

Rezoning Process In Charlotte-Mecklenburg

Charlotte-Mecklenburg Planning Department

This describes the process of applying for a Rezoning. The process includes:

- Submitting a formal application and filing fee
- A mandatory meeting between the petitioner and nearby residents, for conditional zoning requests only.
- Review and recommendation by Planning Department staff
- An open public forum
- A public hearing in front of the elected officials and the Zoning Committee of the Planning Commission
- A recommendation from the Zoning Committee
- A final decision by elected officials

Charlotte City Council hears and decides upon all requests for rezoning within the City of Charlotte and within Charlotte's extraterritorial jurisdiction (ETJ). ETJ is an extension of the City's zoning, planning and land development standards up to the City of Charlotte's sphere of influence.

HOW TO DETERMINE THE ZONING OF YOUR PROPERTY

If you want to know your land's zoning classification, you may call or visit the Zoning Division of the Land Use and Environmental Services Department of Mecklenburg County located in the Hal Marshall Building (700 North Tryon Street) at 704/336-3569 or the Planning Department Map Room on the eighth floor of the Charlotte-Mecklenburg Government Center (600 E. 4th Street) at 704/336-2205. You must know the property's tax parcel number, street address or the property owner's name to determine the zoning classification.

The tax parcel number can be found on the tax map, the tax notice, or by visiting the [Mecklenburg County Tax Department's website](#)

Although the tax information will include details about the zoning classification, the official zoning can only be obtained from the official zoning maps. If needed, a letter verifying the zoning classification may be obtained from the Zoning Administrator's Office.

For information on what land uses and development activities are allowed under each zoning classification, see the charts in this brochure or the zoning regulations. The zoning regulations are available at the Planning Department or by visiting the Charlotte-Mecklenburg Planning Department's website: [City Zoning Ordinance](#)

HOW TO FILE A REQUEST FOR REZONING

Petitions for reclassification of property or a text amendment are filed with the Planning Department accompanied by the fee. No application for reclassification of property will be accepted until it is complete. Application forms, which include a fee schedule, are available at the Planning Department office or by visiting the website: [Rezoning Application](#) An amendment for the reclassification of property to a conditional zoning district may be initiated only by the owner of a legal interest in the affected property, any person having an interest in the property by reason of a written contract with owner, or an agent authorized in writing to act on the owner's behalf.

To facilitate the process, it is recommended that petitioners meet with Planning Department staff before submitting an application to discuss how it fits with the appropriate area plan and existing development.

WITHDRAWAL AND AMENDMENT OF PETITION

Applications may be amended during the approval process, and may also be withdrawn by the petitioner at any time up to the submittal date for the legal advertisement for the petition. After that time, the petitioner may file a request to withdraw the petition with the Planning Director and no portion of the filing fee will be refunded. The City Council shall decide, on the date scheduled for the hearing, whether to allow the withdrawal. If a petitioner withdraws a petition prior to the submittal date for the legal advertisement, one-half (1/2) of the filing fee will be refunded. Any petition for which a valid protest petition has been invoked shall not be withdrawn unless the protest petition is withdrawn or deemed invalid due to the withdrawal of signatures.

WHAT HAPPENS BEFORE THE PUBLIC HEARING

Once the Planning staff has received the application and filing fee, rezoning signs are posted on the property before the scheduled public hearing. These signs include the petition number, website address and a phone number to call for more information. Per City policy, adjoining property owners, property owners within 300 feet of the property and neighborhood leaders within one mile of the property are mailed notices about the public hearing.

An Open House Forum is held the month prior to City Council's public hearing. The purpose of the open house forum is to provide an opportunity for discussion between the petitioner and nearby property owners or other interested parties.

The conditional zoning process allows particular uses to be established, but only in accordance with specific standards and conditions pertaining to each individual development project. Before a public hearing may be held on a petition for conditional zoning, the petitioner is required to hold a Community Meeting to elicit neighborhood input. The petitioner must file in the Office of the City Clerk and the Charlotte-Mecklenburg Planning Department a written report of at least one community meeting held by the petitioner. Notice of such a meeting shall be given to the property owners and organizations entitled to notice as determined by city policy. The report shall include, among other things, the following:

- A listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time and location of the meeting
- A roster of the persons in attendance at the meeting
- A summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting.

In the event that petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this subsection shall be considered by the City Council but shall not be subject to judicial review. After the meeting is held, the petitioner must submit a written report of the meeting to the City Clerk's office and Planning Department no later than ten days before the public hearing. If these requirements are not met, the petitioner's case will be deferred.

While these other activities are going on, Planning staff prepares an initial analysis and recommendation of the rezoning, which is generally made available to the public one week before the public hearing. This recommendation is based on land use plans adopted by the elected officials and a study of current development patterns in the vicinity of the request. Planning staff also consults with other City and/or County departments to assess the impact on such concerns as transportation, storm water, schools and public amenities.

Rezoning applications and accompanying site plans, staff analyses, Zoning Committee recommendations and the City of Charlotte Zoning Ordinance may be accessed via this website.

PROTEST PETITIONS

Per City of Charlotte Zoning Ordinance, Section 6.113

A petition protesting any reclassification of property is needed in order to invoke the $\frac{3}{4}$ voting rule. The protest petition must be signed by the owners of either 20 percent or more, of the area included in a proposed change, or 5% of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. Street right-of-ways shall not be 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 change, the 100-foot buffer shall be measured from the property line of that parcel.

Anyone desiring to file a written petition of protest intended to invoke the City Council's $\frac{3}{4}$ majority vote rule must file such a petition with the City Clerk at least two (2) normal working days (excluding Saturdays, Sundays and legal Holidays) prior to the date established for a public hearing on the proposed changed of amendment. For example, for hearings on Monday, all protest petitions must be filed no later than 5:00 P.M. on the preceding Wednesday. The $\frac{3}{4}$ majority rule requires that $\frac{3}{4}$ of those eligible to vote among the City Council and Mayor must vote affirmatively in order for a petition to receive approval. The $\frac{3}{4}$ majority rule may not apply to site plan amendments to conditional districts, in some instances.

Any property owner may withdraw their protest at any time prior to the Council's vote on the rezoning petition. In order to effectively withdraw signatures, the withdrawals must be in writing, identifying the rezoning petition protested against, and state that the submitted signatures have the purpose of deleting the signers from the protest petition. A withdrawn protest may not be reinstated after the deadline for filing protests.

For protest petition forms and more information on the $\frac{3}{4}$ rule, you may call the City Clerk's Office at 336-2248 [City Clerk's website](#):

THE PUBLIC HEARING*

Zoning public hearings are held on a regularly scheduled monthly basis. The City Council typically holds its rezoning hearings on the third Monday of the month. The hearings start at 6 p.m. and are held in the [Council Chamber at the Charlotte-Mecklenburg Government Center](#). The hearing is also attended by members of the Planning Commission's Zoning Committee. Proponents and opponents of the petition are encouraged to attend, as well as any other interested individuals. Anyone, including petitioners agents, wishing to speak in support of or in opposition to any petition must contact the City Clerk's office (600 E. Fourth Street) at 704-336-2248 or via fax at 704-336-7588 and be added to the list of speakers.

**Dates & Times are Subject to Change*

The following procedure is customarily followed:

- Planning staff presents a brief report explaining the request and describes the land uses and zoning classifications in the surrounding area and the nature of the rezoning request.
- The applicant and other individuals who support the request are allowed a total of 10 minutes to present their comments in favor of a request.
- Individuals who oppose the request are then allowed a total of 10 minutes to present their comments against the request.
- Proponents are then allowed two minutes in rebuttal.
- If there is no opposition to the request, and the elected officials have no questions for staff, the normal hearing procedures are waived. If the petitioner wishes to address the elected body, a total of three minutes is allowed.

Both proponents and opponents may use visual aides and distribute handouts to the elected officials and Zoning Committee members. Because of the limitations on speaking time, large groups are encouraged to designate one spokesperson for their point of view.

City Council may not vote on conditional rezonings during the period between the date of a municipal election and when the new body is sworn in. This generally encompasses the first week of November through the first week of December. However, the rezoning may be approved if no one spoke against it at the public hearing and no valid protest petition was filed.

If a valid protest petition is filed against a conditional rezoning originally scheduled for a public hearing in a municipal election year between October 1 and when the new Council takes office, both the public hearing and decision are postponed until the new Council is sworn in.

FINAL STEPS

After the public hearing is held, the [Zoning Committee](#) of the Planning Commission makes a recommendation to the appropriate elected body in a public meeting held on the fourth Wednesday in the same month as the public hearing. This committee is made up of citizens who have been appointed to the Commission by City Council, County Commission, Charlotte-Mecklenburg School Board or the Mayor of Charlotte. Although this is a meeting and not a hearing, the petitioner and proponents and opponents of the rezoning are encouraged to attend and be available to answer questions. Anyone may file a written statement of rebuttal or support to the staff's analysis or the Zoning Committee's recommendation. A total of thirty-one (31) copies are required to be hand delivered or mailed to the Planning Department's office no later than 12 P.M. noon, on the Friday prior to the scheduled date for decision, which is typically the next regularly scheduled rezoning meeting.

Decisions on rezonings are rendered by the City Council at the regularly scheduled rezoning meeting in the next month after the Zoning Committee recommendations are made, which is typically on the third Monday of the month.

AFTER THE DECISION

A petition for reclassification of property or amendments to the text of these regulations that has been denied in whole or in part or approved to a classification other than the one originally requested, shall not be resubmitted within two years of the date of the City Council's action on the original petition except if one or more of the following guidelines have been met: (a) there has been a similar or more intensive change in the zoning district classification of an adjacent property ; (b) the City Council has adopted a public policy plan, including area plan, district plan or transportation plan that changes public policy regarding how the property affected by the amendment should be developed; (c) construction or expansion of a road, water line, sewer line, or other infrastructure has occurred to serve the property and which infrastructure can accommodate the intensity of development allowed under the proposed classification; (d) there has been some other substantial change in conditions or circumstances which justifies waiver of the two-year restriction on a new petition; this shall not include a change in the ownership of the subject property or, in the case of a petition for reclassification to a conditional district or parallel conditional zoning district, a change in the scale or features of the development proposed in the prior petition. A lower classification in the hierarchy of zoning districts may be sought. A legal challenge to an approved rezoning petition must be filed in Superior Court within two months of the governing body's action.

If you have questions or need more information regarding any step of the rezoning process, contact the Planning Department office at 704/336-2205.

The City of Charlotte's Zoning Administrator's is the section that handles the enforcement and interpretation of the City of Charlotte Zoning Ordinance. To visit their Web Site; [Zoning Administrator Web Site](#)