



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 544**
Amendments to zoning site plans (CD, S, IDZ and MXD)

DATE: April 9, 2012/*Revised October 19, 2012/August 1, 2014*

CREATED BY: Land Development Division/Zoning Section

Purpose:

As a customer service initiative, the Development Services Department (DSD) has created this **revised** Information Bulletin (IB) 544 to assist Department customers understand the requirements in conjunction with amending an approved zoning site plan for a conditional use (“CD”), specific use authorization (“S”), infill development zone (“IDZ”) or mixed use district (“MXD”). This bulletin has been updated to incorporate the department’s new format for Information Bulletins.

Scope:

The Unified Development Code (“UDC”) provides a procedure for amending zoning site plans either administratively as “minor” amendments or legislatively as “major” amendments as provided in Section 35-403:

(d) Minor Application and Zoning Site Plan Amendments Not Requiring Renotification.

(1) The provisions of this subsection (d) shall govern to the extent not inconsistent with provisions relating to minor amendments for a specific category of development permits or development orders. Minor amendments to the application or previously approved zoning site plan may be made without requiring resubmission of the entire application. For purposes of this subsection, "minor amendments" are amendments which:

- A. Permit equal or fewer dwelling units, floor area, lot coverage or impervious surface than that requested on the original application;*
- B. Reduce the impact of the development; or*
- C. Reduce the amount of land involved from that indicated in the notices of the hearing.*

- (2) *A minor amendment shall not, in any case, permit:*
 - A. *An increase in the number of dwelling units, floor area, lot coverage or impervious surface development;*
 - B. *A different land use than that requested in the application;*
 - C. *A larger land area than indicated in the original application; or*
 - D. *A greater variance than that requested in the application.*
- (3) *A minor amendment shall not reduce or eliminate conditions adopted in this Chapter or otherwise adopted by City Council ordinance for a specific use authorization or conditional zoning district unless a new notice of Zoning Commission recommendation and City Council action is provided prior to the final decision thereto.*

Conditional use and specific use site plans are also governed by provisions in 35-422 and 35-423 respectively:

Sec. 35-422. - Conditional Zoning.

- (g) ***Amendments.*** *After City Council approval of the conditional use, the Director may approve up to three amendments to the conditional zoning site plan in accordance with the minor amendment criteria established in §35-403 (d)(1) except as otherwise provided below:*
 - (1) ***New or Different Uses.*** *An amendment to a conditional zoning district to authorize a new or different use shall require a new application for a rezoning to a conditional zoning district and shall be processed as set forth in subsections (b) through (e) of this section.*
 - (2) ***Expansion.*** *Expansion of the building area, land area or intensity of the conditional zoning district for a property granted conditional zoning shall not be allowed unless so authorized by the city council after consideration of an application for a new conditional zoning district and payment of appropriate fees.*

Further a minor amendment shall only be approved where:

- (1) *No more than two (2) minor modification have previously been granted pursuant to this subsection;*
- (2) *Nothing in the currently valid conditional zoning precludes or otherwise limits such modification; and*
- (3) *The proposal conforms to the provisions of article V and is in keeping with the*

spirit and intent of any adopted comprehensive plan.

The applicant for minor amendment shall submit a site plan that is consistent with the requirements of 35-422(b) (2) for conditional uses. The submittal shall include the site plan approved with the original application and a revised copy with annotation of the requested changes. The revised site plan shall be prepared to scale and shall include a block for a signature by the property owner and the Development Services Director to indicate acceptance of the revised site plan and, if applicable, shall include appropriate signature and seals of the design professional (i.e. architect, engineer, surveyor) that prepared the site plan. The site plan shall be processed only upon payment of the plan amendment fee indicated in 35-C103. In accordance with Section 35-402(c)(3), the Development Services Department will conduct completeness review within five (5) working days of submittal. After the 5- day completeness review process, the site plan will undergo a technical review by staff not to exceed thirty-five (35) days.

Sec. 35-423. - Specific Use Authorization.

(g) **Amendments.** *An amendment is a request for any enlargement, expansion, increase in intensity, relocation, or modification of any condition of a previously approved and currently valid specific use authorization. Amendments shall be processed as follows:*

(1) **Non-Material And Insignificant (Minor) Modifications.** *Shifts in on-site location and changes in size, shape, intensity, or configuration in accordance with the minor amendment criteria established in §35-403 (d)(1) may be authorized by the director upon submittal of a revised site plan, provided that such minor changes comply with the following criteria:*

- A. *No more than two (2) minor modification have previously been granted pursuant to this subsection;*
- B. *Nothing in the currently valid specific use authorization precludes or otherwise limits such modification; and*
- C. *The proposal conforms to the provisions of this article and is in keeping with the spirit and intent of any adopted comprehensive plan.*

The applicant for a minor amendment shall submit a site plan that is consistent with the requirements of Section 35-B111 for specific use authorizations. The submittal shall include the site plan approved with the original application and a revised copy with annotation of the requested changes. The revised site plan shall be prepared to scale and shall include a block for a signature by the property owner and the Development Services Director to indicate acceptance of the revised site plan and, if applicable, shall include appropriate signature and seals of the design professional (i.e. architect, engineer, surveyor) that prepared the site plan. The site plan shall be processed only upon payment of the plan

amendment fee indicated in Section 35-C103. In accordance with Section 35-402(c)(3), Development Services will conduct completeness review within five (5) working days of submittal. After the 5 day completeness review process, the site plan will undergo a technical review by staff not to exceed thirty-five (35) days. If approved, the site plan shall be recorded by the applicant in accordance with subsection (i) below.

- (2) ***Major Amendments.*** *Any proposed amendment other than those provided for in subsection (1) above shall be considered a major amendment of a previously approved and currently valid specific use authorization. A new specific use authorization shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original permit.*
- (3) ***Nonconforming Uses.*** *For an existing and currently valid specific use authorization which is no longer allowed as a specific use authorization in the zoning district in which it is located, the city council, upon receipt of an application, may review and approve an amendment to said permit, provided such amendment does not allow the use to be enlarged, expanded, increased in intensity, relocated, or continued beyond any limitation specified in the existing use permit or established in article VII - Nonconforming Uses and Vested Rights.*

MXD district site plans are governed by 35-341:

Sec. 35-341. - - "MXD" Mixed-Use District.

(c) Amendments.

1) Classification. *Amendments to a previously approved "MXD" zoning site plan shall be classified as a minor or major amendment. Minor amendments may be administratively accepted. Within twenty (20) working days after filing of the proposed amendments, required items and information, the development services director shall provide a written response indicating whether or not the revised zoning site plan has been accepted as a minor amendment.*

(2) Applicability. *Minor amendments include the following:*

- A.*** *Changes to the timing or phasing of the proposed development provided the use and overall geographic land area remains the same.*
- B.*** *Adjustment of land use category boundaries provided the overall geographic land area devoted to each land use category remains the same.*

C. A reduction in the number of proposed platted lots provided the use and overall geographic land area remains the same.

D. A decrease in overall residential density.

E. A decrease in the overall land area, provided the initial design is maintained.

F. Change in internal street circulation pattern not increasing the number of lots or lowering the connectivity ratio.

All other revisions to an approved "MXD" zoning site plan shall require a new application for rezoning and shall be processed in the same manner as the initial "MXD" site plan.

IDZ site plans are governed by 35-343:

Sec. 35-343. - - "IDZ" Infill Development Zone.

(b) Use Regulations

(3) Amendments to "IDZ" Site Plan.

A. *Initiation.* Revisions to a previously approved "IDZ" site plan shall be classified as minor or major changes. The applicant for site plan amendment shall submit a site plan that is consistent with the requirements of Section 35-343(b) (2) above. The submittal shall include the site plan approved with the original application and a revised copy with annotation of the requested changes. The revised site plan shall be prepared to scale and shall include a block for a signature by the property owner and the Development Services Director to indicate acceptance of the revised site plan and, if applicable, shall include appropriate signature and seals of the design professional (i.e. architect, engineer, surveyor) that prepared the site plan. The site plan shall be processed only upon payment of the plan amendment fee indicated in 35-C103.

B. *Completeness Review.* Development Services will conduct a completeness review within five (5) working days of submittal. Within five (5) working days after filing the proposed site plan amendment, including all required items and information, the director of development services shall provide a written response to the applicant indicating whether or not the submitted revised "IDZ" site plan has been accepted as a minor or major amendment.

C. *Major amendments.* A major amendment shall require a new application for rezoning pursuant to the procedures of 35-421. A major amendment to an "IDZ" site plan shall include:

1. *Any increase in the number of dwelling units per acre within the "IDZ" plan area.*
2. *Any increase in the total commercial acreage within the "IDZ" plan area.*
3. *Any increase in the total industrial acreage within the "IDZ" plan area.*
4. *Any decrease above ten (10) percent in the total open space acreage within the "IDZ" plan area.*
5. *Any decrease in perimeter buffers between the "IDZ" plan area and adjacent properties.*
6. *Any amendment to the location previously identified in the "IDZ" site plan from residential to an office, commercial or industrial use, if the property where the proposed change is to occur abuts existing property in which the principal use is a single-family residence.*

D. Minor Amendments. Any other revision to an "IDZ" site plan not described in subsection (2), above, shall be deemed a minor change. After the 5 day completeness review process, a site plan revision deemed by the Director as a minor amendment shall undergo a technical review by staff not to exceed thirty-five (35) days and shall not require review by the Zoning Commission nor approval by the City Council. If approved, the Director shall sign the amendment indicating official acceptance in the required signature block.

Minor Plan Amendment Procedures:

The applicant shall submit a site plan that is consistent with the requirements of 35-422(b) (2) for conditional uses, 35-B111 for specific use authorization, 35-343 (b)(2) for infill development zone (IDZ) districts and 35-341(b) for mixed use districts. The submittal shall include the site plan approved with the original application and a revised copy with annotation of the changes. The site plan should include a block for a signature by the property owner and the Development Services Director to indicate acceptance of the revised site plan and shall include appropriate signature and seals of the design professional (i.e. architect, engineer, surveyor). The site plan shall be processed only upon payment of the **plan amendment fee** of UDC 35-C103, which is **\$525.00** for FY2012.

In accordance with 35-402(c)(3), Development Services will conduct completeness review within five (5) working days of submittal. After the 5 day completeness review process, the site plan will undergo a technical review by staff pursuant to the Department's standard thirty-five (35) day review process with a goal of completing all reviews within twenty (20) days. For MXD

district projects specific timelines are provided in See 35-341(c) of the Unified Development Code.

Major Plan Amendment Procedures:

An amendment classified as a major amendment shall be processed as a new zoning request and shall be processed under the procedures of 35-421, -422, -423 and other provisions of the UDC as applicable.

Master Plan Community District (MPCD) Procedures:

MPCD site plans are processed similarly to Master Development Plan (MDP) procedures in accordance with 35-345 (e).

Summary:

This Information Bulletin is for informational purposes only.

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