

## ARTICLE XVIII. AMENDMENTS

### Section 250: Amendments in General

Amendments to the text of this ordinance or to the zoning map may be made in accordance with the provisions of this ordinance whenever required by the public necessity, convenience, general welfare or good zoning practice.

### Section 251: Initiation of Amendments

- (a) Amendments to zoning district boundaries or classification of property shown on the zoning map may be initiated by property owners of the land proposed to be rezoned, by filing with the council a zoning map amendment petition. The petition shall be addressed to the council and shall be on a standard form provided by the zoning administrator and accompanied by a reasonable fee to be determined in accordance with a fee schedule separately adopted by the council.
- (b) Amendments to the text of the ordinance or in the zoning boundaries or classification of properties shown on the zoning map may be initiated by the council or the planning commission in accordance with the provisions of Title 15.2-2285, Code of Virginia, 1950 (as amended). (Amended 5/14/98)

### Section 252: Planning Commission Hearing and Notice Required

- (a) No article amending any provision of this ordinance may be adopted until a public hearing has been held on such article.
- (b) Upon receipt of a properly filed amendment request or petition, the administrator shall schedule a public hearing by the planning commission on the amendment and provide public notice as required by Title 15.2-2204, Code of Virginia, 1950 (as amended) and Article VI of this ordinance. (Amended 5/14/98)

### Section 253: Planning Commission Consideration of Proposed Amendments

Following the public hearing, the planning commission shall forward the proposed amendment to the council, together with its recommendation. Failure of the commission to report to the council within 90 days or such shorter period as may be set by council, after the first meeting of the commission following the date the proposed amendment has been referred to the commission shall be deemed approval by the commission of such amendment. The planning commission need not confine its recommendation to the proposed amendment as contained in the petition, but may reduce or enlarge the extent of land that it recommends be rezoned or may recommend that land be rezoned to a different zoning classification than that requested in the petition. However, the commission shall hold another hearing on the application, pursuant to requirements of Title 15.2-2204, Code of Virginia, 1950 (as amended) and Article VI before recommending an increase in the extent of land rezoned or a rezoning to a more intensive use classification than set forth in the petition. (Amended 5/14/98)

**Section 254: Town Council Hearing and Notice Required**

- (a) Before approving and adopting any zoning ordinance or amendment thereof, the council shall hold at least one public hearing and provide public notice as required by Article VI, after which it may make appropriate changes or corrections in the ordinance or proposed amendment; provided, however, that no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by Article VI.
- (b) The council may approve or deny an amendment as submitted, rezone to a classification other than that requested by the applicant (provided all notification requirements have been met), or may rezone only a portion of the area proposed for rezoning in the original application.

**Section 255: Limitation on Filing New Petition After Original Denied**

No new petition concerning any or all of the same property shall be filed within 12 months of the date of denial by the council.

**Section 256: Withdrawal of Petitions**

Any petition filed pursuant to Section 251 above may be withdrawn upon written request of the applicant any time prior to the submission of any public hearing notice for advertisement; provided, that if the request for withdrawal is made after publication of the notice of hearing such withdrawal shall only be with the consent of either the commission or the council, whichever body has advertised the hearing, and no new petition concerning any or all of the same property shall be filed within 12 months of the date of action by the respective body approving such withdrawal unless such body in its action approving the withdrawal specifies that the time limitation shall not apply and permits the petition to be withdrawn "without prejudice."

**Section 257: Proffered Conditions**

- (a) The conditional zoning provisions contained in Title 15.2-2303 and Title 15.2-2299 through 15.2-2302, Code of Virginia, 1950 (as amended) are incorporated as part of this ordinance as if set out fully herein. Proposed conditions shall be proffered in writing, in advance of the public hearing before the town council by the owner of the property which is the subject of the proposed zoning map amendment. (Amended 5/14/98)
- (b) There shall be no amendment or variation of conditions created pursuant to this Section until after a public hearing before the town council advertised pursuant to Article VI.

**Sections 258 through 261: Reserved**