

**TITLE XV UNIFIED DEVELOPMENT CODE
CHAPTER 154: AMENDMENTS**

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CHAPTER 154: AMENDMENTS

154.01 City Council

The City Council may make amendments to the UDO as set forth in either (A) or (B) below:

- (A) *Referral to the Planning Commission:*
 - (1) *Study and recommendation.* Proposals may be referred by resolution to the Planning Commission for study and recommendation.
 - (2) *Public hearing.* A public hearing shall be held as provided in Chapter 157.
 - (3) *City Council action.* After consideration of the recommendation of the Planning Commission, the City Council may:
 - (a) Adopt the amendment;
 - (b) Modify the amendment and adopt;
 - (c) Refer to the Planning Commission for further study; or
 - (d) Vote down the amendment.
- (B) *Without referral to the Planning Commission.* The proposed amendment may be adopted by the City Council without prior referral to the Planning Commission.

(Code No. 1965, App. A., Art. 5(8), Art. 12(2), App. C., Art. V., §F; Ord. No. 1747, 6-29-70; Ord. No. 2980, 2-7-84; Code 1991, §§160.55, 159.68, 160.157; Ord. No. 4100, §2 (Ex. A), 6-16-98)

154.02 Planning Commission

The Planning Commission may initiate amendments to the UDO as follows:

- (A) *Study and consideration.* The proposed amendment shall be presented to the Planning Commission for study and consideration.
- (B) *Public hearing.* A public hearing shall be held as provided in Chapter 157.
- (C) *Recommendation to City Council.* Following the public hearing, the Planning Commission may, upon passage, present the proposed amendment to the City Council in whole, or in modified form. The Planning Commission shall provide a written statement of the reasons for such recommendation.

(Code 1965, App. A., Art. 12(3); Ord. No. 1747, 6-29-70; Ord. No. 2920, 5-3-83; Code 1991, §160.158, Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Planning Commission, Ch. 33.

154.03 Private Parties/Zoning Amendment

- (A) *Petition.* Any private party or parties desiring an amendment to Chapter 160, upon payment of the appropriate fee, shall submit to the Planning Commission a petition giving the following information:
 - (1) Legal description of the property involved;
 - (2) Zoning classification request for the property; and,
 - (3) Statement explaining why the proposed changes will not conflict with the surrounding land uses.
- (B) *Action by Planning Commission.* The Planning Commission may take one of the following actions:
 - (1) *Approval.* The proposed amendment may be approved as presented.
 - (2) *Approval in modified form.* Approved in modified form by a majority of the Planning Commission and recommended for adoption by the City Council with the reasons for such recommendations stated in writing.
 - (3) *Disapproval.* If the Planning Commission disapproves a proposed amendment, the reason for such disapproval shall be given in writing to the petitioner.
 - (4) *Neither approves nor disapproves.* If the Planning Commission neither approves nor disapproves a proposed amendment within 45 days after the public hearing the action on such amendment by said Planning Commission shall be deemed favorable; this period may be further extended by vote of the Planning Commission if all the parties involved agree in writing to an extension.
- (C) *Action by the City Council.*
 - (1) *Action.* The City Council, may take one of the following actions:
 - (a) *Approval.* The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning Commission.
 - (b) *Modify and adopt.* By ordinance, may modify and adopt the proposed amendment.

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- (c) *Return to Planning Commission.* By resolution, may return the proposed amendment to the Planning Commission for further study and recommendation.
- (2) *Vote.* When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of 20% or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending 300 feet from the street frontage of such opposite lots, then such amendments shall not become effective except by the favorable vote of three-fourths of the City Council.
- (D) *Re-petitions for amendment.* No application for zoning amendments will be considered by the Planning Commission within 12 months from the date of final disapproval of a proposed amendment unless there is evidence submitted to the Planning Commission which justifies reconsideration.
- (E) *Withdrawal.*
- (1) *Before publication.* A petition for amendment may be withdrawn at any time before publication of the notice and posting signs for the public hearing.
- (2) *After publication and posting of notice.* After the publication and posting of notice, the petition may be withdrawn at the discretion of the Planning Commission. If the petition is permitted to be withdrawn after the public hearing, it shall be in the Planning Commission's discretion whether or not a petition affecting part or all of the same property may be refiled sooner than one year from the date of withdrawal.

(Code 1965, App. A., Art. 12(1); Ord. No. 1747, 6-29-70; Ord. No. 2538, 7-3-79; Code 1991, §160.156; Ord. No. 2716, §1, 6-15-93; Ord. No. 3925, §7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Notification and Public Hearings, Ch. 157.

154.04-154.99 Reserved