



## Legislation Text

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**File #:** 2023-180, **Version:** 1

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Consider public testimony regarding, and an ordinance amending the Zoning and Development Code, Chapter 10, Article IV, Section 10-22, Code of Ordinances (2018 Edition), regarding Planned Unit Development (PUD) amendments. (First Reading)\*

The City's Zoning and Development Code includes approval procedures for major and minor amendments to Planned Unit Developments (PUDs). A major amendment represents a substantial deviation or change from the adopted PUD and, as such, requires Planning and Zoning Commission review and City Council approval. Minor amendments, which are considered less substantial in nature, qualify for administrative approval by the Planning and Development Services (PDS) Director.

Over the years, a variety of inconsistent amending criteria have been included in the City's adopted PUDs because the existing Code criteria were limiting. As the City's PUDs become increasingly complex, staff from both PDS and the city attorney's office seek to clarify what constitutes and distinguishes minor amendments from major amendments. The Code amendment proposes the PDS Director shall have the authority to administratively approve a minor change to the PUD development plan of up to 10 percent of any numerical standard contained within. Minor changes may include, but are not limited to, adjustments to lot lines, parking and loading areas, driveways, parking counts, building configurations and orientations, architectural design, building and landscape materials, tree retention, street alignments, sidewalks, drainage facilities, project phasing, lighting, and site layout. Additionally the PDS Director will be able to administratively approve changes to the height of a freestanding sign and the display area of a sign. Staff believes that these changes do not materially alter the substance or intent of a PUD and do not rise to the significance of requiring public hearings and City Council approval.

A minor amendment shall not include changes in land use, increases in density, increases in building height or coverage of site as outlined in the adopted PUD. Additionally, decreases to setback requirements abutting residential uses and decreases in parkland or open space shall not be considered minor. Finally, any proposed modification that seeks to alter a condition, standard, or requirement that was incorporated into the PUD as a result of public testimony during the Planning & Zoning Commission or City Council hearings shall not be considered minor.

Major PUD amendments represent substantial deviations from the PUD concept approved by the Planning & Zoning Commission and City Council. Any amendment not determined by the PDS Director to be a minor amendment shall be deemed major amendment and shall require City Council approval.

The Planning and Zoning Commission held a public hearing at their meeting on May 3, 2023, and voted 7-0 to recommend approval of the code amendment. There was no public testimony.

