

**Article 1: Planned Districts**

(“*Planned Districts*” added 3-27-2007 by O-19585 N.S.; effective 4-26-2007.)

**Division 2: Permits and Procedures for Planned Districts**

(“*Permits and Procedures for Planned Districts*” added 3-27-2007 by O-19585 N.S.; effective 4-26-2007.)

**§151.0201 Processing of Planned District Permits**

Planned district permits will be processed in accordance with the Land Development Code as follows:

- (a) Where a planned district requires a ministerial planned district permit, the permit will be processed in accordance with Process One.
- (b) Where a planned district requires a discretionary planned district permit that is identified as a Process Two decision, one of the following shall apply:
  - (1) An applicant shall apply for a Neighborhood Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 4 (Neighborhood Development Permit Procedures). The findings required for approval will be the general findings for Neighborhood Development Permits in Land Development Code Section 126.0404(a), any applicable supplemental findings in Section 126.0404, and any additional findings provided in the planned district.
  - (2) An applicant for a *capital improvement program project*, as defined in Section 113.0103, shall apply for a Site Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures) in accordance with Process CIP-Two. The findings required for approval will be the general findings for Site Development Permits in Land Development Code Section 126.0504(a), any applicable supplemental findings in Section 126.0504, and any additional findings provided in the planned district.

- (c) Where a planned district requires a discretionary planned district permit that is identified as a Process Three, Process Four, or Process Five decision, an applicant shall apply for a Site Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures), except that a *capital improvement program project*, as defined in Section 113.0103, shall be processed in accordance with Process CIP-Five. The findings required for approval will be the general findings for Site Development Permits in Land Development Code Section 126.0504(a), any applicable supplemental findings in Section 126.0504, and any additional findings provided in the planned district.
- (d) A development consistent with Chapter 14, Article 3, Division 7 (Affordable Housing Regulations) located in a planned district that requires a Process Three planned district permit shall be processed in accordance with Process Two as a Neighborhood Development Permit. The findings required for approval shall be the general findings for Site Development Permits in Land Development Code Section 126.0504(a), any applicable supplemental findings in Section 126.0504, and any additional findings required in the planned district.
- (e) Where Section 151.0401 requires a Neighborhood Use Permit, an applicant shall apply for a Neighborhood Use Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 2 (Neighborhood Use Permit Procedures). The findings required for approval will be the general findings for Neighborhood Use Permits in Land Development Code Section 126.0205 and any additional findings provided in the planned district.
- (f) Where Section 151.0401 or the planned district requires a Conditional Use Permit, an applicant shall apply for a Conditional Use Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 3 (Conditional Use Permit Procedures). The findings required for approval will be the general findings for Conditional Use Permits in Land Development Code Section 126.0305 and any additional findings provided in the planned district.

(“*Processing of Planned District Permits*” added 3-27-2007 by O-19585 N.S.; effective 4-26-2007.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

(Amended 10-22-2013 by O-20309 N.S.; effective 12-12-2013.)

(Amended 7-19-2016 by O-20673 N.S.; effective 8-27-2016.)

(Amended 3-22-2018 by O-20916 N.S.; effective 4-21-2018.)

## **§151.0202 Initiation of a Planned District Zoning or Rezoning Action**

A proposed action to designate a zone on a property or change an existing zone in a planned district may be commenced in the following manner:

- (a) By Resolution. The City Council or the Planning Commission may initiate a zoning or rezoning action by resolution; or
- (b) By Application. A property owner may commence a zoning or rezoning action by filing an application in accordance with Sections 112.0102 and 123.0105.

*(“Initiation of Planned District Amendments” added 3-27-2007 by O-19585 N.S.; effective 4-26-2007.)*

*(Retitled to “Initiation of a Planned District Zoning or Rezoning Action” and amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)*

## **§151.0204 Decision Process**

- (a) The establishment, repeal, change in boundaries or change in development controls of a planned district may be approved or denied by the City Council in accordance with Process Five.
- (b) Planning Commission Recommendation.
  - (1) After the conclusion of a public hearing, the Planning Commission may recommend to the Council by affirmative vote of not less than a majority of its total voting members, the adoption of a planned district ordinance which will accomplish one or more of the following:
    - (A) Incorporate all or a portion of the property requested to be placed in the planned district and impose development controls;
    - (B) Change the boundaries, as set forth in said notice, of an established planned district and, when appropriate, impose development controls;
    - (C) Change the development controls of an established planned district; or
    - (D) Repeal the planned district.

- (2) In lieu of recommending adoption of an ordinance to accomplish one or more of the actions as set forth in this Section, the Planning Commission may recommend denial of the petition or proposal.
  - (3) The Planning Commission may recommend that the City Council adopt, change or repeal, any or all of the development controls listed in Section 151.0103.
  - (4) All recommended development controls shall recognize and reflect the special goals, objectives, requirements, criteria and standards of the adopted plans referred to in Section 151.0102.
- (c) City Council Decision.
- (1) At the conclusion of the public hearing, the City Council may take such action as it deems to be in the public interest as to the inclusion of property in a planned district or the exclusion of property from a district or the adoption or modification of development controls to a district.
  - (2) All development controls adopted by ordinance shall recognize and reflect the special goals, objectives, requirements, criteria and standards of the plan covering the area of which the planned district is a part.
  - (3) The City Council may establish a planned district review board to evaluate the appropriateness of any use, construction, alteration or demolition of buildings, structures or premises in relation to development controls established in a planned district. Any ordinance establishing a planned district review board shall describe the precise powers and duties of the board, method of appointing members, tenure of office and other rules and regulations the City Council deems necessary.

(“Decision Process” added 3-27-2007 by O-19585 N.S.; effective 4-26-2007.)