

ARTICLE IX.

AMENDMENTS

Section 900. Application.

These regulations, or the official Zoning Map, may be amended or repealed as provided herein.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:

900.1 A fee is required for a Zone Change application and Change to Regulations application.

900.1.1 The applicant shall erect or cause to have erected a sign on the premises affected by the proposed zone change application at least ten (10) days prior to the public hearing on such zone change.

Signs shall be provided by the Town for each Zone Change Application. Said sign shall be securely fastened or staked, and be clearly visible from the street closest to the affected property and be maintained as such until the day following the public hearing.

A report from the Zoning Enforcement Officer attesting to whether the above described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of a petitioner to comply with this requirement may be grounds for automatic denial of the zone change, with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign. (Effective 3/1/90).

900.2 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:

900.2.1 Property lines, including streets and watercourses and the names of all abutting property owners including those across any streets.

900.2.2 Existing and proposed zoning district boundaries.

900.2.3 Location of any existing or proposed buildings, structures, streets, driveways, parking and loading spaces, and outside storage areas.

- 900.2.4 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 days prior to such meeting for review and placement on the agenda.

Section 901. 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.

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

901.2 Requirements for adoption.

Amendments may be adopted by a 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 directions 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.

901.3 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.

Section 902. 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:

- 902.1 Errors in the existing zoning regulations, changes that have taken place in the rate and pattern of the Town'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.
- 902.2 The legality of the proposed amendment and whether some other method or procedure is more appropriate under the zoning regulations; and
- 902.3 The size of the area involved. Changes creating a total contiguous zone of less than 10 acres are, in general, not to be considered favorably.

Section 903. 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.

Section 904. 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.