

ARTICLE IX
AMENDMENTS

The Town of Hertford Commissioners may amend, supplement or change the text regulations and zoning map according to the following procedures.

Section 9-1 Action by the Applicant

9-1.1 The following action shall be taken by the applicant:

(a) Initiation of Amendments

Proposed changes of amendments may be initiated by the Town Commissioners, Planning Board, Board of Adjustment, or by one or more interested parties.

(b) APPLICATION

An application for any change or amendment to the text of the ordinance shall contain a statement of the present and proposed zoning regulation. An application for a map change shall contain a legal description of the property involved. The application shall be filed with the Zoning Administrator not later than ten (10) days prior to the meeting of the Planning Board at which the application is to be considered.

The applicant for a change in the zoning classification of a parcel of land shall provide to the Zoning Administrator a list of names and addresses, as obtained from the county tax listings, of the owners of all abutting property and all owners of property within the area under consideration for rezoning along with a business (#10) envelope stamped with a first class stamp and addressed to each person on the list. These addressed envelopes and the list shall be submitted at least eight (8) work days prior to the Planning Board's public hearing. The Zoning Administrator shall verify the list and mail notices of the public hearing to each person on the list at least three (3) days in advance and shall certify that fact to the Planning Board. The Planning Board will make a recommendation to the Town Council where the final decision will be made at their next scheduled public meeting.

(c) FEES

A nonrefundable fee, according to a regularly adopted fee schedule of the Town shall be paid to the Town for each application for an amendment to defray some of the advertising and other administrative expenses involved.

Section 9-2 Action by the Planning Board

9-2.1 The following action shall be taken by the Planning Board:

(a) Planning Board Consideration

The Planning Board shall consider and make recommendations to the Town Commissioners concerning each proposed zoning amendment. The Planning Board may hold separate public hearings or may sit concurrently with the public hearing held by the Town Commissioners.

Section 9-3 Action by the Town Commissioners

9-3.1 Notice and Public Hearing

No amendment shall be adopted by the Town Commissioners until after public notice and hearing. Notice of Public Hearing shall be published once a week for two (2) successive calendar weeks in the local newspaper. Notice may also be made by posting the property concerned with a poster indicating the proposed change and hearing. Said notice is to be published the first time or posted not less than fifteen (15) days nor more twenty-five (25) days (as per North Carolina General Statute 160A-364 prior to the date fixed for said hearing).

9-3.2 Town Commissioners Action

Before taking such lawful action as it may deem advisable, the Town Commissioners shall consider the Planning Board's recommendation on each proposed zoning amendment. If no recommendation is received from the Planning Board within (30) days after the public hearing, the proposed amendment shall be deemed to have been approved by the Planning Board.

9-3.3 Protests

In case of a protest a proposed zoning amendment signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto either in the rear thereof, or extending (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except favorable vote of three-fourths (3/4) of all the members of the Town Commissioners.

9-3.4 No protest petition shall be valid unless it is:

- (a) written;
- (b) bears the actual signature of the requisite number of property owners and states that they protest the proposed amendment; and
- (c) received by the municipal clerk in time to allow at least two normal working days (excluding weekends and legal holidays) prior to the public hearing on the amendment, so as to allow time for municipal personnel to check the accuracy and sufficiency of the petition