

## SECTION 43 - AMENDMENTS (RE-ZONING)

### 43.1 General:

43.1.1 The Zoning Regulations and the Zoning Map may be amended, supplemented, changed, modified, or repealed from time to time by resolution of the County Board of Commissioners, after a public hearing and after having been submitted to the Planning Commission for a public hearing and a recommendation. Any proposed amendments, modifications, changes or repeals may be initiated by:

(A) The Director of Planning, Planning Commission, County Board of Commissioners or any other County official which shall be exempt from Sections 43.2.1, 43.2.2, and 43.7.

(B) The owners of the property

(C) An interested party.

43.1.2 Amendments to the Zoning Regulations and maps will be made after the Planning Commission and the County Board of Commissioners amend the Comprehensive Plan, or when the re-zoning is contrary to or different than the guidelines and Future Land Use Plan adopted in the Comprehensive Plan.

(A) Intent and Purposes for Re-zoning: Before re-zoning changes are adopted, the Planning Commission and the County Board of Commissioners shall consider the reasonable application of the purpose and intent of the Comprehensive Plan, including, among other things, such specific purposes as the following:

1. Developing both urban and non-urban areas;
2. Lessening congestion in the streets or roads;
3. Reducing the waste of excessive amounts of roads;
4. Securing safety from fire and other dangers;
5. Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
6. Providing adequate light and air;
7. Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;
8. Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
9. Protecting the tax base;
10. Protecting property against blight and depreciation;
11. Securing economy in governmental expenditures;

- 12. Fostering the state's agriculture, recreation, and other industries;
- 13. Encouraging the most appropriate use of land in the County; and,
- 14. Preserving, protecting, and enhancing historic buildings, places, and districts.

**43.2 Application and Fees**

43.2.1 An application for an amendment or change by the owner or by the duly Authorized agent of the owner shall be submitted to the Planning Commission on forms obtained from the Planning Department accompanied by a non-refundable filing fee payable to the County.

The filing fees shall be in accordance with the following schedule:

Agricultural (AG and AGR)	\$200.00
Residential, (RS-100 through RMH)	\$200.00
Commercial (BG through BHS)	\$400.00
Industrial (IL through IGM)	\$400.00
Airport (AP)	\$400.00
Planned Development (PD)	\$400.00
Planned Townhouse Development (PTD)	\$400.00

43.2.2 The application must be submitted to the Planning Department at least 45 days prior to the Planning Commission’s regular meeting.

43.2.3 With each application the applicant shall submit a copy of the deed on file from the Register of Deeds indicating that the applicant is the owner of the property for which the amendment or change is requested.

**43.3 Public Hearing:**

43.3.1 Upon receipt of a completed application, the Planning Commission will hold a public hearing and, within 60 days of the public hearing, prepare a report recommending its approval, disapproval, or changes to the proposed amendments. After receiving the Planning Commission’s report, or in the absence of a report within sixty days of the date of the Planning Commission’s hearing, the County Board of Commissioners shall hold a public hearing on the proposed amendment. The concurring vote of the major of the members of the County Board of Commissioners present at the meeting shall be necessary to approve any amendment.

**43.4 Notice of Public Hearing**

43.4.1 Notice of the time and place of the public hearing before the Planning Commission and the County Board of Commissioners shall be given by the publication thereof in a legal newspaper of general circulation in the County one time at least ten days prior to such hearing, and in the local newspaper of any city which has territory within three miles of the property that may be affected by such action of the County Board of Commissioners. Notice of the public hearing shall also be given in writing to the chairperson of any municipal, County, or joint planning commission which has jurisdiction over land within three miles of the property that may be affected by such

action and in the absence of a Planning Commission, such notice shall be given to the clerks of units of local government.

- 43.4.2 Each application for a change in the Zoning Map or Special Use Permit shall be posted at least 10 days prior to the public hearing by the Director of Planning on the site adjacent to and visible along each street frontage.
- 43.5 The Planning Commission shall within a reasonable time from the date of the application, act on the proposed amendment as submitted or changed, or if approved or disapproved, shall reports its reasons or conditions to the County Board of Commissioners. If the Planning Commission fails to report its findings of recommendation within sixty days from the date of the hearing, the county Board of Commissioners may hold a public hearing and act on the proposed amendment without the Planning Commission's report.
- 43.6 In case, however, of a protest against such change signed by the owners of twenty percent or more of either the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred feet there from, or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots, and such change or amendment is not in conformance with the Comprehensive Plan, such change or amendment shall not become effective except by the favorable vote of two-thirds of the majority of the members of the County Board of Commissioners.
- 43.7 Should any successful applicant for a rezoning fail to undertake substantial construction within two years after the County Board of Commissioners shall have approved such rezoning, the entire area shall revert to its former zoning classification by appropriate action of the County Board of Commissioners, provided that the County Board of Commissioners shall have the power to extend said period by twelve months in the event of special and unique hardship and circumstance, after receiving a fee equal to the original rezoning fee and a written request for an extension covering twelve months; provided, however, that after five successive extensions, or five years, the applicant shall be required to reapply completely.
- 43.8 The resolution adopting such proposed changes or amendments shall be recorded in the minutes of the proceedings of the County Board of Commissioners and shall be published in book or pamphlet form and filed with the County Clerk within fifteen days after passage and approval. The proof of publication of such resolution shall be filed for record with the County Clerk.