

**DIVISION IV. REZONING, PRELIMINARY DEVELOPMENT PLAN, FINAL  
DEVELOPMENT PLAN, CONCEPTUAL PLAN, SIGN APPLICATION, AND STREET  
NAME CHANGE**

**Sec. 2.320. Consideration of preliminary development plans.**

- A. Public hearing required. Consideration of preliminary development plan applications shall require public hearings before the Commission and Governing Body following publication notice, notices to surrounding property owners, and posting of notice signs as provided in this article.
- B. Approval by ordinance. All preliminary development plan applications shall be approved by ordinance.
- C. Modification of underlying district regulations. The Commission may recommend, and the Governing Body may approve, pursuant to the procedures set forth in this section, a preliminary development plan that modifies one or more of the restrictions or ~~requirements regulations~~ found in this chapter, including, but not limited to, density and minimum lot size requirements, floor area ratios, building setback requirements, design standards, required minimum public improvements, building materials and color, maximum structure heights, parking, landscaping, buffering and tree protection requirements.
1. Uses permitted as of right, uses permitted with conditions and special uses within each district, as set forth in Article 4, cannot be modified pursuant to this subsection.
  2. ~~A preliminary development plan that contains proposed modifications from one or more of the restrictions or requirements of this chapter, as authorized by this subsection,~~ Modification requests may be recommended for approval or approved, as the case may be, if the Governing Body concludes, ~~in addition to the criteria for approval set forth in Subsection D. of this section, that the development proposed by the preliminary development plan that the applicant has demonstrated that approval of the modification will:~~
    - a. provide sustainable value to the City, and;
    - b. incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent throughout the proposed project, and;
    - c. effectively utilizes the land upon which the development is proposed, and;
    - d. further the goals, spirit and intent of this chapter, and;
    - e. the project as a whole is consistent with the approval criteria of this chapter.
  3. A separate vote on ~~the~~ proposed modification ~~request~~ is ~~not~~ required. ~~by this subsection. It is the intent of this subsection that the Commission and the Governing Body evaluate the proposed preliminary development plan to determine if, as a whole, it is consistent with the approval criteria set forth herein and the purposes of this chapter.~~
- D. Preliminary development plan in rezoning ordinance. Any preliminary development plan submitted with a rezoning application shall become part of the ordinance that amends the zoning ordinance.
- E. Duration of validity. Preliminary development plan approval by the Governing Body shall not be valid for a period longer than 24 months from the date of such approval, unless within such period a final development plan application is submitted. The Governing Body may grant one extension not exceeding 12 months upon written request.