

**Table 1.1. Summary of Decision Authority by Application Types**

<b>APPLICATION TYPES</b>	<b>CODE SECTION</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
Annexations	1.4	R	D
Future Land Use Map Amendments	1.5	R	D
Comprehensive Plan Text Amendments	1.5	R	D
LDR Text Amendments	1.6	R	D
Zoning Map Amendments	1.7	R	D
<u>Major Amendments to Planned Districts</u>	<u>1.7.3</u>	<u>R</u>	<u>D</u>
Conditional Uses	1.8 (Use)	D	A
	1.8.4 (Density Bonus)	R	D
Site and Development Plan	1.9	D	A
Subdivision Preliminary Plat	1.10.1	D	A
Subdivision Final Plat	1.10.2	-	D
Design Alternatives	<a href="#">1.11</a>	D	A
Height Exceptions	<a href="#">1.12</a>	R	D
Variances	<a href="#">1.13</a>	D	A
Vested Rights	<a href="#">1.14</a>	-	D

**KEY:**

R = Recommendation  
D = Decision  
A = Appeal

The following table provides for approvals by the Director and City Engineer. Other departments are also involved in the review and recommendation of administrative approvals.

**Table 1.2. Summary of Application Types with Administrative Approvals**

<b>APPLICATION TYPES REQUIRING ADMINISTRATIVE APPROVAL</b>	<b>CODE SECTION</b>	<b>DIRECTOR</b>	<b>CITY ENGINEER</b>
Construction Plans	1.15.1	R	D
Temporary Use Permits	1.15.2	D	R
<u>Minor Amendments to Planned Districts</u>	<u>1.7.3</u>	<u>D</u>	<u>R</u>
Minor Site and Development Plan	1.15.3	D	R
Minor Preliminary Plat Permit	1.15.4	D	R
Lot Boundary Change/Lot Split Permit	1.15.5	D	R
Zoning Permit	1.15.6	D	R
Zoning Determination	1.15.7	D	-
Certificate of Concurrence	1.15.8	D	R
Engineering Permit	1.15.9	R	D

**KEY:**  
 R = Review  
 D = Decision  
 NOTE: Appeals of administrative decisions shall be heard by the Planning Commission

1.7.3. Planned District Zoning Amendments

A. No change

**B. Additional Application Requirements.**

1. Evidence of unified control as required by subsection E, herein of all land within the proposed ~~planned district zoning district.~~

2. – 6. No change

**C. Amendments to Approved Planned Districts.**

1. An amendment to an approved Planned District shall be classified as either a minor or major amendment. The following criteria shall be used to identify a major amendment:
  - a. A change which would add a non-residential land use classification (e.g. commercial, office, institutional) to a residential area of the Planned District;
  - b. A change wherein an additional use is added to an already approved use classification within the Planned District (e.g. adding multifamily to the list of permitted residential uses, adding convenience store to the list of permitted commercial uses);
  - c. A change to the conditions of approval or development standards for the Planned District, unless expressly allowed as a minor amendment;
  - d. A change which would add new property to or remove property from an approved Planned District;
  - e. Changes to access points or buffers on the perimeter of the Planned District site;
  - f. Any proposed change in the type, location or size (except reduction in the number of units) of a multi-family land use in the Planned District except those deemed a minor amendment in subsection D.1.f. herein; or
  - g. Any amendment that will result in a reduction of open space (including both functional and conservation open space as defined by the City Code and/or Comprehensive Plan, and including but not limited to any common areas, recreational areas, drainage tracts, submerged lands, greenways, greenspaces, trails, or similar, as may be designated on the original binding master plan).
2. The determination of whether an amendment is major or minor shall be made by the Director. The determination shall be in writing and may be appealed by the applicant within 30 days of its issuance by the Director. Alternatively, the Director may opt to refer the determination to the Commission for a final decision.
3. An applicant proposing an amendment determined to be a major amendment must submit plans and support data for review by staff in accordance with the applicable requirements of subsection B herein.
4. Any minor or major amendment approved for a Planned District subsequent to the recording of a final plat that modifies said plat shall require the approval and recording of an amended final plat.

**D.C. Minor Amendments to Allowed Deviations from Approved Planned Districts.**

~~Minor deviations of certain adopted standards may be approved by the Director in coordination with review by other appropriate City Departments and agencies. The Director may refer any proposed deviation to the Commission for final decision. Any deviation subsequent to the recording of a final plat that modifies said plat shall require the recording of an amended final plat.~~

1. ~~Permitted deviations, which shall be considered M~~minor amendments, shall include the following:
  - a. **Signage.** Relocation of a permitted sign due to engineering or design considerations.
  - b. **Utilities.** Relocation and/or redesign of utilities subject to applicable permitting.
  - c. **Dwelling Units.** A decrease in total residential units up to 10% or 25 units, whichever is greater.
  - d. **Drainage and Submerged Areas**~~Open Space.~~ Minor revisions to drainage tracts, ponds, stormwater areas, and lakes or other similar areas, provided such revision

does not decrease the amount of open space within the approved binding master plan and does not impact any compatibility standard requirements.

- e. **Lot Dimensions.** Alterations to lot width and length, provided that there is no additional density created and provided further that the Planned District meets such revisions do not decrease the amount the total of open space within the approved binding master plan approved at the time of rezoning.
- f. **Changes to List of Permitted Uses.** Residential uses added to the list of permitted uses in non-residential net developable land areas of the Planned District.

~~D. **Prohibited Deviations from Approved Planned Districts.**~~

- ~~1. Any deviations to an approved Planned District other than those allowed under subsection C are prohibited unless the entire Planned District is rezoned. Such prohibited deviations include but are not limited to:
  - a. Changes in designated land use areas, except in the event of unforeseen circumstances not created by any person presently having an interest in the property; and
  - b. Reductions in total open space approved through the original rezoning.~~

**E. Unified Control.**

- 1. **Initial Planned District Approval:** Prior to approval of a planned district zoning district, the applicant shall furnish the City with sufficient evidence to the satisfaction of the City Attorney that the applicant is in the complete, unified and otherwise-unencumbered control of the entire area of the proposed planned district zoning district, whether the applicant be an individual, partnership, corporation, other entity, group or agency. The applicant shall provide the City all necessary documents and information that may be required by the City Attorney to assure the City that the development project may be lawfully completed according to the plans sought to be approved. No application shall be considered until the requirements of this section have been fully complied with.
- 2. **Planned District Major Amendment Approval (up to 50% Buildout):** After a site has been rezoned to Planned District, and up to the point at which fifty percent (50%) of the net developable land area in the Planned District has been developed, major amendments to the Planned District shall only be initiated by a property owner(s) who can furnish the City with evidence satisfactory to the City Attorney of unified control of more than 50% of the net developable land area of the entire Planned District at the time of filing the application for a Planned District amendment.
- 3. **Planned District Major Amendment Approval (After 50% Buildout):** After a site has been rezoned to Planned District, and after more than fifty percent (50%) of the net developable land area in the Planned District has been developed, major amendments to the Planned District may only be initiated by:
  - a. The property owner, if the proposed change is applicable to only the given lot, tract or parcel which is the subject of the major amendment, and only if said lot, tract or parcel is designated net developable land in the binding master plan; or
  - b. Petition by the owners of more than sixty percent (60%) of the net developable land area within the Planned District for all other amendment applications, provided however, that the forgoing shall not be construed to allow any change

of land use to any property contained within the Planned District without the consent of said property owner; or

- c. Council, where necessary to preserve the health, safety and welfare of the property owners in the Planned District or adjacent areas outside the Planned District.

#### **F. Definitions.**

1. Developed – for purposes of this section shall mean that unexpired building permits and/or certificates of occupancy have been issued by the City for lots, tracts, or other legally recognized parcels within the approved binding master plan.
2. Net Developable Land Area – for purposes of this section shall mean land area which forms the footprint for vertical development within an approved planned district and does not include any open space of any kind, including but not limited to wetlands, right of way, trails, greenspace, greenways, drainage tracts, recreational tracts, common areas, or other similar land areas within an approved planned district.
3. Major Amendments and Minor Amendments – shall mean those changes to an approved planned district as determined by the process and guidelines in Sections 1.7.3 and 1.7.4 of the City Code.

#### 1.7.4. Decision Criteria

A. Council and the Commission shall consider, as applicable, the following:

1. Whether the zoning map amendment is compatible with the existing development pattern and the zoning of nearby properties.
2. Changes in land use or conditions upon which the original zoning designation was based.
3. Consistency with all applicable elements of the Comprehensive Plan.
4. Conflicts with existing or planned public improvements.
5. Availability of public facilities, analyzed for the proposed development (if any) or maximum development potential, and based upon a consideration of the following factors:
  - a. Impact on the traffic characteristics related to the site.
  - b. Impact on population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are affected.
  - c. Impact on public facilities currently planned and funded to support any change in density or intensity pursuant to the requirements of the Comprehensive Plan and applicable law.
6. Effect on health, safety and welfare of the neighborhood and City.
7. Conformance with all applicable requirements of this LDR.
- ~~8. Potential expansion of adjacent zoning districts.~~
- ~~89.~~ Findings of the Environmental Assessment Report, consistent with Chapter 89.
9. For a proposed major amendment to an adopted Planned District the following

additional criteria shall be considered:

a. Whether the amendment is consistent with the reasonable expectations of other residents within the Planned District with regard to how the Planned District would be built out over time.

b. The extent to which the amendment deviates from the approved binding master plan, including whether any proposed change of use can be accommodated by any conversion, flex use or related similar Planned District allocation chart included in the binding master plan.

c. The extent to which the alteration to the Planned District will service and/or benefit other uses within the Planned District.

d. Whether the amendment is compatible with the common scheme of development contemplated in the binding master plan.

10. Any other applicable matters pursuant to this LDR, the Comprehensive Plan or applicable law.

B. The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.