

Amendments to the Zoning Map

When the Town Council sits to consider an application requesting a change in the Zoning Map which would operate to specifically rezone one or more pieces of individual property, it shall sit in a quasi-legislative capacity, and shall make its decision in accordance with this Section, and Section 1104.

A. Mistake in the Original Zoning

1. If the application for the specific rezoning alleges that there was a mistake in the classification (i.e. zoning) of the subject property, the Council shall consider and make findings of fact upon the following specific issues:
 - a. The report and recommendations of the Planning Commission.
 - b. The adopted plan of the Town, and the reason, if any set forth therein, for the classification of the property when originally zoned.
 - c. The testimony, if any is available, of any member of the Planning Commission and/or Town Council, or the Mayor, as to why the subject property was classified as it was when originally zoned.
 - d. Any documents, plats, or information which may be available, which may shed some light on the reasons the subject property was so classified when originally zoned.
 - e. Any other information which may bear upon the reasons for the classification of the property when originally zoned, including its appropriateness.
 - f. Whether the owner or owners are denied reasonable use of the property under its present zoning classification.
2. If the Council shall determine that there was no mistake in the original zoning, it shall deny the requested map amendment.
3. The Council may enact the proposed map amendment if it determines there was a mistake in the original zoning, based upon its Findings of Fact as required herein, but an affirmative finding in each category shall not automatically compel the rezoning requested.

B. Change in the Character of the Neighborhood

When considering an application for a map amendment, based upon the petitioner's claim that there has been a substantial change in the character of the neighborhood where the property is located, the Council shall consider and make findings of fact on the following issues and matters:

1. The report and recommendations of the Planning Commission.
2. Population change in the area of the proposed change.
3. Availability of public facilities such as police and fire protection, water and sewerage to service the area, and any change in the availability of said services.
4. Present and future transportation patterns in the area.
5. Compatibility with existing and proposed development in the area.
6. The relationship of the proposed amendment to the adopted plan for the Town, and whether any of the alleged changes in the character of the neighborhood has impacted upon the adopted plan for the Town.
7. Whether there has been a convincing demonstration that the proposed map change would be appropriate and logical for the subject property.
8. Whether, assuming there has been a change in the character of the neighborhood, the said change has made the neighborhood more or less compatible with the uses which would be permitted should the proposed map amendment be adopted.