

## Article 20. AMENDMENTS

### Section 20-1: Amending this Ordinance

The Town Board of Commissioners may amend this Ordinance and zoning map according to the following procedures.

- (A) *Initiation of Amendments.* Proposed amendments may be initiated by the Town Board of Commissioners, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties.
- (B) *Application.* An application for any amendment shall contain a description of the proposed zoning regulation or district boundary to be applied. Such application shall be filed with the Administrator not later than three (3) weeks prior to the Planning Board meeting at which the application is to be considered.
- (C) Based on the Town of Ayden Schedule of Fees, a fee shall be paid to the Town for each application for an amendment to cover the costs of advertising and other administrative expenses involved.
- (D) Zoning regulations and restrictions and zone boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against such change, signed by the owners of twenty (20) percent or more either of the area of the lots included in a proposed change, or 5% of the 100 foot perimeter buffer, an amendment shall not become effective except by favorable vote of three-fourths of all the members of the Board of Commissioners. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the Ordinance as a result of annexation. Protest petitions shall apply only to zoning map amendments; they are not applicable to text amendments. Please note that a petitioner can withdraw their protest petition anytime prior to the vote on rezoning.\*
- (E) Whenever there is a zoning map amendment, the owner of that parcel of land as shown on the county tax listing, and the owners of all adjoining parcels of land as shown on the county tax listing, shall be mailed a notice of public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts.

This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud.

(F) The first class mail notice required under subsection (E) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, Ayden may elect to either make the mailed notice provided for in subsection (E) of this section or may as an alternative elect to publish once a week for two successive calendar weeks in a newspaper having general circulation in the area an advertisement of the public hearing that shows the boundaries of the area affected by the proposed zoning map amendment and explains the nature of the proposed change. The final two advertisements shall comply with and be deemed to satisfy the provisions of NCGS 160A-364. The advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the addresses listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this section. The person or persons mailing the notices shall certify to the Board of Commissioners that fact, and the certificates shall be deemed conclusive in the absence of fraud. In addition to the published notice, Ayden shall post one or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning.\*

**Section 20-2: Action by the Planning Board**

*Planning Board Consideration.* The Planning Board shall consider and make written recommendations to the Town Commissioners concerning each proposed amendment. The written statement must address consistency with the future land use plan in accordance with G.S. 160A-383, S. 814, Sec 7. In the case of a small scale rezoning, the Planning Board must prepare a statement which analyzes the reasonableness of the request.\*\*

**Section 20-3: Action by the Town Commissioners**

*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. Public notice may also be posted on the property concerned indicating the proposed change and date of public hearing. Whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the Pitt County tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the Pitt County tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the Pitt County tax abstracts.

Before taking such lawful action as it may deem advisable, the Town Commissioners shall consider the Planning Board's recommendation on each proposed amendment.

- (1) Petitions for amendments that receive favorable recommendation of the Planning Board, or petitions on which the Planning Board fails to make its recommendation within thirty (30) days after the Planning Board's public hearing, shall be scheduled for public hearing before the Town Commissioners. Such public hearing shall be duly advertised.
- (2) Petitions for amendments that receive an unfavorable or adverse recommendation of the Planning Board may be appealed within ten (10) days of the date of such adverse decision to the Town Commissioners by filing with the Clerk of the Board a notice, in writing, stating herein the action of the Planning Board and the amendment requested. Before taking action on any proposed amendment, the Town Commissioners shall hold a public hearing. Public Hearings on proposed zoning amendments will be held at such times as the Town Commissioners shall decide.
- (3) The Board of Commissioners must prepare a written statement for all zoning amendment decisions (adoptions and rejections); that addresses consistency with future land use plan, reasonableness and public interest furthered.\*

**Section 120-4: Resubmission of a Denial Petition**

No resubmission of a denial petition may be resubmitted within six (6) months of its previous denial.