

Section 136. Changes and Amendments to Ordinance.

A. **Intent.** The City Council may, on its own motion or upon petition after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are a part of this ordinance, subject to the rules prescribed herein and by the laws of the State of North Carolina. No regulation or map shall be amended, supplemented, changed, modified, or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of public hearings will be given in accordance with North Carolina General Statutes. *(Amended 7/5/77, 9/20/83)*

B. **Conditional Use Districts.**

A request for rezoning to a conditional use district may be made only by application from the owner(s) of all the property included in the area proposed to be rezoned. An application for rezoning to a conditional use district may be accompanied by an application for a conditional use permit and may be reviewed concurrently with the conditional use permit application.

If the Council approves an application for rezoning to a conditional use district, but denies the accompanying application for a conditional use permit, or if an application for a conditional use permit is not considered by Council, the rezoning application shall be deemed to be conditionally approved, subject to submittal and Council approval of an application for a conditional use permit. *(Amended 10/8/91)*

C. **Application Limitations.**

A rezoning or text amendment application, other than those initiated by Council or City Staff, which has been denied by City Council may not be resubmitted within 12 months of the City Council decision unless the application is determined to be substantially changed under the following procedure:

1. An application shall be submitted for Planning Board review. The application will be treated as a new application with appropriate fees and plans submitted. (A dimensional increase or decrease of an area sought to be rezoned shall not constitute a substantially changed request.)
2. If the Planning Board determines that the application is substantially changed, the Board shall review the new application and make a recommendation to City Council. The application shall then be forwarded to City Council for their determination on whether the application is substantially changed.
 - a. If Council concurs with Planning Board, they shall then schedule a public hearing on the application.
 - b. If Council disagrees with Planning Board, the application shall be considered dead until the 12-month period is over.

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3. If the Planning Board determines that the application is not substantially changed, the application shall be forwarded to City Council for their consideration.
 - a. If Council concurs with Planning Board's decision, the application shall be considered dead until the 12-month period is over.
 - b. If Council determines that the application is substantially changed, the application shall be returned to Planning Board for their recommendation on the application. A public hearing shall then be scheduled and the application shall be forwarded to City Council. *(Amended 1/5/93)*

Sections 137-138. Reserved