Print Form

NEW HANOVER COUNTY
PLANNING & INSPECTIONS

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Application for

CONDITIONAL USE ZONING DISTRICT

Petitioner Information	**Property Owner(s)** ***If different than Petitioner***	**Subject Property**
Name	**Owner Name**	**Address**
Company	**Owner Name 2**	**Parcel ID(s)**
Address	**Address**	**Area**
City, State, Zip	**City, State, Zip**	**Existing Zoning and Use**
Phone	**Phone**	**Proposed Use**
Email	**Email**	**Land Classification**
Application Tracking Information	***(Staff Only)***	
Case Number	**Date/Time received:**	**Received by:**

APPLICATION OVERVIEW

In order to assist petitioners through the conditional use rezoning process, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Petitioners 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 55.3: Conditional Zoning Districts
- Section 70: Objectives and Purposes of Special Use Permits
- Section 71: General Requirements of Special Use Permits
- Section 72: Additional Restrictions Imposed on Certain Special Uses
- Section 110: Amending the Ordinance
- Section 111: Petitions
- Section 112: Approval Process

Applications for zoning amendments must first be considered by the New Hanover County Planning Board at a public hearing. The Planning Board will make a recommendation to the County Commissioners which will take final action on the permit application in a quasi-judicial public hearing. Attendance at all public hearings is required. The public hearings will allow staff, the applicant, proponents and opponents to testify in regards to the request.

APPLICATION OVERVIEW (continued)

Unless otherwise published or announced, Planning Board meetings are held on the first Thursday of each month at 6:00PM in the Commissioner's Assembly Room at the Historic County Courthouse located at Third and Princess Streets, Wilmington, North Carolina. All meeting dates and application deadlines are published on the New Hanover County Planning website.

APPLICATION REQUIREMENTS

In order to assist petitioners through the process for a conditional use rezoning, petitioners are highly encouraged to attend a pre-application conference prior to application submittal. Applications must be reviewed by Planning Staff for completeness prior to being officially accepted. Applications must be submitted to Planning Staff at twenty (20) working days before the Planning Board meeting at which the application is to be considered. In order to allow time to process, fees and review for completeness, applications will not be accepted after 5:00 PM on the deadline day. Once accepted, the Planning Board will consider the application at the assigned meeting unless the applicant requests a continuance.

For High Density Residential projects, a High Density Residential application and High Density Checklist must also accompany this application. The New Hanover County Technical Review Committee (TRC) must also review a High Density Residential project prior to submitting this application.

For all proposals, in addition to this application, the following supplemental information and materials are required:

Required Information	**Applicant Initial**	**Staff Initial**
Narrative of Proposed Use		
Traffic Impact Worksheet		
Traffic Impact Analysis (if applicable)		
Copy of the New Hanover County Tax Map, which delineates the property requested for rezoning.		
Legal description (by metes and bounds) of property requested for rezoning.		
Copy of the subdivision map or recorded plat which delineates the property.		
Site Plan (8-24x36 copies for Planning Board; 8-24x36 copies for Commissioners) • 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)		
A report of the required public information meeting outlined in Section 111-2.1.		
Authority for Appointment of Agent Form (if applicable)		
Fee - For petitions involving 5 acres or less, $600. For petitions involving greater than 5 acres, $700		

CRITERIA REQUIRED FOR APPROVAL OF A CHANGE OF ZONING

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 should explain, with reference to attached plans (where applicable), how the proposed use satisfies these requirements. The applicant has the burden of proof and must provide sufficient evidence in order for the required findings to be met.

You must explain in the space below how your request satisfies each of the following requirements (attach additional sheets if necessary):

1. How would the requested change be consistent with the County's Policies for Growth and Development?

2. How would the requested zone change be consistent with the property's classification on the Land Classification 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. List proposed conditions and restrictions that would mitigate the impacts of the proposed use(s).

CRITERIA REQUIRED FOR APPROVAL OF A SPECIAL USE PERMIT

(As Outlined in Section 71 of the New Hanover County Zoning Ordinance)

The applicant should explain, with reference to attached plans (where applicable), how the proposed use satisfies these requirements (please use additional pages if necessary). The applicant has the burden of proof and must provide sufficient evidence in order for the required findings to be met. Planning Staff, the Planning Board, and the Board of County Commissioners reserve the right to require additional information, if needed, to assure that the proposed Special Use Permit meets the following requirements:

1. The Board must find "that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved."

2. The Board must find "that the use meets all required conditions and specifications" of the Zoning Ordinance.

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

4. The Board must find "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 plan of development for New Hanover County."

Section 72 of the Zoning Ordinance provides additional requirements for the following Special Use Permits. Please supplement your application with all necessary material to meet any additional requirements if your use is any of the following:

- Cemetery
- Convenience Food Store
- Hospital or Nursing and Personal Care Facilities
- Private Club or Lodge and Fraternal and Social Organizations
- Sanitary Landfill
- Travel Trailer Park
- Family Child Care Home
- Kennel
- Mobile Home
- Non-Residential Off-Street Parking
- Commercial Marina
- Septage and Sludge Disposal
- Outdoor Shooting Ranges
- Adult Entertainment Establishment
- Indoor/Outdoor Recreation Establishments
- Community Boating Facility
- Residential Uses within Commercial Districts
- Bed and Breakfast Inn
- Electronic Gaming Operation
- Farmers Market or Produce Stands in Residential Zoning Districts
- Mining
- High Density Development
- Senior Living Options

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper, 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.

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.

_____ _____

Signature of Petitioner and/or Property Owner **Print Name**