

CHAPTER 12
AMENDMENTS

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9-12-1: **PURPOSE:** Whenever the public necessity, convenience, general welfare or good zoning practices require, the city council may, by ordinance, after receipt of recommendation thereon from the commission and subject to procedures provided by Idaho Code section 67-6511, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property. (Ord. 426, 7-8-2002)

9-12-2: **INITIATION OF ZONING AMENDMENTS:** Proposed amendments to this title may be initiated in one of the following ways:

- A. By adoption of a motion by the commission;
- B. By adoption of a motion by the city council; and
- C. By the filing of an application by a property owner or a person who has an existing interest in property within the area proposed to be affected by said amendment. (Ord. 426, 7-8-2002)

9-12-3: **CONTENTS OF APPLICATION:** Applications for amendments to this title shall be filed with the administrator and contain at least the following information:

- A. Name, address, and phone number of the applicant and/or representative;
- B. Proposed amending ordinance, approved as to form by the city council;
- C. Proposed land use; and
- D. A statement of how the amendment relates to the comprehensive plan, availability of public facilities, and compatibility with the surrounding area. (Ord. 426, 7-8-2002)

9-12-4: **DETERMINATION OF APPROPRIATE CLASSIFICATION:**

Requests for a determination as to the appropriate classification of any new or unlisted form of land use shall be made particularly with respect to its visual attributes and its impacts upon adjacent properties (the latter determined with regard to the allowed uses on adjacent properties) as follows:

- A. Administrator: The administrator shall make a determination whether the requested use is similar to or a lesser form of an allowed or conditional use.
 - 1. Affirmative Determination: If an affirmative determination is made, all standards, hearing requirements and other provisions of this title or any other applicable ordinances shall be met.
 - 2. Request Dissimilar Use: If it is determined that the request is a dissimilar use, the administrator shall refer the question to the planning and zoning commission requesting an interpretation of the use. The referral of the use interpretation question shall be accompanied by a statement of facts provided by the applicant, listing the nature of the use.
- B. Commission:
 - 1. Consideration: The commission shall consider the nature and described performance of the proposed use and its compatibility with allowed and conditional uses.
 - 2. Transmittal Of Findings: The planning and zoning commission shall transmit its findings and recommendation to the city council as to the appropriate classification of the proposed use.

- C. City Council: The city council shall consider the recommendations of the commission and amend this title as hereinafter provided. (Ord. 426, 7-8-2002)

9-12-5: **ZONING AMENDMENT PROCEDURE:**

- A. Request For Amendment: Requests for an amendment to the zoning ordinance shall be submitted to the commission, which shall evaluate the request at a public hearing to determine the extent and nature of the amendment requested.

1. In Accordance With Comprehensive Plan: If the request is in accordance with the adopted comprehensive plan, the commission may recommend that the city council adopt or reject the requested amendment under the notice and hearing procedures as herein provided.

2. Not In Accordance With Comprehensive Plan: If the request is found to not be in accordance with the comprehensive plan, the commission shall recommend that the city council reject the requested amendment.

- B. Submittal To City Council: Requests for an amendment to this title shall then be submitted to the city council, which shall evaluate the request at a public hearing to determine the extent and nature of the amendment requested.

1. In Accordance With Comprehensive Plan: If the request is in accordance with the adopted comprehensive plan, the city council may adopt or reject the requested amendment under the notice and hearing procedures as provided by state statute.

2. Not In Accordance With Comprehensive Plan: If the request is found to not be in accordance with the comprehensive plan, the city council shall reject the requested amendment. (Ord. 426, 7-8-2002)

9-12-6: **ACTION BY COMMISSION:** The commission shall hold a public hearing and make recommendations to the city council on proposed zoning amendments. Zoning amendments may consist of text or map revisions.

- A. Zoning Ordinance Amendment: Not more than sixty (60) days following the filing of the application, the commission, prior to

recommending a zoning ordinance amendment that is in accordance with the comprehensive plan to the city council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Procedures for public hearings outlined in chapter 11, "Administration", of this title.

- B. Further Notice And Hearing Required: 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 forwards its recommendation to the city council. (Ord. 426, 7-8-2002)

9-12-7: **ACTION BY CITY COUNCIL:**

- A. Public Hearing: The city council, prior to adopting, revising or rejecting the amendments to this title as recommended by the commission shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the hearing, if the city council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the city council adopts the amendment.
- B. Council Action: The city council shall accept the recommendation of the commission unless rejected by a majority vote of the members.
- C. Council Required To Specify: Upon granting or denying an application to amend the this title, the city council shall specify:
 - 1. The ordinance and standards used in evaluating the application.
 - 2. The reasons for approval or denial. (Ord. 426, 7-8-2002)