

## Article XI. Changes and Amendments

### Section 11.01 Initiation of Change

- 11.01.01 The Board of Supervisors may, from time to time, amend, supplement, change, or modify the number, shape, area, or boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Board of Supervisors, or by motion of the Zoning Commission, or by petition of any property owner addressed to the Zoning Commission. Petitions for change or amendment shall be on forms and filed with the Zoning Administrator.

### Section 11.02 Report from Zoning Commission

- 11.02.01 Before taking any action on any proposed amendment, supplement, or change, the Zoning Commission shall review the application and submit a recommendation to the Board of Supervisors. Unless the Zoning Commission shall have transmitted its report upon the proposed changes within sixty (60) days after submission thereof to it, the Board of Supervisors shall be free to proceed to act on said changes without further awaiting the report of the Zoning Commission.

### Section 11.03 Notice and Hearing

- 11.03.01 Before submitting its recommendation on a proposed amendment to district boundaries to the Board of Supervisors, the Zoning Commission shall hold at least one (1) public hearing thereon, notice of which will be given to all property owners within five hundred (500) feet of the property concerned by placing said notice in the United States mail at least ten (10) days before date of such hearing. Notice shall be published of said hearing in a newspaper of general circulation, as required by, and in conformance with, Iowa law. The notice shall state the place and time at which proposed amendment to the Ordinance including text and maps, may be examined. When the Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.
- 11.03.02 The Zoning Commission shall hold a public hearing thereon, before submitting its report to the Board of Supervisors. Notice of public hearings before the Zoning Commission shall be given by publishing the time, place and nature of the hearing at least once, not less than four (4) or more than twenty (20) days before the date of the hearing in a newspaper of general circulation in the County. The notice shall contain reference to the place or places and times within the County where the text, maps, plans, ordinances, amendments, or changes may be examined and shall state the location of the

district affected by naming the township and section and the boundaries of the district shall be expressed in terms of streets or roads, if possible.

- 11.03.03 In case the proposed amendment, supplement, or change be disapproved by the Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more of the area included in such proposed change, or of the area immediately adjacent thereto and within 500 feet of the boundaries thereof, such amendment shall not become effective *except by the favorable vote of a least sixty (60) percent of all members of the Board of Supervisors.*

#### **Section 11.04 Revision of Board of Supervisors**

- 11.04.,01 Following report from the Zoning Commission, the Board of Supervisors may make appropriate changes or corrections in an ordinance or proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice as required in **Section 11.03.**

#### **Section 11.05 Reconsideration, One-Year Limitation**

- 11.05.01 Whenever a petition requesting an amendment, supplement, or change has been *denied* by the Board of Supervisors, such petition, or one substantially similar, shall not be reconsidered sooner than one (1) year after the previous denial.

#### **Section 11.06 Amendments**

##### **11.06.01 *General***

- A. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the *Board of Supervisors may on its own action or by petition after recommendation by the Zoning Commission*, after public hearings as provided herein, amend, supplement, or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof.

##### **11.06.02 *Procedure for Change***

- A. Applications for any change of district boundaries or classifications of property as shown on the Official Zoning Map shall be submitted to the Zoning Commission at their public office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application *shall be verified* by at least one (1) of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this

Ordinance shall likewise be submitted to the Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.

- B. Before submitting its recommendation on a proposed amendment to the Board of Supervisors, the Zoning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given to all property owners within five hundred (500) feet of the property concerned by placing said notice in the United States mail at least ten (10) days before date of such hearing. Notice shall also be published of said hearing in a newspaper of general circulation, as required by, and in conformance with, Iowa law. The notice shall state the place and time at which proposed amendment to the Ordinance including test and maps, may be examined. When the Zoning Commission has completed its recommendations on a proposed amendment, it shall *certify* the same to the Board of Supervisors.
- C. After receiving the certification of said recommendations on the proposed amendment from the Zoning Commission and before adoption of such amendment, the Board of Supervisors shall hold a public hearing thereon, and notices thereof shall be published in accord with Iowa law. In addition, notices shall be sent by the United States mail as specified in 11.06.02 (B) above.
- D. After receiving certification of the recommendations on the proposed amendment from the Zoning Commission and after holding the public hearing provided for, the Board of Supervisors shall consider such recommendations and vote on the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of all the members of the Board of Supervisors.
- E. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within five hundred (500) feet of any part of the property proposed to be changed.
- F. The failure to notify as provided in 11.06.02 (B) and 11.06.02 (C) above shall not invalidate any recommendation of the Zoning Commission, provided such a failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Zoning Commission be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder; it being the intention of this subsection to provide so far as may be, due notice to the persons substantially interested in the proposed change that an application is pending before the Zoning Commission, proposing to

make a change in the Official Zoning Map or the regulations set forth in this Ordinance.

- G. Each application for an amendment, except those initiated by the Zoning Commission, shall be accompanied by a check payable to the Treasurer of Boone County or a cash payment in accord with the Schedule of Fees: Boone County Zoning Ordinance, which is on file in the office of the Zoning Administrator. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.
- H. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been *denied* by the Board of Supervisors, then no new petition covering the same property and/or additional property shall be filed with or considered by the Board of Supervisors until one (1) year shall have elapsed from the date of the filing of the first petition.