ARTICLE 2.
APPLICATIONS AND PROCEDURES

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

Sec. 2.300. Preliminary development plans; when required.

A. A preliminary development plan application shall be submitted for the following situations:

1. The rezoning of a property to any district except districts AG, RDR, RLL and R-1. A preliminary development plan shall be submitted and reviewed by the Commission and Governing Body simultaneously with the rezoning of the property, except as provided under "Conceptual Development Plan; when permitted;"
2. The development of any vacant property in a planned district except when the development results in three or fewer single-family lots, three or fewer duplexes, or three or fewer of any combination of single-family lots and duplexes;
3. The redevelopment of any property except when the development results in three or fewer single-family lots, three or fewer duplexes, or three or fewer of any combination of single-family lots and duplexes;
4. A change in the primary use of property that negatively impacts traffic circulation or significantly intensifies traffic generation necessitating the formation and approval of a development agreement by and between the developer and the Governing Body for identified traffic improvements;
5. The development of a non-residential use in the AG, RDR, RLL and R-1 districts;
6. The request of any modification of this chapter;
7. A substantial change to an approved preliminary development plan as defined by this article;
8. A preliminary development plan may be required for a request for a special use permit per Article 6, Division III;
9. With a modification request, when the request is not associated with an application to rezone the property.

B. A preliminary development plan is not required for the following situations:

1. The rezoning to the AG, RDR, RLL or R-1 districts or for any residential development in the AG, RDR, RLL or R-1 districts provided no modifications of any regulation contained in this chapter are requested; or
2. The development of any property in the CS and PI districts provided no modifications of this chapter are requested; or
3. A City initiated rezoning of any property; or
4. A building addition onto an existing building that did not require a preliminary development plan, provided that a substantial change would not be created per this article; or

5. A rezoning to any planned district if the property to be rezoned is fully developed and no substantial changes to existing building(s) or site improvements are planned; or -

6. Other situations as determined by the Director and not identified in this section.

(Ord. No. 10040, § 4(Exh.), 12-17-2024)

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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. A public hearing is not required for modification requests that may be approved by the Planning Commission in accordance with this Article.

B. Approval by ordinance. All preliminary development plan applications, with the exception of plans submitted with a modification application approved by the Planning Commission, shall be approved by ordinance.

C. Modifications.

1. 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 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.

2. When a modification request is made that is not part of a pending rezoning application, the Commission may approve, pursuant to the procedures set forth in this section, a preliminary development plan that modifies parking lot design.

3. When a modification request is made that is not part of a pending rezoning application, ~~the Commission~~ City Staff may administratively approve, pursuant to the procedures set forth in this section, a preliminary development plan that modifies one or more of the following requirements found in this chapter to: landscape buffer location and rooftop mechanical unit (RTU) screening design.

4. 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.

5. Modification requests may be recommended for approval or approved, as the case may be, if the Approving Authority concludes that the applicant has demonstrated that approval of the modification will:

   a. Provide sustainable value to the City;

   b. Incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent throughout the proposed project;

   c. Effectively utilizes the land upon which the development is proposed;

   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.

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 Approving Authority 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 ~~Approving Authority~~ Planning Commission may grant one extension not exceeding 12 months upon written request. Denial by the Planning Commission to grant an extension for any reason may be appealed to the Governing Body.

(Ord. No. 9782, § 4, 11-14-2023; Ord. No. 10040, § 4(Exh.), 12-17-2024)

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APPLICATIONS AND PROCEDURES

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

Sec. 2.330. Changes to preliminary development plans.

A. Requirement. When a change is proposed to an approved preliminary development plan, the following shall govern the type of application required:

1. Substantial changes. A new preliminary development plan application shall be submitted. Approval of the new preliminary development plan shall follow the procedures for approval of preliminary development plan applications as set forth in this article. In determining whether to approve an application for a substantial change to a preliminary development plan, the Commission or Governing Body shall apply the criteria set forth in this article. In the event that the application for the preliminary development plan is denied, the previously approved preliminary development plan will remain in effect.

2. Minor changes. Minor changes to the approved preliminary development plan, as defined in this section, may be approved by the Director as part of a final development plan application.

3. No changes. If there are no changes to an approved preliminary development plan, a final development plan shall be submitted for approval by the Director.

4. Modifications. A new preliminary development plan application shall be submitted for a modification request when said request is not associated with a pending zoning application, in accordance with Section 2,320 of this Article.

B. Definition of substantial changes in all zones. For purposes of this section, "substantial changes" to the approved preliminary development plan shall mean any of the following;

1. A change in the phases as originally specified in the preliminary development plan that would have a negative impact on traffic circulation, pedestrian traffic, or impose substantially greater loads on other public facilities.

2. Changes of architectural style that will make the project less compatible with neighboring uses.

3. Changes in ownership patterns or stages of construction that will lead to a different development concept.

4. Decreases of areas devoted to open space of more than ten percent of such open space, or the substantial relocation of such areas.

5. Modification or removal of conditions to the preliminary development plan approval.

6. Changes to the water or sanitary sewer plans that impact these utilities outside the project boundaries.

7. Changes exceeding those defined as “minor change” in subsections C and D below.

C. Definition of minor changes in the AG, RDR, RLL, R-1, RP-1, RP-2, RP-3 zones. For purposes of this section, “minor changes” to the approved preliminary development plan shall include, but not be limited to the following:

1. Increases in density, lot coverage, floor area ratio, or height up to amount allowed in the underlying zoning district.
2. Decreases in any setback to amount allowed in the underlying zoning district.
3. Decreases of areas devoted to open space up to and including ten percent.
4. Any other revisions not identified and determined by the Director or their designee to be a minor change.

D. Definition of minor changes in all other zones. For purposes of this section, "minor changes" to the approved preliminary development plan shall include, but not be limited to the following:

1. Increases in the density of residential uses up to and including ten percent.
2. Increases in the total floor area of all nonresidential buildings covered by the plan up to and including 25 percent.
3. Increases of lot coverage up to and including ten percent.
4. Increases in the height of any building up to and including 25 percent.
5. Decreases of any peripheral setback up to and including ten percent.
6. Decreases of areas devoted to open space up to and including ten percent.
7. Reconfiguration of buildings provided that no required setbacks are violated.
8. Any other revisions not identified and determined by the Director or their designee to be a minor change.

(Ord. No. 10040, § 4(Exh.), 12-17-2024)

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Sec. 2.400. Conceptual Development Plan; when permitted.

A. Statement of intent. A conceptual development plan is designed to allow review of developments or redevelopments, consisting of larger acreages or multiple uses, prior to review of one or more preliminary development plans for part or all of the property. A conceptual development plan is not intended to replace a preliminary development plan, but rather is designed to provide additional flexibility to review developments and redevelopments in the early stages of the process. A conceptual development plan provides a framework for which phases of the development will occur.

B. When allowed. A conceptual development plan will be allowed for any multiple-use development. A conceptual development plan does not substitute for a preliminary development plan, but may be reviewed and approved prior to consideration of one or more preliminary development plans for the property.

C. Submission requirements. All contiguous property under common ownership, common control or common option to purchase shall be shown on the conceptual development plan, and the following materials and information shall be submitted with a conceptual development plan application:

1. All general application requirements contained in Section 2.040.A.;
2. All plan submission requirements in Section 2.040.B.;
3. Total number of dwelling units, if applicable;
4. ~~Total square feet of commercial/retail development;~~
5. General street layout;
6. General lot and parcel layout including all structures;
7. ~~Typical structure elevations including materials and colors;~~
8. Preliminary water and sanitary sewer availability calculations;
9. Conceptual landscape plan; and
10. Any other information as may be deemed necessary by the Director to provide adequate review of the application.

D. Consideration of Conceptual Development Plans. The Commission and Governing Body shall consider the conceptual development plan at a public hearing pursuant to this article, with prior notice as set forth in this article. The Commission and Governing Body shall review the conceptual development plan using the standards and criteria set forth in this article. If a rezoning of the property is requested, the conceptual development plan shall be considered simultaneously with the rezoning of the property. Approval of a

conceptual development plan shall become part of the ordinance that amends the zoning ordinance. Approval of the Conceptual Development Plan does not constitute approval of a preliminary development plan for any phase shown on the Conceptual Development Plan. By approving the Conceptual Development Plan, the Governing Body is preserving to itself full legislative discretion to review a preliminary development plan for each phase shown on the conceptual development plan, or for the entire property, as may be applicable, including review and consideration of all criteria governing preliminary development plans as set forth in this chapter.

E. Limitation on development. No development may occur on any property for which only a conceptual development plan has been approved. If the conceptual development plan is used, no construction may occur on any such property until one or more preliminary development plans and final development plans have been approved in accordance with this chapter.

ARTICLE 14.
ADMINISTRATION

DIVISION 1 BOARD OF ZONING ADJUSTMENT

Sec. 14.080. Administrative variance.

A. The Director is authorized to grant a variance for the following:

1. building setbacks of ten percent but not to exceed one foot.

2. building setbacks of fifteen percent (15%) but not to exceed five (5) feet for the replacement or repair of existing residential structures excluding multi-family.

~~A.~~B. Refusal to grant such variance shall not prohibit the owner from seeking the requested variance through Section 14.050 Appeal and Procedure.

Secs. 14.090, 14.100 Reserved.