

# FILING A CONDITIONAL ZONING APPLICATION

## IMPORTANT CONSIDERATIONS

- Zoning regulations already required by the Unified Development Ordinance (UDO) are not appropriate conditions.
- Whenever possible, zoning conditions must utilize common terminology from the UDO.
- To be enforceable, zoning conditions must be clear and measurable (i.e., quantitative rather than qualitative). Conditions that use vague descriptions should be avoided.
- Applicants are encouraged to meet with staff to discuss zoning conditions prior to the submission of the rezoning application. Furthermore, draft conditions should be reviewed by staff prior to finalizing the application.
- Staff may require revisions to zoning conditions following the submission of a rezoning application to ensure legality and enforceability.
- If zoning conditions are to be amended or added after formal submission, staff will need to receive any changes in writing prior to the public hearing.



## FOR FURTHER INFORMATION CONTACT:

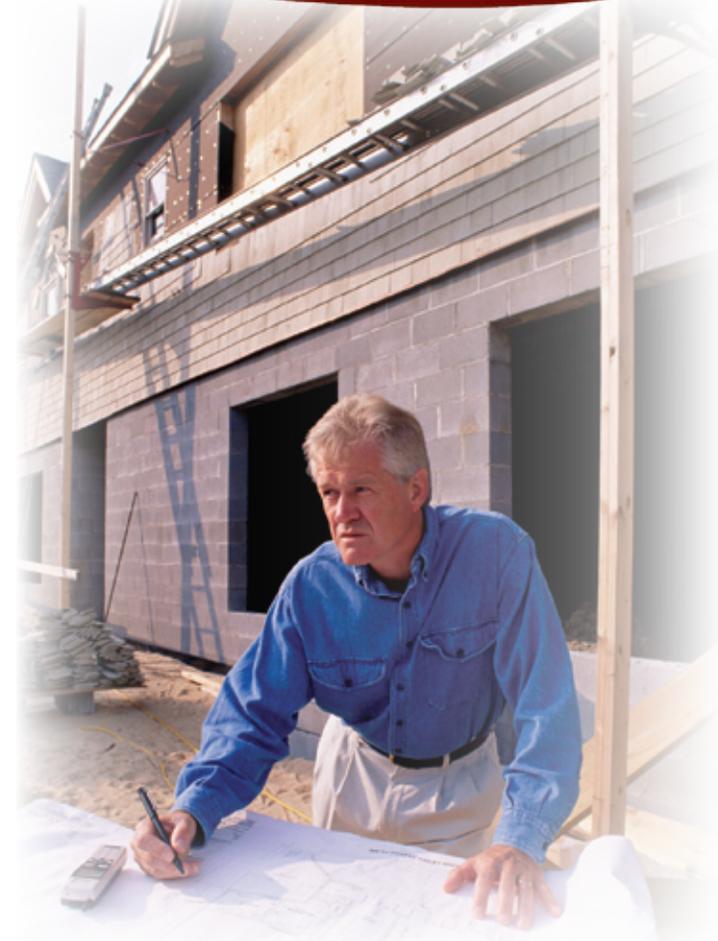
### PLANNING DEPARTMENT:

153 Courthouse Road  
Currituck NC 27929  
252-232-3055  
252-232-3026 (FAX)

## CURRITUCK COUNTY PLANNING DEPARTMENT

### MISSION STATEMENT

Provide solution oriented services to the community through the application of professional planning skills, adopted plans, and standards which facilitate the growth of the local economy and enhance the quality of life and preserve the natural environment for current and future generations.



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## CONDITIONAL DISTRICT ZONING

### WHAT IS CONDITIONAL DISTRICT ZONING?

A rezoning request in which an applicant can propose use limitations on the property or propose certain conditions to ensure compatibility between the property and surrounding area is called conditional zoning. A request such as this is made by applying for a conditional zoning district. Only the property owner can apply for a rezoning to a conditional zoning district.

Conditional zoning districts have all the requirements of the corresponding general use district as well as the conditions imposed by the property owner. Once staff has accepted a request for a conditional zoning district, it cannot be changed except at the public hearing of the Board of Commissioners. Any amendments to conditions must make the conditions more restrictive or decrease the size of the property rezoned.

### EXAMPLES OF APPROPRIATE CONDITIONS

The following examples of zoning conditions are those typically associated with rezoning requests. A request is neither limited to nor required to include any of the zoning conditions or portions thereof given as examples in this guide. Every property or situation is unique, and thus zoning conditions should be carefully considered before being added to an application.

#### USES:

- Uses limited to medical and dental offices.
- All uses permitted in the General Business District except automotive services and repair, etc.

#### DENSITY:

- Maximum gross density of 1.5 dwelling units per acre.
- Maximum of 20,000 square feet of gross floor area shall be permitted for a nonresidential building.

### DIMENSIONAL REQUIREMENTS:

- Minimum building setback of 50 feet from the eastern property line.
- Maximum building setback of 20 feet from the street right-of-way line.

### SIGNAGE:

- Freestanding signage shall be limited to monument signs with a maximum height of six feet.

### LANDSCAPING AND BUFFERING:

- A 50 foot undisturbed buffer shall be maintained along the northern property line.
- A 15 foot wide street planting yard shall be provided along Caratoke Highway with a planting rate of 3 canopy trees, 3 understory trees, and 20 shrubs per 100 linear feet.
- Solid wood fencing at a minimum height of six feet shall be provided along the southern property line.

### DESIGN ISSUES:

- Off-street parking areas shall be prohibited between the principal building and adjacent street right-of-way(s).
- Vehicular cross access shall be provided to adjacent properties.
- Maximum of one vehicular access point on Caratoke Highway.
- Corrugated metal building materials shall be prohibited. Architectural grade finished metal may be used as an accent material or on elevations not visible from a right-of-way.
- Outdoor storage shall be prohibited if visible from a right-of-way or residentially zoned property.

## Examples Of Inappropriate Conditions

- Each principal dwelling unit shall have a minimum sale price of \$100,000 (this condition could be exclusionary and is not appropriate\*).
- Additional landscaping shall be provided along some of the property lines (not quantitative conditions...need to specify the amount, type, and specific location).
- All dumpsters shall be screened (already required by the UDO).

\*Conditions that are not appropriate for a conditional zoning district may be agreed upon by the applicant and affected parties subject to a private agreement.

## WHAT ABOUT THE ADJACENT PROPERTIES?

The rezoning process allows a developer to foster relationships with neighboring residents to ease the strain and impact new developments pose on existing neighborhoods. With this in mind staff encourages applicants to discuss specifics of their case with neighboring residents upon submitting an application.

