



## PLANNING & TRANSPORTATION



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Carthage, NC 28327  
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Planning: (910) 947-5010  
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# CONDITIONAL USE DISTRICT REZONING APPLICATION PACKET

## Purpose

Conditional Use Districts are floating districts that correspond to general zoning districts (a floating district is one which is not shown on the map until the Board of Commissioners has approved a rezoning to that particular classification). Conditional use districts are identical to their corresponding general zoning districts in all respects except that a conditional use permit is required as a prerequisite to any use or development within them.

## Pre-Application Conference with Planning Staff

The applicant needs to schedule a conference with Planning Staff. The applicant should provide a sketch plan for the pre-application conference.

## Application Submittal

The applicant must submit a complete application packet on or before the submittal deadline. This includes:

- Completed Moore County Conditional Use District Rezoning Application. (Fee \$300)
- Moore County Conditional Use Permit Application. (Fee = \$175)
- Postage sufficient to notify all adjacent landowners **FOR TWO MAILINGS.** (One for Planning Board meeting, and one for Board of Commissioners meeting.) The rate for postage **FOR EACH CERTIFIED MAIL LETTER** is \$6.49. This includes \$3.30 (certified mail) plus \$2.70 (return receipt) plus \$0.49 (first class stamp).
- A detailed site plan. (See page two of this packet for list of items to include.)

## Administrative Review / Required Notifications

Planning Staff will review the request and provide the following public notifications prior to both the Planning Board meeting and the Board of Commissioners meeting / public hearing:

- All adjacent property owners will be notified by certified mail.
- A notice will be placed in the newspaper containing information about the meeting.
- A sign will be posted on the property visible from the nearest public road.

## Planning Board Meeting

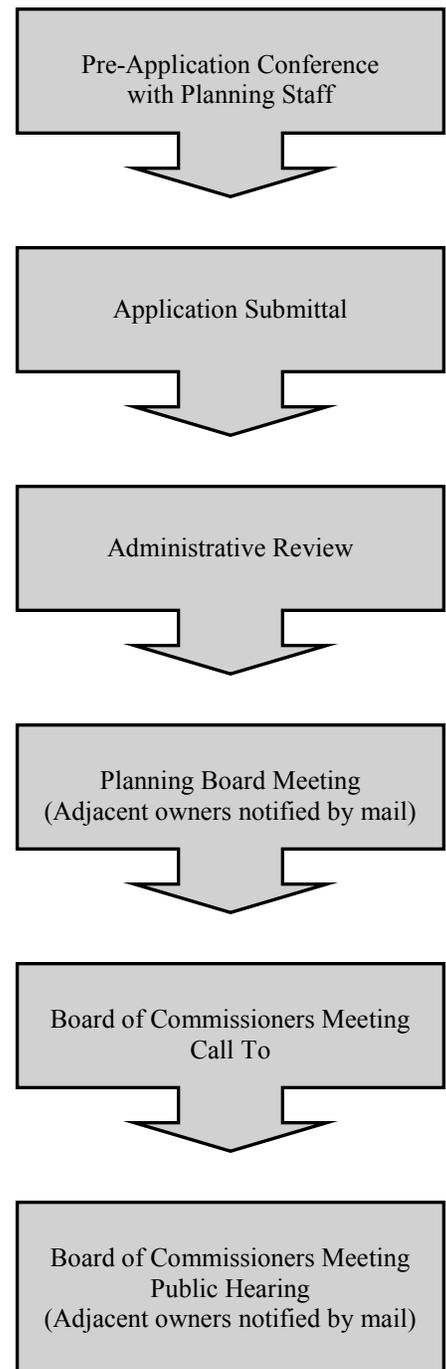
Planning Staff will present the request to the Planning Board. It is **highly recommended** that the applicant attend the meeting to answer any questions raised at the meeting. The Planning Board will make a recommendation to the Board of Commissioners.

## Board of Commissioners Meeting—Call To

Planning Staff will present the request to the Board of Commissioners to schedule a Public Hearing. Applicants need not be present at this meeting.

## Board of Commissioners Meeting—Public Hearing

Planning Staff will present the request to the Board of Commissioners. A public hearing will be held. It is **highly recommended** that the applicant attend the meeting to answer any questions raised at the meeting. The Board of Commissioners will make a final decision.



## Application Submittal Deadlines / Meetings

<b><u>Application Deadline</u></b>	<b><u>Planning Board Meeting</u></b>	<b><u>BOC Call to</u></b>	<b><u>BOC Public Hearing</u></b>
December 6, 2016	January 5, 2017	February 7, 2017	February 21, 2017
January 3, 2017	February 2, 2017	March 7, 2017	March 21, 2017
January 31, 2017	March 2, 2017	April 4, 2017	April 18, 2017
March 7, 2017	April 6, 2017	May 2, 2017	May 16, 2017
April 4, 2017	May 4, 2017	June 6, 2017	June 20, 2017

### **Meeting Location**

Planning Board meetings are held at 6 pm in the Commissioners Meeting Room on the second floor of the Historic Courthouse in Carthage, NC.

Board of Commissioners meetings are held at 5:30 pm in the Commissioners Meeting Room on the second floor of the Historic Courthouse in Carthage, NC.

### **8.1.2 Detailed Site Plan**

Detailed Site Plan includes:

- Name, address of owner and applicant.
- Name, signature, license number, seal and address of engineer, land surveyor, architect, and/or landscape architect, as applicable, involved in the preparation of the plan.
- Title block denoting type of application, Land Record Key (LRK#), County, Township, block and lot, and street location.
- Vicinity map.
- A map to scale showing location of tract with reference to surrounding properties, streets, municipal boundaries as applicable, within one hundred feet (100 ft of property line).
- A table of required and provided zoning district requirements, including lot area, width, depth, yard setbacks, building coverage, open space, parking, Highway Corridor Overlay District boundaries, lighting type and location, and planting plan etc.
- North arrow and scale.
- Acreage of tract to the nearest tenth of an acre.
- Date of original site plan, most recent survey and all revisions.
- Size and location of any existing or proposed structures with all setbacks dimensioned.
- Location, name and dimensions of any existing or proposed streets, easements or rights-of-way, including sight triangles onto adjacent roads.
- Copy and/or delineation of any existing or proposed deed restrictions or covenants.
- Future development phases. (if applicable)
- All existing water courses, floodplains, watershed protection areas or other environmentally sensitive areas on or within 100 feet of site, new % disturbance, area within watershed protection area, maximum built upon area allowed, maximum built upon area encumbered and delineation of all wetlands on the property.
- Proposed utilities.
- Landscape plan and details and buffers or screening requirements (if applicable in addition to HCOD).
- Signage locations.
- Site circulation plan showing number of parking spaces, size and type, aisle width, curb cuts, drives, sidewalks, driveways, loading areas, and all ingress and egress areas and dimensions.
- Preliminary architectural plan and building elevations.
- List of required permits including but not limited to: driveway access permit, airport height restriction permit (as applicable), soil and erosion control permit (as applicable) on-site wastewater disposal permit, septic system information, and other permits necessary for issuance of a zoning permit.
- Indication of areas of outdoor activity (outdoor sales, outdoor storage, or outdoor assembly).
- Location of solid waste disposal receptacles (dumpsters, recycling areas).
- Any other information which the Planning Staff may deem necessary for consideration in enforcing all provisions of this Ordinance.

### **3.9 Conditional Use Permits**

#### **3.9.1 Applicability**

3.9.101 Conditional uses within each general use district are uses that may or may not be appropriate in a particular district, depending on the location, the scale or size of the use, or other factors requiring individual review by the Planning Board and approval by the Board of Commissioners.

3.9.102 A conditional use permit shall be required for all conditional uses as set forth in the Permitted Land Use Table **Article 7** (Table of Uses).

3.9.103 Land uses owned by Moore County shall not be subject to the conditional use review requirements of this section. Public facilities, major and minor utilities and other land uses owned by Moore County shall be considered permitted uses.

3.9.104 Accessory Uses proposed by Moore County Schools shall not be subject to the conditional use requirements of this section and shall be considered a permitted use.

#### **3.9.2 Pre-Application Conference**

Prior to submitting a formal application, a pre-application consultation may be conducted at the applicant's request. It is recommended that the applicant prepare a sketch plan or some depiction of the proposed development concept for a pre-application meeting with the Planning Staff to be sure the project will meet all requirements. Notwithstanding any provision contained in this Ordinance to the contrary, neither the staff's review of the plan submitted for review nor staff's comments to the Applicant relating thereto shall be considered a denial, approval or decision concerning the application.

#### **3.9.3 Application Submittal**

3.9.301 The owner or owners of all the property included in the petition for a Conditional Use Permit shall submit all required application information to the Moore County Planning and Community Development Department at least thirty (30) days prior to the Planning Board meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it in the Unified Development Ordinance and shall be submitted in accordance with **§3.2** (Common Review Procedures) as applicable.

3.9.302 All Conditional Use Permit Applications shall include a Detailed Site Plan as outlined in **§8.1.2** (Detailed Site Plan) of the Unified Development Ordinance.

#### **3.9.4 Notice and Public Hearings**

The County shall hold all required public hearings and give notice in accordance with **§3.2.4** (Public Notice) and **§3.2.5** (Public Meetings).

#### **3.9.5 Action by Zoning Administrator**

3.9.501 Upon submission of a completed application, the Zoning Administrator shall review the request and associated detailed site plan for consistency with the requirements of the Unified Development Ordinance.

3.9.502 Upon completion of the technical review, the Zoning Administrator shall prepare a staff report that reviews the request in accordance with the adopted plans and policies of the County, and the general requirements of the Unified Development Ordinance.

3.9.503 The report, site plan and any related application materials shall be forwarded to the Planning Board.

#### **3.9.6 Action by the Planning Board**

3.9.601 The Planning Board shall review and make a recommendation, which requires a simple majority, on the Conditional Use Permit request to the Board of Commissioners.

3.9.602 In recommending the Conditional Use Permit the Planning Board shall follow the conditional use approval criteria as listed in **§3.9.8** (Findings of Fact Required).

3.9.603 Following Planning Board review, the Zoning Administrator shall forward the completed Conditional Use Permit request and any related materials, including the Planning Board recommendation, to the Board of Commissioners for final action.

3.9.604 Should the request be denied, the applicant may elect to modify and resubmit the application to the Planning Board or take the current application to the Board of Commissioners without a positive recommendation from the Planning Board.

#### **3.9.7 Action by the Board of Commissioners**

3.9.701 The Board of Commissioners shall consider the application and evidence given at the public hearing and may grant or deny the Conditional Use Permit either of which requires a simple majority vote to pass.

3.9.702 The Board of Commissioners shall follow the conditional use approval criteria as listed in **§3.9.8** (Findings of Fact). A Conditional Use Permit request can be denied by the Board of Commissioners if the request would violate the provisions of this Ordinance if completed as proposed.

3.9.703 All requests for a Conditional Use Permit shall be reviewed by the Board of Commissioners within ninety (90) days of the date of referral of the request to the Planning Board.

3.9.704 Requests requiring revisions shall be returned to the Board of Commissioners within 90 days or the request shall be considered withdrawn.

3.9.705 If the Board denies the Conditional Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken.

### **3.9.8 Findings of Fact**

No conditional use permit shall be approved unless the following findings are made concerning the application:

- 3.9.801 The use will not materially endanger the public health or safety if located where proposed and developed according to plan;
- 3.9.802 The use meets all required conditions and specifications;
- 3.9.803 The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity;
- 3.9.804 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 will be in general conformity with the approved Moore County Land Use Plan.

### **3.9.9 Conditions**

3.9.901 The Board of Commissioners may impose reasonable conditions in addition to any use standards listed in **Article 9** (Specific Use Standards) for the requested use and elsewhere in this Ordinance.

3.9.902 In order to add additional conditions, the Board of Commissioners must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this section.

3.9.903 All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted, on the Conditional Use Permit itself, and on the approved plans submitted therewith.

3.9.904 The Board of Commissioners may also waive or reduce any standards required by this Ordinance when approving a Conditional Use Permit request as long as the waiver or reduction of standards does not endanger the welfare and safety of the public and property.

### **3.9.10 Modifications to Approved Conditional Use Permit**

If a proposed modification deviates from the approved Conditional Use Permit, the approved conditional use permit shall be amended in accordance with **§3.9** (Conditional Use Permits).

### **3.9.11 Effect of Decision**

3.9.1101 If the application for a Conditional Use Permit is denied by the Board of Commissioners, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until six (6) months have elapsed from the date of denial.

3.9.1102 The Conditional Use Permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs.

### **3.9.12 Period of Validity**

An approved Conditional Use Permit shall expire 12 months from the date of approval unless the proposed development is pursued as set forth in one of the following alternatives:

3.9.1201 A complete building permit application has been submitted and remains valid.

3.9.1202 Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within twenty-four (24) months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or

3.9.1203 If no building permit is required, a certificate of occupancy has been issued.

### **3.9.13 Building Permit/Certificate of Occupancy**

No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the Board of Commissioners.

### **3.9.14 Revocation of Conditional Use Permit**

3.9.1401 In the event of failure to comply with the plans or any other conditions imposed upon the Conditional Use Permit and approved by the Board of Commissioners the permit shall be revoked by the Zoning Administrator and become void and of no effect.

3.9.1402 Before revoking a permit or other authorization, the Zoning Administrator must give the holder of the permit ten (10) days written notice of intent to revoke the permit and include the reasons for the intended revocation.

3.9.1403 On revoking a permit, the Zoning Administrator must give the holder of the permit a written notice, including reasons for, the revocation.

3.9.1404 No building permits for further construction or certificates of occupancy under this Conditional Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance.

3.9.1405 In such cases, the owner of the property and owners of adjoining property shall be notified that the Conditional Use Permit is no longer in effect.

3.9.1406 The Zoning Administrator may reinstate a revoked conditional use permit or modification of a conditional use permit if the Zoning Administrator determines that the violations that were the cause of the revocation have been corrected.

### **3.9.15 Appeals**

No appeal may be taken from the action of the Board of Commissioners in granting or denying a Conditional Use Permit except through the Moore County Superior Court as outlined in NCGS 153A-345(e2) or forever be barred.



# PLANNING & COMMUNITY DEVELOPMENT



P.O. Box 905  
 1048 Carriage Oaks Drive  
 Carthage, NC 28327  
 Planning: 910.947.5010  
 Central Permitting: 910.947.2221  
 Fax: 910.947.1303  
 www.moorecountync.gov

## Conditional Use District Rezoning Application

Application Date:			
Location/Address of Property:			
Applicant:			Phone:
Applicant Address:	City:	St:	Zip:
Owner:			Phone:
Owner Address:	City:	St:	Zip:
Current Zoning District:	Zoning District:		
	Proposed Use:		
Comments:			
<b>Application Submittal</b> The applicant must submit a complete application packet on or before the submittal deadline. This includes: <ul style="list-style-type: none"> <li><input type="checkbox"/> Completed Moore County Conditional Use District Rezoning Application. (Fee \$300)</li> <li><input type="checkbox"/> Moore County Conditional Use Permit Application. (Fee = \$175)</li> <li><input type="checkbox"/> Postage sufficient to notify all adjacent landowners <b>FOR TWO MAILINGS</b>. (One for Planning Board meeting, and one for Board of Commissioners meeting.) The rate for postage FOR EACH CERTIFIED MAIL LETTER is \$6.49. This includes \$3.30 (certified mail) plus \$2.70 (return receipt) plus \$0.49 (first class stamp).</li> <li><input type="checkbox"/> A detailed site plan. (See page two of this packet for list of items to include.)</li> </ul>			
I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests or information as designated by the County of Moore Zoning Administrator.			
Applicant/Owner Signature			Date
Applicant/Owner Signature			Date
Office Use Only:			
PAR ID: _____			
Received By			Date