

Purpose. (LDC Section 3.3.5)

Conditional zoning districts are map amendments. They are reserved for situations where a particular use or mix of uses, when properly planned and sited, may be appropriate for a specific site, but where the general district has insufficient standards to mitigate site-specific impacts on surrounding properties and infrastructure. Conditional district zoning is not intended for use in securing early or speculative reclassification of property.

Potential uses restricted.

Uses which may be considered for a conditional zoning district are restricted to those uses permitted in the corresponding general zoning district.

Application required.

Conditional zoning districts are established on a case-by-case basis and only in response to a petition by all owners of the property included in the application. No other entity may initiate a conditional district rezoning.

Additional procedures required.

In addition to the general procedures required for zoning amendments (Section 3.3.2) and for zoning map amendments (Section 3.3.3), a request for rezoning to a conditional zoning district is also subject to the following specific procedures and considerations:

- *Certain additional approvals may be unnecessary.* A conditional zoning district approval will preclude an applicant from having to obtain a special use permit if the conditional zoning district application as approved by the BOC includes uses that are classified as a special use in the Table of Permitted Uses and the BOC determines that sufficient evidence presented by the detailed review of the applicant permits as required for such permits. Additionally, a conditional zoning district approval may preclude an applicant from having to obtain a preliminary plan approval for a major subdivision if the level of site detail is sufficient for review and approval.
- *Deadline for submission of application.* Completed applications must be received a minimum of 90 days prior to the Planning Board meeting.
- *Conditions may be applied.* Specific conditions may be proposed by the applicant or the Town, but only those conditions mutually agreed to by the applicant and the Town may be incorporated into an approval. Conditions imposed shall be limited to those that address conformity of the development and use of the site to this Code, potential impacts of the proposed rezoning on adjacent and nearby properties, public facilities or infrastructure, and conformity with adopted plans. The applicant must agree to these conditions in writing. If the applicant is unable to submit a written agreement at the meeting prior to approval, approval of a conditional zoning district request will be conditioned on receipt of such written agreement within 15 days from the date of approval. Failure to submit the written agreement in the time required will render the rezoning null and void. The form of the written agreement is subject to Town approval.
- *Site plan required.* Applications for a conditional zoning district shall be accompanied by a site plan. This site plan shall be reviewed within the 90-day time frame prior to Planning Board review. Planning staff shall distribute the site plan to the Technical Review Committee for review and comment if the Planning Department deems

necessary. The following information shall be provided on a site plan for conditional zoning district review:

- Name, address, email, and phone number of the property owner(s) (or their agent(s) and the tax parcel number of the property.
 - A boundary survey and vicinity map showing the property's total acreage; zoning district(s); general location in relation to adjoining streets, railroads and/ or waterways; and date, graphic scale, and north arrow.
 - Existing and proposed topography at two-foot contour intervals or less on the site and within 300 feet of the site boundary.
 - The owner's names and addresses, tax parcel numbers and existing land use(s) of all adjoining properties.
 - Proposed use of all land and buildings or structures including the number of residential units (if applicable).
 - Proposed number and location of all buildings or structures and their approximate area and their approximate exterior dimensions, to include the height of all structures.
 - A description of all screening and landscaping required by this Code and any additional screening and landscaping proposed by the applicant.
 - All existing easements, reservations, and rights-of-way.
 - Proposed phasing, if any, and approximate completion time for each phase.
 - Delineation of areas within the regulatory floodplain as shown on the official Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps.
 - Traffic, parking, and circulation plans showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, both existing and proposed.
 - Typical building elevation drawings proposed for the development that depicts exterior features and characteristics of the buildings consistent with Chapter 6 (Site Design and Architectural Standards), if applicable. Such drawings shall also depict the relationship such buildings will have with the streetscape. .
 - Proposed number, type, design, and location of signs. The Zoning Administrator may require a master signage plan depending on the size and complexity of the proposed development.
- *Neighborhood meeting required.* A neighborhood meeting is required as part of all conditional zoning district and special use permit requests. Such meeting shall occur prior to the conditional zoning submittal. The neighborhood meeting is designed to provide an opportunity for community involvement from parties that may have interest in the conditional zoning or special use permit request, such as adjoining property owners and nearby businesses (reference the Town's Neighborhood Meeting Policy).
 - *Traffic impact analysis.* A Traffic Impact Analysis (TIA), conducted according to the standards of the Town's adopted TIA ordinance, shall be required as part of the site plan review process for a conditional zoning district, if the project meets the criteria of the TIA ordinance as determined by the Town Engineer.
 - *Notice of Public Hearing.* A notice of the public hearing shall be sent by first class mail by the Administrator to all property owners and occupants within 300 feet from the

exterior boundaries of the proposed development, as well as to the affected neighborhood HOA, at least 10 and no more than 25 days prior to the public hearing.

- *Conditional zoning district site plan validity.* In accordance with NCGS 160D- 108, an approved site plan as part of a conditional zoning district application shall be valid for a period of two years. If a conditional zoning district application includes a multi-phased development plan, the site plan shall be valid for a period of seven years.
- *Minor modifications.* Minor modifications to an approved conditional zoning district site plan can be made by the Zoning Administrator as follows.
 - Only changes that are minor in nature and do not significantly alter the site plan or conditions will be considered. Minor modifications shall not include a change in use or density and shall not confer an extension to a vested right.
 - Any request for an administrative amendment shall be in writing, signed by the property owner, and shall detail the requested change.
 - The applicant must provide any additional information requested by the Zoning Administrator.
 - The applicable fee for administrative review, if any, must accompany the request as required by the current Town of Waxhaw fee schedule.
 - Any decision by the Zoning Administrator to approve or deny a request for an administrative amendment must be in writing and must state the grounds for approval or denial.
 - If the proposed alterations do not meet the criteria herein, or if the alterations are denied by the Zoning Administrator, the applicant must apply for a new conditional zoning district.

Relevant Land Development Code (LDC) sections to consider in conceptual site plan development include:

- 1. Chapter 4: Zoning Districts**
- 2. Chapter 4, Section 4.2: Conditional Zoning Districts Established**
- 3. Chapter 6: Design Standards**
- 4. Chapter 7: Streets, Driveways and Parking**
- 5. Chapter 8: Buffers, Landscaping and Lighting**
- 6. Chapter 8, Section 8.10: Tree Preservation**
- 7. Chapter 10: Signs**

Note: Site Plans are subject to the entire Land Development Code and are not mutual exclusive to the chapters referenced above.



Town of Waxhaw Planning and Inspections Department
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CONDITIONAL ZONING APPLICATION

Date Received _____ Permit Fee _____ Permit Case Number _____

Applicant Name	Phone Number	Mailing Address
Email Address		
<p style="color: red; margin: 0;">APPLICANT SIGNATURE</p> <p style="margin: 5px 0 0 20px;">I hereby certify that all of the information provided for this application is, to the best of my knowledge, accurate and complete.</p> <p style="margin: 10px 0 0 0;">X _____</p>		

<p><i>Are you the property owner?</i></p> <p> <input type="checkbox"/> <i>Yes (STOP HERE)</i> <input type="checkbox"/> <i>No (Property Owner Completes Below)</i> </p>		
Property Owner Name	Phone Number	Mailing Address
<p style="color: red; margin: 0;">PROPERTY OWNER SIGNATURE</p> <p style="margin: 5px 0 0 20px;">I hereby certify that all of the information provided for this application is, to the best of my knowledge, accurate and complete.</p> <p style="margin: 10px 0 0 0;">X _____</p>		

Subject Property Information

Property Address	Parcel Number	Current Zoning	In a Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No
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Requested Zoning	Proposed Use
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Comments



The Following Shall Be Completed By The Zoning Administrator:

Based on the information provided by the applicant, and to my knowledge of the Waxhaw Land Development Code, I HEREBY:

- Approve
- Disapprove

Comments/ Conditions:

All of the information herein required has been submitted by the applicant and is included or attached with this application.

Zoning Administrator

Date

Staff Reviewer

Date

Permit Case Number _____

To Be Completed by Zoning Administrator

Completed Application Submitted on:	
Date of Neighborhood Meeting:	
Reviewed By Planning Board on:	
Action of Planning Board:	
Board of Commissioners Public Hearing Held on:	
Date of Board of Commissioners Decision:	
Action Taken by Board of Commissioners:	

Newspaper Affidavit should be attached:

Public Hearing Notice Filed in (Newspaper Name):	
Date(s) Notice was Published:	
Notification to adjacent property owners mailed on:	
Property Posting Date:	



CONDITIONAL ZONING APPLICATION- CHECKLIST

This is a standardized document generated to facilitate consistent Conditional Zoning Applications. All standards and requirements of the corresponding general Zoning District must be met. Additional requirements may be necessary based on site-specific conditions. All information below must also be submitted in digital format. Reference LDC Chapter 4 for more information.

Project Name: _____	Date Submitted: _____
Design Contact: _____	Phone/Email: _____
Planner Assigned: _____	Application Complete? <u>Y / No-see below</u>
CZ Number Assigned: _____	Comments Due: _____
CZ Zoning District: _____	Pre-Application Meeting Date: _____

COMPLETE APPLICATION CONSISTS OF THE FOLLOWING:	YES	N/A
General Information:		
1. Name of subdivision		
2. Vicinity map with boundary of project shown		
3. Location – Township, County, and State		
4. Scale of drawing & graphic scale bar		
5. Date & north arrow		
Site Data with the following information (Preferably in a Table):		
1. Address of overall site (If applicable)		
2. Parcel ID # (If not subdivided)		
3. Name, address, & phone # of property owner/subdivider		
4. Total # of lots (if applicable)		
5. Total site acreage		
Zoning Information (Preferably in a Table):		
1. Current & proposed zoning		
2. Re-Zoning case #		
3. Minimum setbacks allowed (Front, rear, side)		
4. Max building height allowed		
5. Maximum & minimum lot size required		
6. Proposed # & location of all structures inside site with approximate area, exterior dimensions, & height (UDO Section 11.2)		
Additional Information Required:		
1. General location in relation to adjoining streets, railroads, and/or waterways		
2. Adjoining parcels owners names, addresses, parcel ID #, & zoning classification		
3. A description of all screening & landscaping required w/ counts (UDO Section 9.8)		
4. All existing easements, reservations, and rights-of way (Including sewer)		
5. Proposed phasing, if any, & approximate completion date for each project		
6. Delineation of areas within the regulatory floodplain as shown on FEMA maps		
7. Traffic, parking, & circulation plans, showing the proposed location & arrangement of parking spaces & ingress & egress to adjacent streets, existing & proposed (UDO Section 12)		
8. Typical building front elevation drawings. Such drawings shall depict the relationship such buildings will have with the streetscape		
9. Proposed #, type, & location of all signs (UDO Section 13)		
10. Tree survey (UDO Section 9.21)		

In the course of evaluating the proposed use, the Administrator, the Planning Board or Board of Commissioners may request additional information from the applicant. A request for such additional information shall stay any further consideration of the application by the Board of Commissioners or Planning Board. This information may include (but shall not be limited to) the following:

Additional information that may be required:		
1. Stormwater drainage plan		
2. The existing and proposed location of all water and sewer lines and fire hydrants intended to serve the proposed development		
3. Accident data		
4. Noise data		
5. Impacts of air quality and other natural resources		
Traffic Impact Study (TIA) information (If applicable):		
1. Existing traffic conditions within the study area boundary.		
2. Traffic volumes generated by the existing and proposed development on the parcel, including the morning peak, afternoon or evening peak, and average annual daily traffic levels		
3. The distribution of existing and proposed trips through the street network		
4. Analyses of the capacities of intersections located within the study area boundary		
5. Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way		
Environmental Impact Statement that contains the following:		
1. A cover sheet which provides, in summary form, a description of the proposed project		
2. A statement of purpose and need of the project		
3. For projects proposed by public entities, a list of alternatives of the proposed project		
4. A succinct description of the environment affected by the project		
5. A discussion of short and long-term consequences of the project on the environmental including any adverse environmental impacts which cannot be avoided		
6. A list of means that could be employed to mitigate any negative effects on the environment caused by this project		