

ARTICLE XVIII

AMENDMENTS

Section 1800. Amendments.

This Zoning Ordinance, including the Zoning Map, may be amended by the Board of Alderman in accordance with the provisions of this Article.

Section 1801. Initiation of Amendments.

Proposed changes or amendments may be initiated by the Board of Alderman, the Planning Board, the Board of Adjustment, or one or more owners of property within the area proposed to be changed or affected.

Section 1802. Application.

Before any action on a proposed change or amendment, an application shall be submitted to the office of the Zoning Administrator at least ten (10) days prior to the Planning Board's meeting at which the application is to be considered. The application shall contain the name(s) and address (es) of the owner(s) of the property in question, the location of the property, and a description and/or statement of the present and proposed zoning regulation or district. All applications requesting a change in the Zoning Map shall include a description of the property in question. The Planning Board and the Board of Alderman will not consider an application for property denied within the preceding twelve (12) months by the Board of Alderman.

Section 1803. Planning Board Action.

No action shall be taken until the proposal has been submitted to the Planning Board for review and recommendation. If no recommendation has been received from the Planning Board within thirty-six (36) days after the first consideration of the application, the Board of Alderman may proceed as though a favorable report had been received.

Section 1804. Public Hearing.

Before enacting any amendment to this Ordinance, the Board of Alderman shall hold a public hearing. A notice of such public hearing shall be published in a newspaper of general circulation in West Jefferson once a week for two (2) successive weeks, the first publication shall not appear less than ten (10) days or more than twenty-five (25) days prior to the date fixed for the public hearing. The notice shall include the time, place and date of the hearing and include a description of the property or the nature of the change or amendment to the Ordinance and/or Map.

Section 1805. Written notice of proposed zoning amendment.

Whenever there is a proposed zoning amendment pertaining to a parcel of land, the owner of that parcel of land, and the owners of all parcels abutting that parcel of land, according to the records of the Ashe County Tax Office, shall be mailed a notice of the proposed zoning amendment by first class mail at least two weeks prior to the public hearing. The notice shall include the time, place and date of the hearing and include a description of the property or the nature of the change or amendment to the Ordinance and/or Map. This provision shall apply only when tax maps of the parcel subject to the zoning amendment is available. Mailing the notice to the address shown in the County Tax Office records constitutes compliance with this Section. The Town clerk shall certify to the Board of Alderman in writing compliance with this mailing requiring, and such certificate shall be deemed conclusive compliance in the absence of fraud.

Section 1806. Decisions.

The Board of Alderman shall make a decision on the proposed amendment within sixty (60) days after the public hearing. Neither the Planning Board nor the Board of Alderman shall consider specific development proposals on any property when considering an amendment involving the rezoning of such property. Under no circumstance shall the Board of Alderman adopt such amendments, supplements or changes that would cause this ordinance to violate the Water Supply Watershed Protection Rules as adopted by the NC Environmental Management Commission. All amendments to the water supply watershed protection regulations under the Zoning Ordinance must be filed within the NC Division of Water Quality, NC Department of Environmental Health and NC Division of Community Assistance.