

1 any conditional zoning district need not be uniform in all respects for all properties within
2 the same classification of conditional zoning district but may differ based on the unique
3 aspects of each conditional zoning district development, site, and surrounding area.

4 Section 1.(b) Property may be rezoned to a conditional zoning district only in
5 response to and consistent with a petition of the owners of all of the property to be
6 included in the district. A petition for conditional zoning must include a site plan and
7 supporting information that specifies the actual use or uses intended for the property and
8 any rules, regulations, and conditions that, in addition to all predetermined ordinance
9 requirements, will govern the development and use of the property. If a petition for
10 conditional zoning is approved, the development and use of the property shall be
11 governed by the predetermined ordinance requirements applicable to such district
12 category, the approved site plan for the district, and any additional approved rules,
13 regulations, and conditions, all of which shall constitute the zoning regulations for the
14 approved district.

15 Section 1.(c) Conditional zoning decisions shall be made in consideration of
16 identified relevant adopted land-use plans for the area including, but not limited to,
17 comprehensive plans, strategic plans, district plans, area plans, neighborhood plans,
18 corridor plans, and other land-use policy documents.

19 Section 1.(d) Before a public hearing may be held on a petition for conditional
20 zoning, the petitioner must file in the Office of the Clerk to the Board, a written report of
21 at least one community meeting held by the petitioner. Notice of such a meeting shall be
22 given to the property owners and organizations entitled to notice as determined by
23 County policy. The report shall include, among other things, a listing of those persons
24 and organizations contacted about the meeting and the manner and date of contact, the
25 date, time and location of the meeting, a roster of the persons in attendance at the
26 meeting, a summary of issues discussed at the meeting, and a description of any changes
27 to the rezoning petition made by the petitioner as a result of the meeting. In the event the
28 petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall
29 file a report documenting efforts that were made to arrange such a meeting and stating the
30 reasons such a meeting was not held. The adequacy of a meeting held or report filed
31 pursuant to this subsection shall be considered by the Board of Commissioners but shall
32 not be subject to judicial review.

33 Section 1.(e) Conditional zoning decisions under this act are a legislative
34 process subject to judicial review using the same procedures and standard of review as
35 apply to general use district zoning decisions.

36 Section 1.(f) Except as specifically modified by this act, the procedures to be
37 followed by the Board of Commissioners in reviewing, granting, or denying any petition
38 for conditional zoning shall be the same as those established for general use district
39 zoning petitions under Article 18 of Chapter 153A of the General Statutes.

40 Section 1.(g) The Board of Commissioners may not vote to rezone property to
41 a conditional zoning district during the time period beginning on the date of the general
42 election and concluding on the Tuesday after the first Monday in December immediately

1 following the general election unless no person spoke against the rezoning at the public
2 hearing.

3 Section 2. This act applies only to conditional zoning petitions filed on or
4 before August 31, 2001. Notwithstanding the foregoing, this act shall not apply to
5 conditional zoning petitions that were approved or denied by the Board of
6 Commissioners prior to April 17, 2000, and shall not affect any rezoning case that is the
7 subject of pending litigation.

8 Petitions seeking either conditional district rezoning or conditional use district
9 rezoning which were pending and not yet decided as of April 17, 2000, may be treated by
10 the county as petitions for conditional zoning under this act. Such petitions need not be
11 refiled, but all other processes spelled out in this act, including the mandatory
12 neighborhood meeting and report and a new public hearing, must be followed as to such
13 petitions.

14 Section 2.1. Chapter 1283 of the 1973 Session Laws and Chapter 488 of the
15 1983 Session Laws are repealed as to the County of Mecklenburg only.

16 Section 3. This act applies to Mecklenburg County only.

17 Section 4. This act is effective when it becomes law.