

REZONING PROCESS

Standard Rezoning

Prior to submitting a rezoning request, applicants are encouraged to meet with a member of the Planning Department to discuss the requested change. The following information must be presented for consideration:

1. Submit completed application (with affidavit of owner if non-owner petition);
2. Two (2) copies of a map, to scale, which clearly illustrates the subject property. If a portion of the land is proposed for rezoning, a metes and bounds description is necessary to describe the requested boundary; and
3. Submit \$300 fee payable to Rowan County.

Staff Review

The Planning Department will review the application package to ensure its completeness and prepare a staff report for the Planning Board (PB). In general, requests are evaluated based on the following criteria:

1. Relationship and conformity with any adopted plans and policies;
2. Consistency with this article and requested zoning district's purpose and intent;
3. Compatibility of all uses within the proposed zoning district classification with other property and conditions in the vicinity; and
4. Potential impact on facilities such as roads, utilities, and schools.

Completed applications must be submitted fifteen (15) business days prior to the next regular meeting of the PB (4th Monday of each month). Once a meeting date has been established, the Planning Department will provide mailed notice to property owners within one hundred (100) feet of the property, post a sign on the property, and publish the application material on the Rowan County Planning Board Agenda link at <https://www.rowancountync.gov/1272/Planning-Board> two (2) Fridays before the meeting date by 5:00 PM.

Planning Board Meeting

The PB consists of nine (9) appointed citizen members who conduct courtesy hearings to receive public comment regarding rezoning requests and provide recommendations for consideration by the Board of Commissioners (BOC). When making a recommendation, the PB will recommend a statement of consistency and reasonableness describing whether the request is consistent or inconsistent with an adopted comprehensive plan and analyze the reasonableness of the request for BOC consideration. Criteria for determining reasonableness include, among other factors:

1. The size, physical conditions, and other attributes of the area proposed to be rezoned;
2. The benefits and detriments to the landowners, the neighbors, and the surrounding

- community;
3. The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
 4. Why the action taken is in the public interest; and
 5. Any changed conditions warranting the amendment.

Within thirty (30) days, the PB will make one of the following recommendations to the BOC:

1. Grant the rezoning as requested;
2. Grant the rezoning with modifications, including a recommendation to rezone to a more restrictive district than requested; or
3. Deny the rezoning request.

The BOC may elect to proceed without a recommendation if the PB fails to provide one within thirty (30) days.

Board of Commissioners Meeting

After the PB decision, the Clerk to the BOC must receive the request twenty-one (21) days prior to the next BOC meeting for scheduling a public hearing concerning the request. Public hearings are typically scheduled for the next available meeting, which are held on the 1st and 3rd Monday of each month but depending on the anticipated level of public interest, may be scheduled at the 3rd Monday meeting which is held at 6:00 PM as opposed to the 1st Monday meeting at 3:00 PM. Once a meeting date has been established, the Planning Department will provide notice to property owners within one hundred (100) feet of the property in question, post a sign on the property, submit public notices in the *Salisbury Post* for two (2) consecutive weeks prior to the meeting, and public the application material on the Rowan County Board of Commissioner Meeting Agenda at <https://rowancountync.novusagenda.com/agendapublic/> by 2:00 PM on Wednesday before the meeting

The BOC will hold a public hearing to consider the requested change, adoption of a statement of reasonableness and consistency, and render one of the following decisions:

1. Grant the rezoning as requested or modified;
2. Continue the request;
3. Refer the application, with modifications, back to the Planning Board for further study and consideration; or
4. Deny the rezoning request.

Petitioners may withdraw a rezoning request, in writing, at any time prior to a final decision by the BOC.

If a rezoning request is denied, a new petition may not be accepted within one (1) year except as specified in section 21-362(m) of the Zoning Ordinance.

Notification will be provided within five (5) days from the date of the decision.

Conditional District Rezoning

There are instances where a rezoning request to a general district would be inappropriate and could not effectively be managed by the district's general development standards. As an alternative manner to evaluate such a request, a conditional district may propose specific development standards necessary to address anticipated impacts on surrounding properties and the county, establish consistency with adopted plans, and / or provide a clear understanding of the type and degree of future development allowed within the district. This can often be achieved by the commitment to a specific use or uses permitted in the conditional district, increased development standards, or site plan details, which are tailored to address the aforementioned objectives and sufficient to allow for an appropriate evaluation of the request. This voluntary procedure must be petitioned by the property owner or their authorized agent as a development proposal and not for securing early zoning for tentative uses which may not be undertaken for a long period of time.

Applications for a conditional district rezoning shall include all information listed in the standard rezoning process in addition to the following:

1. Site plan containing information from section 21-52 of the Zoning Ordinance;
2. Use or uses proposed within the district;
3. Proposed limitations or restrictions (if any) to ensure compatibility between the development and the surrounding area; and
4. If applicable, conditional district standard for specific uses from section 21-64

Refer to sections 21-61 through 63 for more information regarding the conditional district process, limitations, minor changes, conditional approval, and denied applications.