

Rezoning

What is rezoning?

The Town of Elon's official zoning map designates all properties within the town's jurisdiction with a specific zoning district. For example, single-family houses are zoned residential, and shopping centers are zoned commercial. A rezoning (also known as a zoning map amendment) is simply the process to change the zoning designation of a property from one zoning district to another.

Who initiates the rezoning process for a property?

A property owner or an agent for the property owner initiates the rezoning process by submitting an application or "petition" to the Town. Most often, the property owner or agent is seeking a zoning change to accommodate a new development proposal. Other instances might include changes initiated by the Town of Elon's Board of Aldermen, the Town of Elon's Planning Board, or town staff.

What happens if the rezoning is approved?

If approved, the property can be put to any use allowed within the approved zoning district. The applicant is still responsible for following other town policies and ordinances to satisfy the land development ordinance, subdivision regulations, site plan review, or building plan review.

What happens if the rezoning is denied?

If denied, the current zoning district stays in effect and the applicant must wait one calendar year to re-apply.

Questions or Concerns?

If you have any questions about the information in the brochure, please contact the Town Planner at:

104 S. Williamson Avenue Elon, NC 27244

(336) 584-2859

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This brochure is based on the current Town of Elon's Land Development Ordinance and NC General Statutes. Any changes to local and state ordinances might affect the accuracy of this information. This guide is intended to be for informational purposes only, and is not of any legal opinion. This guide does not replace or supersede the town's land development ordinance or the town's Code of Ordinances.

TOWN OF ELON

A Guide to the Rezoning Process



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The Rezoning Process

In general, all rezoning should follow these steps:

STEP 1: Application & Fee - Applications are available at the Elon Municipal Building and online at www.townofelon.com. The application fee is based on the size of the property.

Less than an acre: \$150.00

1 to 4.99 acres: \$200.00

5 acres or more: \$250.00

These fees are non-refundable and might be subject to change each fiscal year by the town's Board of Aldermen. The application fee covers the cost of advertising and administration of the rezoning request.

STEP 2: Notifications - Notices are mailed to adjacent property owners within the rezoning area. The notice will provide the dates for all public meetings for the rezoning case. Legal ads are published in the local newspaper prior to the Board of Aldermen public hearing.

STEP 4: Planning Board Recommendations - The Town of Elon Planning Board discusses the rezoning request at their monthly meeting (usually the third Tuesday of the month). This discussion occurs before the official public hearing with the Board of Aldermen. Citizens are welcome to attend and speak at this meeting. The Planning Board makes a recommendation to the Board of Aldermen.

STEP 5: Public Hearing - The Public Hearing will be held at the Agenda Session meeting for the Board of Aldermen (usually the first Monday of the month). Citizens are welcome to attend and speak at this meeting.

STEP 6: Board of Aldermen Action - At the Board of Aldermen Regular Meeting (usually the second Tuesday of the month), the Aldermen makes a final decision on the rezoning request.

Can I file a petition if I am against the re-request?

State law provides for protest petitions against proposed rezoning. The State law requirements for an effective protest petition include having signatures of owners of either:

Twenty percent (20%) of the land area proposed to be rezoned, or

Five percent (5%) of a 100 foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way is not considered in computing the 100 foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed rezoning, the 100 foot buffer shall be measured from the property line of that parcel.

A protest petition must be submitted at least two full work days, excluding Saturdays, Sundays, and legal holidays, before the date of the public hearing on a rezoning request. If a valid petition is filed, rezoning can occur only if three fourths of elected officials vote in favor of the request. However, vacant positions on the Board of Aldermen or members who are excused from voting are not considered in determining the three-fourths count. A person may withdraw his or her name from the petition at anytime prior to the vote on the proposed rezoning.

Protest petitions can be obtained from the Town Clerk's office.

Who can speak at the public hearing?

The Public Hearing is considered a formal legislative process which offers a chance for citizens to make their views known to the Planning Board and the Board of Aldermen. Citizens are free to offer personal opinions and views on the request and to speak with board members before and after the public hearing.

What can I expect during the public hearing?

Once the Public Hearing is open, town staff will present the rezoning case to the boards. Next, the applicant will address the boards and answer questions. Recommendations, presentations, comments, and questions at the hearing may be subject to time limits.

What can I do to prepare for a rezoning hearing if I wish to speak?

- **Be prepared for the meeting.** Please contact town staff prior to the meeting to discuss details of the request. Many times a discussion will answer questions or address concerns prior to the public hearing.
- **Address the board clearly and speak to the point.** Be direct and clear with your comments. Public officials may have heard testimony from many people. Provide pertinent, well organized comments that directly address the matter.
- **Appoint a spokesperson.** Many groups organize their testimony by having a few people speak on behalf of the group. This conveys the extent of the public concern with the issue without each person repeating the concern.
- **Be reasonable.** Public officials must balance the views, interests and proposals of all parties involved, and find the best course for serving the overall general public good.