

ARTICLE VIII – AMENDMENTS

- 800 Authority – This Ordinance, including the Official Zoning Map of Mars Hill, North Carolina, may be amended from time to time by the Board of Aldermen as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Board for review and recommendation. The Planning Board shall have forty-five (45) days within which to submit its report. If the Planning Board fails to submit a report within the forty-five (45) day period, it shall be deemed that the Planning Board has no objections to the proposed amendment.
- 801 Requirements for Change – When the public necessity, convenience, general welfare, or good zoning practices justify such action, and after the required review and report by the Planning Board, the Board of Aldermen may undertake the necessary steps to amend the Zoning Ordinance.
- 802 Application for Amendments – Requests to amend the Zoning Ordinance may be initiated by the Board of Aldermen or the Planning Board. Any other requests to amend the Zoning Ordinance must be initiated by application filed with the Planning Board by any citizen and/or property owner of the Town or resident and/or property owner of the extraterritorial jurisdiction area covered by this Ordinance.

Application forms for amendment requests shall be obtained from the Zoning Administrator. Completed forms, plus any additional information the applicant feels to be pertinent, shall be filed with the Zoning Administrator who shall forward such to the Planning Board. Any communication purporting to be an application or petition for an amendment shall be regarded as mere inquiry or notice that a potential applicant is interested in some amendment in the Zoning Ordinance until an official application is made in the required form.

Applications for amendment must be submitted in proper form, at least three (3) weeks prior to a Planning Board meeting in order to be heard at that meeting. There shall be one original application and fourteen (14) copies for a total of fifteen (15) filed with the Zoning Administrator at the time the application is officially submitted. An application fee of seventy-five dollars (\$75.00) to cover related costs of advertising and administrative expenses shall accompany each application and this fee shall be non-refundable except in any case where the application is withdrawn by the applicant prior to the Planning Board's first meeting at which said application could be considered by said Board.

Application for amendment to change a zoning classification shall show the location and intended use of the site, the names and addresses of all property owners and existing land uses within two hundred feet (200') of the property boundaries.

803 Consideration by the Planning Board – All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Board. At open meetings, the Planning Board shall review the request and prepare a report, including its recommendation, for transmittal to the Board of Aldermen. At a meeting any party may appear in person, or by agent, or by attorney. No member of the Planning Board shall participate in a matter in which he has any direct pecuniary or special interest.

In considering any amendment to the Zoning Ordinance, the Planning Board shall consider the following criteria:

- (1) The proposed amendment would be in compliance with the Town of Mars Hill Land Use Plan;
- (2) The proposed amendment would not constitute spot zoning;
- (3) The proposed amendment would be compatible with the existing character of the surrounding land uses;
- (4) Adequate infrastructure (i.e., roads, utilities, etc.) is available to meet the needs generated by the proposed amendment; and
- (5) Any other criteria that the Planning Board may deem pertinent to the proposed amendment.

Following action by the Planning Board, all papers and data pertinent to the application shall be transmitted to the Board of Aldermen for final action.

804 Public Hearing by the Board of Aldermen – Before enacting an amendment to the Ordinance, the Board of Aldermen shall hold a public hearing thereon. Public hearings shall be held during the regularly scheduled meeting of the Board. Public notice of the hearing shall be given as provided in N.C.G.S. 160A-364. Notice to affected property owners shall be provided by the applicant as required by N.C.G.S. 160A-384.

805 Changes in the Zoning Map – Following final action by the Board of Aldermen any necessary changes shall be made in the Zoning Map. A written record of the type and date of such change shall be maintained by the Town Clerk. Action by the Board of Aldermen shall be considered official seven (7) days after the date of the action even if the Town Clerk has failed to make the appropriate changes.

806 Reconsideration of Proposed Amendments – the Board of Aldermen shall not reconsider a proposed amendment to the Zoning Map if such amendment requests a change to the same zoning classification for the same lot, parcel, or portion thereof, for a period of one (1) year from the date of final determination of the prior request unless the Planning Board recommends to the Board of Aldermen that such reconsideration be given after the Planning Board has found either: (a) there has been a substantial change of character of the area; or (b) evidence of factors or conditions exist which were not considered by the Planning Board or the Board of Aldermen in previous deliberations which might substantially alter the basis upon which the previous determination was reached.