
Sec. 2.260. Criteria for considering rezoning, Preliminary Development Plan, and Conceptual Plan Applications.

- A. Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the values of buildings and encouraging the most appropriate use of land throughout such municipality.
- B. Criteria for considering rezoning applications. In considering any application for rezoning, the Commission and the Governing Body may give consideration to the criteria stated below, to the extent they are pertinent to the particular application. The Commission and Governing Body may also consider other factors that may be relevant to a particular application.
1. The character of the neighborhood.
 2. The existing and any proposed zoning and uses of adjacent properties, and the extent to which the proposed use is compatible with the adjacent zoning and uses.
 3. The extent to which the proposed use facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
 4. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.
 5. The length of time, if any, the property has remained vacant as zoned.
 6. The extent to which the proposed use will negatively affect the aesthetics of the property and neighboring property.
 7. The extent to which the proposed use will seriously injure the appropriate use of, or detrimentally affect, neighboring property.
 8. The extent to which the proposed use will adversely affect the capacity or safety of the portions of the street network impacted by the use, or present parking problems in the vicinity of the property.
 9. The extent to which the proposed use will create excessive storm water runoff, air pollution, water pollution, noise pollution or other environmental harm.
 10. The extent to which the proposed use will negatively affect the values of the property or neighboring properties.
 11. The extent to which there is a need for the use in the community.
 12. The economic impact of the proposed use on the community.
 13. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this chapter.
 14. The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.
 15. The gain, if any, to the public health, safety and welfare due to approval of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

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16. The conformance of the proposed use to the Comprehensive Plan, the Major Street Plan, the Capital Improvements Plan, and other adopted planning policies.
 17. The recommendation of professional staff.
 18. The consistency of the proposed use with the permitted uses and the uses subject to conditions in the district in which the proposed rezoning or special use is located.
- C. Criteria for considering preliminary development plan applications. The Commission and Governing Body shall use the applicable zoning district regulations as a guide for review of the preliminary development plan. If the Commission and/or Governing Body imposes conditions or restrictions on a preliminary development plan, it may designate specific requirements that must be met before an applicant may submit a final development plan application. The Governing Body, in establishing conditions of approval, may require the applicant to execute a "development agreement" that is acceptable to both the applicant and the City. Such "development agreement" shall become part and parcel to the ordinance approving the rezoning of the property for which the development plan represents. In considering any preliminary development plan application, the Commission and the Governing Body may give consideration to the criteria stated in Subsection A. above and may also consider the following criteria:
1. Development is designed, located and proposed to be operated so that the public health, safety and welfare will be protected;
 2. Development will not impede the normal and orderly development and improvement of the surrounding property; and
 3. Development incorporates adequate ingress and egress and an internal street network that minimizes traffic congestion.
- D. Criteria for preliminary development plan applications for non-residential uses allowed by right in residential districts. In considering any preliminary development plan application that proposes non-residential uses in residential districts, the Commission and the Governing Body may give consideration to the criteria stated in Subsection A. above and may also consider the following:
1. The capability of the site to accommodate the building, parking and drives with appropriate open space and safe and easy ingress and egress.
 2. The degree of harmony between the architectural quality of the proposed building and the surrounding neighborhood.
 3. The appropriateness of the minimum dimensions and areas of lots and yards contained in the applicable zoning district regulations may be considered and increased.
- E. Criteria for considering conceptual development plan applications. The Commission and Governing Body shall review the conceptual development plan pursuant to Subsection A. above. 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.