

## Part 9

### Chapter 4

## Article 3

### Parallel Conditional Use Districts

#### § 9-4034 Objective and Purpose.

The purpose of this section is to provide a voluntary alternative procedure for the rezoning of a property for a specific purpose. A broad range of uses are permitted in each general (i.e. conventional) zoning district. However, there are instances where a general zoning district designation is clearly inappropriate for a certain property, but a specific use permitted under that district and subject to restrictive conditions would be consistent with the spirit and objectives of this Ordinance. Parallel conditional use districts, herein established, are intended to accommodate such situations.

This voluntary procedure is intended for firm development proposals, and is neither intended nor suited for securing early zoning for tentative uses which may not be undertaken for a long period of time.

<u>General Zoning District</u>	<u>Parallel Conditional Use District</u>
RD	RD (CD)
R-15	R-15 (CD)
R-10	R-10 (CD)
R-6	R-6 (CD)
CB	CB (CD)
NB	NB (CD)
HB	HB (CD)
MI	MI (CD)
CON	CON (CD)
MHP	MHP (CD)

#### § 9-4034.1 Application.

Petitions for a zoning map amendment to establish a parallel conditional use district shall be submitted in accordance with the provisions of this Ordinance. The parallel conditional use district classification shall be considered only by application of the owner of the subject property or his duly authorized agent. Such applications shall be accompanied by a written text specifying the use proposed and by a site plan showing the following:

1. The dimensions and acreage of the site and its relation to surrounding properties.
2. The layout of the entire project including the proposed use and location of all buildings.
3. The location and dimension of present and proposed streets and private drives, and pedestrian facilities.
4. The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.
5. The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.

6. The location of existing and proposed utility lines, water courses and drainage lines and easements.
8. Title, north arrow, scale, names of owner, developer, surveyor, and the date of the preparation of the plan.
9. Proposed phases, if any, and approximate completion time of the project.
10. Any and all conditions and requirements of this Ordinance.

#### **§ 9-4034.2 Review and Approval.**

In considering an application for the establishment of a parallel conditional use district, the Town Board of Commissioners shall give due regard that the purpose and intent of this Ordinance be served, public health, safety and welfare secured and substantial justice be done. Further, the Town Board of Commissioners shall consider, evaluate and may attach reasonable and appropriate conditions to the locations, nature and extent of the proposed use and its relation to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, and such other matters as the Town Board of Commissioners may find appropriate or the petitioner may propose. The petitioner shall have a reasonable opportunity to consider and respond to such additional requirements prior to final action by the Town Board of Commissioners.

In approving an application for the establishment of a parallel conditional zoning district, the Town Board of Commissioners shall have considered that the proposed district:

1. Is consistent with the spirit and intent of this section; and,
2. Is compatible with existing and probable future adjacent land uses and will contribute to a desirable overall development pattern for the area involved; and,
3. Provides for safe and adequate access to the public street system without causing undue congestion or placing excessive traffic loads on local streets.

#### **§ 9-4034.3 Effect of Approval.**

If an application is approved, the parallel conditional use district thus established and all conditions attached thereto shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved plan and conditions. Since the intent of this type of zoning is to provide for workable uses of property, it is intended that land will be zoned in accordance with firm plans to develop. Therefore, one year from the date of approval, the Planning Board shall examine progress made to develop in accordance with the approved plans to determine if active efforts to so develop are proceeding, and a report shall be forwarded to the Town Board of Commissioners which may recommend that action be taken to remove the conditional approval.

Alterations to an approved plan which do not increase either the intensity or density of development and would comply with the spirit and intent of the plan and conditions, may be approved by the Planning Board without a public hearing by the Town Board of Commissioners.



## Application for an Amendment To The Official Zoning Map of Erwin, NC

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Location of Property \_\_\_\_\_  
\_\_\_\_\_

Please Circle One of the Following:

Less than one Acre                      One to 4.99 Acres                      Five or more Acres

Zoning change requested from \_\_\_\_\_ to \_\_\_\_\_

Harnett County Tax Map PIN # \_\_\_\_\_

Property owner(s) of area requested and address(es)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If more space is required, please attach to this document separately)

- Submit names and addresses of property owners immediately adjacent to the proposed rezoning area (and properties within 100 feet of proposed rezoning area) and across any street(s) and identify on an area map
- Attach a metes and bounds description, deed drawing of the area involved or a reference to lots in an approved subdivision on the entire property requested for change
- This application must be filed with the Town Hall by 4:00 p.m. on the Friday which is at least 25 days before the meeting at which it is to be considered and may be withdrawn without penalty no later than 19 days prior to the public hearing

Whenever an application requesting an amendment has been acted on and denied by the Town Board, such application, or one substantially similar shall not be reconsidered sooner than one year after the previous denial.

It is understood by the undersigned that the Zoning Map, as originally adopted and as subsequently amended, is presumed by the Town to be appropriate to the property involved and that the burden of proof for a zoning amendment rests with the applicant. Applicant is Encouraged to Discuss the Proposed Zoning Amendment with Affected Property Owners.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Contact Number

\_\_\_\_\_  
Address of Applicant