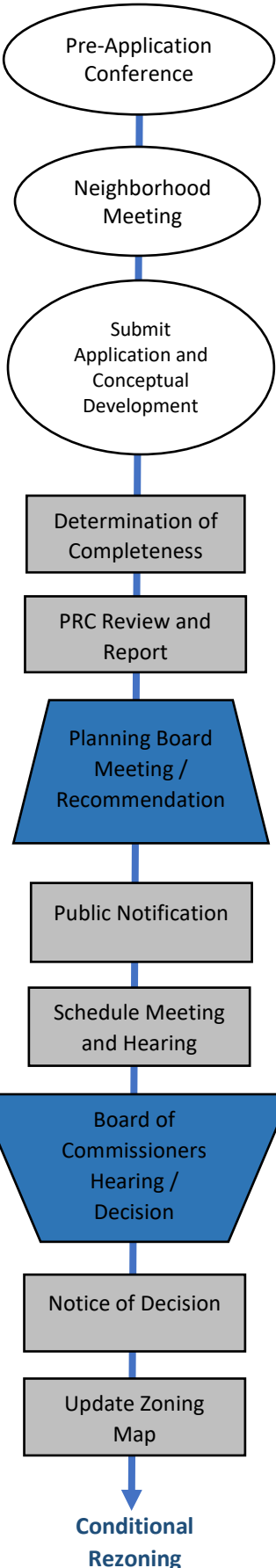




# Conditional District Rezoning

Review Process (UDO §§ 3115 and 3116)



## Contact Information

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

Phone: 704-485-3351  
 Fax: 704-485-2439  
[oakboro.com/zoning\\_department.html](http://oakboro.com/zoning_department.html)

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

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submittal requirements and the procedures and standards applicable to an anticipated development application. A pre-application conference is also intended to provide an opportunity for town staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development, as it relates to the standards in the Unified Development Ordinance (UDO). The applicant shall propose conditions that are more restrictive than those allowed in the base zoning district. (UDO § 3116 (b) (2)).

The applicant shall submit the conditions and any sketch plans that show the density, location, general layout, and main elements of the development to be proposed as part of the application to the Town Planner at least three business days before the pre-application conference.

## Step 2: Neighborhood Meeting (UDO § 321)

The purpose of the neighborhood meeting is to inform owners and occupants of nearby lands about the application for a conditional 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 conditional 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 conditional rezoning.
- **Conduct of Meeting**

At the meeting, the applicant shall explain the development proposal and application, 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 conditional rezoning.
- **Written Summary of Community 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 conditional 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. Conditional 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 Conditional Rezoning Application
- Application Fee (\$265)
- Written Summary of Neighborhood Meeting
- A sketch or site development plan drawn to scale.
- OPTIONAL: Architectural drawings and/or sketches illustrating the design and character of the proposed structures
- 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 distributed to the Project Review Committee (PRC). The PRC 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 the PRC prepares a staff report and provides 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 may suggest revisions to the proposed conditions including the conceptual plan with only those revisions agreed to in writing by the applicant being incorporated into the application. It shall then recommend approval, 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 conditional rezoning subject to the conditions included in the application;
- Approval of the conditional rezoning subject to any revised or additional conditions agreed to by the applicant, in writing;
- Denial of the conditional rezoning; or
- Remand of the conditional rezoning application back to the Planning Board for further consideration.

A conditional 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 conditional 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. .



# Conditional Rezoning Application

<i>office use only</i>	
Fee: \$300	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: \_\_\_\_\_

Conditional Rezoning Request

To the Chairman, Town of Oakboro Board of Commissioners:

The undersigned respectfully requests that, pursuant to the Unified Development Ordinance, a conditional zoning district be approved for the following use(s) and subject to the following condition(s):

Proposed Use(s)

Four horizontal lines for writing the proposed use(s).

Proposed Zoning Condition(s):

Four horizontal lines for writing the proposed zoning condition(s).

An application has been duly filed requesting that the property involved with this application be rezoned from:

\_\_\_\_\_ to: \_\_\_\_\_

It is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound to the conceptual development plan, use(s) authorized and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Town of Oakboro Unified Development Ordinance. It is further understood and acknowledged that final plans for any development be made pursuant to any such conditional zoning district so authorized and shall be submitted to the Project Review Committee.

\_\_\_\_\_  
Property Owner (s)

\_\_\_\_\_  
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.**

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

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

## Conditional Rezoning Conceptual Development Sketch Plan Site Plan Checklist

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.

Conditional 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.	
10	Proposed zoning classification and intended use of all land and structures, including the number of residential units and the total square footage of any non-residential development	
11	Proposed building footprints and usages	
12	Proposed traffic, parking, and circulation plans including streets, drives, loading and service areas, parking layout, and pedestrian circulation features	
13	Approximate location of storm drainage patterns and facilities intended to serve the development	
14	Proposed common areas, open space set-asides, anticipated landscape buffering, and fences or walls (if proposed)	

## Conditional 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.

# Conditional Rezoning Submittal Checklist

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant/Property Owner: \_\_\_\_\_

Conditional Rezoning Submittal Checklist		
1	Complete Conditional Rezoning Application	
2	Application Fee (\$265)	
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

\_\_\_\_\_

\_\_\_\_\_