

**ARTICLE 1353**  
**Amendments**

<b>1353.01</b>	<b>General procedure.</b>	<b>1353.04</b>	<b>Protest.</b>
<b>1353.02</b>	<b>Public hearing.</b>	<b>1353.05</b>	<b>Names of owners.</b>
<b>1353.03</b>	<b>Notice.</b>	<b>1353.06</b>	<b>Notification.</b>

**CROSS REFERENCES**

Procedure - see W.Va. Code 8-24-45 et seq.

Existing uses safeguard - see W.Va. Code 8-24-50

**1353.01 GENERAL PROCEDURE.**

In accordance with the provisions of West Virginia Code Article 8-24, Council may from time to time amend or change by ordinance the number, shape or area of districts established on the Zoning Map or the regulations set forth in the Zoning Ordinance; but no such amendment or change shall become effective unless the ordinance proposing such amendment or change shall first be submitted to the Planning Commission for approval, disapproval or suggestions, and the Commission shall have been allowed a reasonable time, not less than thirty days, for consideration and report.

(Passed 2-14-78)

**1353.02 PUBLIC HEARING.**

Before submitting its recommendations and report to Council the Planning Commission shall hold a public hearing on the proposed amendment, supplement or change. It shall give at least fifteen days notice of the time and place of such hearing by publication in an official paper or a newspaper of general circulation in the County and by mailing notices to all property owners who, in the opinion of the Commission, may be affected by such amendment, supplement or change, and in accordance with such rules of procedure as it may establish.

(Passed 2-14-78)

**1353.03 NOTICE.**

No amendment, supplement or change in any of the provisions of the Zoning Ordinance or in the boundaries of any of the Districts established thereunder shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation in the County.

(Passed 2-14-78)

**1353.04 PROTEST.**

In case of a protest against a proposed change in the boundaries of a district signed by the owners of twenty percent (20%) or more of either the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof extending 100 feet therefrom or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all of the members of Council. (Passed 2-14-78)

**1353.05 NAMES OF OWNERS.**

Any person desiring a change in zoning of property shall accompany the petition for such change in zoning, or the ordinance introduced for the purpose of changing such zoning, with a statement giving the names and addresses of the owners of all properties lying within the block or blocks where the proposed change is to be made within 100 feet of any part of the property proposed to be changed. (Passed 2-14-78)

**1353.06 NOTIFICATION.**

The failure to notify, as provided by this article, shall not invalidate an ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Planning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any ordinance passed hereunder, it being the intention of this article to provide so far as may be for notice to the persons substantially interested in the proposed change that an ordinance is pending before the Council, to make a change in zoning. (Passed 2-14-78)