

§ 25-2-284 - REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

- (A) The affirmative vote of three-fourths of the members of council is required to approve a proposed zoning or rezoning if:
- (1) the Land Use Commission recommends denial of an application to:
    - (a) zone property that is unzoned or has interim zoning to a planned unit development; or
    - (b) rezone property to a planned unit development; or
  - (2) the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:
    - (a) included in the proposed change; or
    - (b) immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.
- (B) The director of the Neighborhood Planning and Zoning Department shall include the area of streets and alleys to compute the percentage of land area under Subsection (A)(2).
- (C) The director of the Neighborhood Planning and Zoning Department shall include land subject to a condominium regime in a protest under Subsection (A)(2) if:
- (1) the protest is signed by the authorized officer of the condominium on behalf of the governing body of the condominium and the protest states that the governing body has authorized the protest petition in accordance with procedures required by its bylaws; or
  - (2) the protest is signed by the owner of an individual condominium unit and the documents governing the condominium establish the right of an individual owner to act with respect to the owner's undivided interest in the common elements of the condominium.
- (D) Except as provided in Subsection (C), the director of the Neighborhood Planning and Zoning Department shall include land owned by more than one person in a protest under Subsection (A)(2) if a written protest is filed by one of the owners.

Source: Section 13-1-407; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.