

# Text Amendment Section 11-808 Protest Petitions

City Council  
December 14, 2013



# Planning Commission & City Council Direction

March 2013 Planning Commission and City Council asked staff to research the following 4 potential changes to Section 11-808:

1. Modernizing outdated language for current practice;
2. Applying the protest provisions to condominium ownership;
3. Applying protests to map [and/or text] amendments implementing comprehensive planning changes, and
4. Expanding the protest provisions to apply to text amendments.



# Purpose of the Protest Petition:

To provide property owners with the **highly extraordinary** ability to require a greater degree of consensus among lawmakers in order to change the zoning of a property.

As drafted it applies to properties in a **certain proximity** of a zoning change, where the group impacted is identifiable.

It is not available generally to all landowners, even to stop what some may consider an egregious or radical zoning change but rather it applies where the change proposed comes close to **resembling disfavored spot zoning** and as such should be difficult to make the change.



# 1. *Modernizing Outdated language*

## *11-808 (C) Calculation of ownership.*

The director shall verify that those filing are legal property owners and that there are sufficient legal property owners signing to constitute the required 20 percent... ~~Through mathematical calculation and the use of a planimeter, the department of transportation and environmental services shall verify said 20 percent area.~~

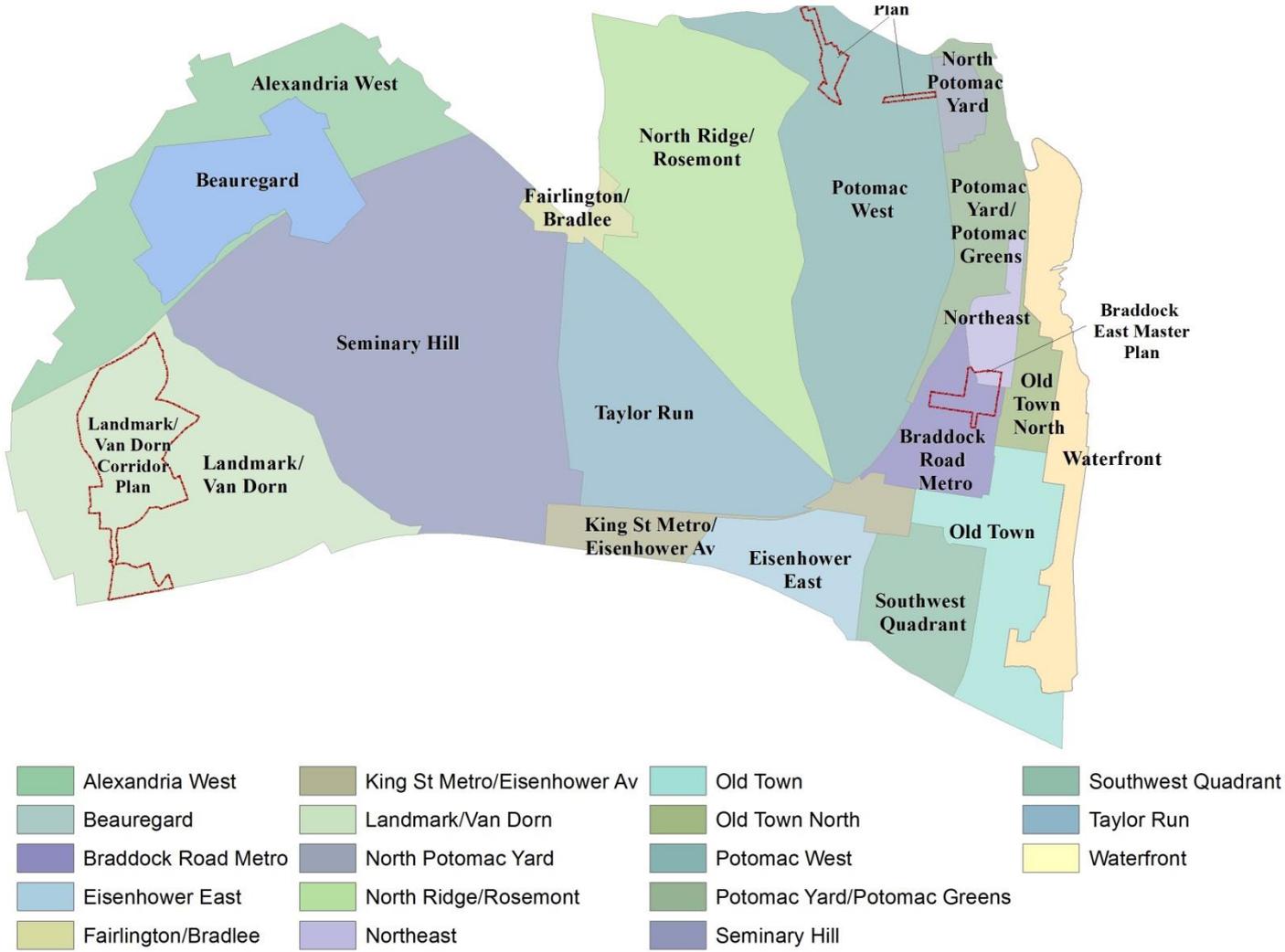


## 2. Condominium Ownership

- Condominium unit ownership presents unique issues since there are multiple owners of specific interior spaces in each building;
- The intent is to provide every property owner with the ability to be counted on the petition;
- The proposed new language maximizes the number of property owners who can participate in the protest petition.



# 3. Zoning Implementing Small Area Plan Studies



# Small Area Plan Studies

- Protest Petition provision is intended to give protection from spontaneous changes to the zoning map that affect one property;
- Small area plan studies inherently cover a large area, are comprehensive, and provide ample time for input from the affected community;
- Applying the protest petition to map amendments that implement a small area plan change does not further the intent of the protest petition provision.



## 4. *Text Amendments*

In the last 20 years:

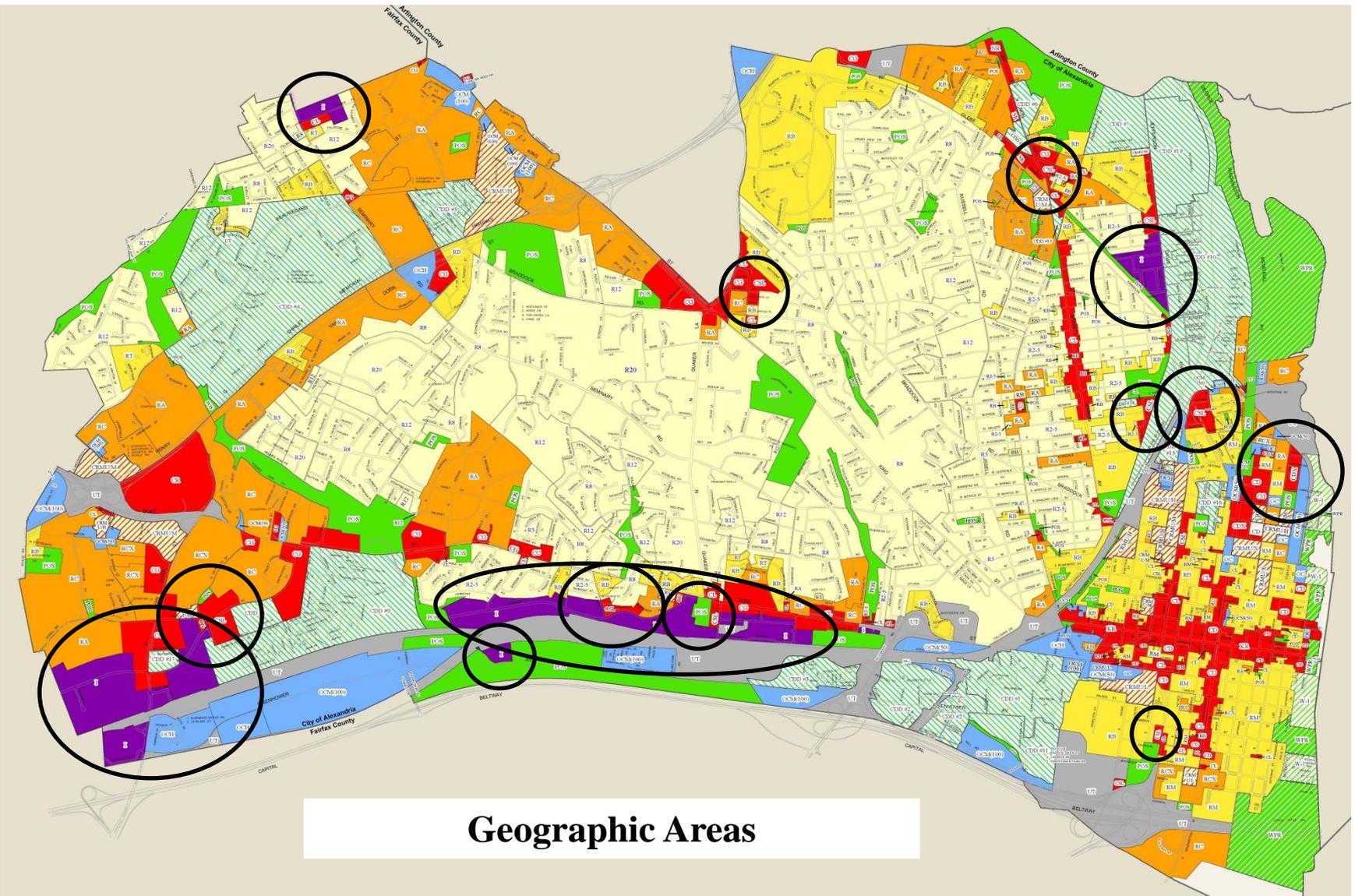
194 Text Amendments Total

130 are applicable City wide

40 pertain to a geographic area

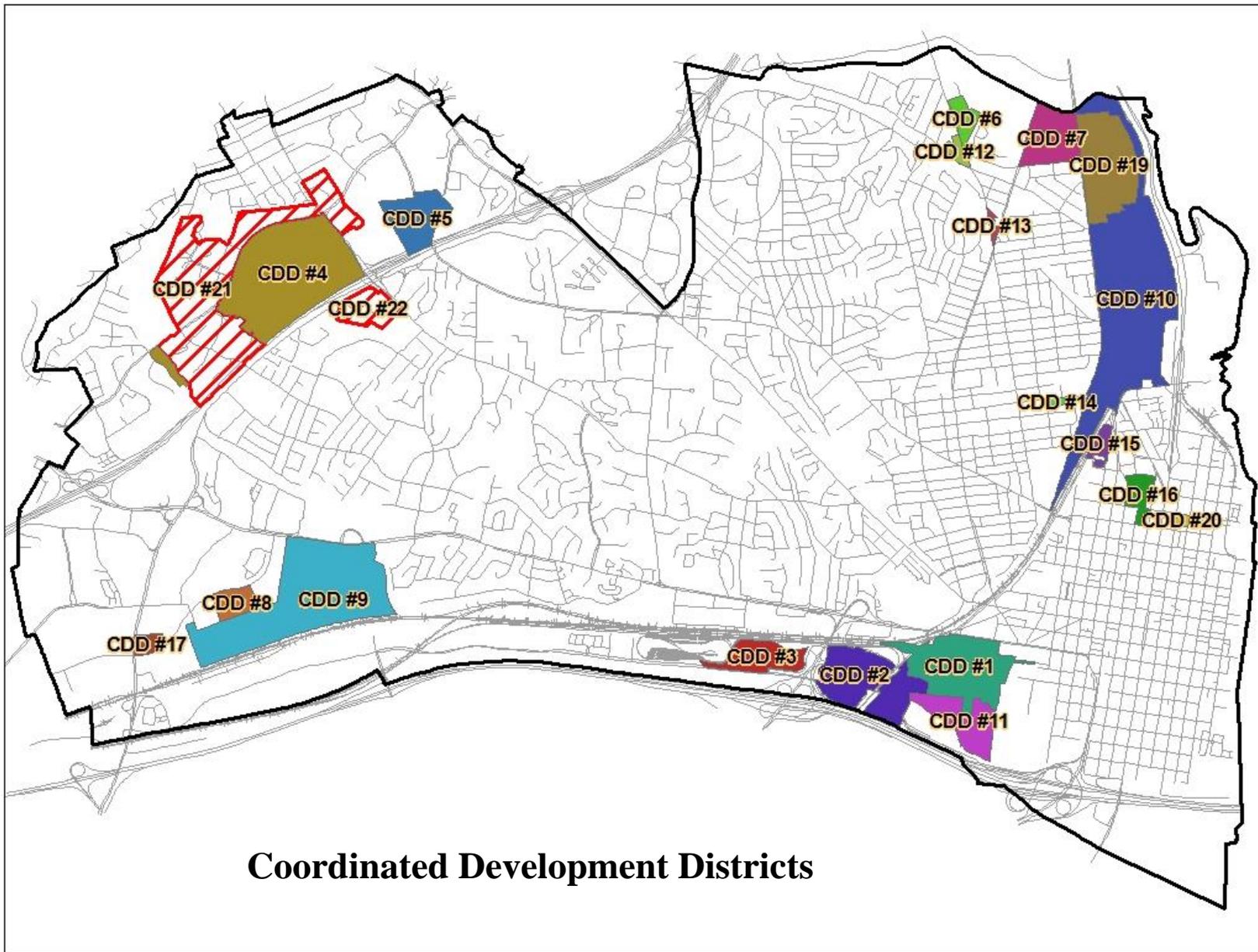
24 pertain to CDDs





**Geographic Areas**





**Coordinated Development Districts**

# Text Amendments

- The Charter currently does not authorize the expansion of this provision to text amendments;
- Adding language to the Zoning Ordinance that grays the line between Text Amendments and Map Amendments will cause the ambiguity that was just corrected;
- Text amendments that affect only one property are seldom used so a policy that gives staff guidance is a better approach to resolve this concern.



# Procedural Protections

	input at PC hearing	input at CC hearing	input at third hearing (ordinance)	CC super-majority after PC denial	No CC consideration after PC denial	CC super-majority if Protest Petition	Zoning change must comply with Master Plan	Judicial Review of CC decision
Development Site Plan	●	on appeal						●
Development Special Use Permit	●	●						●
Map Amendment (Rezoning)	●	●	●	●		●	●	●
Text Amendment	●	●	●	●			●	●
Master Plan Amendment	●	●	●	If CC initiates	●		●	●



# Questions?

