

## **CHAPTER 8 AMENDMENT**

### **§ 8-100      Initiation of Amendment.**

a.      An amendment to the zoning ordinance text or zoning map may be initiated by adopted motion of Town Council, adopted motion of the planning commission, or the Zoning Administrator. An amendment to the zoning map for changing a zoning district designation of property may be initiated by the owner of the property affected or by an agent authorized by the owner in writing.

b.      An identical amendment to the district designation of the same or a portion of the same property for which a rezoning has been denied shall not be initiated more often than once in each twelve (12) month period after denial unless the planning commission determines either (1) there has been a substantial change in the character of the area, or (2) evidence or factors exist which were not considered in previous deliberations which might substantially alter the basis for the planning commission recommendation.

c.      A zoning map amendment shall be initiated by an owner or agent on an application form provided by the Zoning Administrator, accompanied by required documents and information, and a filing fee established by resolution of Town Council.

d.      A complete application for amendment must be received at least two (2) weeks prior to a planning commission meeting in order to be considered at the meeting.

### **§ 8-101      Minimum district size.**

No amendment shall be initiated which would create a new zoning district with an area of less than two (2) acres; provided, the minimum area for a PD (Planned Development) district shall be three (3) acres. The minimum requirement does not apply to extension of an existing residential district, or addition of NC or HC to the CC district.

### **§ 8-102      Amendment Procedure.**

The following procedural steps are required for adoption of a text or map amendment:

1.      Amendment shall be initiated pursuant to § 8-100.
2.      Amendment ordinance shall be prepared in written form required by Town Code.

3. Proposed amendment shall be referred to planning commission for review and recommendation. The planning commission shall not conduct a public hearing, but the property owner may be allowed to present oral or written comments. If oral or written comments are taken, the commission shall give other interested members of the public ten days' notice and allow them to comment in the same fashion. Review shall include a determination of whether the proposed amendment is in conformity with the comprehensive plan. Planning Commission shall file with Town Council its report and recommendation on the proposed amendment within thirty (30) days after receipt.

4. Newspaper notice of public hearing before Town Council shall be published at least fifteen (15) days prior to hearing. The public hearing shall be scheduled for a date after the planning commission recommendation is due.

5. Notices of public hearing shall be posted on or adjacent to property to be rezoned, with one notice visible from each street bordering the property. Posted notices shall contain letters not less than one (1) inch in height.

6. Notices of public hearing shall be mailed to all adjacent landowners and to groups which have filed a written request for notices.

7. Town Council may introduce amendment ordinance for first reading and hold public hearing on the same date. Planning commission recommendation shall be reviewed and considered, but it shall not be binding on Town Council.

8. Town Council may adopt or reject the amendment ordinance on second reading at least six days after first reading. Map amendments may be adopted or rejected for all or any portion of the property; however, a zoning district designation which was not included in the public notices shall not be adopted. An amendment may be withdrawn in writing by the initiator at any time prior to final action by Town Council. A withdrawn amendment is not subject to the twelve (12) month limitation in § 8-100.

9. All amendments shall be noted and placed in the copy of the zoning ordinance maintained by the Zoning Administrator and in the official copy of the Town Code maintained by the Municipal Clerk. Map amendments shall be reflected on the official zoning map.