

ARTICLE 14-21 AMENDMENTS

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The Council may from time to time, upon the recommendation of the Commission, amend, supplement, change or repeal the regulations, restrictions, and zoning district boundaries herein established! Recommendations to amend this Ordinance may be initiated by the Council or Commission on their own motion, or be petitioned as hereinafter set forth.

SECTION 14-21-1 APPLICATION FOR AMENDMENT

Application for amendment of this Ordinance shall be made to the Commission on a standard form provided for the purpose and shall be signed by a real property owner of the area for which amendment is applied for. In the event that the application includes other property in addition to that owned by the applicant, there shall be filed by the applicant on a form provided therefor, a petition in favor of the request signed by the real property owners representing at least seventy-five (75) percent of the land area to be included in the application. Such petition shall be filed and checked for authenticity of ownership before the application is accepted by the Commission. In the event that the application includes properties owned by more than one owner, the Town Clerk shall notify, by certified mail, all property owners included in the area proposed for change of zoning districting. Such notice shall be postmarked not later than fifteen (15) days prior to any Commission hearing of the application.

SECTION 14-21-2 PUBLIC HEARING OF APPLICATION

A. Every application for amendment of the Zoning Ordinance shall be considered by the Commission at a public hearing. Notice of the time and place of the hearing including a general description of the area affected shall be given at least fifteen (15) days before the hearing in the following manner

1 . The notice shall be published at least once in a newspaper of general circulation that is published or circulated in the town.

2. In proceedings involving rezoning of land which abuts unincorporated areas of the county, a copy of the notice of public hearing shall be transmitted to the Final County Planning Department. After the hearing, the Commission shall render its decision in the form of a written recommendation to the Council. The recommendation shall include the reasons for the recommendation. If the Commission has held a public hearing, the Council may adopt the recommendations of the Commission without holding a second public hearing if there are no objections, requests for public hearing or other protest. The Council shall hold a public hearing if requested by the party aggrieved or any member of the public or of the Council in which case notice of the time and place of the Council hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Commission.

SECTION 14-21-3 APPEAL FROM DENIAL OF AMENDMENT

In the event that the request for amendment is denied by the Commission, the applicant may, within seven (7) days from the date of the Commission hearing, file an appeal to the Council. Upon receipt of such appeal, the Council shall arrange to hold a public hearing upon due notice and posting as heretofore specified.

SECTION 14-21-4 PROTESTS AGAINST AMENDMENTS

If the owners of twenty (20) percent or more either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred and fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred and fifty (150) feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the Council, if any member (s) of the Council are unable to vote on such a question because of a conflict of interest, then the required number of votes shall in no event be less than a majority of the full membership of the legally established Council.

SECTION 14-21-5 RIGHT-OF-WAY ACQUISITION

The recommendation of the Commission concerning amendments changing zoning district boundaries may include appropriate provision for acquiring right-of-way for street widening purposes if it appears that the adoption of such amendment would have the effect of increasing traffic congestion. The amount of land recommended for such acquisition, however, shall not extend beyond the setback lines established by the Council for existing and proposed streets.

If, at the expiration of the period set forth in the schedule for development, the property has not been improved for the use for which it was conditionally approved, it shall revert to its former zoning classification without any further action by the Council.

In the event construction is not in substantial compliance with the site plan approved, or is not in conformity with the additional restrictions or regulations, the Council may revoke the zoning amendment and the property shall revert to its former zoning classification. Failure to comply with an approved site plan or failure to conform with additional restrictions or regulations, is a violation of this Ordinance.

The Council may allow an extension of the period specified and may authorize changes

in the approved site plan or in the additional restrictions or regulations.

SECTION 14-21-6 RECONSIDERATION OF DENIED AMENDMENTS

In the event that an application for amendment is denied by the Council, or is withdrawn after the Commission hearing, the Commission shall not reconsider the application nor consider another application for the same amendment of the Ordinance it applies to the same property described in the original application or any part thereof, for a period of not less than one (1) year from the date of such denial or withdrawal action unless in the opinion of the Commission there is a change in circumstances that would warrant consideration of a new application for amendment.

SECTION 14-21-7 FEES

A filing fee as established by resolution of the Town Council shall accompany each application for amendment of this Ordinance, and no part of such fee shall be returnable. Payment of filing fee shall be waived when the application is initiated by the Council or Commission or when the applicant is an agency of the Town, the county, or the state or federal government.

SECTION 14-21-8 EXCEPTIONS

In the event that a request for amendment concerns only the amendment of general requirements or permitted uses, no petitions or posting shall be required; provided, however, that all other provisions of this Ordinance shall be complied with.

SECTION 14-21-9 CONDITIONAL AMENDMENT

A. The recommendation of the Commission concerning amendments changing zoning district boundaries may include recommendation for approval of a change of zone conditioned upon a schedule for development of the specific use or uses for which re-zoning is requested and conditioned upon compliance with a site plan approved by the Commission or conditioned on conformance with additional restrictions or requirements recommended by the Commission.

B. The Council may approve a change of zone with the conditions recommended by the Commission as set forth in Subsection A of this section.

C. If a public hearing is held by the Council, the Council may approve a change of zone conditioned upon a schedule for development of the specific use or uses for which re-zoning is requested as determined by the Council, conditioned upon compliance with a site plan and map approved by the Council, or conditioned on compliance with additional restrictions or regulations of the Council.

