

CHAPTER 11

CONDITIONAL REZONING

11.1 Applicability

Pursuant to NCGS 153A-342, conditional zoning districts requires the approval of a rezoning by the Moore County Board of Commissioners and approval of a site specific development plan allowing for the development of specific land uses. Parallel conditional zoning districts are restricted to those uses listed in the corresponding general use zoning district. Following the approval of the petition, the subject property shall be identified on the Zoning Map by the district designation by adding "CZ" to the corresponding district, such as "RA-CZ."

11.2 Application Process

- A. Submittal. Conditional rezoning applications shall be submitted by the owner or an agent with permission granted by the owner. Following a required pre-application conference with the Administrator, the completed application shall be submitted at least 30 days prior to the Planning Board meeting at which it is to be heard and shall include the following:
1. A site plan prepared in accordance with Section 4.2(C).
 2. A specification of the actual use(s) and any rules, regulations, or conditions for the proposed district that address the impacts expected to be generated by the development or use of the site.
 3. Proposed phasing, if any, and approximate completion time for the project.
 4. A statement analyzing the reasonableness of the proposed rezoning. The statement shall include, but not be limited to, the following:
 - a. The conditional rezoning compatibility with the County Land Use Plan and other adopted plans of the County.
 - b. The conditional rezoning compatibility with the existing land uses on abutting and neighboring tracts.
 - c. The benefits and detriments of the conditional rezoning for the subject property, neighboring properties and the surrounding community.
- B. Community Meeting. Community meetings are opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by the application and to provide the applicant an opportunity to hear comments and concerns about the application as a means of resolving conflicts, where possible. At least 10 days prior to the Planning Board meeting, the applicant shall hold at least one community meeting. The Administrator shall assist by:

1. Notifying by certified return receipt mail to owners of each property petitioned for rezoning, owner of each abutting property, property within 250 feet of the petitioned property, and the Home Owners Association (if applicable) at least 10 days prior to the community meeting.
 2. Attend the community meeting(s) and draft a report including among other things, a listing of those persons and organizations contacted about the meeting, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a copy of any materials presented at the meeting, a summary of issues discussed at the meeting, including changes suggested by the participants and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting and submit to the Planning Board and Board of Commissioners for review.
- C. Planning Board. The Planning Board shall hold a legislative public hearing and shall review and make a recommendation of approval or denial to the Board of Commissioners that addresses Land Use Plan consistency and other matters as deemed appropriate by the Planning Board.
- D. Board of Commissioners. The Board of Commissioners shall hold a legislative public hearing and concurrently with adopting, denying, or remanding any amendment request, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the County Land Use Plan and explain why the action taken to be reasonable and in the public interest. In approving a conditional zoning district, the Town Board may modify standards established in the UDO provided the spirit of the regulations are maintained.
- E. UDO Compliance. The request shall be in compliance with all relevant portions of the UDO, except that variations from these standards may be approved by the Board of Commissioners if the site plan is submitted and determined to be suitable for the request, is consistent with the intent of the standards, and ensures compatibility with land uses on surrounding properties.
- F. Additional Conditions. Specific additional conditions applicable to the rezoning request may be proposed by the applicant, the Planning Board, or Board of Commissioners. Only those conditions mutually approved by the county and the applicant may be incorporated into the permit requirements. If a proposed condition is unacceptable to the owner, the petition can be withdrawn and the proposed rezoning cannot go forward. Likewise, if a condition is unacceptable to the Board of Commissioners, the petition can be denied and there is no rezoning. Per NCGS 153A-342(B), conditions and site-specific standards shall be limited to those that address the conformance of development and use of the site to County ordinances and officially adopted plans and those that address the impacts reasonably expected to be generated by the development or use of the site.
- G. Notification of Decision. The Administrator shall mail a copy of the decision to the applicant and property owners of the petitioned property within 5 days after a decision is made. There may be no subsequent application for the same or similar use submitted

by any party for any part of the subject property until 12 months have elapsed from the date of denial.

- H. Minor Changes. Should the Administrator, Building Inspector, Department of Environmental Health, Public Safety, or Public Works, or NCDOT identify minor changes the Administrator shall be authorized to accept such minor modifications to site plan, as necessary. Such minor changes may include, but not be limited to, small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity.
- I. Expiration. An approved Conditional Zoning District and all conditions attached are binding on the property. If for any reason any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted by the County to rezone the property to its previous zoning classification or to another zoning district.
- J. Violation of the Terms and Conditions of a CZ District. A violation of the site plan or conditions of a rezoning to a conditional zoning district is considered a violation of this Ordinance and subject to the same enforcement and penalties.
- K. Appeals to Court. Zoning map amendment decisions shall be appealed to Superior Court pursuant to Section 2.1(C).

11.3 Notice of Public Hearings

- A. Mailed Notice. The Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s), the owner(s) of the parcel(s) of land shown on the County tax records, and all property owners of abutting properties (as the last addresses listed in the County tax records) at least 10 but not more than 25 days prior to the date of each public hearing.
- B. Published Notice. Notice of the public hearings shall be published in the newspaper of general circulation once a week for 2 consecutive weeks prior to each public hearing pursuant to NCGS 153A-323.
- C. Posted Notice. A sign shall be posted on the property to be rezoned, abutting to the road(s) or easement(s), not less than 10 days prior to each public hearing. When multiple parcels are included, a posting on each parcel is not required, but the County shall post sufficient notices to provide reasonable notice.
- D. Fort Bragg Notification. Rezoning requests located within 5 miles or less from the perimeter boundary of a military base shall be forwarded to the Regional Land Use Advisory Commission for review (NCGS 153A-323B) not less than 10 days or more than 25 days before the date fixed for the Planning Board public hearing. Staff shall forward RLUAC's analysis regarding the compatibility of the proposed changes with military operations at the base to the Planning Board and Board of Commissioners.