

(...the Rezoning Process continued)

tice of Public Hearing process will begin, wherein notices of the proposed rezoning and the associated Public Hearing are published in the Hendersonville Times News. One or more signs advertising the hearing are also placed on the relevant parcel(s), and notices are mailed to the subject property owner(s) and adjacent property owners. According to State law and Chapter 200A, Land Development Code, two (2) notices must be published with the first notice appearing at least 10 days and no more than 25 days prior to the hearing. Staff must post signs and mail notices to property owners at least 10 days prior to the hearing. At the Public Hearing, Planning Staff and other County officials, the general public, as well as the applicant and/or your agent will be given the opportunity to speak regarding the proposed rezoning. While the Board of Commissioners does not have a time period within which it is required to take action on rezoning applications, it will typically take action immediately following the Public Hearing. Or, it may delay action until its next meeting. If the Commissioners approve the application, then the proposed rezoning typically becomes effective immediately. Should your application be denied, you may not resubmit for 12 months following the date of the Commissioners' action.

The process described above is based upon Chapter 200A, Land Development Code, Sections 200A-314 (C) and 200A-338(B) and the general procedures followed by the Henderson County Planning Department, Technical Review Committee, Planning Board and Board of Commissioners. Such procedures as well as application fees are subject to changes. Please refer to the Land Development Code §200A-314(C) and §200A-338(B) or contact the Henderson County Planning Department for more information at 697-4819.



Hypothetical Rezoning Application Process Timeline

Please remember that this timeline is generalized, and is subject to change based upon the nature of the application, the schedules of the Planning Department, Technical Review Committee, Planning Board and Board of Commissioners, and other factors.

Rezoning Pre-Application Conference with Planning Staff

↓ Variable

Applicant Submits Application and Fee

↓ First business day of month and a minimum of 45 days

Technical Review Committee considers Application

↓

Planning Board Hears Application

↓ Maximum of 45 days, generally

Last Day for Planning Board Decision

↓

Board of Commissioners Begins Notice of Public Hearing Process

↓ Generally 25 days

Public Hearing Held (First Monday of each Month, typically)

↓ Variable

Commissioners Act on Application

QUESTIONS & ANSWERS ABOUT THE

REZONING PROCESS

IN HENDERSON COUNTY



Henderson County Planning Department
213 1st Avenue East
Hendersonville, NC 28792

THE REZONING PROCESS

What is a Rezoning?

A rezoning is an amendment to the Official Zoning Map of Henderson County, whereby all or a portion of the zoning applied to one or more parcels is changed. Proposed amendments to the Official Zoning Map may be initiated by the Board of Commissioners, Planning Board, Zoning Board of Adjustment, Watershed Review Board, County Manager, or the owner(s) of the property.

Under What Circumstances Would I Pursue a Rezoning?

You may pursue a rezoning if you wish to conduct a land use activity/activities not permitted under the zoning district currently applied to your property. You may also pursue a rezoning if you wish to alter the dimensional requirements applied by the zoning to which your property is subject. The submission of a rezoning application does not guarantee approval.

What is the Process?

1. Pre-Application Conference. Each applicant for a rezoning must meet with Planning Staff in a pre-application conference no later than two (2) calendar weeks prior to the application submission deadline. The purposes of this conference are to provide information to the applicant regarding the review process and assist in the preparation of the Rezoning Application. Staff will explain that the application will proceed through Staff, the Technical Review Committee (TRC) and Planning Board before the Board of Commissioners hold a public hearing on the application.



2. Application Submittal. The Rezoning Application, supplemental documents, and fee must be submitted on or before the first business day of the month and at least 45 days prior to the date of the Planning Board Meeting at which the application is to be considered (See Rezoning Application Submittal Deadlines). The Planning Board meets regularly on the third Thursday of each month. You may submit your application and fee to the Henderson County Planning Department, 213 1st Avenue East, Hendersonville NC 28792. The Technical Review Committee (TRC), Planning Board and the Board of Commissioners will not consider an application for a rezoning that has been denied within the preceding 12 months by the Board of Commissioners.

3. Staff Review. Upon receipt of an application, Planning Staff will begin processing the application. Staff will conduct a Rezoning Study which will require entering the parcel(s) that are the subject of the application. The Rezoning Study will: (1) assess the likely impacts of the proposed rezoning on the surrounding community, (2) evaluate the merits of the proposed rezoning to the community and to Henderson County as a whole, and (3) consider how the proposed rezoning conforms with the County's Land Use Plan (Henderson County 2020 Comprehensive Plan) and other relevant plans and ordinances. Based on findings, Planning Staff may make a favorable or unfavorable recommendation.

4. Technical Review Committee (TRC) Review. Approximately one week prior to the date at which your application will be considered by the TRC, Planning Staff will deliver your application along with any additional materials to the Henderson County TRC for its consideration. At the meeting during which your application is considered, the TRC will hear Planning Staff comments and may provide additional comments and recommendations. You or your agent will have an opportunity to address the TRC. The application will then proceed

from the TRC to the Planning Board.

5. Planning Board Review. Approximately one week prior to the date at which your application is to be considered by the Planning Board, Planning Staff will deliver your application along with the Rezoning Study and Staff recommendations to the Henderson County Planning Board for its consideration. At the meeting during which your application is considered, the Planning Board will hear Planning Staff comments. You or your agent will have an opportunity to address the Planning Board. The Planning Board often takes action on an application at the meeting at which the application is first considered. The Planning Board may, however, refer the application to a Subcommittee for review (which will provide its recommendation to the full Planning Board). The Planning Board has 45 days from its first consideration of an application to send a recommendation to the Henderson County Board of Commissioners. Failure to do so will result in an automatic favorable recommendation to the Board of Commissioners. If necessary this deadline may be extended to 90 days, upon the agreement the applicant and the Planning Board.



6. Board of Commissioners Review: Public Hearing. Upon receipt of your application with Planning Board recommendations, the Henderson County Board of Commissioners will schedule a Public Hearing regarding your application. Public Hearings are generally held at the Commissioners' regularly scheduled meeting on the first Monday night of each month. Upon determination of the Hearing date, a No-