

Rezoning Procedural Checklist

1. Applicant enters PC and discusses the land use that they desire for their property. Sometimes they have been referred by the Buildings and Code Department(s) to the RPC staff when they asked for a building permit and found their zoning does not allow the use they request.
2. In the discussion, it is important to first consider the actual location of the subject property to see how the provisions of the Growth Plan affect it. The rural areas and the planned growth areas offer fewer rezoning options in keeping with the overall density plan for development outside the City limits.
3. With the location determined, the specific use can then be discussed with the applicant to find out the full scope of their intentions so as to match it up to the appropriate zone. Coordination with the appropriate Building and Codes Department may be necessary, if the use could be placed in more than one zone classification.
4. Once the applicant's intentions are outlined and the new zone is found, the application process then begins. The deadline for the current month's zoning application must be met; if submitted any later it should be delayed until next month. This must be done to insure that the public receives adequate notice under state law and also to make sure that the staff has enough time to gather facts for the planning commission to consider in their findings.
5. In order to complete the application, the applicant must supply a legal description of the site, tract or parcel or portion of, that is to be rezoned. Sometimes this requires a survey and sometimes this can be done by use of the tax assessor's maps. Involving a surveyor sometimes means a time delay that can add to the rezoning timeline. But if the area to be rezoned is large or if it is a complicated or a highly irregular shaped piece of property, the use of the professional surveyor pays off in the quality of the final product. This ultimately benefits the applicant(s), the neighboring owners, and those concerned with zoning from this point in time as well as into the future. Before the GI System, an applicant was asked to go to tax assessor's office and get a listing of the surrounding property owners to aid in the notification process. This had to be rechecked for accuracy and involved a lot of staff time. However, the GI System, with its monthly updates and its ability to generate mailing lists based upon a delineated geographic area, has made it more practical for the staff to assume this function. This has streamlined the application process and improved the accuracy of our records. When the application is returned, payment is expected.
6. Once the cases for the month's agenda are assembled, the director dispenses the cases to the planning staff on an individual basis for a personal inspection and evaluation of the property. This usually includes the following steps.
7. The planner charged with the case should first recheck the location of the property to see that the zone requested is available under the provisions of the Growth Plan (city

cases do not require this step). The physical boundaries should be checked to see that the area to be rezoned meets the minimum lot size requirements and that it is physically possible to meet all the side, front and rear yard dimensions while allowing for the construction of a functional improvement(s).

8. After this, the planner completes the staff review form that is submitted to the RPC. In order to do this the following questions must be answered and/or data collected. In a parallel action, a notification is sent to all governmental departments with an interest in development, soliciting their comments on the proposed rezoning. Their input is critical to the process, as the planner should not only consider their comments but also the RPC.
9. An evaluation of the compatibility of the proposed use to those existing in the area is undertaken early in the process. The questions to be answered are – How does the proposed use impact the surrounding neighbors? How will the neighborhood's uses impact the proposed use of the subject? Negative findings are very important. Please note that judgments concerning incompatibility are subjective in nature. It is hard to define. Professional training, judgment, common sense and visioning for the future are called into play during this analysis. The GI System provides aerials and parcel lines to view land use patterns as well as a layer that inventories the existing land uses in place as well as zone districts. The GI System gives the planning staff a head start in dealing with compatibility issues.
10. The review form requires the assessment of the utilities available in the area of the subject property. This assessment must take into consideration not only of the quantity of the utilities in place on the property (or nearby) but also the quality of the service available. The important question must be answered - Will the scope of the development overtax the existing system or can it be assimilated with a minimum of difficulty? This is ascertained by interviews with the utility providers, either in person, over the telephone, or by written questionnaire. The owner/developer needs to know as early as possible if additional and/or offsite improvements to the utilities must be made in order to undertake his or her project.
11. When sanitary sewer is not available or when the weight bearing characteristics for construction is questioned, a review and assessment of the predominant soil series is undertaken. The staff uses the Montgomery County Soil Survey that was compiled and published by the USDA branch, formerly known as the Soil Conservation Service. This survey identifies soils in all areas of the county on an aerial photo base and allows a site specific, though only general analysis of the soil limitations in or near the subject property. The soil survey and the GI System also give the planners an indication of the slope of the land that may be a factor in its development. Also provided by the GI System is a comprehensive, seamless display of topographic lines, floodways and flood-prone that help with describing the physical aspects of the subject property.

12. If the rezoning request meets the criteria of the Growth Plan, Adopted Land Use Plan and other planning documents, is considered compatible with the area, and has the physical characteristics such as ample size, infrastructure, adequate soils and minimal amounts of steep slopes, then a strong case can be made for the rezoning of the property. If compatibility or physical characteristics are found to be inconsistent with the proposed use request then the rezoning case has less standing.
13. Once the planning staff has their individual cases analyzed and a recommendation formed, a staff zoning review meeting is held. Each case is presented to the group with a full explanation of why that planner would recommend for approval or for disapproval. After the case is made and all questions are answered from data obtained presently or from past experiences, the staff planners vote on the recommendation. The majority opinion is then passed on to the RPC. This information is then compared and used to assess the additional information supplied during the public hearings held by the RPC. The members of the planning commission then vote on the request.
14. The recommendation of the RPC is then forwarded to the appropriate elected body that has the final vote in the zone change process. A full explanation of the case's points, both positive and negative, the staff recommendation, and a reporting of the vote of the commission accompany it.