ARTICLE XX - Amendments

Part I. General Use District Rezoning and Text Amendments

§311 Intent
(a) Amendments to the text of this chapter or to the zoning map may be made in accordance with the provisions of this article, or in the case of non-substantive editorial changes, may be made administratively by the Director of Planning and Community Development.

(b) Zoning regulations shall be made in accordance with a comprehensive plan.

(c) Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration as to, among other things, the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county. In addition, the regulations shall be made with reasonable consideration to expansion and development of any cities within the county, so as to provide for their orderly growth and development.

(d) As used in this Article, "comprehensive plan" includes a unified development ordinance and any other officially adopted plan that is applicable.

Amended March 15, 2010, September 18, 2017

§312 Amendment Initiation
A request to amend this ordinance may be initiated by:
(a) The Siler City Town Board, upon its own motion;

(b) The Siler City Planning Board, Board of Adjustments, or any other duly appointed Town body;

(c) The Town Manager, Planner or other official of the Town;

(d) Any property owner or agent thereof, upon submittal of application to Town Planner. All requests and applications for amendments to the zoning ordinance shall be acted upon as provided by this article; or

(e) Any other person.
All requests and applications for amendments to the zoning ordinance shall be acted upon as provided by this article.

**Amended March 15, 2010**

**§313 Acceptance of Request**
Any request initiated as provided in § 312 shall be referred to the planning director, planning board and any other appropriate board for their consideration. Such request shall be heard in public hearings and acted upon in accordance with the procedures of this article.

**§314 Application Submittal Requirements**
(a) Applications for amendments to this ordinance, as provided in §312 all be filed with the town planner. Applicants shall pay any administrative fee established by the town at the time of application.

(b) The planning director shall prescribe the form(s) upon which applications will be made, as well as any other materials or information deemed necessary pursuant to but not limited to the items listed below.

1. The alleged error in this ordinance, if any, which would be remedied by the proposed amendment.
2. The changed or changing conditions, if any, of neighborhoods or areas in the town which make the proposed amendment reasonably necessary in order to promote the public health, safety and general welfare.
3. The manner in which the proposed development will carry out the purposes of the adopted Land Use Plan.
4. All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.
5. Any other information required on the form by the planning department.

(c) Applications for the next regularly scheduled Planning Board meeting must be submitted to the Town Planner no later than twenty (20) working days prior to the Planning Board’s regular meeting. Application submitted after the deadline shall be heard the month following the next regular meeting.

**Amended March 18, 2013, February 15, 2016**

**§315 Planner Recommendation Analysis**
Upon receipt of an amendment request or completed application, the town planner shall cause an analysis to be made of the request or application to determine conformity with the intent of this article and based on his or her findings, shall prepare a written report. Such report and shall be made available no later than seven (7) days prior to the public hearing.
§316 Review and Recommendations of the Planning Board
(a) At its next regular meeting and before the public hearing, as discussed in §317, the planning board will consider the planner's recommendation, written public comment and testimony during the meeting. The planning board shall then prepare and submit a written recommendation to the town board as soon as practical, but not later than thirty-five (35) days following the date of the planning board meeting. Failure of the planning board to submit a recommendation to the town board within the prescribed time limit shall be construed as a favorable recommendation.

(b) The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan. The planning board shall provide a written recommendation to the governing 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 the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Amended March 18, 2013, September 18, 2017

§317 Public Hearings
(a) Public Hearing. The town board shall hold a public hearing on the requests and applications at the next regularly scheduled public hearing in order to receive comments, testimony, and exhibits pertaining to the amendment. Public hearings on amendments to this ordinance will be held by the town board on the first or third Monday of each month as required. A record of the public hearing will be kept by the Town Clerk and submitted to the planning board and town board as soon as possible, following the public hearing. If the Mayor finds that an emergency or sufficient exigent circumstances exists, the town board may schedule a public hearing at a date other than those times specified above.

(b) Notice To Be Published. Notice of the date, time, place, and subject of public hearing shall be published in a newspaper of general circulation in the planning area once a week or two (2) consecutive weeks, with the first notice published not less than ten (10) days nor more than twenty-five (25) days prior to the day of the hearing. No amendment shall be adopted by the Town Board until after public notices and hearing.

(c) Posting of Affected Property. When a zoning map amendment is proposed, the town shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. 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.

(d) Non-Owner Applicants. Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is
not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the Board of Commissioners that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection 324(h) of this section shall be by any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a town-initiated zoning map amendment.

Amended March 15, 2010, March 18, 2013

§318 Town Board Action

(a) At its first or third monthly meeting following receipt of the recommendations from the planning board, and holding the public hearing, the Board of Commissioners will approve, deny, or table each request or application for amendment of this ordinance. The Board will consider the planning board’s recommendation, written public comment, testimony, and evidence presented during the public hearing, and the planner’s recommendations, in its decision. Additional testimony, not presented at the public hearing, will be considered at the Mayor’s discretion.

(b) Prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall adopt one of the following statements which shall not be subject to judicial review:

a. A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.

b. A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.

c. A statement approving the zoning amendment and containing at least all of the following:

i. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.

ii. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.

iii. Why the action was reasonable and in the public interest.
A failure to vote on a zoning (text or map) amendment by a Board of Commissioner who is present shall be counted as an abstention in accordance with the provisions of G.S. 160A-75 (S.L. 2015-160).


§319 Effect of Denial or Withdrawal on Subsequent Applications
When the town board shall have denied an application for an amendment or the application shall have been withdrawn by the applicant by written notice after the publication of the first public hearing required, the Town Planner shall not accept another application for the same or similar amendment affecting the same property or portion thereof, until the expiration of a twelve (12) month period extending from the date of denial or withdrawal as appropriate. Nothing in this section, however, shall prohibit the Town Board or Planning Board from initiating an amendment for any property at any time.

Amended October 2, 2000

§320 Citizen Comments
(a) If any resident or property owner in the city submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance 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 city council.

(b) If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-388, 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.

Amended March 15, 2010, March 21, 2016

§321 Reserved
Amended March 21, 2016

§322 through §326 Reserved

Part II. Conditional-Use District Rezoning

§327 Application Procedures
(a) In order to rezone a parcel of land to a conditional use district, an application must be submitted requesting rezoning to a conditional use district. The procedures and requirements for submittal of the application shall be the same of those specified in Part I of this Article.

(b) A conditional use permit application must accompany any request for conditional use district rezoning. The application shall be submitted to the Administrator and include
information required generally of conditional use permit applications as set forth in
Sections 44-47 of this Ordinance.

(c) The administrator may authorize deviations in the submittal requirements to avoid
duplications or may provide for one application that requires all of the information
formally required for the zoning and conditional use permits.

(d) Both applications shall proceed simultaneously through the review process.
Amended February 2, 1998, October 2, 2000, February 18, 2013

§328 Site Plan Required
Every petition for the reclassification of property to a conditional use district shall be
accompanied by a site plan, drawn to scale and all necessary supporting text as listed in
Appendix A for all site plans required by this Ordinance. The Planning Board shall
review the site plan to determine compliance with this Ordinance and all applicable
regulations within the Siler City planning jurisdiction.
Amended February 18, 2013

§329 Planning Board Review
The Planning Board shall review the applications(s) and shall submit to the Board of
Commissioners written recommendations on both the rezoning and conditional use
permit applications.

§330 Action by the Board of Commissioners
(a) The Board of Commissioners shall simultaneously conduct a public hearing on the
re zoning and conditional use permit applications, in accordance with procedures
applicable to conditional use permit applications generally. (See Section 91-96)

(b) The notice required for such hearing shall be sufficient to comply with that required
for both rezoning and conditional use permit applications.

(c) If the Board of Commissioners concludes, in the exercise of its legislative discretion,
that the proposed rezoning would not be consistent with the public health, safety, or
welfare, it may deny the application in accordance with the same procedures
applicable to any ordinance amendment request.

(d) The Board of Commissioner may not approve the rezoning application unless it
simultaneously approves a conditional use permit, in accordance with Section 50 of
this Ordinance, subject to any reasonable conditions and requirements as set forth in
Section 55.

§331 Effect of Approval
Only those uses and structures indicated in the approved permit and site plan shall be
allowed within the conditional use district. Development in the district shall comply with
all provisions of and conditions to the approved permit and site plan. Following the
approval of the petition, the subject property shall be identified on the Zoning Maps by the appropriate district designation.

§332 Changes in Use
(a) Minor changes in the detail of the approved permit or site plan which will not alter the basic relationship of the proposed development to surrounding properties, to the standards and requirements of this Ordinance or to any conditions attached to the permit may be approved by the Director of Planning and Community Development without going through the amendment process. The Director shall forward any application for major changes in detail to the site plan to the Planning Board and Board of Commissioners for their consideration as an amendment to the conditional use permit.

(b) Requested changes in use following rezoning and issuance of a conditional use permit shall be treated and processed as a new conditional use permit application. However, recognizing that the rezoning was effectuated based on the first permitted use only, there shall be a refutable presumption that the proposed new use will materially endanger the public health and safety and substantially injure the value of adjoining or abutting property. The change in use will therefore be authorized only by the applicant’s rebuttal of said presumption by clear and convincing evidence, as well as establishing all other requirements of this ordinance applicable to conditional use permits generally.

Amended March 18, 2013

§333 Revocation of a Conditional-Use Permit
It is intended that property shall be reclassified to a conditional use district only in light of firm plans to develop the property. Therefore, the conditional use permit shall expire after two (2) years as provide in Section 58 of this Ordinance. If a conditional use permit is revoked, the Board of Commissioners shall begin the process to rezone the property to an appropriate general use district. The owner of the property or his duly appointed representative, may petition for a new conditional use permit under the procedures outlined in this section.

Amended March 18, 2013