

**ARTICLE 2000
AMENDMENTS AND HEARING PROCEDURES**

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2000.01 POWER OF COUNTY COMMISSION

Whenever public necessity and the public health, safety, general welfare, and morals require, the County Commission may amend, supplement, or modify, by ordinance, the zoning district map boundaries or the regulations set forth in this ordinance.

2000.02 INITIATION OF AMENDMENT TO THE ORDINANCE

An amendment, supplement, or modification, in the zoning text or zoning maps of this ordinance may be initiated by:

- A. A petition approved by the County Planning Commission; or
- B. A petition duly signed by real property owners of 50 percent or more of the property involved in the petition.

Any proposed amendment, supplement, or modification shall first be submitted to the County Planning Commission for a public hearing, recommendation, and written report.

2000.03 FILING PROCEDURES

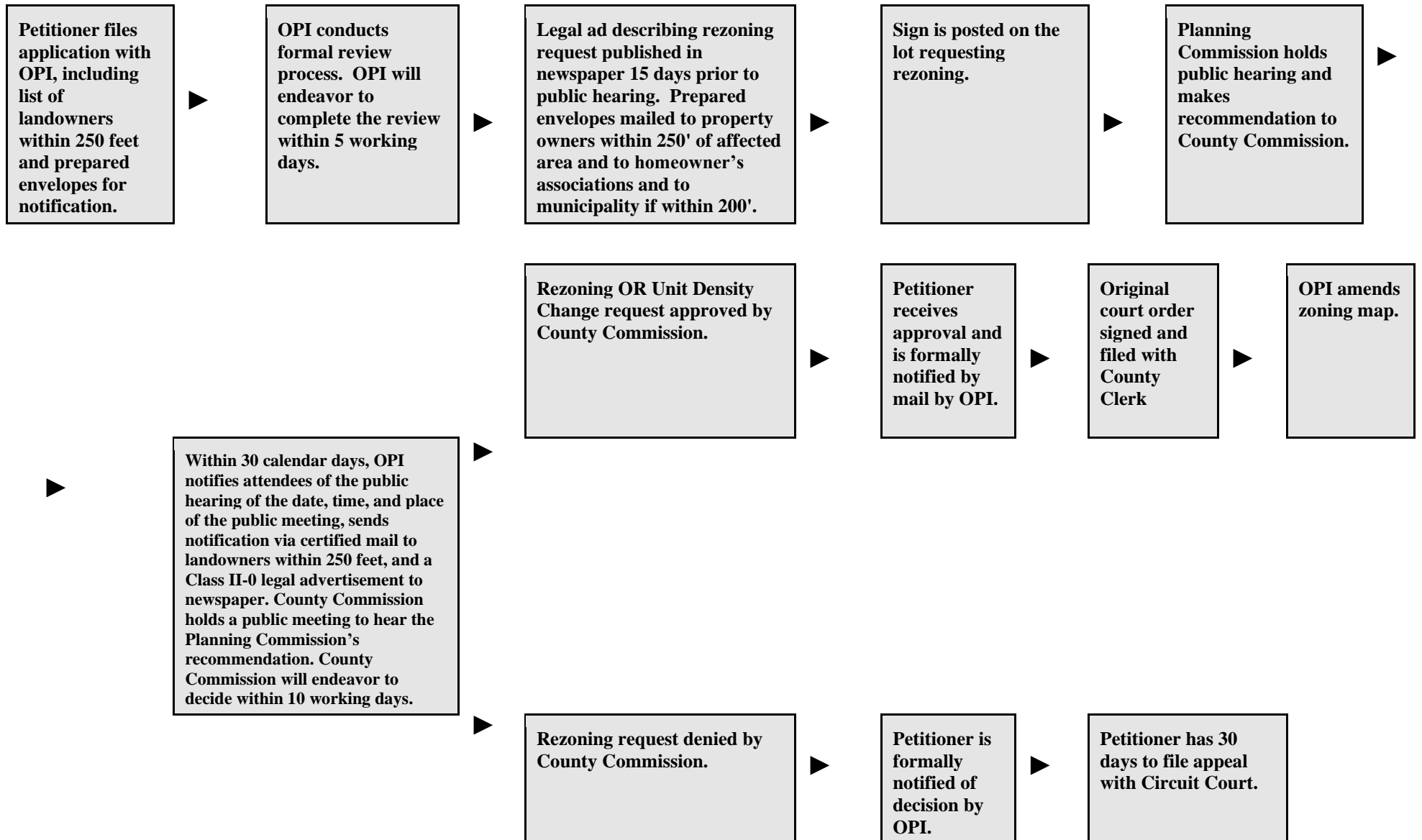
A. REQUEST FOR REZONING OF PROPERTY

- 1. A request for rezoning of property shall be filed on prescribed forms with the Office of Planning & Infrastructure (OPI). The request, or application, shall include a list of the property owners' names and addresses located within 250 feet of the affected area, as of record in the office of the Putnam County Assessor. The subject property also shall be included in the affected area. The applicant must also submit the tax map and parcel numbers for the list of properties along with a stamped and addressed envelope for each of the names and addresses of property owners in the affected area. If the list includes a lot within a subdivision, the applicant must submit the name of the president for that subdivision's homeowner's association along with a stamped and addressed envelope for that member.
- 2. The OPI will conduct a formal review of the completed application. The OPI will endeavor to complete its review within 5 working days.
 - I. Only the current rezoning request information will be reviewed by the Office of Planning and Infrastructure. *Amended 10-11-22*
- 3. The OPI will publish a legal advertisement describing the request for rezoning in a local newspaper of general circulation 15 days prior to the scheduled public hearing before the Planning Commission. The prepared envelopes notifying the property owners located within 250 feet of the affected property and a homeowners association board member of

an affected subdivision and submitted by the applicant will be mailed at the same time the legal advertisement is submitted to the newspaper for publication.

4. The Planning Commission holds a duly scheduled public hearing on the rezoning request and makes a recommendation to the County Commission. A written report of the decision is prepared by the OPI.
 - I. Only the current rezoning request information will be reviewed by the Planning Commission during this duly scheduled public hearing. *Amended 10-11-22*
 - II. At least thirty (30) days prior to the enactment of the proposed amendment if there is not an election, or at least thirty (30) days prior to an election on the proposed amendment to the zoning ordinance, OPI will give attendees at the public hearing notification of the date and time of the County Commission public meeting, and give written notice by certified mail to the landowner(s) within 250' and the applicant(s) of the rezoning request, and publish notice of the proposed amendment to the zoning ordinance in a local newspaper of general circulation as a Class II-0 legal advertisement, in accordance with the provisions of article three [§§59-3-1 et seq.], chapter fifty-nine of WV State Code, §8A-7-8. *Amended 10-11-22*
5. The County Commission holds a public meeting to hear the Planning Commission's recommendation. The County Commission will endeavor to decide on the request and recommendation within 10 working days. *Amended 10-11-22*
 - I. Only the current rezoning request information will be reviewed by the County Commission during this duly scheduled public hearing. *Amended 10-11-22*
6. If the request for rezoning is approved by the County Commission, the applicant receives approval and is formally notified by mail by the OPI. An original court order is signed by the County Commission and filed with the Clerk of Court of Putnam County within five (5) working days. The OPI amends the zoning map to reflect the approved rezoning. *Amended 10-11-22*
7. If the request for rezoning is denied by the County Commission, the applicant is formally notified in writing by the OPI of the denial and the right to appeal the decision to Putnam County Circuit Court within thirty (30) days of the County Commission's decision. An original court order is signed by the County Commission and filed with the Clerk of Court of Putnam County within five (5) working days and a copy of the order is mailed to the applicant. *Amended 10-11-22*

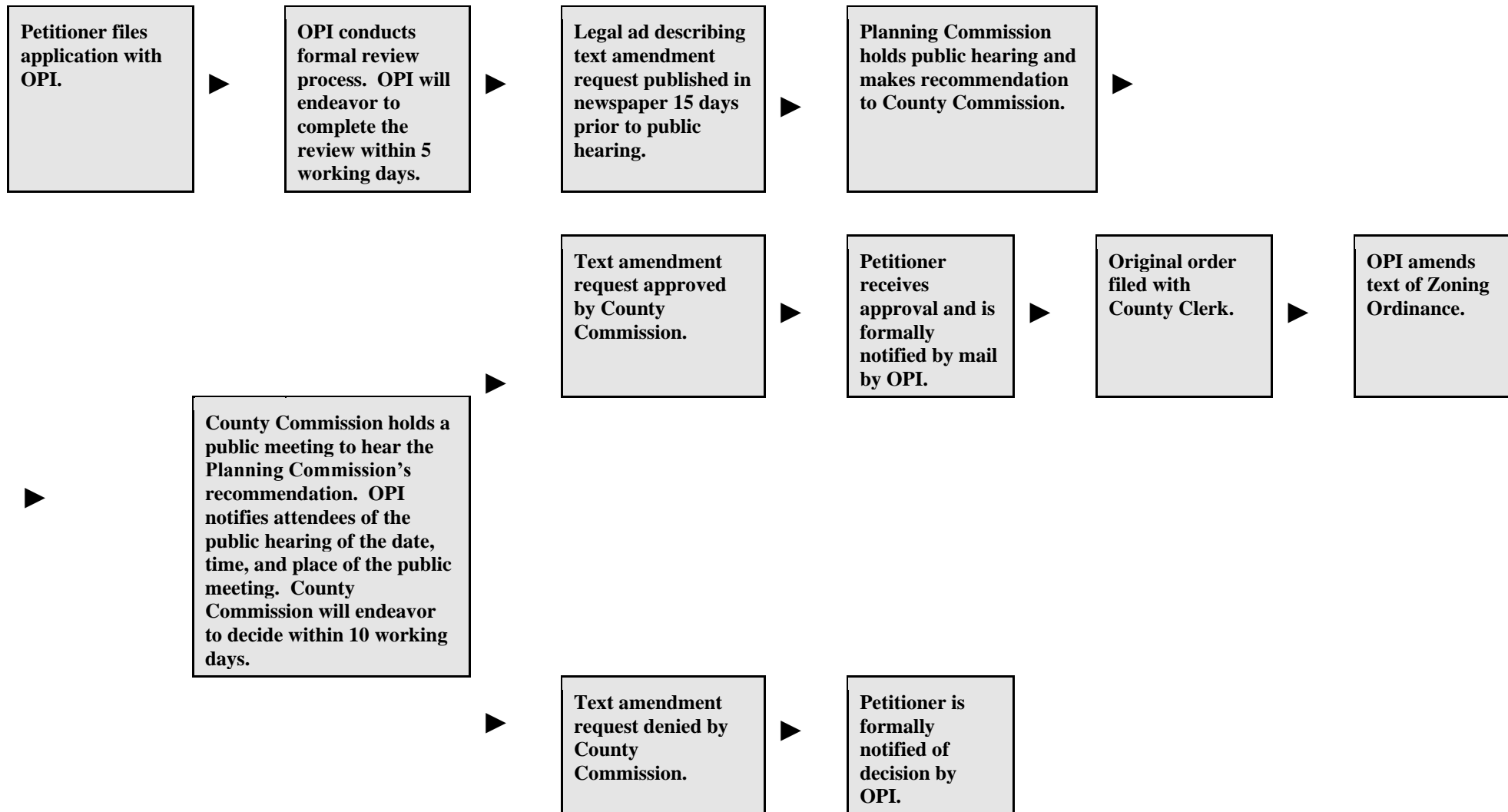
REZONING FLOW CHART *Amended 10-11-22*



B. REQUEST FOR TEXT AMENDMENT TO THE ZONING ORDINANCE

1. A request for an amendment, or change, to the text of the zoning ordinance shall be filed on prescribed forms with the OPI.
2. The OPI will conduct a formal review of the completed application. The OPI will endeavor to complete its review within 5 working days.
3. The OPI will publish a legal advertisement describing the request for a text amendment in a local newspaper of general circulation 15 days prior to the scheduled public hearing before the Planning Commission.
4. The Planning Commission holds a duly scheduled public hearing on the text amendment request and makes a recommendation to the County Commission. A written report of the decision is prepared by the OPI.
5. The County Commission holds a public meeting to hear the Planning Commission's recommendation. Attendees at the public hearing are notified of the date and time of the public meeting. The County Commission will endeavor to decide on the request and recommendation within 10 working days. *Amended 10-11-22*
6. If the request for the text amendment is approved by the County Commission, the applicant receives approval and is formally notified by mail by the OPI. An original court order is signed by the County Commission and filed with the Clerk of Court of Putnam County within five (5) working days. The OPI amends the zoning ordinance text to reflect the approved amendment. *Amended 10-11-22*
7. If the request for the text amendment is denied by the County Commission, the applicant is formally notified in writing by the OPI of the denial and the right to appeal the decision to Putnam County Circuit Court within thirty (30) days of the County Commission's decision. An original court order is signed by the County Commission and filed with the Clerk of Court of Putnam County within five (5) working days and a copy of the order is mailed to the applicant. *Amended 10-11-22*

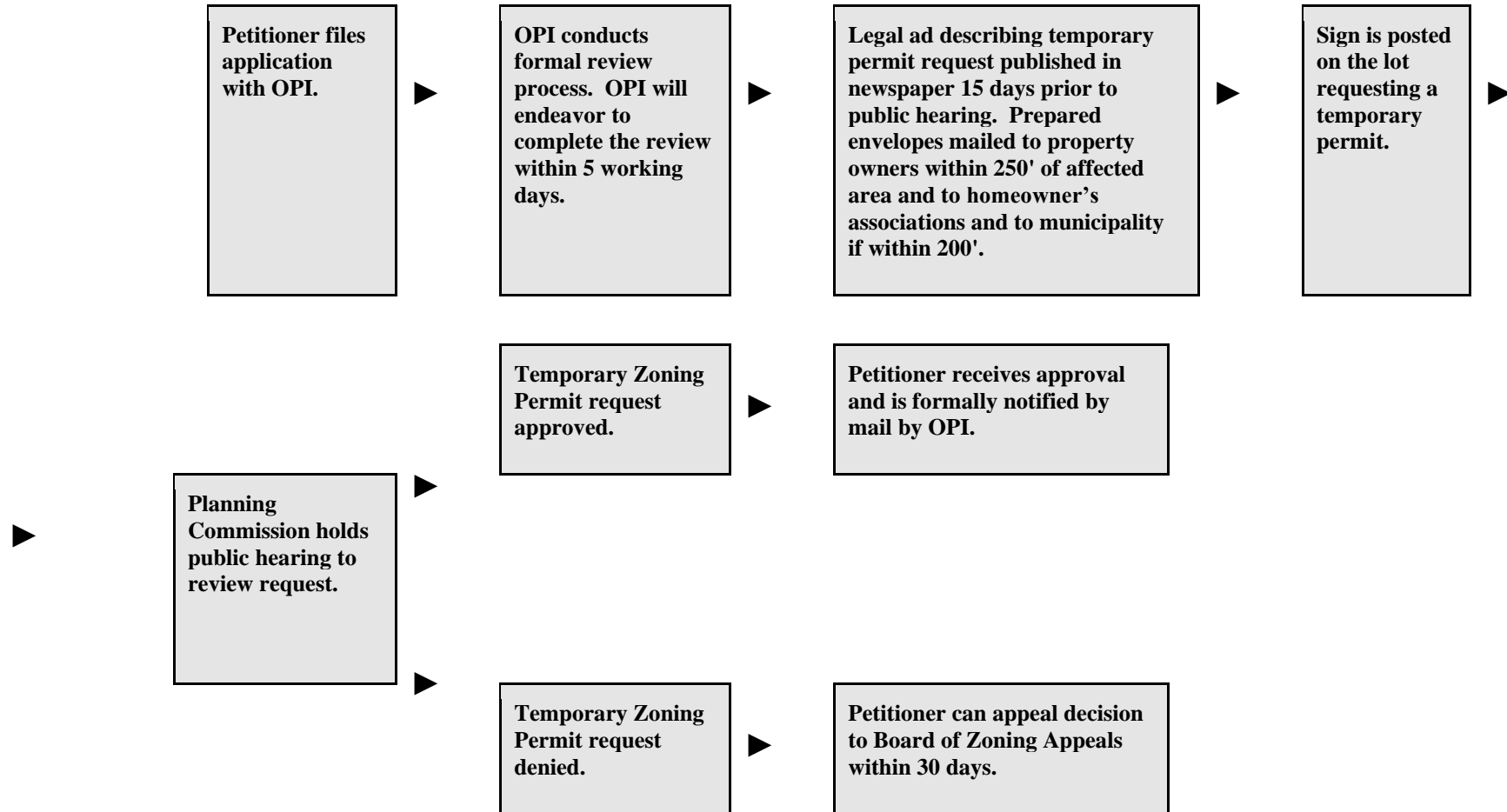
TEXT AMENDMENT FLOW CHART *Amended 10-11-22*



C. REQUEST FOR A TEMPORARY ZONING PERMIT

1. A request for a temporary zoning permit shall be filed on prescribed forms with the OPI.
2. The potential impact and processing procedure of a temporary zoning permit request may be discussed by the Planning Director and the President of the Planning Commission to determine if a public hearing is required to approve the temporary zoning permit application. *Amended 10-11-22*
3. If it is determined that a public hearing is required (*Amended 10-11-22*), the request, or application, shall include a list of the property owners' names and addresses located within 250 feet of the affected area, as of record in the office of the Putnam County Assessor. The subject property also shall be included in the affected area. The applicant must also submit the tax map and parcel numbers for the list of properties along with a stamped and addressed envelope for each of the names and addresses of property owners in the affected area. If the list includes a lot within a subdivision, the applicant must submit the name of the president for that subdivision's homeowner's association along with a stamped and addressed envelope for that member.
4. The OPI will conduct a formal review of the completed application. The OPI will endeavor to complete its review within 5 working days.
5. The OPI will publish a legal advertisement describing the request for a temporary zoning permit in a local newspaper of general circulation 15 days prior to the scheduled public hearing before the Planning Commission. The prepared envelopes notifying the property owners located within 250 feet of the affected property and the president of the homeowner's association of an affected subdivision and submitted by the applicant will be mailed at the same time the legal advertisement is submitted to the newspaper for publication.
6. The Planning Commission holds a duly scheduled public hearing to review the application for the temporary zoning permit request.
7. If the request for a temporary zoning permit is approved by the Planning Commission, the applicant receives approval and is formally notified by mail by the OPI.
8. If the request for a temporary zoning permit is denied by the Planning Commission, the applicant is formally notified in writing by the OPI of the denial and the right to appeal the decision to the Putnam County Board of Zoning Appeals within thirty (30) days.
9. The use of tax map and parcel numbers, in lieu of deed descriptions or metes and bounds descriptions, shall be considered adequate and valid for description of properties to be rezoned.

TEMPORARY ZONING PERMIT FLOW CHART *Amended 10-11-22*



2000.04 FEES

- A. Petitions and applications filed by property owners shall be accompanied by a filing fee. The purpose of the fee shall be to defray, in part, the expense connected with each application. Such fee shall be waived in the case of a bill to rezone or amend the text of this ordinance when offered by the County Planning Commission.
- B. See the Planning Commission Fee Schedule in the OPI for current fee amount.

2000.05 PUBLIC HEARING *(Amended 10-11-22)*

- A. The County Planning Commission shall hold a public hearing before acting on a request for rezoning, a temporary zoning permit or text amendment. Public hearing dates and time shall be established by the Commission.
- B. Notice of a scheduled public hearing for a proposed rezoning, or temporary zoning permit shall consist of the following:
 - 1. Publication of a legal advertisement in compliance with the provisions of Article 3, Chapter 59 of the Code of West Virginia.
 - 2. The posting of a notice of the public hearing on the subject property; and,
 - 3. The mailing of notices of the public hearing to the petitioner or applicant, to recorded owners of property within 250 feet of any part of the subject property, and to a homeowner's association board member of an affected subdivision. The list of owners may be as established in the Putnam County Assessor's office; and,
 - 4. Whenever a public hearing involves property within 200 feet of an adjoining municipality, written notice of the public hearing shall be sent by certified mail to the clerk of the municipality; and,
 - 5. The notice required for amending the zoning ordinance to provide for overall updating and revision of the zoning ordinance text and map(s) shall be by a) publication in a newspaper of general circulation as provided in paragraph B.1. above, b) mailing postcard notices, first class mail, to applicable property owners only where rezoning of property is involved; and c) mailing notice to a homeowner's association board member of an affected subdivision.
- C. Notice of a scheduled public hearing for a proposed text amendment shall meet the requirement as stated in B.1.
- D. All notices shall include the time and place of the hearing and the action to be considered. For an overall updating and revision of the zoning ordinance, the OPI shall not have to specify the change(s) proposed for each parcel of land; reference to the overall updating and revision shall be sufficient description of the action to be considered.
- E. Notices meeting the above requirements in subsections B. through D. shall be deemed adequate notice.
- F. The Planning Commission shall establish rules and policies governing the order and conduct of public hearings.

2000.06 PROTEST BY CITIZENS

Written petition or letters to the County Commission or County Planning Commission should include the following:

- A. The case to which the petition or letter refers; and
- B. Signature and addresses of the petitioners; and
- C. Reasons for the protest; and
- D. The date of the petition, letter, or signatures.

Petitions or letters favoring a request also may be submitted and follow the same guidelines as stated in (A) through (D) above.

2000.07 CONFLICT OF INTEREST

- A. The proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policies be made in proper channels of governmental structures; and, that the public have confidence in the integrity of its government. In recognition of those goals, this section relating to conflict of interest sets forth those acts or actions that are incompatible with the best interest of the County and directs disclosures by such officials of such interest in matters which may affect the outcome of any decision related to this ordinance made by the County Commission, Board of Zoning Appeals, or County Planning Commission.
- B. Any public official having a conflict of interest, as defined in subsection C. below, shall declare such conflict and refrain from discussion of, participation in, or voting on any decision relating to the matter in which the official has a conflict of interest.
- C. Interest shall be considered as direct or indirect pecuniary or material benefits accruing to a public official as a result of any decision relating to this ordinance which is or may be the subject of an official act or action by the County Commission, Board of Zoning Appeals or County Planning Commission. For the purpose of this ordinance, a public official shall be deemed to have a conflict of interest if any of the following relationships are present:
 - 1. Any person related to him by blood or marriage in a degree closer than first cousins; a divorce or separation between spouses shall not be deemed to terminate any such relationship; or
 - 2. Any person or business entity with whom a contractual relationship exists with the public official; it is not intended that this relationship be construed to be affected by minor contractual relationships, such as personal insurance policies, mortgages, bank accounts, or charge accounts; or
 - 3. Any business entity in which the public official is an officer, director, member having a financial interest therein, or by which he is employed; or
 - 4. Any business entity in which in excess of 15 percent of the total stock or total legal and beneficial interest is controlled or owned directly or indirectly by the public official.

