

Sec. 44-326. Zoning map (rezoning) and text amendments.

Purpose: This section establishes procedures for processing zoning map amendments (rezonings) and zoning text amendments.

- (a) *Applicability.* This section applies to any application to:
 - (1) Amend the Official Zoning Map (a "rezoning"), or
 - (2) Change the regulations of this Chapter (a "text amendment").
- (b) *Initiation.* A zoning map or text amendment may be initiated by the following:
 - (1) The board of commissioners' own motion;
 - (2) The planning board;
 - (3) An application by a subject property owner; or
 - (4) The planning staff.
- (c) *Application.* The procedure for filing for an amendment to this Chapter is as follows:
 - (1) *Filing of applications.* All applications for amendments to this Chapter must be in writing, on a form prescribed by the County, signed, and filed with the planning director.
 - (2) *Contents of application.* All applicants for amendments to this Chapter, must complete an application, meet the concept site plan requirements as contained in the procedures manual, when applicable, and contain at least the following:
 - a. If the proposed amendment would require a change in the official zoning atlas to change only a portion of an existing parcel, a fully dimensional map showing the portion of the parcel covered by the proposed amendment;
 - b. If applicable, a detailed statement of any alleged error in this Chapter which would be corrected by the proposed amendment and a detailed explanation of the manner the proposed amendment will correct the alleged error; and
 - c. A detailed statement of all other circumstances, factors and reasons including a statement as to the reasonableness of the proposed rezoning, which the applicant offers in support of the proposed amendment, such as:
 - Consistency with the comprehensive plan and other County adopted plans,
 - Compatibility of the proposed rezoning with the property and surrounding area, and
 - The benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.
 - d. If applicable, a legal description of such land;
- (d) *Completeness review.* See Sec 44-303.

(e) *Public hearing required.* A public hearing shall be required in conformance with Sec. 44-304.

(f) *Decision.*

(1) *Planning director recommendation.* The planning director, upon receipt of the application to amend this Chapter or the zoning map, shall examine it for completeness review purposes and approve the application. The planning director shall then prepare and submit a written report with a recommendation to the planning board.

(2) Planning board recommendation.

a. The planning board shall receive the report from the planning director and conduct a public hearing on the proposed request.

b. Following a public hearing the planning board shall make a recommendation to the board of commissioners.

c. After hearing presentations, the planning board must review the amendment application, staff report, and additional information and comments submitted or presented to the planning board, and must recommend to the board of commissioners approval or denial of the application in writing.

d. In deciding whether to recommend approval or denial of the application, the planning board shall consider whether the proposed amendment is consistent with the comprehensive plan and other County adopted plans and otherwise advances the public health, safety and general welfare.

(3) Board of commissioners.

a. The board of commissioners shall not enact the proposed amendment until 30 days after the referral to the planning board or until the planning board makes its recommendation report, whichever first occurs.

b. Prior to the board of commissioners' public hearing, the planning director shall prepare a report. The report shall include an overview of public comments received at the planning board hearing along with the recommendation of the planning board.

c. Prior to the public hearing, the board of commissioners shall receive the recommendation of the planning board and the planning director. The board of commissioners shall conduct a public hearing on the proposed request. The board of commissioners shall then take one of the following actions:

1. Approve the application;

2. Approve a modified version of the application; or

3. Deny the application.
 - d. Before completing review and making its final decision, the board of commissioners may postpone its discussion and/or action to a later meeting or refer the application back to the planning board for further consideration. In deciding whether to approve or deny an amendment application, the board of commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board of commissioners considers the action taken to be reasonable and in the public interest. The board of commissioners may adopt the statement furnished by staff, applicant, other agencies or may formulate its own statement.
- (g) *Approval criteria.* The board of commissioners shall, at a minimum, consider the following factors for:
- (1) Map amendment (rezoning):
 - a. The size of the tract in question;
 - b. Whether the proposal conforms with, and furthers the goals of, any applicable adopted comprehensive plans or other adopted plans, and the goals, objectives, and policies of this Chapter;
 - c. Any change of character in the area due to installation of public facilities, other zoning changes, new growth trends, deterioration, and development;
 - d. The zoning districts and existing land uses of the surrounding properties, including a determination of whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character; and
 - e. A detailed statement of any alleged error on the official zoning maps which would be corrected by the proposed map amendment.
 - (2) Text amendment:
 - a. A detailed statement of any error in this Chapter which would be corrected by the proposed amendment and a detailed explanation of the manner the proposed amendment will correct the alleged error; or
 - b. Changing conditions or trends; or
 - c. Whether the proposal conforms with, and furthers the goals of, any applicable adopted plans, and the goals, objectives, and policies of this Chapter
- (h) *Effect of withdrawals or denials on applications.*
- (1) An applicant may withdraw the application at any time by written notice to the planning director subject to the following conditions:

- a. Planning board: Any application withdrawn, prior to or after the planning board's action on the public hearing, is not subject to a 12-month waiting period for re-submittal.
 - b. Board of commissioners: Any application withdrawn after the first advertisement of the board of commissioners' public hearing, or after a denial of the request may not be resubmitted within 12 months of the date of the board of commissioners' action on the public hearing, unless substantially changed.
- (2) A withdrawn or denied application must follow the procedures for a new application.
- (i) *Scope of approval.* A zoning text amendment or a rezoning does not authorize the development of land. The applicant or landowner must still secure all required zoning authorization permits and subdivision approvals after a text amendment or rezoning is approved.
 - (j) *Codification.* A zoning text amendment shall be codified as provided for in the Catawba County Code. A change resulting from a map amendment shall be depicted on the official zoning map.

(Ord. No. 2008-17, 10/20/08)