

TEXT AND MAP AMENDMENTS

§ 157.460 PURPOSE.

The County Board is hereby authorized to amend the text of these regulations or the zoning district map in light of changing conditions and in light of changes to the comprehensive plan. The provisions of this subchapter are not intended to relieve particular hardships nor confer special privileges.

(Prior Code, 7 TCC 1-26(a))

§ 157.461 AMENDMENTS.

- (A) *Text amendments.* To achieve the purpose of this chapter, text amendments may be proposed by the County Board, the ZBA, the Land Use Committee, the Community Development Administrator, any resident of the county, or any developer of property located within the county.
- (B) *Map amendments.* Amendments to the zoning district map (which affect individual parcel(s) of land) may be proposed by the owner of property involved, a non-owner with written permission of such property owner, the County Board, the ZBA, the Land Use Committee, or the Community Development Administrator.

(Prior Code, 7 TCC 1-26(b))

§ 157.462 APPLICATION.

Proposals for re-zonings shall be filed with the Community Development Administrator and shall include, but shall not be limited to, the following information:

- (A) The legal description and address (if available) of subject property;
- (B) The current and the requested zoning classifications;
- (C) The present and proposed use of the land;
- (D) The surrounding zoning classifications;
- (E) The names and addresses of owners of petitioned property;
- (F) An explanation of the need for the rezoning at the proposed site;
- (G) A site plan not to exceed 11 inches by 14 inches;
- (H) A statement signed by the appropriate road official stating that the proposed access way is adequate for the proposed use, where applicable; and
- (I) If the property is to be served by a private water system and/or private sewage disposal system, a statement signed by the appropriate health official stating that the proposed water system and/or sewage disposal system shall be adequate for the proposed use, where applicable.

(Prior Code, 7 TCC 1-26(c))

§ 157.463 EVALUATION BY ZBA.

- (A) The Zoning Board of Appeals shall consider and make recommendations on proposed zoning amendments.
- (B) The following factors shall be considered as a minimum by the ZBA when a zoning amendment is proposed:
 - (1) The testimony at the public hearing;
 - (2) The Soil and Water Conservation District report;
 - (3) The county's land use plan;

- (4) Existing zoning of the parcel in question and the area within one mile radius of the parcel in question;
- (5) Location of the parcel in question;
- (6) Size of the parcel in question;
- (7) Natural amenities and resources of the parcel in question;
- (8) All other resources deemed relevant and presented at the public hearing for the proposed zoning amendment; and
- (9) Standards for amendments listed in § 157.464.

(Prior Code, 7 TCC 1-26(d))

§ 157.464 STANDARDS FOR AMENDMENTS.

In evaluating text or map amendments, the following factors shall be considered, not one of which shall be controlling.

(A) *Text or map amendments.*

- (1) The proposed amendment shall not be detrimental to the orderly development of the county.
- (2) The proposed amendment shall not be detrimental to or endanger the public health, safety, morals, or general welfare of the county.

(B) *Map amendments.* In addition to the above criteria, the Zoning Board of Appeals shall also make findings on map amendments with respect to the following:

- (1) Whether the request is consistent with existing uses of property within the general area of the property in question;
- (2) Whether the request is consistent with the zoning classifications of property within the general area of the property in question;
- (3) The suitability of the property in question for the uses permitted under the existing zoning classification;
- (4) The suitability of the property in question for the uses permitted under the proposed zoning classification;
- (5) The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification;
- (6) The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property;
- (7) The proposed map amendment is within one and one-half miles of a municipality with an adopted comprehensive plan;
- (8) The relative gain to the public as compared to the hardship imposed upon the individual property owner; and
- (9) The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan.

(Prior Code, 7 TCC 1-26(e))

§ 157.465 ACTION BY ZONING BOARD OF APPEALS.

- (A) The ZBA shall conduct a public hearing to consider any amendment to the text of this chapter or the zoning district map in accordance with the provisions as established in §§ 157.480 through 157.492.

- (B) Following review of the amendment and testimony at the public hearing, the ZBA shall make a report to the County Board with its findings and recommendation of approval or denial of the amendment.

(Prior Code, 7 TCC 1-26(f))

§ 157.466 ACTION BY LAND USE COMMITTEE.

The Land Use Committee may review the proposed amendment, the report of the ZBA, the recommendation of the Community Development Administrator and Land Use Planner, and shall recommend approval or denial of the findings of fact and recommendation by the ZBA to the County Board. The Land Use Committee may also recommend tabling the amendment or referral back to the ZBA for further consideration.

(Prior Code, 7 TCC 1-26(g))

§ 157.467 ACTION BY THE COUNTY BOARD.

- (A) The County Board shall review the proposed amendment, report of the ZBA, and recommendation of the Land Use Committee, and shall grant or deny the text or map amendment by majority vote of these members present.
- (B) In the following cases, no amendment shall be passed except by the favorable vote of three-fourths of all the members of the County Board:
- (1) If a written protest against the proposed amendment is filed with the County Clerk at least 72 hours prior to the County Board making its final determination, and is signed and acknowledged by:
 - (a) The owner or owners of at least 20% of the land to be rezoned; or
 - (b) The owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from, at least 20% of the perimeter of the land to be rezoned.
 - (2) If the land affected by proposed amendment lies within one and one-half miles of the limits of a zoned municipality and a written protest is passed by the governing body of the zoned municipality, and filed with the County Clerk at least 72 hours prior to the County Board making its final determination; or
 - (3) If written protests against the text amendment have been signed by 5% of the landowners of the county.
- (C) If a written protest is ruled invalid, the proposed amendment may be carried over until the next meeting of the County Board by proper motion of any member of the County Board to allow the protesters to amend the written protest for it to be in proper form for presentation to the County Board. The amended written protest must be submitted to the County Clerk 72 hours prior to the County Board meeting.

(Prior Code, 7 TCC 1-26(h))

§ 157.468 FEES.

The petitioner shall pay all required fees associated with the request as well as the required publication costs. The filing fee shall be paid to the Community Development Department at the time of filing of the amendment and the publication cost shall be paid prior to any final disposition of the request by the County Board.

(Prior Code, 7 TCC 1-26(i))