

ARTICLE XV

ZONE CHANGES OR AMENDMENTS

SECTION 1 GENERAL.

Paragraph 1 The Council may, from time to time as the public necessity, convenience, general welfare or good zoning practice requires, change the district boundaries or amend, change, repeal or supplement the regulations herein established.

SECTION 2 PETITIONS FOR AMENDMENTS.

Paragraph 1 Such change or amendment may be initiated by the Council or the Commission on its own motion, or by petition of one or more owners of real property within the area proposed to be changed.

Paragraph 2 The commission may on its own motion propose any amendments to this ordinance and map.

Paragraph 3 Petitions for change of district boundaries or amendment of regulations shall be made in accordance with the Town's development procedure handbook.

SECTION 3 PROCEDURE.

Paragraph 1 The procedure for change of district boundaries or amendment of regulations shall be made in accordance with the Town's development procedure handbook.

SECTION 4 PUBLIC NOTICE REQUIRED.

Paragraph 1 In proceedings involving one or more of the following proposed changes or related series of changes to this ordinance, notice shall be provided in the manner prescribed in Paragraph 2 of this section:

- A. A ten percent or more increase or decrease in the number of square feet or units that may be developed.
- B. A ten percent or more increase or reduction in the allowable height of buildings.
- C. An increase or reduction in the allowable number of stories of buildings.
- D. A ten percent or more increase or decrease in set back or open space requirements.

- E. An increase or reduction in permitted uses.

Paragraph 2 In proceedings governed by Paragraph 1 of this section, the Town shall provide notice to real property owners pursuant to at least one of the following notification procedures:

- A. Notice shall be sent by first class mail to each real property owner(s), as shown on the last County assessment, whose real property is directly governed by the changes.
- B. Include notice of such changes with utility bills or other mailings.
- C. The Town shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the municipality. The changes shall be published in a “display ad” covering not less than one-eighth of a full page.

Paragraph 3 If notice is provided pursuant to subdivisions (b) and (c) of Paragraph 2, the Town shall also send notice by first class mail to persons who register their names and addresses with the Town as being interested in receiving such notice. The Town may charge a fee not to exceed five dollars per year for providing this service and may adopt procedures to implement this provision.

Paragraph 4 Notwithstanding the notice requirements set forth in Paragraph 1 of this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the Town for which the notice was given.

SECTION 5 WRITTEN PROTEST.

Paragraph 1 If the owners of twenty percent or more either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred-fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred-fifty (150) feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the Town Council. If any members of the Town Council are unable to vote because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remain membership of the governing body, provided that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body.