

## ARTICLE 2. APPLICATIONS AND PROCEDURES

### 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. 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, 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: parking lot design, landscape buffer location, and rooftop mechanical unit (RTU) screening design.
  - 3. 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.
  - 4. 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.

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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 Director may administratively grant one extension not exceeding 12 months upon written request. Denial by the Director 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)