
REQUIRED APPLICATION MATERIALS:

- _____ **Application fee** in the amount of **\$1,840.00**
SCAM ALERT! Please disregard any email correspondence requesting payment of application fees not received from noreply@smartgovcommunity.com generated by the SmartGov online portal!
- _____ **Completed Application** for a Conditional Zoning District, signed by the applicant. Please make sure that all information is provided and correct
- _____ **Deed(s)** to provide proof of ownership and legal property boundaries
- _____ **Appointment of Agent**, if applicable, signed by the property owner(s). This gives someone the authority to represent the property owner during the rezoning process.
- _____ **List of Adjacent Property Owners:** Please list all properties that are within two hundred (200) feet of the outermost boundaries of the subject property, not counting streets, railroads or other transportation corridors. Attach additional pages if needed. No fewer than ten (10) property owners shall be notified by mail.
- _____ **Survey or Metes and Bounds Description** of the subject property or properties
- _____ **Narrative**, describing how the zoning amendment meets criteria listed in Unified Development Ordinance (UDO) §2.17.9 Criteria for Zoning Map Amendments (see Attachment A).
- _____ **List of Conditions** being offered by the applicant to ensure consistency of the proposed zoning amendment with the 2040 Comprehensive Plan (see Attachment B).
- _____ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

REVIEW PROCESS:

1. **Staff review:** Planning staff will review the application and notify the applicant if additional materials are needed.
2. **Public hearings:** The applicant is expected to attend a public hearing on the application held by the Planning Board, followed by a public hearing held by the Town Council the following month. (Please refer to the [Application Processing Timeline](#) document online to determine application deadlines and hearing dates.) The Planning Board will recommend approval, conditional approval or denial to the Town Council. The Town Council will consider that recommendation, as well as all information presented, and approve, conditionally approve or deny the rezoning request.
3. **Approval:** The approval of a Conditional Zoning District does not authorize the use, occupancy, or development of property until the applicant receives necessary additional development approvals, such as subdivision, site plan and building permits. (UDO §2.17.12)



Conditional Zoning District Application

Fee: \$1,840.00

Date Received: _____

Case No.: Z-____-____

Project Information:

Street Address: _____

PIN: _____ Parcel ID: _____

Site Size: _____ Current Zoning: _____

Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

Authorized Agent, if different from Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

Legal Property Owner(s), if different from Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to approve a zoning map amendment to _____ - Conditional Zoning District per the requirements of the Town of Southern Pines Unified Development Ordinance (UDO) §2.17. The information included is submitted in support of this application. I grant Town of Southern Pines staff, Planning Board and Town Council access to the subject property/properties while this zoning map amendment application is under review.

Date: _____

Applicant

**PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
801 SE Service Road, Southern Pines, NC 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net**

APPOINTMENT OF AGENT

The undersigned owner(s), _____, hereby appoint(s) _____ as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an amendment to the zoning of the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for a rezoning of the subject property to a Conditional Zoning District; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with, or arising out of, any application for an amendment to the zoning of the subject property under the Town of Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this _____ day of _____, _____.

Property Owner

Please Print

Agent

ATTACHMENT A

Criteria for Zoning Map Amendments (adapted from UDO §2.17.9)

When the Planning Board and Town Council review a Conditional Zoning District application, they are guided by criteria that are found in §2.17.9 of the UDO. As the applicant, you should provide evidence in the form of a written narrative and additional application documentation (such as, for example, a Traffic Design Analysis) for each criterion in support of your request. For example, if you state that the proposed Conditional Zoning District will have no adverse impact on neighboring lands, you should explain why in writing and possibly include pictures. If you are offering a condition of approval to correct a likely negative impact (see Attachment B), you should explain that in your written narrative. You may use text, pictures, maps, diagrams and any other method that may support your position. No single factor is controlling; instead each must be weighed in relation to the other standards.

- (A) **Consistency.** Rezoning shall be consistent with the adopted Comprehensive Plan.
- (B) **Adverse Impacts on Neighboring Lands.** The Planning Board and Town Council will consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive.
- (C) **Suitability as Presently Zoned.** The Planning Board and Town Council will consider the suitability or unsuitability of the Tract for its use as presently zoned.
- (D) **Health, Safety, and Welfare.** The new zoning must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.
- (E) **Public Policy.** Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
- (F) **Size of Tract.** The Planning Board and Town Council will consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.
- (G) **Other Factors.** The Hearing Body may consider any other factors relevant to the rezoning application under state law.
- (H) **Applicant Representations.** For Conditional Zoning Districts only, the Planning Board and Town Council may consider any conditions of approval offered by the applicant. (See Attachment B for more on conditions of approval.)

ATTACHMENT B

A Conditional Zoning District is a way for an applicant who is requesting a zoning map amendment to offer very specific conditions of approval that ensure that future development under the new zoning will be consistent with the Comprehensive Plan and/or the character of the neighborhood. The conditions of approval become part of the zoning of the property.

The best way to illustrate how a Conditional Zoning District is used is with an **example**:

Mrs. Jane Doe owns a home in a residential neighborhood that is presently zoned RS-1 Residential Single-Family. The character of the neighborhood is a mix of homes and a few small businesses. The small businesses are located in former residential homes and are designed and operated in a manner that don't harm the livability of the area. In fact, many residents and business owners in the area enjoy the mix of land uses and the special "feel" of the neighborhood. Mrs. Doe wishes to convert her existing home to a small specialty food store with some retail and some online sales. She believes the character of the neighborhood is good for her small business and intends to design and operate the business in a manner that protects and enhances the "feel" of the neighborhood.

The problem Mrs. Doe faces is that the current RS-1 Residential Single-Family zoning does not allow a specialty food store. A traditional zoning map amendment could be requested to change the zoning of the property to NB Neighborhood Business where this type of business would be allowed. However, this would also permit many other land uses (such as a bank, employment agency or vape shop) that are not consistent with the character of the neighborhood. Furthermore, if the property is rezoned to NB and redeveloped under the design standards for commercial development in the UDO, it would substantially alter the character of the neighborhood. Therefore, a traditional zoning map amendment request is likely to be denied by the town.

Mrs. Doe decides instead to request a rezoning to NB – Neighborhood Business, but as a **Conditional Zoning District**. She thoughtfully makes a list of voluntary conditions that, if approved, will become part of the zoning. The conditions address specifics of land use, site design and operation of the business in order to protect and enhance the "feel" of the neighborhood. Conditions offered by Mrs. Doe include:

1. That the only land use allowed is Specialty Food Store (LBCS 2153).
2. That the exterior architecture of the existing home will not be altered. That any future renovations shall retain the same appearance.
3. That future hours of operation shall be limited to Monday-Friday 9:00 am to 6:00 pm and Saturdays from 11:00 to 5:00.
4. That no more than 50% of sales may be generated from onsite retail sales.
5. That signage will be limited to one monument sign no more than 4' tall and no more than 6ft² in size in the location depicted on the attached site plan.
6. That no outdoor display of goods for sale be allowed.
7. That site access will utilize the existing residential gravel driveway and gravel parking will be located behind the home. Due to restricted onsite retail sales (Condition #4 above), parking will be limited to 4 spaces, a deviation from the 8 required by the UDO.

8. That existing trees in the front, side and rear yards will be retained. Additional landscaping meeting the town's screening requirements will be planted within 15' of the side and rear property lines.
9. That no additional site lighting will be added.

Mrs. Doe decides to host a neighborhood meeting to speak to her neighbors about the planned rezoning and find out if there are any concerns. One neighbor is concerned about commercial parking behind the home and its close proximity to his backyard. Mrs. Doe understands this concern and adds a Condition #10:

10. That a view-obscuring wooden fence no less than 6' in height be built along the east property line as depicted on the site plan.

Mrs. Doe creates a simple site plan to illustrate conditions listed above that involve the location of something on the property. For example, Mrs. Doe's illustration shows the location of the existing house, the driveway, the new parking area with four spaces, existing trees that will be retained and areas to be landscaped with screening. The site plan also shows the location of the proposed monument sign and the fence along the neighbor's property line. She then completes the rest of the application for a Conditional Zoning District, including all of the required materials and responses to each of the criteria in Attachment A, and submits it to the Planning Department for processing.

Please review the town's [2040 Comprehensive Plan](#) and consider what elements of both land use and development design would help to make your request consistent with the Comprehensive Plan and would ensure consistency with the character of the neighborhood. Planning staff are available to discuss this issue and help you find the resources you need to prepare your conditions and Conditional Zoning District application.