

BRUNSWICK COUNTY PLANNING AND COMMUNITY DEVELOPMENT
PO BOX 249
BOLIVIA NC 28422
910-253-2025/1-800-621-0609/910-253-2437(fax)

REZONING APPLICATION FORM

Complete the following application. This form must be completely filled out. Incomplete applications will result in a delay of this application and slow down the rezoning process.

Leave blank - to be completed by Planning Department staff

DATE RECEIVED: _____

CASE: Z- _____

RECEIPT #: _____

- FEE: \$300 (<5.00 acres)
 \$500 (5.00 to 49.99 acres)
 \$750 (50.00 to 99.99 acres)
 \$1,000 (>100 acres)
 \$200 (Land Use Amendment Request)

LAND USE PLAN CONSISTENCY:
 Consistent with Future Land Use Plan
 NOT Consistent with Land Use Plan and a Land Use Amendment is Required

Current Land Use Classification: _____
Requested Land Use Classification: _____

Contact Information:

Applicant/Agent: _____
(This person will be the contact person and will receive all mailings)

Address: _____

Phone: _____ Fax: _____

Email: _____

Property Owner(s): _____
(If the owner is different than the applicant)

Address: _____

Phone: _____ Fax: _____

Email: _____

Property Information:

Property Location/Address(es): _____

Tax Parcel Identification Number(s): _____

Current Use of Property(ies): _____

Acreage to be Rezoned: _____

Zoning Information:

Current Zoning District(s): _____

Requested Zoning District(s): _____

Purpose of Zoning Change (optional): _____

Spot Zoning Statement:

In the space below, please indicate whether the proposed rezoning *will* or *will not* constitute a spot zoning and explain why the proposed rezoning will or will not constitute a spot zoning (For more information on spot zoning, refer to the attachment on spot zoning).

BRUNSWICK COUNTY CAMA LAND USE PLAN CONSISTENCY

All rezoning requests must be consistent with the *Brunswick County CAMA Land Use Map*

Current Land Use Classification(s): _____

- This rezoning request is: Consistent with the CAMA Land Use Map.
 NOT consistent with the CAMA Land Use Map.

IF THE REZONING REQUEST IS NOT CONSISTENT WITH THE CAMA LAND USE MAP:

A Land Use Map Amendment is *REQUIRED*. All rezoning requests MUST BE CONSISTENT with the *Brunswick County CAMA Land Use Map and/or the Brunswick County CAMA Land Use Plan*. All Land Use Amendments must be consistent with one or more of the adopted Land Use Plan Policies located within the Brunswick County CAMA Land Use Plan Update document and/or demonstrate a change in the character of the area that warrants a departure from the adopted Land Use Plan. In the space below, please explain why the proposed Land Use Amendment will be consistent with the Brunswick County CAMA Land Use Plan and how the character of the area has changed (A copy of the Brunswick County CAMA Land Use Plan and Map can be obtained online at www.brunswickcountync.gov).

Requested Land Use Classification(s): _____

With my signature, I certify that I have read the application guidelines below and I have submitted *15 folded* copies of a recent plat or survey of the property(ies) and/or area requested to be rezoned. I UNDERSTAND THAT MY REZONING REQUEST MUST BE CONSISTENT WITH THE LAND USE PLAN MAP AND/OR CAMA LAND USE PLAN. *I also understand that incomplete applications will result in a delayed review of the application and rezoning process.*

Applicant Signature **Date**

Owner Signature **Date**

APPLICATION GUIDELINES

- 1. All applications must be submitted with:
 - A. *A **non-refundable** application fee; and*
 - B. ***Fifteen (15) folded copies** of a recent plat of survey or other map showing the location and dimensions of the subject property. All property lines and dimensions must be visible.*
- 2. **All rezoning requests MUST BE CONSISTENT with the Future Land Use Map and/or the CAMA Land Use Plan.** If the application is not consistent, the applicant should seek an amendment to the Future Land Use Map and/or CAMA Land Use Plan prior to moving forward with the rezoning request.
- 3. All rezoning requests for rezoning must be received in the Planning Department office per the Rezoning Deadline Schedule. **DUE TO GROWTH-RELATED ACTIVITY, FINAL SCHEDULING OF REQUESTS WILL BE MADE FOLLOWING THE SUBMITTAL OF THE REQUEST.**
- 4. Rezoning Review Process:
 - A. *Rezoning requests are first reviewed by the Brunswick County Planning Department for consistency with Future Land Use Map and/or the CAMA Land Use Plan. The Planning Department will then make a recommendation to the Brunswick County Planning Board.*
 - B. *The Brunswick County Planning Board then reviews the request and holds a public hearing for public comment. The Planning Board makes a recommendation to the Board of Commissioners. The Planning Board may recommend the request be approved as submitted, approved with conditions, denied, or deferred to a later meeting.*
 - C. *The Brunswick County Board of Commissioners then reviews the request and determines whether to conduct their own public hearing on the request. A public hearing is then conducted. The Board of Commissioners have the final determination. The request may be approved as submitted, approved with conditions, denied, or deferred to a later meeting.*
- 5. Planning Board meetings are normally held the second Monday of the month at 6:30 P.M. in the Commissioners' Chambers at the Brunswick County Government Center.
- 6. Brunswick County Planning Board policy requires attendance of the applicant (or his/her representative) at the Planning Board public hearing.
- 7. The Brunswick County Board of Commissioners normally hear rezoning cases the first Monday of the month at 6:30P.M. in the Commissioners' Chambers at the Brunswick County Government Center.

SPOT ZONING

SPOT ZONING DEFINED:

“A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called spot zoning.”

HOW TO DETERMINE WHETHER A PARTICULAR REZONING IS A SPOT ZONING

When a relatively small tract of land is:

- Zoned Differently from the Surrounding Area
- Not taking into Account the Larger Community Context
- Not in Accordance with the Comprehensive Plan

Factors to Consider:

1. Size of Rezoning Area

The smaller the area/tract the more likely the rezoning can be considered a spot zoning. The size of the tract must be looked at in context for the larger area.

2. Compatibility with the Plan

How consistent is the rezoning with the Land Use Plan(s). Relationship of the Brunswick County's land use policies and objectives. Is the land suitable for the following:

- Development (e.g., topography, soil types, wetland locations, and flood areas)
- Availability of Services (e.g., water, sewer, roads)
- Existing and Needed Land Uses.

3. Benefits & Detriments

Look at who will benefit and be harmed (if anyone) from the result of the rezoning (e.g. owner, adjacent owners & community at large).

4. Relationships of Uses

The relationship of the proposed uses versus the current uses on adjacent land.

LINKS TO OTHER RESOURCES ON SPOT ZONING

Planners Web: <http://www.plannersweb.com/articles/wid060.html>

Institute of Government: <http://ncinfo.iog.unc.edu/organizations/planning/keyissues/spot.htm>

NC APA: http://www.nc-apa.org/Citizen_Planner_files/module_6.pdf#search='spot%20Zoning%20nc'

Source: Legislative Zoning Decisions Legal Aspects, David Owens, 2nd Edition, 1999