

General District Rezoning

A statement of consistency and reasonableness in accordance with NC General Statutes §§1600-604 and 1600-605 is required.

Contact Information

Town of Oakboro
Planning & Zoning Department
109A N Main Street/PO Box 610
Oakboro, NC 28129

Phone: 704-485-3351

oakboro.gov

Step 1: Pre-Application Conference (UDO § 320)

A preapplication conference is mandatory per Section 320 of the Oakboro UDO. A neighborhood meeting is required if the proposed rezoning increases the density or the intensity of the property compared to existing development on a property. Except for amendments initiated by the Town Board of Commissioners, Planning Board or staff, no proposed amendment to the zoning map shall be considered by the Board of Commissioners, nor a public hearing held until an application containing the following information is submitted by the applicant.

Items required at the pre application conference:

- A statement of the present zoning classification.
- The name and signature of the applicant and the owner if the owner is not the applicant.
- The tax parcel number of the property proposed to be rezoned.
- The names and addresses of the owner(s) of the property in question.
- The names of the owners and use of each abutting property. Abutting properties include those separated from the parcel to be rezoned by a street, railroad, or other transportation corridor.
- The applicant shall provide any additional information related to the proposed amendment requested in writing by the Town Planner, Planning Board, or Board of Commissioners. The Town Planner shall transmit the original application to the Board of Commissioners and the original application shall be filed in the office of the Town Planner after consideration of the Town Board.

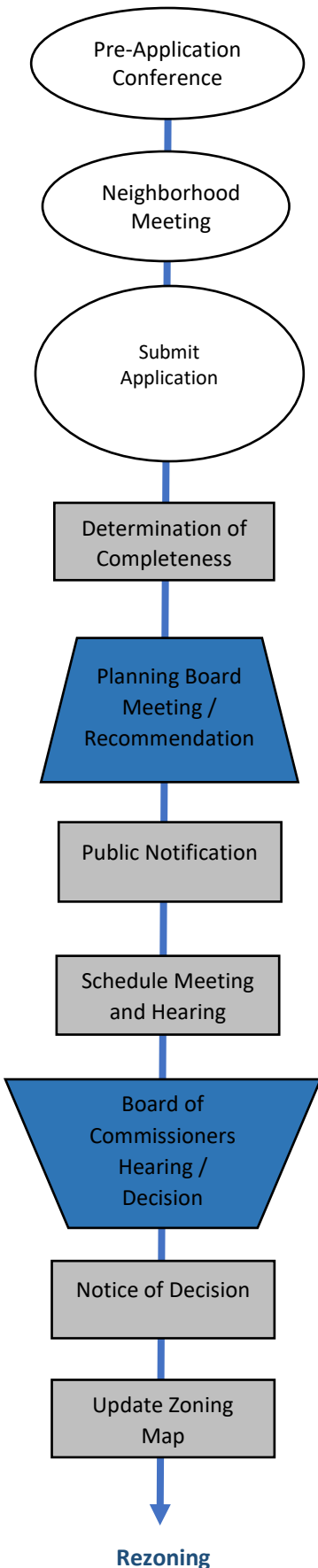
Step 2: Neighborhood Meeting (UDO § 321) – Required if there is to be an increase to density

The purpose of the neighborhood meeting is to inform owners and occupants of nearby lands about the application for a general district rezoning that is going to be reviewed under the UDO, and to provide the applicant an opportunity to hear comments and concerns about the application as a means of resolving conflicts and outstanding issues, where possible.

Neighborhood meetings are opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by the application.

The community meeting shall comply with the following procedures:

- **Time and Place**
 - The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the proposed general district rezoning.
- **Notification**
 - Mailed Notice
 - The applicant shall mail notice of the meeting a minimum of 7 days in advance of the meeting to the Planning Director and to:
 - i. All owners of the land subject to the application;
 - ii. All owners of land within 300 feet of the property lines of land subject to the application (including owners of land outside the county) whose address is known by reference to the latest ad valorem tax records; and



- Posted Notice
 - The applicant shall post notice of the neighborhood meeting on the land (or adjacent street) subject to the application for at least 7 days before the date fixed for the meeting, in a form established by the Town Planner. Signs used for posted notice shall have a minimum size of six square feet per side.
- Notice Content
 - The notice shall state the time and place of the meeting and general nature of the general district rezoning.
- **Conduct of Meeting**

At the meeting, the applicant shall explain the reason for the change in zoning, inform attendees about the application review process, respond to question and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.
- **Staff Attendance**

Town staff MAY attend the meeting for purpose of advising attendees about the applicable provisions of the UDO and the land use plan, but shall not serve as facilitators or become involved in discussions about the proposed change in zoning district.
- **Written Summary of Neighborhood Meeting**

The applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments, discuss issues related to the general district rezoning application, and any other information the applicants deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.
- **Response to Summary**

Any person attending the community meeting may submit a written response to the applicant’s meeting summary to the Planning Director within 30 days after the application is determined complete. The response may state their understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appropriate. All written responses to the applicant’s summary of the community meeting shall be transmitted to the applicant, included with the application materials, and made available for public inspection.

Step 3: Application Submittal and Acceptance (UDO § 322)

The applicant must submit a complete application packet on or before the application submittal date. General district rezoning applications may not be initiated by anyone other than the landowner(s) of the subject land. A complete application packet consists of the following:

- Completed Town of Oakboro General District Rezoning Application
- Application Fee (see fee sheet)
- Written Summary of Neighborhood Meeting
- A survey of the property to be rezoned
- A metes and bounds description
- Number of Copies Submitted:
 - 2 copies of sketch or site plans
 - 2 hard copies of ALL documents
 - 1 PDF digital copy (ex. Thumb Drive – email not acceptable) of all plans AND documents

On receiving an application, staff shall, within 7 business days, determine whether the application is complete or incomplete. A complete application contains all the information and materials listed above, and is in sufficient detail to evaluate and determine whether it complies with appropriate review standards. If an application is determined to be incomplete, the applicant may correct the deficiencies and resubmit the application for completeness determination. Failure to resubmit a complete application within 45 calendar days after being determined incomplete will result in the application being considered withdrawn.

Step 4: Staff Review and Action (UDO § 323)

Once an application is determined complete, it may be presented to the Planning Board for review. The Planning Board MAY review the application, prepare a staff report, and provide a recommendation on the application. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the application might be mitigated.

Step 5: Advisory Body Review and Recommendation

After Planning Board review, they will provide a recommendation on the application, staff shall schedule the application for a public meeting with the Planning Board. At the public meeting, the Planning Board shall consider the application, relevant support materials, staff report, and any public comments. It shall then recommend approval subject to revised or additional conditions agreed to by the applicant, or denial, and clearly state that factors considered in making the recommendation. The Planning Board shall provide a written recommendation as to why the application is reasonable and whether it is consistent with the Town's comprehensive plan on an application it reviews within 65 days from the date of its initial meeting to consider the application.

Step 6: Public Hearing Scheduling and Public Notification (UDO § 324)

After the Planning Board provides a recommendation on the application, staff shall ensure that the public hearing on it is scheduled for a Board of Commissioners meeting. The required public hearing with the Board of Commissioners shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.

The application shall meet the following public notification requirements:

- Published Notice
Staff shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county. The first time notice is published, it shall not be less than 10 days nor more than 25 days before the date fixed for the hearing.
- Mailed Notice
Staff shall be responsible for preparing and mailing a written notice between 10 and 25 days before the public hearing. Notice shall be mailed to:
 - All owners of the land subject to the application;
 - The applicant, if different from the land owner;
 - All owners of land abutting the property subject to the application (including owners of land located outside the Town) whose address is known by reference to the latest ad valorem tax records.
- Posted Notice
At least 10 days before the public hearing, posted notice shall be made by staff. A sign shall be placed in a conspicuous location as to be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

Step 7: Public Hearing Procedures, and Decision-Making Body Review and Decision (UDO § 325)

The applicant must be in attendance at the public hearing. During the public hearing, the Town Planner will present the staff report and any review body findings and recommendation to the Board. The applicant will then have the opportunity to present any information they deem appropriate. The burden of demonstrating that an application complies with applicable review and approval standards of the UDO is on the applicant. The public shall be permitted to speak in accordance with the Board of Commissioners rules of procedures, or at their discretion, as appropriate, in support of or in opposition to the application. The applicant and Planning Director may respond to any comments, documents, or materials presented.

The Board of Commissioners shall adopt a written statement describing whether its action is consistent with an adopted comprehensive plan and is reasonable and in the public interest.

The Board of Commissioners shall make one of the following decisions on the application:

- Approval of the general district rezoning included in the application;
- Denial of the general district rezoning; or
- Remand of the general district rezoning application back to the Planning Board for further consideration.

A general district rezoning is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a general district rezoning, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the application:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO;
- Is in conflict with any provision of the UDO, or the Town Code of Ordinances;
- Is required by changed conditions;
- Addresses a demonstrated community need;
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- Adversely impacts nearby lands;
- Would result in a logical and orderly development pattern;
- Would result in a significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
- Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
- Would not result in significantly adverse impacts on the land values in the surrounding area; and
- Would not conflict with the public interest, and is in harmony with the purposes and intent of the UDO.

IN THE CASE OF ANY DISCREPANCY BETWEEN THIS APPLICATION FORM AND THE UDO, OR THE N.C. GENERAL STATUTES; THE UDO SHALL CONTROL. IN THE CASE OF A DIFFERENCE BETWEEN THE UDO AND THE GENERAL STATUTES, THE GENERAL STATUTES SHALL CONTROL. .



General District Rezoning Application

<i>office use only</i>	
Fee: \$_____	Fee Paid Date _____
Zoning Permit No. _____	
Approved Date _____	

Contact Information

APPLICANT:

Name: _____

Address: _____

Telephone: _____

Email Address: _____

PROPERTY OWNER:

Name: _____

Address: _____

Telephone: _____

Email Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: _____

Property Information

Physical Street Address: _____

Location: _____

Parcel Identification No: _____

Total Parcel(s) Acreage: _____

Existing Land Use of Property _____

Request

Current Zoning of Property: _____

Proposed Zoning District: _____

Community Meeting

Date Meeting Held: _____

Meeting Location: _____

Property Owner(s)/Applicant* _____

Date _____

***NOTE: the owner(s) of record must sign Form. If there are multiple property owners a signature is required for each owner of record.**

Approved by: _____ Date: _____

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General District Rezoning SITE PLAN Checklist (UDO Article 11, Division 1)

The table below depicts the design standards of the conceptual development plan for a general district rezoning application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

General District Rezoning

(Office Use Only)

Date Received: _____

TRC Date: _____

Project Name: _____

Applicant/Property Owner: _____

If the applicant desires to submit a Site Plan as a condition, the Site Plan shall include the information listed in UDO Art 11, Division 1.

General District Rezoning Sketch Plan Checklist		
1	Property owner name, address, phone number, and email address	
2	Site address and parcel identification number	
3	A scaled drawing showing existing boundary lines, total acreage, adjacent use types, location of streets, rights-of-way, and easements	
4	North arrow and scale to be 1" = 100' or larger	
5	Vicinity map showing property's general location in relation to streets, railroads, and waterways	
6	Existing zoning classification of the property and surrounding properties	
7	Approximate location of the following existing items within the property to be rezoned and within 50' of the existing property lines: Pathways, structures, septic systems, wells, utility lines, water lines, culverts, storm drainage pipes, ditches, canals, streams, wooded areas, ponds, and cemeteries	
8	Reserved.	
9	Approximate location of all streams, bonds, drainage ditches, wetlands, boundaries of floodways and floodplains.	

General District Rezoning Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

General District Rezoning Submittal Checklist – Office Use Only

Date Received: _____

TRC Date: _____

Project Name: _____

Applicant/Property Owner: _____

General District Rezoning Submittal Checklist		
1	Complete General District Rezoning Application	
2	Application Fee (see fee sheet)	
3	Community meeting written summary	
4	Conceptual Development Plan	
5	Architectural drawings and/or sketches of the proposed structures	
6	2 copies of plans	
7	2 hard copies of ALL documents	
8	1 PDF digital copy of all plans AND documents (ex. Thumb Drive – email not acceptable)	

For Staff Only

Pre-application Conference

Pre-application Conference was held on _____ and the following people were present:

Comments

