UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 16. ADMINISTRATION

16.7. Legislative decisions.

D. Procedures for zoning map amendments. Applications for zoning map amendments shall be processed, considered, and voted upon using the same procedures and subject to the same requirements as those established in Section 16.7.C except at provided below:

1. *Notification requirements:* Hearings on proposed zoning map amendments require additional public notices in accordance with G.S. 160D-602. Additional notification of the public hearing shall be as follows:

   a. A notice of a proposed change to the official map shall be sent by first-class mail by the administrator to the affected property and to all abutting property owners. For the purpose of this section, properties are "abutting" even if separated from the subject property by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least ten but not more than 25 days prior to the date of the hearing.

   b. The first-class mail notice required under subsection (a) of this section shall not be required when the zoning reclassification action directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the city elects to use the expanded published notice procedures provided that the advertisement shall not be less than one-half newspaper page in size. The local government will publish the notice of a hearing in a newspaper having general circulation in the city once a week, for two successive weeks, the first notice to be published not less than ten days nor more than 25 days prior to the days prior to the date established for the hearing. The notice shall only be effective for the property owners who reside in the area of general circulation of the newspaper which published the notice. Property owners who reside outside of the city'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, shall be notified by mail pursuant to this section. The person or persons mailing the notices shall certify to the city council that fact, and the certificates shall be deemed conclusive in the absence of fraud.

   c. One or more prominent signs with the notice of the hearing shall be posted on the subject property or properties beginning not less than ten days nor more than 25 days prior to the date established for the hearing. Such notice shall state a phone number to contact during business hours for information. The sign shall remain until after the city council has rendered its final decision.

   d. When a zoning map amendment is proposed and if substantial impact on the neighborhood can be anticipated, the administrator shall have the right to require a neighborhood compatibility meeting in order to gather neighborhood feedback, and may require the person proposing the zoning map amendment to report on any communication with neighboring property owners and residents. A substantial impact on the neighborhood includes but is not limited to applications for zoning map amendments affecting multiple parcels with separate owners and for conditional zoning districts that request modifications to requirements enumerated in Section 2.2 and Section 2.3.

2. *Brevard Planning Board review and comment:*

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a. When a zoning map amendment is initiated by the City, the administrator shall send a notice of the Planning Board meeting by first-class mail to the affected property owners in the affected area. This notice must be deposited in the mail at least ten but not more than 25 days prior to the date of the meeting. If the proposal affects more than 50 properties, the administrator may utilize the notification procedure outlined in Section D.1.b.

~~a.~~b. In place of the recommendations outlined in Section 16.7.C, the BPB shall make one of the following recommendations with regard to a petition for a zoning map amendment:

i. Grant the zoning map amendment as requested;

ii. Grant the zoning map amendment with a ~~reduction~~ change of the area requested;

- If the change in area is an expansion of the area requested, the Board shall hold a second meeting discussing the expanded area. The administrator shall send a notice of the meeting by first-class mail to the affected property owners in the proposed expanded area. This notice must be deposited in the mail at least ten but not more than 25 days prior to the date of the second meeting. If the proposal affects more than 50 properties, the administrator may utilize the notification procedure outlined in Section D.1.b.
- If the change in area is a reduction of the area requested. Then no additional meetings or notifications are required.

~~ii.~~iii. Grant the zoning map amendment to a more restrictive general zoning district or districts; or

~~iii.~~iv. Deny the application.

~~b.~~c. The BPB shall submit a statement analyzing the reasonableness of any proposal for a zoning map amendment. The statement of reasonableness may consider, among other factors:

i. The size, physical conditions, and other attributes of any area proposed to be rezoned;

ii. The benefits and detriments to the landowners, the neighbors, and the surrounding community;

iii. The relationship between the current actual and permissible development and the development permissible under the proposed amendment;

iv. Why the action taken is in the public interest; and

v. Any changed conditions warranting the amendment.

3. *Legislative hearing:*

a. In addition to the general procedures outlined in Section 16.7.C.7, when adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning must be approved by the city council in accordance with G.S. 160D-605. The statement of reasonableness and the plan consistency statement may be approved as a single statement.

b. In place of the decisions outlined in Section 16.7.C.7(b), a decision concerning a petition for a zoning map amendment shall be as follows:

i. Grant the zoning map amendment as requested;

ii. Grant the zoning map amendment with a reduction in the area requested;

iii. Grant the zoning map amendment to a more restrictive general zoning district;

iv. Grant the zoning map amendment with a combination of (i) and (ii) above;

v. Deny the application;

vi. Send the application back to the BPB for further study and consideration; or

vii. Call for additional legislative hearings on petitions brought before them.

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c. In accordance with G.S. 160D-605, if a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan, and shall be required. A plan amendment and a zoning amendment may be considered concurrently, and does not require a separate application fee for a plan amendment.

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