

## ARTICLE 5

### AMENDMENTS TO DEVELOPMENT ORDINANCE AND ZONING MAP

#### 5.1 General

The Andrews *Town Board of Aldermen* may amend, supplement, modify, or repeal any provision of this ordinance or amend the zoning maps according to the procedure established by N.C.G.S.160A-384. Such amendments shall be evaluated for compliance with the Comprehensive Land Use & Master Plan adopted by the Town and other applicable adopted plans, and may require a land use plan and/or comprehensive master plan amendment to ensure compatibility between the plan(s) and the amendment. Amendments and modifications shall be acted upon by the *Town Board of Aldermen*, after recommendation from the *Planning Board*.

#### 5.2 Initiation of Amendments

Proposed changes or amendments to either the text of this Ordinance or the Official Zoning Map may be initiated by the Andrews *Town Board of Aldermen*, the Andrews *Planning Board*, the *Board of Adjustment*, the *Planning, Zoning and Subdivision Administrator*, any owner of a legal or equitable interest in land located in the Town or any resident of the Town.

#### 5.3 Amendment Process

##### 5.3-1 Initial Application Process.

(A.) Pre-filing meeting. Before filing a petition for an amendment an applicant shall meet with the *Planning, Zoning and Subdivision Administrator* to discuss the proposed amendment and to become more familiar with the applicable requirements and approval procedures.

(B.) Neighborhood meeting. It is required that the applicant for a zoning map amendment (rezoning) meet with representatives of the neighborhood in which the property for which the proposed map amendment (rezoning) is located. The applicant shall coordinate the time and date of the meeting to enable the *Planning, Zoning & Subdivision Administrator* to attend and address procedural questions that arise.

(C.) Filing.

(1.) A petition requesting an amendment shall be filed with the Planning Department in a letter to the *Planning, Zoning and Subdivision Administrator*.

(2.) Applicable fees shall be payable as set forth by the Andrews *Town Board of*

*Aldermen.*

- (3.) Petitions must be submitted by 12:00 noon on the second Monday of the month in order for the petition to be heard at the meeting of the *Andrews Planning Board* scheduled for the following month.

(D.) Content of applications.

- (1.) Each application shall contain or be accompanied by all information required on the application form provided by the *Planning, Zoning and Subdivision Administrator*.
- (2.) Every amendment proposing to change the district boundary lines shall be accompanied by a metes and bounds description, a survey of the area involved, or reference to existing lots, sufficient in the estimation of the *Planning, Zoning and Subdivision Administrator* to plot or otherwise identify the amendment on the official zoning maps of the Town of Andrews.
- (3.) Any person designated by the owner(s) of the property included in the petition to serve as agent for the owner shall submit such authorization in writing with the application.

5.3-2 Review by the Andrews Planning Board.

General. Upon submission of a request for Andrews Development Ordinance amendment or an Official Zoning Map amendment, the request shall be scheduled *for review* by the *Andrews Planning Board* appearing on a regularly scheduled meeting agenda at least ten (10) days from the date of receipt of the formal request.

- (A.) Review – General. The public meeting shall be conducted in accordance with the rules of procedure of the *Andrews Planning Board*. The *Planning Board* shall make recommendations to the *Andrews Town Board of Aldermen* regarding whether to approve or deny each proposed amendment. When considering an amendment, the *Planning Board* shall consider both the consistency and reasonableness of the amendment with the Comprehensive Land Use & Master Plan adopted by the Town and other adopted plans for the area affected by the proposed amendment.
- (B.) Recommendation by the *Andrews Planning Board*. Following a recommendation by the *Andrews Planning Board* on the proposed amendment(s), the action shall be reported to the *Andrews Town Board of Aldermen* for a public hearing and final action according to the process set forth in section 5.3-3 of this Ordinance. The public hearing will be scheduled as provided by Town Board of Aldermen's rules of procedure for calling public hearings.
- (C.) Continuance by the *Andrews Planning Board*. In those cases where, upon hearing the request, the *Planning Board* feels that more information is needed, questions have arisen, or other circumstances occur in which additional time is needed to enable the

Board to make a decision, the *Planning Board* may continue their meeting. The Board shall direct the appropriate person(s) to obtain the needed information, provide answers to questions, and/or conduct other investigations during this time to enable the Board to make a decision at the reconvening of the continued meeting. The *Planning Board* shall take action (affirmative or negative recommendation) on continued items at such meeting.

(D.) Content of recommendation and statements of both consistency and reasonableness. Any recommendation made by the *Andrews Planning Board* to the *Andrews Town Board of Aldermen* pursuant to this section shall be in writing and shall include a statement describing whether the proposed amendment is both consistent with the Comprehensive Land Use & Master Plan adopted by the Town and any other officially adopted plan that is applicable, and shall state whether and how the proposed amendment is reasonable. In addition, such recommendation may address any other subject of interest by the *Planning Board*. A comment by the *Planning Board* that a proposed amendment is inconsistent with the Town's Comprehensive Land Use & Master Plan and other adopted plans for the area affected and/or unreasonable shall not preclude consideration of approval of the proposed amendment by the *Town Board of Aldermen*. (N.C.G.S. 160A-383)

(E.) Conflict of Interest. No member of the *Planning Board* shall vote on a recommendation regarding any zoning map (rezoning) or text amendment where the outcome of the matter being considered is likely to have a direct, substantial, and readily identifiable financial impact on the member. (N.C.G.S. 160A-381(d))

### 5.3-3 Review by the Andrews Town Board of Aldermen.

(A.) Review -general. Following receipt of a recommendation on a proposed amendment, or in the case of a negative recommendation, the receipt of the petitioner's request for a public hearing, or in the case of no action by the *Andrews Planning Board* as described in section 5.3-3 above, the *Andrews Town Board of Aldermen* shall hold a public hearing on the proposed amendment. The public hearing shall be scheduled and conducted as provided by the Town Board of Aldermen's rules of procedure.

(B.) Notification. The *Town Clerk* shall prepare a public notice as required by N.C.G.S. 160A-384.

(C.) Action.

(1.) Before acting on any proposed amendment, the *Andrews Town Board of Aldermen* shall consider any recommendation made by the *Andrews Planning Board*, the recommendation submitted by the *Planning, Zoning and Subdivision*

*Administrator to the Planning Board*, the comments made at the public hearing, and any other relevant additional information.

- (2.) When considering a proposed amendment, the *Andrews Town Board of Aldermen* shall not evaluate the petition based on any specific proposal for the use or development of the property. The petitioner shall not use any graphic materials or descriptions of the proposed development except for those that would apply to all uses permitted by the requested classification.
- (3.) Upon reviewing all pertinent information, the *Andrews Town Board of Aldermen* may take whatever action it may deem appropriate.

(D.) Statement of Consistency and Reasonableness. Prior to adopting or rejecting any amendment, the *Town Board of Aldermen* shall adopt a written statement describing whether its action is both consistent with the Comprehensive Land Use & Master Plan adopted by the Town and any officially adopted plan that is applicable, and shall state why and how the action taken is considered to be reasonable and in the public interest. (G. S. 160A-383)

(E.) Conflict of Interest. A *Town Board of Aldermen* member shall not vote on any zoning map (rezoning) or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (N.C.G.S. 160A-381(d))

#### 5.3-4 Waiting period for subsequent applications.

(A.) Waiting period - general. When an application for a zoning amendment has been approved or denied by the *Andrews Town Board of Aldermen*, no rezoning application covering the same property shall be accepted or considered within four (4) months after the date of the approval or denial. This restriction shall apply regardless of whether or not the new application is for a zoning classification different from the original application.

(B.) Waiting period - waiver. The waiting period required by this section may be waived by a three-fourths vote of *Andrews Town Board of Aldermen* if it determines that there have been substantial changes in conditions or circumstances which may relate to the request. A request for a waiver of the waiting period shall be submitted to the *Planning, Zoning and Subdivision Administrator*, who shall review and prepare a recommendation regarding action on the request. Said recommendation shall be considered by the *Town Board of Aldermen* in their review of the request for a waiver. If the request for the waiver is approved, the application shall go through the full review process as set forth above.