

## **ARTICLE XIV. AMENDMENT**

**SECTION 1401. AUTHORITY** -- The Board of Clearwater County Commissioners shall hereby have the authority, upon receipt of recommendation by the Commission, to amend, supplement, change, or repeal the regulations, restrictions and boundaries or classifications of property imposed by this Ordinance when required by public necessity, convenience, general welfare, or good zoning practices.

**SECTION 1402. INITIATION OF ZONING AMENDMENTS** -- Amendments to this Ordinance or to the Official Zoning Map may be initiated in one of the following manners:

1. By adoption of a resolution by the Commission;
2. By adoption of a resolution by the Board;
3. By the filing of an application by a property owner or a person having an existing interest in property within the area affected by the proposed amendment.

**SECTION 1403. AMMENDMENT BY APPLICATION** -- The following procedure shall apply to amendment to this Ordinance or to the Official Zoning Map initiated by an application by an affected person, as provided in Section 1402.3:

1. The applicant shall file an application with the Administrator which shall contain, at minimum, the following:
  - a. Name, address, and telephone number of applicant;
  - b. Proposed amendment;
  - c. A reasoned statement of the necessity of the amendment, and a statement of how the proposed amendment relates to the Comprehensive Plan;
  - d. A fee, as adopted by resolution of the Board of County Commissioners;
  - e. Additionally, the following shall be contained on the application, or submitted separately, if the Official Zoning Map is to be amended:
    - a. Present land use;
    - b. Proposed land use;
    - c. Present Zoning District;
    - d. Proposed Zoning District;
    - e. A vicinity map at a scale of not less than one (1) inch to five hundred (500) feet, showing property lines, thoroughfares, existing and proposed zoning and such other items as the Administrator may require;
    - f. A list of all property owners and their mailing addresses, who own property within three hundred (300) feet of the external boundaries of the property to be affected by the amendment.
2. The Administrator shall cause the matter to be placed on the agenda of the Commission, and shall notify interested parties as provided in Article XV. The notice shall include a summary of the proposed amendment;
3. The Commission shall conduct a public hearing, as provided in Article XV, at which the applicant shall be present, to determine whether the proposed amendment is in

accordance with the general objectives of the Comprehensive Plan, complies with State and Federal Law, and conforms to good planning practice. The Commission shall by majority vote recommend adoption, recommend amendment (of the proposed amendment) and adoption as amended, or recommend rejection of the proposed amendment;

- a. Commission recommendation shall be made no more than sixty (60) days from the date of the first public hearing of the proposal;
4. The Administrator shall notify the applicant in writing of the recommendation of the Commission within ten (10) days of said decision;
5. The Administrator shall cause the application for the amendment to be placed on the agenda of the Board, which shall notify interested parties as provided in Article XV. The recommendation of the Commission shall be included in the notice;
6. Not more than thirty (30) days from receipt of the recommendation by the Commission, the Board shall consider the proposed amendment, and shall by majority vote adopt or reject the proposed amendment. When meeting to consider the amendment, the meeting shall be open to the public, but shall not be a public hearing, unless:
  - a. A public hearing has been requested in accordance with Section 1101 of this Ordinance; or,
  - b. A public hearing has been called by a motion of a Board member, and by majority vote or unanimous consent of the full board, at which time the Board shall observe the hearing and notification procedures provided in Article XV of this Ordinance;
  - c. The Board makes a material change to the proposed amendment as recommended upon by the Commission. In the case of a material change, further notice, which shall include the nature of the change, and a public hearing, as provided in Article XV, shall be held by the Board prior to final action on the proposed amendment.
7. Upon adopting or rejecting the proposed amendment, the Board shall specify in writing to the applicant within ten (10) days of Board action:
  - a. The Ordinance and Statutory standards used in evaluating the application;
  - b. The reasons for decision;
  - c. Any conditions to be met by the applicant to maintain compliance.

**SECTION 1404. RESUBMISSION OF APPLICATION** -- No application for an amendment to this Ordinance or the Official Zoning Map which has been denied by the Board shall be resubmitted in substantially the same form or with reference to substantially the same property for the same purpose within a period of one (1) year from the date of final Board action, unless an amendment to the Comprehensive Plan has occurred in that time which results in a change of conditions applicable to the property.

**SECTION 1405. AMENDMENT BY RESOLUTION** -- The following procedure shall apply to amendment of this Ordinance or of the Official Zoning Map by Board or Commission action as provided in Section 1402.1-2:

1. The Board or Commission shall adopt a resolution calling for the amendment of this Ordinance or of the Official Zoning Map. Such motion shall contain, at minimum:
  - a. Proposed amendment;
  - b. Specific provision to be amended;
  - c. A reasoned statement of the necessity of the amendment.
2. The Administrator shall cause the matter to be placed on the agenda of the Commission, and shall notify interested parties as provided in Article XV. The notice shall include a summary of the proposed amendment;
3. The Commission shall conduct a public hearing, as provided in Article XV, to determine whether the proposed amendment is in accordance with the Comprehensive Plan, complies with State and Federal Law, and conforms to good Planning practice. The Commission shall by majority vote recommend adoption, recommend amendment (of the proposed amendment) and adoption as amended, or recommend rejection of the proposed amendment;
  - a. Commission recommendation shall be made no more than sixty (60) days from the date of the first public hearing of the proposal;
4. The Administrator shall cause the recommendation of action regarding the amendment to be placed on the agenda of the Board, which shall notify interested parties as provided in Article XV. The recommendation of the Commission shall be included in the notice;
5. Not more than thirty (30) days from receipt of the recommendation by the Commission, the Board shall consider the proposed amendment, and shall by majority vote adopt or reject the proposed amendment. When meeting to consider the amendment, the meeting shall be open to the public, but shall not be a public hearing, unless:
  - a. A public hearing has been requested in accordance with Section 1101 of this Ordinance; or,
  - b. A public hearing has been called by a motion of a Board member, and by majority vote or unanimous consent of the full board, at which time the Board shall observe the hearing and notification procedures provided in Article XV of this Ordinance.
  - c. The Board makes a material change to the proposed amendment as recommended upon by the Commission. In the case of a material change, further notice, which shall include the nature of the change, and a public hearing, as provided in Article XV, shall be held by the Board prior to final action on the proposed amendment.
6. Upon granting or denying the proposed amendment, the Board shall publish within ten (10) days of Board action:
  - a. The Ordinance and Statutory standards used in evaluating the application;
  - b. The reasons for approval or denial.

**SECTION 1406. RESUBMISSION OF PROPOSED AMENDMENT** -- No resolution calling for an amendment to this Ordinance which has been denied by the Board shall be resubmitted by the Commission in substantially the same form or with reference to substantially the same provision within a period of one (1) year from the date of final Board action, unless an amendment to the Comprehensive Plan has occurred in that time which results in a change of conditions applicable to the Ordinance. Neither the Board nor the Commission shall adopt a resolution calling for amendment to the Official Zoning Map with reference to substantially the same property within one (1) year of final Board action.