

**Proposed Text Amendment
Case # 24-09-PLBD-00098**

GUILFORD COUNTY CODE

CHAPTER 15 - PLANNING AND DEVELOPMENT

Sec. 15-56 Unified Development Ordinance

Subsec. 3 – Permits and Procedures

3.5 PROCEDURES FOR SPECIFIC APPLICATIONS ...

M. REZONING (CONVENTIONAL & CONDITIONAL) / MAP AMENDMENT...

4. Procedure...

d. Planning Board Public Hearing...

- (3)** The Planning Board shall decide the application or forward as a recommendation to the Board of Commissioners [see Section 3.5.M(3).f].

Commentary: SL 1985-485 HB651 authorizes the Guilford County Board of Commissioners to assign authority to rezone property to the Guilford County Planning Board. As such, the Planning Board's decision may serve as a recommendation to the Board of Commissioners or a final decision, unless appealed.

When conducting a review of proposed map amendment, the Planning Board shall advise and comment on the following:

- (i)** ~~Plan Consistency - Whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.~~ Whether the proposed action is consistent with any comprehensive or land-use plan that has been adopted and any other officially adopted plan that is applicable [would be required by the Board of Commissioners if Planning Board's decision goes to the Board of Commissioners as a recommendation or if Planning Board's decision is appealed. See Section 3.5.M(3).f]. The Planning Board shall provide a statement that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive or land-use plan shall not preclude consideration or approval of the proposed amendment. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment is required. A plan amendment and a zoning amendment may be considered concurrently [which would also be true for the Board of Commissioners if the Planning Board's decision goes to the Board of Commissioners as a recommendation or if the Planning Board's decision is appealed. [See Section 3.5.M(3).f]; and
- (ii)** Additional Reasonableness Statement for Rezoning – When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the

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reasonableness of the proposed rezoning shall be approved [would be required by the Board of Commissioners if Planning Board's decision goes to the Board of Commissioners as a recommendation or if Planning Board's decision is appealed. See Section 3.5.M(3).f] This statement of reasonableness may consider, among other factors, the size, physical conditions, and other attributes of the area proposed to be rezoned; the benefits and detriments to the landowners, the neighbors, and the surrounding community; the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; why the action taken is in the public interest; and, any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under NCGS 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

V. TEXT AMENDMENT...

2. Procedure...

d. Planning Board Review and Recommendation...

- (3) A recommendation by the Planning Board shall include the adoption of a statement describing how whether the Planning Board considers the action taken to be consistent with the Comprehensive Plan that has been adopted and any other officially adopted plan that is applicable. ~~, as amended, reasonable and in the public interest.~~ The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive or land-use plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners. ...

e. Board of Commissioners Review and Decision...

- (4) ~~Approval by the Board of Commissioners shall include adoption of a statement describing how the Board of Commissioners considers the action taken to be consistent with the Comprehensive Plan or land use plan. , reasonable and in the public interest.~~ When adopting or rejecting any zoning text amendment, the Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive or land use plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Board of Commissioners that at the time of action on the amendment the Board of Commissioners was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive or land-use plan....