

ARTICLE 15
AMENDMENTS

Section 15.1 Amendments to Text and Map

Zoning regulations and restrictions, zoning district boundaries, may from time to time be amended, supplemented, changed, modified or repealed, in the following manner:

15.1.1 Any person, board, department, or commission may submit an application for a change in the text of this Ordinance or a change in the Official Zoning Map, provided that the Planning Board be allowed at least 30 days for review of any such proposed amendment. [G.S. 160D-604] The Zoning Administrator shall be responsible for entering amendments to the Official Zoning Map. Entries shall be made within five (5) working days of the date of passage of amendments.

- (A) Each entry of amendments must be authenticated by the Zoning Administrator and shall maintain a record of the nature and date of each amendment entry.
- (B) Changes to the Official Zoning Map, other than those authorized by duly approved amendments, shall not be made and shall be considered a violation of this Ordinance.
- (C) Amendments to this Ordinance or the Official Zoning Map which result in the change in classification of any parcel of land shall become effective immediately upon the enactment of such amendment.
- (D) For amendments to this Ordinance or the Official Zoning Map, notice shall be provided in accordance with G.S. 160D-601 and 160D-602.
- (E) Conditional Zoning Districts-Property may be placed in a conditional zoning district only in response to an application by all owners of the property to be included. The conditional zoning district shall bear the same designation as a standard zoning district but shall be subject to additional conditions e.g. CD-BG, CD-IG. Specific conditions may be proposed by the applicant, the Board of Commissioners, or any agency of the Town, but only those conditions approved by the Board of Commissioners and consented to by the applicant in writing may be incorporated into the conditional zoning district.

General Requirement

Conditional zoning application. The conditional zoning district application shall be considered only upon request by all owners of the property. The owner(s) shall specify the proposed use(s) of the property and may propose conditions and site-specific standards which address the conformance of the development and use of the site to this Ordinance and other Town ordinances, plans adopted by the Town pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site. A site plan is required to be submitted with any conditional zoning district request, and prepared in the same manner as other development plans required by this Ordinance.

Conditions

A Conditional Zoning District shall specify the uses which are permitted on the property to one or more use(s) otherwise permitted in the corresponding general zoning district. Specific development plans shall further specify the location on the property of the proposed use and other matters, including but not limited to, the number of units, the location and extent of supporting facilities such as parking lots, driveways, and streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public purposes, and other such matters to be addressed in the conditional zoning district. In rezoning to a condition zoning district, the applicant shall have a reasonable opportunity to consider and respond to any conditions proposed by the governing body before final action. Evidence of the applicant's agreement shall be documented by the applicant's signature on the conditions adopted by the governing body. The signed conditions shall be retained by the Town and a copy provided to the applicant.

- (F) General Zoning Districts Procedures – Applications for rezoning to a general zoning district (e.g. GR to NB, etc.) shall be processed, considered and voted upon in the same manner as that required under 160D.

Section 15.2 Application for Amendments

The application for a rezoning shall be made in duplicate on a form provided by the Administrator.

- 15.2.1 Each non-contiguous parcel of land for which a rezoning is requested shall be considered as a separate application, and a fee schedule as determined by the Town Board, shall accompany each application. There shall be no fee for applications instituted by any Town of New London governmental agency. For the purpose of this paragraph, land traversed and separated by road, stream, right-of-way, or any similar natural or man-made configuration, shall be considered as contiguous. Applications for small-scale rezoning's as determined by the Administrator shall include a written statement analyzing the reasonableness of the proposed rezoning [G.S. 160D-605 (b)].
- 15.2.2 The application for a change in the zoning map shall be accompanied by a map, drawn to scale, which shows the following:
 - (A) If not in a subdivision of record, 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.
 - (B) If the property is in a subdivision of a record, a map of such portion of the subdivision drawn to scale, that would relate the subject property to the closest street intersection, and, in addition, the name of the subdivision and the plat book and page number on which the plat is recorded.
 - (C) If in a subdivision, the lot and block number and dimensions of the subject property. If not in a subdivision, a map which shows the dimensions and location of each property line which abuts the subject property.

- (D) Every proposed amendment, supplement, change, modification or repeal to this chapter shall be referred to the planning and zoning commission for its recommendation and report (G.S. 160D-604(c), (e)). The owner of affected parcels of land, and the owners of all parcels of land abutting that parcel of land, shall be mailed a notice of the hearing on a proposed zoning map amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are “abutting” even if separated by a street, railroad, or other transportation corridor. Additionally, the town shall prominently post a notice of the public hearing on the site proposed for rezoning the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within twenty-five days prior to the hearing until 10 days prior to the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the town shall post sufficient notices to provide reasonable notice to interested persons (G.S. 160D-602).
- (E) Plan consistency. When adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Town Council, that at the time of action on the amendment, the Town Council was aware of and considered the planning board’s recommendations and any relevant portions of an adopted comprehensive plan. If the 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 no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a “large-scale rezoning” under G.S. 160D-6-2(b), the Town Council statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

15.2.3 The application for a change in the text shall be made in duplicate, on a form provided by the Administrator by a fee in compliance with a fee schedule adopted by the Town Board. The application shall contain a reference to the specific section or subsection proposed to be changed, as well as the wording of the proposed change, and the reasons therefore.

Section 15.3 Planning Board and Town Board Review

Once a completed application for any zoning amendment has been received by the Administrator, he shall present the application to the Planning Board at a meeting occurring at least five (5) days after the application has been filed. The Planning Board shall have 45 days from the date at which it met to review the application and to submit its recommendation to the Town Board. If a recommendation is not forwarded to the Town Board during this period, the application will be forwarded to the Town Board without a recommendation. No member of the Planning Board or the Town Board may vote on any zoning amendment where the outcome of the matter being considered is likely to have a direct, substantial and readily identifiable financial impact on the board member. [G.S. 160D-109]

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15.3.1. If a petition for rezoning is proposed, the Planning Board shall consider the matter. If a recommendation is made to the Town Board, it 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 district or districts, or
- (D) Grant the rezoning with a combination of Sections 15.3.1.(a), (b) and (c)
- (E) Deny the application
- (F) For purposes of this section, the following is a list of all zoning districts in descending order of restrictiveness:

Most Restrictive	G-R Single-Family Residential District
	N-R Single-Family Residential District
	R-A Residential-Agricultural District
	N-B Neighborhood Business District
	H-B Highway Business District
	M-1 Light Manufacturing District
Least Restrictive	M-2 Heavy Manufacturing District

15.3.2 If a petition to amend the text of this Ordinance is proposed, the Planning Board shall consider the matter. If a recommendation is made to the Town Board, 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 15.4 Public Hearing

No application for a zoning amendment may be considered for adoption without first being submitted to the Planning Board for review; however, the Town Board is not bound by the recommendations, if any, of the Planning Board [G.S.160D-604 (a)]. The written decision and recommendation of the Planning Board shall be transmitted to the Town Board, and shall include advice and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted development or land use plan that is applicable. The Planning Board shall provide a written recommendation to the Town Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with a comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Board [G.S. 160D-604 (d)]. Once a recommendation has been made, the Town Board shall consider holding a public hearing. Notification of the public hearing shall be made in the following manner:

15.4.1 If a public hearing is called by the Town Board, the Town may elect to place a sign in a conspicuous

location on the property proposed for rezoning, or on an adjacent public street or highway right-of-way. Said sign shall give the public notice of the time, date, location and nature of the public hearing. The sign should be posted at least ten (10) days prior to the public hearing, and not more than 25 day prior, and should remain standing until the public hearing has been completed. If the Town posts the sign, it shall make a reasonable effort to ensure that it remains posted until the public hearing has been completed. If, however, the sign is removed and not replaced, said action shall not invalidate any action taken by the Town after the public hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons [G.S 160D-602 (c)].

15.4.2 A public notice shall be published in a newspaper having general circulation in the New London area once a week for at least two (2) consecutive weeks. The first notice shall be published not less than ten (10) days nor more than 25 days prior to the public hearing date.

15.4.3. A notice of the public hearing indicating the nature of the business to be conducted shall be sent by first class mail to the applicant and to all owners of abutting properties at least ten (10) days, but not more than twenty-five days prior to the public hearing. The first class mail notice shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for by state statute. In this instance, the Town may elect to either make the mailed notice provided for in this section or may as an alternative elect to publish notice of the hearing as required by G.S. 160D-604, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside 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 first-class mail according to the provisions of this section [G.S. 160D-602 (b)].

Section 15.5 Protest

Subject to the limitations of this Chapter, zoning regulations may from time to time be amended, supplemented, changed, modified, or repealed. If any resident or property owner in the local government submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a text or map amendment that has been properly initiated as provided in G.S. 160D-601, to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the governing board. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-705 or any other statute, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

Section 15.6 Town Board Decision

Prior to adopting or rejecting any zoning ordinance or zoning map amendment, the Town Board shall adopt a statement describing whether its action is consistent with any adopted comprehensive plan and explaining why the Board considers the action taken to be reasonable and in the public interest. [G.S. 160D-6-5] Once the public hearing has been conducted and officially closed, the Town Board shall render a decision concerning the proposal. Said decision shall be limited to the alternatives listed in Section 15.3.1 and Section 15.3.2.