



Rezoning Application

Petition to Amend the Official Zoning Map

Spencer Town Hall • 600 South Salisbury Ave, Spencer NC 28159

Office: (704)-633-2231 ext. 28 • kharris@townofspencer.com

Petitions to amend the Official Zoning Map are considered by the Town according to the procedures established in Article 5 of the Spencer Development Ordinance (SDO), *Amendments to Development Ordinance and Zoning Map*. Applicants are required to read Article 5 prior to initiating the rezoning process. (Available at www.spencernc.gov.)

Pre-Filing Meeting Required. Applicants are required to meet with the Town's Planning & Zoning Administrator before filing a rezoning application to become more familiar with the applicable requirements and approval procedures.

Filing Deadline. Completed applications must be submitted by 12:00 noon on the 15th day of any calendar month to be considered at the next month's regular meeting of the Spencer Planning Board.

Incomplete Applications Not Accepted. A rezoning application will not be considered complete unless it contains or is accompanied by all information required on this application form and all necessary fees have been paid.

OFFICE USE ONLY	Rezoning Fee: General Use Zoning \$500 + \$50 advertising costs	Rezoning Fee: Conditional Zoning \$600 + \$50 advertising costs
Filing Date:		
Case #		
Fees Per Town Budget Ordinance		

REZONING REQUEST

Existing & Proposed Base Zoning District	Rezoning Type (select one)	
Existing Zoning District:	<input type="checkbox"/> General	<input type="checkbox"/> Conditional
Proposed Zoning District:		

Note: For information on the difference between General Use and Conditional Zoning, see SDO Section 5.4.

GENERAL INFORMATION

Property Address:	Rowan County Parcel ID:
Deed Reference (book/page):	Property Size (in acres):
Property Owner Name:	Property Owner Phone:
Property Owner Email:	
Property Owner Mailing Address (City, State, Zip):	

APPLICANT INFORMATION (if different from owner)

Applicant Name:	Applicant Phone:
Applicant Email:	
Property Owner Mailing Address (City, State, Zip):	

SIGNATURE

Signature of Applicant:	
Printed Name:	Date:

Note: If the applicant is not the property owner, then the owner's notarized affidavit is required. See additional owner authorization requirements on the following page.

OWNER AUTHORIZATION

Select one:

- The applicant is the property owner having a legal or equitable interest in the property.
- The applicant is an agent acting on behalf of the property owner(s) with an executed owner's affidavit. The affidavit clearly authorizes the agent to submit this application and to act on the owner(s) behalf in pursuing this rezoning. A copy of the owner's affidavit is attached. See requirements below.
- The applicant is an attorney acting on behalf of the property owner with an executed power of attorney.
- The applicant has an option to purchase/lease the property. A copy of the offer to purchase/lease is attached. An executed owner's affidavit is also required (see requirements below).
- The applicant is a resident of the Town's jurisdiction having a legal or equitable interest in land affected by the proposed amendment.
- The application is being initiated by the *Spencer Town Board of Aldermen*, the *Spencer Planning Board*, or the *Spencer Planning, Zoning & Subdivision Administrator*.

Owner's Affidavit Checklist (if affidavit required)

An owner's affidavit must be made under oath, property notarized and, at minimum including the following information:

- The property owner's name and, if applicable, the property owner's title and organization name.
- The address, Rowan County Parcel ID (PID), and Deed Book/Page Number of the property.
- A statement that the person listed as the property owner is the legal owner of the property described.
- The name of the person authorized to act on behalf of the property owner as the applicant. If applicable, the authorized person's title and organization name.
- A statement that the property owner, as legal owner of the described property, hereby gives authorization and permission to the authorized person, to submit to the Town of Spencer an application to rezone the described property.
- A statement that the property owner understands and acknowledges that zoning conditions must be signed, approved, and consented to by the property owner.
- The property owner's signature and the date the property owner signed the affidavit.

OTHER PROJECT CONTACTS

Contact 1 Name:	Contact 1 Phone:
Contact 1 Email:	
Contact 1 Role/Involvement (<i>Please Describe</i>):	
Contact 2 Name:	Contact 2 Phone:
Contact 2 Email:	
Contact 2 Role/Involvement (<i>Please Describe</i>):	

ADDITIONAL DETAILS

Use the space below to provide any additional details or information about your proposed rezoning that is not captured or specified elsewhere on this application form: _____

CONDITIONAL DISTRICT ZONING CONDITIONS (for Conditional Zoning Only)

Filing Date:	Address:	Existing Zoning:
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Case #	Parcel ID(s):	Proposed Zoning:
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What is Conditional Zoning? Conditional zoning is a legislative zoning map amendment with site-specific conditions. It is established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring land uses. Conditional Zoning affords a degree of certainty in land use decisions not possible when rezoning to a Primary General Use District. Additional standards and conditions, mutually agreed upon in writing by the Town of Spencer and the petitioner, may be attached to a proposed development or land use to ensure compatibility with the surrounding uses and with applicable adopted plans.

What types of conditions can the property owner offer? The property owner can offer any number of conditions or additional standards that would limit the use or development of the property for the purpose of convincing the Spencer *Planning Board* and Spencer *Board of Aldermen* that the rezoning would not negatively impact surrounding properties or otherwise harm the public interest. For examples, see SDO Sec. 5.4-3(E).

When applying for Conditional Zoning, the application shall specify the nature of the proposed use or development and shall propose conditions to ensure compatibility with the surrounding uses and consistency with adopted plans.

Clear & Detailed Statement of Proposed Conditions
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OWNER’S SIGNATURE (must be signed by owner)
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The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Property Owner(s) Signature:	Date:
Property Owner(s) Printed Name(s):	

REZONING APPLICATION ADDENDUM #1

Future Land Use Plan Analysis

Case #

When considering a Zoning Map amendment, the Planning Board and Board of Aldermen will consider both the consistency and reasonableness of the amendment with the adopted Future Land Use Plan. The boards may consider, among other factors:

- The size, physical conditions, and other attributes of the are proposed to be rezoned;
- The benefits and detriments to the landowners, the neighbors, and the surrounding community;
- 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;
- Why the action taken is in the public interest; and
- Any changed conditions warranting the amendment.

In this section, the applicant is asked to analyze the impact of the rezoning request and its consistency with the Future Land Use Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest. The applicant’s response to the questions below will be made part of the public record.

Statement of Consistency

Provide brief statements regarding whether the rezoning request is consistent with the Town’s Future Land Use Plan, which is available on the Town’s website at www.spencernc.gov.

Public Interest

Provide brief statements explaining how the rezoning request is reasonable and in the public interest.

=✓ REZONING CHECKLIST

Site Plan Requirements	Completed by Applicant	Completed by Planning & Development Staff	
General Requirements – General Use or Conditional Rezoning	YES	YES	NO
1. I have referenced this Rezoning Checklist and by using it as a guide, I have ensured that the application form will be complete when I submit it to the <i>Planning & Zoning Administrator</i> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. I have read the entirety of Article 5 (Amendments to Development Ordinance and Zoning Map) of the Spencer Development Ordinance. (Available on Town’s website at www.spencernc.gov .)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Pre-filing meeting (required per SDO Sec. 5.3-1).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. If applicable, the owner’s notarized affidavit or power of attorney is attached, meeting the requirements outlined on p. 2 of this form. Any person designated by the owner(s) of the property included in the petition to serve as agent for the owner shall submit such authorization in writing with the application.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Neighborhood meeting (required per SDO Sec. 5.3-1(B)). (The neighborhood meeting must be conducted prior to the date of the Board of Aldermen legislative hearing. It is also recommended, but not required, that this meeting also be conducted prior to Planning Board review. It is not required that the neighborhood meeting be conducted prior to submittal of this application.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Zoning Map Amendment fee (per Town Budget Ordinance). <u>General Use Rezoning Fee:</u> \$500 + \$50 for advertising costs <u>Conditional Zoning Fee:</u> \$600 + \$50 for advertising costs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Completed Future Land Use Plan Analysis (Addendum #1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Completed application submitted to <i>the Planning & Zoning Administrator</i> . Retain a copy for your records.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Not required but recommended: a survey of the property or area involved, and/or a legal description of the property or area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For Conditional Zoning Applications			
10. Completed zoning conditions, signed by property owner(s).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. The application clearly specifies the nature of the proposed development or land use and proposes conditions to ensure compatibility with surrounding land uses and consistency with adopted Town plans.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Template Letter to Adjacent Property Owners & Neighborhood Landowners

Note: It is the responsibility of the petitioner to draft a notification letter, using this template as a basis, and mail it to adjacent property owners and owners of nearby properties in the neighborhood. At least ten (10) days prior to the scheduled neighborhood meeting date, the applicant must notify the owners of property about the meeting using the mailing addresses listed on the county property tax cards. Notice must be by first class mail or certified mail return receipt. If notification is to be by first class mail, the applicant must deliver the sealed, addressed, and stamped envelopes to the *Planning & Zoning Administrator* prior to the aforementioned 10-day period. If notification is to be by certified mail return receipt, copies of the return receipts shall be given to the *Planning & Zoning Administrator*.

Per SDO Sec. 5.3-1(B), it is required that the applicant for a zoning map amendment (rezoning) meet with representatives and/or landowners of the neighborhood in which the property for which the proposed map amendment (rezoning) is located. The applicant shall coordinate the time and date of the meeting to enable the Planning, Zoning, & Subdivision Administrator to attend and address procedural questions that arise. The neighborhood meeting shall be conducted prior to the date of the legislative hearing at which comments on the application will be heard. This meeting may be held either before or after, but not on, the date of the meeting at which the Planning Board review and recommendation is scheduled.

Date:

Re: (SITE LOCATION)

Neighboring Property Owners and Tenants:

You are invited to attend a neighborhood meeting on (MEETING DATE). The meeting will be held at (MEETING LOCATION, INCLUDING ADDRESS) and will begin at (TIME).

The purpose of this meeting is to discuss a potential rezoning of the property located at (SITE ADDRESS, PROPERTY DESCRIPTION, IDENTIFYING NEARBY LANDMARKS). This property is currently zoned (CURRENT ZONING DISTRICT) and I am proposing to rezone the property to (PROPOSED ZONING DISTRICT).

(Please provide a clear and detailed description of your proposed rezoning petition, including the nature of the proposed land use or development for which you are proposing the rezoning. Please also include a statement regarding any conditions or limitations on the use or development that you are proposing to ensure compatibility with surrounding uses/properties and consistency with adopted Town plans, including the Future Land Use Plan.)

The Town of Spencer requires that I facilitate a neighborhood meeting to meet with representatives and/or landowners of the neighborhood. The purpose of the meeting is to discuss the proposed rezoning, including the nature of the proposed land use or development, and to explore ways to ensure compatibility with surrounding uses and properties.

If you have any concerns or questions I (we) can be reached at: (CONTACT INFORMATION)

If you have further questions about the rezoning process, please contact the Town of Spencer's Planning & Zoning Administrator at kharris@townofspencer.com or (704)-633-2231 ext. 28.

Thank you.

(SIGNATURE)

