

CHAPTER 16

AMENDMENT

16-1. GENERAL: Whenever the public necessity, convenience, general welfare or good zoning practices require, the Board or respective Council may, by Ordinance after receipt of recommendation thereon from the Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

16-2. INITIATION OF ZONING AMENDMENTS: Amendments to this Ordinance may be initiated in one (1) of the following ways:

- A. By adoption of a motion by the commission;
- B. By adoption of a motion by the Board or respective Council; and
- C. By the filing of an application by a property owner or a person who has existing interest in property within the area proposed to be changed or affected by said amendment.

16-3. CONTENTS OF APPLICATION: Applications for amendments to the Official Zoning Map adopted as part of this Ordinance shall contain at least the following information:

- A. Name, address and phone number of applicant;
- B. Proposed amending ordinance, approved as to form by the City Attorney;
- C. Present land use;
- D. Present zoning district;
- E. Proposed use;
- F. Proposed zoning district;
- G. A vicinity map at a scale approved by the Administrator showing property lines, thoroughfares, existing and proposed zoning and such other items as the Administrator may require;
- H. A list of all property owners and their mailing addresses who are within three hundred (300) feet of the external boundaries of the land being considered;
- I. A statement on how the proposed amendment relates to the Comprehensive Plan, availability of public facilities and compatibility with the surrounding area and quantifiable data that will verify that rezoning would not cause economic, social or physical stress on existing uses of surrounding areas; and
- J. A fee as established by the Council.

16-4. TRANSMITTAL TO COMMISSION: Zoning districts shall be amended in the following manner:

- A. Requests for an amendment to the Zoning Ordinance shall be submitted to the Commission, which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with the adopted Comprehensive Plan, the Commission may recommend, and the Board or respective Council may adopt or reject the Ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with the adopted Comprehensive Plan, the request shall be submitted to the Commission, which may recommend and the Council may adopt or reject an amendment to the Comprehensive Plan under the notice and hearing procedures provided in Section 67-6509 of the Idaho Code. After the comprehensive Plan has been amended, the Zoning Ordinance may then be amended as hereinafter provided for.

16-5. COMMISSION PUBLIC HEARING: The Commission shall hold a public hearing and make recommendations on proposed zoning amendments. Zoning amendments may consist of text or map revisions.

- A. Zoning Ordinance Text Amendment: The Commission, prior to recommending a Zoning Ordinance text amendment to the Board or respective Council shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. Following the Commission's hearing, if the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards the amendment with its recommendation to the Board or respective Council.
- B. Zoning Ordinance Map Amendment: The Commission, prior to recommending a Zoning Ordinance map amendment that is in accordance with the Comprehensive Plan to the Board or respective Council shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place of hearing and an accurate summary of the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. Additional notice shall be provided by mail to property owners and residents on the land being considered, owners and residents within three hundred (300) feet of the external boundaries of the land being considered, and any owners and residents of additional areas that may be impacted by the proposed change as determined by the Commission. A copy of the notice shall be posted on the subject property at least one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mail notification two (2) notices in the official newspaper or paper of general circulation is sufficient, provided that, the second notice appears ten (10) days prior to the public hearing. If the notice is given to fewer than two hundred (200) property owners or purchasers of record,

notice shall be by regular first class mail with postage prepaid to the address shown on the rolls of the County Tax Collector at the time of mailing. The City Zoning Commission agent who mails the notices shall file a certificate with the Commission secretary showing the date of mailing and listing the names and addresses to which the notice was sent.

- C. Following the Commission's hearing, if the Commission makes material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the Board or respective Council.

16-6. RECOMMENDATION BY COMMISSION: Within seventy (70) days from the receipt of the proposed amendment, the Commission shall transmit its recommendation to the Board or respective Council. The Commission may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The Commission shall insure that any favorable recommendations for amendments are in accordance with the Comprehensive Plan and established goals and objectives.

16-7. ACTION BY BOARD OR RESPECTIVE COUNCIL: The Board or respective Council, prior to adopting, revising or rejecting the amendment to the zoning ordinance as recommended by the Commission shall conduct at least one (1) public hearing using the same notice and hearing procedures as the Commission. Following the Board or respective Council hearing, if the Board or respective Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Board or respective Council adopts the amendment.

The Board or respective Council shall accept the recommendation of the Commission's report unless rejected by a vote of a simple majority of the full Board or respective Council.

Upon granting or denying an application to amend the Zoning Ordinance, the Board or respective Council shall specify:

- A. The Ordinance and standards used in evaluating the application;
- B. The reasons for approval or denial; and
- C. The actions, if any, that the applicant could take to obtain an amendment to the Ordinance or a permit to use the applicant's property in the way which the applicant seeks if a means exist to obtain such permit.

In the event the Board or respective Council shall approve an amendment, such shall thereafter be made part of this Ordinance upon the preparation and passage of an Ordinance.

16-8. SPECIAL REQUIREMENTS FOR HEARINGS IN THE COUNTY: In cases where the parcel or property involved in the rezone or map amendment application

is located outside any of the incorporated City Limit the following additional hearing requirements shall apply:

- A. If the parcel borders on or is close to a City Limits notice shall be provided to property owners or purchasers of record located in the City Limits within three hundred (300) feet of the external boundaries of the land being considered. In addition notice shall be provided to property owners or purchasers of record located outside the City Limits within one half (1/2) mile of the external boundaries of the land being considered;
- B. If the parcel is completely outside and at least three hundred feet from a City Limits notice shall be provided to property owners or purchasers of record located outside the City Limits within one half (1/2) mile of the external boundaries of the land being considered; and
- C. If the parcel is completely outside and at least three hundred feet from a City Limits and if the application is for a Commercial or Industrial Livestock Confinement Operation notice shall be provided to property owners or purchasers of record located outside the City Limits within one (1) mile of the external limits of the confinement operation considered.

16-9. AMENDMENT OR REZONE PROCEDURE IN CITY AREAS OF IMPACT: In cases where the parcel or property involved in the amendment or rezone application is located in an Area of City Impact, the applicable City shall have thirty (30) days to review the application. The purpose of this review is to allow the City time to review and evaluate the application with respects to the possible impact on the City or compliance with the City's ordinances and Comprehensive Plan. If the City deems that thirty (30) days are inadequate for a thorough review, it may be granted a thirty (30) day extension upon written request.

After the review, the City shall make a recommendation to the County Commission to approve, conditionally approve, postpone decision for additional information or disapprove the request for the amendment or rezone. Upon making a recommendation the Commission shall specify:

- A. The Ordinance and standards used in evaluating the application;
- B. The reasons for the specific recommendation; and
- C. The recommended actions, if any, that the applicant could take to obtain a permit.

16-10. RESUBMISSION OF APPLICATION: No application for a reclassification of any property which has been denied by the Board, shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purpose within a period of one (1) year from the date of such final action; unless there is an amendment in the Comprehensive Plan which resulted from a change in conditions as applying to the specific property under consideration.