

**TOWN OF LAKE LURE  
PETITION FOR CONDITIONAL DISTRICT REZONING**

**Application Fee: \$650.00 (see attached)**

**Petition No. CRZ -**

<b>Z &amp; P Board Recommendation:</b>  _____  Date: _____	<b>Action by Town Council:</b>  _____  Ord. No. _____ Date: _____
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**APPLICANT:**

(Check one) Owner: \_\_\_\_\_ Agent: \_\_\_\_\_ (If applicant is not the owner, attach authorization to act as agent)

Name: \_\_\_\_\_ Date of Application: \_\_\_\_\_

**PROPERTY:**

Property located at: \_\_\_\_\_

Legal Description (attach if necessary) \_\_\_\_\_

Map Page \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Tax PIN \_\_\_\_\_

**THE PETITION:**

To rezone the above described property from the \_\_\_\_\_ district to the \_\_\_\_\_ district

This property is designated for \_\_\_\_\_ use on the Future Land Use map in the 2007-2027 Town of Lake Lure Comprehensive Plan.

Use(s) Requested: (Use the terms that are found in the Zoning Regulations.)

**Please answer the following questions.**

- (1) **Public Safety.** The proposed use will not materially endanger the public safety, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: automotive ingress and egress, traffic flow, traffic control, pedestrian and bicycle ways, lake use, and fire suppression. (See attached plans, if applicable)

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- (2) **Public Health.** The proposed use will not materially endanger the public health, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: water supply, water distribution, sewer collection, and sewer treatment. (See attached plans, if applicable)

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- (3) **Protection of Property Values.** The proposed use will not substantially injure the value of adjoining or abutting property, if developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: lighting, noise, odor, and landscaping. (See attached plans, if applicable)

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- (4) **Standards and Requirements.** The proposed use will meet all standards and requirements specified in the regulations, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: parking spaces, loading zones, sign design, and street design. (See attached plans, if applicable)

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- (5) **Comprehensive Plan and Neighborhood Compatibility.** The location and character of the proposed use and structures will be compatible with the neighborhood and consistent with the applicable elements of the Comprehensive Plan and other officially adopted plans of the Town of Lake Lure, if developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: site layout and treatment, building design, relationship of building(s) to site, and harmony of buildings and uses with neighborhood character. (See attached plans, if applicable)

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<i>Signature of applicant</i>	<i>Signature of owner if not applicant</i>
<i>Street or P.O. Box</i>	<i>Street or P.O. Box</i>
<i>City, State, Zip</i>	<i>City, State, Zip</i>
<i>Daytime telephone number</i>	<i>Daytime telephone number</i>

**Application Checklist**

(Failure to submit all of the following information may result in the application being return as incomplete)

\_\_\_\_\_ **Completed application**

\_\_\_\_\_ **Application fee**

\_\_\_\_\_ **Directions to the property from Town Hall**

\_\_\_\_\_ **Existing conditions survey containing all of the following**

- \_\_\_\_\_ Existing property boundaries and dimensions of existing lots including acreage of the entire area to be rezoned
- \_\_\_\_\_ Existing buildings and other structures including fences and retaining walls
- \_\_\_\_\_ Existing roads, driveways, parking areas and trails including any existing rights-of-way and easements
- \_\_\_\_\_ Existing utilities, including any utility easements
- \_\_\_\_\_ A topographic survey is required. However, a topographic survey can be waived by the Administrator if determined to be less than 10% slope and/ or no physical improvements to the site (i.e. strictly change of use)
- \_\_\_\_\_ Existing watercourses including perennial streams and wetlands
- \_\_\_\_\_ Floodplains
- \_\_\_\_\_ Previously documented endangered species habitats
- \_\_\_\_\_ Location of forest stands or trees of a uniform size and species; specimen trees of varying sizes and species, particularly free standing or open-grown or field-grown trees; a distinctive tree line or forest edge
- \_\_\_\_\_ Significant historical and archeological resource areas as defined by the National Register of Historic Places or other federal and/or state agencies

\_\_\_\_\_ **General development plan containing all of the following**

- \_\_\_\_\_ The overall boundary and acreage of the area to be rezoned, including underlying zoning districts

- \_\_\_\_\_ The general location, orientation and size of principal structures and associated parking areas; landscape and buffer areas; open space areas; the location, size and general treatment of environmentally sensitive areas; the general location and size of existing and proposed water mains and sewer trunk lines required to service the development; and general traffic routes (external and internal) to and from the development with major access points identified
- \_\_\_\_\_ Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios or impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development
- \_\_\_\_\_ A full list of proposed uses consistent in character with the underlying zoning district. Such use classifications may be selected from any of the uses, whether permitted, by right or conditional, allowed in the general zoning district upon which the conditional district is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the conditional district
- \_\_\_\_\_ A proposed development schedule if the project is to be phased
- \_\_\_\_\_ Conceptual building elevations with materials and façade color for new commercial structures and additions to commercial structures that exceed 1000 square feet to ensure compliance with Section 92.054 of the Zoning Regulations
- \_\_\_\_\_ Applicant's statement as to how the proposal is consistent with the Comprehensive Plan and outlining any specific goals or policies achieved as a result of the proposal
- \_\_\_\_\_ A statement of the proposed design standards or development requirements that differ from the requirement of the Zoning and/ or Subdivision Regulations, including a narrative explaining the special circumstances or development or design objectives that justify the varied standards

**For Your Information**

Conditional Districts in Lake Lure are regulated by Section 92.019 of the Town of Lake Lure Zoning Regulations. Each “application for conditional district rezoning” constitutes a proposal to amend the Town of Lake Lure’s official zoning map. All applications for conditional district rezoning shall be referred to the Zoning and Planning Board (ZPB) for its review and a recommendation to the Town Council. Before the ZPB meeting, a neighborhood compatibility meeting and a development review committee must be held and results (report) forwarded to the ZPB.

The petition must be submitted to the Administrator at least 30 days before the ZPB meeting at which the petition is to be presented. Once the Zoning Administrator has determined that the petition is complete, s/he will notify the petitioner that the petition has been accepted and specify the date and the time of the Zoning and Planning Board meeting at which the petition will be heard.

The ZPB has 35 days after it first considers the petition within which to submit a recommendation to the Town Council. Failure of the ZPB to submit a recommendation within the 35 day period shall constitute a favorable recommendation. The ZPB will consider the petition at a public meeting, not a public hearing. However the board has the option of receiving comments from interested parties.

The Town Council will hold a public hearing on the petition at the earliest possible date after the ZPB has made its recommendation. The Council typically takes action on the petition directly after the hearing, however it may not. Council must make a decision on the proposed amendment within 60 days after the public hearing.

The Administrator shall post, or cause to be posted, at least one sign on the property not less than seven days in advance of the ZPB meeting. The purpose of the sign is to identify the location of the request for the benefit of the neighbors and members of the board. The sign must be mounted on a flat surface such as a board or piece of plywood and fastened to a post or stake (but not a tree) approximately 36” above the ground. It shall be located adjacent to the road at the approximate midpoint of the property in question. Very large parcels and those with more than one road frontage may require additional signs. This will be determined by the Administrator at time of the petition. Sign must be removed 24 hours after the Town Council has made a decision on the petition.

The fee for filing the petition is \$650.00 This is normally sufficient to pay for the Town’s cost to process the petition. If, however, the actual cost for advertising the public meetings exceeds \$650.00, or if the town incurs other costs beyond what is normal, the petitioner must pay the additional amount.

Neither the ZPB nor the Town Council will consider a new petition for Conditional District Rezoning for any property denied a Conditional District Rezoning 12 months from the date of the denial.