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Comments: Green – explanatory; Blue – for discussion; Red – work required

### 14-3.8 DEVELOPMENT PLANS

#### (A) Purpose and Intent

(1) It is the intent of the development plan to:

(a) provide the plans to be followed in construction operations, including phasing;

(b) enable the Governing Body, land use boards and Land Use Director to ensure compliance with this Chapter 14;

(c) document compliance with final actions to approve or conditionally approve development applications;

(2) A development plan typically encompasses development of one to several parcels or tracts of land under common ownership or unified control that will be planned and developed as a whole.

**Comment [U1]:** Adapted from current PUD provisions 14-5.7(E)(6).

#### ~~(B) Applicability; Early Neighborhood Notification; Notice; Public Hearings; Public Hearing Procedures~~

(1) A development plan is required in conjunction with rezoning applications in certain districts as provided in sections 14-4, Zoning Districts and 14-5, Overlay Zoning Districts.

**Comment [U2]:** We will review those rezoning requirements and compile a table for reference.

(2) Notwithstanding any code provisions to the contrary, ~~applicants for new construction of individual buildings or additions shall receive approval of a development plan prior to issuance of a building permit if the new construction~~ approval of a development plan by the Planning Commission is required prior to new development that meets any of the following criteria. Early neighborhood notification, notice and conduct of public hearings ~~shall be provided~~ are required pursuant to the general provisions of §§14-3.1(F), 14-3.1(H) and (I).

(a) Has a gross floor area of 30,000 square feet or more and is located within any zoning district of the City; or

(b) Has a gross floor area of 10,000 square feet or more in a residential district or in the C-1, C-2, C-4, BCD, HZ, I-1, I2, BIP, PRRC, RS, SC or MU district and is within 200 feet excluding public rights-of-way of RR, R-1 through R-6, R-7, R-7-I, R-8, R-9, RC-5, RC-8, ~~RM~~ R-10, R-21, R-29, RAC, AC, PRC, PRRC, and MH districts.

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~~(2) Notwithstanding any code provisions to the contrary, applicants for the following uses shall receive approval of a development plan prior to issuance of a building permit or certificate of occupancy if a building permit is not required:~~

~~\_\_\_\_\_ (c) Flea markets with 15 or more vendors; or~~

~~\_\_\_\_\_ (d) Outdoor commercial recreational uses in any zone where the total area devoted to recreation and related pedestrian circulation and amenities (excluding parking and vehicular circulation areas) exceeds 15,000 square feet in any zone. This provision ~~shall~~ does not apply to temporary carnivals, circuses and similar short term entertainment uses required to obtain a permit from the city.~~

~~\_\_\_\_\_ (3) The development plans described in paragraphs (1) or (2) above shall be reviewed by the Planning Commission unless the project is located in the BCD in which case the development plan shall be reviewed by the BCDDRC.~~

~~\_\_\_\_\_ (4) The requirements of the section do not apply if the construction described in paragraphs (1) or (2) above or the outdoor use described in paragraph (2) above was part of a development plan approved as part of a rezoning or other action before the Planning Commission or by the Board of Adjustment or of a site plan approval in a C-4 or HZ district for which the early neighborhood notification process set forth in §14-3.1(F) was required.~~

~~\_\_\_\_\_ (5) The provisions of this subsection 14-3.8 shall apply where the cumulative square footage of multiple permits meets or exceeds the criteria in paragraphs (1) or (2) or a combination thereof above when the permits are for coordinated development of a project comprising multiple buildings or outdoor uses, including phased projects and projects involving development of adjoining commonly owned parcels.~~

~~\_\_\_\_\_ (6) The provisions of this subsection 14-3.8 shall not apply to the construction of single-family dwellings, each of which has a gross floor area of 10,000 square feet or less including accessory buildings, on lots created prior to the effective date of this Ordinance No. 1999-13<sup>1</sup> or on lots within a subdivision that was subject to early neighborhood notification procedures. The provisions of this section shall apply to construction of any single-family dwelling which has a gross floor area greater than 10,000 square feet including accessory buildings.~~

~~\_\_\_\_\_ (6) No additional development plan review is required if the new or changed use or development described in paragraphs (1) or (2) above was part of a development plan approved as part of a rezoning or other action before the Governing Body or a land use board, and for which the early neighborhood notification process set forth in §14-3.1(F) was required.~~

**Comment [U3]:** Minor modification to existing language, paragraphs re-numbered.

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### (C) Procedures

#### (17) Submittal Requirements—~~Generally~~

Applicants for developments that require development plans under this section shall submit plans and other documentation as required by the Land Use Director that show compliance with the applicable provisions of this Code as provided in subsection 14-3.1(C), including plans that show:

(a) A development plan existing conditions on the site and within 200 feet of the site.

~~(b) For the purpose of this section, "development plan" means a plan drawn to scale showing proposed modifications to the site, including the locations of existing and new structures; grading, landscaping, lighting, pedestrian and vehicular circulation, parking and loading facilities.~~

(c) the types, extent and intensity of land uses that are proposed, location map, lot coverage, height and gross floor area of structures; outdoor uses, lot area; the placement and arrangement of buildings; and the uses to be included, proposed lighting of the premises and relation to all property within 200 feet of the lot or tract; internal vehicular and pedestrian circulation; vehicular and pedestrian ingress and egress from adjoining streets; recorded and proposed elements; location of off-street parking and loading facilities; any significant natural features, including drainage and vegetation; location and type of landscaping; and the type of visual screening such as walls, fences and landscaping.

(de) proposed modifications to the infrastructure serving the site, including public and private streets, driveways and traffic control measures; and utilities.

(ed) documentation of compliance with development standards such as required yards, lot coverage, height of structures and open space.

(fe) If it is proposed to develop the plan in phases, the phases of development, if applicable, shall be indicated

(g) for a development plan or final development plan, sufficient detail to clearly show how each applicable development standard is to be met, and identify any variance or waiver required.

(h) for a preliminary development plan, sufficient detail to demonstrate the feasibility of meeting all applicable development standards, including an analysis of the type and extent of variances or waivers required, along with any other information requested by the Land Use Department; and specific requests for which may be included specific variance or waiver requests.

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(2) Coordination with Other Review Procedures

(a) Development plans required for rezonings by sections 14-4 and 14-5 shall be reviewed by the Planning Commission or BCDDRC and then transmitted to the Governing Body with any recommendations, as set forth in Section 14-3.5.

(b) Any special use permit or variance request associated with a development plan shall be reviewed and approved or denied concurrently with the development plan.

(c) If review and approval of a development plan by a land use board and the Governing Body is required in conjunction with a rezoning action, the applicant may submit a preliminary development plan for consideration at the time of rezoning. If the rezoning is approved, a separate application for a final development plan must be approved by the land use board prior to development of the affected property.

**Comment [CLG4]:** Should PUD consistency provisions be inserted here?

(d) If review and approval of a development plan by a land use board only is required, the applicant may first submit an application for a preliminary development plan. If the preliminary development plan is approved, a separate application for final development plan approval by the land use board must be approved prior to the development of the property.

(e) If review and approval of a master plan by a land use board and the governing body is required in conjunction with a rezoning action, and if approval of a development plan by a land use board would be required for one or more phases, the applicant may either:

(i) submit a development plan for the entire affected area for review and approval in lieu of a master plan, or

(ii) submit a development plan for one or more portions of the affected area for review and approval concurrently with the master plan.

(3) Administrative Development Plan Approval. Approval of a development plan by the Land Use Director is required for multi-family development comprising three or more units with a gross floor area less than 10,000 square feet.

**Comment [U5]:** Current requirement is 3 to 6 units in residential districts.

(4) Recording of Plans, Infrastructure Construction

(a) The signed original mylars of the development plan shall be filed with the Land Use Department and shall be the basis for issuance of building construction permits and for acceptance of public dedications.

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(b) If dedication of public rights of way or easements are required, a separate dedication plat shall be recorded concurrently with the development plan.

(c) Infrastructure improvements shall comply with Section 14-9 Infrastructure Design, Improvement and Dedication Standards.

#### **(D) Approval Criteria and Conditions**

##### (1) Necessary Findings.

To approve a development plan, a *land use board* shall make the following findings:

(a) that it is empowered under the section of this chapter described in the application

(b) that approving the development plan will not adversely affect the public interest, and

(c) that the use and any associated *building(s)* are compatible with and adaptable to *buildings, structures* and uses of the abutting property and other properties in the vicinity of the premises under consideration

##### (2) Conditions

The *land use board* may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the *general plan*, including:

(a) special yards or open spaces,

(b) fences, walls or landscape screens,

(c) provision and arrangement of parking and vehicular and pedestrian circulation,

(d) On-site or off-site street, sidewalk or utility improvements and maintenance agreements,

(e) noise generation or attenuation,

(f) dedication of *right-of-way* or easements or access rights,

(g) arrangement of *buildings* and use areas on the site,

(h) special hazard reduction measures, such as slope planting,

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~~\_\_\_\_\_~~ (i) minimum site area,

~~\_\_\_\_\_~~ (j) other conditions which may be found necessary to address unusual site conditions,

~~\_\_\_\_\_~~ (k) establishment of an expiration date, after which the use must cease at that site,

~~\_\_\_\_\_~~ (l) establishment of a date for annual or other period review at a public hearing,

~~\_\_\_\_\_~~ (m) sustainable use of energy, recycling and solid waste plans,

~~\_\_\_\_\_~~ (n) any other appropriate conditions and safeguards, in conformity with this chapter.

~~\_\_\_\_\_~~ (o) conditions may not be imposed that restrict the use to a specific person or group.

~~\_\_\_\_\_~~ (8) ~~Submittals Required for Multi-Family Developments~~

~~\_\_\_\_\_~~ ~~All multiple-family dwelling developments shall submit:~~

~~\_\_\_\_\_~~ (a) ~~A development plan for approval by staff. For the purpose of this section, "development plan" means a plan drawn to scale showing the location of existing structures; the location, lot coverage, height and gross floor area of multiple-family structures; traffic and pedestrian circulation; parking; common open space; parks if applicable; ingress and egress; walls and fences; and easements. Traffic and pedestrian circulation information is required to be shown on the plan only for developments of 6 or more units. For projects with 6 or more units, the signed, original mylar of the development plan shall be filed with the City Land Use Department.~~

~~\_\_\_\_\_~~ (b) ~~A landscape plan for common open space meeting the standards set forth in §14-8.4(H) for approval by the Land Use Department staff; and~~

~~\_\_\_\_\_~~ (c) ~~Terrain management plans for approval by the City Engineer meeting the requirements set forth in §14-8.2.~~

~~\_\_\_\_\_~~ **(B) Preliminary and Final Plans Generally Combined**

~~\_\_\_\_\_~~ ~~Preliminary and final development plans are combined into one development plan submittals and review, except where separate preliminary and final development plans are specifically required by other provisions of this chapter.~~

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### **(C) Expiration of Development Plans**

~~If any work described on a final development plan has not begun within 24 months from the date of the approval of the final development plan, the approval shall expire. The Planning Commission, the Business Capitol Design District Review Committee, or the director, whichever granted the original approval, may extend the approval for 18 months beyond the original approval. The Planning Commission, the Business Capitol Design District Review Committee or the director may take changing conditions and plans into account. The applicant shall make such a request in writing stating the reasons for extension, no later than 90 days before the expiration date. Notice shall be provided as required for the initial approval.~~

### **14-3.9 MASTER PLANS**

#### **(A) Purpose and Intent**

(1) It is the intent of the master plan to:

(a) provide a comprehensive plan that must be followed during the subsequent review and approval of development plans and subdivision plats for the master-planned area.

(b) enable the Governing Body, land use boards and Land Use Director to ensure compliance with this Chapter 14;

(c) document compliance with final actions to approve or conditionally approve development applications;

2) A master plan provides for:

(a) comprehensive and coordinated planning for development of land, often involving multiple phases occurring over a period of several years or more and which may also involve multiple developers;

(b) plans for the funding and phased construction of major public and/or private infrastructure improvements required to serve the planned development.

#### **(B) Applicability**

(1) A master plan is required in conjunction with rezoning applications in certain districts as provided in section 14-4 Zoning Districts and may be required in conjunction with specified annexation applications as provided in section 14-3.4.

**Comment [U6]:** Adapted from current PUD provisions 14-5.7(E)(6).

**Comment [U7]:** We will review those rezoning requirements and compile a table for reference.

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(2) A development plan may be submitted in lieu of a master plan as provided in subsection 14-3.8(C)(2)(c).

(3) All use and development of land within a master-planned area must comply with the provisions of the adopted master plan. Final actions by the Governing Body, *land use boards* and the Land Use Director concerning rezonings, subdivisions, special use permits, development plans and construction permits, shall include a specific finding or determination that the action complies with all applicable provisions of the master plan.

### **(C) Procedures**

#### **(1) Submittal Requirements**

Applicants for *developments* that require master plans shall submit plans and other documentation as required by the Land Use Director that show compliance with the applicable provisions of this Code as provided in subsection 14-3.1(C), including plans that show:

(a) existing conditions on the site and within the vicinity,

(b) proposed modifications to the site, including the locations of existing and new *structures*, grading, landscaping, lighting, pedestrian and vehicular circulation, parking and loading facilities,

(c) proposed changes to the zoning of land within the master plan area and the types, extent and intensity of land uses that are proposed,

(d) the proposed boundaries of tracts of land comprising the various land use areas and development phases,

(e) proposed modifications to the infrastructure serving the site, including locations of public and private *streets*, driveways and traffic control measures; and utilities,

(f) phases of *development*, if applicable,

(g) If public and/or private infrastructure is proposed to be constructed in phases, a plan for the timing, financing, and responsibility for infrastructure construction,

(h) For master plans involving five or more acres of land, the Land Use Director may require an analysis of the fiscal impact to the City of providing utility and other municipal services to the area,

#### **(2) Special Development Standards and Design Guidelines**

(a) Approval of the master plan may include approval of special development standards or design guidelines to be applied within the

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master plan area when such regulations are necessary to implement specific goals of the master plan.

(b) Special standards and guidelines must be approved as part of the master plan. ~~Minor amendments to the guidelines may be approved by the Planning Commission or BCDDRC.~~

Comment [CLG8]: should this be defined?

(c) Special standards and guidelines will normally be more restrictive than the general standards contained in this Chapter 14. All aspects of land use and development within a master planned area that are not addressed by a special guideline or standard are subject to the general standards of this Chapter 14.

#### **(D) Approval Criteria, Conditions**

##### (1) Necessary Findings.

To approve a master plan, the governing body must make the following findings:

(a) The master plan is consistent with the General Plan.

(b) The master plan is consistent with the purpose and intent of the zoning district(s) that apply to, or will apply to, the master plan area, and with the applicable use regulations and development standards of those districts.

(c) Development of the master plan area will contribute to the coordinated and efficient development of the community.

(d) The existing and proposed infrastructure such as the streets system, sewer and water lines, and public facilities such as fire stations and parks, will be able to accommodate the impacts of the planned development.

##### (2) Conditions

Approval of the master plan may specify conditions of approval that are necessary to ensure compliance with the provisions of this Code and implement the policies of the general plan, including:

(a) requirements for construction and funding of private and/or public infrastructure, including utilities, municipal buildings, roads, parks and trails;

(b) provisions for the use of and protection of areas of special hazards and/or environmental sensitivity;

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(c) modifications to the proposed plan including changes to the boundaries of land use tracts, patterns of land uses, infrastructure plans, phasing plans and special development standards and guidelines.

**(E) Expiration of Master Plans Not Associated with Annexations**

**Comment [U9]:** Relocate to 14-3.19 Expiration, Extension and Amendment of Development Approvals.

~~(1) Approval of a master plan not associated with annexations shall be considered valid for a period of five years from the date of approval by the Governing Body, or for such other time period specified at the time of approval. Master plans approved prior to adoption of this section shall be considered valid for a period of five years from the effective date of this section.~~

~~(2) Master plan approvals may be renewed and extended for an additional two~~three~~ year period by the Planning Commission subject to the same findings and criteria as required for the initial approval. The Planning Commission may take changing conditions and plans into account. The applicant shall make such a request in writing stating the reasons for extension, no later than 90 days before the expiration date. Notice shall be provided as required for the initial approval.~~

~~(3) Progress in the planning or development of the project approved in the master consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. For the purposes of this section, progress means the approval of preliminary or final development plans, or preliminary or final subdivision plats for any phase of the project.~~