Districts shall be considered as a two-part decision. The proposed rezoning is considered first, then the companion Special Use Permit proposal. However, the Special Use Permit is not considered if the Board recommends denial of the rezoning.

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.

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.

For Conditional Use Zoning Districts, the proposed rezoning is considered first, then the companion Special Use Permit proposal. If the rezoning is denied, the Special Use Permit is not considered. If both the Conditional Use District and the companion Special Use Permit are approved, the ordinance amendment is adopted. If the Conditional Use District is approved but the Special Use Permit is denied, then the Board shall immediately rescind their approval of the rezoning.

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CONDITIONAL USE ZONING DISTRICT Application

Applicant/Agent Information	Property Owner(s) <i>If different than Applicant/Agent</i>	
Name	Owner Name	
Company	Owner Name 2	
Mailing Address	Mailing 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:

CONSIDERATION OF A CONDITIONAL USE ZONING DISTRICT

Conditional Use District Zoning 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 but for which none of the general zoning classifications which would allow that use are acceptable. 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 Use Zoning District be consistent with the property's classification on the Future Land Use Map?

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?

4. How will this change of zoning serve the public interest?

CRITERIA REQUIRED FOR APPROVAL OF A SPECIAL USE PERMIT
(continued)

3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Considerations:

- The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc)
- Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property

4. 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 New Hanover County Comprehensive Land Use Plan.

Considerations:

- The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc)
- Consistency with the Comprehensive Plan's goals, objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards

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". Applications must be determined to be complete in order to process for further review.

Required Information	Applicant Initial	Staff Initial
1 Complete Conditional Use 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 <u>Site Plan including the following elements:</u> <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 on a Compact Disk (CD).		

ACKNOWLEDGEMENT AND SIGNATURES

By my signature below, I understand and accept all of the conditions, limitations and obligations of the Conditional Use District zoning for which I am applying. 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.

***The land owner or their attorney must be present for the application at the public hearings.**

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.

For Staff Only

Application Received:	Completeness Determination Required By (date):	Determination Performed on (date):	Planning Board Meeting: