

ARTICLE 20. AMENDMENTS

20.1 Statement of Intent

For the purpose of establishing and maintaining sound, stable and desirable development within Orange County this ordinance shall not be amended except to correct a manifest error in the ordinance or, because of changed or changing conditions in a particular area or in the county generally, or to extend the boundary of an existing zoning district, or to rezone an area either to a different zoning district or to a corresponding Planned Development district, or to change the regulations and restrictions thereof. These amendments shall be reasonably necessary to promote the public health, safety, and general welfare and to achieve the purposes of the adopted comprehensive plan or part thereof.

20.2 Amendment Initiation

Subject to the limitations of the foregoing Statement of Intent, an amendment to this ordinance may be initiated by:

- a) The Board of County Commissioners on its own motion;
- b) The Planning Board;
- c) Application, by any person or agency.

20.3 Procedure for Submission and Consideration of Applications for Amendment

20.3.1 Application Submitted to Zoning Officer

All applications for amendments to this ordinance shall be in writing, signed and filed, two copies with the Zoning Officer and one copy with the County Manager for presentation to the Board of County Commissioners. (For Planned Development amendments see Article 7; for Special Use Permits see Article 8).

The Zoning Officer shall, before accepting any amendment application, ensure that it contains all required information, as specified in this ordinance. Applications which are not complete, or otherwise do not comply with the provisions of this ordinance, shall not be accepted by the Zoning Officer, but shall be returned to the applicant, with a notation by the Zoning Officer of the deficiencies in the application.

20.3.2 Contents of Application

Amended
3/18/86

Applications for amendments to the Zoning Atlas and/or Zoning Ordinance text, without limiting the right to file additional material, shall contain at least the following:

- a) For amendments to the Zoning Atlas, a fully dimensioned map at a scale of not less than one hundred feet to the inch showing the land which would be covered by the proposed Zoning Atlas amendment, and a legal description of the land;
- b) For amendments to the Zoning Ordinance text, a copy of the existing text provision(s) which the applicant proposes for amendment, and a written statement which describes in detail changes which the applicant proposes to make to the text of the Zoning Ordinance;
- c) The alleged error in the Zoning Atlas and/or Zoning Ordinance text which would be corrected by the proposed amendment with a detailed explanation of such error in the Zoning Atlas and/or Zoning Ordinance text and detailed reasons how the proposed amendment will correct same;
- d) The changed or changing conditions, if any, in the area or in the County generally, which makes the proposed Zoning Atlas and/or Zoning Ordinance text amendment reasonably necessary to the promotion of the public health, safety and general welfare;
- e) The manner in which the proposed Zoning Atlas and/or Zoning Ordinance text amendment will carry out the intent and purpose of the adopted Comprehensive Plan or part thereof; and
- *f) A traffic impact study as required by Article 13.
- *g) All other circumstances, factors and reasons which the applicant offers in support of the proposed Zoning Atlas and/or Zoning Ordinance text amendment.

*Amended
2/1/88

20.3.3

Amended
3/18/86
3/14/00

Zoning Officer Prepares Analysis and Recommendation

The Zoning Officer shall cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners.

20.3.4

Amended
10/18/88

Applications for Amendment-Joint Planning Area

Applications for amendments to the Orange County Zoning Ordinance and Zoning Atlas for the purpose of incorporating the provisions of the Chapel Hill Land Development Ordinance (and Zoning Maps) and/or the Carrboro Land Use Ordinance (and Zoning Maps) shall be as specified in this Article and as specified in the Joint Planning Agreement adopted November 2, 1987. Any text amendments adopted by Orange County shall be adopted by reference as though fully set forth herein. Any map amendments adopted by Orange County shall be officially denoted on the County Zoning Atlas. Where there is inconsistency between the amendment procedures contained in this Article and those contained in

the Joint Planning Agreement, the provisions of the Joint Planning Agreement shall apply.

20.4

Amended
3/18/86
3/14/00

Referral of Amendment Application to Planning Board

The Zoning Officer shall submit any application for amendment to the Zoning Atlas to the Planning Board for consideration and recommendation to the Board of County Commissioners.

20.5

The Board of County Commissioners and the Planning Board Shall Hold A Public Hearing

The Board of County Commissioners and the Planning Board shall hear applications for amendments to this ordinance in a Public Hearing at the County Commissioners last regular meeting in August, November, February, and May.

20.6

Public Hearing and Notice Thereof

20.6.1

Amended
7/2/84

A public hearing shall be held by the Board of County Commissioners before adoption of any proposed amendment to this ordinance. Notice of the public hearing shall be given by publishing said notice at least twice in a newspaper of general circulation in the County, stating the time and place of such hearing and the substance of the proposed amendment. This notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than ten (10) days nor more than twenty-five (25) days before the date set for the public hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

20.6.2

The Zoning Officer in the case of amendments to the zoning atlas shall post on the applicant's affected property a notice of the public hearing at least ten days prior to the date of said hearing.

20.6.3

Amended
11/19/85

In the case of amendments to the Zoning Atlas, written notice shall be sent by certified mail to the affected property owner and all adjacent property owners not less than fifteen days before the hearing date. Adjacent property owners are those whose names and addresses are currently listed in the Orange County tax records and whose property lies within five hundred feet of the affected property.

If amendments to the Zoning Atlas are proposed by the County, notice shall be sent by first class mail to all affected property owners and to all adjacent property owners within 500 feet as provided above.

The Zoning Officer shall certify the mailing of all such notices to the Board of County Commissioners.

20.7 Action Subsequent to the Date of Public Hearing

20.7.1

Amended
2/5/90
3/14/00

Following the date of the public hearing, all proposed amendments shall be referred to the Planning Board for its consideration and recommendation. Evidence not presented at the joint public hearing (hereinafter called "new evidence") may be submitted in writing at or prior to the Planning Board meeting at which the recommendation to the Board of Commissioners is made. The Planning Board may consider oral evidence only if it is for the purpose of presenting information also submitted in writing.

The Planning Board shall after the date of the public hearing prepare and submit for the Board of County Commissioners a recommendation concerning the disposition of any application submitted to the public. The Board of County Commissioners may direct the Planning Board to provide a recommendation by a date certain. If the Board of County Commissioners does not so direct, the Planning Board shall make its recommendation within three regularly scheduled Planning Board meetings. If the Planning Board fails to make a recommendation as directed by the Board of County Commissioners or within three regularly scheduled Planning Board meetings, whichever is applicable, the application shall be forwarded to the Board of County Commissioners without a Planning Board recommendation. Amendments initiated by Orange County shall not be subject to time limitations other than those specified by the Board of County Commissioners during the public hearing process.

20.7.2

Amended
2/5/90
3/14/00

The Board of County Commissioners shall not consider enactment of the proposed amendment until the Planning Board either makes its recommendation or takes no action on the application as prescribed in this section. In making its decision, the Board of Commissioners shall consider all relevant evidence presented at the joint public hearing and any new evidence which was considered by the Planning Board in making its recommendation.

20.8 Withdrawal of Application

An applicant may withdraw his or her application at any time by written notice to the County Manager. However, any withdrawal of an application after the giving of the first notice as required in 20.6 shall be considered, for the purposes of Article 20, a denial of the petition.

20.9 **Effect of Denial on Subsequent Petitions**

When the Board of County Commissioners shall have denied an application or the application shall have been withdrawn after the first notice of the public hearing thereon, the Board of County Commissioners shall not receive another application for the same or similar amendment, affecting the same property or a portion of it, until the expiration of a one year period, extending from the date of denial or withdrawal, as appropriate.

20.10 **Fees**

Fees for filing application for amendments shall be set by resolution of the Board of County Commissioners.

20.11 **Comprehensive Review of Chapter**

The Planning Board shall from time to time, at intervals of not more than five years examine the provisions of this ordinance and the location of Zoning District boundary lines and shall submit a report to the Board of County Commissioners recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare, mindful of the intent expressed in Subsection 20.1.