

Sec. 66-313. Amendments to official zoning map.

The procedure for rezoning shall incorporate the review of major developments outlined in article III of this chapter, supplemented by the legislative hearing requirements of section 66-318 and the town Charter, except that the application shall first be heard by the planning and zoning board. No property in the town shall be rezoned, nor shall an application for rezoning of real property be considered, until such time as the applicant therefor has fully disclosed the following:

- (1) All persons having any ownership interests, contingent or absolute.
 - (2) Whether or not there exists at the time of rezoning any contract for the sale of such property and, if so, the names of all parties to such contract, and whether such contract is contingent or absolute.
 - (3) Whether or not there exist at the time of rezoning any options to purchase any property and, if so, the names of all parties to such options.
- (Ord. No. 300, § III(14.06.03), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Sec. 66-314. Amendments to land development code.

The manager shall set the application for an amendment to this land development code for hearing before the planning and zoning board within 60 days from the date the application was submitted.

(Ord. No. 300, § III(14.06.04), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Sec. 66-315. Amendments to comprehensive plan.

Applications to amend the comprehensive plan shall be set for hearing before the planning and zoning board at the first regularly scheduled meeting in either January or July.

(Ord. No. 300, § III(14.06.05), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Sec. 66-316. Recommendation of planning and zoning board.

The planning and zoning board shall hold a legislative hearing on each application to rezone or amend this land development code or the comprehensive plan, and thereafter submit to the town commission a written recommendation which:

- (1) Identifies any provisions of this land development code, the comprehensive plan or other law relating to the proposed change and describes how the proposal relates to them.
- (2) States factual and policy considerations pertaining to the recommendation.
- (3) In the case of proposed amendments to the zoning map or this land development code, includes the written comments, if any, received from the town manager.

(Ord. No. 300, § III(14.06.06), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Sec. 66-317. Action by town commission.

(a) The town commission shall hold a legislative hearing on a proposed amendment to the official zoning map, this land development code or the comprehensive plan, and may enact or deny the proposal, or enact a modified proposal that is within the scope of matters considered in the hearing.

(b) When the town commission has denied an application for a rezoning or a future land use map (FLUM) amendment, no applicant shall submit an application for a rezoning or FLUM amendment for any part or all of the same property for the same zoning or FLUM classification for a period of 12 months from the date of final denial.

(Ord. No. 300, § III(14.06.07), 11-7-90; Ord. No. 399, § 1, 11-20-01; Ord. No. 430, § 2, 12-20-05)

Sec. 66-318. Legislative hearings.

Each legislative hearing on an amendment to the official zoning map, this land development code or the comprehensive plan shall conform to the following requirements:

- (1) Notice. Notice that complies with the requirements of state law shall be given.
- (2) Hearing. The public hearing shall as a minimum:
 - a. Comply with the requirements of state law.
 - b. Present the town manager's analysis of the proposed decision.
 - c. Present the town manager's summary of reports of other agencies.
 - d. Permit any person to submit written recommendations and comments before or during the hearing.
 - e. Permit a reasonable opportunity for interested persons to make oral statements.

(Ord. No. 300, § III(14.06.08), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Secs. 66-319—66-340. Reserved.

ARTICLE VIII. SPECIAL PROVISIONS RELATING TO ADMINISTRATIVE AND APPELLATE DECISION MAKERS

Sec. 66-341. Challenges to impartiality.

A party to an administrative or appellate hearing under this chapter may challenge the impartiality of any member of the hearing body. The challenge shall state by affidavit facts relating to a bias, prejudgment or personal interest, or other facts from which the challenger has concluded that the decision maker cannot participate in an impartial manner. Except for good cause shown, the challenge shall be delivered by personal service to the manager no less than 48 hours preceding the time set for the hearing. The manager shall attempt to notify the person whose qualifications are challenged prior to the hearing. The challenge shall be incorporated into the record of the hearing.

(Ord. No. 300, § III(14.09.01), 11-7-90; Ord. No. 399, § 1, 11-20-01)