

**ARTICLE 9**  
**AMENDMENTS**

**Section 9.1 Authority**

This Ordinance, including the official zoning map, may be amended from time to time by the Town Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation.

**Section 9.2 Procedure**

Requests to amend the Zoning Ordinance shall be processed in accordance with the following procedures:

- (1) **Initiation of amendments:** A proposed amendment to the Zoning Ordinance may be initiated by the Planning Commission, Town Council or by application filed with the Planning Commission by the owner or owners of any property proposed to be changed; provided however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property or any part thereof, by a property owner or owners more often than once every twelve (12) months.
  
- (2) **Application procedure:** Application forms for amendments shall be obtained from the office of the Zoning Administrator. Completed forms, together with the required application fee to cover administrative costs (advertising), plus any additional information the applicant feels to be pertinent, shall be filed with the Zoning Administrator. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required.

Applications for amendments must be received in proper form, at least two (2) weeks prior to a Planning Commission meeting in order to be heard at that meeting.

- (3) **Review by the Planning Commission:** All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted by the Zoning Administrator to the Planning Commission.

The Planning Commission shall review and prepare a report, including its recommendation for transmittal to Town Council.

All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person or by agent, or by attorney.

No member of the Planning Commission shall participate in a matter in which he/she has any pecuniary or special interest.

- (4) **Report of Planning Commission:** Following review of the proposed amendment, the Planning Commission shall reach a decision regarding said amendment and report its findings and recommendation to Town Council for final action, to be preceded by an advertised Public Hearing.

The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty-day period, it shall be deemed to have approved the proposed amendment. No change in or departure from the text or maps as recommended by the Planning Commission may be made pursuant to the public hearing unless the change or departure is first submitted to the Planning Commission for review and recommendation.

### **Section 9.3 Notice of Public Hearing**

#### **Section 9.3-1 Public Notice**

In scheduling a public hearing for a proposed zoning map and/or text amendment, notice of the time and place shall be published in a newspaper of general circulation in the Town at least fifteen (15) days in advance of the scheduled public hearing. The Town Council shall hold such hearing

and act on the proposed amendment within thirty (30) days of receipt of the Planning Commission's recommendation on the application.

### **Section 9.3-2 Posting of Property**

In cases involving map changes, the owner/applicant shall be provided with and shall post notice of said change in a conspicuous place on or adjacent to the affected property, with at least one such notice being visible from each public thoroughfare abutting the property. Such notice shall be posted at least 15 days prior to the announced hearing, indicating the nature of the proposed change, identification of the affected property, and time, date and place of the hearing.

### **Section 9.4 Action By Town Council**

The Town Council shall take action to approve, disapprove, modify, or remand the matter back to the Planning Commission within 30 days of receipt of the Planning Commission's recommendation on an application. If no action is taken by the Town Council within such time, the proposed amendment shall be considered denied, unless otherwise specified by Council.

Following final action by Town Council, any necessary changes shall be made to the official zoning map and/or text. A written record of the type and date of such change shall be maintained by the Clerk of Council.

### **Section 9.5 Fees**

The application fee for processing an amendment or appeal to the Zoning Board of Appeals shall be \$75.00, which fee shall be nonrefundable irrespective of the outcome of the application.