



Zoning Map Amendment Application

D & D Services
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Morganton, NC
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Fee: \$750.00

Fees are subject to change without notice

All pages must be completely filled out before application is accepted. For assistance filling out this application, contact the Development & Design Services Office.

To the Planning & Zoning Commission and City Council of Morganton:

I (we), the undersigned, do hereby respectfully make application and request the City Planning and Zoning Commission and the City Council to amend the Zoning Map of the City of Morganton as hereinafter requested, and in support of this application, the following facts are shown:

1) It is desired and requested that the property described below be rezoned from its current classification of _____ to the classification of _____

2) The property sought to be rezoned is located at (street address or description of location)

(You may access Burke County Parcel information at www.gis.burkenc.org to obtain the information requested below.)

Parcel #1

Size of tract _____

Deed Book _____ page _____

Tax parcel REID # _____

PIN EXT # _____

The property sought to be rezoned is owned by:

Owners name(s) and address _____

Mailing address (if different than above) _____

(For additional tracts to be rezoned please attach additional sheets with the same information as for parcel 1.)

3) Attach a legal description of all property for which rezoning is requested.

(Copies of deeds are available online from the Burke County Register of Deeds Office

Link: www.burkenc.org/departments/register-of-deeds

Applicant information

Name: _____ **City/State/Zip:** _____

Mailing Address: _____ **Email:** _____

Phone: _____

Alternate phone: _____

Email addresses are only used by this office for correspondence with the applicant if needed.

Consultant information

Name: _____

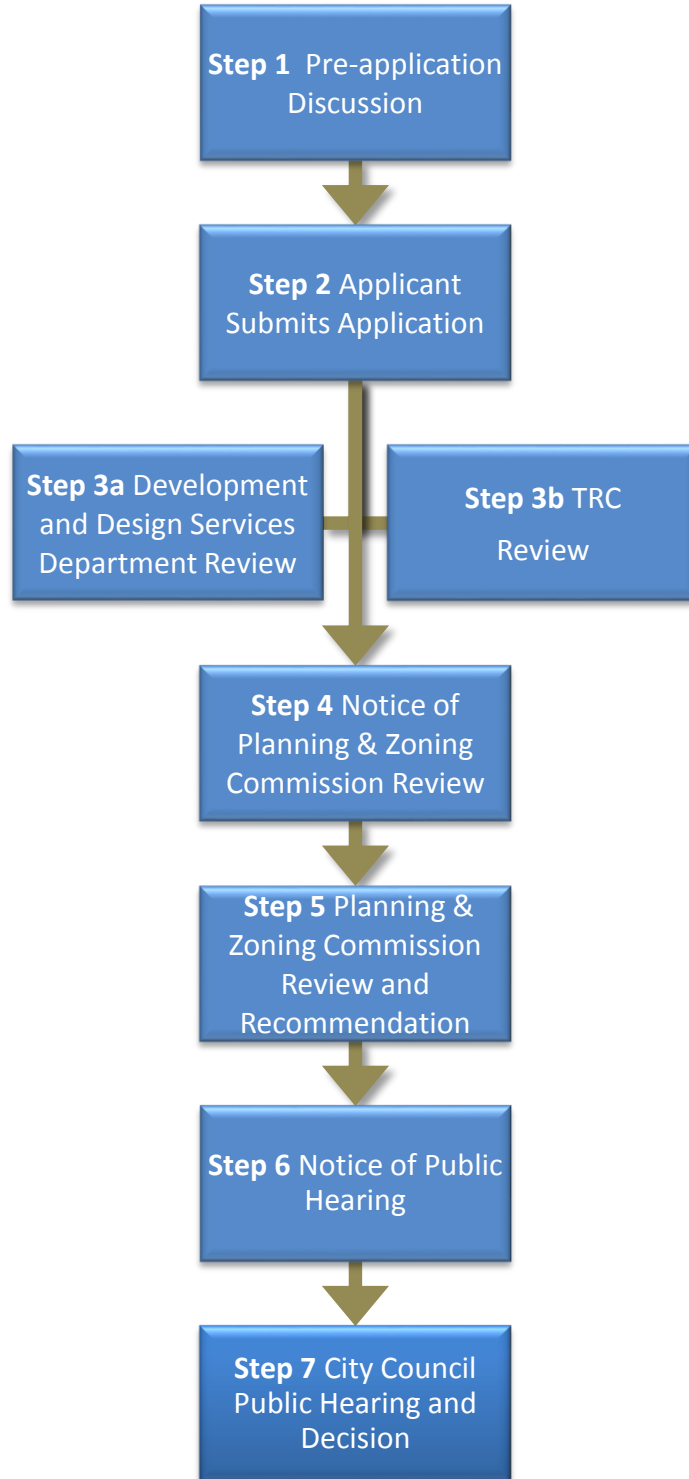
Address: _____

Phone: _____

Email: _____

2.2.8 Zoning Map Amendments (Rezoning)

The City Council may amend, supplement or change the Zoning Map according to the following procedure. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.



Step 1. Pre-Application Discussion (required)

To minimize costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the applicant and the Zoning Administrator concerning the proposed map amendment is required. The Zoning Administrator shall review the request and discuss it with the applicant.

Step 2. Applicant Submits Application

- (A) Applications to change, supplement or amend the Zoning Map may be initiated by the City Council, the Planning & Zoning Commission, or anyone who owns property or resides in the area of jurisdiction of this Ordinance or the agent of such person.
- (B) The Zoning Administrator, before scheduling any map amendment for consideration by the Planning & Zoning Commission, shall ensure that it contains all the required information as specified in this Article and on the application form. Applications which are not complete, or otherwise do not comply with the provisions of this Article shall not be scheduled, but shall be returned to the applicant with a notation of the deficiencies in the application.
- (C) All applications for map amendments shall contain, at a minimum, a description of the proposed change.
- (D) Specific development proposals may not be considered by staff, the Planning & Zoning Commission, or the City Council. These entities may only consider the impacts of the proposed zoning district.

Step 3a/3b. Development and Design Services Department/Technical Review Committee Review

- (A) The Zoning Administrator and Development and Design Services Department shall review the proposed map amendment and prepare a staff report with an assessment of how the rezoning relates to the Comprehensive Plan and surrounding zoning and land uses. Staff shall also include all Technical Review Committee comments in the report.
- (B) The Technical Review Committee shall review the proposed map amendment and provide comments on how the rezoning will affect utilities, roads, and other infrastructure or services.

Step 4. Notice of Planning & Zoning Commission Review

- (A) Notice of the review by the Planning & Zoning Commission shall be published in a newspaper of general circulation in the City at least seven (7) days prior to the date of the review, shall give notice of the amendment or change being considered and shall generally identify any property under consideration for a change in zoning classification.

- (B) The owners of all parcels of land adjacent thereto as shown on the tax records for Burke County shall be mailed a notice of the hearing and of the proposed amendment or change to the zoning classification by First Class Mail at the last addresses shown for such owners on the County Tax Abstracts at least seven days prior to the review.
- (C) Further, signs shall be posted on or near such property notifying the public of time, date and location of the review. The person or persons mailing written notices or posting the property shall certify to the Planning & Zoning Commission that fact and such certificate shall be deemed conclusive in the absence of fraud and the notice of such review sufficient.
- (D) Notwithstanding the preceding, the mailing and posting of the notice required hereunder shall not apply to any repeal and/or recodification or rewrite of the entire Zoning Ordinance or total rezoning of all property within the zoning jurisdiction of the City. In those circumstances, a general notice of the public hearing published once a week for two (2) successive calendar weeks in a newspaper having general circulation in Morganton setting forth the date, time, place and purpose of the hearing shall be sufficient. Notice shall be published for the first time not less than 10 days nor more than 25 days before the date fixed for the review.

Step 5. Planning & Zoning Commission Recommendation and Review

- (A) The Zoning Administrator shall present any properly completed application for amendment to the Planning & Zoning Commission at a regularly scheduled meeting.
- (B) The Planning & Zoning Commission shall review on the proposed amendment and shall either recommend approval or denial of an amendment by simple majority vote of those present and voting. The Planning Board shall include with its recommendation a written statement regarding the consistency of the request with the Comprehensive Plan and other adopted City plans and policies and the surrounding area. A tie vote on a proposal shall be considered to be a recommendation for denial for such amendment. If the Planning & Zoning Commission should fail to act on any proposal amendment within 30 days after it is presented to the Commission such failure to act shall be considered to be a favorable recommendation for the purposes of this procedure.
- (C) Any proposed amendment which receives a recommendation for approval from the Planning & Zoning Commission shall be forwarded to the City Council for a public hearing. Any proposed amendment which receives a recommendation for denial from the Planning & Zoning Commission, shall not be forwarded to the City Council unless the applicant appeals such denial within 10 days of such Commission action. Such appeal shall be in writing requesting the City Council to hold a public hearing on the matter and shall be filed with the Zoning Administrator.

Step 6. Notice of Public Hearing

- (A) A notice shall be published in a newspaper having general circulation in the City once a week for two (2) consecutive weeks provided that the first notice is published not less than 10 days nor more than 25 days prior to the date established for the public hearing. The expanded published notice option for map amendments noted in Subsection (B) below shall consist of a notice not less than one-half (1/2) of the newspaper page in size.
- (B) A notice of the public hearing shall also be sent by first class mail by the Zoning Administrator or designee to the affected property and to all adjacent property owners. The mail notice shall not be required if a Rezoning (map amendment) directly affects more than 50 properties owned by a total of at least 50 different property owners. Instead the City may elect to use expanded published notice as noted above in Subsection (A). However, property owners whose addresses are not within the general circulation area of the newspaper shall still receive a notice of public hearing by first class mail.
- (C) The City shall conspicuously post a notice of public hearing at the site proposed for rezoning at least 10 days prior to the public hearing. When multiple parcels are included within a proposed map amendment, a posting on each individual parcel is not required, but the City shall post sufficient notices to provide reasonable notice to interested persons. The notice shall be removed only after the public hearing has been held.
- (D) For map amendments initiated by a third party, property owner(s) who are not signatories of the application for zoning map amendment must be notified through personal delivery or registered, certified, or delivery receipt mail. Such notice shall state the existing zoning classification and the classification requested by the third party and the date, time and location of the public hearing. The notice shall be written by the Zoning Administrator, yet the burden for making this actual notice is on the third party requesting the rezoning, the proof of which shall be provided to the Zoning Administrator prior to the public hearing. This requirement shall not apply if a map amendment is initiated by the City.

Step 7. City Council Public Hearing and Decision

- (A) The Zoning Administrator shall transmit to the City Council a record of action taken on the proposed amendment.
- (B) The City Council shall take such lawful action on such proposals as it may deem advisable provided that no zoning amendment shall be adopted until after a public hearing shall have been held.
- (C) The City Council shall include with its decision a written statement regarding the consistency of the request with the Comprehensive Plan and other adopted City plans and policies and the surrounding area.

- (D) Approval of a map amendment shall require a simple majority of City Council members present. In case, however of a protest against such change meeting the requirements of NCGS 160A-385(a) an amendment shall not become effective except by favorable vote of three-fourths (3/4) of all members of the City Council. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the Article as a result of annexation or otherwise.
- (E) No application for the same zoning district applicable to the same property or any part thereof shall be filed until the expiration of one (1) year from:
 - (1) The date of final determination by the City Council; or,
 - (2) The date of the public hearing or scheduled public hearing if the application is withdrawn after it has been advertised for public hearing.
 - (3) Fee submitted for withdrawn cases shall not be refundable once the proposal has been advertised.

Step 8. Additional Approvals (as required)

Following the approval of a map amendment by the City Council, the applicant may need to obtain additional approvals which may include Zoning Permit and Building Permit approval before any work may begin.