

REZONING **YOUR** **PROPERTY**

WHY REZONE?

Obtaining a rezone for a property is a useful tool in land development and neighborhood planning. Rezoning allows property owners to conduct different – more or less intensive-land uses than permitted by the current zone.

The basic reason to rezoning is that as a community changes the appropriate uses of individual properties change. For example, a rezone may be considered where the land uses around a property have changed or market demands have changed. Rezoning would also be a valid approach when the Idaho Falls Comprehensive Plan encourages the proposed type of use rather than the uses allowed by existing zoning. Also, public services such as water, sewer, and fire protection may have either improved or deteriorated dramatically, justifying an appropriate rezone to a more or less intensive land use. As a final example, a rezone may also be requested by residents of an area who desire less intensive use of their neighborhood.

BEFORE YOU APPLY

Before you begin the application process, you may find it advisable to contact the Planning Department and discuss your desire to rezone with staff.

The meeting will give you valuable information about your property, the zoning law, and potential difficulties you may encounter. You will also learn how long the process may take and about any other permits you may need.

Also, you should familiarize yourself with the Zoning Ordinance and the Comprehensive Plan to ensure that your requested zone is compatible to the designations and uses of the surrounding area. Staff can assist you in answering these questions.

Finally, you may want to consider contacting any other city departments who will be affected by the rezone and proposed development (e.g. public works, fire, etc.) in order to evaluate other potential difficulties. Again, Planning staff can help you determine these needs.

THE PROCESS

- The first step in obtaining a rezone is ensuring that your desired zone change is in accordance with the Comprehensive Plan. If it is not, then you will also need to file for an amendment to the Comprehensive Plan.
- You must then turn in a completed application and pay the filing fee at the Planning Department Office in the City Hall Annex , 380 Constitution Way. This will require the legal description of the property in question, a statement of reasons for the proposed change, and a statement explaining how the proposed change is in accord with the Comprehensive Plan,
- You may include other pertinent information with the Petition to Rezone, such as site and building plans.
- Your application will then be processed by staff. It will be advertised for the public hearing and scheduled on the Planning Commission agenda within 30 days of receipt of the completed application by the Zoning Administrator. It is advisable to pick up a copy of the staff report before the hearing.
- You or your agent should be available at the Planning Commission hearing in order to testify or answer questions. If your rezone is approved by the Commission, it will then be scheduled for the City Council.
- At the City Council hearing, you will again need to be present or have an agent available to answer questions. Action taken by the City Council is final, and the rezone in question may not be resubmitted to the Zoning Administrator within 6 months following such action.

CRITERIA

The applicant must keep in mind that from the city's perspective, a rezone should be allowed only if it also benefits the public or general welfare. A rezone cannot be approved if the benefit of rezoning the property is only to the individual property owner.

Many factors are considered before an application is approved or denied. The proposal must support the purposes and objective of zoning and must also insure the health, safety, and welfare of the public. The proposal must also comply with the Comprehensive Plan, provide and maintain existing and future capabilities of existing public utilities, and maintain compatibility of the property with surrounding zoning and development. Finally, the proposed zone must fulfill a demonstrated need for the type of use which is requested.