

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

provisions of this Ordinance shall govern, provided that nothing in the Ordinance shall be construed to amend or repeal any other existing Ordinance of the Town.

Section 151. Reenactment and Repeal of Existing Zoning Ordinance. This Ordinance in part carries forward by reenactment some of the provisions of the Zoning Ordinance of Hudson, adopted by the Board of Commissioners on February 10, 1970, as amended, and it is not the intention to repeal but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have accrued hereunder are preserved and may be enforced. All provisions of the Zoning Ordinance of the Town of Hudson enacted on May 9, 1989, as amended, which are not reenacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any zoning Ordinance heretofore in effect, which are pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; any and all violations of the existing Zoning Ordinance, prosecutions for which have not yet been instituted may be hereafter filed and prosecuted, and nothing in this Ordinance shall be construed as to abandon, abate or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

Section 152. Validity. Should any section or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not effect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Adopted this the 9th day of May, 1989.
Amended this the 16th day of September, 2003
Amended this the 21st day of February, 2006
Amended this the 16th day of December, 2008
Amended this the 19th day of July, 2011
Amended this the 16th day of October, 2012
Amended this the 18th day of March, 2014
Amended this the 21st day of June, 2015
Amended this the 22nd day of August, 2016
Amended this the 19th day of May, 2018

Janet Winkler, Mayor

ATTEST:

Tamara T. Swanson, Town Clerk

Carroll Tuttle, Town Attorney