

**ARTICLE 13  
AMENDMENTS**

**SECTION 13.1 TYPES OF AMENDMENTS**

Amendments to this ordinance shall be classified as follows:

1. **Text Amendments:** Amendments to the written provisions contained in this ordinance shall be referred to as "Text Amendments."
2. **Map Amendments:** Amendments to the designation of and/or location of district boundaries illustrated on the Official Zoning Map shall be referred to as "Map Amendments" (also referred to as "rezoning").

**SECTION 13.2 PETITION AND SUBMISSION REQUIREMENTS**

**13.2-1 Petition**

Petition forms for text or map amendments are available at the Department of Inspections and Code Enforcement. Completed petitions shall be submitted not less than twenty-one (21) days prior to the next scheduled meeting to the Department or the City Clerk.

1. Text Amendments:

A petition for a text amendment may be filed by any person.

2. Map Amendments (Rezoning):

A petition for a map amendment may be filed by the City Council, Plan Commission, Board of Appeals, or any person with financial, contractual, or proprietary interest in the property to be included in the area of the proposed map amendment.

**13.2-2 Limitations on Filing a Petition**

1. A petition for amendment to this ordinance shall not be accepted if the petition is for a map amendment involving any property which has been the subject of a previous petition which was approved or denied within one (1) year of the new petition, unless it can be shown to the satisfaction of the Enforcement Officer that substantial new evidence, not available during the review of the original petition, will be presented.
2. A petition for a map amendment filed by the City Council, Plan Commission, or Board of Appeals may be accepted at any time regardless of the time limitations stated above.

**13.2-3 Submission Requirements**

1. Text Amendments:

A petition for text amendments to this ordinance shall set forth the new text to be added and existing text to be deleted.

2. Map Amendments (Rezoning):

A petition for a map amendment, which is initiated by a private party, shall include:

- a. A legal description of the property;
- b. A scaled map of the property, clearly showing the boundaries of the property; its current and proposed zoning district classification; and the current zoning classification of adjacent property;
- c. The name, address and telephone number of the petitioner(s);
- d. The petitioner's interest in the property, and if the petitioner is not the owner, the name, address and telephone number of the owner(s);
- e. The date of filing with the Enforcement Officer; and
- f. Signature(s) of the petitioner(s) and the owner(s) certifying the accuracy of the required information.

**SECTION 13.3 PETITION REVIEW PROCEDURE**

**13.3-1 Staff Review**

1. Staff Review:

Before any final action may be taken by the Plan Commission or City Council on a petition for amendment, including a petition originating with the Plan Commission or other board of the City, the Enforcement Officer shall coordinate an analysis of the petition, including soliciting the input from other city departments as may be appropriate.

2. Staff Review Report:

The review of a petition for amendment shall be completed within **sixty (60) days** of filing a petition. The results of this review shall be compiled by the Enforcement Officer and filed with the Plan Commission.

**13.3-2 Public Hearing and Plan Commission Recommendation**

- 1. The Plan Commission shall hold a public hearing, after notice thereof has been given in accordance with **Article 14** of this ordinance, and report to the City Council its recommendation on the petition, unless it is withdrawn by the petitioner.
- 2. The Plan Commission may recommend that a petition for a map amendment be approved for a part of the property described in the petition.
- 3. The Plan Commission may recommend a zoning district classification other than the classification requested in the map amendment petition, provided that the classification is for a similar use type and could accomplish the objectives of the original petition. The district classification of the same use type, as referred to in this paragraph,

shall include the PD Planned Development Districts when the petitioner presents plans and supporting documentation required by **Article 4, Section 4.18**, in accordance with the provisions of said **Section 4.18**.

**13.3-3 City Council Action**

1. Before making its final decision, the City Council may refer the petition back to the Plan Commission for additional study. In this event, no additional public hearing is required.
2. In case of a written protest against such change, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across the alley or rear line there from, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds (2/3) of all the members of the City Council. In such cases, a copy of the written protest shall be served by the protester or protesters on the petitioner for the proposed amendment and a copy upon the petitioner's attorney, by certified mail at the address of such petitioner and attorney shown in the application for the proposed amendment.

**SECTION 13.4 WITHDRAWAL OF PETITION**

Any petition for amendment may be withdrawn upon receipt, by the Enforcement Officer or City Clerk, of written notice from the petitioner at any point in the review process but prior to the final action on the petition by the City Council. Such withdrawal of a petition shall not entitle the petitioner to a refund of any required fees, nor shall any fees paid be credited to a future petition for amendment.

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