



GATES COUNTY PLANNING AND DEVELOPMENT

Planning Board Rezoning Bulletin

OVERVIEW

The Gates County Development Ordinance contains a public hearing procedures whereby anyone may request to amend the zoning of a property.

TYPES OF REQUESTS

General Purpose Rezoning

The Development Ordinance provides a variety of residential, commercial, office, and industrial zoning districts from which to choose. A general purpose rezoning request requires the Planning Board to consider all uses permitted in the requested zoning district.

CONSIDERATION OF REQUESTS

The decision to approve or deny a request rests with the Gates County Planning Board and the Gates County Board of County Commissioners. The Planning Board issues a recommendation to the Gates County Board of County Commissioners. The Gates County Board of County Commissioners issues the final decision of approval or denial. Appeals to the Board of County Commissioners are made to and heard by the North Carolina Superior Court.

The administration, amendment and enforcement of the Development Ordinance and Official Zoning Map are accomplished within the framework of the Gates County Comprehensive Plan and its supporting documents.

These documents and the policies they represent are essential in the evaluation of the impact and appropriateness of each request.

PROCEDURES

Pre-Filing Conference

A pre-filing conference is recommended for anyone planning to file an application. This informal meeting allows staff to provide guidance in identifying the most appropriate zoning district for the proposed use, share applicable land use plans, and indicate a likely recommendation to the Planning Board. This should be scheduled in the weeks prior to the submission deadline.

Filing

Filing for a rezoning requires:

- ┆ A completed and signed Application Form
- ┆ Application fee
- ┆ A legal description of the property, if required
- ┆ A Deed

These items must be submitted by noon on the submittal deadline date listed below. Failure to submit the required items on time may delay the processing of the application and scheduling of the public hearing. It is recommended that applications be hand-delivered to the Planning and Development Department.

2016 Planning Board Meeting Schedule

Application Submittal Deadline 12:00 pm	Planning Board Meeting 3:00 pm
December 1, 2015	January 19, 2016
January 2, 2016	February 16
February 9	March 15
March 16	April 19
April 12	May 17
May 17	June 21
June 14	July 19
July 12	August 16
August 16	September 20
September 13	October 18
October 11	November 15
November 15	December 20



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Notice

Planning Board Notice

The Planning Board does not conduct a Public Hearing, but letters of notification are sent to adjacent property owners approximately twelve (12) days before the meeting.

Board of County Commissioner Notice

Notification of a public hearing is required under state law. This consists of:

- ┌ Notice by posting of a sign on the subject property approximately twelve (12) days prior to the public hearing.
- ┌ Notice by newspaper advertisement in the Legal Section of a local newspaper. The ad is published twice - approximately twelve (12) days and seven (7) days prior to the meeting.
- ┌ Notice by first class mail, to all adjoining and contiguous property owners approximately twelve (12) days before the meeting.

Public inquiries often result from the notification process. The applicant may contact staff to inquire about citizen comments prior to the public hearing.

BEFORE THE MEETING

Discussion with interested parties

It is recommended that the applicant discuss his/her plans with adjoining property owners, neighborhood associations and other interested parties prior to the public hearing.

Staff Report

The report is available three or four days prior to the public hearing and anyone may request a copy.

Withdrawals

A request to withdraw must be made in writing, signed by the applicant and submitted to planning staff. If the withdrawal request is submitted prior to any public notification (usually four days after the submission deadline), a refund can be made and attendance at the meeting is not required.

If public notification has already been made, a withdrawal may only be granted by the Planning Board. Attendance at the meeting is required, and the applicant is not eligible for a refund.

Continuances

A continuance of a request may only be granted by the Planning Board. Attendance at the meeting is required. If granted, the Planning Board will set a new date for the public hearing. The Planning Board may only continue a request for a total of sixty (60) days.

THE MEETING

The applicant or his /her representative **must** be present for the public hearing. Planning Board meetings are held on the third Thursday of the month at 3:00pm. Location to be determined.

Meeting Format

At the beginning of each meeting, the Chair of the Planning Board review the meeting and voting procedures. Following an approval of minutes, the Chair calls a case, the staff report is presented, and the public discussion is conducted.

During the public discussion, the applicant, his/her representative, or anyone in favor of the request will have a total of twenty (20) minutes to address the Planning Board. Next, anyone in opposition to the request will be given twenty (20) minutes to speak.

Maps, photographs, diagrams and other presentation materials may be incorporated into public hearing presentations. Any materials presented to the Planning Board remain with the case file, so duplicates should be provided. This includes written petitions, which should list the address for each signatory.

Outcomes

A favorable 5/7ths vote on a request constitutes a favorable recommendation being forwarded to the Board of County Commissioners.

All cases are automatically forwarded to the Board of County Commissioners for a public hearing.

Appeals

Decisions of the Board of Commissioners may be appealed to State Superior Court within two months of the Board's decision.

This document is intended for public information purposes only. It summarizes and omits some provisions. It is not to be construed or used as an official interpretation of the Gates County Development Ordinance in any legal proceeding.