



UDC Update Request Application for External Parties
(neighborhoods, external agencies, stakeholders, etc.)

Part 1. Applicant Information

Name: Stephen Versteeg Organization (if applicable): _____
Address: [REDACTED]
Phone: [REDACTED] Email: [REDACTED]
Signature: [Signature] Date: 7/30/20
(Include title if representing a governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- ☒ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☐ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

Clarification of the withdrawal time penalty for zoning cases. public
State clearly that a commission meeting is a duly advertised meeting.
Clearly state the waivers only apply to the original applicant not a new applicant
Clarify the the evidence for relief must not be heresay, it must be written

UDC 2020 Proposed Amendment

Amendment 4-1

Applicant: Stephen Versteeg

Amendment Title – '35-421 Withdrawal of Zoning Application

Amendment Language:

35-421 (h) Subsequent Applications.

(1)

Applicability. The provisions of this subsection shall not apply to any application for a rezoning which is initiated by the city council.

(2)

Withdrawal of Zoning Application.

A. Withdrawal without time penalty. An applicant may withdraw a zoning application up to the time that it is called forward and the city staff begins presentation of the application during a duly advertised public [Commission or City Council](#) meeting without a time penalty on resubmission of another rezoning application for the property whether by the original applicant or a new applicant.

B. Withdrawal with time penalty. An applicant may withdraw a zoning application after it has been called forward for discussion and staff has begun presentation [to Planning Commission, Zoning Commission or City Council](#) however such withdrawal shall be penalized by imposing an automatic six-month time period following the date of withdrawal before the same or another application for the same property can be submitted for processing.

C. Waiver of time penalty in subsection B. above for resubmission. At the time of withdrawal of an application for rezoning the zoning commission may consider a request by the applicant to bring the application or a modification of the application back prior to the expiration of six (6) months subject to all notifications and postings of the case being observed. If the zoning commission fails to approve such resubmission prior to continuing with the next agenda item the six-month submission limitation shall stand. [This waiver applies to only the same applicant who withdrew the application. The time penalty still applies to other applicants.](#)

D. Request of relief of time penalty. If new relevant and substantial [written](#) evidence which could not have been secured at the time set for the original hearing shall be produced by applicant, under a sworn affidavit to that effect, then in that event, the zoning commission may elect to hear and consider such application prior to the expiration of the time penalty.