

# What is Rezoning?

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## What is Rezoning?

The City of Roanoke Rapids' official zoning map designates all properties within the city's jurisdiction with a specific zoning district. For example, a single-family home may be zoned residential and a shopping center may be zoned commercial. A rezoning (also known as a zoning map amendment) is simply the process to change the zoning designation of a property from one zoning district to another.

## What initiates the rezoning process for a property?

A property owner or an agent of the property owner initiates the rezoning process by submitting an application or "petition" to the city. Most often, the property owner or agent is seeking a change in zoning to accommodate a new development proposal. Other instances include changes initiated by the Roanoke Rapids City Council, the Roanoke Rapids Area Planning Board, or city staff. Governing boards must consider all permissible uses allowed by the requested zone as it is illegal to rezone a property on the basis of a single project.

## What happens if the rezoning is approved?

If approved, the property can be put to any use allowable within the desired zoning district subject to compliance with local, state and federal codes, ordinances and regulations.

## What happens if the rezoning is denied?

If denied, the current zoning district stays in effect and the applicant must wait one calendar year to reapply.

Any rezoning decision by the Council may be subject to judicial review in Superior Court.

## Still have Questions?

If you have any questions about the information in this brochure, please contact the City's Planning & Development Department  
1040 Roanoke Ave.  
Monday - Friday, 8:30 a.m. - 5:00 p.m.

**PLANNING & DEVELOPMENT DEPARTMENT**

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*Please note:*

*This guide is based on the City's Land Use Ordinance adopted on July 9, 2013, as amended. The Ordinance may change and this brochure may become out of date. This guide summarizes portions of the Land Use Ordinance, and is not intended to comment on any particular zoning request. This guide is intended for general information purposes and is not a statement of legal opinion. This guide does not replace or supersede the Land Use Ordinance.*

01/27/2017

**CITY OF ROANOKE RAPIDS**

*Planning & Development Department*

## A Citizen's Guide to the Rezoning Process



**CITY OF ROANOKE RAPIDS**  
PLANNING & DEVELOPMENT DEPARTMENT

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# The Rezoning Process

In general, all rezonings should follow these steps:

## STEP 1: APPLICATION & FEE

Applications are available in the Planning & Development Department and online at [www.roanokerapidsnc.com](http://www.roanokerapidsnc.com). The application fee is \$350 (non-refundable) and covers the costs of advertisement and administration.

## STEP 2: NOTIFICATION OF PUBLIC HEARING

Notices of the Public Hearing (see Step 5) are mailed to property owners within 100-feet of the requested rezoning area, including on-site posting of notice. Two notices of the hearing date, time, and location are published in a local newspaper for two consecutive weeks prior to the hearing.

## STEP 3: STAFF REPORT

The City's Planning & Development staff review the application, prepare a staff report and recommendation for the Planning Board. Following the Planning Board meeting, the analysis is sent to the City Council.

## STEP 4: PLANNING BOARD RECOMMENDATION

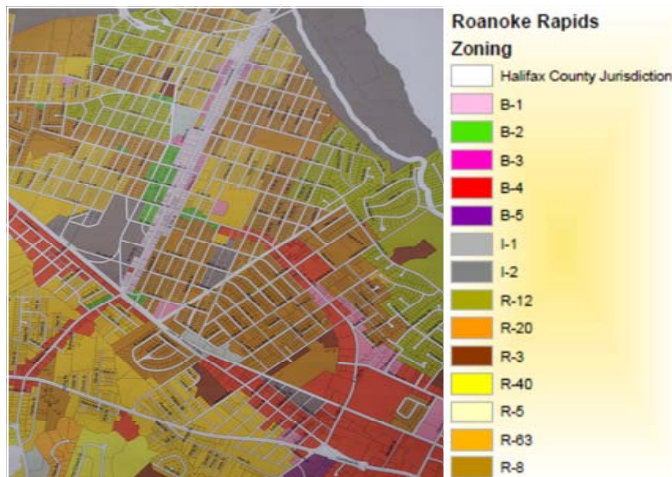
The Planning Board discusses the rezoning request (usually the third Thursday of the month). Under the Planning Board's rules of procedure, citizens may speak to the Board on the proposal. The Planning Board recommendation is delivered to City Council.

## STEP 5: PUBLIC HEARING

Public Hearings are typically held during a City Council meeting. Citizens may provide comments while the public hearing is open.

## STEP 6: CITY COUNCIL ACTION

Following the Public Hearing (or at the next regularly scheduled Council meeting), the City Council makes the final decision on the rezoning request. A simple majority of all voting members is required to adopt the zoning amendment.



## Can I file a petition if I am against the request?

No, State laws related to protest petitions against proposed rezoning were changed during the 2015 Session of the NC General Assembly. A protest petition is no longer valid. The petition was replaced with written **Citizen Comments** that are delivered to Council members before the Public Hearing.

## Citizen Comments about Rezoning Request.

Written statements may be submitted to the City Clerk at least two full business days (excludes Saturdays, Sundays, and legal holidays) prior to the public hearing on a rezoning request. The City Clerk will deliver all written comments to Council. Generally, City Council public hearings are held on a Tuesday and written comments are requested by 12noon on the Thursday preceding the scheduled meeting the next Tuesday. The Names and Addresses of the individuals providing written comment must be included.

After the deadline, citizens are encouraged to attend the public hearing to comment on the requested rezoning.

## What can I expect during the public hearing?

Once the public hearing is opened, city staff present their analysis of the proposed request. Next, the applicant may address the board and answer questions. Citizens may provide comments at the podium. Recommendations, presentations, comments, and questions at the hearing may be subject to time limits.

## Who can speak at the public hearing?

The public hearing is considered a formal legislative process which offers a chance for citizens to make their views known to the planning board and the city council. Citizens are free to offer personal opinions and views on the request and to lobby board members before and after the public hearing.

## If I wish to speak, what can I do to prepare for a rezoning hearing?

- **Be prepared for the meeting.** Please contact the planning staff prior to the meeting to discuss details of the request. Many times a discussion will answer questions or address concerns prior to the public hearing.
- **Address the board clearly and speak to the point.** Be direct and clear with your comments. Public officials have heard testimony from hundreds of people. Provide pertinent, well organized comments that directly address the matter.
- **Appoint a spokesperson.** Many groups organize their testimony by having a few people speak on behalf of the group. This conveys the extent of public concern with the issue without each person repeating the concern.
- **Be reasonable.** Public officials must balance the views, interests and proposals of all parties involved, and find the best course for serving the overall general public good.

## How long can I speak at the public hearing?

Time for individual speakers may be limited, as necessary. There is no time limit on the number of speakers, but the boards may request that all speakers present new information rather than repeat information given by others.