

## **17.0 AMENDMENT**

### **17.1 GENERAL**

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Governing Board, after receipt of recommendation thereon from the Planning Commission; and being subject to procedures provided by law, may amend, supplement, change or repeal by Ordinance the Zoning regulations, restrictions and boundaries or classification of property.

### **17.2 INITIATION OF ZONING AMENDMENTS**

Amendments to this Ordinance may be initiated in one (1) of the following ways:

- 17.2.1** By adoption of a motion by the Planning Commission;
- 17.2.2** By adoption of a motion by the Governing Board; or
- 17.2.3** By the filing of an application by a property owner of the area proposed to be changed.

### **17.3 CONTENTS OF APPLICATION**

Applications for amendments to this Ordinance shall contain the following information:

- 17.3.1** Name, Address and phone number of applicant;
- 17.3.2** Proposed text amendment or proposed zone district change;
- 17.3.3** Present land use and present zoning district;
- 17.3.4** A vicinity map at a scale approved by the Administrator showing property lines, existing roads and proposed zoning and such other items as the Administrator may require;
- 17.3.5** 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;

**17.3.6** A statement of how the proposed amendment relates to the Plan and the criteria of the Ordinance; and

**17.3.7** Rezone requests for small tracts and/or single ownership tracts must be accompanied by findings that this change will be a continuation of orderly development and be a benefit to community interests.

#### **17.4 TRANSMITTAL TO PLANNING COMMISSION**

Zoning districts shall be amended in the following manner:

**17.4.1** Request for an amendment to this Ordinance shall be submitted to the Planning Commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction;

**17.4.2** If the request is in accordance with the adopted Plan, the Planning Commission may recommend and the Governing Board shall adopt or reject the Ordinance amendment under the notice and hearing procedures as herein provided; and

**17.4.3** If the request submitted to the Planning Commission is not in accordance with the adopted Plan, the Planning Commission may recommend to the Governing Board that they amend the Plan. The Governing board shall only amend the Plan using the notice and hearing procedures provided in this Ordinance. After the Plan has been amended, the Ordinance may then be amended as hereinafter provided.

#### **17.5 PLANNING COMMISSION PUBLIC HEARING PROCEDURE**

**17.5.1** The Planning Commission, prior to recommending a Zoning Ordinance Text Amendment to the Governing Board shall conduct at least one (1) public hearing in which interested

persons shall have an opportunity to be heard. A minimum of twenty-two (22) days prior to the hearing, notice of time and place and a summary of the amendment request shall be published in the official newspaper or paper of general circulation within the jurisdiction. The Planning Commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the Zoning Ordinance shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts, at least twenty-two (22) days prior to the public hearing scheduled by the Planning Commission. No more than two (2) pages of written testimony will be accepted less than eight (8) days before a hearing. If the Planning Commission makes a material change from what was presented at the public hearing and a subsequent public hearing will not be held by the Governing Board, further notice and hearing shall be provided before the Planning Commission. If a subsequent hearing will be held by the Governing Board, the Planning Commission may forward the amendment with its recommendation to the Governing Boards. Notice of the Planning Commission's recommendation shall be included in the notice of public hearing provided by the Governing Board. A record of the hearings, findings made, and actions taken by the Planning Commission shall be maintained by the County.

- 17.5.2** The Planning Commission, prior to recommending a Zoning District boundary change to the Governing Board shall conduct at least one (1) following the same procedure and rules as listed in 17.5.1. Except that additional notice shall be provided by mail to property owners and purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the Planning Commission. Notice shall also be posted on the premises a minimum of fourteen (14) days prior to the hearing. No more than two (2) pages of written testimony will be accepted less than eight (8) days before a hearing. When notice is required for two hundred (200) or more property owners or purchasers of record, an alternate form of procedure may be used. The following procedure shall be deemed to be adequate notice:

- a. In lieu of the mail notification and posting, a display advertisement at least four (4) inches by two (2) columns in size shall be published in the official paper or paper of general circulation within the jurisdiction two (2) times with the first notice appearing twenty-two (22) days prior to the hearing date and the second notice appearing a minimum of fourteen (14) prior to the hearing date. The notice shall be sent to all political subdivision providing services within the planning jurisdiction, including school districts, a minimum of twenty-two (22) days prior to the hearing date. The notice shall also be made available to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. No more than two (2) pages of written testimony will be accepted less than eight (8) days before a hearing.

#### **17.6 RECOMMENDATION BY THE PLANNING COMMISSION**

After considering the Plan, the extent and nature of the effects of any proposed amendment may have upon the delivery of services by any political subdivision providing services, including school districts and any other evidence presented through the public hearing process the Planning Commission shall make a recommendation to the Governing Board. They may recommend that the amendment be approved, approved with modifications or that the amendment be denied.

#### **17.7 ACTION BY THE GOVERNING BOARD**

The Governing Board, prior to adopting, revising or denying an amendment as recommended by the Planning Commission shall conduct at least one (1) public hearing using the same notice and hearing procedures as the Planning Commission. Following the Commission 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 adopts the amendment.

In the event the Governing Board approves an amendment, such amendment shall thereafter be made a part of this Ordinance with passage and publication in the manner required by law.

- 17.7.1** If an amendment to a zoning classification is approved pursuant to a request by a property owner, the Governing Board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the Governing Board adopted said individual property owner's request for a zone reclassification change.
- 17.7.2** No property owner shall reapply for a reclassification of any property which has been denied by the Governing Board or re-submit in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of one (1) year from the date of such action, unless there is an amendment to the Plan which applies to the specific property under consideration.
- 17.7.3** An amendment of a zoning ordinance applicable to an owner's lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.