

ARTICLE XI

CHANGES AND AMENDMENTS

The City Council may amend, supplement or change the text regulations and zoning map according to the following procedures.

Section 1. Action by the Applicant.

(a) Initiation of Amendment.

Proposed changes of amendments may be initiated by the City Council, Planning Board, Zoning Board of Adjustment, or by one or more interested parties.

(b) Application.

An application for any change or amendment by individuals or by parties other than the City Council, Planning Board, or Zoning Board of Adjustment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied, and the names and addresses of the owner or owners of the property. Such application shall be filed with the Department of Community Development by 5:00 p.m. on the third Friday of the month.

(c) Fee.

When a proposed amendment is initiated by individuals or by parties other than the City Council, Planning Board, or Board of Adjustment, a fee established by the Council shall be paid to the City of Reidsville, North Carolina to defray the costs of advertising and other administrative expenses involved.

Section 2. Action by the Planning Board.

The following action shall be taken by the Planning Board.

(a) Planning Board Consideration.

The Planning Board shall consider and make recommendations to the City Council concerning each proposed Zoning Amendment.

The Planning Board while considering a Special Use Permit, Conditional Use Permit, zoning map or zoning ordinance amendment, shall take into consideration whether the applicant associated with the request is in violation of said request and may be denied solely on that basis.

(b) Applicant Response to Negative Recommendation.

If the Planning Board recommends against a proposed zoning amendment, the applicant shall notify the City Clerk within ten (10) days after the Planning Board recommendation if he desires that the amendment as proposed go forward for public hearing and consideration by the Council.

Section 3. Action taken by the City Council.

(a) Notice and Public Hearing.

No amendment shall be adopted by the City Council until after public notice and hearing. Notice for such a public hearing shall be published once a week for two (2) successive calendar weeks in a local newspaper of general circulation in the municipality.

The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing as set forth in G.S. 160A-364.

In addition, whenever there is a zoning classification involving a parcel of land, the owner of the parcel of land as shown on the county tax listing, and the owner of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last address as noted for such owners on the county tax abstracts. The person mailing the notices shall certify to the City Council that fact, and such certificates shall be deemed conclusive in the absence of fraud. Such notices shall be mailed at least ten (10) days before the public hearing and the zoning classification of said parcel of land.

(b) City Council Action.

Before taking such lawful action as it may deem advisable, the City Council shall consider the Planning Board's recommendation on each proposed Zoning Amendment. If no recommendation is received from the Planning Board within

forty-five (45) days from the date when considered by the Planning Board, the petitioner may take the proposal to the Council without a recommendation from the Board. The City Council, at the close of the public hearing may defer taking lawful action on the proposed amendment until it has sufficient time to consider any new evidence or suggestions presented to the public hearing.

The City Council while considering a Special Use Permit, Conditional Use Permit, zoning map or zoning ordinance amendment, shall take into consideration whether the applicant associated with the request is in violation of said request and may be denied solely on that basis

Section 4. Protests.

In case of a protest against a proposed zoning change signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto in the rear thereof or on either side thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the City Council.

No protest petition shall be valid unless it is: a) written, b) bears the actual signatures of the requisite number of property owners and states that they protest the proposed amendment, and c) is received by the Municipal clerk in time to allow at least two (2) normal workdays (excluding weekends and legal holidays) prior to the public hearing on the amendment, so as to allow time for municipal personnel to check the accuracy and sufficiency of the petition.

Section 5. Rehearing.

If rezoning is denied, the applicant shall wait six months to resubmit the same application.