

Polling Requirements

Section 13(7)(b) of the Development and Planning Law (2008 Revision, as amended) requires that uses other than residential, commercial, agricultural, religious, social and educational development (including recreational facilities and public and civic buildings) or planned area development proposed for a residential zone must receive the consent of a majority of persons who either reside within a radius of 1,000 ft. of the boundaries of the land to which the application applies or those who reside elsewhere in the Islands and own land within a radius of 1,000 ft. of the boundaries of the land to which the application relates.

The polling package to be submitted to the Planning Department is to contain the following items:

1. A certification signed by the applicant, or agent, certifying that the poll documents contain all of the names of all persons or entities who meet the criteria in Section 13(7)(b) of the Development and Planning Law (2008 Revision, as amended).
2. Polling documents which contain the following:
 - a) A statement that the development has been explained to the signatory, that the signatory understands and consents or objects to the development.
 - b) A list of all persons who meet the criteria established in Section 13(7)(b) of the Development and Planning Law (2008 Revision, as amended), with space for signatures of those who consent to the proposed development/use.
 - c) Evidence of persons who reside outside the Islands and who may be discounted in determining owners within the radius.
3. A map showing the parcel and a circle or ellipse representing the 1,000 ft. radius in which the poll was conducted. The map must be on a registry index map (may be reduced) which was issued within the past sixty (60) days.
4. Land register for all properties within 1,000 ft. radius and proof that all proprietors were polled.

All of the above documents must be submitted as part of the application.

Section 13(7)(b) requires a simple majority (51%) of the relevant persons to consent to the proposed use. **Consent involves some affirmative acceptance, not merely a lack of response or absence of objection.**

If the applicant does not have a majority of persons that meet the above criteria the application cannot be considered by the Central Planning Authority.

NOTE: The applicant must also publish adequate notice of the application in four (4) consecutive issues of the newspaper, with a period of not less than seven (7) days or more than ten (10) days between each successive publication of the notice.