

6. If the County Commission approves the request for the text amendment, the applicant will receive approval and will be formally notified by mail by the Planning Office. An original court order will be signed by the County Commission and filed with the Clerk of the County Court of Hardy County within three (3) working days. The Planning Office will amend the zoning ordinance text to reflect the approved amendment.
7. If the request of the text amendment is denied by the County Commission, the applicant will be formally notified in writing by the Planning Office of the denial and the right to appeal the decision to Hardy County Circuit Court within thirty (30) days of the County Commission's decision. An original court order will be signed by the County Commission and filed with the Clerk of the Court of Hardy County within three (3) working days and a copy of the order is mailed to the applicant.
8. The County Planning Commission shall hold a public hearing before acting on a request for a rezoning, a conditional use, or a zoning text amendment. The Commission will establish public hearing dates and times.
9. Notice of a scheduled public hearing for a proposed rezoning, conditional use or zoning, a conditional use, or a zoning text amendment shall consist of the following:
 - a. Publication of a legal advertisement in compliance with the provisions of Chapter 59, Article 3, of the Code of West Virginia;
 - b. The posting of a notice of the public hearing on the subject property; and
 - c. 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 homeowners association board member and affected subdivisions. The list of owners may be established in the Hardy County Assessor's Office; and
 - d. Whenever 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
 - e. 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 general circulation newspaper as provided in paragraph B.1 above; b) by first-class mail to applicable property

owners, only where rezoning of property is involved;
and c) mailed notification to a homeowners association
board members of the affected subdivision.

10. Notice of a scheduled public hearing for a proposed text amendment shall meet the requirements as stated in B.1.
11. 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 Planning Office shall not have to specify the change(s) proposed for each parcel land; reference to the overall updating and revision shall be sufficient description of the action to be considered.
12. Notices meeting the above requirements in subsections B. through D. shall be deemed adequate notice.
13. The Planning Commission shall establish rules and policies governing the order and conduct of public hearings.

Fees:

The fee is \$100.00.

*****Planning Office Staff Only*****

Received: _____ **Fee Received:** \$ _____

Planning Commission Public Hearing Date: _____

County Commission Public Hearing Date: _____