



**2020 TOWN OF WENDELL
ZONING MAP
AMENDMENT PACKET**



Town of Wendell Planning Department
15 E. Fourth St.
Wendell, NC 27591

Phone: 919.365.4448
Fax: 919.366.1462
www.townofwendell.com

**ACKNOWLEDGEMENT OF ZONING MAP AMENDMENT
INFORMATION**

I, _____, acknowledge the receipt of the following
items pertaining to the rezoning of the property located at _____
_____.

_____ Application for Traditional Zoning Map Amendment

_____ Submittal Schedule

_____ Future Land Use Map

_____ District Use Regulations Table

_____ Amendment Procedures

Submittal Deadline Date: _____

Applicant

Date

PETITION TO AMEND THE ZONING MAP

To be reviewed by both the Planning Board and the Town Board of Commissioners

Form last updated on 12/06

Date:

PETITION # ZM-

Applicant's Name:

Phone:

Fax:

Mailing Address:

Owner's Name:

Phone:

Fax:

Mailing Address:

NOTE: If several properties are involved in this request, please attach a sheet listing each property, property owner, mailing address, telephone, and fax number.

1. Relationship of Applicant to Property: ☐ Owner ☐ Lessee ☐ Optionee ☐ Other _____

2. Location of Property:

PIN #:

3. Current Zoning:

4. Requested Zoning:

5. Legal Description of Property: *(Please Label As ATTACHMENT A)* Include on a sheet of paper the property survey, Wake County Tax Map PIN Number, block or lot numbers with metes and bounds description of the area, or any other legal information available.

6. Adjacent Property Owners: *(Please Label As ATTACHMENT B)* Include on a sheet of paper the names and addresses of the owners whose property abuts and is adjacent to the property in question.

7. Why Property Should Be Rezoned: *(Please Label As ATTACHMENT C)* Include on a sheet of a paper an explanation in detail of why you feel the property should be rezoned. The explanation should include if the rezoning coincides with the Comprehensive Land Use Plan and if the impact of the proposed rezoning effects adjacent or surrounding properties. Also within this attachment should be the impact on governmental services (utilities, schools, police protection, streets, etc.), that the uses permitted within the requested district would create.

After completing the attachments listed above, I certify that I am the owner or have the consent of the owner and act on his or her behalf in making this petition for an amendment to the zoning map.

Applicant's Signature

Date

OFFICE USE ONLY

Fee Paid: _____ Date Paid: _____

PLANNING BOARD

Date Petition Was Reviewed: _____

Recommendation: ☐ Approval ☐ Denial

The decision of the Planning Board was based on the following considerations: _____

The decision was consistent with the Comprehensive Plan:

☐ Yes

☐ No

Conditions of Approval: _____

TOWN BOARD OF COMMISSIONERS

Date Public Hearing Scheduled: _____ Date Sign Erected: _____

Dates Public Hearing Advertised: (#1): _____ in _____ AND (#2): _____ in _____

Town Board Recommendation: ☐ Approval ☐ Denial

Conditions of Approval: _____

Town Clerk's Signature

Date

Mayor's Signature

Date



TOWN OF WENDELL 2020 ZONING MAP AMENDMENT SUBMITTAL SCHEDULE



PLANNING DEPARTMENT

15 E. Fourth St.
Wendell, NC 27591
Phone: 919.365.4448
Fax: 919.366.1462

Zoning Map Amendment Submittal Deadline [A]* (\$550 Fee Due)	Zoning Map Amendment Submittal Deadline [B]* (\$550 Fee Due)	Planning Board Courtesy Review (If Requested) [C]	Planning Board Review and Action	Board of Commissioners Review Session	Public Hearing By BOC (BOC Action**)	Board of Commissioners Action**
15-Nov-19	20-Dec-19	16-Dec-19	20-Jan-20	27-Jan-20	10-Feb-20	9-Mar-20
20-Dec-19	17-Jan-20	20-Jan-20	17-Feb-20	24-Feb-20	9-Mar-20	13-Apr-20
17-Jan-20	14-Feb-20	17-Feb-20	16-Mar-20	23-Mar-20	13-Apr-20	11-May-20
14-Feb-20	20-Mar-20	16-Mar-20	20-Apr-20	27-Apr-20	11-May-20	8-Jun-20
20-Mar-20	17-Apr-20	20-Apr-20	18-May-20	26-May-20	8-Jun-20	13-Jul-20
17-Apr-20	15-May-20	18-May-20	15-Jun-20	22-Jun-20	13-Jul-20	10-Aug-20
15-May-20	19-Jun-20	15-Jun-20	20-Jul-20	27-Jul-20	10-Aug-20	14-Sep-20
19-Jun-20	17-Jul-20	20-Jul-20	17-Aug-20	24-Aug-20	14-Sep-20	12-Oct-20
17-Jul-20	21-Aug-20	17-Aug-20	21-Sep-20	28-Sep-20	12-Oct-20	9-Nov-20
21-Aug-20	18-Sep-20	21-Sep-20	19-Oct-20	26-Oct-20	9-Nov-20	14-Dec-20
18-Sep-20	16-Oct-20	19-Oct-20	16-Nov-20	23-Nov-20	14-Dec-20	11-Jan-21
16-Oct-20	20-Nov-20	16-Nov-20	21-Dec-20	28-Dec-20	11-Jan-21	8-Feb-21
20-Nov-20	18-Dec-20	21-Dec-20	18-Jan-21	25-Jan-21	8-Feb-21	8-Mar-21

[A]: Submittal Deadline if the applicant **does** request a courtesy review by the Planning Board.

[B]: Submittal Deadline if the applicant **does not** request a courtesy review by the Planning Board.

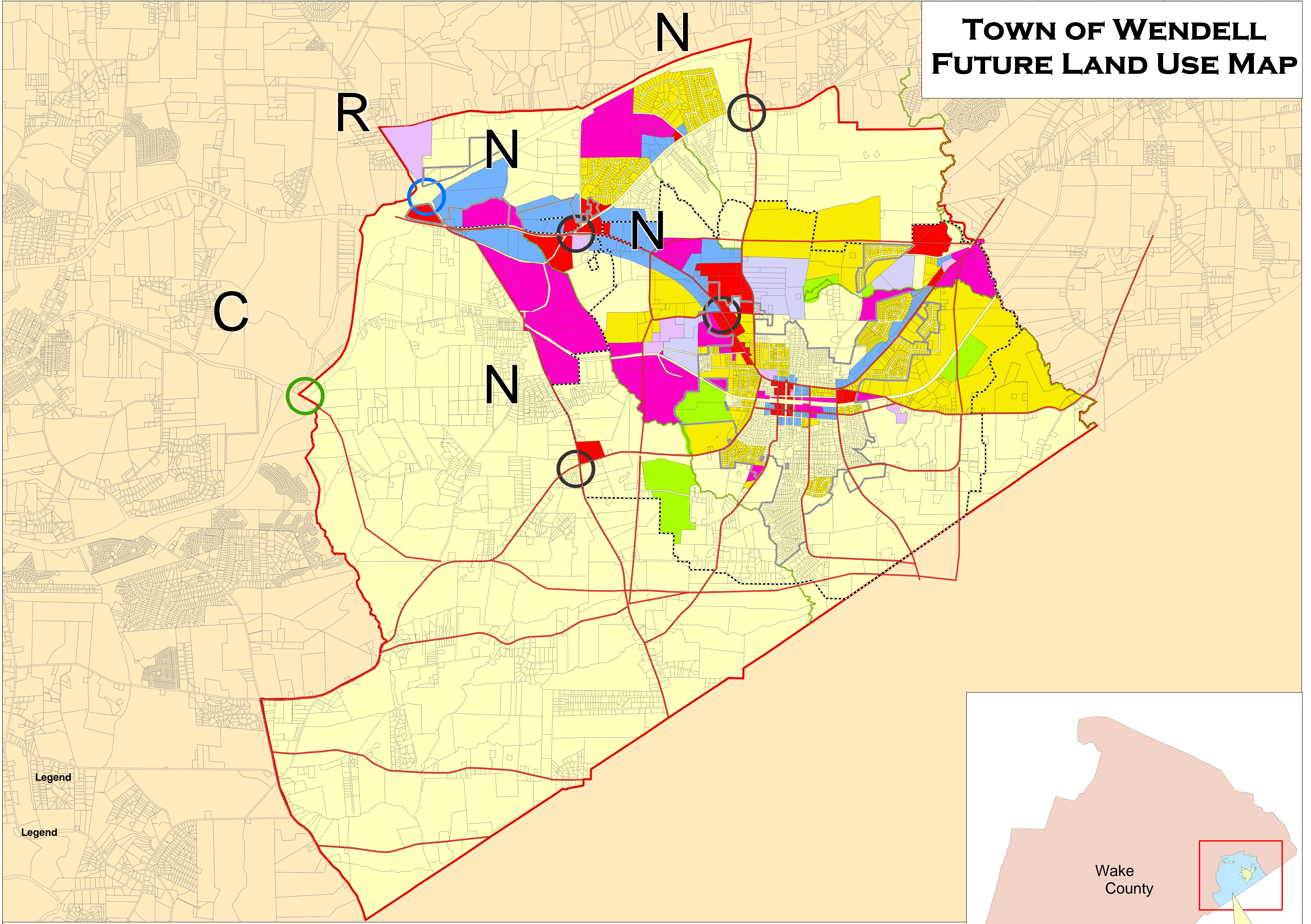
[C]: The applicant may request the Planning Board hold a review session for the proposed amendment. No vote will be taken by the board at this session.

* A Pre Application Submittal Meeting must be held at least 7 days prior to the applicable submittal deadline

** Applicant may submit written request to Board of Commissioners for action to be taken the same night as the public hearing.

***Meeting may be canceled or rescheduled due to holiday. Confirm date with Planning Dept. Staff

TOWN OF WENDELL FUTURE LAND USE MAP



Legend

Legend

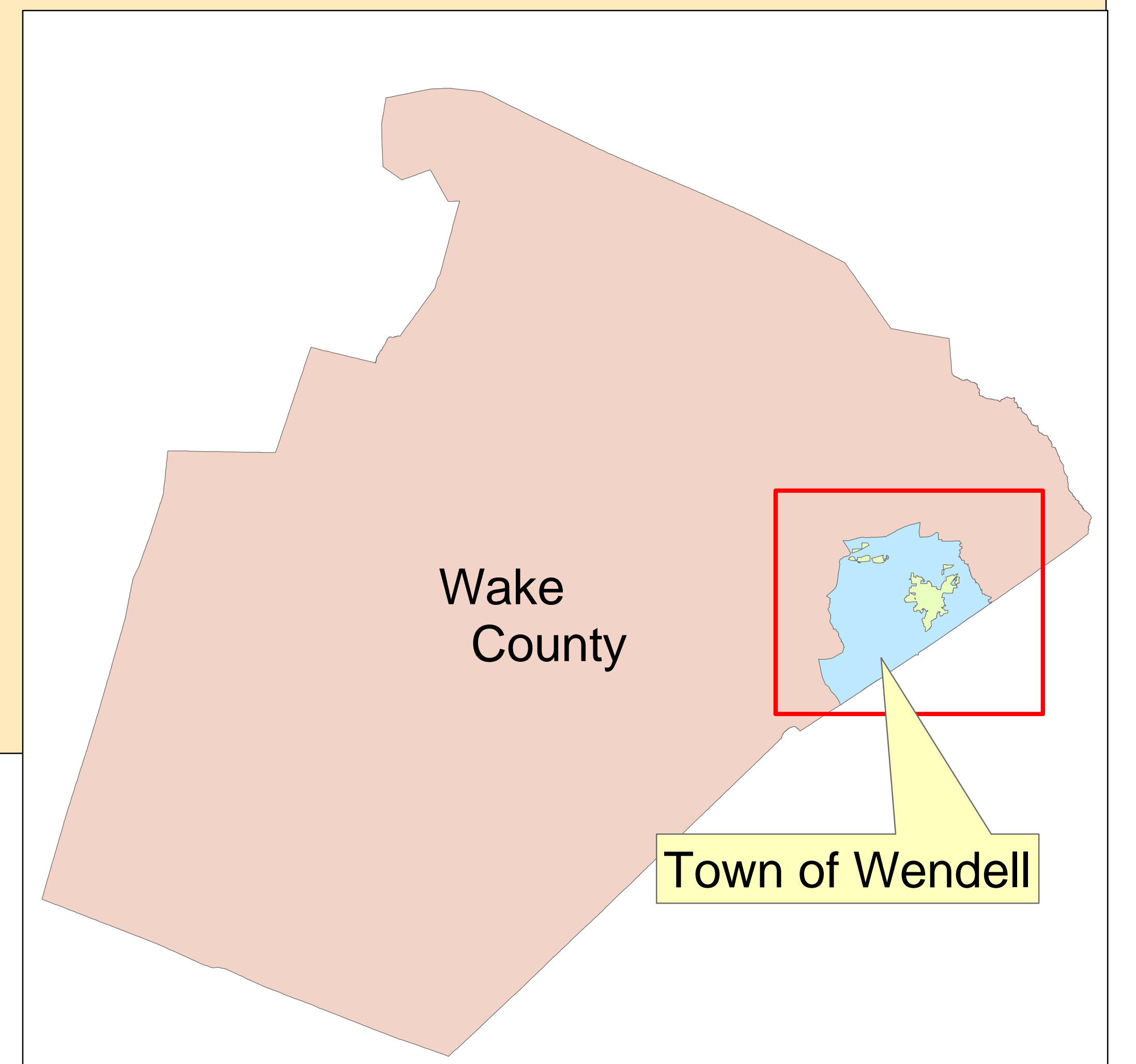
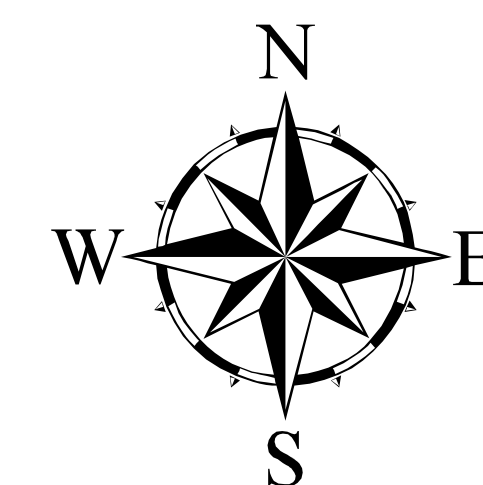
- | | |
|--|--------------------------------|
| Low Density Residential (1-4 DU/Acre) | Institutional |
| Medium Density Residential (4-8 DU/Acre) | Industrial |
| High Density Residential (8-12 DU/Acre) | Corporate Limits |
| Mixed Use | ETJ Boundary |
| Open Space | Short Range Urban Service Area |
| Commercial | Thoroughfare |
| | Greenway |



0 2,050 4,100 8,200 12,300 16,400 Feet

THIS MAP WAS CREATED BY THE WENDELL PLANNING DEPARTMENT AND IS FOR REFERENCE ONLY. THE TOWN OF WENDELL ASSUMES NO RESPONSIBILITY FOR ERRORS OR MISUSE OF THIS MAP.

JULY 1, 2005



C. Use Matrices

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Residential																
Dwelling-Single Family	P	P*	P	P	P	P	P	P	P	P	P	P	P	P	-	P
Dwelling-Multifamily	-	P*	-	-	-	-	-	SUP	SUP	SUP	SUP	SUP	-	SUP	-	SUP
Dwelling-Secondary	PS	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	-	PS
Family Care Home (6 or fewer residents)	PS	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS
Home Occupation	-	P*	PS	PS	PS	PS	PS	PS	P	P	P	P	-	P	-	PS
Housing Service for the Elderly	-	P*	-	-	-	PS	PS	P	P	P	P	P	-	P	-	P
Live-Work Units	-	P*	-	-	-	-	-	-	PS	PS	PS	PS	-	PS	-	PS
Manufactured Housing	-	P*	PS	PS	-	PS	-	-	-	-	-	-	PS	-	-	-
Lodging																
Bed and Breakfast Inns	P	P*	P	P	P	P	P	P	P	P	P	P	-	P	-	P
Hotels/Motels/Inns	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	-	P
Rooming or Boarding House	-	P*	-	-	-	-	-	PS	PS	PS	PS	PS	-	-	-	PS
Office/Service																
Animal Services	-	P*	PS	PS	PS	PS	PS	-	-	PS	PS	PS	-	PS	PS	-
ATM	-	P*	-	-	-	-	-	-	PS	P	P	P	-	P	P	P
Animal Services – Boarding as Primary	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Banks, Credit Unions, Financial Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Business Support Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Child/Adult Day Care Home (8 or less persons)	-	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	-	PS
Child/Adult Day Care Center (More than 8 persons)	-	P*	-	-	-	-	-	-	SUP	PS	PS	PS	-	PS	PS	PS
Community Service Organization	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Continuing Care Retirement Community	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drive Thru Service	-	P*	-	-	-	-	-	-	PS	PS	PS	SUP	-	PS	-	SUP
Equipment Rental	-	P*	-	-	-	-	-	-	-	P	-	-	-	P	P	-
Funeral Homes	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Group Care Facility (More than 6 residents)	-	P*	PS	PS	-	-	SUP	SUP	PS	PS	PS	PS	-	PS	-	PS
Government Services	SUP	P*	P	P	P	P	P	P	P	P	P	P	-	P	P	P
Laundry Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Medical Services - Clinic, Urgent Care Center	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Medical Services – Doctor office	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P

P Permitted

PS Permitted subject to Additional Standards in Chapter 3

P* Permitted uses for PUD Zones will be determined in accordance with 2.19

SUP

Special Use Permit Required (See Chapter 3 and Chapter 15)

—

Not Permitted

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Office/Service (cont)																
Outdoor Kennels/Equine Facilities	-	P*	PS	PS	-	-	-	-	-	-	-	-	-	PS	PS	-
Post Office	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Personal Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Professional Services	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Residential Treatment Facility	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	-	-	SUP	-	-
Studio – Art, Music	-	P*	-	-	-	-	-	-	P	P	P	PS	-	P	P	P
Studio – Dance, Martial Arts	-	P*	-	-	-	-	-	-	P	P	P	SUP	-	P	P	P
Tattoo Parlor	-	P*	-	-	-	-	-	-	-	-	-	-	-	PS	-	-
Vehicle Services – Minor Maintenance/Repair	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	PS	-
Vehicle Services – Major Repair/Body Work	-	P*	-	-	-	-	-	-	-	PS	-	PS	-	PS	PS	-
Retail/Restaurants																
Alcoholic Beverage Sales Store	-	P*	-	-	-	-	-	-	SUP	PS	PS	PS	-	PS	-	PS
Auto Parts Sales	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	-
Bar/Tavern/Night Club	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	-	SUP
Car Wash – Stand Alone, Self Service	-	P*	-	-	-	-	-	-	-	PS	PS	-	-	PS	-	PS
Drive-Thru Retail/Restaurants	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	-	-
Gas Station	-	P*	-	-	-	-	-	-	-	PS	PS	SUP	-	PS	-	PS
General Retail – 10,000 sf or less	-	P*	-	-	-	-	-	-	PS	P	P	P	-	P	P	P
General Retail – 10,001 – 50,000 sf	-	P*	-	-	-	-	-	-	SUP	P	P	P	-	P	-	P
General Retail – Greater than 50,000 sf	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	PS
Restaurant	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Shopping Center – Neighborhood Center	-	P*	-	-	-	-	-	-	SUP	P	P	-	-	P	-	P
Shopping Center – Community Center	-	P*	-	-	-	-	-	-	-	P	P	-	-	P	-	-
Vehicle Sales	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	PS	-
Heavy Equipment/RV Sales/Farm Equipment Sales /Mobile Home Sales	-	P*	-	-	-	-	-	-	-	-	PS	-	-	PS	PS	-

P Permitted**PS** Permitted subject to Additional Standards in Chapter 3**P*** Permitted uses for PUD Zones will be determined in accordance with 2.19**SUP** Special Use Permit Required (See Chapter 3 and Chapter 15)

— Not Permitted

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Entertainment/Recreation																
Adult Establishment	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	PS	-
Amusements, Indoor	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	-
Amusements, Outdoor	-	P*	PS	PS	-	-	-	-	-	PS	-	-	-	PS	-	-
Billiard/Pool Hall	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	-	-
Cultural or Community Facility	PS	P*	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P
Farmers Markets	-	P*														
Meeting Facilities	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P
Recreation Facilities, Indoor	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P
Recreation Facilities, Outdoor	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P
Shooting Range, Indoor	-	P*	-	-	-	-	-	-	-	SUP	SUP	-	-	SUP	SUP	-
Sports Training/Fitness Complex	-	P*														
Sweepstakes Center	-	P*	-	-	-	-	-	-	-	-	-	-	-	SUP	-	-
Theater, Live Performance, Indoor		P*														
Theater, Live Performance, Outdoor		P*														
Theater, Movie	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	-	-

Manufacturing/Wholesale/Storage																
Agriculture	P	P*	P	P	-	-	-	-	-	-	-	-	-	-	P	-
Laundry, dry cleaning plant	-	P*	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Manufacturing, Light	-	P*	-	-	-	-	-	-	-	PS	-	SUP	-	PS	P	-
Manufacturing, Neighborhood	-	P*	-	-	-	-	-	-	PS	PS	PS	SUP	-	PS	P	PS
Manufacturing, Heavy	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Media production	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	P	-
Metal products fabrication, machine or welding shop	-	P*	-	-	-	-	-	-	-	P	-	SUP	-	P	P	-
Micro-Distillery/Micro-Brewery/Micro-Winery	-	P*	-	-	-	-	-	-	PS	PS	PS	PS	-	PS	PS	PS
Mini-Warehouses	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	PS	-
Research and development	-	P*	-	-	-	-	-	-	-	SUP	SUP	SUP	-	PS	P	P
Storage - Outdoor as a primary use	-	P*	P	-	-	-	-	-	-	-	-	-	-	P	P	-
Storage - Warehouse, indoor storage	-	P*	-	-	-	-	-	-	-	PS	-	PS	-	-	P	-
Wholesale Distribution	-	P*	-	-	-	-	-	-	-	-	-	-	-	P	P	-

P

Permitted

PS

Permitted subject to Additional Standards in Chapter 3

P*

Permitted uses for PUD Zones will be determined in accordance with 2.19

SUP

Special Use Permit Required (See Chapter 3 and Chapter 15)

—

Not Permitted

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Civic/Institutional																
Campground	PS	P*	PS	-	-	-	-	-	-	-	-	-	-	-	-	-
Cemetery	PS	P*	PS	-	PS	PS	-	-	-	PS	PS	-	PS	PS	PS	-
Colleges/Universities	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	SUP	-
Hospital	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	-	-	-
Public Safety Station	-	P*	SUP	SUP	SUP	SUP	SUP	SUP	P	P	P	P	-	P	P	P
Religious Institutions	-	P*	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	-	SUP	SUP	SUP	SUP
Schools – Elementary & Secondary	-	P*	P	P	P	P	P	P	P	P	P	-	-	-	-	P
Schools – Vocational/Technical	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Infrastructure																
Airport	-	P*	SUP	-	-	-	-	-	-	-	-	-	-	-	SUP	-
Transit Station - Passenger	-	P*	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Wireless Telecommunication Facility-Stealth	SUP	P*	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Wireless Telecommunication Facility-Tower	SUP	P*	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Utilities-Class 1	PS	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	PS	PS	PS
Utilities-Class 2	PS	P*	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	PS	PS	PS
Utilities-Class 3	-	P*	PS	PS	-	-	-	-	-	-	-	-	-	PS	PS	-
Parking Lot (primary use)	-	P*	-	-	-	-	-	-	-	-	P	P	-	-	-	P
Parking Structure (primary use)	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	-	-	PS

P Permitted

PS Permitted subject to Additional Standards in Chapter 3

P* Permitted uses for PUD Zones will be determined in accordance with 2.19

SUP Special Use Permit Required (See Chapter 3 and Chapter 15)

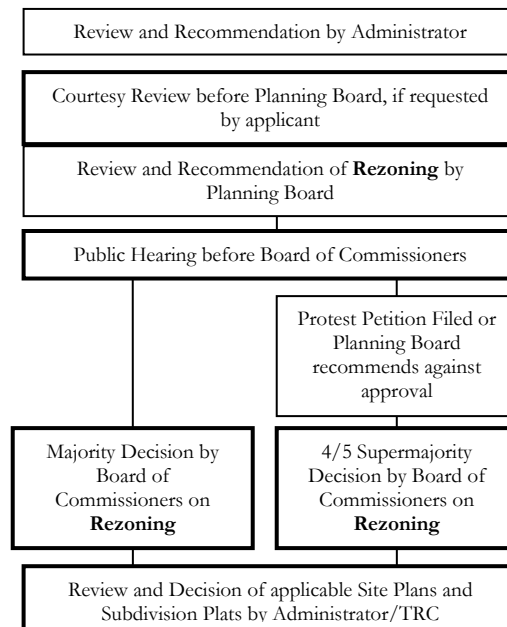
— Not Permitted

15.12 Map Amendments (Rezoning)

- A. Purpose:** The purpose of this Section is to establish uniform procedures for amending the zoning classification of land as shown on the Zoning Map.
- B. Application Required:** An amendment to the Zoning Map may be initiated by the Board of Commissioners, the Planning Board, the Administrator, or any private citizen by filing an application with the Administrator.
- C. Procedure:**

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Map Amendments (Rezoning): The Administrator must receive petitions 30 calendar days prior to the next regularly scheduled meeting of the Town Planning Board to be considered at that meeting. The petition shall state the nature of the proposed amendment, and if applicable, a description of the property involved, names and address of the owners of the property, and a statement why the proposed amendment is necessary to promote public health, safety, and general welfare.	Administrator	Review submittal procedures and requirements Review for completeness & code compliance. Issue Staff Report	n/a
	Planning Board	Courtesy review, if requested by applicant	n/a
	Planning Board	Review and recommendation of Rezoning application	n/a
	Board of Commissioners	Public hearing*	n/a
	Board of Commissioners	Grant Rezoning – or - Denial and Request for Rehearing	Superior Court

* Applicant can request that the Board of Commissioners adopt the Amendment at the same meeting as the public hearing. Otherwise, decision to adopt will be made no sooner than the next Board meeting.



15.19 Legislative Procedures – General Provisions

- A. Purpose:** The purpose of this Section is to establish uniform procedures for processing matters requiring a legislative approval process.
- B. Required Compliance with Comprehensive Plans:**
- 1.** Text and Zoning Map amendments shall be made in accordance with the *Town Plan of Wendell* or other adopted comprehensive or related plan. Prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the adopted comprehensive plan and explaining why the Board of Commissioners considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.
 - 2.** The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide, within 30 calendar days of its decision, a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Board.
 - 3.** 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 Board of Commissioners. However, a four-fifths majority vote by the Board of Commissioners shall be required to amend this Ordinance when the Planning Board recommends against such amendments. A simple majority of the Board shall be required to amend the Ordinance when recommendation by the Planning Board is favorable.
- C. Protest Petitions**
- 1.** In the case of a protest against a rezoning (Zoning Map amendment) duly signed by the owners of 20 percent or more, either of the area of the lots included in the proposed change, or those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending 100 feet from the street frontage of such opposite lots, the amendment shall not become effective except by favorable vote of three-fourths of all the members of the Board of Commissioners.
 - 2.** No protest against any proposed amendment shall be valid or effective unless it is on a form provided by the Town actually bearing the signatures of the required number of property owners and stating that the signers do protest the proposed change or amendment. All such petitions shall be filed

in the office of the Town Clerk for validation at or before 12:00 noon not less than three working days prior to the date of the hearing.

3. A person filing a protest against a proposed zoning amendment may withdraw the protest any time prior to the meeting at which the rezoning will be considered. Withdrawal with a refund of required fees is permitted if requested prior to the printing of the advertisement in the newspaper.

D. Town Board Decision: Once the public hearing has been conducted the Town Board shall render a decision on the petition. All decisions shall be by simple majority vote unless a valid Protest Petition has been submitted in accordance with Section 15.19.C.

1. A decision concerning a petition for rezoning shall be as follows:
 - a. Grant the rezoning as requested; or,
 - b. Grant the rezoning with a reduction in the area requested; or,
 - c. Grant the rezoning to a more restrictive general zoning district; or,
 - d. Grant the rezoning with a combination of b and c above; or,
 - e. Deny the application.
2. A decision concerning the petition to amend the text of this Ordinance shall be as follows:
 - a. Adoption of the amendment as written; or,
 - b. Adoption of the amendment as revised; or,
 - c. Rejection of the amendment.

E. Rehearing

1. An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of 15 calendar days after the date of the Board of Commissioners decision.
2. Specific information to enable the Board of Commissioners to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically.
3. A rehearing shall be denied by the Board of Commissioners, if, in its judgment, such change in facts, evidence or conditions have not been proven.

4. A public hearing shall not be required to be held by the Board of Commissioners to consider holding such a rehearing. Approval of said consideration shall, however, require an affirmative vote of at least four voting members. In the event that the Board of Commissioners finds that a rehearing is warranted, it shall then proceed as in the original hearing except that the application fee shall be waived.
5. Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of denial of the original application.

F. Appeals: Every legislative decision of the Board of Commissioners shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within 30 calendar days after the decision of the Board is filed in the office of the Town Clerk, or after a written copy is delivered to every aggrieved party who has filed a written request for such copy with the Administrator at the time of the hearing of the case by the Board of Commissioners, whichever is later.

G. Application Withdrawal

1. The petitioner may withdraw his application before submission of the public notice to the newspaper announcing the public hearing.
2. After submission of such notice, an application may be withdrawn at the discretion of the Planning Board or Board of Commissioners at the public hearing.
3. No more than two withdrawals may occur on the same parcel or portion of land within a one year period.
4. No application shall be filed on the same parcel or portion of land within a one year period after the date of the second withdrawal.