
PART THIRTEEN — PROJECT AND ZONING CODE

ARTICLE 1329 Amendments

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1329.01 Purpose.

The purpose of this Article 1329 is to prescribe the procedure by which amendments to the text of the Zoning Ordinance and to the Zoning Map may be made.

1329.02 Initiation.

- (a) Any amendment to the Zoning Ordinance may be initiated by the Town Council.
- (b) The Planning Commission or the owners of 50% or more of the real property in the area to which the petition relates, may petition to amend the Zoning Ordinance. The petition must be signed and presented to the Planning Commission if the petition is by 50% or more of owners of real property in the area to which the petition relates. The petition must be signed and presented to the Clerk of the Town if the petition is by the Planning Commission. Petitions by land owners shall be submitted on an approved application form.
- (c) An amendment to the Zoning Map may be sought by an owner of property within the Town by submitting the proposed amendment on an approved application form to the Planning Commission.

1329.03 Application; fee.

The Town Council must adopt by resolution an approved application form and set the fee schedule for Zoning Map amendments by the owner of a property within the Town.

1329.04 Amendment without hearing.

- (a) The Town Council may amend the Zoning Ordinance without satisfying the requirements of Section 1329.06 of this Article as long as the proposed amendment is not a Zoning Map amendment or an amendment that changes the allowed dwelling unit density of any Lot.
- (b) Before the Town Council may adopt such an amendment, the Planning Commission shall make a recommendation to the Town Council on:
 - (1) Whether the proposed text Amendment is consistent with the Comprehensive Plan; and
 - (2) Whether the proposed text Amendment is consistent with the intent and purpose of the Zoning Ordinance.
- (c) If such proposed amendment is not consistent with the preceding, the Town Council, before adopting such proposed amendment, must find, with the advice of the Planning Commission, that there have been major changes of an economic, physical or social

HISTORY:

Ord. 2015-02 (passed 01-29-2015, effective 02-16-2015) superseded all previous zoning and related ordinances to bring the Town into compliance with current WV Code. Ord. 2015-02 was further refined by Ord. 2015-07 (passed 07-13-2015) and Ord. 2017-01 (passed 02-25-2017).

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nature within the area involved which were not anticipated when the Comprehensive Plan was adopted and that those changes have substantially altered the basic characteristics of the area.

1329.05 Zoning Map amendments.

If an application submitted by a land owner is for a reclassification of property to a different zoning district classification on the Zoning Map, the applicant shall address all the following in its application unless the Planning Commission determines otherwise. The Planning Commission shall give reasonable consideration and make a recommendation to Town Council on the following matters, as appropriate:

- (a) Whether the proposed zoning district classification is consistent with the Comprehensive Plan.
- (b) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.
- (c) Whether the range and intensity of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.
- (d) Whether adequate utility, sewer and water, transportation, and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.
- (e) The impact of the proposed rezoning on storm water Runoff.
- (f) The effect of uses allowed by the proposed rezoning on the structural capacity of the soil.
- (g) The effect of uses allowed by the proposed rezoning on the volume of vehicular (including construction) traffic and on traffic and pedestrian safety.
- (h) Whether a reasonably viable economic use of the subject property exists under the current zoning.
- (i) The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.
- (j) Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.
- (k) Whether the proposed rezoning considers the current and future requirements of the community as to the use of the land.
- (l) Whether the proposed rezoning encourages the conservation of existing properties, particularly Contributing Resources, and their values.
- (m) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the Town.
- (n) The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.

1329.06 Hearing and report.

- (a) Public hearing. If the Planning Commission does not initiate a proposed amendment, no later than 60 days after an application for a Zoning Map amendment or an amendment that changes the allowed dwelling unit density of any Lot, has been accepted as complete, the Planning Commission shall hold a duly noticed public hearing on the proposed amendment. At least 30 days prior to the public hearing, the Planning Commission shall publish notice of the date, time and place of the public hearing in a local newspaper of general circulation in the area affected by the

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proposed amendment, as a Class I legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of the West Virginia Code.

- (b) Report to Council. If the Planning Commission did not initiate the proposed amendment, no later than 60 days after its last public hearing meeting on the amendment, the Planning Commission shall report to the Town Council its recommendation with respect to the proposed amendment, which shall be based on the criteria set forth in Section 1329.04(b) and Section 1329.04(c) of this Article. Failure to meet this deadline, or such shorter period as the Town Council may direct, shall be deemed a recommendation of approval by the Planning Commission. Upon receipt of such recommendation, the Town Council, within 195 days of when the application was submitted to the Planning Commission, shall decide whether to adopt or deny the proposed amendment.
- (c) Amendment initiated by Planning Commission. If the Planning Commission does initiate a proposed amendment, no later than 60 days after an application for a Zoning Map amendment or an amendment that changes the allowed dwelling unit density of any Lot has been accepted as complete, the Town Council shall hold a duly noticed public hearing on the proposed amendment. At least 30 days prior to the public hearing, the Town Council shall publish notice of the date, time and place of the public hearing in a local newspaper of general circulation in the area affected by the proposed amendment, as a Class I legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of the West Virginia Code. Within 195 days of when the application was submitted, the Town Council shall decide whether to adopt or deny the proposed amendment.

1329.07 Enactment.

An enacted amendment to the Zoning Map shall be dated and certified by the Town Council and filed with the Town Recorder, the Planning Commission and Clerk of the Jefferson County Commission. An enacted amendment to the text of the Zoning Ordinance shall be filed with the Clerk of the Jefferson County Commission.