



CITY OF HENDERSON
DEVELOPMENT SERVICES

CONDITIONAL ZONING DISTRICT APPLICATION
\$ 1,000 FEE PER ACRE (A Maximum Amount is \$5000)

134 ROSE AVENUE
HENDERSON NC 27536
252-430-5723 phone
252-492-7935 fax
www.ci.henderson.nc.us

PLEASE COMPLETE THE INFORMATION LISTED BELOW:

Owner's Name (As Listed on Tax Records):	Applicant's Name:	Subject Property:
Street Address:	Street Address:	Parcel ID(s):
City, State, Zip	City, State, Zip	Existing Zoning Classification:
Contact Phone #:	Contact Phone #:	Proposed Use:
Email Address:	Email Address:	Project Name:

REQUIREMENTS:

- Please specify what you are requesting. _____
- Please submit and attach all drawing plans and describe the development. (Please see the requirements below and Pages 3-5 of this application for more details).

1. A metes and bounds description and site plan is required by a professional engineer or architecture firm showing all natural, man-made and recorded features of the property. The plan shall be at a scale so that all features can be easily readable and sufficient to meet the intent of the Zoning Ordinance. Site specific use development elements such as existing and proposed buildings, building facades, landscaping, parking configuration, setbacks, drainage, utilities, accessory structures, topography, types and areas of paving or any impervious surfaces, types and location of any screening, buffer zones, common areas, lighting, dumpsters, signage, as well as any other elements as required by City staff shall all be clearly defined on the site plan and accompanied by elevations of the proposed development. A written description or notation on the map explaining the proposed use of all land and structures, including the square footage of each residential unit and of each nonresidential unit, and the total square footage of all buildings in the development.

2. A time schedule for completion of the total development (and also of each and every phase, if in phases).
3. A copy of any proposed restrictions (whether by restrictive covenants or otherwise) on any property, or use.

I certify that all the information presented in this petition/application is accurate to the best of my knowledge, information, and belief. Further, I understand that, should this petition/application be approved, no site activity can take place until a site plan and/or any other land development permits are issued. The Planning Staff may require additional information.

Owner Signature or Authorized Agent

Date

Applicant Signature

Date

FOR DEVELOPMENT SERVICES DEPARTMENT USE ONLY:

Received By: _____	Fee: _____	PIN #: _____	City or ETJ: _____
Date Paid: _____	How Paid: _____	CZD: _____	
Check #: _____	Receipt#: _____	Zoning: _____	Front Setback: _____
Date of Board Action: _____		Side Setback: _____	Rear Setback: _____
		Lot Width: _____	

City of Henderson Zoning Ordinance

205.3 Conditional Zoning District

Initiation. Conditional Zoning is primarily intended for unique contiguous multi-use tracts or areas, or for large development tracts or areas. The reclassification of any specific property to a conditional district may be initiated only by the property owner(s), or an agent authorized by affidavit to act on the owner's behalf and shall follow the same requirements of law as all such rezoning amendments, except as expanded or modified herein.

Petition. A request for rezoning to a conditional district shall include an official petition consisting of the following:

- (a) A completed application form and conditional zoning application fee of \$1,000.00 per acre or fraction thereof (up to a maximum of \$5,000.00) in the proposed development.
- (b) A description of all individual tracts covered by the conditional district, and the owners of each individual tract or parcel included.
- (c) A metes and bounds site plan prepared by a professional engineer showing all natural, man-made, political and recorded features of the property deemed by the City Zoning Administrator and Planning Director to be necessary to indicate the location, type, scale, size, height, and general extent of the proposed development and its physical, financial, environmental, and use impacts upon any on-site or adjacent natural and historic resources, public infrastructure and facilities, and/or existing or approved or proposed development(s) as may be regulated or protected by this ordinance. Such plan shall be at a scale so that all features can be easily readable and sufficient to meet the intent of this section. Site specific use development elements such as existing and proposed buildings, building facades, landscaping, parking configuration, setbacks, drainage, utilities, accessory structures, topography, types and areas of paving or any impervious surfaces, types and location of any screening, buffer zones, common areas, lighting, dumpsters, signage, as well as any other elements as required by City staff shall all be clearly defined on the site plan and accompanied by elevations of the proposed development.
- (d) A written description or notation on the map explaining the proposed use of all land and structures, including the square footage of each residential unit and of each nonresidential unit, and the total square footage of all buildings in the development.
- (e) A time schedule for completion of the total development (and also of each and every phase, if in phases).

- (f) A copy of any proposed restrictions (whether by restrictive covenants or otherwise) on any property or building or use.
- (g) Any other information deemed necessary by the Zoning Administrator, Planning Board or City Council.

The Petition is to be addressed directly to the City Council (rather than to the Board of Adjustment). The Planning Board shall first review the proposal and hold a duly advertised public hearing on the proposed Plans and send its recommendations to the City Council. The City Council thereafter will hold at least one public hearing thereon (with at least 10 days public notice of the same published in the Daily Dispatch, or its successor) at a time deemed appropriate by the City Council. Final approval or disapproval of the final plan shall be made by the City Council within 120 days of the public hearing; if not so approved in said 120 day period, the petition shall be deemed denied.

Conditions. Prior to the final action on the proposed petition (whether before or after any required public hearing), any planning or zoning or utility staff person, the Planning Board, the City Manager, or the City Council or a delegation therefrom may meet with the petitioner to discuss the proposed plan and suggest features to be included in the conditional zoning proposal. The specifics of the proposed plan may be negotiated to address community issues or concerns and to insure that that spirit and intent of the City ordinances are preserved. At any time before final approval, the City Council may suggest additional features to be included or reflected in the proposal.

Workshops. In addition to any meeting that may occur informally between any group and the petitioner and the public hearings that are required, the Planning Board or City Council may require the petitioner to hold on or more formal workshops with neighbors and other stakeholders. The petitioner shall be responsible for providing adequate public notice, arranging for meeting space, documenting attendance, and creating a written summary of the comments received at the workshop. The City Zoning Administrator and the City Planning Director shall also receive written invitations to the workshop. Proof of meeting notice, attendance logs, and the comments summary including the petitioner's response to each of the same shall be forwarded to the City Planning Director for inclusion in any appropriate City Council or Planning Board agenda packet. Adequate public notice for any workshop shall include a written notice mailed at least to the owners of all adjoining properties (as disclosed by the County Tax records) and a written notice and a sign posted on the property in a manner that is visible to the public providing the day, time and location of the workshop meeting, both of which must occur not less than 10 nor more than 21 calendar days prior to the workshop. Workshop meeting space should be reasonably near the affected property and should be accessible to everyone.

Development Not Started Within Two Years. Upon approval of the final Conditional Zoning Permit, the Conditional Zoning shall take effect, and the prior zoning classifications applicable to

the Conditional District shall thereupon be suspended. The property owner or developer shall commence construction in strict accordance with the approved site plan within two (2) years after the Conditional Zoning Permit is approved. If the construction has not commenced within such time period, or if the approved Plan is not completed within the time set forth for its completion, or if the approved plan is ever altered or not fully adhered to by the developer without the approval of the City Council, or if the use of any of the property is discontinued for any 12 month period in violation of the Plan, or if any use is changed within the area covered by the approved Plan, then and in any such event, the Conditional Zoning Permit will be revoked and the property will be rezoned, nunc pro tunc, back to the zoning classification(s) it had at the time the Conditional Zoning petition was originally submitted. The original petitioner or developer may request an extension of time not to exceed one (1) additional year by submitting such request to the Henderson City Council. (Amended 6/13/2011).