

CHAPTER 10 AMENDMENTS

The purpose of this Chapter is to set forth procedures for amending the text of these regulations and the zoning classification of land as shown on the Zoning Map. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments necessary in light of changed conditions or changes in public policy. Procedures for making amendments to the Zoning Ordinance text or map are described herein.

Section 10.1 Authority

Upon compliance with the provisions of this Chapter, the Town Council shall have the authority to amend or repeal the text of these regulations and the classification of any parcel of land, as indicated on the Zoning Map.

Section 10.2 Initiation

Any amendment, may be initiated by the Town Council or Planning Board on its own resolution, by any owner of a legal or equitable interest in the property affected by the amendment, or by a local government agency of Badin or by any other person living or owning property within the zoning jurisdiction of Badin, in accordance with the procedures set forth herein.

When considering a petition for the re-classification of property to any district, neither the Planning Board nor the Town Council shall evaluate the petition based on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested district.

Section 10.3 Filing Of Petitions; Determination Of Completeness

For a re-classification of property proposed by any person or entity other than the Planning Board or Town Council, or for petition to change the text of this Ordinance, such petition shall be on an application form prescribed by the Zoning Administrator and accompanied by the fee established by the Town Council. Said application form and fee shall be filed with the Zoning Administrator. Said application form and fee shall be waived for any petition submitted by any Badin official or agency acting on behalf of the Town of Badin.

Section 10.4 Content Of Application

- A. Each noncontiguous parcel of land for which rezoning is requested shall be deemed as a separate application, and said application fee shall accompany each application. For the purpose of this paragraph, land located and adjacent on either side to the rear and all property directly across any street or public right-of-way from the subject property shall be deemed to be contiguous.
- B. Each application for a rezoning of land shall be accompanied by two (2) copies of a map, drawn to scale, with the following information either shown on the map or accompanying it:
 - 1. The subject property plus such additional property as to show the location of the subject property with reference to the nearest street intersection, railroad, stream or other feature easily identifiable on the ground. In addition, all property lines which abut the property, and property owners' names and addresses of all contiguous properties shall be furnished.
 - 2. If the property is in a subdivision of record, a map of such portion of the subdivision that would relate the subject property to the closest street intersection, and in addition, the

name of the subdivision and the plat addition, the names and addresses of all adjoining property owners (as indicated on the most up-to-date tax listings) shall be furnished.

3. The dimensions of the property to be rezoned, including total acreage and the property deed number reference and page number shall be on the map.
 4. The present and proposed zoning classification of the lot(s) in question.
 5. The property identification number(s) of the lot(s) in question as issued by the Stanly County Tax Department.
- C. An application for a change in the text of the Ordinance shall be made in duplicate, on an application form provided by the Zoning Administrator. The application shall contain a reference to the specific section, subsection, paragraph or item proposed to be changed, as well as the wording of the proposed change, and the reasons therefore.

Section 10.5 Planning Board Review And Recommendations

Once the petition is complete, the Zoning Administrator shall refer the petition to the Planning Board for review and recommendation to the Town Council. The Planning Board shall have a maximum of forty-five (45) days from the date they first meet to make such recommendation. If a recommendation is not made during said time period, the application shall be forwarded to the Town Council without a recommendation from the Planning Board.

10.5.1 If a recommendation is made to the Town Council by the Planning Board concerning a petition for rezoning, said recommendation shall be as follows:

- A. Grant the rezoning as requested, or
- B. Grant the rezoning with a reduction of the area requested, or
- C. Grant the rezoning to a more restrictive general zoning district or districts, or
- D. Grant the rezoning with a combination of Sections 10.5.1(A)(B) or (C), or
- E. Recommend that the application be denied.

The list of general zoning districts in descending order of restrictiveness shall be:

1. R-A (most restrictive)
2. R-20
3. R-10
4. C-B
5. G-B
6. M-1
7. M-2 (least restrictive)

10.5.2 If a recommendation is made to the Town Council by the Planning Board concerning a petition to amend the text of this Ordinance, it shall be as follows:

- A. Adoption of the amendment as written, or
- B. Adoption of the amendment as revised by the Planning Board, or
- C. Rejection of the amendment.

Section 10.6 Submittal And Review Periods

In order for an amendment to the Zoning Ordinance text or a change in the zoning classification affecting the Zoning Map to be made in accordance with this Chapter, a public hearing must first be held by the Town Council. Notification of the public hearing shall be as follows:

- A. A notice shall be published in a newspaper having general circulation in the Town once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the hearing. If first-class mail notification is not required as per Section 10.6.C, then the Town shall publish a notice in accordance with the requirements stated in Section 10.6.C.
- B. If a change of zoning on the Zoning Map is requested, the Zoning Administrator shall place at least one (1) notice on the subject property(ies) at least ten (10) days prior to the public hearing. Such notice shall state the existing zoning classification and the classification requested by the applicant and the date, time and location of the public hearing. The notice shall be removed only after the public hearing has been conducted and the Town Council has rendered its final decision.
- C. A notice of a proposed zoning classification change on the Zoning Map shall be sent by first class mail by the Zoning Administrator to all contiguous property owners for all such requests except the first class mail notice shall not be required in the following situations:
 - 1. The total rezoning of all property within the corporate boundaries unless rezoning involves zoning parcels of land to a less intense or more restrictive uses. If rezoning involves zoning of parcels of land to less intense or more restrictive uses, notification to owners of these parcels shall be made by first class mail;
 - 2. The rezoning action directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners; or
 - 3. The rezoning is an amendment to the zoning text.

If first class notice is not required in this section, then 1) the Town shall publish a notice once a week for four (4) successive calendar weeks in a newspaper having general circulation in the Town. Such notice shall include a map showing the boundaries of the area affected by the proposed ordinance or amendment. The map shall not be less than one-half of a newspaper page in size, and 2) the Zoning Administrator shall send first class mail notices of the proposed ordinance or amendment to all property owners who reside outside the Town's jurisdiction or outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property.

The Zoning Administrator shall certify to the Town that the proper first class mail notifications were made to required property owners.

Section 10.7 Town Board Action

In case of protest against an amendment, duly signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change or of those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending one-hundred (100) feet there from or of those directly opposite thereto extending one-hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the Town Council.

Once the public hearing has been conducted, the Town Council shall render a decision on the petition. The decision of the Town Council shall be in the form of any of the various options listed in Subsections 10.5.1 or 10.5.2. Alternatively, the Town Council may send the application back to the Planning Board for

further study and consideration. The petitioner shall have the right to withdraw his petition at any time prior to the final decision being rendered by the Town Council. The Town Council shall have the authority to call for additional public hearings on any amended petition brought before them. The forty-five (45) day Planning Board review period shall be in effect after the close of the first and any subsequent public hearings called for by the Town Council on a particular amendment.

Section 10.8 Notification Of Decision

Once a public hearing has been held and closed, and a final determination made by the Town Council, said decision shall be sent by first class mail by the Zoning Administrator to the applicant and any persons at or before the public hearing who have indicated in writing to the Zoning Administrator that they would like the decision mailed to them, within five (5) working days following the date of said decision. Similarly, notice shall be sent to the applicant in the same manner if the Town Council makes a decision to re-submit the petition to the Planning Board for further review.

Section 10.9 Re-Submission Of Petition

10.9.1 If the Town Council has denied an application for the rezoning of a piece of property or has approved a rezoning to a general zoning district which is more restrictive than that which was originally requested, the Planning Board shall not review any applications for the same changes affecting the same property or any portion thereof until the expiration of one (1) year from the date of such previous denial except as provided in Section 10.9.2.

10.9.2 The Zoning Administrator may allow re-submission of such petition within said one (1) year period if he determines that, since the date of action on the prior petition:

- (a) There has been a significant change in the zoning district classification of an adjacent piece of property; or
- (b) The Town Council has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed;
- (c) Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification; or
- (d) There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition; this, however, shall not include a change in the ownership of the subject property.