

ARTICLE X
AMENDMENTS

A. Purpose and Scope

This Ordinance, including the official zoning map, may be changed pursuant to this section. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the text of This Ordinance or the official zoning map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the Town. Amendments should not be used when a special exception, variance, or minor modification could be used to achieve the same result.

B. Procedure for Amendments

A proposed amendment to this Ordinance, including an amendment to the official zoning map, shall be processed in accordance with the following requirements:

1. Pre-Application Conference

Before filing an application, a private-party applicant for an amendment shall request a pre-application conference with the Planning Director.

2. Application

a. Applicants shall submit the materials specified in this Ordinance. Additional materials may be required for certain types of rezoning applications, such as amending the zoning to a planned development district.

b. The Planning Commission or the Planning Director may require the submission of such other information as may be necessary to permit the informed exercise of judgment under the standards for the review of the amendment application. Such information shall be related to the scale and location of the rezoning application and may include, without limitation, traffic, soil, hydraulic, visual, aesthetic, water, and sewage analyses.

c. Applications for amendments must be submitted, in proper form, at least twenty (20) days prior to a Planning Commission meeting in order to be properly noticed and heard at that meeting. .

3. Public Meetings

Published, written, and posted notice of public hearings on amendments shall be provided in accordance with Section 7.2.

4. Review and Recommendation by Planning Commission

a. All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission. The Planning Commission shall recommend that the Town Council approve the amendment as submitted, approve the amendment with modifications, or deny the amendment, based on the approval criteria of subsection C. below.

b. The Planning Commission shall have no less than thirty (30) days, or more than forty five (45) days, within which to submit their report and recommendation. Following action by the Planning Commission, all papers and data pertinent to the application shall be transmitted to the Mayor and Council for final action.

5. Action by Mayor and Town Council

The Mayor and Town Council shall hold a public hearing on the proposed amendment and, at the close of the hearing, shall, based upon the approval criteria of subsection C. below and upon recommendations of the Planning Director and Planning Commission:

a. Approve the amendment by ordinance;

b. Approve the amendment by ordinance with modifications;

c. Deny the amendment; or

d. Refer the proposed rezoning back to the Planning Commission or to a committee of the Town Council for further consideration.

6. Successive Applications

Following denial of a zoning map amendment request, no new application for the same or substantially the same amendment shall be accepted within six (6) months of the date of denial, unless denial is made without prejudice.

7. Changes in the Zoning Map or Zoning Text

Following final action by the Mayor and Council, any necessary changes shall be made on the official zoning map or in the text of this Ordinance.

C. Approval Criteria

1. Approval Criteria for Amendments to the Text of this Ordinance Recommendations and decisions on amendments to the text of this Ordinance shall be based on consideration of all the following criteria:

a. Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;

b. Whether the proposed amendment is consistent with the comprehensive plan and the stated purposes of this Ordinance; and

c. Whether the proposed amendment will protect the health, safety, and general welfare of the public.

2. Approval Criteria for Amendments to the Official Zoning Map

The Town Council may approve zoning map amendments (rezoning), and the Planning Commission may recommend approval, if the rezoning corrects a technical mistake or the rezoning meets all the following criteria:

a. The rezoning is consistent with the comprehensive plan and the purposes of this Ordinance;

b. The rezoning will protect public health, safety, and general welfare;

c. The rezoning is consistent with the stated purpose of the proposed zoning district;

d. Facilities (including roads and transportation) and services (including water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development. The applicant shall demonstrate availability of services by providing intent-to-serve letters from the respective service providers with the amendment application.

e. The rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and

f. Future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract