

ARTICLE 28, ZONING DISTRICT CHANGES AND REGULATIONS

Section 1, Zoning District Changes.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the County Commission may by order, after receiving a recommendation and report from the Planning & Zoning Commission, and subject to the procedure provided in this Article, amend, supplement, or change the Zoning District boundaries now or hereafter established by these Zoning Regulations.

A. It shall be the duty of the Planning & Zoning Commission to submit its recommendations to the County Commission regarding all applications or proposals for district changes.

B. A Zoning District change may be initiated by passing a resolution therefor by the Planning & Zoning Commission, on its own initiative, or by an application of one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by said resolution.

Section 2, Procedure for Change of Zoning District Boundary or Change of Zoning Classification of Property

A. By Owner or Lessee of Property.

Applications for any change of Zoning District boundary or change of zoning classification of property shall be submitted to the Planning & Zoning Director upon forms prescribed by the Planning & Zoning Director, and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning & Zoning Commission or the Planning & Zoning Director, so as to assure the fullest practicable presentation of facts for the permanent record.

1. Each application shall be signed by at least one (1) of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application.

2. The application must provide names and addresses of the owners of all properties lying within the area sought to be changed and within one thousand (1,000) feet of any part of the premises the zoning classification of which is proposed to be changed.

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B. By Planning & Zoning Commission.

The Planning & Zoning Commission may by motion or resolution propose a change of Zoning District boundaries or change of zoning classification of property.

C. Before making a recommendation to the County Commission concerning a proposed zoning change, the Planning & Zoning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given by at least one (1) publication in a newspaper of general circulation in the county at least fifteen (15) days before the hearing.

1. A notice of such hearing shall also be posted at least fifteen (15) days in advance thereof in at least two (2) conspicuous places on the premises the zoning classification of which is proposed to be changed.

2. The notice shall state the place or places and time at which the proposed change to the Zoning District, including text and maps, may be examined.

D. Within twenty-five days after the public hearing, the Planning & Zoning Commission shall recommend to the County Commission the approval, denial, or modification of the proposed change of Zoning District boundary or change of zoning classification of property. The County Commission may specify issues to be considered, or questions to be answered, by the Planning & Zoning Commission.

E. The County Commission may refer them back to the Planning & Zoning Commission for additional public hearing. In such cases, within twenty-five days after the additional public hearing the Planning & Zoning Commission shall recommend to the County Commission the approval, denial, or modification of the proposed change of Zoning District boundary or change of zoning classification of property.

F. The County Commission may approve, deny, or modify the recommendation of the Planning & Zoning Commission.

G. In case of written protest against any proposed change or amendment, signed and acknowledged by the owners of thirty percent of the frontage within one thousand feet to the right or left of the frontage proposed to be changed, or by the owners of thirty percent of the frontage directly opposite, or directly in the rear of the frontage proposed to be altered, or in cases where the land affected lies within one and one-half miles of the corporate limits of a municipality having in effect ordinances zoning property within the corporate limits of the municipality, made by resolution of the city council or board of trustees thereof, and filed with the county clerk, the amendment may not be passed except by the favorable vote of two-thirds of all the members of the county commission

H. Any person adversely affected by an order of the County Commission adopting, amending or rescinding a Zoning District change may appeal to the Circuit Court of

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Stone County on the grounds that said County Commission failed to comply with the law in adopting, amending, rescinding, publishing or distributing such Zoning District change, or that the change, as adopted or amended by said County Commission is unreasonable or unlawful.

I. Each application for zoning change, except those initiated by the Planning & Zoning Commission, shall be accompanied by payment in an amount to be determined by the County Commission, to cover the cost of application review, publishing, posting and/or mailing the notices of the hearing or hearings required by the foregoing provisions.

Section 3, Zoning Regulation Amendments. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the County Commission may by order, after receiving a recommendation and report from the County Planning & Zoning Commission, and subject to the procedure provided in this Article, amend, supplement or change the Zoning Regulations.

A. It shall be the duty of the Planning & Zoning Commission to submit its recommendations to the County Commission regarding all proposals for amendments to the zoning regulations.

B. An amendment, supplement or change of the text of these Zoning Regulations may be initiated by:

1. by the Planning & Zoning Commission, on its own initiative, through motion or resolution

2. by a written petition to the County Commission. The County Commission may approve the petition and send the proposal to the Planning & Zoning Commission for hearing, or it may deny the petition.

C. It shall be the duty of the Planning & Zoning Commission, in the interest of public necessity and good zoning practice, to conduct a review of the Zoning Regulations from time to time, and report its findings and recommendations to the County Commission.

Section 4, Procedure for Change

A. Before submitting its recommendations on a proposed amendment to the County Commission, the Planning & Zoning Commission shall hold at least one (1) public hearing thereon.

1. Notice of the hearing shall be given at least fifteen (15) days in advance thereof by at least one (1) publication in a newspaper of general circulation in the County.

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2. The notice shall state the place and time of the hearing and the place and time at which the proposed amendment to these Zoning Regulations may be examined.

B. The County Planning & Zoning Commission, after consideration of the proposed amendment shall, within a reasonable time after the conclusion of such public hearing or hearings, recommend the approval or denial of the proposed amendment or the approval of some modification thereof to the County Commission.

C. If the proposed amendment is adopted by the County Commission, an attested copy shall be certified to the County Clerk and a copy shall be recorded in the office of the Recorder of Deeds.

D. Any person adversely affected by an order of the County Commission adopting, amending or rescinding a regulation, may appeal to the Circuit Court of Stone County.

Section 5, Limitation on Applications for Rezoning. No application for rezoning of any tract, lot or parcel of land within the unincorporated area of The County, other than an application initiated by the Planning & Zoning Commission as set forth in Section 1(a) of this Article,

A. shall be filed or allowed before the expiration of four (4) months from the time that the County Commission shall have finally acted on any application for rezoning of all or any part of the same lot, tract or parcel of ground,

B. unless the application previously acted upon was initiated by the Planning & Zoning Commission, or

C. unless during said four (4) months interval property adjoining or abutting the lot, tract or parcel of land or within one thousand (1,000) feet, as provided in Section 2(c) of this Article, of the lot, tract or parcel of land shall have been rezoned by the County Commission.