

Exercising the above-mentioned powers, the Board of Adjustment may reverse or affirm, wholly or in part, or may modify any order, decision or determination and to that end shall have the power of the official from whom the appeal is taken.

All decisions of the board are subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court no later than 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

Section 139. Duties of the Zoning Enforcement Officer, Board of Adjustment, Courts and Town Council on Matters of Appeal.

It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented to the Zoning Enforcement Officer and that such question shall be presented to the Board of Adjustment only on appeal from the Zoning Enforcement Officer and that from the decision of the Board of Adjustment recourse shall be had to courts as prescribed by law. It is further the intention of this Ordinance that the duties of the Hudson Board of Commissioners in connection with the Ordinance shall not include the hearing and passing upon disputed question that may arise in connection with the enforcement thereof. The duties of the Town Council in connection with this Ordinance shall be only the duty of considering and passing upon any proposed amendments or repeal of this Ordinance.

ARTICLE XIV

AMENDMENTS AND CHANGES

Section 140. Procedure for Amendments. A petition for an amendment to this Ordinance and to the Official Zoning Map may be initiated by the Town of Hudson, the Planning Board, any department or agency of the Town of Hudson, the owner of any property within the Town, or any interested citizen who can show just cause for an amendment. Applications submitted by individual property owners or interested citizens who are not acting in an official capacity for the Town of Hudson shall comply with the following procedural requirements.

- 140.1 Application Submission. Any application for an amendment to the Zoning Ordinance shall be filed with the Town Manager at least twenty (20) days prior to the date on which it is to be introduced to the Planning Board. Each petition for an amendment shall be accompanied by a fee of sixty dollars (\$100.00) to help defray the costs of advertising the public hearing required by Article 19 Chapter 160A-364 of the North Carolina General Statutes. If a public hearing is not held, said fee shall be refunded to the petitioner if advertisement has not been published and adjacent property owners have not yet been notified. Notice of the public hearing shall be

made in accordance with Section 133 of this Ordinance.

Each application involving a change to the Official Zoning Map shall be signed, be in duplicate, and shall contain at least the following information;

- The applicant's name in full, applicant's address, address or description of the property to be rezoned.
- The applicant's interest in the property and the type of rezoning requested.
- If the proposed change would require a change in the Zoning Map, an accurate diagram of the of the property proposed for rezoning, showing:
 - (a) All property lines with dimensions, including north arrow;
 - (b) Adjoining streets with right-of-ways and paving widths;
 - (c) The location of all structures, existing and proposed, and the use of the land';
 - (d) Zoning classification of all abutting property owners;
 - (e) Names and addresses of all adjoining property owners.
- A statement regarding the changing conditions, if any, in the area or in the Town generally that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.

140.2 Planning Board Consideration. All proposed amendments to the Zoning Ordinance shall be submitted to the Hudson Planning Board for review and recommendation. The Planning Board shall conduct a public hearing to consider the proposed amendment. The Planning Board shall have thirty-one (31) days from the time the proposed amendment was first considered by the Planning Board to submit its report. If the Planning Board fails to submit a report within the above period, it shall be deemed to have approved the proposed amendment.

The Planning Board shall in writing provide to the Town Board of Commissioners justification for each zoning map and text amendment.

140.3 Town Board of Commissioners Consideration. Before adopting or amending this Ordinance, the Hudson Board of Commissioners shall hold a public hearing on it. Notice of the public hearing shall be in accordance with Section 133.03 of this Ordinance. Any petition for an amendment to this Ordinance may be withdrawn at any time by written notice to the Town Clerk.

The Town Board of Commissioners shall in writing provide to the justification for each zoning map and text amendment.

Section 141. Protest Petition.

(a) *Applicability.* In the case of a qualified protest against a proposed map amendment, as defined in subsection (b), such amendment shall not become effective except by favorable vote of three-fourths of the town council. For purposes of this subsection, vacant positions on the town council and members who are excused from voting shall not be considered for calculation of the required three-fourths majority. Protest petitions shall not be applicable to any amendment which initially zones property added as a result of annexation or increased extra-territorial jurisdiction.

(b) *Qualifying area.* To qualify as a protest under this section, the petition must be signed by the owners of at least twenty (20) percent of the area included in the proposed change or five (5) percent of a one hundred (100)-foot wide buffer extending along the entire boundary of each discrete area proposed to be rezoned. A street right-of-way shall not be considered in computing the buffer unless that right-of-way is more than one hundred (100) feet wide. When less than an entire parcel land is proposed for rezoning, the buffer shall be measured from the property line of that parcel.

(c) *Petition verification.* No protest against any amendment shall be valid unless it is in the form of a written petition bearing the actual signatures of the required number of property owners and stating that the signers do protest the proposed amendment. The protest petition must be received town clerk at least two (2) normal working days before the date established for a public hearing on the proposed amendment. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed amendment.

Section 142. Procedure for Resubmission of a Proposed Amendment. Any proposed amendment to the Zoning Ordinance having complied with the requirements of Article XIV, Section 140 of this Ordinance and having been denied by the Board of Commissioners may be resubmitted to the Planning Board only after a waiting period of no less than one (1) year from the date of denial. A fee of \$35.00 to help defray the costs of advertising the public hearing shall be paid to the Town Clerk and all requirements of Article XIV, Section 140 shall be complied with.

ARTICLE XV

LEGAL PROVISIONS

Section 150. Interpretation, Purpose and Conflict. In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of building or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other Ordinance, rules, regulations, or by easements, covenants, or agreements, the