



**TOWN OF WENDELL
ZONING TEXT
AMENDMENT PACKET**



Town of Wendell Planning Department
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Wendell, NC 27591

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Acknowledgement of Zoning Text Amendment Information

I, _____, acknowledge the receipt of the following items for the Zoning Text Amendment request to amend section _____ of the Wendell Unified Development Ordinance pertaining to _____

_____.

_____ Application

_____ Submittal Schedule

_____ Amendment Procedures

_____ District Use Matrices

Submittal Deadline Date: _____

Applicant

Date

Petition To Amend The Zoning Text

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

Form last updated 11/30/09

PETITION# ZT-

Date:

Applicant's Name:

Phone:

Fax:

Mailing Address:

This petition is a request to amend Section _____ of the Wendell Unified Development Ordinance to allow

As a Permitted Use
 Special Use
 Permitted with additional Standards

in the RR – Rural Residential Zoning District
 RA – Residential Agricultural
 OSP – Open Space Preserve
 R2 – Residential, (15,000 sq. ft min. lot size)
 R3 – Residential (10,000 sq. ft min. lot size)
 R4 – Residential (6,000 sq. ft min. lot size)
 R7 – Residential (3,500 sq. ft min. lot size)

DMX – Downtown Mixed Use Zoning District
 CH – Highway Commercial Zoning District
 M&I – Manufacturing & Industrial Zoning District
 MH – Manufactured Home Zoning District
 CC – Community Center Zoning District
 CMX – Corridor Mixed Use Zoning District
 NC – Neighborhood Center Zoning District

A brief description of the proposed text amendment is: _____

The amendment is necessary because: _____

Applicant's Signature

Date

OFFICE USE ONLY

Fee Paid: _____ Date Paid: _____

PLANNING BOARD Date Petition Was Reviewed: _____ Recommendation: Approval Denial

The decision was consistent with the Comprehensive Plan: Yes No

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

TOWN BOARD OF COMMISSIONERS

Date Public Hearing Scheduled:

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

Town Board Recommendation: Approval Denial

The decision was consistent with the Comprehensive Plan: Yes No

Town Clerk's Signature

Date

Mayor's Signature

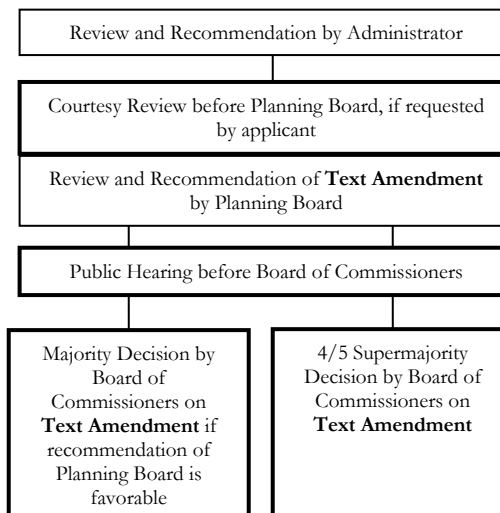
Date

15.11 Text Amendments

- A. Purpose:** The purpose of this Section is to establish uniform procedures for amending the text of the Ordinance.
- B. Application Required:** An amendment to the text of this Ordinance 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:** All petitions to amend this Ordinance shall be directed to the Administrator, who shall transmit them to the Town Planning Board for review and recommendation.

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Text Amendment: 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 Text Amendment application	n/a
	Board of Commissioners	Public hearing*	n/a
	Board of Commissioners	Text Amendment Adoption* – 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

Purpose: The purpose of this Section is to establish uniform procedures for processing matters requiring a legislative approval process.

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.

Notice Requirements

1. **Hearing with Published Notice.** - Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the Board of Commissioners shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

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 the Planning Board has recommended against the proposed amendment.

- 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.

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.

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.

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.