

# **ARTICLE IX AMENDMENTS**

## **SECTION 900**

### **APPLICATION**

#### **900.1 REQUIREMENTS AND FEES**

These regulations, or the official Zoning Map, may be amended or repealed as provided herein. Such change may be requested by the Commission or by petition. Application for amendment shall be made on a form specified by the Commission and shall be accompanied by:

1. A fee of \$525.00 to defray the cost of publishing required legal notices. In case of an amendment to the Zoning Map, a site plan drawn to a scale of 100 feet to the inch for a change involving 10 acres or less, or a scale of 200 feet to the inch for larger tracts. Such plan shall contain the following information:
  - a. Property lines, including streets and watercourses and the names of all abutting property owners including those across any streets.
  - b. Existing and proposed zoning district boundaries. Location of any existing or proposed buildings, structures, streets, driveways, parking, and loading spaces, and outside storage areas.
  - c. Location of any existing or proposed watercourses, 100 year flood plains, special flood hazard areas, wetlands, storm drainage and sewage disposal facilities.

The required provision of any of the above information may be waived at the discretion of the Commission. Applications will be received only at regular meetings of the Commission, but must be submitted to the office of the Commission at least seven (7) days prior to such meeting for review and placement on the agenda.

#### **900.2.1 PROCEDURE**

No such amendment shall become effective until a public hearing has been held thereon by a majority of the members of the Commission. Such hearing shall be held within 65 days of the receipt of a completed application. At such hearing parties in interest and citizens shall have an opportunity to be heard.

#### **900.2.2 NOTICE OF HEARINGS**

Notice of the time and place of such hearings shall be published in the form of a legal advertisement in a newspaper of general circulation in the Town, at least twice at intervals of not less than two days, the first not more than

fifteen (15) nor less than ten (10) days and the second not less than two (2) days before such hearing. A copy of such proposed amendment shall be filed in the office of the Town Clerk at least (10) days before such hearing and may be published in full in such newspaper.

#### **900.2.2 REQUIREMENTS FOR ADOPTION**

Amendments may be adopted by majority vote of the Commission, except that if a protest is filed at the public hearing signed by the owners of twenty percent or more of the lots included in such proposed change or of the lots within 500 feet in all direction of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of the members of the Commission.

#### **900.2.3 DECISION OF THE COMMISSION**

The Commission shall adopt or deny the amendment requested within 65 days after the public hearing. The petitioner may consent to extension of the periods provided for hearing or decision, provided such extension does not exceed 65 days, or may withdraw such petition. If the amendment is approved, the Commission shall state upon its records the reasons why the change was made.

#### **900.2.4 CRITERIA**

In judging any such proposed amendment, the Commission shall take into account the various factors favorable and unfavorable to such a change, including but not limited to:

1. Errors in the existing zoning regulations, changes that have taken place in the rate and pattern of the Borough's development and land use; the supply of land available in the present and proposed zones; the physical suitability of the land for the proposed zone; the effect of the change on the surrounding area (physical, social and economic), the purposes of zoning and the objectives of the Plan of Development; and neighborhood acceptance weighed against community needs.
2. The legality of the proposed amendment and whether some other method or procedure is more appropriate under the zoning regulations; and
3. The size of the area involved. Changes creating a total continuous zone of less than 3 acres are, in general not to be considered favorably.

#### **900.4 EFFECTIVE DATE**

Amendments shall become effective at such time as is fixed by the Commission, provided a copy of such change shall be filed with the Town

Clerk and notice of the decision shall have been published in a newspaper of general circulation in the Town.

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#### **REHEARINGS**

The Commission shall not be required to hear any petition relating to the same changes, or substantially the same changes, more than once in a period of twelve months.

### **Notice**

**Many of the fees included in this document are outdated and superceded by town ordinances or other fee schedules. Please check with the appropriate town offices for the current fees.**