

FACT SHEET: AMENDMENT TO THE OFFICIAL ZONING ATLAS

An application for an amendment to the Perquimans County Official Zoning Atlas may be submitted to the Perquimans County Planning Board and Board of County Commissioners by filing a copy of the attached application accompanied by a fee in the Perquimans County Planning Department in the Perquimans County Courthouse located at 128 North Church Street in Hertford, North Carolina.

It is recommended that the applicant discuss the application process with the Planning and Zoning Administrator to ensure the submission of a complete application. Upon submission, the Planning and Zoning Administrator will review the application for completeness, schedule a public meeting for review by the Planning Board, and schedule a public hearing for review by the Board of County Commissioners.

THE APPLICANT:

- The applicant or his representative must be present at both the Planning Board meeting and the Board of Commissioners meeting or the application will be tabled.

- The following policy guidelines, listed in Sections 1302 and 1303 of the Perquimans County Zoning Ordinance, shall be followed by the Planning Board and Board of County Commissioners concerning zoning amendments; no proposed zoning amendment will receive favorable recommendation unless:
 - (a) The proposal will place all property similarly situated in the same category, or in appropriate complementary categories.
 - (b) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
 - (c) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (*When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements and not merely uses which applicants state that they intend to make the property involved*).
 - (d) There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.

- (e) The proposed change is in accord with the Land Use Plan and sound planning principles.

Note: The Planning Board and Board of Commissioners may only consider that information presented at the public hearing respectively and may not rely on any information gained outside the hearing. **Hearsay evidence is considered incompetent evidence.** “Hearsay” is a statement repeated by a second party to prove the truth in the matter in question. For example, if a person making a statement at a hearing attempts to prove the truth of any one of the five points in Sections 1302 and 1303 by repeating the Sheriff’s comment about public safety, the repeated statement would be considered hearsay and be judged incompetent. The Sheriff would have to be present at the meeting to verify the statement, in which case the Sheriff’s sworn testimony would then be competent. Similarly, any writing (letters, reports), whether notarized or not, are considered incompetent unless the writer is present to be questioned.

At the Planning Board public meeting, the Board will consider the application for an amendment to the official zoning ordinance. The Board will choose to recommend, recommend for denial, or table the application for further research at this meeting. Should the meeting be tabled, the Board of County Commissioners may choose to postpone the scheduled meeting in order to give ample time to the Planning Board for inquiry, or proceed with the scheduled meeting without the benefit of a recommendation from the Planning Board.

At the Board of County Commissioners public hearing, the Board will consider the application and the Planning Board’s recommendation or lack thereof, and then vote to grant the amendment or deny the amendment.

Any questions regarding the application itself or procedure should be directed to the Planning and Zoning Administrator in the Perquimans County Planning Department.

****No property will be accepted for a rezoning request within any zoning district unless and until an appropriate certification from the regional Health Department has been obtained and submitted along with the application for rezoning.****