

CHAPTER 17.28

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CHAPTER 17.28

ZONING MAP AMENDMENTS

17.28.010 INITIATION OF AMENDMENTS

- A. The City Council may, from time to time, amend the zoning maps relative to this title. An amendment may be initiated by the City Council, Zoning Commission or upon application from an owner of property within the City.
- B. The City Council or Zoning Commission may upon a vote of a majority of its members direct the initiation of an amendment to the zoning map. When either body initiates an amendment, the application shall be acknowledged by the signature of the Mayor and Chairman of the Zoning Commission as applicable.
- C. Whenever the property owner of any land or building desires a reclassification on his/her property, they may file with the designated Administrative Official, on forms provided by the City for this purpose, an application requesting an amendment of regulations prescribed for such property. Applications for change of district or reclassification of districts shown on the Zoning Map shall be on forms supplied and prepared by the City. When the application bearing the property owner's notarized signature, is filed with the City it shall contain or be accompanied by:
1. All the data and information pertinent to the understanding and judgment of the proposal, as may be prescribed by the City Council for that purpose so as to assure the fullest practicable presentation of facts for the permanent record; and
 2. A notarized statement by at least one of the owners of property within the area proposed to be changed attesting to the truth and correctness of all facts and information presented with the application.
- D. Whenever an owner of **any** land within the City desires a reclassification on property that they do not own, such as a request to establish a different zoning classification for a block or other group of properties, they may file with the City on forms provided by the City for this purpose an application duly signed by the owners of no less than seventy-five (75) percent of either the area of lots or number of lots of the affected district, requesting an amendment for such property. When the application, bearing property owners signatures, is filed with the City it shall contain or be accompanied by:
1. All the data and information pertinent to the understanding and judgment of the proposal, as may be prescribed by the City Council for that purpose so as to assure the fullest practicable presentation of facts for the permanent record; and
 2. A notarized statement by at least one of the owners of property within the area proposed to be changed attesting to the truth and correctness of all facts and information presented with the petition.

3. An application containing less than the required number of signatures shall be considered incomplete and invalid and shall not be processed.

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17.28.020 AMENDMENTS AND REZONINGS – INVESTIGATION REQUIREMENTS

Upon initiation of an amendment by the City Council, Zoning Commission or upon application from an affected property owner , the Zoning Commission shall cause to be made an investigation of facts bearing on such initiation or application as will provide the necessary information to assure that the action of each such application is consistent with the intent and purpose of this title. Specifically the investigation must address the elements stated in 76-2-304, MCA which are:

1. Consistency with the City’s Growth Policy;
2. Designed to secure safety from fire, and other dangers;
3. Designed to promote of public health, public safety and general welfare;
4. Designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
5. Reasonable provision of adequate light and air;
6. The effect on motorized and non-motorized transportation systems;
7. Promotion of compatible urban growth;
8. The character of the district and its peculiar suitability for particular uses; and
9. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

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17.28.030 PUBLIC HEARING REQUIREMENTS

- A. The Zoning Commission shall hold public hearing(s) on the matters referred to in such application at which parties of interest and citizens shall have an opportunity to be heard.
- B. After such hearing(s), the Zoning Commission will make a written report and recommendations to the City Council. The applicant will also receive a copy of the report.

- C. After the Zoning Commission has forwarded its written report on the amendment to the zoning map, a public hearing shall be held by the City Council relating to the proposed amendment.
1. In the case of protest against a proposed amendment signed by the owners of twenty-five (25) percent or more of either the area of the lots included in any proposed change, or those lots 200 feet from a lot included in a proposed change, such amendment may not become effective except upon a favorable vote of two-thirds of the total members of the City Council. The provisions of subsection 17.28.030 C, of this Chapter include the ability for an applicant to protest a possible decision to adopt a zoning less than originally requested when the applicant meets the same criteria as other affected landowners.
 2. If the City Council intends to adopt a zoning designation different than that applied for, the hearing will be continued for a minimum of one week to enable the applicant to consider his/her options and whether to protest the possible action. In the case of protest against an amendment to the zoning map by the applicant, a favorable vote of two-thirds of the total members of the City Council is required as for any protested zoning action.
 3. The two hundred (200) foot measurement is determined by property lot line of applicant to property lot line of adjacent lots.

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17.28.040 APPLICATIONS

If an application for amendment is denied, the same application for amendment shall not be submitted until one year after the date of denial. If substantial material facts change during the year relating to the prior application, a new application may be submitted for review.

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