



Planning Department

Public Hearing Application

ATTENTION ALL PUBLIC HEARING APPLICANTS

*** Before filling out a public hearing application, please call and make an appointment with the Planning Department staff. This meeting is necessary to review the city's long range plans in the area and to discuss the appropriate zoning classification for the development. ***

- Please note that the application deadlines listed in your public hearing packet are not negotiable. If you bring in an application late, it cannot be heard until the next scheduled public hearing.
If you wait until the last day to bring in your application, and it is incomplete, your application will likely be postponed until the next hearing date. To avoid such problems, we recommend that you turn in your application at least 3 or 4 days PRIOR to the deadline, so that staff can review it for completeness, and you will have time to provide any additional materials needed by the deadline.
City of Gastonia staff will review your application, site plan, and other submitted materials and notify you of any revisions that should be made to your plan. Staff will work with you to establish a deadline for your revisions, however, in no case shall minor revisions and adjustments be accepted after the Friday before the Gastonia Planning Commission agendas are mailed (agendas are mailed one week prior to the hearing). This gives staff three days to review your final plan revisions before official recommendations are delivered to the Planning Commission. Major revisions and adjustments, such as additional flood data and traffic studies, will require additional staff time for review, therefore, late entries will require that your application be postponed until the following meeting. If you have questions about these deadlines, please inquire when submitting your application.

Thank you for your cooperation!

Jason Thompson, AICP
Planning Director

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PUBLIC HEARING PACKAGE CHECKLIST

This package contains all the information needed to file for a public hearing. Public Hearings are held for rezoning, Conditional District rezoning, issuance of a Conditional Use Permit, modifications to Conditional Use Permits, special exceptions to the Flood Hazard Overlay and ordinance amendments.

It is **very important** that you read the information provided in this package. In addition, on the application you will find a signature line where you are asked to indicate that you did read the information.

The following items are to be submitted with the application:

	Application
	Copy of Deed
	Tax Maps for: Subject property (should be labeled as such); and Adjoining properties within 100 feet (excluding rights-of-ways)
	Tax Sheets for: Subject property; <i>Make sure tax sheets are current to within the past 30 days!</i> Adjoining properties.
	Fee (check made out to the City of Gastonia) <i>See fee schedule on page 14.</i>

If you are applying for a **Conditional Use Permit (CUP)**, the following will also be required:

	Signatures of all property owners on application. (If married, both spouses must sign.)
	Site plan or current tax map, full sized (24" by 36") <i>3 copies</i>
	Reduced copy of site plan or current tax map (8 1/2" by 14").
	Findings of Fact: <i>Make sure you give detailed answers.</i>

If you are applying for a **Conditional District (CD) rezoning**, the following will also be required:

	Signatures of all property owners on application. (If married, both spouses must sign.)
	Site plan, full sized (24" by 36") <i>3 copies</i>
	Reduced copy of site plan (8 1/2" by 14").
	Report from neighborhood meeting

Additional information may be necessary based upon Unified Development Ordinance requirements.

General Time Line for the Public Hearing Process

Please note that due to the fact that there are five weeks in some months and four in others, this schedule will vary somewhat. The purpose of this time line is to give general information about the public hearing process. For specific dates, please see staff.

Week 1

- The public hearing application is submitted to staff at the Planning Department.
- For Conditional District (CD) rezoning, the applicant will schedule and provide notification of the required neighborhood meeting.
- Staff reviews application and will contact applicant if additional information is needed.
If additional information is needed, it must be submitted within 15 days of the original deadline, or the case will be delayed until the following meeting.

Week 2

- A map of the proposed public hearing is made and copies are distributed to staff.
- Staff holds a staff review meeting to discuss the public hearing items for the upcoming Planning Commission agenda.
- Deliberation from this staff meeting will be used to prepare the staff evaluation, except for *special exceptions to the Flood Hazard overlay*. The Engineering staff will prepare all evaluations on *special exceptions to the Flood Hazard Overlay ordinance*.

Week 3

- For Conditional District (CD) rezoning, the applicant will hold a neighborhood meeting for the property owners and organizations surrounding the subject property. Notification for this meeting shall take place a minimum of 10 days prior to the date of the neighborhood meeting.

Weeks 4 & 5

- Applicant's report from neighborhood meeting due to staff during week 4.
- Staff will discuss any concerns from the staff meeting with the applicant.
- Letters are mailed, by staff, to the adjoining property owners, sign(s) are posted on the subject property and a legal advertisement is sent to the newspaper for publication.
- Staff will begin to prepare the evaluation that will be sent to the Planning Commission / City Council with the agenda.

Week 6

- Staff prepares the Planning Commission agenda which includes the written evaluation, the rezoning map, and any other necessary information.
- The agenda is mailed out to the Planning Commission.
- A copy of the staff report is sent to the property owner, applicant and the applicant's representative.

Week 7

- On Thursday, the Planning Commission will hold its meeting.

Week 9

- City Council will hear items that are automatically placed on their agenda.
- For items that do not automatically go to City Council, the appeal deadline is 15 days after the Planning Commission meeting. If no one appeals, the Planning Commission decision is final.

Week 15

- If the item is appealed or if the decision by the Planning Commission is by less than a $\frac{3}{4}$ majority, it will go to the City Council meeting for a new hearing. The City Council's decision is final.

The Planning Commission and City Council Meeting

The Planning Commission

- The Planning Commission usually holds its regularly scheduled monthly meeting on the first Thursday after the first Tuesday of each month at 5:30 p.m. in the Council Chambers of City Hall.
- Anyone wishing to speak on a public hearing item is required to sign up at the meeting.

Meeting format:

- The Chairman will read a brief description of each public hearing item.
- If the request includes a Conditional Use Permit, the Chairman will call for anyone who wishes to speak at the hearing to be sworn in. In order to grant a Conditional Use Permit, the Planning Commission is required to make certain findings of fact based upon evidence presented at the hearing. Therefore, all persons giving factual information at the hearing must be sworn.
- The Chairman will then call on the planning staff to present the item. (Please remember the attached time limitations are in effect.)
- The Chairman will call on the applicant or the applicant's representative to present the application. At this time you may explain to the Commission the reasons for your request and give them any information you wish. They may have questions of you at this time.
- The Chairman will then call on opponents who desire to speak.
- The Chairman will give each side a chance for rebuttal.
- After all testimony has been presented, the Commission may ask question of staff, the applicant or others.
- The Commission will close the public hearing. Once this is done no one may speak to the Commission unless the Commission directly asks a question or re-opens the public hearing.
- The Commission will then discuss the application and make a decision to approve in whole or in part, deny, or continue. The Commission's decision may be rendered within 45 days of the hearing, however, it is most often made at the same meeting.
- The decision of the Commission is only a recommendation for those items that automatically go to City Council.
- The decision of the Commission on items that do not automatically go to City Council is final; unless it fails to achieve a $\frac{3}{4}$ majority vote of the members present and voting to grant or deny the request; or if the decision is appealed (within 15 days of the Planning Commission decision) to City Council (in such cases the City Council's decision is final).
- **Appeal forms** may be obtained from the Planning Department staff.

The City Council

- If the case proceeds to the City Council, it will be heard at 6:00 P.M. on the third Tuesday of the month *following* the month of the Planning Commission hearing (see attached timetable), at the Public Forum room in the Gaston County Courthouse.
- Persons wanting special notice of the City Council hearing in the event the matter goes to City Council must sign up for notification on a list made available at the Planning Commission meeting.
- The City Council meeting will follow the same format as the Planning Commission meeting. This meeting is televised.
- The decision of the City Council is final.

City of Gastonia Continuance Policy

One continuance per application, which may be granted by the Planning Commission and/or the City Council for a period not to exceed two months unless it is determined that extenuating circumstances, beyond the control of the applicant, warrants the granting of additional time.

Conditional District Rezoning Information

Purpose

If you are filing a request for a parallel Conditional District (CD), additional information will be required. The conditional rezoning process allows particular uses to be established, but only in accordance with a specific development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and/or on the entire community which cannot be predetermined and controlled by general district standards or the criteria governing planned developments. There are also circumstances in which a general district designation allowing such a use *by right* would not be appropriate for a particular property; though the use itself could, if properly planned, be appropriate for the property and consistent with the objectives of these regulations, the adopted land use plan, and other plans for the physical development of the city as adopted by the City Council. The review process provides for the accommodation of such uses by a reclassification of property into a "parallel conditional district".

The CD approval process is established to address those situations when a particular use may be acceptable but the general zoning districts allowing that use would not be acceptable. Such zones may be approved or changed only by the Planning Commission or City Council. A CD is issued only in the presence of strong intent to develop the property. Before a public hearing may be held on a petition for a parallel conditional zoning district, the petitioner must file with the Planning Division a written report of at least one (1) community meeting held by the petitioner. The community meeting shall be held prior to the public hearing before the Planning Commission. Written notice of such a meeting shall be given to the property owners and organizations surrounding the property proposed for rezoning to a CD. This notification will need to take place no later than 10 days (postmarked) prior to the scheduled neighborhood meeting. At a minimum, the report shall include the following materials:

- A listing of those persons and organizations contacted about the meeting (minimum requirement is adjoining properties within 100 feet [excluding rights-of-ways]).
- A copy of the notification letter mailed to neighborhood indicating the date, time and location of the meeting
- A description of the issues and concerns identified by those that attended the meeting along with any changes to the rezoning petition made by petitioner as a result of the meeting.
- Original neighborhood sign-up sheet from the meeting

In the event the petitioner has not held at least one (1) 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.

In order to file for a CD you must fill out the public hearing application and provide all necessary supporting information. If a CD is accompanied by a site plan, it must be drawn to scale and an 8 1/2" x 14" reproducible copy must be provided. The site plan shall include the following:

1. A boundary survey and vicinity map, showing the property's total acreage, general location in relation to adjoining streets, railroads and/or waterways; date and north arrow. Zoning classification of the property in question and contiguous properties shall also be shown (in lieu of the boundary and survey maps, one or more up-to-date tax maps depicting the areas in question may be substituted. Any required drawing or depiction of the proposed development or use shall not appear on the tax maps but rather shall appear on the site plan).
2. The owner(s)' names and addresses, tax parcel numbers and existing land use(s) of all contiguous properties.
3. The proposed use of all land and structures including the number of residential units proposed, if any, and total square footage of nonresidential development.
4. The location of all proposed structures, their approximate area and exterior dimensions, height and proposed number of structures.
5. A description of all screening and landscaping required by these regulations and/or proposed by the applicant; the delineation of any wooded, landscaped or grassed areas existing prior to development and proposed to remain on the property once the development is completed.
6. All existing easements, reservations and rights-of-way.
7. Proposed phasing, if any, and approximate completion time for the project.

8. Delineation of areas within the regulatory floodplain as shown on the official Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps for Gaston County.
 9. Traffic, parking and circulation lanes, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.
- **It is important to note that approval of a Conditional District (CD) rezoning is always contingent upon the project meeting all other city ordinances, including but not limited to subdivision regulations, engineering standards, zoning standards, etc. Approval of a Conditional District is NOT the same thing as site plan approval or building permit issuance. The conditions established at the Planning Commission hearing are *in addition* to any other city regulations. It is your responsibility to work with staff to determine all other city requirements applicable to your project.**

Conditional Use Permit Information

Purpose

The issuance of Conditional Use Permits (CUP) provides for certain uses to be located, "by right", in each general zoning district subject to the use meeting certain area, height, yard and off-street parking and loading requirements. The purpose of having conditional uses is to ensure that these uses are compatible with surrounding development and in keeping with the purposes of the general zoning district in which they are located.

- If a CUP is approved by either the Planning Commission or City Council, the CUP shall not be effective until all conditions and deeds granting rights-of-way (if right-of-way dedication is a condition) have been recorded.
- The Planning Department will record these items for you once the correct forms and information is supplied. If the recording of all documents has not occurred within 180 days of approval, the City of Gastonia will record the documents without the signatures of the property owners.
- A minimum of ten (10) working days within the ninety (90) days will be allocated for staff review of the documents.
- For good cause shown, the Planning Director may extend the recording period for up to an additional ninety (90) days.
- Please note that the applicant shall be responsible for all expenses involved in the dedication to the City of rights-of-way (including deed and map preparation and recording fees) when such dedication is a condition of a CUP.
- If your CUP is approved, the Planning Department staff will fill out the CUP recording document and send it with further instructions to you.
- **It is important to note that approval of a Conditional Use Permit is always contingent upon the project meeting all other city ordinances, including but not limited to subdivision regulations, engineering standards, zoning standards, etc. Approval of a Conditional Use Permit is NOT the same thing as site plan approval or building permit issuance. The conditions established at the Planning Commission hearing are *in addition* to any other city regulations. It is your responsibility to work with staff to determine all other city requirements applicable to your project.**

Time Limitation For Zoning Hearing Before The Gastonia Planning Commission

In order to promote more discussion of topics throughout the Planning Commission agenda the Commission has adopted the following time limitation policy for all zoning hearings:

- The Planning Department Staff will initiate the zoning hearing with a brief description and the recommendation, 10 minutes;
- The Proponents will present their case. Individuals limited to five (5) minutes per person, spokesperson may use all twenty (20) minutes.
- The Opponents will present their case. Individuals limited to five (5) minutes per person, spokesperson may use all twenty (20) minutes.
- A total of five (5) minutes will be allowed to both proponents and opponents for rebuttal.

(Please note that as the Commission asks questions of the speaker, the time clock will be temporarily stopped until the question is answered and the speaker continues his presentation.)

The Planning Commission, following a majority vote, and if it believes that a particular situation warrants it, may extend the time; provided that the extension affords equal time to both sides, or it may waive the rules on time limitations,. Prior to the hearing, Planning Department Staff will set up a table for people to make use of a sign-up sheet if they plan to speak on a zoning item. This will give the Chairman an idea of the anticipated number of speakers. Thus, total time and individual times may be adjusted in advance as needed. Failure to sign the sign-up sheet would not preclude someone the right to speak.

Time Limitation For Zoning Hearing Before The Gastonia City Council

In order to promote more opportunity for citizen input of topics throughout the City Council Agenda, the Gastonia City Council has adopted the following time limitation policy for all public hearings:

- The Planning Department Staff will initiate the zoning hearing with a brief description and the recommendations of the Planning Commission and staff, 10 minutes.
- The Proponent will present their case. (Generally, a total of 12 minutes will be allotted. This time may be allotted to a single spokesperson or may be divided in any manner between multiple speakers. The Proponents should plan ahead as to how the speaking time is to be divided.)*
- The Opponents, if any, will present their case. (Generally, a total of 12 minutes will be allotted. This time may be allotted to a single spokesperson or may be divided in any manner between multiple speakers. The Opponents should plan ahead as to how the speaking time is to be divided.)*
- A total of five (5) minutes will be allowed to proponents for rebuttal.
- A total of five (5) minutes will be allowed to opponents for rebuttal.
- The staff will have 3 minutes clarify matters or respond to issues raised in the debate.
- Total potential time - 45 minutes.

At each City Council meeting the Planning Department Staff will have a table at which individuals wishing to speak should sign up. This will give the Mayor an idea of the anticipated number of speakers.

A staff member will indicate to each speaker when they have one minute remaining with a yellow light and when their allotted time has expired with a red light. Each speaker is asked to carefully monitor the signals so as not to infringe on another speaker's time.

* If a particular situation warrants more time, the City Council, following a majority vote, may extend equal time to both the proponents and opponents.

2019 Public Hearing Schedule

Rezoning Hearings

Submittal Deadline **	Staff Review Meeting	Planning Commission Hearing	Appeal Deadline	City Council Hearing (Courthouse)
November 19, 2018	November 28, 2018	January 3	January 18	February 19
December 21, 2018	January 2	February 7	February 22	March 19
January 18	January 30	March 7	March 22	April 16
February 18	February 27	April 4	April 22	May 21
March 25	April 3	May 9	May 24	June 18
April 22	May 1	June 6	June 21	July 16
May 20	May 29	July 4	July 19	August 20
June 24	July 3	August 8	August 23	September 17
July 22	July 31	September 5	September 20	October 15
August 19	August 28	October 3	October 18	November 19
September 23	October 2	November 7	November 22	December 17
October 21	October 30	December 5	December 20	January 21, 2020
November 25	December 4	January 9, 2020	January 24, 2020	February 18, 2020
December 23	December 31	February 6, 2020	February 21, 2020	March 17, 2020

*** Zoning cases not requiring a site plan may have a one-week grace period from the submittal deadline.*

Zoning Ordinance Text Amendments, Special Exceptions to the Flood Hazard Ordinance, and Comprehensive Plan Amendments**

Submittal Deadline	Planning Commission Hearing	City Council Hearing (Courthouse) <i>Zoning Ordinance Text and Comprehensive Plan Amendments</i>	City Council Hearing (City Hall) <i>Special Exceptions to the Flood Hazard Ordinance</i>
November 19, 2018	January 3	January 15	February 5
December 21, 2018	February 7	February 19	March 5
January 18	March 7	March 19	April 2
February 18	April 4	April 16	May 7
March 25	May 9	May 21	June 4
April 22	June 6	June 18	July 16
May 20	July 4	July 16	August 6
June 24	August 8	August 20	September 3
July 22	September 5	September 17	October 1
August 19	October 3	October 15	November 5
September 23	November 7	November 19	December 3
October 21	December 5	December 17	January 7, 2020
November 25	January 9, 2020	January 21, 2020	February 4, 2020
December 23	February 6, 2020	February 18, 2020	March 3, 2020

*** When a Comprehensive Plan Amendment is tied to a pending rezoning case, said Plan Amendment should go the Planning Commission on the same night as the rezoning hearing.*

All **Planning Commission** hearings are held in the City Council Chambers in City Hall and begin at **5:30 PM** (unless otherwise noted on the legal advertisement). The **City Council** hearings begin at **6:00 PM**, and take place in the Public Forum Room at the Gaston County Court House.

Fee Schedule

	Current Fee	Account Number	Total Fee
A. Application for Rezoning			
1. From any district to a single-family district	\$300.00 + \$6.00 each acre	10-490-320	
2. From any district to a multi-family district	\$425.00 + \$25.00 each acre	10-490-320	
3. From any residential or office district to an office district	\$425.00 + \$25.00 each acre	10-490-320	
4. From a business or an industrial district to an office district	\$300.00 + \$6.00 each acre	10-490-320	
5. From a residential or an office district to a business district	\$425.00 + \$35.00 each acre	10-490-320	
6. From one business district to another business district	\$425.00 + \$30.00 each acre	10-490-320	
7. From any residential district to an industrial district	\$425.00 + \$6.00 each acre	10-490-320	
8. From any non-residential district or RA district to any industrial district	\$425.00 + \$6.00 each acre	10-490-320	
9. From any district to a Planned District (PUD OR PRD)	\$425.00 + \$6.00 each acre	10-490-320	
10. Other - please describe:	\$200.00 + \$6.00 each acre	10-490-320	
B. Other Hearings/Permits			
1. Amendment to Conditional District (hearing required)	\$250.00 + \$6.00 each acre	10-490-320	
2. Staff approved minor alteration to conditional or special use permit (no hearing)	\$50.00	10-490-320	
3. Conditional Use Permits			
a. Residential	\$180.00 + \$6.00 each acre	10-490-320	
b. Non-Residential	\$180.00 + \$6.00 each acre	10-490-320	
4. RMF/BC-1 Site Plan Change	\$250.00 + \$6.00 each acre	10-490-320	
5. Board of Adjustment Hearing			
Residential Single Family – Variance	\$110.00	10-490-320	
Other, Non-Residential – Variance	\$175.00 + \$5.00 each acre	10-490-320	
Board of Adjustment Appeals	\$100.00	10-490-320	
Board of Adjustment Special Exceptions	\$100.00	10-490-320	
6. Event Permit - carnival, circus, rodeo, or similar (see Section 5-22)	\$125.00	10-490-320	
Zoning Permit	\$35 + 5% Tech Fee	10-490-320	
Zoning Verification Letter	\$45 + 5% Tech Fee	10-490-320	
7. General Sign Permit Fee	\$50 + 5% Tech Fee	10-490-320	
Freestanding Sign			
8. Electronic Changeable Message Board, typically LED	\$400 + 5% Tech Fee	10-490-320	
Freestanding or other exterior building-mounted			
Storefront window type	\$150 + 5% Tech Fee	10-490-320	
C. Publications			
1. Unified Development Ordinance (UDO)	\$25.00	10-490-335.04	
2. Unified Development Ordinance (UDO) Updates	\$15.00	10-490-335.04	
3. Zoning map	\$15.00/25.00 color	10-490-335.04	
4. Thoroughfare Map	\$15.00/20.00 color	10-491-335.00	
5. Comprehensive Plan	\$30.00	10-490-335.04	
6. GIS Aerials & Custom Maps <i>(Waiting period dependant on workload.)</i>	\$8.00 per quarter hour to create + \$1.00 per sq. ft. for plotting	10-490-335.04	
Color Maps:			
GIS service, 8 1/2" x 11"	\$1.00 each	10-490-335.04	
GIS service, 8 1/2" x 14"	\$1.00 each	10-490-335.04	
GIS service, 11" x 17"	\$1.00 each	10-490-335.04	
GIS service, 18" x 24"	\$1.00 each	10-490-335.04	
GIS service, 24" x 36"	\$1.00 each	10-490-335.04	
GIS service, 36" x 48"	\$1.00 each	10-490-335.04	
TOTAL DUE			\$