



# GUILFORD COUNTY PLANNING AND DEVELOPMENT

## Rezoning Procedures And Rezoning Application

### OVERVIEW

The Guilford County Development Ordinance contains public hearing procedures whereby anyone may request to rezone or conditionally rezone property, and contains quasi-judicial procedures whereby a property owner may request a special use permit.

### 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.

#### Conditional Use Rezoning

Each zoning district has a companion conditional use district. These districts are designed to insure the compatibility of a proposed use with the surrounding area. A conditional use zoning request permits the applicant to condition or limit the uses allowed on the site and offer development standards that exceed those found in the Development Ordinance. A Zoning Sketch Plan must accompany a conditional use rezoning request.

#### Special Use Permit

Some uses allowed in the Development Ordinance may be permitted subject to the approval of a Special Use Permit by the Planning Board. This approval is a quasi-judicial procedure requiring specific findings of facts for approval or denial. A TRC-approved or conditionally approved site plan must accompany a Special Use Permit request.

### CONSIDERATION OF REQUESTS

The decision to approve or deny a request rests with the Guilford County Planning Board. Actions of the Planning Board are final, unless appealed. Appeals are heard by the Guilford County Board of Commissioners.

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

- The County Land Use Plan
- Thoroughfare Plans
- Area Plans
- Parks, Recreation and Open Space Plans
- Capital Improvement Plans
- Watershed Management Plans

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, conditional use rezoning or special use permit requires:

- A completed and signed Application Form;
- Application fee;
- A Zoning Sketch Plan, Special Use Permit Site Plan or legal description of the property, if required; and
- Public water and sewer approval letter, if required.

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.

### 2009 Planning Board Meeting Schedule

| Application Submittal Deadline 12:00 pm | Planning Board Meeting 7:00 pm | Decision Appeal Deadline 5:00 pm |
|---|--------------------------------|----------------------------------|
| December 17, 2008                       | January 14, 2009               | January 29, 2009                 |
| January 14, 2009                        | February 11                    | February 26                      |
| February 11                             | March 11                       | March 26                         |
| March 11                                | April 8                        | April 23                         |
| April 15                                | May 13                         | May 28                           |
| May 13                                  | June 10                        | June 25                          |
| June 10                                 | July 8                         | July 23                          |
| July 15                                 | August 12                      | August 27                        |
| August 12                               | September 9                    | September 24                     |
| September 16                            | October 14                     | October 29                       |
| October 7                               | November 4                     | November 19                      |
| November 11                             | December 9                     | December 23                      |



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### 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

Staff prepares a report for each case, which includes the staff recommendation. The report is available three or four days prior to the public hearing and anyone may request a copy. No recommendation is made on Special Use Permits, because the Planning Board will use specific findings of fact in their decision.

#### 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 second floor of the Old County Courthouse, 301 West Market Street, Greensboro, NC. The Planning Board typically consists of seven (7) seated members.

#### 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 hearing is opened.

During the public hearing, 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 final approval, unless appealed. A majority favorable vote of less than 5/7ths constitutes a favorable recommendation of the request, which is automatically forwarded for a public hearing before the Board of County Commissioners. Requests receiving less than a majority favorable vote, an unfavorable vote to deny, or a tie constitute a denial unless appealed.

#### Appeals

A decision of the Planning Board may be appealed to the Board of County Commissioners by any interested party, including the applicant. The appeal form, available from the Planning Department and appeal fee must be submitted to the Clerk to the Board of Commissioners within 15 days of the Planning Board decision. Decisions of the Board of Commissioners may be appealed to State Superior Court within two months of the Board's decision.

### **YOUR REQUEST TIMELINE**

Date Submitted: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

End of Appeal Period: \_\_\_\_\_

*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 Guilford County Development Ordinance in any legal proceeding.*



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

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Date Submitted: \_\_\_\_\_ Fee/Receipt #: \$500.00/ Case Number: \_\_\_\_\_

**Provide the required information as indicated below.** Pursuant to the Guilford County Development Ordinance, this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Enforcement Officer. Additional sheets for tax references and signature blocks are available upon request.

Pursuant to Section 3-12 of the Guilford County Development Ordinance, the undersigned hereby requests Guilford County to rezone the property described below from the \_\_\_\_\_ zoning district to the \_\_\_\_\_ zoning district.

Said property is located \_\_\_\_\_

in \_\_\_\_\_ Township; Being a total of: \_\_\_\_\_ acres.

Further referenced on the Guilford County Tax Maps as:

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ Parcel # \_\_\_\_\_

**Check One:**

- The property requested for rezoning is an entire parcel or parcels as shown on the Guilford County Tax Map.
- The property requested for rezoning is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and a map are attached.

**Check One:**

- Public services (i.e. water and sewer) are not requested or required.
- Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

**Check One:**

- The applicant is the property owner(s)
- The applicant is an agent representing the property owner(s); the letter of property owner permission is attached.
- The applicant has an option to purchase or lease the property; a copy of the offer to purchase or lease is attached (financial figures may be deleted).
- The applicant has no connection to the property owner and is requesting a third party rezoning.

*I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.*

**(YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING.)**

Respectfully Submitted,

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Representative Signature (if applicable)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Phone Number



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**Additional Tax Map References**

Further referenced on the Guilford County Tax Maps as:

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

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Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax Map # \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ -- \_\_\_\_\_ Block # \_\_\_\_\_ -- \_\_\_\_\_ Parcel # \_\_\_\_\_

**Additional Signatures**

*I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.*

**(YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING.)**

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
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City, State and Zip Code

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Phone Number