

## Overview

Rezoning in Winston-Salem and Forsyth County involves submitting a petition or application, to change a zoning district from one designation to another. There is a monthly deadline by which all petitions must be filed; copies of the schedule are available. Petitioners may request a general use, special use limited, or special use district rezoning. The petition is filed at the public counter of the Land Use Administration of the City-County Planning Board, located on the second floor (Suite 225) of the Bryce A. Stuart Municipal Building, 100 East First Street, Winston-Salem, NC, (336)747-7069. The petitioner(s) must generally be owners or have the owner's permission to rezone the property. There are, however, special provisions for rezoning property without the owner's permission.

**General Use Rezoning-** A General Use petition requests that a parcel be changed from one zoning district (e.g., RS-9, or Residential Single-Family with 9,000 sf minimum lot size requirement) to another district (e.g., HB or Highway Business), without specifying the particular use or manner in which the property will be utilized. Those who file General Use petitions are not allowed to speak to any specific use for the property at the public hearing because boards must consider every use permitted in the proposed zoning district.

**Special Use Limited Rezoning-** A Special Use- Limited (L) petition is more restrictive than a General Use rezoning, but less restrictive than a Special Use rezoning. A SUL rezoning allows the petitioner to volunteer conditions that address concerns of Planning Staff or surrounding property owners. Examples of volunteered conditions include limiting the use(s) of the property, retention of an existing structure, increased bufferyard/landscaping, etc. Unlike Special Use rezonings, no site plan is required with a SUL rezoning request.

**Special Use Rezoning-** A Special Use District petition requests that a parcel be changed from one zoning district (e.g., RS-9) to another district (e.g., HB-S, or Highway Business, special use) which will be limited to a specific use(s) identified and graphically illustrated on a site plan that accompanies the application. A site plan checklist is available at the Development and Design Review Counter or from our Applications Page. Conditions are generally attached to the Special Use site plans.

## How does the rezoning process work?

1. The process should begin with a call or visit to the Land Use Administration Team (LUA) to discuss your preliminary plans, to ask the staff's advice on submission procedures, and to pick up the necessary materials. (Application forms, checklists, and requirement materials are on our Applications page) For special use district petitions, site plans should include information required on the appropriate checklist and must be reviewed by staff at the pre-submittal application stage. In addition, applicants may also desire to have an informal interdepartmental review of their proposed project. Applicants may receive a 30-minute review period on Fridays beginning at 8:30 a.m. provided 14 copies of the sketch plan are received by the preceding Monday at 5:00 p.m.

2. The petitioner is advised to contact neighbors who may be affected by the proposed rezoning request. The petitioner should exercise their best judgment in deciding what neighbors to contact.
3. Bring the application and all applicable information (including fee) to the Bryce Stuart Municipal Building, Suite 225 for submission. Here the petition will be assigned a case number, and you will be advised of the later steps and timetables. If you are requesting a special use rezoning that includes a portion of a lot, the legal description for that lot will need to be submitted at the pre-submittal deadline.
4. Staff prepares a zoning report for the Planning Board. Staff begins this by visiting the site and consulting with other City-County departments to get their information and input. Then, a report is prepared including a review of the relevant points involved in the case including: compliance with *Legacy* along with any adopted area plans; a discussion of any planning issues that impact the case; and a recommendation of the entire staff as to whether the petition should be approved or denied. In addition, site plans prepared for special use district petitions receive comments in addition to any conditions that may be placed on the site plan or zoning. This report is available for review on the Monday before the scheduled Planning Board meeting on the LUA portion of the website.
5. The Planning Board meets to hold a public hearing and review the petition. The staff presents its report and recommendation. If the recommendation is for approval, and no opposition is present at the hearing, the item may be placed on the consent agenda; in this instance, the public hearing process may be expedited. If the staff's recommendation is for denial, or if there is opposition present and wishing to speak about the request, a staff presentation is made and a full hearing is held. A maximum of twelve (12) minutes is allotted to each side (supporting and opposing) to present the respective views. There is no rebuttal period. The applicant or representative is strongly encouraged to attend the public hearings where the case will be considered by the Planning Board and the Elected Body.
6. Following the Planning Board meeting, the case is then sent on to the City Council (for City cases) or to the Board of Commissioners (for County cases) for review and final decision. This review occurs regardless of the recommendation by the Planning Board, and the decision of the elected body is final. Any persons who speak at the Planning Board meeting will be notified by mail of the meeting date and time of elected body meeting. The entire process generally takes between 2-3 months.
7. For rezoning cases within the City of Winston-Salem, petitioners are advised to contact their Council member to discuss City rezoning cases prior to the elected body public hearing.

**Additional information which may be helpful to persons submitting petitions, including permitted use tables, setback requirements, and descriptions of zoning categories are also available from the Land Use Administration Team. For more information contact Gary Roberts at (336)-747-7069.**