



Conditional Use Permit Application

Applicant Name: _____

Applicant Address: _____

Date of Submittal: _____

§ 156.070 RESTRICTIONS AND CONDITIONS FOR CONDITIONAL USES

Purpose of Conditional Use Permits

There are certain land uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration in each case of the impact of those uses upon neighboring land uses and the public need for the particular use in the particular location. The project you are proposing requires a Conditional Use Permit. The permit is issued only after the application is reviewed by town staff, the Planning Board and the Board of Commissioners and the public by public notice and public hearing.

Applicants must fill out this application in its entirety and gather information and material referenced in this application. The non-refundable fee for this application is \$200.00. The following guidelines are provided to aid the applicant in preparing a proper application as referenced in Section 156.070 of the Town's Code of Ordinances. Permission may be granted for the establishment of uses listed as conditional uses if the Board of Commissioners finds from the evidence, maps and documents filed or produced after a study of the complete records and following a hearing regarding the application for a Conditional Use Permit (CUP).

1. The applicant must prepare and submit one hard copy and one electronic copy of this application and submit these materials to Town Hall at least two weeks prior to the monthly Planning Board meeting. Planning Board meetings are scheduled for the first Tuesday or every month at 6:00 PM.
2. Failure to submit a complete packet of materials will result in the return of the application. The application must meet all applicable Town Codes and Ordinances.
3. Upon receipt of a valid and complete CUP application the Town Manager will transmit the CUP application to the department heads for review and comments.
4. A representative of the proposed project must be present at both the Planning Board meeting and the Board of Commissioners meeting.

Property Information

Property Owner Name:

Property Owner Mailing Address:

Property Owner Telephone Number: _____

Property Owner Email Address:

Representative/Agent for Owner: _____

Representative/Agent Address:

Representative/Agent Phone Number: _____

Representative/Agent Email Address:

Project Information

Address:

Legal Address (Deed Book & Page):

Proposed Project Description:

Proposed Project Start Date:

Proposed Completion Date:

Zoning Information

Zoning District of Site: _____

Proposed Use: _____

Lot Information

Total Lot Area: _____ square feet

Lot Width: _____

Lot Depth: _____

Anticipated Setbacks

Front: _____

Side: _____

Rear: _____

Square Footage

Total Square Footage of Principal Structure: _____ square feet

Total Square Footage of Accessory Structures: _____ square feet

Parking and Traffic Control

Parking Spaces On Site: (Total) _____ (Handicapped) _____ (Standard) _____

Parking Space Dimension: _____

Describe Provisions for Ingress and Egress of Site:

Proposed Signage

Describe all proposed signs for this project including dimensions, heights, construction materials, and location:

Police Requirements

Describe any Special or Unusual Police Protection Requirements:

Stormwater

Will this project require a State Stormwater Permit, what steps will be taken to control Stormwater:

Landscaping

Describe all existing and proposed landscaping and buffering:

Describe all provisions to minimize effects to the environment and surrounding properties:

Please explain how the establishment maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare

Please explain how the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the neighborhood

Please explain how the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district

Please explain how adequate roads, parking, drainage, and necessary facilities have been or will be provided through the project

Please explain what measures have been or will be taken to provide ingress and egress in a manner that minimizes traffic congestion on public streets

Please verify/explain that the conditional use shall conform in all other respects to all of the applicable regulations of the district in which it is located

Please explain/verify that the proposed conditional use is consistent with the recommendations and policy statements contained within the Town's CAMA Land Use Plan

Authority for Appointment of Agent

The undersigned owner, _____, does hereby appoint _____ as his, her, or its exclusive agent for the purpose of petitioning the Town of Cape Carteret for approval of a Conditional Use Permit, as applicable to the property having the address of _____ and described in the attached petition. The owner does hereby covenant and agree with the Town of Cape Carteret that said agent has the authority to do the following acts for and on behalf of the owner: (1) To submit a proper petition and the required supplemental materials; and (2) To appear at public meetings to give representation and commitments on behalf of the owner; and (3) To accept conditions or recommendations made for the issuance of the Conditional Use Permit on the owner's property; and (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition. This agency agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: _____

Agent's Name, Address & Telephone:

* Owner

* If the owner is an individual, the owner (or all owners if there is more than one) must sign the authorization. If a corporation, print the name of the corporation and have signed by an authorized officer. If a partnership, print the name of the partnership and have signed by an authorized partner.

Please review and incorporate the following requirements when developing your commercial site plan:

§ 156.124 COMMERCIAL BUILDINGS AND OTHER PERMITTED USES.

(A) Site plan required. Prior to any ground-disturbing activity on any lot, tract or other parcel of land, the owner and/or general contractor shall submit, for review by the Planning Board and approval by the Board of Commissioners, a site plan in accordance with the terms of this section; provided, however, that this section shall not apply to development of residential property with one single-family dwelling, or one primary building containing not more than two single-family dwelling units.

(B) Fire hydrants.

(1) The applicant shall provide for the installation of at least one fire hydrant located within 300 feet of the principal structure, unless such a fire hydrant already exists.

(2) If no fire hydrant exists within 300 feet of the principal structure, the applicant shall cause such hydrant to be installed.

(3) In addition, if the subject property is of sufficient size, the applicant shall cause the installation of 2 additional hydrants located within 1,000 feet of the principal structure per the requirements and/or specifications described herein.

(4) Fire hydrants shall be subject to the approval of the Western Carteret Fire Department or any other or successor agency that now has or hereafter acquires authority over the area containing the subject property.

(5) Except in cases of hardship as certified by the Town Zoning Enforcement Officer, all new water lines shall be at least 8 inches in diameter, and configured in a closed loop design.

(C) Proposed sewage treatment and disposal facilities. Before any proposed site plan may be approved, the applicant shall demonstrate to the Planning Board tentative approval of the proposed sewage treatment and disposal facilities by the Carteret County Department of Environmental Health or the North Carolina Department of Environment and Natural Resources, as applicable.

(D) Dredging and filling permits. Before any proposed site plan may be approved, the applicant shall demonstrate to the Planning Board tentative approval of any dredging and filling permits required by law.

(E) Inspections. Inspections of sites involving public rights-of-way and inspections of any on-site construction shall be made by the town, in addition to any other appropriate governmental and/or other regulatory agency having jurisdiction.

(F) Parking and loading.

(1) No required off-street parking space, including adjacent parking access lanes or maneuvering space, shall be located within the existing or proposed right-of-way of the road, including sidewalk areas.

(2) Off-street parking areas shall be designed with sufficient distance separating parking spaces and access lanes, such that vehicles can be maneuvered into and out of parking spaces without impeding traffic in such access lanes.

(a) As used in this section, ACCESS LANE means a street or other right-of-way, or portion thereof, designed primarily to connect parking lanes to one another or to streets or other general rights-of-way.

(b) As used in this section, PARKING LANE shall mean a lane designed primarily to provide vehicular access from an access lane to parking spaces.

(c) All off-street parking shall be designed in such a manner as to eliminate the need for vehicular traffic to back into any adjacent street or right-of-way except a parking lane.

(3) No provision of this section may be construed to reduce the number of off-street truck loading/unloading spaces required under any provision of the code.

(4) No part of any off-street truck loading or unloading space may be located within any street or road right-of-way, or within any other easement unless such other easement specifically permits such loading and unloading in the document granting such easement.

(5) Off-street truck loading and unloading spaces shall be located and designed such that any turning, backing or other maneuvering required for such trucks to move into such loading or unloading space can occur on the subject property, and not on any portion of a street or road.

(G) Right-of-way improvements and restrictions.

(1) In addition to all other requirements of this section or any other portion of the code, the town may, as a condition of site plan approval, require the installation of specific directional, regulatory or advisory signs or pavement markings at designated locations on the site.

(2) Any site plan that provides temporary stopping space or maneuvering space for vehicles of customers or patrons seeking service at a roadside business establishment shall be located so that the stopping or maneuvering space is off the existing right-of-way or road.

(3) No part of the right-of-way of a street or road may be used for the conduct of private business. For purposes of this section, PRIVATE BUSINESS includes, without limitation, any building, sales or merchandise displays, signs, vegetation, parking areas, service equipment or any other appurtenance of any such business.

(4) Right-of-way improvements shall be made in accordance with the standards and specifications of this code or the North Carolina Department of Transportation.

(H) Connection permits. With its application for site plan approval pursuant to the terms of this section, the applicant shall submit true copies or other evidence satisfactory to the Planning Board that the applicant has obtained all connection permits required by the North Carolina Department of Transportation (DOT), and all other permits required by DOT or any other agency for improvements and/or connections to any public street, highway or other public right-of-way.

(I) Lighting and markers.

(1) Appropriate lighting shall be provided.

(2) Appropriate markers shall be shown and installed at all property corners, points of tangents, and any angle point along a given course of the property. The applicant shall ensure that the person installing such markers shall use the most permanent type of marker practicable under the circumstances.

(J) Advertising sign restrictions.

(1) No advertising sign, device or marking may be designed to be erected on or overhanging any street, road or right-of-way.

(2) Advertising signs that move, flash, give the illusion of movement or resemble official traffic control devices are prohibited within 25 feet of any street or road right-of-way, or any other location where they may reasonably be expected to have an adverse effect on the safety of vehicular or pedestrian traffic.

(K) Site plan requirements.

(1) Five copies of the site plan shall be submitted to the Town Clerk no later than 15 days prior to the Planning Board meeting date at which the plan is to be reviewed.

(2) All site plans submitted pursuant to this section shall contain the information described herein, and shall be subject to the limitations set out herein.

(a) Any site plan submitted to the Planning Board shall be drawn at a scale not smaller than 1 inch equals 50 feet, and not larger than 1 inch equals 10 feet

(b) Any site plan submitted pursuant to this section shall be prepared, signed and sealed by a licensed professional engineer, registered land surveyor or other appropriate professional licensed to practice in the State of North Carolina, and shall include the name and address of the applicant and the owner, and the name, address and title of the person preparing the plan, maps and accompanying data.

(c) Property and ownership information to be included:

1. Present record owner(s), lot, block and section number and map book and page reference of the subject property, per any recorded plat(s) or map(s) thereof. If there is not a recorded plat or map of the property, then the book and page number of all deeds or other instruments through which the present record owner(s) claim(s) any interest in the subject property shall be provided, along with a legible photocopy of such deeds or other instruments, including the recording information thereon.

2. Present record owners, lot, block and section numbers and map book and page reference of each adjacent parcel, per any recorded plat(s) or map(s) thereof. If there are not such recorded plat(s) or map(s) of the adjacent parcels, then the book and page number of all deeds or other instruments through which the adjacent record owner(s) acquired any interest in the subject property shall be provided, along with a legible photocopy of such deeds or other instruments, including the recording information thereon.

3. The name/proposed name of the development, date of plan preparation or revision, true north arrow, and a graphic representation of the scale used in the plan.

4. A sketch vicinity map showing the entire site development and its relationship to the surrounding area.

5. The designation of the zoning district in which the subject property is located, as well as the zoning designation of all tracts abutting the subject property.

6. The acreage of the site to be developed to the nearest tenth of an acre.

7. Boundary survey of the subject property, with courses and distances of each boundary segment/arc illustrated on the plan, along with the courses and distances of each segment of all streets and other easements and rights-of-way within the subject property, as well as the courses and distances of all segments of streets, other easements and rights-of-way abutting the subject property.

8. The nature of all existing and proposed streets, easements and other rights-of-way.

(d) Evidence satisfactory to the Planning Board that the applicant has complied with the requirements of this section concerning the installation of fire hydrants on and/or serving the subject property.

(e) Existing and proposed features information to be included:

1. The locations, names, pavement and right-of-way width of all existing and proposed streets, and all easements, curbs, curb cuts, hike-bike trails and sidewalks abutting the property or properties in question, and within 200 feet thereof.

2. Topographic contours at 5 foot intervals, and any physical conditions or features reasonably likely to have any significant effect on the site.

3. The location of all existing and proposed setback dimensions, landscaped areas and fencing.
4. The location of proposed utilities and facilities, including (without limitation) fire hydrants and fuel storage tanks, showing connections to existing supply and disposal systems, where applicable.
5. The location of all existing and proposed signs, traffic control devices, lighting standards and utility poles on or abutting the subject property.
6. Flood zone(s) boundaries as determined by the latest FEMA flood insurance rate map, and the notation "Flood zones subject to change by FEMA."
7. Location of areas subject to U.S. Army Corps of Engineers 404 wetlands protection.
8. Delineation of any and all Areas of Environmental Concern (AEC) as defined by the Coastal Area Management Act (CAMA), G.S. Ch. 113A, Art. 7.
9. All watercourses, wetlands or estuarine waters within the subject site and within 600 feet in any direction from the property.

(f) Site improvements to be included:

1. The location of existing and proposed principal building(s) or structure(s) and all accessory buildings or structures, if any, and finished grade elevations at all corners of such buildings, along with an indication of whether those existing building(s) and/or structure(s) will be retained or removed.
2. The proposed building type (e.g., brick, concrete or frame), number of floors and dimensions.
3. Finished grades for the entire site.
4. The size and location of all water mains and connections to existing water supply system.
5. Existing and proposed sanitary sewerage facilities serving the site, including the location, size and slope of all sanitary sewer lines, pumping stations, connections to existing facilities, location of any proposed sanitary sewerage treatment plants and septic treatment facilities.
6. Storm drainage systems, including the following: all existing or proposed storm sewer lines within or adjacent to the site, and the location of each catch basin, inlet and manhole; the location and extent of any proposed dry well, ground water recharge basins, retention and infiltration basins or other water conservation devices.
7. The location, type, capacity and size of all existing and proposed inlets, catch basins, storm drainage facilities, and utilities, plus all required design data supporting the adequacy of the existing and/or proposed facility to handle future storm flows.
8. When a brook or stream is proposed for alteration, improvement or relocation, or when a structure or fill is proposed over, under, in or along a stream, evidence of submission of an

application for the proposed work to the North Carolina Department of Environment and Natural Resources (DENR) shall accompany the site plan, or evidence that such an application is not required.

9. When ditches, streams, brooks or water courses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation, as well as typical ditch sections and profiles, shall be shown on the site plan.

10. The location, type and size of all existing and proposed curbs, curb cuts, sidewalks, driveways, fences, retaining walls, signs, parking space areas, and the layouts thereof, and all off-street loading areas, together with the dimensions of all the foregoing on the site in question; including without limitation all information required pursuant to § 156.026.

11. A tabulation of the total number of dwelling units of each type in the project (e.g., 25 single-family dwelling units, 12 duplex dwelling structures [24 units], and 3 condominium dwelling structures with 5 units each [15 units]), and the overall project density in dwelling units per acre.

(L) Determination of completeness/written notification.

(1) (a) An application for development shall not be determined to be formally submitted until the required number of plans, application forms, plan details and all other information required by this section have been submitted to the Planning Board.

(b) The time period for its approval, approval with conditions, or denial of such application shall not commence until such time as the Planning Board has accepted the application as a being complete.

(2) Within 21 days after the first regularly scheduled meeting of the Planning Board after the filing of an application, and after the filing of additional or supplemental information requested by the Planning Board to complete an incomplete application as described below, the Planning Board shall notify the applicant and the municipal approval authority, in writing, whether the application is complete or incomplete, and the date of such determination.

(a) Such notifications may be given in any manner reasonably calculated to come to the attention of the applicant and the municipal approval authority.

(b) First class mail addressed to the applicant at the address provided in the application shall be conclusively presumed to be a manner reasonably calculated to come to the attention of the applicant.

(c) The applicant's receipt of such notification shall be deemed to have occurred on the earliest of the following dates:

1. The date the applicant is notified in person; or

2. Five days after mailing by first class mail to any address within the state; or
3. Ten days after mailing by first class mail to any out-of-state address within the United States of America.

(3) If the Planning Board finds the application to be incomplete, its notification of that fact to the applicant and the municipal approval authority shall include a list of all information required to complete the applicant's application.

(a) The applicant may then either abandon the application or provide the additional information requested by the Planning Board.

(b) If the applicant chooses to provide such additional/supplemental information, then the procedure described in this section shall apply to the Planning Board's determination of whether the application is complete or not.

(M) Board of Commissioners action.

(1) The following procedures shall apply after such time as the Planning Board finds the application to be complete; provided, however, the Planning Board's certification that the application is complete shall not be construed to prohibit its requiring the submission of additional information in support of the application, regardless of whether or not such additional information is required with an original application.

(2) (a) Within 60 days from the date the Planning Board certifies that the applicant's application is complete, the Planning Board shall complete its review of the application and, shall notify the governmental approval authority of its recommendations on the application.

(b) The Planning Board may recommend to the governmental approval authority either approval, conditional approval (with all recommended conditions being specifically set out in the Planning Board's recommendation), or rejection (with all reasons for its recommendation of rejection being specifically set out in the Planning Board's recommendation) of any proposed site plan.

(3) (a) The Board of Commissioners may approve, approve with specific conditions, or disapprove any site plan within 60 days after its receipt of the notice from the Planning Board, as described in division (2)(b) above.

(b) A rejected site plan may be resubmitted in accordance with this section, when revised to meet the specifications of this chapter, and upon payment of a site plan review fee as required in the most recently adopted fee schedule.

(N) Changes after approval.

(1) When approval is granted, no changes or alterations shall be made in any portion of the plan without approval of such changes or alterations by the Board of Commissioners after review and recommendation by the Planning Board; or

(2) After approval of a site plan by the Board of Commissioners, minor changes in the plan may be approved in writing by the Planning Board; provided that the changes do not prevent the spirit and intent of a condition of approval from being met, or a provision or requirement of an ordinance from being executed, except as provided in § 156.137.

(O) Successor agencies. Where this section refers to any agency of federal, state or local government or any other governmental entity, such reference shall be deemed to also apply to any successor agency thereof.